SILVER GAVEL AWARD | WEBSITES

SCOTUSblog

Washington, D.C.
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COMMITTEE COMMENTARY

SCOTUSblog is a public interest website that is providing great breadth and depth of coverage of the Supreme Court of the United States. And it is free to anyone having access to the Internet! Emphasizing its topicality and freshness, the site is organized as a web log, with archives featured on its companion site, SCOTUSwiki. The blog brings visitors comprehensive pre- and post-opinion discussion, "the fastest public dissemination" of orders and opinions, podcasts with lawyers summarizing their oral arguments, "media round ups" of Court-related news reports and other resource links, statistics analyzing decisions from the Court's current term, expert commentaries, and useful search functions—all available in an easily navigable website. SCOTUSblog's topical coverage, such as its much-cited 2009 analysis of then Supreme Court nominee Sonia Sotomayor's prior judicial opinions, demonstrate its commitment to meet its readers' needs and interests. Moreover, it has introduced "Plain English" features, which have helped to vastly widen its appeal to general visitors interested in the nation's highest court and its docket. Written in accessible language specifically for non-lawyer readers, these features include a legal glossary, background information on legal issues, and "Plain English" versions of "questions presented" on cases on the Court's current docket. By eschewing technical terminology, SCOTUSblog throws open the doors of the Supreme Court to teachers, students, news media, and the public at large. In so doing, the blog provides an important public service, enhancing public understanding of this vital institution of American governance. According to its producers, SCOTUSblog received an impressive 2.5 million hits in 2009. Combining the talents of the professionals associated with this venture with the advantages website technology offers has brought an educational jewel to the public.

INTERVIEW with Tom Goldstein

Tom Goldstein, co-head of firmwide litigation and Supreme Court practices at Akin Gump, is the co-founder and publisher of SCOTUSblog. He has argued 22 cases before the Supreme Court.

Where did the initial idea for "SCOTUSblog" come from?
I got the idea for SCOTUSblog in the earlier days of blogging. There were sites emerging related to the law, but no one had started one devoted to the Supreme Court. It seemed a natural fit for our practice, which was devoted almost entirely to the Court. I admit that our goals for the blog weren't very clear in those early days seven-and-a-half years ago. In general, we thought that it would help build our profile. But since then, the blog has evolved a great deal and we now view ourselves as having almost exclusively a public interest role. With the financial strain on the news industry, there is less coverage of the Court than there used to be. We hope to help fill that gap.

What resources are required to produce SCOTUSblog?
In the early days, the only resource required was time. Amy Howe and I were working on it as part of our practice. The blogging software was free. Much of the information we use is public—just not very publicly accessible. Now it's very different. Between the staff and the work on the software, which is updated regularly, I spend roughly $150,000 a year on the blog. It's all out of pocket and just a labor of love. We also have tremendous volunteers who give hours of their time to study cases for us and comb the Internet for Supreme Court news.

How do you think SCOTUSblog treats or offers insights or perspectives on legal issues and legal institutions in ways not previously addressed?
We are the first organization in the Court's history devoted to comprehensively covering every single case it decides. Every case has its own "Wiki" page with analysis at different stages and links to briefs, oral argument transcripts, and opinions. We also are a clearinghouse for other Supreme Court coverage through our daily "round-up" feature. And we provide a forum for detailed analysis on particular topics, such as the dozens of pieces we ran during Black History Month and recently for a month to celebrate Justice Stevens's birthday. We ask expert guest bloggers to write about specific areas of law. In a periodic series called "Ask the Author," we bring authors of Supreme Court literature to the blog through interviews and (once, recently) live questions from our readers.

How does your blog foster public understanding? What do you see as its public impact?
A substantial portion of our readership is obviously attorneys. But we care deeply about the general public, which needs to understand the Court, as the pinnacle of one of the three branches of government. So we have implemented a "plain English" feature that generally runs once a week and has as its only purpose to be accessible to the average American. The feature summarizes activity at least once weekly, either discussing recent developments in conversational language or stepping back to explain a longstanding practice at the Court.

