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of America's highest court

# Supreme Court

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# About the Author

**Lisa Paddock** is a lawyer and freelance writer who has been writing about the law since graduating from the University of Michigan Law School in 1989. While practicing law in New York City, she acted as consulting legal editor for *Great American Trials* (Gale Research, 1994). In 1996, her book, *Facts About the Supreme Court of the United States of America* (H.W. Wilson, 1996), was voted one of the year's best reference books by the Reference and User Service Association of the American Library Association. Since then, she has continued to write about the Supreme Court — and other courts — for publications such as *The Encyclopedia of American Biography* (HarperCollins, 1996) and *Courtroom Drama* (UXL, 1998).

Before becoming a lawyer, Lisa taught literature and worked as a stock broker. Her PhD in English, when combined with a law degree, almost inevitably led to an interest in intellectual property, and she has frequently advised other writers, as well as writers' organizations, on copyright matters. One of her best clients is her husband, the biographer Carl Rollyson. Lisa and Carl — and their Scotties — live in Cape May County, New Jersey, where they frequently collaborate on literary projects and long walks on the beach.

# Dedication

For Holmes & Watson, no legal beagles.



# Author's Acknowledgments

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# Introduction

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The decisions of the United States Supreme Court have more impact on the lives of Americans than those of any other institution of government — as everyone who watched the resolution of the 2000 presidential election knows. As an individual, you have both an indirect and a direct relationship with this imposing body, once fondly known as the “nine old men.” This book explains that relationship by demystifying the federal court system, describing how cases reach the Supreme Court, clarifying legal terms, relating Court decisions to government policies, and detailing how you can — both literally and figuratively — get inside the Court. It also introduces you to a number of black-robed men (and two women) who are mere mortals.

## About This Book

This book helps you understand why we need a national supreme court, what kinds of cases the justices hear, how the court arrives at and delivers its opinions, and what consequences result from these decisions. It also provides you with methods of determining these things for yourself.

You need not read the entire book or read the chapters in any particular sequence in order to get information

about the Court. The structure of the book assumes that not every reader will be interested in following a case through the hierarchy of the court system or in the details of certain landmark decisions. If, for example, you want to know how to find out about a recent decision and the issues it involved, you can use the chapter headings in the Table of Contents at the front of the book or the index to find out where in the book you should go. Afterward, however, you may want to go back and read more about how the case or issue that interests you fits into the larger scheme of American law as defined by our supreme judicial body.

## Conventions Used in the Book

The United States has many courts, many of which are supreme courts (usually the highest state courts). However, only one Supreme Court of the United States exists, and to differentiate it from its namesakes, it's referred to as the *U.S. Supreme Court*, the *High Court*, or simply the *Court*, with an uppercase "C."

Cases are named after the parties involved in the original lawsuit. In trial courts, the name of the person who brought the suit (the *plaintiff*) appears first, followed by the name of the person who is being sued (the *defendant*). For example, if Mary Smith filed a suit against Fred Jones, that case is named *Smith v. Jones*

(2000), with the plaintiff's name coming before the "v" and the defendant's name following it. (The date in parentheses following the case name is the year in which the decision is handed down.)

But by the time the case reaches the Court, it may be known as *Jones v. Smith (2002)*. The reason for the reversal is that most cases heard by the High Court are appeals from the decision of a lower court, where the defendant may not have been happy with the result. If the defendant then files an appeal, he or she or it becomes the "appellant" or *petitioner* and the first named party. The second party is now the *appellee* or *respondent*. The "v," by the way, stands for *versus*. However, you will sometimes see the "v" replaced by "and," as in "Jones and Smith."

## Foolish Assumptions

In writing this book, I have made a number of assumptions about why you are reading it:

- ✓ You've heard or read journalists reports about U.S. Supreme Court cases and their ramifications, and you want to know more.
- ✓ You're interested in the way the law works.
- ✓ You've been involved with the law in some way in your own life (jury service, will drafting, small claims court, and so on) or know someone who has.

- ✓ You feel sure that what goes on at the Court cannot be all that mysterious.
- ✓ You may know a lot about history, but you don't know much about the Supreme Court.
- ✓ Even if you're an expert on the Supreme Court, you'll enjoy reading colorful anecdotes about notable and notorious cases and justices.

# **How This Book Is Organized**

The contents of this book fall into eight parts, each of them divided into several chapters. The last part of the book contains three appendixes.



# **Part I: “We’ll Take It All the Way to the Supreme Court!”**

This part describes the Supreme Court’s role in the federal government, as well as its relationship with other federal and state courts. It explains how a case reaches the Supreme Court and how, once it gets there, it’s decided.

## **Part II: Judging the Justices**

This part explains the nomination and confirmation process for Supreme Court justices and the role of the chief justice. It also provides thumbnail sketches of some of the most notable and some of the most notorious people who have sat on the high bench as well as descriptions of who is sitting there now.

## **Part III: Setting Precedents: Cases That Count**

This part is devoted to some past Supreme Court decisions that affect the life of the nation, as well as your own life! As you see in this part, so much of what defines Americans — freedom of speech, for example — flows from the First Amendment. And as this part also shows, many of the rights you take for granted — due process and equal protection under the law — are grounded in the Fourteenth Amendment.

## **Part IV: High Drama on the High Court**

This part explores the background of two of the most dramatic cases ever heard by the Supreme Court: *Dred Scott v. Sandford* (1856) and *Brown v. Board of Education of Topeka, Kansas* (1955). What the Court decided in these cases changed the course of history — twice, and in opposite directions.

# **Part V: Understanding Supreme Court Decisions**

This part of the book shows you how to find Supreme Court decisions and decipher what they really mean, both to the parties involved and to the rest of the world.

# **Part VI: Becoming a Court Insider**

This part explains who, besides the justices, works at the Court, how they got there, and what they do.