

Name _____



The Supreme Court

By Phyllis Naegeli

The Supreme Court is the highest court in our nation. Nine judges - called justices - serve on the Supreme Court. They are appointed by the president, approved by the Senate, and may serve on the court for the rest of their lives. Cases brought before this court for review come from the lower federal courts. They may also come from the highest state courts - if the case involves a constitutional question. The court does not hear every case presented to it. It can refuse to hear a case without explanation. In essence, refusing to hear a case is an unspoken agreement with the decision of the lower court as it leaves the decision final.



The Supreme Court has original and appellate jurisdiction. Most cases involving federal or constitutional law begin in the district courts. Once these cases have gone through the lower courts, they can be appealed to the Supreme Court. These cases involve the appellate jurisdiction of the court. On rare occasions, the Supreme Court can exercise original jurisdiction to hear cases affecting ambassadors or foreign officials. The Supreme Court always has original jurisdiction to hear cases between two states.

When the Supreme Court decides to hear a case, the petitioner and the respondent each prepare a written brief. The justices may also request a "friend of the court" brief. This happens when a particular group is not directly involved in a case but may be affected by the outcome. Once the court has all briefs, the justices hear oral arguments from each side. Attorneys representing the parties in the case have a strict limit of thirty minutes to present their case. During this time, the justices may interrupt to ask questions in order to clarify the information given. No additional time is granted for these interruptions. Time limits are so strictly adhered to that attorneys may be cut off mid-sentence when the clock expires.

Once oral arguments are complete, the justices meet in a private

conference to discuss the case. The chief justice begins the discussion and gives his or her opinion. Then each associate justice speaks by seniority. At the end of the discussion, the votes are tallied. If the chief justice votes with the majority, he or she may prepare a draft of the Court's opinion or pass this duty onto another justice in the majority. If the chief justice does not vote with the majority, the senior justice voting with the majority chooses who will draft the opinion. Once the draft is prepared, the justices review the opinion. Then they decide if they will give it their endorsement. This endorsement is the final decision of the court and may differ from the decision made in conference.

The Supreme Court hands down three types of opinions. The first is the majority opinion. This states the views of the majority of the justices and the legal basis for the decision. One of the justices may also issue a concurring opinion. This kind of opinion may agree with the result of the case but disagree with the basis used for the decision. A justice may also give a dissenting opinion, which gives an opposing view of the case and presents the reasons for the opposition.

Decisions by the Supreme Court are final with two exceptions. First, if the Supreme Court decides a law is unconstitutional, the Congress can pass a constitutional amendment to allow the law. Once the amendment is ratified by the states, the Supreme Court decision is overturned. Secondly, another Supreme Court decision can change the result. Where the Supreme Court has overturned a previous decision, dissenting opinions usually had an influence on the outcome.

The Supreme Court follows a longstanding tradition of dignity when in session. Judges wear long black robes. Quiet is observed while waiting for the court to begin. No one is allowed to bring a camera or make sketches in the courtroom. The judges are formally announced by a marshal and seated in order of seniority. The court has kept its formal dignity since its inception in 1790.

As the highest court in our land, the Supreme Court keeps check on the executive and legislative branches of our government. Its motto "Equal Justice Under the Law" shows the court's commitment to the constitution as the highest law in the United States.

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Questions

- _____ 1. How many justices are on the Supreme Court?
- A. nineteen
 - B. five
 - C. nine
 - D. seven
- _____ 2. What kind of cases does the Supreme Court always have original jurisdiction over?
- A. cases affecting ambassadors
 - B. cases of impeachment of government officials
 - C. cases between two states
 - D. cases where the government is a petitioner
- _____ 3. The Supreme Court must hear every case that is presented to it.
- A. true
 - B. false
- _____ 4. When a group may be affected by the outcome of a Supreme Court case, they may be asked to prepare a _____.
- A. friend of the court brief
 - B. friend of the government brief
 - C. friend of the decision brief
 - D. friend of the petitioner brief
- _____ 5. The Supreme Court can hand down three types of decisions. Which of the following is an opinion that agrees with the result of the case but disagrees with the legal basis used for the decision?
- A. majority opinion
 - B. overturned opinion
 - C. concurring opinion
 - D. dissenting opinion
- _____ 6. What is the motto of the Supreme Court?
- A. Equal Judges Under the Law
 - B. Equal Justice Under the Law
 - C. Equal Judgment Under the Law
 - D. Equal Dignity Under the Law
- _____ 7. Which of the following can influence the Supreme Court to reverse a previous decision?
- A. dissenting opinion
 - B. majority opinion
 - C. concurring opinion
 - D. overturned opinion
- _____ 8. During oral arguments, justices may interrupt an attorney to ask questions without granting additional time to the attorney.
- A. true
 - B. false