Attorney likes to joke that a good attorney knows the law, but a great attorney knows the judge. What would they say about an attorney, who hacks the U.S. Supreme Court website?

OPEN THE SUPREME COURT WEBSITE

This body of work addresses the layered implications of the U.S. Supreme Court’s recent use of its “shadow docket.” William Baude, a University of Chicago law professor, introduced the term “shadow docket” to describe the Court’s alternative docket on which emergency issues, such as death penalty execution cases, are placed for rapid, though temporary, decision-making. Such cases cannot wait for adjudication on the courts regular docket, which involves extensive briefing and oral argument scheduling over time.

With three new Justices appointed by President Trump, the reconfigured U.S. conservative majority now employs the shadow docket in a manner that reshapes constitutional jurisprudence on the fly, with orders issued without explanation or opinion. Particularly disturbing, these power plays without transparency and accountability are made possible thanks to a subverted judicial nomination process in which a President, elected by a minority of the population, nominates three Justices with extreme views, who are confirmed by a Republican-controlled Senate, who, also represent a minority of the population. Nationally, Senate Republicans received fewer votes that Democrats in 24 of the preceding 30 Senate elections – that’s losing the popular vote 80% of the time, but producing a 6-3 majority on the U.S. Supreme Court with the help of an individual who lost the popular vote in two consecutive presidential elections.

In the spirit of this subverted nominating process, the Court appear poised to hack judicial precedent, starting with its use of the shadow docket.

REFER TO THE COURT WEBSITE

This is the U.S. Supreme Court’s docket page, which allows you to search cases that are, or have been, on the Supreme Court’s case docket. Here is the docket number for Women’s Health v. Texas.

INSERT NUMBER TO GO TO THE SHADOW DOCKET PAGE

Let me explain some of what we are looking at

= This case addresses the constitutionality of Texas law S.B. 8, which creates a civil penalty against medical providers who perform abortions later than 5 weeks into the term of a pregnancy. Since Supreme Court precedent forbids states from criminalizing abortion, this civil law shifts the enforcement mechanism away from the state to private citizens in an effort to evade constitutional challenge. While the law clearly violates constitutional jurisprudence, and would normally be stayed from enforcement until the case was fully briefed and argued, the Court’s majority voted to let the law take effect. Shockingly, it did so with offering an explanation.

= You can see the dissenting opinions here. But, nowhere to be seen is an majority opinion justifying this Court action (or inaction).

Given the majority’s subverted use of the shadow docket I think it’s only fitting to make some changes of our own to the Court’s website.

["Statistics of the Presidential and Congressional Election of November 8, 2016"](http://clerk.house.gov/member_info/electioninfo/2016election.pdf) –

1960 – 55.1 to 44.2

1962 – 50.3 to 49.1

1964 - 56.2 to 42.3

**1966 – 48.1 to 50.6**

1968 – 49.3 to 46.5

1970 – 52.4 to 39.3

**1972 – 45.5 to 52.4**

1974 – 52.2 to 39.6

1976 – 53.7 to 41.5

1978 – 49.4 to 48.2

1980 - 51.6 to 44.7

1982 – 54.1 to 43.4

1984 – 49.8 to 49.3

1986 – 50.1 to 47.6

1988 – 52.1 to 46.2

1990 – 51.1 to 47.1

1992 – 49.9 to 43.6

1994 – 50.0 to 44.0

**1996 – 47.8 to 49.5**

2000 – 47.04 to 46.96

**2002 – 49.9 to 46.0**

2004 – 50.8 to 45.3

2006 – 53.2 to 41.8

2008 – 51.88 to 44.5

2010 – 45.1 to 48.2

2012 – 53.4 to 41.8

**2014 – 43.8 to 51.5**

2016 – 53.0 to 42.2

2018 – 58.2 to 38.7

**2020 – 47.0 to 49.3**