

Deciding to decide review

Law



**ASSIGN
BUSTER**

Deciding to Decide Review Affiliation: The role played by the Supreme Court is ultimately fundamental. Lower courts determine their cases independently, but the Supreme Court has to come in and handle petitions after they have been determined to be certworthy when need be. Petitions filed at the Supreme Court are scrutinized, assessed, and evaluated on a number of bases, the concern being their certification for Supreme Court attention. Cert. criteria are strict and petitions are highly subjected to assessment in order to determine their certworthiness. The ultimate objective here is to ensure that petitions are justified to be heard at the Supreme Court.

Justification of petitions at the Supreme Court must meet clearly outlined criteria. This is the only way that a case on certiorari will be deemed acceptable at the Supreme Court. In the event that the Supreme Court does not necessarily have to be involved, then higher courts more or less apply the same process in justifying the certworthiness of certiorari cases.

According to Perry (1991), a case on certiorari is said to be certworthy if it meets the circuit conflict, importance, and egregiousness criteria for cert. Certiorari cases capture the attention of the higher courts, and especially the Supreme Court, if they exhibit critical circuit conflicts. The availability of a circuit conflict does not automatically justify certworthiness. Higher courts or the Supreme Court for that matter has its evaluative measures that determine the criticality of the conflict, subsequently informing whether or not cert. is granted. Conflicts within and across circuits may or may not be deemed necessary for consideration by the higher courts. However, the justification process is clearly outlined so that an ultimate decision is reached from the facts, issues, concerns, or conflicts presented on the table.

<https://assignbuster.com/deciding-to-decide-review/>

The importance of the certiorari case is another justification factor considered in the process of determining the certworthiness of the case. A case's uniqueness, political and societal importance, and legal importance of a petition (Perry, 1991) are the primary factors that inform the importance of a certiorari case. Here, the implications of the petition are prioritized. Notably, the depth of the matter may not count as much. The political, societal, and legal factors subject to a certiorari case make all the difference.

The process of determining the certworthiness of a certiorari case is undoubtedly intensive and extensive. What matters to the higher courts or the Supreme Court in particular are the three features of criteria for cert. Case determinations could be marred with legal errors at the lower courts, but the ultimate goal of the higher courts is not necessarily to correct judgment-based errors realized in lower courts. This limits the number of petitions that the Supreme Court handles at a given point in time. In conclusion, the criteria for cert. employed by higher courts and the Supreme Court in particular are essential. Leniency in making a case certworthy could see the Supreme Court pile up petitions, some of which may not qualify for the court's attention. The strict process is vital in ensuring that petitions are screened before being granted certworthiness.

Reference

Perry, H. W. (1991). *Deciding to Decide*. Cambridge, MA: Harvard University Press.