

Introduction to Law
Chapter 5 Notes
“Judicial Review”

Judicial Review –

Judicial independence –

- requires Presidential _____, subject to Senate _____
- appointed for _____ as long as “good behavior” exists
- cannot have _____ reduced

Theoretical debates surrounding judicial review:

A. Framers intent

- the idea was left out of _____ to avoid any controversy
- _____ of the delegates agreed with the concept
- _____ believed that one branch of the government must safeguard the _____

B. Judicial restraint

- courts should defer to the _____ of government and avoid _____ with those branches

C. Democratic Checks

Two sides of the argument:

1. _____ is defensible on the grounds that the Supreme Court, while lacking an explicit _____ connection, is subject to potential _____ from elected branches
2. explicit _____ on the part of elected branches are very _____

D. Public Opinion

- Court decisions are usually in harmony with _____; generally follow _____
- judicial review is important; adds _____ to acts of the legislature

E. Role of the Court

- many contend that the Court should use _____ to fulfill its most important _____ assignment=> protection of _____

Influences on the Court

Legal Influences

Constraints of the _____ => Courts cannot make a ruling unless they have an actual case brought before it. The facts of a case are the relevant circumstances of a legal dispute or offense. The Supreme Court must respond to the facts of a dispute.

Constraints of the _____ => Among the legal constraints in deciding cases, the Supreme Court must determine which set of laws are relevant. These include the interpretation of the Constitution, interpretation of statutes, and interpretations of precedents.

Political Influences

- Outside Influences =>

- Inside Influences =>

How many cases reach the U.S. Supreme Court?

- each year about _____ cases are requested for review by the Supreme Court, less than _____ cases are actually decided by the Court each year