

Droit - Economie - Sciences Sociales

Session : **Septembre 2019**

Année d'étude : **Deuxième année de Licence Droit**

Discipline : **Anglais juridique**

Examen : **Premier semestre (UEC1 7031)**

Durée : **1h30**

Titulaires du cours : **Ms. Cingal, Mr. Huet, Mr. Jendoubi, Mr. Lecocq,
Ms. Loukam**

Les documents et les appareils électroniques ne sont pas autorisés.

I. Complete the following sentences, adding between 10 and 25 words. Do not start a new sentence. (20 points)

1. Even though impeachment...
2. In January after a general election...
3. The Three-fifths compromise...
4. Unlike executive agreements...
5. Pursuant to Article I, Section 8...

II. Read the following document and answer each of the questions below. (approximately ten lines/100 words for each question). Use your own words. DO NOT QUOTE DIRECTLY FROM THE TEXT. (30 points)

With little fanfare, Trump and McConnell reshape the nation's circuit courts

By Sean Sullivan and Mike DeBonis, *The Washington Post*, August 14, 2018.

As the Senate moves toward confirming Supreme Court nominee Brett M. Kavanaugh, President Trump and Senate Majority Leader Mitch McConnell are leading a lower-key yet deeply consequential charge to remake the entire federal judiciary.

The Senate will return Wednesday from an abbreviated summer recess to confirm two more federal appeals court judges by the end of the week. That would come on top of a record-breaking string of confirmations: The Senate already has installed 24 appellate judges since Trump was sworn in, the highest number for a president's first two years in office.

While much of the focus has been on Kavanaugh and Justice Neil M. Gorsuch, the Senate's rapid approval of appellate judges is likely to have its own broad impact on the nation, as the 13 circuit courts will shape decisions on immigration, voting rights, abortion and the environment for generations.

For McConnell, this is the culmination of a years-long gambit that started with stymieing President Barack Obama's judicial nominees, most notably Supreme Court choice Merrick Garland, and creating a backlog of vacancies on the nation's highest courts.

Trump's 2016 election enabled McConnell (R-Ky.) to cement a legacy of judicial confirmations that is likely to be felt long after the two men leave office. The Republican leaders are also trying to use judicial nominations to energize conservative voters, who party leaders worry will sit out the midterm elections.

There are 179 authorized judgeships for the U.S. Court of Appeals. With 24 confirmations and 13 vacancies to fill, Trump and the Republicans have the power to install more than 20 percent of the judges on the nation's second-highest courts.

"One of the most significant accomplishments in President Donald Trump's first year will serve Americans for decades to come, yet it has received very little fanfare," wrote McConnell with Senate Judiciary Committee Chairman Charles E. Grassley (R-Iowa) in a January National Review op-ed.

"The Supreme Court gets the bulk of the attention, but the circuit courts decide the bulk of the cases," said Arthur D. Hellman, a University of Pittsburgh law professor who studies the federal judiciary. "Because the Supreme Court these days is taking so few cases, the law of the circuit is, on many, many issues, the final law for the people who live in that circuit."

Sen. Richard Blumenthal (D-Conn.), a member of the Judiciary Committee, said two of his children are beginning law school and that "these judges will be there for a good part of their legal careers." The appeals court is "the backbone of the federal judiciary," said Blumenthal, who said he regretted the "very unfortunate," enduring legacy of Trump's choices.

Hellman said that Trump's nominees have, so far, largely replaced retiring Republican-appointed judges, and thus he has yet to wholly remake any of the 13 circuit courts. But he said at least one circuit — the 5th Circuit, covering Louisiana, Mississippi and Texas — is at a tipping point.

Democrats have sought to slow the confirmations, forcing every circuit court nominee to clear procedural hurdles. But a Democratic rule change in 2013 allowed most federal court nominees to advance to confirmation by a simple majority. McConnell changed the Senate rules in 2017, to apply the same standard to Supreme Court nominees.

Under Trump, the pace of confirmations to the district courts, which are lower on the court hierarchy, has lagged behind Obama and George W. Bush.

"Twenty-four is excellent for two years," said Ed Whelan, president of the conservative Ethics and Public Policy Center and a former law clerk to the late Justice Antonin Scalia. "But it needs to be sustained in order to have any real transformative effect."

During the final two years of the Obama administration, in which Republicans controlled the Senate, the confirmation of judicial nominees slowed to a crawl — giving McConnell and Trump plenty of vacancies to fill starting in 2017.

Russell Wheeler, a Brookings Institution visiting fellow who closely tracks judicial nominations, said that now more than ever, the confirmation process is more about hardball politics and less about cooperation between the parties. "It's just dog-eat-dog for the moment, and we'll worry about what happens when the tables get turned later," he said. "I don't see how you ratchet it back."

McConnell is trying to use the Supreme Court pick, as well as the Senate's work on lower court nominees, to spur conservative voters to participate in November's midterms. Republicans are defending a 51-49 majority, and party leaders are bracing for a difficult election, due to Trump's unpopularity.

Republicans face difficult political headwinds in November, with some on the right fearful they will soon lose their plum chances to push through court nominees.

"If the Republicans lose the Senate in November, the great start will be nothing more than a great start," said Whelan.

1. What's the article's main point?
2. Why do Trump and McConnell play such an important role in the process that the article describes?
3. Explain and discuss the underlined sentence.

III. Choose ONE of the following topics and write an essay in approximately 250 words (+/- 10%). (50 points)

1. The Supreme Court: Powers and limits.
2. Is Congress as powerful today as the Founding Fathers had intended?