

Report of the 2012-2013 and 2013-2014 Supreme Court Terms

Speaker: Associate Justice Ruth Bader Ginsburg



United States Supreme Court Justice Ruth Bader Ginsburg's report on the preceding year's Supreme Court term is an annual highlight of the Judicial Conference. Because the 2013 Judicial Conference was canceled, Justice Ginsburg's report covered the 2012-2013 term, as well as the recently-completed 2013-2014 term. Justice Ginsburg reported on the numbers of cases briefed and argued in both terms and provided statistics on the percentage of cases decided unanimously (49% in 2012-2013 and 46% as of the date of the Conference in 2013-2014) and by five to four or five to three votes (30% in 2012-2013 and 10% in 2013-2014, but, as Justice Ginsburg noted, "likely to increase" in the weeks following the Judicial Conference). She also provided information on the Justices most likely to agree (Justices Ginsburg and Kagan) and to disagree (Justices Ginsburg and Alito), the Justice most likely to be in the majority (Justice Kennedy for the fifth consecutive term in 2012-2013, who voted with the majority in 91% of cases during that term), and the Justice who was most active at oral argument (Justice Sotomayor, who asked an average of 21.6 questions per argument in the 2012-2013 term, narrowly outpacing Justice Scalia, who asked an average of 20.5 questions per argument during that term). She also provided information on rulings from the Second Circuit reviewed by the Court during the two terms: ten cases in 2012-2013, six of which were reversed and four of which were affirmed, and five cases in 2013-2014, two of which had been affirmed and one of which had been reversed as of the date of Justice Ginsburg's report.

Justice Ginsburg then reviewed significant cases decided by the Supreme Court during the two terms, with a particular focus on cases coming to the Supreme Court from the Second Circuit. Among other cases, Justice Ginsburg discussed *Town of Greece v. Galloway*, 134 S. Ct. 1811 (2014), *Schuette v. Coalition to Defend Affirmative Action*, 134 S. Ct. 1623 (2014), *McCutcheon v. Federal Election Commission*, 134 S. Ct. 1434 (2014), *United States v. Windsor*, 133 S. Ct. 2675 (2013), *Shelby County v. Holder*, 133 S. Ct. 2612 (2013), *Agency for International Development v. Alliance for Open Society International*, 133 S. Ct. 2321 (2013), *Kiobel v. Royal Dutch Petroleum Co.*, 133 S. Ct. 1659 (2013) and *Kirtsaeng v. John Wiley & Sons*, 133 S. Ct. 1351 (2013).

For Justice Ginsburg's remarks on these cases, as well as cases from the 2013-2014 term that had not yet been decided as of the date of the Conference, please see Appendix B, which contains the full text of Justice Ginsburg's report.

