

Test Items

for

*Judicial Process: Law, Courts, and  
Politics in the United States Sixth Edition*

David W. Neubauer and Stephen S. Meinhold

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Wilmington

## Table of Contents

Chapter 1 .....

Chapter 2 .....

Chapter 3 .....

Chapter 4 .....

Chapter 5 .....

Chapter 6 .....

Chapter 7 .....

Chapter 8 .....

Chapter 9 .....

Chapter 10 .....

Chapter 11 .....

Chapter 12 .....

Chapter 13 .....

Chapter 14 .....

Chapter 15 .....

## Chapter One

1-1

Political science is:

- a. the philosophy of government and politics
- b. the Congress, the president and the judiciary
- c. the systematic study of government and politics
- d. how government and politics are the same

Answer (c)

p.2

1-2

The term “legal system” refers to the:

- a. Senate Judicial Affairs Committee
- b. power of judges to rule laws unconstitutional
- c. importance of original intent
- d. the many governmental institutions that address legal rules

Answer (d)

p.6

1-3

Law is:

- a. rules enacted by public officials
- b. the study of jurisprudence
- c. rules enacted by civic associations
- d. a and b

Answer (a)

p.6

1-4

Courts decide disputes based on:

- a. law
- b. politics
- c. a whim
- b. balancing interests

Answer (a)

p.6

1-5

Lawyers are part of which ring of the legal system?

- a. inner ring
- b. middle ring
- c. outer ring
- d. environment

Answer (b)

p.7

1-6

The outer ring of the legal system includes:

a. lawyers

b. judges

c. victims

d. courts

Answer (c)

p.8

1-7

Lawyers are primarily involved in:

a. consuming the law

b. interpreting the law

c. making the law

d. cheating the law

Answer (b)

p.7

1-8

Social, economic and political forces influence:

a. all aspects of the legal system

b. lawmakers

c. law interpreters

d. law consumers

Answer (a)

p.8

1-9

In the context of law, politics is best understood as:

a. partisan affairs

b. undue personal influence

c. the authoritative allocation of values

d. corruption

Answer (c)

p.9

1-10

One of the ways in which courts are the same as other branches of government is that they:

a. are required to act

b. engage in discretion

c. must follow Tocqueville procedures

d. are always responsive to public opinion

Answer (c)

p.11

1-11

One of the ways in which courts differ from other branches of government is that courts:

a. have the ability to set their own agenda

b. can refuse to act

c. are passive

d. are very responsive to public opinion

Answer (c)

p.10

1-12

Examples of social policies that involve the courts include:

a. racial segregation in public schools

b. the application of the death penalty

c. excessive jury verdicts

d. a and b

e. a, b, and c

Answer (e)

pp.11-12

1-13

Courts are passive institutions.

a. true

b. false

Answer (a)

1-14

Law is often the best starting point for explaining what courts do.

a. true

b. false

Answer (a)

p.6

1-15

Political scientists believe not enough emphasis is placed on the judiciary being distinctive.

a. true

b. false

Answer (b)

p.9

1-16

A decreasing number of controversial issues are being brought to the American judiciary.

a. true

b. false

Answer (b)

p.11

1-17

U.S. courts are both legal and political institutions.

a. true

b. false

Answer (a)

p.14

1-18

How do courts interact with the other institutions of government?

1-19

Define politics and explain why knowing a definition of politics is important for understanding our judicial system?

1-20

Are courts political or legal institutions, or both? Explain your answer.

1-21

Provide three examples of how discretion is a key element of court decisions.

1-22

Give an example of how the BP Deepwater Horizon Oil Spill illustrates the intersection of law and politics.

## Chapter Two

2-1

Which statement or statements best describe law?

- a. Law is easily defined.
- b. Governmental sanctions are an essential element.
- c. Law is not directed at solving social problems.
- d. a and b.

Answer (b)

p.17

2-2

Which of the following does not define law?

- a. Law is that which must be obeyed.
- b. Law is a body of rules enacted in a legitimate manner.
- c. Law is enacted by businesses and private social groups.
- d. Law is enforced by the state.
- e. All of the above define law.

Answer (c)

p.17

2-3

A definition of justice:

- a. almost always makes reference to victims' rights
- b. mostly refers to the debate about tort reform
- c. rarely says anything about values
- d. differs dramatically depending on the purpose of the advocate

Answer (d)

p.18

2-4

Roe v. Wade (1973) is a good illustration of which of the following?

- a. the judiciary's insulation from public opinion
- b. the error correction function of appellate courts
- c. the controversial nature of the definition of justice
- d. a and b

Answer (c)

p.18

2-5

Civil law is:

- a. widely used among Western nations
- b. derived from religious principles
- c. an earlier branch of Anglo-American law

d. based on the protection of the state

Answer (a)

p.19

2-6

Which family of law is the most widely used in the Western world?

a. common law

b. civil

c. socialist

d. religious

Answer (b)

p.19

2-7

In civil law, the starting point is:

a. juries

b. judicial decisions

c. the code

d. the Bible

Answer (c)

p.20

2-8

In France, lawyers:

a. play less of a role than in the United States

b. play more of a role than in the United States

c. are not used

d. none of the above

Answer (a)

p.21

2-9

Socialist law:

a. is based on Marxist Leninist ideology

b. reflects elements of civil law

c. was copied by Eastern bloc nations from Russia

d. a and b

e. a, b, and c

Answer (e)

p.22

2-10

Islamic law is heavily influenced by:

a. legislatures

b. religion

- [c. parliament](#)
- [d. communism](#)

[Answer \(b\)](#)

[p.23](#)

[2-11](#)

[The common law was first established in:](#)

- [a. France](#)
- [b. Italy](#)
- [c. United States](#)
- [d. Russia](#)
- [e. England](#)

[Answer \(e\)](#)

[p.23](#)

[2-12](#)

[Equity developed as a rival to:](#)

- [a. socialist law](#)
- [b. court of chancery](#)
- [c. common law](#)
- [d. code law](#)
- [e. criminal law](#)

[Answer \(c\)](#)

[p.24](#)

[2-13](#)

[Common law is often referred to as:](#)

- [a. legislative law](#)
- [b. judge-made law](#)
- [c. discretionary law](#)
- [d. procedural law](#)
- [e. continental law](#)

[Answer \(b\)](#)

[p.26](#)

[2-14](#)

[Law that relies largely on decisions of judges in the past is called:](#)

- [a. statutory law](#)
- [b. criminal law](#)
- [c. civil law](#)
- [d. common law](#)
- [e. code law](#)

[Answer \(d\)](#)

[p.26](#)

2-15

The legal doctrine that court decisions serve as precedent for future decisions is:

- a. equity
- b. amicus curie
- c. stare decisis
- d. dictum
- e. habeas corpus

Answer (c)

p.26

2-16

What does the term *stare decisis* mean?

- a. let the defendant take the stand
- b. let the decision stand
- c. let justice prevail
- d. let the decision be reviewed

Answer (b)

p.26

2-17

Comments that go beyond what is necessary to decide the case before the court is known as:

- a. dissent
- b. concurring opinion
- c. obiter dicta
- d. ex post facto
- e. equity

Answer (c)

p.26

2-18

Which of the following terms does not describe common law?

- a. judge made
- b. inductive reasoning
- c. flexible
- d. codified

Answer (d)

p.27

2-19

A key element or elements of the adversary system are:

- a. the highly structured court procedures for testing evidence
- b. party prosecution
- c. a neutral and passive decision maker
- d. a and c
- e. a, b, and c

Answer (e)

p.28

2-20

The following principle helps to focus attention on the legal questions and facts that are important to the litigants:

a. judicial restraint

b. party prosecution

c. judicial independence

d. precedent

Answer (b)

p.28

2-21

In a lawsuit, who has the responsibility of defining the legal issues?

a. the parties

b. the judge

c. the jury

d. the witnesses

e. the clerk

Answer (a)

p.28

2-22

Federalism refers to:

a. limits on the powers of state government

b. limits on the powers of the national government

c. division of powers between state and national governments

d. fundamental basis of law

e. legal authority of the courts to hear cases

Answer (c)

p.30

2-23

Constitutions are:

a. detailed documents written after many laws have been passed

b. basic documents which set forth only the powers of government

c. basic documents which are subordinate to statutes

d. basic documents which define and limit the powers of government

Answer (d)

p.31

2-24

Statutory law is made by:

a. legislatures

- [b. courts](#)
- [c. executives](#)
- [d. administrative agencies](#)
- [e. none of the above](#)

[Answer \(a\)](#)

[p.32](#)

[2-25](#)

[The fastest growing source of law is:](#)

- [a. administrative](#)
- [b. statutory](#)
- [c. constitutional](#)
- [d. judicial decisions](#)
- [e. equity](#)

[Answer \(a\)](#)

[p.33](#)

[2-26](#)

[In the legal citation 531 U.S. 98, the number 531 refers to:](#)

- [a. the volume number](#)
- [b. the page number](#)
- [c. the year](#)
- [d. the West key number](#)

[Answer \(a\)](#)

[p.33](#)

[2-27](#)

[The following is an example of public law:](#)

- [a. tort law](#)
- [b. contract law](#)
- [c. constitutional law](#)
- [d. inheritance law](#)

[Answer \(c\)](#)

[p.34](#)

[2-28](#)

[Public law involves:](#)

- [a. two private parties](#)
- [b. a mediation specialist](#)
- [c. an arbitration specialist](#)
- [d. the government](#)

[Answer \(d\)](#)

[p.34](#)

[2-29](#)

All of the following are divisions of private law except:

- a. tort
- b. contract
- c. administrative
- d. property
- e. divorce

Answer (c)

p.34

2-30

The branch of law which governs relationships between private citizens is known as:

- a. public law
- b. private law
- c. specialized law
- d. administrative law

Answer (b)

p.34

2-31

Which statement or statements best describe the criminal law?

- a. Violations involve public wrongs.
- b. Violators are prosecuted by the state.
- c. Violators are punished by fine, probation, prison, etc.
- d. a, b, and c.

Answer (d)

p.35

2-32

Civil law:

- a. involves public wrongs that harm all of society
- b. involves suits between private parties
- c. involves violations prosecuted by the state
- d. a and b

Answer (b)

p.35

2-33

Which statement or statements best describe the relationship between civil and criminal law?

