

Bathroom Reader

Issue 21, December 2015

CIRCUIT JUSTICE



The case concerning the Native Hawaiian election continues. On

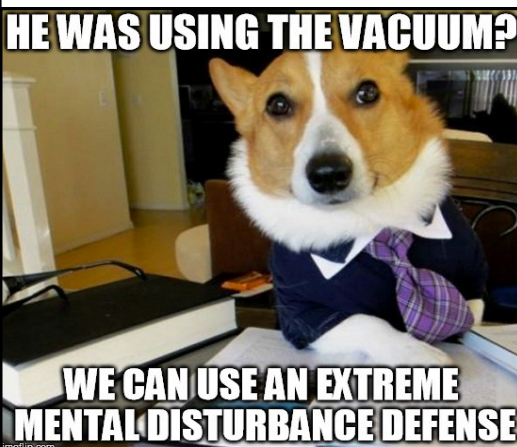
November 27, Justice Anthony Kennedy individually issued a stay on counting the votes, pending his own further review or review by the Court. You may be wondering why it was Justice Kennedy who issued the order? Well, wonder no more!

The U.S. Code has a provision that allows the Chief Justice to assign the justices to different circuits to sit as “circuit justices.” In that capacity, a justice can grant stays and provide for other ancillary relief. But, an individual justice does not have the power to dispose of cases on the merits. The Ninth Circuit’s Circuit Justice? Justice Kennedy! He has the authority to grant stays, such as this, for cases proceeding from our circuit. The Chief Justice acts in this capacity for the D.C., Federal, and Fourth Circuits and the rest of the justices have their circuits too.

Other juridical tidbits? Quorum for the U.S. Supreme Court is six justices. The precedence of associate justices based

on seniority is prescribed by statute and if two associate justices’ commissions have the same date, then it’s based on age. If there is no Chief, his or her powers go to the justice next in precedence.

Have any interesting trivia or burning questions about our various judicial systems? Send them to Uncle Bill!



GOOD LUCK!

The Library wishes you good luck on your exams and papers coming up. Don’t forget about the study aids available behind the Circulation Desk. They cover various topics and can be a real lifesaver. Also, posted on the Library website is the link to past exams, just look for “Exam Archive.”

If you’re looking to recharge, be on the lookout for the “Pro-Se Café” where there will be snacks and coffee in the Lobby. It’ll run 12/7 - 12/9!

IS FISHER FISHING?

Seven years after Abigail Fisher was denied admission to the University of Texas - Austin, her lawyers are still trying to gain at least a modest victory - about \$100 - and the university’s attorneys are still trying to get the case thrown out of court as lacking in any real-world meaning.

For the second time in 2 years, the U.S. Supreme Court is considering *Fisher v. University of Texas* and the core issue is still the same: Did the university use race in an unconstitutional way in picking the freshman class in 2008, and in keeping Fisher out of that class?

The stakes might turn out to be huge: it could be that the result would go so far as to make it unconstitutional for public universities and colleges to take race into account in any way when selecting their entering classes. And, even if it falls short of that, it could at least bar those institutions from considering minority students’ educational talents - or lack of them - as an admissions factor.

Argument is scheduled for December 9 and it’s the only case on the Court’s calendar that day. From *SCOTUSBlog*.