

The Supreme Court: Q & A

What is the Supreme Court?

The United States Supreme Court is the highest federal court and has the final word on appeals from the federal circuit courts.

About the Supreme Court of the United States

Article III of the US Constitution articulates the powers of the judiciary and establishes the Supreme Court of the United States. The Constitution empowers Congress to determine the structure of the federal court system, including the number of trial courts, appeals courts, and special courts, and even the number of justices who sit on the Supreme Court (currently nine). The President of the United States nominates judges and justices, and appointments are made with the advice and consent of the Senate. The primary task of the Supreme Court is to rule on appeals of decisions made by the federal circuit courts, as well as special cases, such as border disputes between the states.

What kind of cases does the Court consider?

The Supreme Court hears only about 100 of the roughly 7,000 cases appealed to it each year. When the Court accepts a case, it grants a writ of certiorari — hence the expression “the Court granted (or denied) cert.”

An appeal from a circuit court must be based on an assertion that the circuit court’s interpretation of the law or Constitution was incorrect. Generally, the Supreme Court only accepts cases where two or more circuit courts of appeal have disagreed, or where an unusually important point of law is in dispute. The US Supreme Court also hears appeals from state supreme courts where it is alleged that the state decision violated the federal Constitution.

In addition, the Court hears disputes between states. These cases are filed directly with the Court and are very rare. One example was when New York and New Jersey argued over who owned Ellis Island (New Jersey won).

What is the role of the Chief Justice?

The Chief Justice sets the agenda and chairs meetings of the justices where they decide what cases to accept, and he presides over the court’s oral arguments. When he is in the majority in a particular case, the Chief Justice assigns the majority opinion to another justice to write, or he can

decide to write it himself. (When the Chief Justice is in the minority, the most senior justice in the majority assigns the opinion.)

As de facto head administrator of the federal courts, the Chief Justice appoints various officers of the court and members of boards and committees. He also authors an annual report. As head of the Judicial Conference, he leads efforts to lobby Congress on behalf of the courts regarding judicial pay, any need for additional judicial seats in a particular court, and courthouse construction and repair.

Finally, the Chief Justice presides over Senate impeachment trials of the President.

Current members of the US Supreme Court:

Chief Justice of the United States:

- John G. Roberts, Jr., appointed 9/29/05 by President George W. Bush

Associate Justices:

- Anthony M. Kennedy, appointed 2/11/88 by President Ronald Reagan
- Clarence Thomas, appointed 10/18/91 by President George Bush
- Ruth Bader Ginsburg, appointed 8/5/93 by President William Clinton
- Stephen G. Breyer, appointed 8/3/94 by President William Clinton
- Samuel A. Alito, Jr., appointed 1/31/06 by President George W. Bush
- Sonia Sotomayor, appointed 5/26/09 by President Barack Obama
- Elena Kagan, appointed 8/7/10 by President Barack Obama
- Neil M. Gorsuch, appointed 4/10/2017 by President Donald Trump