- a. Remedies for violations are the same.
- b. If the government is a party, the case is a criminal one.
- c. Although distinct, civil law and criminal law sometimes overlap.
- d. a, b, and c.

e. a and b

Answer (c)

p.35

2-34

Law that creates and defines legal rights is referred to as:

- a. procedural law
- b. substantive law
- c. common law
- d. private law
- e. constitutional law

Answer (b)

p.35

2-35

Law that prescribes the methods and means of enforcing legal rights is referred to as:

- a. substantive law
- b. procedural law
- c. tort law
- d. administrative law
- e. constitutional law

Answer (b)

p.36

2-36

The principle legal doctrine for limiting the arbitrariness of government officials is:

- a. cross-examination
- b. due process of law
- c. equal protection
- d. party prosecution

Answer (b)

p.36

2-37

Parties suing under common law mainly seek:

- a. restitution
- b. declaratory judgments
- c. monetary damages
- d. injunctive relief
- e. judgment

Answer (c)

p.36

2-38

A court order to stop doing something is called:

- a. an injunction
- b. restitution
- c. procedural adjudication

d. a sentence

Answer (a)

p.36

2-39

Under equity, a litigant normally requests:

a. monetary damages

b. tort

c. precedent

d. an injunction

e. restitution

Answer (d)

p.36

2-40

Doctrines of access have primarily been created by:

a. the legislature

b. the judiciary

c. the executive branch

d. a, b, and c

e. b and c

Answer (b)

p.39

2-41

Which of the following represents discretionary choices in the law?

a. reporting a crime

b. filing a lawsuit

c. interpreting the meaning of words

d. locating the law

Answer (c)

p.40

2-42

Which of the following is not an example of discretionary choices in the law?

a. gaps in the law

b. conflicting laws

c. standards of conduct

d. meaning of the words

Answer (c)

p.41

2-43

The decision in *Salazar v. Buono* (2010) is an example of the Supreme Court being asked to:

a. interpret the establishment clause

- b. interpret the freedom of religion clause
- c. determine punitive damages
- d. write public policy

Answer (a)

p.42

2-44

The First Ten Amendments to the Constitution are often referred to as the:

- a. Bill of Exchequer
- b. Bill of Amendments
- c. Bill of Rights
- d. Bill of Exchange

Answer (c)

p.32

2-45

Socialist law is rapidly changing.

- a. true
- b. false

Answer (a)

p.22

2-46

In American courts judges are advocates for the prosecution.

- a. true
- b. false

Answer (b)

p.28

2-47

The United States Constitution is the supreme law, and any state constitutional provision or any law in conflict with it is invalid.

- a. true
- b. false

Answer (a)

2-48

Administrative law is the fastest growing area of law.

- a. true
- b. false

Answer (a)

p.30

2-49

International law is an example of public law.

a. true

b. false

Answer (a)

p.31

2-50

A misdemeanor is more serious than a felony.

a. true

b. false

Answer (b)

p.35

2-51

Socialist law is aimed at maintaining order.

a. true

b. false

Answer (b)

p.22

2-52

The Bill of Rights is part of the Declaration of Independence.

a. true

b. false

Answer (b)

p.32

2-53

Compensatory damages are for the actual harm suffered.

a. true

b. false

Answer (a)

p.36

2-54

Compare and contrast two major legal systems of the world.

2-55

Distinguish between appellate and original jurisdiction? Define each kind of jurisdiction and differentiate between the two.

2-56

Explain the use of precedent in the common law system.

2-57

Describe three layers of the law.

2-58

United States Supreme Court Justice Oliver Wendell Holmes once remarked, “The life of the law has not been logic; it has been experience.” First, define what the elements of “the law” are. Then, discuss the implications of Holmes’ observation in an analysis of the features of the common law system and the civil law system. Be sure to discuss the major elements of each system and the benefits and disadvantages of each. Use examples where appropriate to illustrate your points.

2-59

Describe two features of the Thai legal system portrayed in the film *Brokedown Palace* and contrast them to the same aspects of the United States legal system.

2-60

Compare and contrast substantive v. procedural law.

2-61

What are two characteristics of the common law? Explain their significance to the legal system.

2-62

Explain how politics and discretion impacted the outcome of the case of *Salazar v. Buono* (2010).

### **Test Items**

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Chapter 1 .....

Chapter 2 .....

Chapter 3 .....

Chapter 4 .....

Chapter 5 .....

Chapter 6 .....

Chapter 7 .....

Chapter 8 .....

Chapter 9 .....

Chapter 10 .....

Chapter 11 .....

Chapter 12 .....

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## Chapter One

1-1

Political science is:

- a. the philosophy of government and politics
- b. the Congress, the president and the judiciary
- c. the systematic study of government and politics
- d. how government and politics are the same

Answer (c)-

p.2

1-2

The term “legal system” refers to the:

- a. Senate Judicial Affairs Committee
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p.6

1-3

Law is:

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1-4

Courts decide disputes based on:

- a. law
- b. politics
- c. a whim
- b. balancing interests

Answer (a)-

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1-5

Lawyers are part of which ring of the legal system?

- a. inner ring
- b. middle ring
- c. outer ring
- d. environment

Answer (b)

p.7

1-6

The outer ring of the legal system includes:

- a. lawyers
- b. judges
- c. victims
- d. courts

Answer (c)

p.8

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Lawyers are primarily involved in:

- a. consuming the law
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- d. cheating the law

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Social, economic and political forces influence:

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In the context of law, politics is best understood as:

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1-10

One of the ways in which courts are the same as other branches of government is that they:

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Answer (c)

p.11

1-11

One of the ways in which courts differ from other branches of government is that courts:

- a. have the ability to set their own agenda
- b. can refuse to act
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Answer (c)

p.10

1-12

Examples of social policies that involve the courts include:

- a. racial segregation in public schools
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- e. a, b, and c

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pp.11-12

1-13

Courts are passive institutions.

- a. true
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Law is often the best starting point for explaining what courts do.

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p.6

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p.11

~~1-17~~

~~U.S. courts are both legal and political institutions.~~

~~a. true~~

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~~Answer (a)~~

~~p.14~~

~~1-18~~

~~How do courts interact with the other institutions of government?~~

~~1-19~~

~~Define politics and explain why knowing a definition of politics is important for understanding our judicial system?~~

~~1-20~~

~~Are courts political or legal institutions, or both? Explain your answer.~~

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~~Provide three examples of how discretion is a key element of court decisions.~~

~~1-22~~

~~Give an example of how the BP Deepwater Horizon Oil Spill illustrates the intersection of law and politics.~~

## Chapter Two

2-1

Which statement or statements best describe law?

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2-3

A definition of justice:

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- b. mostly refers to the debate about tort reform
- c. rarely says anything about values
- d. differs dramatically depending on the purpose of the advocate

Answer (d)

p.18

2-4

*Roe v. Wade* (1973) is a good illustration of which of the following?

- a. the judiciary's insulation from public opinion
- b. the error correction function of appellate courts
- c. the controversial nature of the definition of justice
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p.18

2-5

Civil law is:

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- b. derived from religious principles
- c. an earlier branch of Anglo-American law
- d. based on the protection of the state

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p.19

2-6

Which family of law is the most widely used in the Western world?

a. common law

b. civil

c. socialist

d. religious

Answer (b)

p.19

2-7

In civil law, the starting point is:

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b. judicial decisions

c. the code

d. the Bible

Answer (c)

p.20

2-8

In France, lawyers:

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b. play more of a role than in the United States

c. are not used

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2-9

Socialist law:

a. is based on Marxist Leninist ideology

b. reflects elements of civil law

c. was copied by Eastern bloc nations from Russia

d. a and b

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Answer (e)

p.22

2-10

Islamic law is heavily influenced by:

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b. religion

c. parliament

d. communism

Answer (b)

p.23

2-11

The common law was first established in:

- a. France
- b. Italy
- c. United States
- d. Russia
- e. England

Answer (e)

p.23

2-12

Equity developed as a rival to:-

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- b. court of chancery
- c. common law
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p.24

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Common law is often referred to as:

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- d. procedural law
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p.26

2-14

Law that relies largely on decisions of judges in the past is called:

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- b. criminal law
- c. civil law
- d. common law
- e. code law

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p.26

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The legal doctrine that court decisions serve as precedent for future decisions is:

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- d. dictum
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2-16-

What does the term *stare decisis* mean?

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2-17-

Comments that go beyond what is necessary to decide the case before the court is known as:

- a. dissent
- b. concurring opinion
- c. obiter dicta
- d. ex post facto
- e. equity

Answer (c)

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Which of the following terms does not describe common law?

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- c. flexible
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p.27

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A key element or elements of the adversary system are:

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p.28

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The following principle helps to focus attention on the legal questions and facts that are important to the litigants:

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- d. precedent

Answer (b)-

p.28

2-21-

In a lawsuit, who has the responsibility of defining the legal issues?

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- d. the witnesses
- e. the clerk

Answer (a)-

p.28

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Federalism refers to:

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Answer (d)-

p.31

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Statutory law is made by:

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- b. courts
- c. executives
- d. administrative agencies
- e. none of the above

Answer (a)-

p.32

~~2-25-~~

The fastest growing source of law is:

- a. administrative
- b. statutory
- c. constitutional
- d. judicial decisions
- e. equity

Answer (a)

p.33

~~2-26-~~

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- a. the volume number
- b. the page number
- c. the year
- d. the West key number

Answer (a)

p.33

~~2-27-~~

The following is an example of public law:

- a. tort law
- b. contract law
- c. constitutional law
- d. inheritance law

Answer (c)

p.34

~~2-28-~~

Public law involves:

- a. two private parties
- b. a mediation specialist
- c. an arbitration specialist
- d. the government

Answer (d)

p.34

~~2-29-~~

All of the following are divisions of private law except:

- a. tort
- b. contract
- c. administrative
- d. property
- e. divorce

Answer (c)

p.34

~~2-30-~~

The branch of law which governs relationships between private citizens is known as:

- a. public law
- b. private law
- c. specialized law
- d. administrative law

Answer (b)

p.34

~~2-31-~~

Which statement or statements best describe the criminal law?

- a. Violations involve public wrongs.
- b. Violators are prosecuted by the state.
- c. Violators are punished by fine, probation, prison, etc.
- d. a, b, and c.

Answer (d)

p.35

~~2-32-~~

Civil law:

- a. involves public wrongs that harm all of society
- b. involves suits between private parties
- c. involves violations prosecuted by the state
- d. a and b

Answer (b)

p.35

~~2-33-~~

Which statement or statements best describe the relationship between civil and criminal law?

