

**Terms to Remember:**

checks &amp; balances

The Judiciary Act of 1789

judiciary/courts/Article III

Supreme Court

Circuit Courts of Appeal

District Courts

jurisdiction/authority to hear cases

original

appellate

*Marbury v. Madison*

judicial review

legal procedure

civil

criminal

due process &amp; probable cause

precedent

writs

certiorari

mandamus

amicus curiae brief

docket

oral argument

rule of four

chief justice

associate justice

senatorial courtesy

solicitor general

decisions

stare decisis

affirm

remand

reverse

opinions (written decision)

majority

dissenting

concurring

judicial philosophy

activism

restraint

litigants

plaintiff

respondent

petitioner

prosecutor

defense/defendant

voir dire/jury duty

preponderance of evidence/verdict

petit jury

bench trial

tort

**Questions:**

1. What is the purpose of the judicial branch?
2. What is the difference between original & appellate jurisdiction?
3. What is the significance of *Marbury v. Madison*?
4. Why is probable cause important to individual citizens?
5. What is voir dire?
6. Is a grand jury really necessary? Why/why not?
7. Are plea bargains good for the country? Why/why not?
8. What is the difference between the attorney general and the solicitor general?
9. What is a writ of mandamus?
10. What is the difference between a decision to affirm or to reverse?
11. What is the significance of the Judiciary Act of 1789?
12. What is the importance of the Supreme Court of the U. S.?
13. How do judicial restraint and judicial activism differ?

1. to interpret the *Constitution*, laws, executive actions and legislative actions; judicial review; check & balance other branches
2. original (evidence, witnesses, etc.) appellate (procedural or legal error)
3. judicial review of executive or legislative actions (checks & balances) government cannot try and convict an individual without a proper level of suspicion and evidence to connect an individual to an actual crime/s; an important part of due process
5. jury selection process
6. extra protection for accused individuals—yes!
7. although they create an unconstitutional condition on individuals, they help streamline the process
8. AG is chief law enforcement officer of the national government/top lawyer in the country; SG is usually an assistant to the AG, chief trial attorney, usually represents the government in court
9. a writ is basically a paper/document; a writ of mandamus is a paper compelling an action; a formal command requiring an action
10. if the court affirms a lower court ruling they agree; if the court reverses a lower court ruling the lower court is ruled incorrect and their decision is overturned
11. to outline the framework for the judicial system; to provide the basic structure of the judicial branch
12. to act as interpreter of legislative, executive and judicial decisions and actions; to check and balance the other branches
13. judicial restraint indicates defer decisions to elected branches of government and stick to a more strict interpretation of the *Constitution*; activism stops actions or laws by other branches

Answers: