

## Unit 2 Part III Overview: Judicial Branch

### Topics for In-Depth Study:

1. The principal of judicial review and its checks on other institutions and state governments
2. The exercise of judicial review in conjunction with life tenure can lead to debate about the legitimacy of the Supreme Court's power
3. Other branches in the government can limit the Supreme Court's power

### Unit 2 Judicial Branch Questions

1. What is judicial review? How was it established?
2. Define *stare decisis*. What role does it play for the lower courts?
3. Distinguish between criminal and civil law.
4. What does Federalist Paper No. 78 state about the judicial branch?
5. What is the difference between a strict and loose (active) constructionist?
6. What does the Constitution say regarding the Judicial Branch—what is required?
7. What is the difference between legislative and constitutional courts?
8. Describe senatorial courtesy
9. How do the courts make policy? How do liberals and conservatives feel about this?
10. What is the “litmus test?” What are the impacts of using such a process to pick judges?
11. List several factors concerning whether a president nominates a federal judge.
12. What types of cases are NOT heard by the courts?
13. List the major eras of the Supreme Court. List a main theme for each one.
14. What are some factors in how the Supreme Court selects its caseload?
15. What do the legal terms jurisdiction and standing mean?
16. Discuss how the judicial branch is and is NOT the “least political” branch.
17. Described the tiered model of the federal court systems. Which types of cases are heard at the different levels?
18. What is a *writ of certiorari*? How is one ultimately issued?
19. Know the different opinions of the court and be able to distinguish them from one another.
20. Describe the views of both the supporters and critics of judicial activism.
21. What are checks on judicial power? Mention the role of Congress and the Executive branch. Be specific.

### Judicial Branch Vocabulary

Article III  
Appellate jurisdiction  
Federalist No. 78  
*Marbury v. Madison*  
Judicial Review  
Federal-questions  
Diversity cases  
Constitutional question  
Dual sovereignty  
Judiciary Act of 1789  
Constitutional Courts

Legislative Courts  
Original jurisdiction  
District courts  
Courts of Appeal  
Standing to sue  
Justiciable disputes  
Amicus Curiae  
*Gideon v. Wainwright*  
Attorney General  
Solicitor General  
Political Questions

Senatorial Courtesy  
Senate Judiciary Committee  
Litmus Test  
*Writ of certiorari*  
Majority opinion  
Dissenting opinion  
Concurring opinion  
*Stare decisis*  
Original intent  
Judicial restraint  
Judicial activism

Mr. Falkowski

AP American Government and Politics

Judicial implementation

Marshall Court

Warren Court

Burger Court

Rehnquist Court

Checks on Judicial Power

Jurisdiction stripping