1. How the Supreme Court Works and Why the Court is Important
   1. How the Court Works

Most of the cases the Supreme Court hears are appeals either from a federal circuit court of appeal or from a state supreme court. The Supreme Court has discretion to choose the cases it wants to hear; just because you want the Supreme Court to take your case does not mean it will. If you want to appeal to the Supreme Court, you must petition the Court by submitting a writ of certiorari (abbreviated as “cert” or a “petition for cert”) explaining why the Court should hear your case. If at least four of the justices agree that the Court should hear your case, your petition will be granted. You will then submit legal briefs to the Court and participate in oral argument before the Court. Additionally, an outside party, known as amicus curiae, may request permission from the Court to submit its own brief. Amici are usually organizations, like AAUW, that are invested in the issues at play in a case and wish to offer the Court additional arguments. AAUW has signed on to many amicus briefs over the years; in fact, we’ve signed on to amicus briefs in a number of the cases we’ll discuss today. If the Court denies your cert petition, the ruling of the lower court (either the federal circuit court or the state supreme court) stands.

Nine justices sit on the Supreme Court. Generally speaking, Court watchers divide the justices into two voting blocs, one conservative and one liberal. Justices Scalia, Thomas, Alito, and Chief Justice Roberts make up the generally conservative bloc; Justices Ginsburg, Breyer, Sotomayor, and Kagan make up the generally liberal bloc. In recent years, Justice Kennedy has often been described as the “swing vote” on the Court; however, last term it appeared that Justice Kennedy was leaning more toward the conservative bloc than the liberal bloc. It is notoriously difficult to predict how individual justices will vote and how the Court as whole will rule in a given case.

* 1. Why the courts and judicial nominations matter

The entire judicial branch has enormous impacts on our lives. AAUW monitors the judicial nominations process because so many of our fundamental rights and liberties have been established and are protected by the federal courts and the Supreme Court’s decisions. Federal courts are often the last, best hope for women who have experienced discrimination in education, employment, health care, and other aspects of their lives.

AAUW members and supporters push for judges who will uphold our Constitutional values of liberty, equality, and justice for all. This is the best way to ensure that the clock is not turned back on decades of progress for women and girls.

1. *McCullen v. Coakley*

Anti-choice activists challenged a Massachusetts law designed to protect patients at reproductive healthcare clinics from intimidation and harassment. They argue that the law, which creates a 35-foot buffer zone around reproductive healthcare clinics, violates their free speech rights. The First Circuit Court of Appeals upheld the Massachusetts law, and the Supreme Court has agreed to hear the case. AAUW joined an amicus brief arguing that the law is constitutional.

1. *Cline v. Oklahoma Coalition for Reproductive Justice*

In 2011, Oklahoma passed a law that prevented doctors from administering drugs used to end pregnancy in any manner that deviated from the FDA label, even though the FDA label was significantly outdated and even though best medical practices allowed for off-label uses. Because of the restrictions, the law risks effectively banning nearly all medication abortions in the state. The Oklahoma Supreme court declared the law unconstitutional. Before hearing the case, the U.S. Supreme Court has asked the Oklahoma Supreme Court to clarify parts of its ruling. The case is on hold until the Oklahoma Supreme Court responds. Under [AAUW’s Public Policy Program](http://www.aauw.org/resource/principles-and-priorities/), AAUW strongly supports reproductive choice and access to reproductive healthcare.

1. *Schuette v. Coalition to Defend Affirmative Action*

Anti-affirmative action advocates in Michigan proposed a ballot initiative (Proposal 2) that would ban affirmative action in the state. The ballot initiative passed and created Section 26 of the Michigan constitution, which bars any consideration of race, ethnicity, or gender in public university admissions. In the past, the affirmative action cases before the Court typically concerned a challenge to the constitutionality of a particular university’s affirmative action program. Unlike those cases, the question is *Schuette* is whether a state may amend its constitution to ban affirmative action altogether. The Sixth Circuit Court of Appeals declared the ban unconstitutional, and the Supreme Court heard arguments in the case on October 15. [AAUW supports affirmative action programs to increase equity and diversity in education](http://www.aauw.org/resource/aauws-position-on-affirmative-action/) and signed on to an amicus brief urging the Court to declare the amendment unconstitutional.

1. Contraceptive coverage

Across the country, a number of for-profit business owners filed lawsuits challenging the Affordable Care Act’s requirement that employee health insurance plans cover reproductive healthcare, including contraception. The business owners argue that they are morally or religiously opposed to the use of contraception and that therefore the ACA violates their constitutional right to freedom of religion or, in some of the suits, their rights under the Religious Freedom Restoration Act. The Supreme Court has not yet agreed to hear any of the cases, but it is currently considering several appeals. The Court is likely to hear at least one of the contraceptive coverage appeals this term, particularly because the federal courts of appeal are split over the question. Continuing [AAUW’s long-standing support for access to contraception and reproductive healthcar](http://www.aauw.org/2013/08/14/reproductive-rights/)e, AAUW signed several amicus briefs in different circuits, arguing that for-profit business owners should not be exempt from providing healthcare coverage to their female employees.

1. Separation of Church and State

The Supreme Court will take up the question of legislative prayer for the first time in thirty years in *Town of Greece v. Galloway*. Although in previous cases the Court declared legislative prayer constitutional, the Second Circuit Court of Appeals declared the legislative prayers at issue in *Galloway* to be unconstitutional because they were largely Christian prayers presided over by Christian clergy. [AAUW firmly supports separation of church and state](http://www.aauw.org/resource/principles-and-priorities/).

1. Looking ahead

We will watch these cases closely over the coming term. We hope to have another conference call when the term ends and the Supreme Court has issued its rulings. Keep an eye out for a notice about another Supreme Court conference call early next summer!