

NORFOLK & PORTSMOUTH BAR ASSOCIATION FOUNDATION

High School Scholarship Competition

2023 ESSAY TOPIC

WHEN SHOULD SUPREME COURT DECISIONS BE REVERSED

As a general proposition, our Constitution gives the United States Supreme Court final authority to determine what The Constitution's provisions require, what they permit, and what they prohibit. The Court's most recent ruling(s) in such areas are "the law of the land"; they apply to governments, organizations and citizens, who must make decisions and conduct their lives in conformity with them.

Occasionally, even after a Court's decision has been in effect and relied on for many years, the Court is asked to reconsider that decision and possibly to overrule it. In very rare instances, the Court does overrule. In fact, the Court has only reversed course on 146 occasions since 1789 – less than one-half of one percent. Some of these decisions include Gideon v. Wainwright overruling Betts v. Brady, Bob Jones Univ v USA overruling Plessy v Ferguson, Dobbs v. Jackson Women's Health Organ. overruling Roe v. Wade and Citizens United v. Fed Elec Comm'n overruling McConnell v. Fed Elec Comm'n.

We're interested in your opinions about the following:

ASSUME that some of the Justices are inclined to believe the Court's prior decision is incorrect.

What considerations or factors should those Justices take into account as they try to determine whether to overrule it? Please be specific -- among other things, is it enough that the Justices disagree with the result of the prior decision?