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The Professionalization of the Supreme Court

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Introduction

- Supreme Court nominees do not need to meet particular criteria to be on the Supreme Court.
- Article III of the U.S. Constitution has no precise requirements for justices such as age, education, or employment background.
- The professional and personal backgrounds of Supreme Court justices and rejected nominees are becoming increasingly similar.
- Nearly all sitting Supreme Court justices are Ivy League law school alumni, have experience as federal circuit court judges, or meet both criteria.
- Supreme Court nominees gradually becoming more homogenized in terms of qualifications is what this study classifies as the professionalization of the court.
- Main question:** How and when did this shift come about?

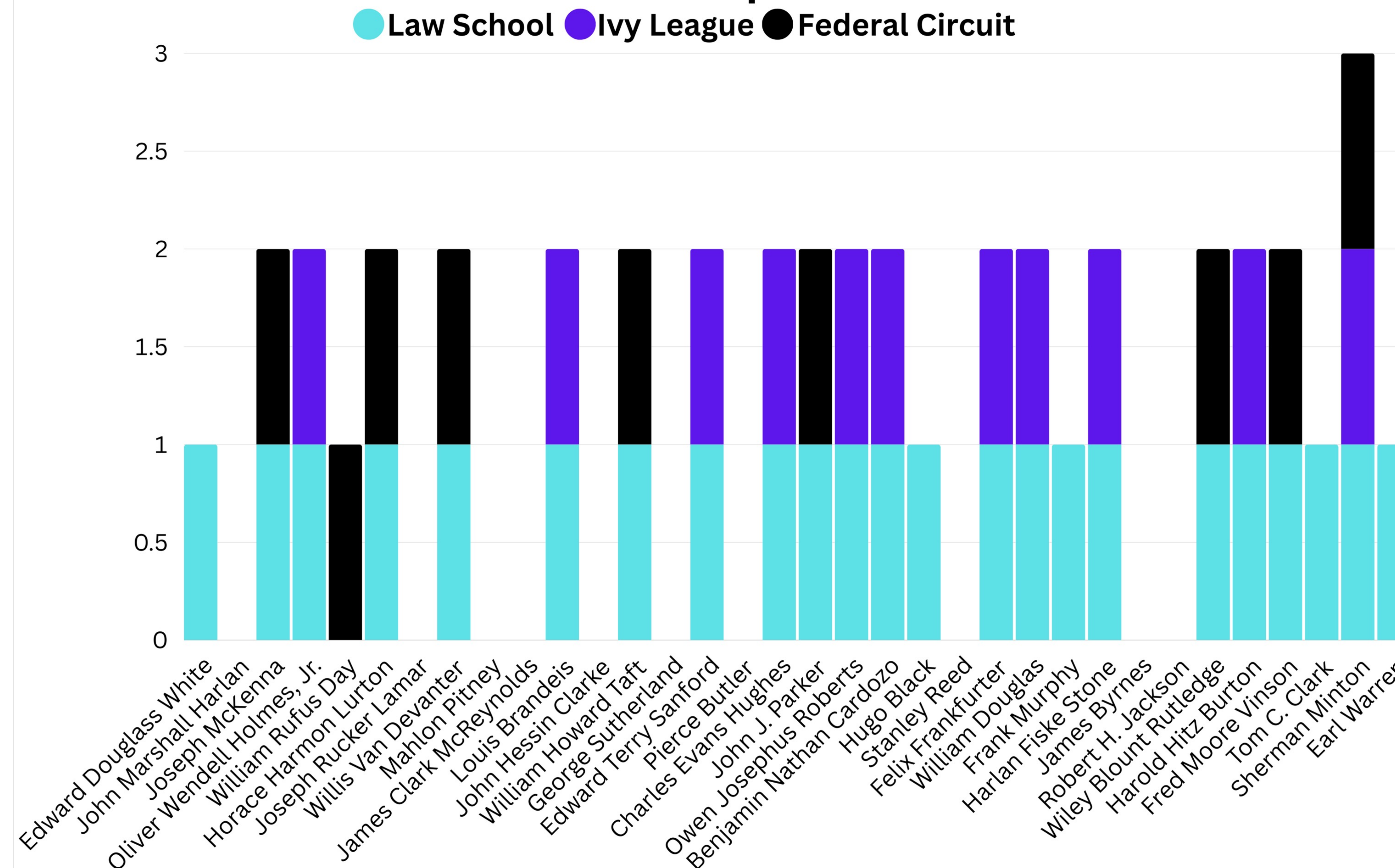
Possible causes of the professionalization of the court

- Polarization of the nomination process.
- Higher interest group involvement.
- Impact of the Federalist Society.
- Political connections at the Ivy League.
- Public opinion on a nominee's judicial acumen.
- Ratchet effect where higher credentials become normative.
- Presidents acting strategically to limit scrutiny by the Senate Judiciary Committee.

