

# Procedural steps involved in bringing a case to the docket of the supreme court

[Law](#)



Part I Procedural Steps Involved in Bringing a Case to the Docket of the Supreme Court All the cases that make it to the docket of the Supreme Court must come from the courts of appeals in the country. This means that the cases must be heard already and decided by the lower courts. In this case, the Supreme Court acts as an appellate court which decides on cases with finality. The petitioner of the case to be heard by the Supreme Court must file a writ of certiorari, which is essentially a motion that the case that has been decided by the court of appeal should be reviewed by the highest court in the country. It is the Clerk of the Supreme Court that keeps the records of the cases. However, aside from the Clerk of the Supreme Court, who serves as a court clerk, there are also the law clerks of the justices. A law clerk assists the justice in making an opinion through research and the writing of recommendations. An example of a law clerk that is currently serving Supreme Court justice is David Morrell. He is a graduate of Yale and once worked as a clerk of Judge E. Jones of the 5th Circuit. The solicitor general represents that the interests of the federal government in the Supreme Court.

## 2. The Process through which a Bill Becomes a Law

The Constitutional authority for law making is stated on the Article I, Section 1 of the US Constitution. This clearly states that it is the Congress of the United States that has the power to create laws. The Congress is composed of two chambers, the Senate and the House of Representatives. Both chambers have the power to initiate the legislative process, with individual representatives and senators having the right to push a bill. After it has been formulated, the House and Senate Committees which have jurisdiction over

the bill's nature would then study it before approving or disapproving it at their level. It is at the level of the US congressional committees that the markup of the bill is done. The markup of the bill is a process in which debates or deliberations carried out prior to the committees' decision. After the concerned congressional committee has approved a bill, it goes to the next stage which is House body itself. However, this has to pass the House Rules Committee, which has the responsibility determining how the bill is to be handled by Congress when it comes to schedules of sessions, framework, and boundaries of the deliberations. It is possible that there are two versions of the same bill coming from the House and the Senate respectively. If there are conflicting points between the two versions, a Conference Committee may be constituted. This is composed of senators and house representatives who are proponents of the bill. Their objective is to make a final version of the bill. Once their task is done, the final version is then presented again to Congress for approval into law.

### 3. The Compromises Necessary to Achieve Ratification of the Constitution.

Upon the establishment of the United States as a sovereign nation, it was confronted with the task of introducing a Constitution which would lay the bases for government. There were however conflicting positions on the number of representatives for congress. The more populous states wish to have more representatives, while the smaller ones wanted the representation to be equal. These opposing positions led to the delay in the ratification of the Constitution. In order to reach a compromise two legislative bodies were created, the House of Representatives and the Senate. In relation to this, formal cooperative relationships were established

among the states in the spirit of horizontal Federalism. These relationships could be seen in the manner that the representatives and senators from different states interact with each other. The governments of each state may also interact with each other without having to seek permission from the federal government as long as the cooperation does not affect the entire country. The hierarchical structure of vertical federalism, on the other hand, could be observed in the interaction between the states and the federal government. With the compromise made in order to ratify the Constitution, the states earned certain freedoms.

## Part II

1. Explain why ' reapportionment' is necessary and how the process works.

Reapportionment is necessary because it evens the field or electoral chances of the political parties in the country. It also affects the control on the committees within the House of Representatives and the Senate. It is through the study conducted by the U. S. Census that this may be done. It is the state legislative body that decides on the matter.

2. Identify (by Amendment) the pretrial rights of the one accused of a crime.

Through the Sixth Amendment, the accused has the right to a counsel. This means that he cannot be brought to trial without first having a lawyer to confide to and to argue for his case. In fact, if the accused has none, he is to be provided with one by the US government.

3. Explain the ' Advice & Consent' role of the United States Senate.

The ' advice and consent' role of the US Senate is the responsibility to provide opinion on actions and policies that the President may make. This includes treaties and agreements with other countries. Appointments to

national executive positions, ambassadors, and federal judges are also subject to the 'advice and consent' role of the Senate.

4. Explain the term 'direct incitement' and state whether it is a protected or unprotected form of speech.

Direct incitement is a form of speech that results in clear and present danger to society. Because of the risks it poses, this is not a protected form of speech. One cannot invoke the First Amendment on this.

5. Identify one of the two Supreme Court decisions that made 'Super-PACs' possible.

The case *Citizens United v. Federal Election Commission* was decided by the Supreme Court in January 2010. This asserts that it is the First Amendment that prohibits the government from intervening or preventing the establishment of organizations such as the Super-PAC.