- a. Remedies for violations are the same.
- b. If the government is a party, the case is a criminal one.
- c. Although distinct, civil law and criminal law sometimes overlap.
- d. a, b, and c.
- e. a and b

Answer (c)

p.35

~~2-34-~~

Law that creates and defines legal rights is referred to as:

- a. procedural law
- b. substantive law
- c. common law

- d. private law
- e. constitutional law

Answer (b)-

p.35

2-35

Law that prescribes the methods and means of enforcing legal rights is referred to as:

- a. substantive law
- b. procedural law
- c. tort law
- d. administrative law
- e. constitutional law

Answer (b)-

p.36

2-36

The principle legal doctrine for limiting the arbitrariness of government officials is:

- a. cross-examination
- b. due process of law
- c. equal protection
- d. party prosecution

Answer (b)-

p.36

2-37

Parties suing under common law mainly seek:

- a. restitution
- b. declaratory judgments
- c. monetary damages
- d. injunctive relief
- e. judgment

Answer (c)-

p.36

2-38

A court order to stop doing something is called:

- a. an injunction
- b. restitution
- c. procedural adjudication
- d. a sentence

Answer (a)-

p.36

2-39

Under equity, a litigant normally requests:

- a. monetary damages

- b. tort
- c. precedent
- d. an injunction
- e. restitution

Answer (d)

p.36

2-40

Doctrines of access have primarily been created by:

- a. the legislature
- b. the judiciary
- c. the executive branch
- d. a, b, and c
- e. b and c

Answer (b)

p.39

2-41

Which of the following represents discretionary choices in the law?

- a. reporting a crime
- b. filing a lawsuit
- c. interpreting the meaning of words
- d. locating the law

Answer (c)

p.40

2-42

Which of the following is not an example of discretionary choices in the law?

- a. gaps in the law
- b. conflicting laws
- c. standards of conduct
- d. meaning of the words

Answer (c)

p.41

2-43

The decision in *Salazar v. Buono* (2010) is an example of the Supreme Court being asked to:

- a. interpret the establishment clause
- b. interpret the freedom of religion clause
- c. determine punitive damages
- d. write public policy

Answer (a)

p.42

2-44

The First Ten Amendments to the Constitution are often referred to as the:

- a. Bill of Exchequer
- b. Bill of Amendments
- c. Bill of Rights
- d. Bill of Exchange

Answer (c)

p.32

2-45-

Socialist law is rapidly changing.

- a. true
- b. false

Answer (a)

p.22

2-46-

In American courts judges are advocates for the prosecution.

- a. true
- b. false

Answer (b)

p.28

2-47

The United States Constitution is the supreme law, and any state constitutional provision or any law in conflict with it is invalid.

- a. true
- b. false

Answer (a)

2-48-

Administrative law is the fastest growing area of law.

- a. true
- b. false

Answer (a)

p.30

2-49-

International law is an example of public law.

- a. true
- b. false

Answer (a)

p.31

2-50

A misdemeanor is more serious than a felony.

- a. true

~~b. false~~

~~Answer (b)~~

~~p.35~~

~~2-51~~

~~Socialist law is aimed at maintaining order.~~

~~a. true~~

~~b. false~~

~~Answer (b)~~

~~p.22~~

~~2-52~~

~~The Bill of Rights is part of the Declaration of Independence.~~

~~a. true~~

~~b. false~~

~~Answer (b)~~

~~p.32~~

~~2-53~~

~~Compensatory damages are for the actual harm suffered.~~

~~a. true~~

~~b. false~~

~~Answer (a)~~

~~p.36~~

~~2-54~~

~~Compare and contrast two major legal systems of the world.~~

~~2-55~~

~~Distinguish between appellate and original jurisdiction? Define each kind of jurisdiction and differentiate between the two.~~

~~2-56~~

~~Explain the use of precedent in the common law system.~~

~~2-57~~

~~Describe three layers of the law.~~

~~2-58~~

~~United States Supreme Court Justice Oliver Wendell Holmes once remarked, "The life of the law has not been logic; it has been experience." First, define what the elements of "the law" are. Then, discuss the implications of Holmes' observation in an analysis of the features of the common law system and the civil law system. Be sure to discuss the major elements of each system and the benefits and disadvantages of each. Use examples where appropriate to illustrate your points.~~

2-59

Describe two features of the Thai legal system portrayed in the film *Brokedown Palace* and contrast them to the same aspects of the United States legal system.

2-60

Compare and contrast substantive v. procedural law.

2-61

What are two characteristics of the common law? Explain their significance to the legal system.

2-62

Explain how politics and discretion impacted the outcome of the case of *Salazar v. Buono* (2010).

## Chapter Three

3-1

Appellate jurisdiction is the power of a court to:

- a. ~~overturn laws in conflict with the Constitution~~
- b. ~~overturn actions of governmental officials in conflict with the laws~~
- c. ~~review cases that have already been decided by another court~~
- d. ~~grant a hearing when a constitutional question is unresolved~~

Answer (c)

p.50

3-2

Courts that are authorized to hear and decide disputes arising within specified legal boundaries have:

- a. ~~geographical jurisdiction~~
- b. ~~subject matter jurisdiction~~
- c. ~~hierarchical jurisdiction~~
- d. ~~appellate jurisdiction~~

Answer (a)

p.50

3-3

When a court tries a case and decides it, the court is said to have:

- a. ~~appellate jurisdiction~~
- b. ~~original jurisdiction~~
- c. ~~hierarchical jurisdiction~~
- d. ~~geographical jurisdiction~~

Answer (b)

p.50

3-4

The first court to decide a case has:

- a. ~~no jurisdiction~~
- b. ~~original jurisdiction~~
- c. ~~appellate jurisdiction~~
- d. ~~intermediate jurisdiction~~

Answer (b)

p.50

3-5

The distinction between courts of original jurisdiction and courts of appellate jurisdiction:

- a. ~~rests on the number of jurors, 6 at an appellate court and 12 at a trial court~~
- b. ~~depends on whether the case is being heard for the first time~~
- c. ~~depends on whether it involves a state or federal question~~
- d. ~~normally is not important because all major decisions in cases are made by appellate judges~~

Answer (b)

p.50

3-6

The primary function of trial courts is to exercise:

- a. limited jurisdiction
- b. intermediate jurisdiction
- c. appellate jurisdiction
- d. general jurisdiction
- e. original jurisdiction

Answer (e)

p.51

3-7

The dual court system of the American judiciary refers to the fact that:

- a. there are at least two courts of appeal in each state
- b. there is a national court structure and a court structure in each of the 50 states and U.S. territories
- c. most courts have two jurisdictions that enable them to hear different cases
- d. an individual has the right to appeal to the Intermediate Courts of Appeals, then the U.S. Supreme Court

Answer (b)

p.50

3-8

The division of jurisdiction between the federal and state judicial system rests on:

- a. the case load of the federal courts
- b. the nature of the question raised in the case
- c. the type of case—civil cases are heard in federal court and criminal cases in state court
- d. whether it is original or appellate jurisdiction.

Answer (b)

p.51

3-9

Juries are not used in:

- a. municipal and lower level courts
- b. state courts of general jurisdiction
- c. appellate courts
- d. U.S. District Courts

Answer (c)

p.51

3-10

Authority for the federal courts is found in which Article of the Constitution?

- a. I
- b. II

~~e. III~~

~~d. IV~~

~~e. V~~

~~Answer (e)~~

~~p.52~~

~~3-11~~

~~The debate between the Anti-Federalists and Federalists concerning the nature of the courts centered on:—~~

~~a. possible conflicts between states~~

~~b. a fear of too much popular control~~

~~c. loss of patronage~~

~~d. a loss of state court power~~

~~Answer (d)~~

~~p.53~~

~~3-12~~

~~The current structure of the federal courts is heavily influenced by the following:~~

~~a. the U.S. Constitution~~

~~b. the Judiciary Act of 1789~~

~~c. *Marbury v. Madison* (1803)~~

~~d. the Administrative Office Act~~

~~e. a and b~~

~~Answer (e)~~

~~p.53~~

~~3-13~~

~~According to the U.S. Constitution, federal courts other than the Supreme Court may be established by:~~

~~a. Congress~~

~~b. the president~~

~~c. constitutional amendment~~

~~d. the Supreme Court~~

~~e. the electorate~~

~~Answer (a)~~

~~p.52~~

~~3-14~~

~~Regarding the number of justices sitting on the Supreme Court, the Constitution:~~

~~a. specifies nine justices~~

~~b. requires Congress to establish any odd number of three or more~~

~~c. specifies Congress may establish any number greater than two~~

~~d. is silent~~

~~Answer (d)~~

~~p.53~~

3-15

An obvious weakness of the 1789 judicial structure was:

- a. lengthy waiting periods for cases to be heard
- b. conflicting court jurisdiction
- c. circuit riding
- d. large Supreme Court workload
- e. domination of business cases

Answer (c)-

p.53

3-16

Characteristics of the Judiciary Act of 1789 included all of the following except:

- a. courts of appeals established
- b. boundaries set along state lines
- c. federal judges selected from home state
- d. lower courts got limited jurisdiction

Answer (a)

p.53

3-17

Until 1891, the federal court system consisted of:

- a. the Supreme Court only
- b. district courts only
- c. district courts and the Supreme Court
- d. district courts, appeals courts, and the Supreme Court

Answer (c)-

p.54

3-18

The original structure of the federal judiciary was supportive of states' rights in which of the following ways?

- a. Judges are forced to ride circuits.
- b. District judges must be confirmed by the Senate.
- c. Court boundaries were drawn along regional lines.
- d. The lower federal courts had expansive jurisdiction.

Answer (c)-

p.54

3-19

Currently, the United States has \_\_\_\_ U.S. District Courts

- a. 12
- b. 50
- c. 51
- d. 94
- e. 152

Answer (d)-

p.57

3-20-

U.S. District Courts have:

- a. only one judge
- b. two or more judges
- c. only three judge panels
- d. only appellate jurisdiction
- e. only equity jurisdiction

Answer (b)-

p.57

3-21

The U.S. District Courts:

- a. have appellate jurisdiction
- b. are courts of intermediate appellate jurisdiction
- c. are trial courts of original jurisdiction
- d. are created in the Constitution
- e. c and d.

Answer (c)

p.57

3-22-

How many U.S. District Courts are there in each state?

- a. There are two in each state.
- b. There may be one for several states.
- c. They are distributed according to population.
- d. There is at least one per state.

Answer (d)-

p.57

3-23-

Which statement best describes decisions of three-judge district courts?

- a. They are appealed to the courts of appeals.
- b. They are appealed to the U.S. Supreme Court.
- c. They are made by three district court judges.
- d. They are made by three circuit court judges.

Answer (b)-

p.58

3-24-

Which statement best describes three-judge district courts?

- a. They have rarely dealt with important cases.
- b. They were often used in the 1930s and 1940s.
- c. Congress has recently limited their usage.
- d. Congress has recently expanded their usage.

Answer (c)-  
p.58

3-25

U.S. Magistrate judges are appointed by the:

- a. president of the United States
- b. U.S. Senate
- c. chief justice of the U.S. Supreme Court
- d. judges of the U.S. District Courts
- e. judges of the U.S. Courts of Appeal

Answer (d)-  
p.59

3-26

U.S. Magistrate judges are not \_\_\_\_\_ judges.

