

## CONSTITUTION 101

Module 9: The Judicial System and Current Cases

9.5 Info Brief

### HOW DOES A CASE GET TO THE SUPREME COURT GRAPHIC

#### Constitutional Question

Most constitutional cases start with a simple argument: **THE GOVERNMENT HAS VIOLATED THE CONSTITUTION.** Someone—often a single ordinary American—comes to court and argues that a law or arrest or regulation violates the Constitution.

#### District Court

In nearly every case, someone brings a new case in (what's called) a district court. This is the lowest level of court in the national courts system. There are 94 in the US. It's where nearly every case starts—and where most of them end! A single judge presides over (or manages) the case. And the case is decided by either a judge or a jury. In the end, someone wins, and someone loses.

#### Court of Appeals

The loser might decide to appeal—or challenge—the district court's ruling by having the next level of court (the court of appeals) take a look at the case. If someone appeals their case to this court, the judges have to decide it. Generally speaking, they have two options

Say that the district court got it right

Say that the district court got it wrong. — and then explain why and reach a new decision.

## Filing for Cert

Finally, the loser in the court of appeals might try to get the Supreme Court to decide her case. They can “petition for a writ of certiorari” or “file for cert.” This simply means that the loser (in the court of appeals) wants the Supreme Court to take their case and decide it.

## The Rule of Four and Granting Cert

If four of the nine justices vote to take a case, the Court will hear it. We call that “granting cert.”

The justices read the challenger’s “cert. petition”—and vote on whether or not to hear the case.

If less than four justices vote to hear the take the case, the Court will not hear it.

## The Supreme Court rejects nearly every petition.

(The Court accepts only 60 to 100 of the more than 7,000 to 10,000 that it is asked to review each year.)

## Briefs

Each side files briefs, or little books that lawyers write, presenting their constitutional arguments.

Others affected by the case can also write briefs—known as “Friend of the Court” or “amicus” briefs.

The justices then read the briefs in the case.

## Oral Arguments

The Supreme Court holds oral arguments. This is when the lawyers on each side get to state their case and the justices get to ask questions.

## The Friday Conference

The justices then get together once a week to discuss and vote on the cases. This is known as the Conference—and they are held in secret.

## Decision

The Justices give their votes at conference by seniority, starting with the chief justice.  
After they reach a decision, they will assign justices to write the opinions. The justices then spend months writing their opinions in the cases.



### Majority Opinion

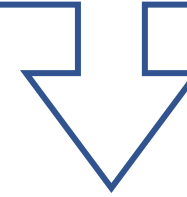
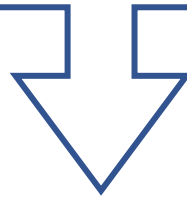
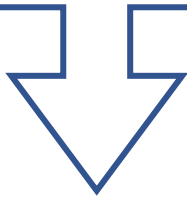
In nearly every case, one justice writes a majority opinion—which has the support of a majority of the justices.

### Dissenting Opinion(s)

In some cases—often the most closely watched cases—one or more justices might write a dissenting opinion, explaining why they disagree with the majority and why they would decide the case differently.

### Concurring Opinion(s)

One or more justices might write a concurring opinion—often agreeing with the majority on who should win the case, but offering some additional thoughts on how to think about the constitutional issue in the case.



## Announcement

After the justices finalize their opinions and finalize their votes in the case, the Court's decision is then released to the public.