# 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.

# Say that the district court got it right 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

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## 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. If less than four justices vote to hear the take the case, the Court will not hear it. The Rule of Four and Granting Cert The Supreme Court rejects If four of the nine justices vote to take a nearly every petition. The justices read the challenger's case, the Court will hear it. We call that "cert. petition"-and vote on "granting cert." (The Court accepts only 60 to 100 of the whether or not to hear the case. more than 7,000 to 10,000 that it is asked to review each year.) The Friday Conference **Oral Arguments Briefs** The justices then get together once a The Supreme Court holds oral week to discuss and vote on the cases. Each side files briefs, or little books arguments. This is when the lawyers This is known as the Conference—and that lawyers write, presenting their on each side get to state their case they are held in secret. constitutional arguments. and the justices get to ask questions. 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 NATIONAL CONSTITUTION CENTER the case. ★ constitutioncenter.org ★

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### Decision

The Justices give their votes at conference by seniority, starting with the chief justice.

After they reach a decisions, 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.



might write a dissenting opinion,

### Dissenting Opinion(s)

In some cases—often the most closely watched cases—one or more justices 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.

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