

The Justices and the U.S. Supreme Court — Three Events in the 2015 Term

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This paper deals with three topics concerning the Justices and the Supreme Court of the United States in the 2015 Term. First, on February 13, 2016, Associate Justice Antonin Scalia was found dead at a resort in the State of Texas. His sudden death set off a fierce partisan battle over a vacancy that could reshape the Supreme Court for many years to come. Although the Senate Republicans insistently called on President Obama to let the next president fill the seat, President Obama nominated Merrick B. Garland, the Chief Judge of the United States Court of Appeals for the District of Columbia Circuit as a successor. Though there was severe criticism, the Republican-controlled Senate did not hold any hearings on the Garland's nomination after that. Secondly, on February 29, 2016, Associate Justice Clarence Thomas ended a decade-long period in which he did not ask any questions during an oral argument. While every other Justice regularly bombards lawyers with questions from the bench, Justice Thomas has made it a rule to remain silent during oral arguments. It is interesting to ask why Justice Thomas finally broke his self-imposed rule and what implications his questions in the case may have. Third, in a series of interviews held in July, 2016, Associate Justice Ruth Bader Ginsburg spoke out on the presidential race and criticized Republican presidential candidate Donald J. Trump. No prior Justice arguably has ever done so before and many legal commentators

thought it inappropriate for a sitting Justice to make such comments. After Justice Ginsburg faced strong criticism, the Justice was finally compelled to express regret for criticizing Ronald Trump. This article examines these events and considers the legal issues surrounding them. Through focusing on a wide range of issues such as the appointment process of a Supreme Court Justice, the role of oral arguments before the Court, and the relationship between Justice's political comments and legal ethics, this article tries to get a glimpse of the present situation surrounding the Roberts Court.