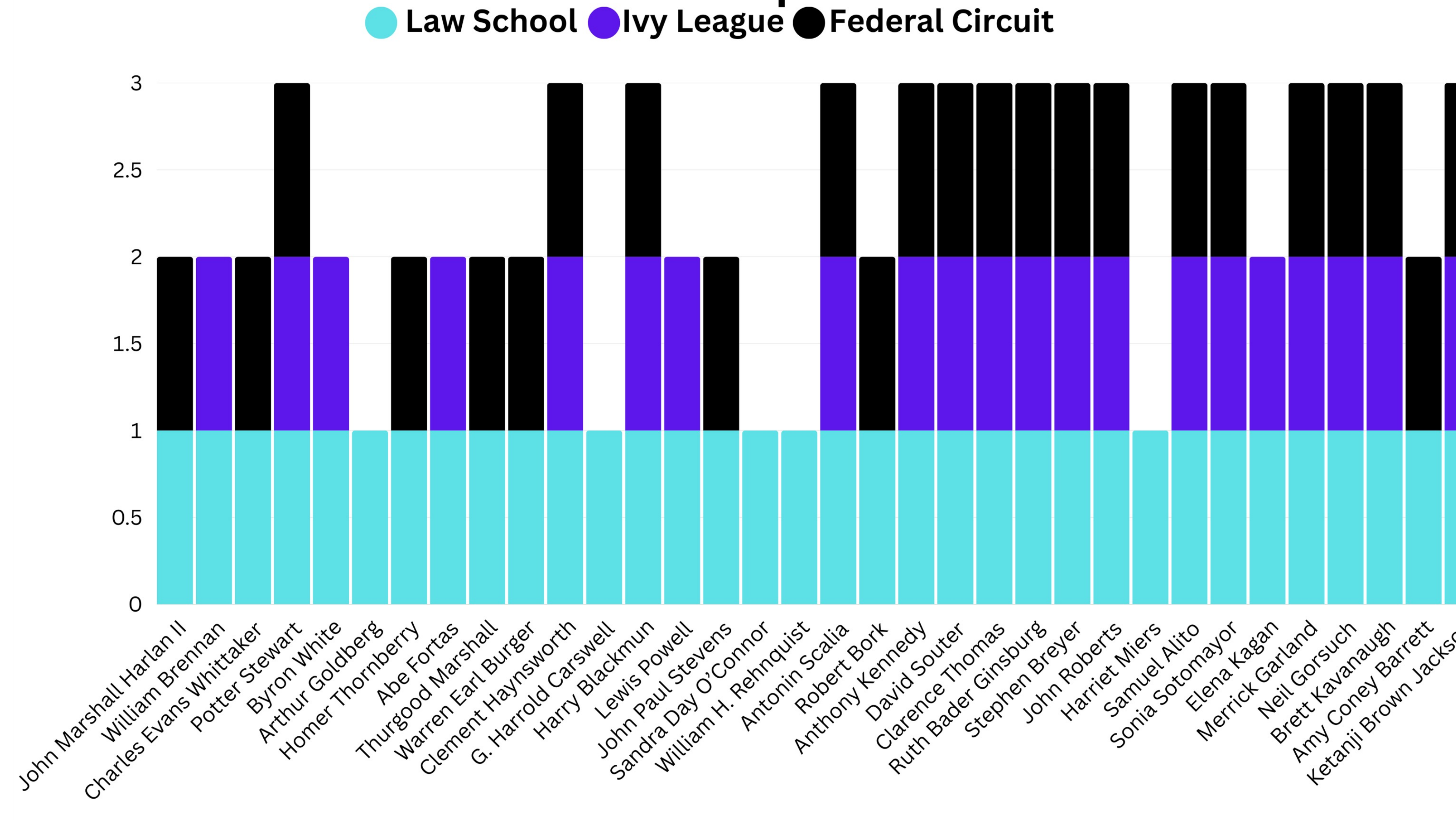
Hypothesis

As the Supreme Court nomination process became more politicized over time, presidents feared the rejection of their nominations because of professional inexperience or lackluster education. Hence, justice qualifications become professionalized in a uniform manner.

Professionalization of the Supreme Court from 1910-1953



Professionalization of the Supreme Court from 1954-2023



Findings

- Supreme Court nominees have had their main personal and professional criteria homogenized over time. They mostly have an Ivy League law degree and federal circuit experience.
- Pre-1960, only two Supreme Court Justices met these criteria: Sherman Minton and Potter Stewart.
- The 1970s mainly triggered the professionalization of the court.
- After the confirmation of Justice Antonin Scalia, the trend of professionalization stabilized.
- The 2000s solidified the ratchet effect of professionalization.
- There are few exceptions in the current Supreme Court in Justice Elena Kagan and Justice Amy Coney Barrett.

Conclusion

After reviewing the trend of Supreme Court professionalization, future nominees will likely have the same stellar credentials and meet both criteria. Seven of the nine current members of the court meet both criteria. What is perhaps more conceivable is that future nominees will retain one of the two main criteria when presented to the Senate Judiciary Committee.

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