- a. Article I
- b. Article II
- c. Article III
- d. Article IV
- e. Article V

Answer (c)-  
p.59

3-27

U.S. Magistrate judges can do all of the following except:

- a. sentence misdemeanor defendants
- b. supervise civil discovery
- c. conduct civil trials with the consent of the litigants
- d. sentence felony defendants
- e. conduct the preliminary stages of criminal cases

Answer (d)-  
p.59

3-28

Bankruptcy law has been characterized by:

- a. agreement between the Supreme Court and Congress concerning procedures and judges
- b. a declining number of cases
- c. conflict between the Supreme Court and Congress over procedures and judges
- d. a and b
- e. b and c

Answer (c)-  
p.59

3-29

The caseloads of the U.S. District Court have been:

- a. increasing

- b. decreasing
- c. staying steady
- d. none of the above

Answer (a)-

p.60

3-30

Diversity of citizenship cases involves citizens from different:

- a. countries
- b. religions
- c. states
- d. territories

Answer (c)-

p.61

3-31

Currently, how many U.S. Circuit Courts of Appeals are there?

- a. 9
- b. 10
- c. 11
- d. 12
- e. 13

Answer (e)-

p.62

3-32

En banc hearings are:

- a. hearings before a panel of retired judges
- b. hearings before a three-judge panel
- c. hearings before all of the judges of a circuit
- d. found only in state courts
- e. apply only to jury trials

Answer (c)-

p.63

3-33

U.S. Circuit Courts of Appeals normally decide cases:

- a. en banc
- b. in three-judge panels
- c. by a single judge
- d. along standing divisions

Answer (b)-

p.63

3-34

Cases heard by the U.S. Courts of Appeals come from:

- a. federal administrative agencies
- b. the U.S. District Courts
- c. state supreme courts
- d. a, b, and c
- e. a and b

Answer (e)-

p.63

3-35

The U.S. Supreme Court:

- a. is the only court established by the Constitution
- b. chooses lower federal judges
- c. supervises state judicial systems
- d. has extensive original jurisdiction

Answer (a)-

p.64

3-36

How many justices must vote to place a case on the Supreme Court docket?

- a. 3
- b. 4
- c. 6
- d. 9

Answer (b)-

p.64

3-37

The main way that cases advance to the Supreme Court is through the:

- a. writ of appeal
- b. writ of certiorari
- c. original jurisdiction
- d. writ of error
- e. certification by the solicitor general

Answer (b)-

p.64

3-38

The following is an example of legislative courts:

- a. bankruptcy court
- b. U.S. Magistrates
- c. tax court
- d. a and b
- e. a, b, and c

Answer (e)-

p.67

3-39

Judicial bodies established by Congress under Article I are known as:

- a. constitutional courts
- b. legislative courts
- c. inferior courts
- d. trial courts

Answer (b)-

p.67

3-40

The military justice system:

- a. follows the exact organization of the civil justice system
- b. is detailed in the Constitution
- c. differs dramatically from the regular federal court system
- d. cannot be reviewed the president

Answer (c)-

p.67

3-41

The Foreign Intelligence Surveillance Court:

- a. is designed to protect foreign intelligence agents
- b. issues warrants for electronic eavesdropping
- c. works in public
- d. has only permanent judges

Answer (b)-

p.70

3-42

The current administrative structure of the federal judiciary is largely the product of:

- a. The Judiciary Act of 1789
- b. The Judiciary Act of 1889
- c. The Judge's Bill of 1925
- d. The Administrative Office Act of 1939
- e. The Judiciary Act of 1971

Answer (d)-

p.72

3-43

Which president proposed a famous plan to "pack" the Supreme Court?

- a. Thomas Jefferson
- b. Franklin Roosevelt
- c. Harry Truman
- d. Dwight Eisenhower
- e. Herbert Hoover

Answer (b)-

p.72

3-44

Which statement ~~best~~ describes the chief justice of the Supreme Court?

- a. He is selected by the other justices of the Supreme Court.
- b. He is selected on a rotating basis.
- c. He has supervisory authority over the entire federal court system.
- d. He has supervisory authority over the state and federal systems.
- e. Beyond deciding cases, he holds only a ceremonial position.

Answer (c)

p.72

3-45

Which of the following is considered the policy-making organization of the federal judiciary?

- a. Administrative Office of the U.S. Courts
- b. Judicial Councils
- c. Judicial Conference of the United States
- d. Chief Justice of the U.S. Supreme Court
- e. Federal Judicial Center

Answer (c)

3-46

Which of the following is primarily concerned with research and training?

- a. Administrative Office of the U.S. Courts
- b. Judicial Councils
- c. Judicial Conference of the United States
- d. Chief Justice of the U.S. Supreme Court
- e. Federal Judicial Center

Answer (e)

p.73

3-47

Judicial councils are:

- a. the policy-making arm of the U.S. judiciary
- b. appointed by the chief justice
- c. the administrative unit of the U.S. Courts of Appeals
- d. part of the U.S. District Courts
- e. important bodies which conduct research

Answer (c)

p.74

3-48

On the matter of increasing federal criminal jurisdiction for some categories of crimes:

- a. conservatives and liberals agree
- b. conservatives and liberals disagree
- c. libertarians favor increasing all federal criminal jurisdiction

~~d. conservatives favor only reductions in federal criminal jurisdiction~~

~~Answer (a)-~~

~~p.74~~

~~3-49~~

~~Critics of attacks on the federal judiciary worry that such attacks will:~~

~~a. enhance the legitimacy of the courts~~

~~b. diminish the legitimacy of the courts~~

~~c. improve congressional oversight of courts~~

~~d. increase access to the courts~~

~~Answer (b)-~~

~~p.78~~

~~3-50-~~

~~No U.S. District Court boundary crosses state lines.~~

~~a. true~~

~~b. false~~

~~Answer (a)-~~

~~p.53~~

~~3-51-~~

~~The original structure of the U.S. federal courts did nothing to protect states' rights.~~

~~a. true~~

~~b. false~~

~~Answer (b)-~~

~~p.53~~

~~3-52-~~

~~The U.S. federal court system undergoes constant reorganization.~~

~~a. true~~

~~b. false~~

~~Answer (b)-~~

~~p.56~~

~~3-53-~~

~~Bankruptcy judges are Article III judges who are insulated from political pressures by life tenure and protection from pay cuts.~~

~~a. True~~

~~b. False~~

~~Answer (b)-~~

~~p.59~~

~~3-54-~~

~~The number of federal court filings from 1940-2004 steadily increased.~~

~~a. true~~

~~b. false~~

~~Answer (a)-  
p.60~~

~~3-55~~

~~Appellate review focuses on correctly interpreting the law.~~

- ~~a. true~~
- ~~b. false~~

~~Answer (a)-  
p.60~~

~~3-56~~

~~Most federal question cases involve the violation of a criminal statute.~~

- ~~a. true~~
- ~~b. false~~

~~Answer (b)-  
p.61~~

~~3-57~~

~~Prisoner positions are declining.~~

- ~~a. true~~
- ~~b. false~~

~~Answer (b)-  
p.62~~

~~3-58~~

~~Specialized federal courts are created to administer a specific judicial decision.~~

- ~~a. true~~
- ~~b. false~~

~~Answer (b)-  
p.66~~

~~3-59~~

~~Jurisdiction is the power of a court to prohibit illegally obtained evidence from being introduced.~~

- ~~a. true~~
- ~~b. false~~

~~Answer (b)-  
p.60~~

~~3-60~~

~~Describe three ways that the federal court caseload could be reduced.~~

~~3-61~~

~~What are the differences between Article I and Article III judges?~~

~~3-62~~

~~Explain the differences between the three levels of federal courts.~~

~~3-63~~

~~Describe the different kinds of jurisdiction possessed by courts.~~

~~3-64~~

~~How are separation of powers and judicial review related?~~

~~3-65~~

~~What is the significance of the Court of Appeals Act of 1891?~~

~~3-66~~

~~Explain in depth the structure and jurisdiction of the elements of the dual court system in a discussion of how a case proceeds through the judiciary from inception to final resolution. Be sure to specify which courts exist throughout the hierarchy and how the courts interrelate in resolving legal conflict. You may use diagrams to supplement your answer.~~

~~3-67~~

~~Describe the different routes of appeal to the Supreme Court of the United States.~~

~~3-68~~

~~Why do defense lawyers for BP want any lawsuits to be heard in Houston, TX?~~

## Chapter Four

4-1

In any given year, the largest number of cases is heard in:

- a. federal courts
- b. state supreme courts
- c. U.S. district courts
- d. state trial courts

Answer (d)-

p.84

4-2

Which one of the following statements best describes colonial courts?

- a. They acted independently from the governor.
- b. They were rather simple institutions.
- c. They handled many cases.
- d. They were dominated by legal experts.

Answer (b)

p.85

4-3

Which of the following is not true about American courts after the Civil War?

- a. The growth of cities meant that more complex cases went to the courts.
- b. Many new courts were added.
- c. Specialized courts were created.
- d. The addition of new courts was carefully planned.

Answer (d)-

p.86

4-4

A court is said to have “limited jurisdiction” when it:

- a. deals only with the pretrial stages of a case
- b. hears only juvenile matters
- c. handles only minor cases
- d. hears a limited number of cases in a given year

Answer (c)-

p.86

4-5

Which of the following types of courts do not have “limited jurisdiction”?

- a. courts of appeals
- b. municipal courts
- c. magistrates
- d. county courts

Answer (a)-

p.86

4-6

The largest number of courts in the United States are courts of:

- a. general jurisdiction
- b. appellate jurisdiction
- c. superior jurisdiction
- d. limited jurisdiction

Answer (d)-

p.86

4-7

Trial de novo means:

- a. the prosecution's right of appeal
- b. that the proceedings are repeated
- c. a trial based on prior negotiations
- d. an expedited hearing to determine truth

Answer (b)-

p.86

4-8

In criminal cases, the functions of the lower courts include:

- a. disposition of misdemeanors and traffic offenses
- b. preliminary hearings for felony offenses
- c. taking a plea in all cases
- d. a and b
- e. a, b, and c

Answer (d)-

p.87

4-9

A person arrested for speeding would most likely appear in a:

- a. court of appeal
- b. court of general jurisdiction
- c. court of limited jurisdiction
- d. it depends on the speed of the car

Answer (c)-

p.87

4-10

Trial courts of general jurisdiction are:

- a. limited to misdemeanor cases
- b. unlimited as to what they may hear
- c. limited to civil cases
- d. limited to felony cases

Answer (b)-

4-11

Tort (personal injury) cases:

- a. make up a huge percentage of the trial court docket
- b. make up a very small percentage of the trial court docket
- c. are not heard by trial courts
- d. always involve an international plaintiff

Answer (b)

p.87

4-12

In states with intermediate appellate courts, state supreme courts:

- a. largely hear only the cases they choose
- b. exercise no discretion in hearing cases
- c. have discretion over criminal appeals only
- d. have discretion over civil appeals only
- e. have exclusively original jurisdiction

Answer (a)

p.90

4-13

How many states have intermediate courts of appeal?

