

9. Define the following terms:

- Stare decisis (same decisions)
  - courts make decisions based off of similar cases from the past
- In forma pauperis (poor law)
  - allows a lower court fees to someone below a certain income
- Amicus curiae briefs (friend of the court)
  - facts / arguments brought to court by someone not directly involved in a lawsuit
- Vote of confidence (rule of 4)
  - 4 out of 9 judges agree to hear a case in the Supreme Court
- Per curiam
  - brief / opinion coming from the court's decisions
- Opinion of the court - majority opinion + establishes precedent
- Concurring opinion - agree with the decision but for different reasons
- Dissenting opinion - minority opinion + disagreement of the constitutional decision
- Original jurisdiction
  - case is being introduced + heard for the 1st time (most cases start in district courts)
- Appellate jurisdiction
  - case has already been heard + is being appealed (went to be heard again)
- Class action suit
  - lawsuit that is brought on behalf of multiple people
- Fee shifting
  - allows the plaintiff to shift the court fees to the defendant if the plaintiff wins
- Standing
  - wanting to file a lawsuit (actual controversy + the harm has been done)

Q. How does Congress check the courts?

- advise & consent power for fed. judges
- power of purse (control federal funding for courts)
- impeachment

- majority opinion that is binding a decision

Q. How does the President check the courts?

- appoints the fed. judges
- Pres. doesn't have to enforce Supreme decision

# Judicial Branch Review Guide Answers

**R Bogdan**



## **Judicial Branch Review Guide Answers:**

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deliberative democracy that takes the democratic ideal of self government seriously It aims to improve citizens democratic control and vindicate the value of citizens participation against conceptions that threaten to undermine it The book critically analyzes deep pluralist epistocratic and lottocratic conceptions of democracy Their defenders propose various institutional shortcuts to help solve problems of democratic governance such as overcoming disagreements citizens political ignorance or poor quality deliberation However all these shortcut proposals require citizens to blindly defer to actors over whose decisions they cannot exercise control Implementing such proposals would therefore undermine democracy Moreover it seems naive to assume that a community can reach better outcomes faster if it bypasses the beliefs and attitudes of its citizens

Unfortunately there are no shortcuts to make a community better than its members The only road to better outcomes is the long participatory road that is taken when citizens forge a collective will by changing one another s hearts and minds However difficult the process of justifying political decisions to one another may be skipping it cannot get us any closer to the democratic ideal Starting from this conviction the book defends a conception of democracy without shortcuts This conception sheds new light on long standing debates about the proper scope of public reason the role of religion in politics and the democratic legitimacy of judicial review It also proposes new ways to unleash the democratic potential of institutional innovations such as deliberative minipublics

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**Monthly Catalogue, United States Public Documents**, 1994

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