

WEDNESDAY, SEPTEMBER 6, 2023



REFLECTIONS ON THE SUPREME COURT

University of Texas Continuing Legal Education | University of Texas School of Law
Austin, TX

STEPHEN I. VLADECK

Charles Alan Wright Chair in Federal Courts, University of Texas School of Law
E-Mail: svladeck@law.utexas.edu | Twitter: [@steve_vladeck](https://twitter.com/steve_vladeck)

1



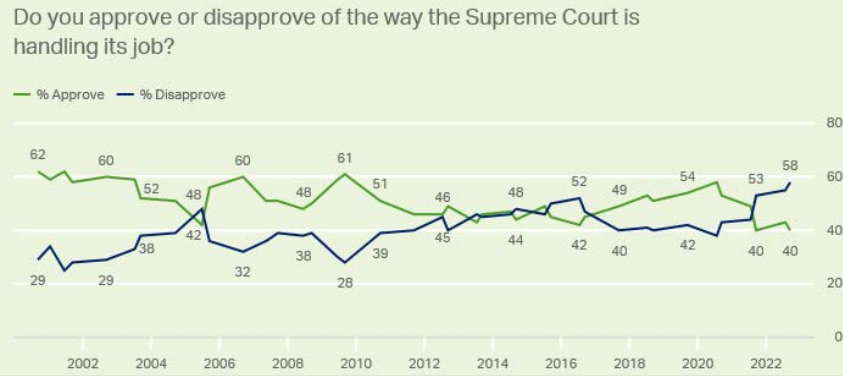
WHAT STARTS HERE CHANGES THE WORLD

INTRODUCTION: THE STATE OF THINGS...

- Many (if not most) public discussions of the Supreme Court tend to focus on the merits docket—the 60ish decisions the justices hand down each term after briefing and argument.
- When the conversation is framed in those terms, we fall into two traps:
 1. Virtually every debate ends up dividing us into tribes; and
 2. It obscures / crowds out public discussion and debate about *other* features of the Court's (and the justices') work.

INTRODUCTION: THE STATE OF THINGS...

- The Supreme Court has become a lightning rod—not just for its substantive decisions, but as more and more concerns have been raised about the ethical/financial behavior of at least some of the justices.
- Public support for the Court has dropped to the lowest levels since polling on it began. →
- Calls for reform?



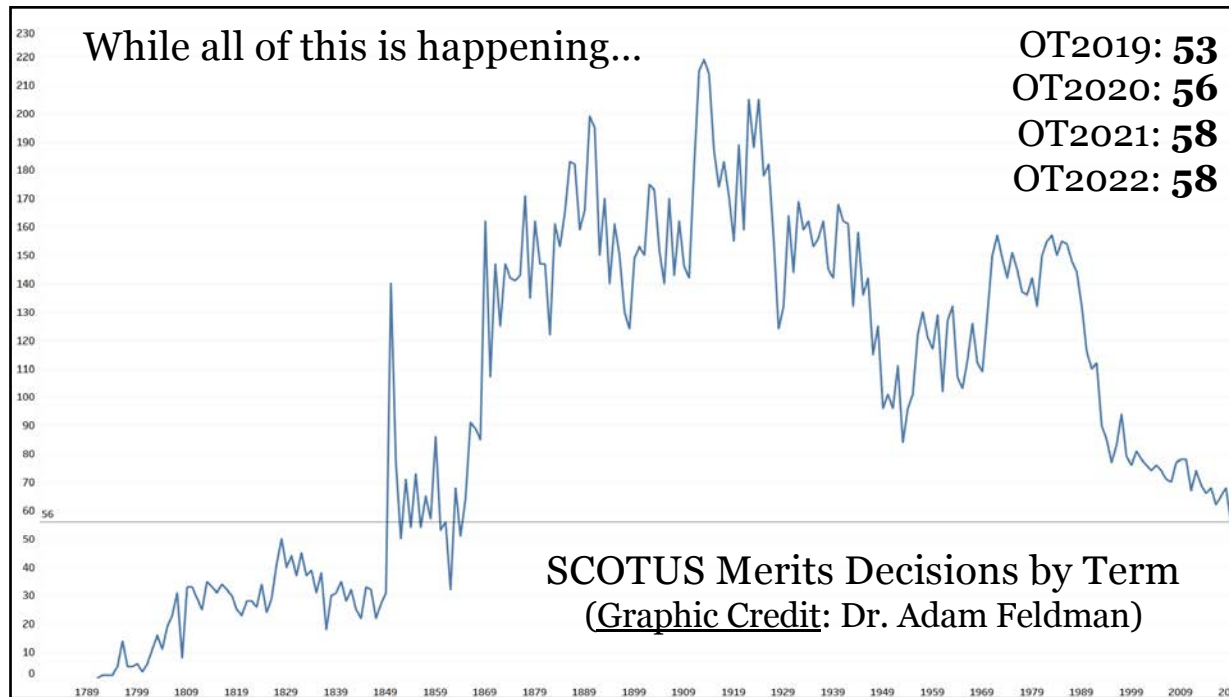
3

INTRODUCTION: THE STATE OF THINGS...

“I know this is a controversial view, but I’m willing to say it. . . . No provision in the Constitution gives [Congress] the authority to regulate the Supreme Court—period.”

— Justice Samuel Alito
Wall Street Journal, July 28, 2023





5

INTRODUCTION: THE STATE OF THINGS...

What I'd like to discuss this afternoon:

- The rise of an unaccountable Supreme Court;
- Symptoms of an unaccountable Supreme Court;
- Why an unaccountable Court is a problem; and
- The awkwardness of challenging the Court while practicing before it...

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Reflections on the U.S. Supreme Court

First appeared as part of the conference materials for the
2023 Reflections on the U.S. Supreme Court session
"Reflections on the U.S. Supreme Court"