- a. all
- b. about one fifth
- c. all Eastern states
- d. about two thirds
- e. over three quarters

Answer (d)

p.90

4-14

The development of intermediate courts of appeals was designed to alleviate:

- a. tension between judges
- b. jurisdictional disputes
- c. growth of appellate cases
- d. a, b, and c

Answer (c)

p.91

4-15

State courts of last resort are generally referred to as:

- a. state supreme courts
- b. state appeals courts
- c. state courts of common pleas
- d. state courts of chancery

Answer (a)

p.91

4-16

State court researchers are finding that:

- a. state courts interact only with federal courts
- b. state courts interact with other institutions
- c. state court judges consider only the law
- d. state and federal courts operate the same way

Answer (b)

p.92

4-17

Some problems of the lower courts include:

- a. strict procedures
- b. inadequate financing
- c. imbalanced caseloads
- d. b and c
- e. a, b, and c

Answer (d)

p.93

4-18

In rural areas, the lower courts are collectively called:

- a. municipal courts
- b. inferior courts
- c. justice of the peace courts
- d. agriculture courts
- e. none of the above

Answer (e)

p.93

4-19

Which statement best describes justice of the peace courts?

- a. Historically, most JPs were lawyers.
- b. Nonlawyer JPs often receive extensive training.
- c. The Supreme Court has held that JPs must be lawyers.
- d. States are beginning to eliminate nonlawyer JPs.

Answer (d)

p.94

4-20

The inability of judicial reformers to abolish the justice of the peace courts results from:

- a. the influence of nonlawyer judges
- b. the perceived accessibility of the JP courts
- c. lack of support from the ABA
- d. a and b
- e. a, b, and c

Answer (d)

p.94

4-21

Municipal courts trace their roots to:

- a. English squires
- b. colonial practices
- c. common law
- d. police magistrate courts
- e. equity law

Answer (d)

p.94

4-22

Which statement best describes case dispositions in municipal court?

- a. Lawyers are usually present and defendants plead during the first appearance.
- b. Lawyers are usually present and trials are common.
- c. Lawyers are rarely present and defendants plead during the first appearance.
- d. Issues of legal guilt are more important than questions of sentencing.
- e. Juries mete out rapid rough justice.

Answer (c)

p.95

4-23

Which statement best describes sentencing in municipal courts?

- a. Sentencing is based on group averages.
- b. Sentencing is often severe.
- c. Sentencing is only preliminary.
- d. Sentencing is often highly diverse.

Answer (a)

p.95

4-24

The creation of juvenile courts was based on the following philosophy:

- a. adult courts were burdened with too many cases to deal effectively with the problems of juveniles
- b. the state should deal with children who broke the law much as a wise parent would with a wayward child
- c. juvenile crime was due to the child's lack of individual responsibility
- d. juvenile crime primarily reflected a rural problem

Answer (b)

p.96

4-25

Juvenile courts rest on the following legal doctrine:

- a. mens rea
- b. parens patriae

- e. certiorari
- d. peacae possum
- e. covenant

Answer (b)

p.97

4-26

Which of the following type of juvenile case involves the violation of an adult criminal law?

- a. status
- b. dependency
- e. neglect
- d. delinquency

Answer (d)

p.97

4-27

Committing a status offense involves:

- a. agreeing to seek judicial compensation
- b. more than three conspiring juveniles
- e. an act that is illegal only for juveniles
- d. breaking adult criminal laws

Answer (e)

p.97

4-28

The Supreme Court decision that extended constitutional guarantees of due process to juvenile proceedings was:

- a. *In re Gault*
- b. *Miranda v. Arizona*
- e. *Gideon v. Wainwright*
- d. *Junior v. Madison*

Answer (a)

p.97

4-29

Restorative justice programs in juvenile courts do not include a focus on:

- a. healing the victim
- b. protecting the offender
- e. involving stakeholders
- d. transforming traditional views of justice

Answer (b)

p.97

4-30

A unified court system would reflect which of the following principles?

- a. centralized administration
- b. decentralized administration
- c. greater local control of courts
- d. a greater variety of courts
- e. c and d

Answer (a)

p.98

4-31

Judicial reform is often opposed by:

- a. the American Bar Association
- b. local governments
- c. the American Judicature Society
- d. state governments
- e. the League of Women Voters

Answer (b)

p.102

4-32

Academic critics of a unified court system argue that:

- a. reformers would do away with needed local diversity
- b. reformers have a limited view of politics
- c. reformers have placed too much emphasis on the participation of those most affected
- d. a, b, and c
- e. none of the above

Answer (b)

p.102

4-33

Current proposals for the reform of courts do not include:

- a. eliminating overlapping boundaries of courts
- b. financing courts at the state level
- c. centralizing the court system
- d. local control over hiring court personnel

Answer (d)

p.103

4-34

A major problem with local control of the judiciary is:

- a. the judiciary loses respect among the people
- b. the judiciary has too close ties to the people to be impartial
- c. the judiciary has been associated with local corruption
- d. the judiciary has become very disorganized

Answer (c)

p.103

4-35

The treatment approach to drug offenders is intended to:

- a. increase the speed with which cases are heard
- b. reduce the likelihood of rearrest
- c. increase the criminal penalties handed out to drug offenders
- d. reduce the discretion of the judge

Answer (b)

p.104

4-36

Evaluations of drug courts have shown:

- a. only success
- b. only failure
- c. some successes and some failures
- d. no end in sight.

Answer (c)

p.107

4-37

Traffic cases represent only a small portion of the cases heard by lower courts each year.

- a. true
- b. false

Answer (a)

p.86

4-38

Judicial reformers oppose abolishing justice of the peace courts.

- a. true
- b. false

Answer (a)

p.94

4-39

Drug courts were established to hand out tougher penalties in drug cases.

- a. true
- b. false

Answer (b)

p.104

4-40

The use of drug courts continues to increase.

- a. true
- b. false

Answer (a)

p.107

4-41

~~Mexican courts have a rich tradition of judicial independence.~~

~~a. true~~

~~b. false~~

~~Answer (b)~~

~~p.110~~

4-42

~~*Kimbrough v. United States* (2007) reaffirmed the authority of federal judges to view the Federal Sentencing Guidelines as advisory.~~

~~a. true~~

~~b. false~~

~~Answer (a)~~

~~p.99~~

4-43

~~Compare and contrast the organization of the [insert your state court system] Court system with that of the Federal Judiciary.~~

4-44

~~Use the War on Drugs to illustrate the tension between the legislative and judicial branches of government trying to solve social problems.~~

4-45

~~Describe the primary criticism of municipal courts and compare this to the goals of juvenile courts.~~

4-46

~~In what ways were early state courts affected by geography?~~

4-47

~~Describe three ways that drug courts are distinctive from the typical court.~~

4-48

~~How do state efforts to legalize medical marijuana impact the federal government's interest in keeping marijuana a Schedule I drug?~~

## Chapter Five

5-1

In the 1800s, most American lawyers received their training through:

- a. law schools——
- b. apprenticeship—
- c. local bar associations—
- d. Inns of Court

Answer (b)

p.119

5-2

After the Civil War, a major change in American legal education resulted from:

- a. law schools developing close ties with departments of government and economics
- b. students serving an apprenticeship with a practicing lawyer
- c. law schools stressing theories of law
- d. development of the case method

Answer (d)

p.120

5-3

Which statement or statements best describe students attending law school?

- a. Few women are entering law school.
- b. Nearly half of the students are women.
- c. Minority groups comprise one-third of law school students.
- d. a and b.
- e. b and c.

Answer (b)

p. 120

5-4

Which statement best describes contemporary law school education?

- a. Curricula are highly structured.
- b. Instruction varies greatly with the prestige of the school.
- c. Clinical programs play a major role.
- d. Professors prefer to lecture.

Answer (a)

p.123

5-5

The most distinctive feature of law school instruction is known as the:

- a. blue-book method
- b. textbook method
- c. dialectic method
- d. Socratic method

Answer (d)  
p.123

5-6

Law school education is criticized by some for:

- a. over stressing trial and court procedures
- b. not emphasizing legal concepts
- c. not providing practical knowledge of law practice
- d. a and c
- e. a, b, and c

Answer (e)  
p.124

5-7

The official accrediting body for law schools is the:

- a. American Association of Trial Lawyers
- b. American Bar Association
- c. American Judicature Society
- d. National Center for Law School Curriculum

Answer (b)  
p.125

5-8

The practice of law is regulated by:

- a. states
- b. counties
- c. the American Bar Association
- d. the U.S. Supreme Court
- e. local bar associations

Answer (a)  
p.126

5-9

The Bar Exam:

- a. is required to practice law
- b. can be taken more than once
- c. tests general legal and state-specific knowledge
- d. a, b, and c

Answer (d)  
p.127

5-10

What percentage of test takers pass the Bar Exam?

- a. 68%
- b. 54%
- c. 33%

d. 26%

Answer (a)

p.127

5-11

Which statement or statements best describe the license to practice law?

- a. An attorney licensed in one state is automatically allowed to practice in others.
- b. Federal courts establish their own requirements for the right to practice before them.
- c. The specifics of licensing vary from state to state.
- d. a and c.
- e. b and c.

Answer (e)

p.127

5-12

Which of the following has the authority to disbar a lawyer?

- a. state supreme courts
- b. local bar associations
- c. U.S. District Courts
- d. the American Bar Association

Answer (a)

p.128

5-13

How much time do bar associations spend investigating claims of lawyer misconduct?

- a. very little time
- b. little time
- c. considerable time
- d. a great deal of time

Answer (c)

p.129

5-14

The original concerns of bar associations focused on:

- a. keeping lawyers out of court
- b. municipal and political corruption
- c. uniform fee schedules
- d. allowing access to multiple courts
- e. unifying the court structure

Answer (b)

p.129

5-15

The term integrated bar refers to:

- a. elimination of racial barriers in bar associations
- b. all lawyers must belong to the state bar association

- ~~c. all lawyers in the state must belong to the American Bar Association~~
- ~~d. the power of bar associations to discipline members~~

Answer (b)

5-16

In some studies of client representation, formal legal training has been found to be:

- ~~a. more important than previously thought~~
- ~~b. of no value whatsoever~~
- ~~c. strongly related to the success of the client~~
- ~~d. less important than previously thought~~

Answer (d)

p.130

5-17

In England, a trial attorney is called a(n):

- ~~a. solicitor~~\_\_\_\_\_
- ~~b. advocate~~\_\_\_\_\_
- ~~c. barrister~~—
- ~~d. lawyer~~—

Answer (c)

p.132

5-18

Lawyers spend the least amount of their time:

- ~~a. litigating~~\_\_\_\_\_
- ~~b. securing~~\_\_\_\_\_
- ~~c. negotiating~~\_\_\_\_\_
- ~~d. counseling~~—
- e. representing

Answer (a)

p.132

5-19

The writing of a will reflects which type of work by a lawyer?

- ~~a. drafting~~\_\_\_\_\_
- ~~b. negotiating~~\_\_\_\_\_
- c. representation
- ~~d. litigation~~
- ~~e. counseling~~

Answer (a)

p.134

5-20

Which task often produces the most conflict between lawyer and client?

- ~~a. administering~~
- ~~b. drafting~~

- c. counseling
- d. negotiating
- e. representing

Answer (e)

p.135

5-21

Which statement or statements best describe where lawyers work?

- a. The proportion of lawyers in private practice is declining.
- b. Private practice remains the most important place where lawyers work.
- c. The size of law firms is increasing.

d. b and c.

Answer (d)

p.136

5-22

Which statement or statements best describe lawyers who work for the government?

- a. The government employs relatively few lawyers.
- b. More lawyers work for the federal government than for state government.
- c. Most lawyers who work for the government serve as prosecutors.
- d. None of the above.

Answer (d)

p.137

5-23

The Heinz and Laumann concept of Two Hemispheres refers to which of the following differences in legal practice?

- a. the split between plaintiff's lawyers and defendant's lawyer
- b. the difference between government and private attorneys
- c. differences based on the clients represented
- d. house counsel versus large law firms

Answer (c)

p.139

5-24

Large law firms rarely handle which of the following types of cases?

- a. antitrust
- b. criminal
- c. securities
- d. banking
- e. contract

Answer (b)

p.140

5-25

Large law firms recruit the following type of lawyers:

- a. experienced lawyers
- b. top-ranked graduates of all law schools
- c. top-ranked graduates of the most prestigious law schools
- d. females and ethnic minorities

Answer (c)

p.140

5-26

Large law firms represent primarily:

- a. corporations
- b. businesses large and small
- c. government
- d. individuals

Answer (a)

p.141

5-27

Which Supreme Court decision held that indigent defendants in serious criminal cases must be provided with free legal counsel?

- a. *Betts v. Brady*
- b. *Furman v. Georgia*
- c. *Gideon v. Wainwright*
- d. *Johnson v. Zerbst*
- e. *Haynes v. Florida*

Answer (c)

p.143

5-28

The right to counsel is specified in what Constitutional Amendment?

- a. First
- b. Fourth
- c. Fifth
- d. Sixth
- e. Eighth

Answer (d)

p.144

5-29

Which statement or statements best describe criminal defense services for the poor?

- a. Assigned counsel is paid at the same rate as a private attorney.
- b. Assigned counsel is paid at a lower rate than a private attorney.
- c. Most lawyers actively seek assigned counsel cases.
- d. Assigned counsel tends to be more experienced than a public defender in handling criminal cases.

Answer (b)

p.145

5-30

Most big cities use which of the following to provide indigents with free counsel in criminal cases?

- a. assigned counsel——
- b. volunteer attorneys——
- c. contract
- d. public defender—
- e. none of the above

Answer (d)

p.145

5-31

The distinction between a public defender system and an assigned counsel system is that public defenders are:

- a. law students
- b. attorneys from private law firms
- c. attorneys employed by a government agency
- d. a, b, and c
- e. none of the above

Answer (c)

p.145

5-32

In what type of litigation are attorneys most often compensated by the contingent fee?

- a. criminal
- b. divorce
- c. antitrust
- d. tort
- e. contract

Answer (d)

p.146

5-33

Which bar association practice did the Supreme Court forbid?

- a. advertising——
- b. minimum fee schedule——
- c. contingent fee
- d. legal insurance
- e. legal clinics

Answer (b)

p.147

5-34

Before 1965, legal aid societies were characterized by:-

- a. large budgets

~~b. limited case eligibility~~  
~~c. high eligibility standards for services~~  
~~d. b and c~~  
~~e. a, b, and c~~  
Answer (d)  
p.148

~~5-35~~  
Which president tried to eliminate the Legal Services Corporation?  
~~a. Lyndon Johnson~~  
~~b. Richard Nixon~~  
~~c. Jimmy Carter~~  
~~d. Ronald Reagan~~  
~~e. George W. Bush~~  
Answer (d)  
p.149

~~5-36~~  
The Law School Admission Test (LSAT) is a very important component of the law school application process.  
~~a. true~~  
~~b. false~~  
Answer (a)  
p.122

~~5-37~~  
The number of Law School Admission Tests (LSAT) administered has increased every year since the 1960s.  
~~a. true~~  
~~b. false~~  
Answer (b)  
p.122

~~5-38~~  
Passing the Bar Exam is a requirement for practicing law.  
~~a. true~~  
~~b. false~~  
Answer (a)  
p.126

~~5-39~~  
Law schools do not focus on legal ethics.  
~~a. true~~  
~~b. false~~  
Answer (b)  
p.128

5-40

Twenty-five percent of all lawyers in the United States work in California and New York.

a. true

b. false

Answer (a)

p.135

5-41

Casebooks are used primarily by night law schools.

a. true

b. false

Answer (b)

p.123

5-42

The Legal Services Corporation is mostly supported by both political parties.

a. true

b. false

Answer (a)

p.150

5-43

How do the poor get legal representation in criminal and civil court?

5-44

How does the public view the legal profession? Is their view consistent with the view portrayed in *A Civil Action*?

5-45

Does the negative portrayal of the “personal injury lawyer” in *A Civil Action* represent a balanced assessment of the role of attorneys in our legal system?

5-46

Compare the legal education and licensing requirements today to those of the early 1800s.

5-47

Describe the five types of work that lawyers engage in regularly.

5-48

Describe three ways the trial of Italian Prime Minister Silvio Berlusconi is different than trial procedures in America.

5-49

Why do plaintiffs in the BP Deepwater Horizon case care so much about the types of

| ~~lawyers who represent them?~~

## Chapter Six

6-1

Which group or groups are involved in judicial selection in the United States?

- a. lawyers
- b. elected officials
- c. the public
- d. a, b, and c

Answer (d)

p.157

6-2

Judicial independence is aimed at:

- a. increasing accountability
- b. legislative control over court actions
- c. neutral and impartial decision making
- d. the right of a judge to dismiss a jury

Answer (c)

p.158

6-3

American judges generally serve:

- a. about the same length of time as a U.S. Senator
- b. fewer years than the average elected official
- c. more years than the average elected official
- d. typically for life

Answer (c)

p.159

6-4

Common judicial selection methods do not include:

- a. appointment
- b. elections
- c. House Judiciary Committee
- d. merit selection

Answer (c)

p.159

6-5

Federal judges are:

- a. nominated by the president and confirmed by the Senate
- b. nominated by the president and confirmed by both houses of Congress
- c. appointed by Congress, subject to presidential veto
- d. appointed by the chief justice
- e. appointed by the president subject only to legislative veto

Answer (a)

p.160

6-6

The custom of senatorial courtesy:

- a. encourages courteous behavior on the floor of the Senate
- b. gives senators the power to appoint state court judges
- c. gives a senator of the president's party influence in the selection of the district court judges when vacancies occur in his or her state
- d. requires the House of Representatives to vote for Senate approved judicial nominees

Answer (c)

p.161

6-7

The president's freedom to nominate judges is greatest in the:

- a. bankruptcy courts
- b. district courts
- c. Washington D.C. courts
- d. U.S. Supreme Court

Answer (c)

p.162

6-8

Which of the following is a major actor in the selection of federal judges, but does not have a formal role?

- a. the deputy attorney general ———
- b. the American Bar Association ———
- c. the chief justice —
- d. the Senate ———

Answer (b)

p.162

6-9

The American Bar Association generally has the most influence over the selection of federal judges during:

- a. Republican administrations
- b. the recruitment process
- c. confirmation hearings
- d. Democratic administrations

Answer (a)

p.162

6-10

Which president named a greater percentage of women to the federal judiciary than any other?

- a. Jimmy Carter

- b. George H.W. Bush
- c. Bill Clinton
- d. George W. Bush
- e. Barack Obama

Answer (e)

6-11

Which president appointed more district court judges than any other?

- a. Ronald Reagan
- b. George H.W. Bush
- c. Bill Clinton
- d. George W. Bush
- e. Barack Obama

Answer (e)

p.165

6-12

In choosing his nominees to the federal bench, President Obama's nominees have been confirmed by the Senate:

- a. much faster than was expected
- b. faster than was expected
- c. at the same rate as previous presidents
- d. more slowly than previous presidents

Answer (d)

p.164

6-13

Which of the following is a similar background characteristic of the judicial appointments by Barack Obama and George W. Bush?

- a. previous political activity
- b. type of education
- c. judicial experience
- d. undergraduate education
- e. all of the above

Answer (e)

p.165

6-14

Most states select/retain trial judges by which method?

- a. appointment by the governor
- b. the Missouri Bar Plan
- c. legislative appointment
- d. popular election
- e. direct promotion

Answer (d)

p.167

6-15

A key characteristic of judicial elections is:

- a. low voter turnout
- b. heated campaigning
- c. marked by controversy
- d. bar associations split over their endorsements

Answer (a)

p.168

—

6-16

Incumbent judges are:

- a. rarely opposed for re-election
- b. routinely defeated for re-election
- c. often opposed but rarely defeated
- d. often not candidates for re-election

Answer (a)

p.168

6-17

The cost of judicial campaigns is:

- a. decreasing over time
- b. increasingly paid for by public funding
- c. increasing over time
- d. remaining relatively constant

Answer (c)

p.169

6-18

The judicial recruitment process favored by legal reformers is:

- a. gubernatorial appointment —
- b. bar selection —————
- c. Missouri Bar Plan
- d. nonpartisan elections

Answer (c)

p.172

6-19

The Missouri Bar Plan provides for selecting judges on the basis of:

- a. partisan politics —————
- b. popular vote
- c. merit
- d. legislative vote

Answer (c)

p.172

6-20

A lawyer wishing to become a judge in a state using the Missouri Bar Plan must first be:

- a. elected by the voters
- b. appointed by the governor
- c. nominated by a commission
- d. recommended by the bar association

Answer (c)

p.172

6-21

Studies of judicial selection have found:

- a. merit plans remove politics from the selection process
- b. there are few major differences between selection systems in terms of judicial backgrounds
- c. appointment by the governor favors former prosecutors
- d. popular elections are associated with a high level of voter interest and turnout

Answer (b)

p.175

6-22

Which of the following are shared similarities between judges?