We don't have a particular perspective, but instead try as hard as we can to approach the Court neutrally and objectively. So often the public learns about the Court from the perspective of disappointed ideologues—liberal and conservatives who believe that the Court is out of control. The Court, of course, doesn't have any way to respond to those attacks. Our job isn't to defend the institution, but, by providing clear and truthful information, hopefully we can improve the public's understanding. Our analysis never takes positions on how the Court ought to decide cases. Instead, our writers identify important issues and make predictions about how people in and around the Court are likely to act, but we do not editorialize. If we do post pieces that take a stance on a controversial issue, in our forum role, we never post a piece from one side without posting one from the other. An enormous part of our role is simply opening up the Court.

EXCERPT

Yesterday in plain English

Tom Goldstein | Tuesday, December 15th, 2009 12:04 pm

This is a new feature on SCOTUSblog. The Supreme Court deals with a lot of technical legal issues. Our posts tend to be written in the same way, so that if you aren't a lawyer it can be hard to understand exactly what we're saying. We try not to go too deep into jargon, but it's hard. As a result, we don't connect with all of our readers as well as we could. Many of you aren't lawyers. It's important that everyone understand the Supreme Court, and we want to be a comprehensive resource.

So, on a regular basis, we're going to step back and write about what's happening at the Court in plain English. We'll also sneak in some more basic background on how the Court works. That background material will also be incorporated into a "The Supreme Court in Plain English" entry on SCOTUSwiki. When the Court is doing a lot, and we have a lot of content, we may write these posts every day. When things are slower, it may be more like once a week.

As always, let us know what you think by emailing us at scotusblog.feedback@gmail.com.

Let's start with yesterday morning. The Supreme Court decides what cases it wants to decide. Someone who loses a case in the lower courts files a "petition for certiorari"; the winner gets to file a "brief in opposition." The Court takes around one in every 100 cases.

Yesterday morning the Court "granted certiorari"—i.e., it agreed to decide—three new cases. The parties to the lawsuits will now file new briefs "on the merits"—i.e., about who should win or lose—and then the Court will hear oral arguments. In these cases, arguments will probably be heard in March. Then the Court will decide the cases, probably in May or June. Starting in July, the Court is in recess for the summer.

The three cases are: *City of Ontario v. Quon*; *Robertson v. United States ex rel. Watson*; and *Carachuri-Rosendo v. Holder.*

If you want to see the details of the issues and get access to the briefs, click through to this post (Today's orders) and if you want to read Lyle Denniston's take, look here (separate post).

- The *Quon* case involves text messages. A government employee wants to keep private texts that he sent on a pager. (We didn't realize anyone used pagers anymore, or that they could be used to send texts.) He argues that the government can't read the texts because that would violate the Fourth Amendment to the U.S. Constitution, which says that the government cannot engage in "unreasonable" searches and seizures. He won in the lower court, but the government successfully asked the Supreme Court to hear the case.
- The *Robertson* case involves the violation of a "civil protection order" used to keep someone away in a domestic violence case. One party claims that the other violated the order and should therefore be held in "criminal contempt"—i.e., be criminally convicted for violating the order. The question in the case is whether one private person can ask to hold the other in "criminal contempt" or instead—because it's a criminal case—that is only something that can be done in the name of the government.
- The *Carachuri-Rosendo* case involves deportation for drug crimes. The issue is whether under the immigration laws a legal immigrant can be deported whenever he has been convicted of several crimes involving drugs, or instead only when the government specifically charges the immigrant with being a "repeat offender."

Whenever the Court agrees to hear new cases, it also announces the ones in which it has "denied certiorari." One important case that the Justices refused to hear yesterday involved the Guantanamo Bay detainees. Four former detainees tried to challenge a lower court ruling that they could not sue Donald Rumsfeld and ten military officers for supposedly being involved in torture and religious bias.