

法律术语：美国最高法院英文介绍 PDF转换可能丢失图片或格式，建议阅读原文

https://www.100test.com/kao_ti2020/449/2021_2022__E6_B3_95_E5_BE_8B_E6_9C_AF_E8_c92_449103.htm The Supreme Court The Highest Judicial Authority 最高法院最高司法机关 The Supreme Court is comprised of nine justices who are appointed to the bench for life, or until voluntary retirement. They are appointed by the President and must be confirmed by the U.S. Senate. A Cases Path to the Supreme Court While the Supreme Court may choose to hear cases directly, it most often selects cases that have been decided in lower courts. Participants in cases decided in lower courts can appeal to their states highest or Supreme Court. If all state venues are exhausted, litigants may appeal to the United States Supreme Court, the highest court in this country. Some cases may begin in federal courts at the start³, and these can also end up here. The nine justices choose which cases to take from those submitted to the Supreme Court. They can refuse to consider a case, accept a case for oral argument, or decide the case summarily without a hearing⁴. Each of these routes has an effect on the law. the decision not to hear a case allows a lower courts ruling to stand as precedent, or guiding law for other states. The court often decides that a case should be heard in circumstances in which two or more lower courts have decided differently. This "split" in the opinions of lower courts is common in highly charged issues. In this circumstance, the court acts as final arbiter on a difficult issue. The Final Decision The Majority Rules The Supreme Court cases that are heard for oral argument are

decided by a majority of the justices accepting one theory or opinion of the elements of the case. Basically, the side with most votes wins. That's why most cases have numbers like 7: 2 or 5: 4 that let us know how many judges voted for or against a particular case⁸. When there is no clear majority, the resulting decision is called a plurality opinion. It is the interpretation that receives more votes than any other opinion. One justice usually writes the opinion for the majority, while others may write dissenting opinions collectively or on their own. Justices who sign on to either the majority or minority opinion may also add their own opinions, singularly and collectively, that augment the group opinion. The 9 Justices Today's Court is made up of justices nominated to the bench by Presidents Richard Nixon, Gerald Ford, Ronald Reagan, George Bush and Bill Clinton. The youngest justice is 54. the oldest, 82. The current Court is closely divided between "conservative" and "liberal" elements. 译文 最高法院由九名大法官组成，他们都是终身任职制，除非他们自愿退休。他们由美国总统任命，并经美国参议院批准。最高法院审理案件 最高法院可以直接选择审理案件，但是它经常会选择审理初级法院曾经审理过的案件。初级法院审理案件的当事人可以向州最高法院或者最高法院提起上诉。如果州的司法途径被用尽，诉讼当事人可以将案件上诉到美国的最高法院。一些案件的初审可能会在联邦法院，它们同时也可以到在联邦级法院进行终审。九名法官会从上诉到最高法院的案件中有选择地进行审理。他们可以拒绝审理一个案件，可以受理案件并进行口头辩论，还可以不经过听证粗略地对案件进行裁决。所有这些都对法律产生影响：不经最高法院审

理的案件的判决可以使初级法院的裁决成为先例，或者指导其他州的法律的执行。最高法院经常裁定，只有同一案件在两个或者更多的初级法院作出不同裁定的时候，才应该对这一案件召开听证会。在许多引起强烈争论的问题上，许多初级法院意见相左。在这种情况下，最高法院就这些难以处理的问题作最后的裁决。终审判决多数原则 最高法院受理的案件经口头辩论，由接受一种理论或者案件要素的法官的多数来决定。基本上，得到多数票的一方赢得诉讼；这就是为什么许多案件的判决结果会写明7：2或5：4，因为这样我们可以知道多少法官同意或者反对该案件的判决结果。当没有绝对半数通过时，判决结果称之为多数意见。它只是一个比其他意见赢得更多票数的解释。一名法官通常会代替大多数法官撰写意见，其他人则共同地或单独地撰写不同意见。持多数派意见和持少数派意见的法官们都可以在判决书中加上他们自己的意见。九名法官 现在最高法院的法官是由里查德尼克松、杰拉尔德福特、罗纳尔德里根、乔治布什和比尔克林顿总统们任命的。最年轻的法官是53岁，最年长的法官是81岁。目前法院的法官明显分成保守派和自由派。100Test 下载频道开通，各类考试题目直接下载。详细请访问

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