- a. Most are upper middle class males.
- b. Most were born in the community in which they serve.
- c. Most have held prior public office.
- d. a and b.
- e. a, b, and c.

Answer (e)

p.176

6-23

Judges' work includes:

- a. umpiring
- b. writing legal opinions
- c. administration
- d. a, b, and c

Answer (d)

p.179

6-24

A judge's docket refers to his or her:

- a. legal training
- b. use of the ABA scheduling software
- c. calendar of cases
- d. use of technology in the courtroom

Answer (c)

p.180

6-25

Which of the following means of dealing with judges suspected of wrongdoing was first used in California?

- a. impeachment by the House and removal by the Senate
- b. removal by the governor after concurrent resolution by both houses of the legislature
- c. recall elections
- d. judicial conduct commissions
- e. removal and disbarment by state bar associations

Answer (d)

p.183

6-26

Complaints about the conduct of federal judges are first considered by:

- a. the chief justice
- b. Administrative Office of the U.S. Courts
- c. judicial councils
- d. judicial conference
- e. chief judge of the district courts

Answer (c)

p.184

6-27

The responsibility of impeaching federal judges rests with the:

- a. Congress
- b. House of Representatives
- c. Senate
- d. Supreme Court

Answer (b)

p.185

6-28

Conviction of a federal judge on an impeachment requires a:

- a. two-thirds vote of senators present
- b. two-thirds vote of the House
- c. unanimous decision of the Supreme Court
- d. two-thirds vote of the Judiciary Committee
- e. two-thirds vote of the House of Delegates of the American Bar Association

Answer (a)

p.185

6-29

There is wide agreement among the public and legal profession about what constitutes a "good judge."

- a. true
- b. false

Answer (b)  
p.157

~~6-30~~

~~Senatorial courtesy was done away with in the Judicial Administration Reform Act of 2002.~~

- ~~a. true~~
- ~~b. false~~

Answer (b)  
p.161

~~6-31~~

~~Presidents are highly successful in securing the confirmation of their nominees to the high bench.~~

- ~~a. true~~
- ~~b. false~~

Answer (a)  
p.164

~~6-32~~

~~Presidents are generally more successful in getting their judicial nominations confirmed by the Senate during their second term.~~

- ~~a. true~~
- ~~b. false~~

Answer (b)  
p.164

~~6-33~~

~~One hundred percent of federal judges nominated by the president share his political philosophy.~~

- ~~a. true~~
- ~~b. false~~

Answer (b)  
p.165

~~6-34~~

~~Judicial elections tend to be partisan.~~

- ~~a. true~~
- ~~b. false~~

Answer (b)  
p.167

~~6-35~~

~~Most judicial elections are low-visibility affairs.~~

- ~~a. true~~
- ~~b. false~~

Answer (a)

p.168

6-36

Judicial misconduct often involves corruption.

a. true

b. false

Answer (a)

p.185

6-37

How does the debate over judicial accountability versus independence relate to methods of judicial selection?

6-38

A newly elected U.S. president calls you and seeks your advice as to how to select federal judges. Explain in clear and simple terms the process from nomination to confirmation. How does this system differ from the Missouri Plan used at the state level? Is the overall process to select federal judges a better plan than that used by the states?

6-39

What consequences might shows like Judge Judy have for the legal system?

6-40

Describe the current status of judicial elections in the states.

6-41

How is judging in the United Kingdom different from the United States?

6-42

Describe the debate in *Caperton v. Massey Coal Co.* (2009) regarding judicial recusal from cases.

6-43

The number of women on the judiciary is changing. What argument does Justice Ginsburg make about the impact this will have on the courts? Do others agree or disagree?

## Chapter Seven

7-1

Legal mobilization is:

- a. the decision by a judge in a civil court case
- b. interest group sponsorship of a case
- c. how the legal system acquires its cases
- d. stare decisis

Answer (c)

p.195

7-2

Which of the following is an example of legal mobilization?

- a. reporting a crime
- b. interpreting the meaning of words
- c. locating the law
- d. filling in gaps in the law

Answer (a)

p.195

7-3

The process by which parties submit a dispute to a third party to impose a binding decision is called:

- a. litigation \_\_\_\_\_
- b. mediation \_\_\_\_\_
- c. negotiation
- d. arbitration
- e. settlement

Answer (d)

p.196

7-4

Arbitration differs from mediation because the decision:

- a. is binding
- b. is made by a judge
- c. always favors the plaintiff
- d. is directly appealed to the Supreme Court

Answer (a)

p.196

7-5

The most formal of dispute processing institutions are:

- a. arbitrators
- b. ministers
- c. mediators
- d. courts

Answer (d)

p.196

7-6

Which procedures give the parties the most control over the outcome of the dispute?

- a. litigation
- b. arbitration
- c. mediation
- d. police involvement

Answer (c)

p.196

7-7

The term one-shotter refers to:

- a. groups with a long-term interest in policy outcomes
- b. litigants who make only occasional recourse to the courts
- c. litigants who choose other dispute resolutions for their first case
- d. groups who file their complaint only in one court

Answer (b)

p.198

7-8

A criminal case is an example of:

- a. one-shotters against repeat players
- b. prosecutorial discretion
- c. repeat players against one-shotters
- d. the ability of courts to function properly

Answer (c)

p.199

7-9

Which type of case is most likely to require a lawyer to spend considerable time talking with the client about the law?

- a. one-shotters versus one-shotters
- b. one-shotters versus repeat players
- c. repeat players versus repeat players
- d. repeat players versus one-shotters

Answer (a)

p.199

7-10

Party capability is:

- a. unrelated to litigant success
- b. determined by the level of appeal
- c. related to litigant success
- d. assumed to be equal according to the continental law

Answer (e)

p.199

7-11

Cases in which there is really no conflict but only the need for a formal authorization to a private settlement, can be solved by:

- a. adjudicatory process
- b. judicial discretion
- c. routine administration
- d. judicial injunctions

Answer (e)

p.200

7-12

Which of the following is not a form of adjudicatory process?

- a. procedural
- b. decisional
- c. diagnostic
- d. resolution

Answer (d)

p.201

7-13

Diagnostic adjudication is frequently associated with which type of court?

- a. probate
- b. divorce
- c. juvenile
- d. criminal

Answer (c)

p.201

7-14

Traditional litigation is distinguished by:

- a. a bipolar lawsuit
- b. a future orientation
- c. its retrospective nature
- d. a and c
- e. a, b, and c

Answer (d)

p.202

7-15

The difference between private and a public-policy oriented lawsuit is:

- a. the court which hears them
- b. the involvement of the government
- c. the right to an appeal

d. there are no differences

Answer (b)

p.204

7-16

A school desegregation case is an example of a:

- a. policy-oriented private lawsuit
- b. repeat players versus one-shotters
- c. policy-oriented public lawsuit
- d. habeas corpus petition
- e. one-shotters versus one-shotters

Answer (c)

p.204

7-17

Interest group activity in the courts is:

- a. increasing
- b. decreasing
- c. about the same over the past 40 years
- d. not allowed

Answer (a)

p.204

7-18

Amicus curiae means:

- a. gatekeepers in law
- b. friend of the court
- c. to influence greatly
- d. to influence little
- e. attorney at law

Answer (b)

p.208

7-19

A class action lawsuit is brought by:

- a. inmates in order to receive access to education
- b. the government against illegal aliens
- c. a group of people in a similar situation
- d. one person or interest group on behalf of others

Answer (d)

7-20

Interest group strategies to influence the courts include:

- a. direct sponsorship
- b. amicus curiae briefs
- c. class action lawsuits

- d. judicial nominations
- e. all of the above

Answer (e)

p.210

7-21

With regard to media coverage of court cases:

- a. the Constitution gives the media the right to cover all parts of court cases
- b. media have only those rights granted to them by judges
- c. parties work to balance open access and the need for a fair trial
- d. lawyers for the parties work out in advance the level of media coverage for court activities

Answer (c)

p.212

7-22

Mediation focuses on a resolution to a dispute that both parties find satisfactory.

- a. true
- b. false

Answer (a)

p.196

7-23

One-shotters enjoy an advantage in legal experience over repeat players.

- a. true
- b. false

Answer (b)

p.199

7-24

Most lawsuits in the United States involve policy litigation.

- a. true
- b. false

Answer (b)

p.202

7-25

Interest groups try to influence judicial nominations.

- a. true
- b. false

Answer (a)

p.204

7-26

The proceedings of the United States Supreme Court can be seen on Court TV.

- a. true

b. false

Answer (b)

p.213

7-27

What is meant by mobilization of the law and why are political scientists interested in this phenomenon?

7-28

Why is the one-shotter v. repeat player framework so appealing to social scientists studying the courts?

7-29

Compare and contrast traditional and policy-oriented lawsuits.

7-30

How do interest groups try to influence law and courts?

7-31

Describe two aspects of the legal system dramatized in the film *Chicago* (2002).

## Chapter Eight

8-1

In the Uniform Crime Reports, major crimes such as homicide or robbery are part of a category of crimes referred to as:

- a. first-degree crimes
- b. index crimes
- c. primary crimes
- d. misdemeanors
- e. felonies

Answer (b)

p.223

8-2

Of crimes known to the police, what percentage results in an arrest?

- a. 10% \_\_\_\_\_
- b. 20%
- c. 30%
- d. 40%
- e. 50%

Answer (b)

p.226

8-3

Which of the following statement or statements are correct about felony defendants?

- a. Violators of the criminal law come from all social and economic classes.
- b. Defendants are often powerless.
- c. Defendants are younger, less educated, and poorer than the average American.
- d. a, b, and c.
- e. b and c.

Answer (d)

p.228

8-4

When suspects are given formal notice of the charges by a judge, the procedure is called:

- a. an indictment
- b. an information
- c. an initial appearance
- d. booking

Answer (c)

p.229

8-5

Suspects in what types of cases have no right to bail?

