

Glossary of Legal Terms

Amicus curiae brief: "Friend of the court" brief; a brief filed by a person, group, or entity that is not a party to the case but nonetheless wishes to provide the court with its perspective on the issue before it. The person or entity is called an "amicus"; the plural is "amici."

Capital case: In a capital case, the prosecution asks the jury to sentence a defendant on trial for murder to death. By the time a capital case reaches the Supreme Court, the defendant has already been convicted and sentenced, and either the defendant or the government is asking the Court to review a decision by a lower court in the other's favor.

Concurring opinion: Sometimes a judge votes with the majority of the court on the outcome of a case, but wants to write a separate concurring opinion (or "concurrence"). For example, a "concurrence in the judgment" may give different reasons for reaching the same conclusion.

Court of appeals: The thirteen courts of appeals are federal courts that hear appeals "“ mostly from federal district (i.e., trial) courts, but also from federal administrative agencies. Of all the cases the Supreme Court hears, the vast majority come from federal courts of appeals. A court of appeals is often referred to by the name or number of its circuit (i.e., "Ninth Circuit").

Circuit: The United States is divided into thirteen circuits with a different court of appeals (see a map here). Eleven of the circuits are numbered first to eleventh. The District of Columbia has its own that hears many cases involving the federal government. The Federal Circuit's jurisdiction is not geographic. Instead, it hears cases involving particular subject matters, such as patents and international trade. Courts of appeals are often referred to by the name or number of their circuit; for example, the "Ninth Circuit."

CVSG: When the Court is deciding whether to grant certiorari in a case and thinks the view of the federal government might be relevant or useful — even though the United States is not a party — it can call for the view of the Solicitor General (hence the acronym "CVSG"). The Solicitor General then files a brief in the case expressing the views of the United States government. Although a CVSG is technically an invitation, the Solicitor General always treats it as a command.

Docket: The calendar of cases that the Court is scheduled to hear is known as the docket. A case is "docketed" when it is added to the docket, and it is given a "docket number" • at that time. The Court's docket shows all the official actions in that case, such as the filing of briefs and orders from the Court.

Grant of certiorari (or "cert. grant"): The Supreme Court grants certiorari when it decides, at the request of the party that has filed a petition for certiorari, to review the merits of the case. For roughly every 100 petitions for certiorari received by the court, about one petition is granted. (If the Supreme Court denies certiorari in a case, then the lower court decision stands; the decision to deny certiorari does not make precedent.)

GVR: When the Court “GVRs,” it “grants certiorari,” “vacates” the decision below, and “remands” a case to the lower court without hearing oral argument or deciding its merits. A GVR order is not accompanied by a written opinion addressing the merits of the case, but the Court usually provides some direction to the lower court by, for example, instructing it to reconsider its decision in light of a recent decision by the Supreme Court.

Habeas (or habeas corpus) petition: A habeas petition is a request for a court to review the legality of someone's detention or imprisonment. All federal courts, not just the Supreme Court, can hear habeas petitions, though federal statutes impose significant constraints.

Merits brief: Once the Supreme Court has granted certiorari in a case, each party has the opportunity to file merits briefs. Unlike the certiorari-stage briefs, which tell the Court why it should or should not take the case, the merits briefs tell the Court why each party thinks he deserves to win.

Opinion: When it decides a case, the Court generally issues an opinion, which is a substantive and often long piece of writing summarizing the facts and history of the case and addressing the legal issues raised in the case.

Opinion below: The opinion issued by the court that heard the case immediately before the losing party asked the Supreme Court to review the case (almost always a federal court of appeals or a state court of last resort) is known as the opinion below.

Order: An order is an instruction or direction issued by the Court. Unlike an opinion, which analyzes the law, an order tells parties or lower courts what they are to do. For example, the Court can order certiorari granted or denied in a case; it can order a lower court to re-examine a case in light of a new point or theory; or it can order the parties in a case to conduct oral arguments on a certain date.

Per curiam opinion: An unsigned opinion, written for the Court as a whole by an unidentified Justice, is called a per curiam opinion. (In Latin, “per curiam” literally means “by the court.”) Written dissents from per curiam opinions, however, are signed.

Petition for certiorari: When a party in a case is unhappy with the result at the lower court level (that is, in a state court of last resort or in a federal court of appeals), he has the option to file a brief asking the Supreme Court to hear its case. That brief is a petition for certiorari.

Petitioner: The petitioner is the party asking the Supreme Court to review the case because she lost the dispute in the lower court. Their name goes first in the case name. (For example, George W. Bush was the petitioner in *Bush v. Gore*.)

Respondent: The respondent is the party that won in the lower court. Their name goes second in the case name. (For example, Al Gore was the respondent in *Bush v. Gore*.)

Remand: The term "remand" means "to send back," and refers to just that "a decision by the Supreme Court to send a case back to the lower court for further action. When it remands a case,

the Court generally includes instructions for the lower court, either telling it to start an entirely new trial, or directing it, for example, to look at the dispute in the context of laws or theories it might not have considered the first time around.

Solicitor General: Sometimes called the "tenth justice," • the Solicitor General is the lawyer for the U.S. government, and attorneys in that office are responsible for presenting cases on behalf of the United States in the Supreme Court. Someone from the Solicitor General's office will also frequently argue on behalf of the United States when the government is not a party but has filed an amicus brief in the case.

Summary reversal: The Court issues a summary reversal when it grants certiorari in a case and overturns the decision below without written briefs or oral argument on the merits. When the Court reaches a judgment this way, it generally issues a per curiam opinion.

Vacate: When the Supreme Court vacates a lower court ruling, it strips that ruling of effect, often in order to send the case back to the lower court for further proceedings.