

# Journey to a Ruling

## How a Case Arrives at the Court

While the Constitution states that the "judicial power of the United States shall be invested in one Supreme Court," the vast majority of federal judicial proceedings never even come close to reaching the highest court in the land. In fiscal year 2014, for example, there were 376,536 filings in the nation's 94 district courts and 54,988 filings in the 13 courts of appeals. It takes a very special case—like 2015's landmark same-sex-marriage case, *Obergefell v. Hodges*—to make it to the bench with the final say.



### THE APPEALS PROCESS

To have a shot at a reversal, an appellant needs to be able to demonstrate that an error has taken place, whether in law, fact or due process. Appeals are considered by a three-judge panel, though in some cases the court may decide to grant a request for an en banc review, in which all judges for the circuit are present.



The vast majority of petitions for appeal are turned down by appeals courts

### APPEALS PROCESS

### PETITION FOR CERTIORARI

Attorneys request Supreme Court review of *Obergefell* and another Ohio case, *Henry v. Hodges*, on the basis of constitutional questions related to the full faith and credit clause and the Fourteenth Amendment.

NOV. 14  
2014

### COURT OF APPEALS DECISION

A 2–1 decision in 6th Circuit reverses the district ruling, upholding the same-sex-marriage ban in Ohio, along with those in Michigan, Kentucky and Tennessee, where similar cases in the 6th Circuit had been decided.

NOV. 6  
2014

### APPEAL

Ohio attorney general Mike DeWine files an appeal in the U.S. Court of Appeals for the 6th Circuit.

JAN. 16  
2014

DEC. 23  
2013

### DISTRICT RULING

A district judge orders Ohio to recognize the plaintiffs' marriage on the death certificate of Arthur, who has since died of ALS.

JULY 19  
2013

### ORIGINAL COMPLAINT

Same-sex couple James Obergefell and John Arthur, who had married in Maryland, file a suit against Ohio authorities in the U.S. District Court for the Southern District of Ohio, claiming the state's rejection of same-sex marriages violates their constitutional rights.

### ORIGINAL CASE

The process starts here



# How the Court Arrives at a Decision



Only 75 to 80 cases—about 1%—are accepted.

## APPEAL

The Supreme Court grants certiorari, agreeing to review the two Ohio cases and those from Michigan, Kentucky and Tennessee, on the basis of two questions about the Fourteenth Amendment. The decision to take the case is partly based on discord among courts deciding the issue in many states.

JAN. 16  
2015



## AMICUS CURIAE BRIEFS

Amicus briefs are filed by 148 "friends of the court," including states, Congress, mayors, and academic and advocacy organizations.

FEB.–  
APRIL  
2015

Each justice has four clerks, who research cases and help draft opinions. Six former clerks have become justices.



## ORAL ARGUMENTS

Justices hear arguments and ask questions. Ninety minutes are allotted for the first question of whether the Fourteenth Amendment requires states to license same-sex marriages and 60 minutes for whether the Fourteenth Amendment requires states to recognize lawful out-of-state same-sex marriages.

APRIL 28  
2015

Argument time:  2.5 hours



## JUSTICES' CONFERENCE

Justices meet in a closed room to state their views, raise questions and vote. The senior justice in the majority assigns a justice to write the opinion.

MAY  
2015



## FINAL DECISION

In a 5–4 ruling with a majority opinion written by Justice Anthony Kennedy, the court reverses the lower-court decision.

JUNE 26  
2015

The decision effectively legalizes same-sex marriage everywhere.

### MAJORITY

### MINORITY

