

The Supreme Court: Deciding a Case

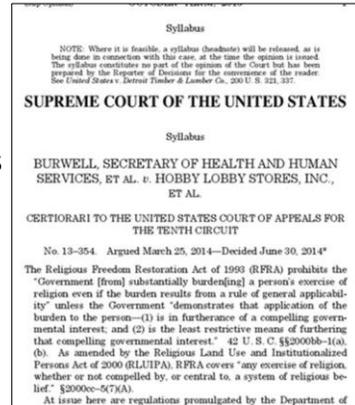


The Process

- There are more than 10,000 “writs of certiorari” submitted to the Supreme Court each year, but the Court only hears about 100 cases each year.
 - If four justices agree a case should be heard, it is placed on the Court’s official calendar/docket.
- It is the job of the lawyers for both sides to submit briefs which are the official written position for their side of the argument.
 - Other groups who may have an interest in the outcome of the case can submit “amicus curiae” briefs (friend of the court) to try to influence the judges’ decisions.
- Each side is assigned a date to make oral arguments where the lawyers get 30 minutes to present their case before the justices.

The Process

- Once a case has been decided, the Court issues a formal decision called an opinion.
- Three types of Court opinions
 - Majority Opinion: Views of the majority of justices; states the Court's reasoning which is important for establishing precedent
 - Dissenting Opinion: Justices who disagree with the majority opinion (minority opinion)
 - Concurring Opinion: The opinion of a justice who votes with the majority but for different reasons



The Process

- How do Justices decide cases?
 - Law
 - Most important influence guided by stare decisis (let the decision stand)
 - By following precedent the law should be predictable
 - Legal Views
 - All justices interpret the law differently
 - Some see the Constitution as a "living" document
 - Others believe we should follow what the Founding Fathers intended
 - Social Conditions
 - Although somewhat protected from political & public influence when social conditions change often the interpretation of the law changes
 - Example: Plessy v. Ferguson & Brown v. Board
 - Personal Beliefs
 - Justices are human beings and can only see a case through their perspective