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## Obama seeks empathetic Supreme Court justice

### Souter retirement gives president opening on high court

By [Robert Schroeder](#), MarketWatch

**WASHINGTON (MarketWatch) -- President Barack Obama said Friday he's seeking an independent-minded, empathetic person to replace retiring Justice David Souter on the Supreme Court, and that he wants the new justice to be confirmed before Oct. 5.**

In a surprise appearance at the daily White House press briefing, Obama said he'd spoken to Souter Friday afternoon and praised the 69-year old for being a "fair-minded, independent judge" who defied labels.

Souter's retirement gives Obama the opportunity to make his first appointment to the nation's highest court.

"The process of selecting someone to replace Justice Souter is among my most serious responsibilities as president, so I will seek somebody with a sharp and independent mind and a record of excellence and integrity," Obama told reporters.

"I will seek someone who understands that justice isn't about some abstract legal theory or footnote in a casebook; it is also about how our laws affect the daily realities of people's lives, whether they can make a living and care for their families, whether they feel safe in their homes and welcome in their own nation," said Obama.

"I view that quality of empathy...as an essential ingredient for arriving at just decisions and outcomes," he said.

Souter was appointed by President George H.W. Bush in 1990 and the announcement of his retirement has set off a flurry of speculation about who Obama will appoint to succeed him. Though appointed by a Republican president, Souter is considered one of the court's more liberal members.

Names reported to be under consideration include U.S. Circuit Judge Sonia Sotomayor, 54; Kathleen Sullivan, 53, a professor and former dean of Stanford Law School; Georgia Chief Justice Leah Ward Sears, 53; and Massachusetts Gov. Deval Patrick, 52.

Obama may appoint a woman to the bench, to join the court's only female justice, Ruth Bader Ginsburg.

Obama didn't take questions at the briefing or at an earlier availability after a Cabinet meeting on Friday. He didn't name any people he's considering.

News of Souter's retirement came shortly after Republican Sen. Arlen Specter of Pennsylvania announced his defection to the Democratic Party, giving Obama's party 59 seats in the Senate, just one seat shy of the 60 needed to beat a filibuster. The Democrats' increased might in the Senate would make a confirmation easier for Obama's nominee.

The appointment of a justice by Obama wouldn't significantly change the make up of the court. Souter is one of four liberals on the Supreme Court, offset by four conservatives, including Chief Justice John Roberts. Justice Anthony Kennedy is considered a swing vote.

Glenn Lammi, chief counsel of the Washington Legal Foundation, said Obama's appointment probably wouldn't change the outlook for industry-related cases.

"I don't think it's going to make that much of a difference on tightly contested business cases," said Lammi, whose organization is a pro-business public interest group.

Souter will retire at the end of the court's term in June, reports said. The court's new term begins Oct. 5.

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