

SUPREME COURT: Stevens to retire at term's end (04/09/2010)

By Gabriel Nelson, E&E reporter

Ending months of rampant speculation, 89-year-old Supreme Court Justice John Paul Stevens said today that he plans to retire when the current Supreme Court term ends this summer.

"Having concluded that it would be in the best interests of the Court to have my successor appointed and confirmed well in advance of the commencement of the court's next term, I shall retire from regular active service," he wrote in a [letter](#) to President Obama.

The announcement gives Obama his second opportunity to appoint a judge to the nation's highest court, following the confirmation of Justice Sonia Sotomayor last summer. This time, he will have the challenge of replacing a judge who is widely considered the anchor of the court's liberal wing.

"Justice Stevens's unique and enduring perspective is irreplaceable; his stalwart adherence to the rule of law is unparalleled," Senate Judiciary Chairman Patrick Leahy (D-Vt.) said in a statement. "As we move forward with preparations for the second Supreme Court nomination of this Congress ... I hope that Senators on both sides of the aisle will make this process a thoughtful and civil discourse."

Though his resignation during a Democratic administration is unlikely to cause a major shift on the court, Stevens's summertime retirement adds another layer of complexity to Senate plans to tackle a climate and energy bill. Democrats hope to have that debate resolved on the floor -- one way or another -- by the July 4 recess.

That timetable may coincide with early jousting on Stevens' eventual replacement. The Supreme Court is scheduled to conclude business for the current term during the last week of June.

"Even if Justice Stevens's liberalism has led to many decisions I oppose, I respect his devotion to the institution and the gentlemanly manner in which he always carried out his work," Senate Minority Leader Mitch McConnell (R-Ky.) said in a statement. "Americans can expect Senate Republicans to make a sustained and vigorous case for judicial restraint and the fundamental importance of an even-handed reading of the law."

The Obama administration has already begun crafting a shortlist of potential replacements for Stevens, who had been expected to step down for some time. Stevens told *The New Yorker* last month that he was considering retiring and planned to do so "within the next three years" -- by the end of the Obama administration.

[Environmental groups consider Stevens a fairly reliable vote in their favor, said Glenn Sugameli, a federal courts expert and staff attorney at Defenders of Wildlife.](#)

Currently the court's senior associate judge, Stevens has the privilege of assigning the opinion in the event of a split decision. In the landmark 2007 case *Massachusetts v. EPA*, he gave the opinion to Justice Anthony Kennedy, whose vote in the 5-4 decision enabled U.S. EPA's current effort to regulate emissions of carbon dioxide and other greenhouse gases.

["Stevens has a lengthy, very distinguished and lasting legacy of upholding laws that safeguard our environment," Sugameli said. "President Obama's selection of a new justice will help determine the fate of basic environmental safeguards for decades to come."](#)

[Click here](#) to read Stevens' letter.

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