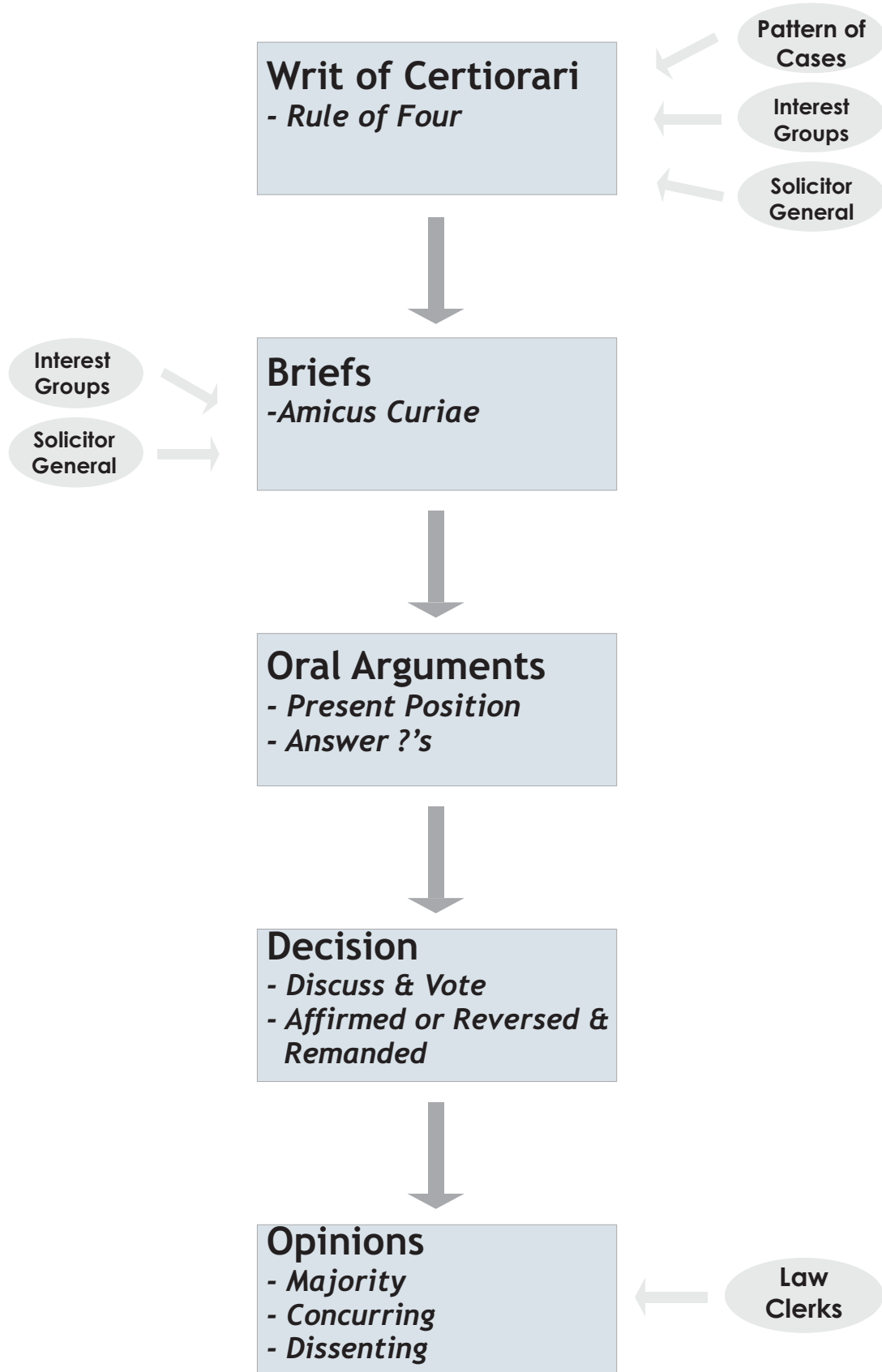


# S U P R E M E C O U R T

## Decision Making Process



# THE UNITED STATES SUPREME COURT

## WRIT OF CERTIORARI

### DECIDING CASES TO HEAR...

#### Underlying Principles:

- *So little time, so many cases*
- *Few worthy cases*
- *It is a place to clarify the law, not right wrongs*

#### Criteria to Judge a Case Uncertworthy:

- *Absurd*
- *Clear Denies*
- *Lack of Percolation*
- *Bad Facts = Bad Vehicle*
- *Pipeline*
- *Interactability*

#### Criteria to Judge a Case Certworthy:

- *Lower Court Conflict*
- *Importance*

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#### Criteria to Judge a Case Uncertworthy:

- **Absurd**  
*“nut cases” - 10%*
- **Clear Denies**  
*cases the court is unwilling to hear*
- **Lack of Percolation**  
*the issue is too new, wait for more research/discussion*
- **Bad Facts = Bad Vehicle**  
*no “messy” or overly complicated case facts*
- **Pipeline**  
*determine if a better case is “on the way”*
- **Interactability**  
*the court sees no solution to the issue, stay out*

#### Criteria to Judge a Case Certworthy:

- **Lower Court Conflict**  
*# 1 criterion, the lower courts are in disagreement about a Current (“live”) issue*
- **Importance**
  - 1) *Unusual - one of a kind cases*
  - 2) *Issue has a large societal and political impact*
  - 3) *Important to the Law - rules, procedures*
  - 4) *Breadth - amount of people impacted*
  - 5) *Federal Government - rules, procedures, powers*
  - 6) *Areas of Interest - justices have “pet” issues*
  - 7) *Egregiousness - flagrant abuses of justice, law*

# S U P R E M E C O U R T

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Article III of the Constitution

Judiciary Act of 1789

Marshall Court (1801-1835)

- *McCulloch v. Maryland* (1819)
- *Marbury v. Madison* (1803)

Judicial Review

*Federal courts can hold any law or official act as null, void, and unenforceable. Constrains both the executive and legislature.*

Judicial Activism

***“Loose Constructionists” The Court should go beyond the words of the Constitution or law in question and consider the societal implications of its decisions. Assist society with a difficult issue.***

Judicial Restraint

***“Strict Constructionists” The court should not go beyond the clear words of the Constitution when making decisions. The courts should stay out of policymaking.***

Political Ideology

***Judges have liberal or conservative outlooks. This weighs heavily on Presidential nominations and Senate confirmation hearings.***