



**Judicial
Branch**

KEEP
CALM
AND
STUDY
AP. GOV.

US GOVT – JUDICIAL BRANCH FRO PROMPTS

2012:

3. The judicial branch is often assumed to be insulated from politics. However, politics affects many aspects of the judiciary.

(a) Describe two political factors that affect presidents' decisions to appoint members of the federal judiciary.

(b) Identify two political factors that affect the confirmation process of a president's nominees and explain how each factor complicates a confirmation.

(c) Explain how one legislative power serves as a check on court decisions.

(d) Explain how one executive power serves as a check on court decisions.

RUBRIC: 8 points

Part (a): 2 points

One point is earned for each of two descriptions of political factors that affect presidential appointment decisions.

Acceptable descriptions include:

campaign promises	party
gender	potential for confirmation success
geographic diversity	professional background, experience, education
home-state senator (if lower courts)	race
ideology	religion
interest group input	scandal
issue positions	

Part (b): 4 points

One point is earned for each of two identifications of political factors that affect the confirmation process for presidential nominees. One point is earned for each of two explanations for how the political factor complicates the confirmation of judicial appointees. Acceptable factors include:

advice and consent	the media (televising Judiciary Committee hearings)
campaign promises	party
filibuster	professional background, experience, education
gender	race
geographic diversity	religion
holds	safe/weak nominee
home-state senator (if lower courts)	scandal
ideology	senatorial courtesy
interest group input	
issue positions	

Part (c): 1 point

One point is earned for correctly explaining how a legislative power serves as a check on court decisions.

Acceptable legislative powers include:

amendments	Impeachment
confirmation	Jurisdiction Stripping
congressional funding	Legislation

Part (d): 1 point

One point is earned for correctly explaining how an executive power serves as a check on court decisions.

Acceptable executive powers include:

power of appointment	executive enforcement
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2011

#1. The United States Supreme Court receives many appeals, but it hears and rules on a small percentage of cases each year. Numerous factors influence the actions of the Court, both in deciding to hear a case and in the decisions it hands down.

- a. Define judicial review.
- b. Explain how judicial review empowers the Supreme Court within the system of checks and balances.
- c. Describe the process through which the Court grants a writ of certiorari.
- d. Explain how each of the following influences decisions made by individual justices when deciding cases heard by the Court.
 - Stare decisis
 - Judicial activism

RUBRIC: 5 points

Part (a): 1 point

One point is earned for a correct definition of judicial review. An acceptable definition of judicial review is the power of the court to rule on the constitutionality of laws, acts, statutes, executive orders.

Part (b): 1 point

One point is earned for an acceptable explanation that demonstrates how judicial review empowers the Supreme Court to exercise power relative to the other branches of government within the system of checks and balances by including one of the following:

- It gives the Court the power to overturn laws passed by Congress/legislative branch or actions taken by the president/executive branch.
- It gives the Court the power to limit actions taken by Congress/legislative branch or the president/executive branch.

Part (c): 1 point

One point is earned for correctly describing the process through which the Court grants a writ of certiorari by including both of the following:

- A reference to lower courts
- A reference to the rule of 4

Part (d): 2 points

One point is earned for a correct explanation of how stare decisis influences decisions made by justices when deciding cases heard by the Court. One point is earned for a correct explanation of how judicial activism influences decisions made by justices when deciding cases heard by the Court.

An acceptable explanation of how stare decisis influences justices includes one of the following:

- Justices defer to prior Supreme Court decisions.
- Justices apply precedent to current cases and rule based on past decision.

An acceptable explanation of how judicial activism influences justices includes one of the following:

- Justices are more likely to strike down laws and policies as unconstitutional.
- Justices are influenced by the future/societal ramifications/needs of the nation.

2010 AND 2009 AND 2008 – none

2007 + 2006 – NONE

2005 – # 1

1. The judicial branch is designed to be more independent of public opinion than are the legislature or the executive. Yet, the United States Supreme Court rarely deviates too far for too long from prevalent public opinion.
 - (a) Describe two ways in which the United States Supreme Court is insulated from public opinion.
 - (b) Explain how two factors work to keep the United States Supreme Court from deviating too far from public opinion.

6 points

Part (a): 2 points

One point is earned for each of the two descriptions. The response must correctly describe two features of the Supreme Court that insulate it from public opinion. The description must identify each feature and add an additional clause or sentence that is factually correct and relevant to the identification. This may be an example or illustration. The response must also link each feature to public opinion. Congress may be used as a surrogate for public opinion, but the President cannot be used unless explicitly linked to public opinion.

Acceptable descriptions may include:

- “Appointed” or “not elected.”
- Serve life terms.
- Court’s ability to control its own docket/set its own agenda.
- Salaries cannot be reduced.
- Limited access to Court proceedings.

Descriptions that are not acceptable include:

- The Court’s role as interpreter of laws/Constitution.
- The fact that the Court accepts only legitimate controversies.

Part (b): 4 points

Two points are earned for each of the two explanations. The response must explain how or why each identified factor keeps the Supreme Court from deviating too far from public opinion.

Acceptable explanations may include:

- The appointment and/or confirmation process (no point is given if the response says that the House confirms, but if the response says Congress confirms, this is acceptable). If the appointment and confirmation processes are fully discussed as two SEPARATE processes, the response may earn points for both.
- Reliance on other public officials to execute decisions.
- The fact that the Supreme Court can be overruled with new laws or constitutional amendments. (“New laws” do not include Congress’s general power to write legislation.)
- The concern for reputation—individual reputation and/or that of the Supreme Court. Concern for credibility/legitimacy of the institution falls into this category.
- The potential for the impeachment of justices.
- Congressional control of the Supreme Court’s appellate jurisdiction and/or changing the number of justices on the Court.

