

**Government
Guided Notes**

**Unit Five – Day #3
The Judicial Branch
Supreme Court Processes & Justices**

Directions Listen and view today's PowerPoint lesson.
As you view each slide, write in any missing words or phrases.

Today's Learning Standard

SSCG16 The student will demonstrate knowledge of the operation of the federal judiciary.

- a. Explain the jurisdiction of the Supreme Court, federal courts and the state courts.
- b. Examine how John Marshall established the Supreme Court as an independent, coequal branch of government through his opinions in Marbury v. Madison.
- c. Describe how the Supreme Court decides cases.
- d. Compare the philosophies of judicial activism and judicial restraint.

Latin Terms to Know

Latin Term	Meaning
<i>writ of certiorari</i>	
<i>Affidavit</i>	
<i>amicus curie</i>	
<i>per curium</i>	
<i>habeas corpus</i>	
<i>stare decisis</i>	

How Does the Supreme Court Accept a Case to Review?

- _____ of cases are appealed to the Supreme Court every year- only a _____ are actually heard
- Cases that are accepted must meet the _____
 - _____ of the _____ must _____ to hear the case
- Many of the cases accepted may be disposed of in _____
 - Which means they're _____ to the _____ court for _____ because of a related case which was _____
- Cases presented to the Supreme Court may be presented through
 - 1.) _____ – an order by the Court (when petitioned) directing a _____ court to _____ of a case for review
 - 2.) _____ – a lower court _____ the Supreme Court about a _____ or _____ in specific cases

Briefs and Oral Arguments

- Once a case reaches the Supreme Court, lawyers for each party file a written _____
 - A detailed _____ of the _____ of the case _____ a particular _____ by presenting _____ based on relevant facts and citations from previous cases
- _____ allow both sides to present their positions to the justices during a _____
 - Justices may interrupt lawyers during this time, raising questions or challenging points of law

Writing Opinions

- Supreme Court _____ are explained in a written statement called an _____
- If voting with the _____, the _____ selects who will _____ the _____
- If voting with the _____, the most _____ of the majority _____ who will write the opinion

3 Types of Opinions:

- 1.) _____ – opinion agreed upon by a majority of the justices
 - 2.) _____ – written by a justice or justices who _____ with the _____ opinion, but _____ with the _____ behind the decision
 - 3.) _____ **Opinion** – written by a justice or justices who _____ with the _____
- Majority opinion become **precedents**
 - _____ or _____ to be _____ in deciding _____ cases in the _____

Supreme Courts Through History

Warren Court (1953-1969)

- Led by **Chief Justice** _____
- Often said to be the “**most _____ court ever**”
- Important cases decided
 - _____ (1954) – ended segregation in public schools
 - _____ (1963) – states required to provide attorneys for those accused of a crime
 - _____ (1966) – police have to inform anyone questioned of their rights in order to use the information in court

Burger Court (1969-1986)

- Led by **Chief Justice** _____
- Returned the Supreme Court to a more _____ ideology
- Appointed by Richard _____
- Important cases decided:
 - _____ (1973) – declared abortions legal with special time constraints
 - _____ (1974) – ruled that President Nixon's private recordings were not protected under presidential privilege and ordered them be turned over to the house investigators

Rehnquist Court (1986-2005)

- Led by Chief Justice William Rehnquist
- _____ court that continued to _____, but _____, decisions of earlier more liberal courts in the areas of defendant's rights, abortion, and affirmative action
- Important cases decided
 - _____ (1992) – upheld and ruled constitutional a Pennsylvania law requiring a minor to _____ after receiving parental approval before getting an abortion – but ruled unconstitutional a provision that required a woman to obtain “informed spousal consent” before having an abortion
 - _____ (2004) –declared that the death penalty was unconstitutional for anyone under the age of 18

Judicial Philosophy

2 Types:

- 1.) Judicial _____
 - The court should play a more active role in _____ national _____ and answering questions of conflict in society
- 2.) Judicial _____
 - The court should operate _____ the _____ of the _____ and only answer questions if a clear violation of the Constitution is present. _____ making should be _____ to the _____ and _____ branches.

Current Supreme Court Justices

Recently Died



-
- Appointed: Bush, 2005
 - Age: 55
 - Conservative

Antonin Scalia

- Appointed: Reagan, 1986
- Age: Recently Died
- Strong Conservative



-
- Appointed: Reagan, 1988
 - Age: 73
 - Swing Vote (Usually Conservative)

-
- Appointed: Bush, 1991
 - Age: 61
 - Strong Conservative

-
- Appointed: Clinton, 1993
 - Age: 77
 - Strong Liberal

-
- Appointed: Clinton, 1994
 - Age: 71
 - Liberal

-
- Appointed: Bush, 2006
 - Age: 60
 - Conservative

-
- Appointed: Obama, 2009
 - Age: 55
 - Strong Liberal

-
- Appointed: Obama, 2010
 - Age: 50
 - Liberal

Limits on the Supreme Court

- Generally, the Court's decisions have dealt largely with _____, economic issues, _____ laws and regulations, due process, and suits against government officials.
- Civil liberties cases make up the largest number of Court cases; _____ from prisoners comprise about _____ of its cases.
- Generally, the Court's decisions have dealt largely with _____, economic issues, _____ laws and regulations, due process, and suits against government officials.
- Civil liberties cases make up the largest number of Court cases; _____ from prisoners comprise about _____ of its cases.
- The Court's _____ to shape public policy also is _____ by its own _____ to _____ its decisions. Noncompliance by other courts also is difficult to monitor.
 - Ex: The Court could not enforce its decision that the Indian Removal Act was unconstitutional.

Basing Decisions on the Law

- Justices must _____ their legal opinions on the _____, not on personal opinions.
- The Court must _____ their _____ to the _____ itself, relevant statutes, and legal precedents.
- This means that they have to _____ their _____ with the _____.

Balancing the Court's Power - Checks and Balances

- The power of _____ to _____ on the Court gives presidents influence over the Court.
- The _____ is responsible for _____ the Court's _____, but he or she may do so vigorously or with little enthusiasm.
- Congress has the power to
 - limit the Court's ability to hear certain cases;
 - may propose a _____ to overturn a decision;
 - may _____, but _____, the justices' _____; and
 - uses its _____ to shape the Court's position on social issues.

