

Tribute to William K. Suter

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To the public, and to the lawyers who plead their cases there, the Supreme Court of the United States is something of a secular temple. The elegant Corinthian marble building—complete with its thirty-foot columns, the words “Equal Justice Under Law” engraved above the front entrance, the Great Hall, and the majestic courtroom with its twenty-four Italian marble columns, and walls adorned with historic lawmakers from Moses, Hammurabi, Solomon, Confucius, Napoleon, Charlemagne, and Mohammed to Blackstone—commands respect and reverence.

The institution itself, and the Justices, evoke history, continuity, and tradition. Each year the Court’s Term commences precisely at 10 a.m. on the first Monday in October. Every case, from the most controversial to the most arcane, is handled with dignity, seriousness, and solemnity. In 224 years, the court has known only 112 Justices and 17 Chief Justices.

For twenty-two of those years, General William K. Suter presided over the Clerk’s Office in this most important court in the nation—indeed, the most important judicial body in the world. His shoes will be very hard to fill. For practitioners and for the public, for a generation, he has been the one constant, the face of the Court, with his commanding figure and precisely fitted morning suit, and warm and welcoming demeanor and always gracious good humor.

The Clerk’s job and responsibilities are vast. The Court receives over 8000 petitions for review every year, not to mention rehearing petitions, motions, briefs, and other pleadings. The Court decides approximately seventy-five cases per year involving the nation’s most important and momentous issues: life, death, liberty, voting, property,

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religion, speech, civil rights, punishment, our system of government. The list is literally endless and the range is as vast as our nation.

The Clerk's duties include managing the Court's judicial business, advising counsel of the Court's requirements and procedures, administration of the Court's docket and arguments, receipt of petitions, motions, and briefs, preparation of the Court's order list and journal, supervision of admission of attorneys to the Bar of the Court, maintaining docket information, and assisting in the development of the Court's rules.

For members of the Bar of the Court—those who practice there regularly or those who experience a once-in-a-lifetime argument—the Court is at once the symbol and the dispenser of law, justice, equality. A profound sense of history and gravity pervades that courtroom, and everywhere in that building. Whether one enters to argue a case, move the admission of a colleague to the Bar of the Court, watch an argument or simply bring a guest, there is a feeling of permanence, strength, integrity, and finality.

One might expect that, of all the courts in the country, the Supreme Court of the United States would be the most difficult, intimidating, and formidable to the practitioner. Remarkably, the opposite has been true under General Suter. The Clerk and his staff treat everyone with respect, courtesy, and warmth. Lawyers are assisted with every manner of question or problem, from the most complex to the most mundane or trivial. The rules and idiosyncrasies of the Court are patiently explained and attorney errors respectfully corrected.

While the rules and major customs of the Court are available in printed form, there is so much more that can only be learned from the Clerk and the Clerk's extraordinarily helpful staff.

Before every argument, General Suter, continuing a tradition, conducted a briefing for attorneys. He put his own warm, welcoming stamp on the process, reassuring veterans and the uninitiated alike about what to expect, and what situations to avoid. He invariably provided avuncular advice about how to respond to questions, what to call a Justice (not judge) or the Chief Justice (not Justice), and to avoid trying to respond to a Justice by name unless one was quite sure not to get it wrong.

General Suter was equally skilled at dealing with less common scenarios. On one of the rare occasions when it was necessary to alert counsel that a decision was forthcoming—in *Bush v. Gore*, when the Court's decision on the 2000 presidential election recount was to be

released late in the evening on December 12, 2000—he arranged for each of the lawyers to be on the phone for a simultaneous heads-up as to the result.

General Suter attended every session of the Court in person, and developed a keen intuition for what the Court was going to do in a given case. But he kept those instincts to himself, never, ever giving any hint to what the Court was going to do, or even what he thought it was going to do. He personally and graciously welcomed visiting groups—new bar members, teachers, historians, especially members of the armed forces whenever he could, often asking a member of the Bar to join him in greeting special visitors.

His commanding, always friendly but always proper, presence has become a symbol of the Court itself. His personality and style have created a prototype for his successor. There have been only nineteen Clerks in the Court's history, five of whom, including General Suter, have served more than twenty years. A generation of lawyers will always visualize General William Suter when the Court or the Clerk is mentioned. He has become its personification in the very best sense.