**The American Judicial System**

Powers of the Supreme Court

* Judicial review: may decide the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of an act of government
  + *\_\_\_\_\_\_\_\_\_\_\_\_\_\_ v. \_\_\_\_\_\_\_\_\_\_\_* (1803): Chief Justice John Marshall set up this precedent
* Both original and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ jurisdiction
* That is, the power to review \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and change outcomes of decisions of lower courts

Effect on Public Policy

* Courts make public \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by interpreting the Constitution
* *Marbury v. Madison:* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *v. Sanford*: set stage for Civil War
* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_: invalidated many state laws on abortion

Supreme Court Jurisdiction

* Original \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ over cases involving two or more States and all cases brought against ambassadors or other public ministers.
* Most cases heard by the Court are \_\_\_\_\_\_\_\_\_\_\_\_ cases.
* The Court hears only one to two cases in which it has original \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ per year.

How Cases Reach the Court

* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ cases appealed to SC each year; only accepts a few hundred
* “Rule of \_\_\_\_\_\_\_\_\_\_\_\_”: at least \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ justices must agree to hear a case
* If it does not accept a case, the ruling of the last court stands: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| Writ of Certiorari | Certified Question |
| Most cases reach the Court via **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** a request that the Supreme Court order a lower court to send up a case for review. | Cases can reach the Court by **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**when a lower court asks the Supreme Court for an opinion on a question of law, |

How the Court Operates

**Oral Arguments**

* + Once the Supreme Court accepts a \_\_\_\_\_\_\_\_\_\_\_\_, it sets a date for when lawyers on both sides will present oral \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Briefs**

* + Written \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ are filed with the Court before oral arguments begin.

**The Court in Conference**

* + The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ presides over a closed-door conference in which justices present their views on the case at hand.

Opinions of the Court

**Once the Court finishes its conference, it reaches a decision and an opinion is written**

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| Majority Opinion  The majority opinion, formally called the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the Court, announces the Court’s decision in a case and its reasoning on which it is based. | Precedents  The majority opinions stand as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, or examples to be followed in similar cases as they arise in the lower courts or reach the Supreme Court. |
| Concurring Opinions  Concurring opinions are sometimes authored by justices to add or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ a point that was not made in the majority opinion. | Dissenting Opinions  Dissenting opinions are often written by those justices who \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ with the Court's majority opinion. |

Supreme Court Justices

* 8 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ justices and 1 chief justice
* Justices are appointed by the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ & serve for life (or until they retire)
* Every president who has served a full term (except \_\_\_\_\_\_\_\_\_\_\_\_\_\_) has appointed at least 1 justice
* Given that justices may serve for years after the president leaves office, their appointments serve to carry on political \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* First African American Justice- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (appointed by Lyndon Johnson- 1967-93)
* First Woman Justice- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (appointed by Ronald Reagan- served from 1981-2006)
* First Hispanic Justice- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (appointed by Barack Obama- 2009

Judicial Activism vs. Restraint

* Judicial \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_- Judicial tendency to overturn previous decisions of the court, or ruling of laws as being unconstitutional
* Judicial \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_- Judicial tendency to let prior decisions stand