

The New York Times

The Caucus

The Politics and Government Blog of The Times

September 2, 2009, 10:16 am

Supreme Court Watch on Justice Stevens

By [Kate Phillips](#)

The legal world — or at least those who watch movements at the Supreme Court closely — is a bit abuzz this morning with the news that Justice [John Paul Stevens](#) has confirmed that he has hired only one clerk so far for next year's term.

Clerk-watching has long been one of the signals as to whether a justice plans to retire, although clearly not foolproof and definitely not official. Justices usually hire three to four clerks by the beginning of the summer, a year or so before the next term when the clerks would start work. For Justice Stevens, the one hire — for the Supreme Court season beginning in October 2010 — is fueling suggestions that plans to retire may be in the offing.

As the [Associated Press](#) and law blogs note today, Justice Stevens, 89, is second only to Oliver Wendell Holmes in the history books as the oldest justice. Mr. Stevens joined the court in 1975. Legal bloggers have also highlighted the fact that one of the earliest indications that Justice David Souter planned to leave the court this year was the absence of filling his clerk's slots.

And in 2005, all eyes were watching whether Chief Justice William Rehnquist had hired his clerks, given that he had been ill. (He died in the late summer of that year, just around this time.)

Still, the 2010 term is more than a year away. The Supreme Court will hold a special session next week to hear re-arguments in a case about corporate financing in political campaigns, stemming from election-law curbs on a movie about Hillary Rodham Clinton's presidential bid that a conservative group, Citizens United, has challenged.

The Times's Adam Liptak, our Supreme Court correspondent, offered a [preview of the case's implications](#) earlier this week.

If Justice Stevens does announce plans to retire, his decision could provide President Obama with his second nomination to the court. Justice [Sonia Sotomayor](#) was just confirmed to Mr. Souter's seat this summer, and much has been written about whether Republicans held their fire and are laying in wait to more heavily contest a second Obama choice that could alter the outcome of the court's decision-making. (The Sotomayor-rather-than-Souter discussion rests on the understanding that the views of the two, while not identical, would not dramatically shift the balance of the Supreme Court.)

As for Justice Sotomayor, the Supreme Court [released details](#) of her formal investiture ceremony on Tuesday. It will take place on Tuesday, Sept. 8, with Chief Justice John Roberts presiding at about 2:15. There will be a public photo-op, but no questions from the media will be permitted. She will sit for the first time to hear arguments in the Citizens United case.

In other Supreme Court news, retired Justice Souter recently put quite the lid on access to his papers, as he donated them to the New Hampshire Historical Society. The intensely private jurist specified a 50-year ban on disclosure of the papers — far longer than has been recent practice among justices, according to the [BLT blog](#) (Blog of Legal Times).

Linda Greenhouse, our former longtime Supreme Court correspondent, author of "Becoming Justice Blackmun" who now teaches at Yale, expressed her sentiments to the BLT blog: "I'm disappointed. There must have been a targeted way that Justice Souter could have removed memos or other information that he didn't want to make public, while at the same time not locking away for the next two generations the records of a fascinating period in Supreme Court history. David Souter has a great deal of wisdom to offer the country, and I hope that he will continue to offer it in person, especially since he won't be doing it through his papers."

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