

Six Tips for Responding to Supreme Court Decisions

- 1. Be cautious. Don't comment until you've seen the facts and the lead party's statement.** Remember, the first statement you make will be the most powerful. Comment to shape the conversation, not argue with the opposition about what the decision means. Consider your audience and the big picture of what those who read your statement will take away from it, and remember that if you jump in and don't have a well-thought out point of view, that's likely to be what your audience will remember.
- 2. Focus on what the case means to our shared values.** Consider the decision through your audience's eyes. Most audiences are not at all familiar with – or even focused on – the outcomes of Supreme Court cases and their impressions will be shaped by headlines and topline rhetoric. It's important to find ways to engage at that level, while providing detailed legal arguments only for audiences who want that. A great way to do this is to focus on values. Consider what the case suggests for the celebration or undermining of those values.
- 3. Avoid jargon** in favor of plainspoken and accessible language that tells a story your audiences can digest, and that will spark action. Include stories, imagery, and metaphors that are memorable and stay with audiences longer than legal points.
- 4. Try to comment on the case, not the court.** If you don't agree with a decision, it's tempting to admonish the court for being out of touch. But remember that the Supreme Court is considering multiple cases impacting a range of issues across the social justice spectrum. Attacking the ideological profile of particular justices without discussing their alignment (or misalignment) of values in relationship to a decision can undercut a more favorable decision they may make on another issue. The way around this is to speak about what the case means to our shared values and national identity, and how decisions do or do not reflect those values. It may make sense to criticize the ruling, and specific justices' opinions, but do leave room for the possibility that the court could rule more favorably on other cases. Try to refrain from comments that write off the court in its entirety.
- 5. Don't focus on what the decision isn't. Discuss what it is.** Explaining the legal details of what the case *doesn't* mean is not as powerful as affirmatively stating what it *does* mean. Spending too much time telling audiences that the ruling does not outlaw abortion, for instance, only repeats the phrase and strengthens it in audiences' minds.
- 6. Pivot to solutions and action.** While reporters covering the case may want "just the facts," there are many opportunities to remind audiences of the solutions that the case highlights, and what they can do to make those solutions happen. Base audiences, in particular, will be fired up to do something whether in a celebratory or angry mood, so make sure to give them something concrete that they can do.