- a. armed robbery
- b. simple assault

- ~~c. arson~~
- ~~d. rape~~
- ~~e. capital offenses~~

Answer (e)

p.230

8-6

~~In theory, the purpose of bail is to:~~

- ~~a. insure the appearance of the accused at trial~~
- ~~b. keep the accused in jail until trial~~
- ~~c. punish the accused for the crime~~
- ~~d. maintain control of persons arrested but not arraigned~~

Answer (a)

p.230

8-7

~~The American bail system is based on the defendant's access to:~~

- ~~a. a defense attorney \_\_\_\_\_~~
- ~~b. friends in the community \_\_\_\_\_~~
- ~~c. money \_\_\_\_\_~~
- ~~d. treatment centers~~

Answer (c)

p.230

8-8

~~When a person is released based only on his or her promise to return for trial, it is called:~~

- ~~a. unsecured bail~~
- ~~b. conditional release~~
- ~~c. release on recognizance~~
- ~~d. third party custody~~
- ~~e. probation~~

Answer (c)

p.230

8-9

~~Which of the following helps to explain the amount of bail set by a judge?~~

- ~~a. seriousness of the crime~~
- ~~b. criminal record~~
- ~~c. victim's desires~~
- ~~d. a, b, and c~~
- ~~e. a and b~~

Answer (e)

p.230

8-10

~~Preventive detention is aimed at denying pretrial release to defendants who:~~

- a. may not return for trial
- b. are viewed as a threat to the community
- c. have no links to the community
- d. a and b

Answer (b)

p.231

8-11

The office of prosecutor is characterized by:

- a. centralization
- b. checks and balances
- c. legal professionalism
- d. decentralization

Answer (d)

p.231

8-12

The prosecuting attorney is:

- a. usually a locally elected official
- b. appointed by the governor in most states
- c. responsible to the state bar association
- d. responsible to the state attorney general

Answer (a)

p.231

8-13

A charging document includes the:

- a. names of potential defense lawyers
- b. description of the offense that was committed
- c. sentencing guidelines for the alleged offense
- d. the court fees associated with the crime

Answer (b)

p.232

8-14

When comparing charging documents, the difference between a complaint and an information is:

- a. an information is signed by the prosecutor
- b. an information contains the age of the person charged
- c. an information is handed up by a grand jury
- d. a and b
- e. there is no difference

Answer (a)

p.232

8-15

Prosecution in a misdemeanor case is usually initiated by:

- a. indictment \_\_\_\_\_
- b. information \_\_\_\_\_
- c. complaint \_\_\_\_\_
- d. arrest warrant

Answer (c)

p.232

8-16

Which person is most influential in the charging decision?

- a. prosecutor \_\_\_\_\_
- b. judge \_\_\_\_\_
- c. defense attorney
- d. defendant \_\_\_\_\_
- e. juror \_\_\_\_\_

Answer (a)

p.232

8-17

Which of the following is designed as a check on unwarranted prosecution?

- a. bail \_\_\_\_\_
- b. initial appearance
- c. preliminary hearing
- d. discovery
- e. arrest warrant

Answer (c)

p.234

8-18

Which statement best describes the actual usage of preliminary hearings?

- a. Preliminary hearings are used extensively in federal courts.
- b. Preliminary hearings often result in charges being dropped.
- c. Preliminary hearings are often short and routine.
- d. Preliminary hearings often resemble mini-trials.

Answer (c)

p.234

8-19

If a person is indicted, he or she is:

- a. charged with the violation of a law
- b. found guilty of a crime
- c. tried in a lower court
- d. called before the grand jury
- e. fined a small amount

Answer (a)

p.235

8-20

If the grand jury finds probable cause that a defendant committed a crime, they return:

- a. an indictment
- b. an information
- c. a complaint
- d. no true bill
- e. nolle prosequi

Answer (a)

p.236

8-21

In order to bring a person to trial in a federal felony case, the U.S. attorney needs:

- a. an indictment
- b. an information
- c. an indictment or information
- d. a complaint

Answer (a)

p.236

8-22

At which stage of the criminal justice process does the right to counsel not apply?

- a. grand jury
- b. preliminary hearing
- c. bail setting
- d. sentencing
- e. police lineup

Answer (a)

p.236

8-23

Which statement best characterizes current practices of grand juries?

- a. Grand juries effectively screen cases when there has been no preliminary hearing.
- b. Grand juries consider only major investigations.
- c. The grand jury is effectively dominated by the prosecutor.
- d. Defense attorneys effectively use grand juries to block the filing of charges.

Answer (c)

p.237

8-24

The principle that illegally seized evidence cannot be used against the defendant at trial is known as the:

- a. exclusionary rule
- b. Fifth Amendment
- c. protection against self-incrimination
- d. presumption of innocence

e. right to confront witnesses

Answer (a)

p.241

8-25

In which landmark decision did the Supreme Court rule that defendants must be informed of their right to have their attorneys present during interrogation?

a. *Mapp v. Ohio* (1961)

b. *Miranda v. Arizona* (1966)

c. *Gideon v. Wainwright* (1963)

d. *Baker v. Carr* (1962)

e. *Brown v. Board* (1954)

Answer (b)

p.239

8-26

Illegally obtained evidence may be excluded under the prohibition against unreasonable searches and seizures of the:

a. First Amendment

b. Fourth Amendment

c. Fifth Amendment

d. Sixth Amendment

e. Eighth Amendment

Answer (b)

p.241

8-27

The case of *Mapp v. Ohio* (1961) concerned:

a. forced confessions

b. right to counsel

c. searches without a warrant

d. police interrogations

e. all of the above

Answer (c)

p.241

8-28

Critics argue that because of the exclusionary rule:

a. most cases get prosecuted

b. many cases get dropped by the prosecutor

c. grand juries fail to consider critical evidence

d. the use of DNA makes the exclusionary rule unnecessary

Answer (b)

p.241

8-29

In most courts, the rate of case attrition between arrest and the trial stage is:

- a. 25%
- b. 40%
- c. 50%
- d. 60%
- e. 75%

Answer (e)

p.242

8-30

The largest proportion of cases rejected during prosecutorial screening result from:

- a. policy priorities of prosecutors
- b. substantive assessments of justice
- c. suppression of evidence
- d. insufficient evidence

Answer (d)

p.242

8-31

Which of the following is not a major reason why cases are often dropped before a trial?

- a. First offenders usually have charges dropped.
- b. Police fail to gather sufficient evidence.
- c. Victims and witnesses don't show up to testify.
- d. Prosecutors' substantive assessments of the seriousness of the case.

Answer (a)

p.243

8-32

Explanations for case attrition include all of the following except:

- a. legal judgments
- b. policy priorities
- c. courtroom availability
- d. substantive assessments

Answer (c)

p.243

8-33

The criminal justice wedding cake model suggests:

- a. different crimes get different attention based on notoriety
- b. criminal justice processing involves layers of appeals
- c. case processing is best understood as involving separate stages
- d. crime can be a sweet business

Answer (a)

p.244

8-34

According to Samuel Walker, the criminal court process resembles:

- a. an assembly line
- b. a gauntlet
- c. an obstacle course
- d. a wedding cake

Answer (d)

p.244

8-35

Which types of cases get the most attention?

- a. misdemeanors
- b. serious felonies
- c. lesser felonies
- d. "garbage" cases

Answer (b)

p.245

8-36

Less than one out of four arrests for Type I offenses involve a crime of personal violence.

- a. true
- b. false

Answer (a)

p.224

8-37

Most felony arrests are for nonviolent offenses involving crimes like burglary and theft.

- a. true
- b. false

Answer (a)

p.227

8-38

Arrests are made in 50 percent of property offense crimes.

- a. true
- b. false

Answer (b)

p.229

8-39

An arrested person must be brought before a judge within 12 hours of arrest.

- a. true
- b. false

Answer (b)

p.229

8-40

Grand juries must contain 12 members.

a. true

b. false

Answer (b)

p.235

8-41

In felony court, most defendants are found guilty.

a. true

b. false

Answer (a)

p.237

8-42

Celebrated cases involve Hollywood celebrities.

a. true

b. false

Answer (a)

p.245

8-43

The number of "Index Crimes" has declined since 1990.

a. true

b. false

Answer (a)

p.223

8-44

The number of reported violent crimes in the U.S. during the past 20 years has stayed relatively constant, yet the U.S. has experienced a dramatic rise in the U.S. jail population during this same time. Explain these contradictory trends.

8-45

How does the federal nature of our political system affect policing in the U.S.?

8-46

Describe three places where discretion plays a role in the preliminary stages of criminal cases.

8-47

Describe the two major functions of grand juries and provide information about the role, size, and responsibilities of a typical grand jury.

8-48

What are the *Miranda* warnings and why are police required to give them?

## Chapter Nine

9-1

The courtroom work group concept focuses on:

- a. cooperation between judge, prosecutor and defense attorney
- b. conflicts between judge, prosecutor and defense attorney
- c. law on the books
- d. the conduct of the trial
- e. how the criminal law is written

Answer (a)

p.252

9-2

The concept of the courtroom work group emphasizes:

- a. conflict
- b. cooperation
- c. insufficient resources
- d. too many cases
- e. Supreme Court limitations on police procedure

Answer (b)

p.252

9-3

Who is not a member of the courtroom work group?

- a. defendant
- b. defense attorney
- c. judge
- d. prosecutor

Answer (a)

p.252

9-4

Normal penalties are:

- a. the penalty required by law
- b. the customary penalty for a similar crime
- c. the unavoidable penalty resulting from being a defendant
- d. a result of judicial activism

Answer (b)

p.253

9-5

Which of the following is not a concession generally offered defendants in return for a plea of guilty?

- a. reduction in the seriousness of the charge
- b. allowing the defendant to decide if he or she will be charged under federal or state law
- c. a promise of a lenient sentence

d. dismissal of other charges

Answer (b)

p.256

9-6

If a defendant pleads guilty to two of four charges, this is termed:

- a. charge bargaining
- b. sentence bargaining
- c. count bargaining
- d. implicit bargaining
- e. explicit bargaining

Answer (e)

p.256

9-7

When a defendant is convicted of two crimes and the judge stipulates that the sentences will be served all at one time, it is said that the defendant is serving the sentence:

- a. on double time
- b. consecutively
- c. concurrently
- d. on parole

Answer (c)

p.256

9-8

The most common similarity regarding plea bargaining procedure is the importance of:

- a. pretrial defendant interviews
- b. the seriousness of the offense
- c. the possibility of rehabilitation
- d. the size of the court docket

Answer (b)

p.257

9-9

Which of the following is most likely to influence whether a case goes to trial?

- a. seriousness of the crime
- b. severity of the penalty on conviction
- c. strength of the prosecutor's case
- d. a, b, and c
- e. b and c

Answer (e)

p.257

9-10

The type of case most likely to go to trial is:

- a. burglary

b. theft  
c. forgery  
d. robbery  
Answer (d)  
p.257

9-11  
Compared to a guilty plea, a conviction by a jury frequently results in a sentence which is:  
a. longer  
b. shorter  
c. about the same  
d. impossible to predict  
Answer (a)  
p.259

9-12  
A plea of guilty that does not constitute an admission of guilt is called:  
a. nolle prosequi  
b. charge bargaining  
c. nolo contendere  
d. implicit bargaining  
e. charge bargaining  
Answer (c)  
p.259

9-13  
Civil libertarians are concerned that plea bargaining:  
a. undercuts individuals' constitutional protections  
b. is inherently coercive  
c. is a result of prosecutorial abuse  
d. a, b, and c  
e. a and b  
Answer (e)  
p.259

9-14  
Sentencing structure is defined by which of the following?  
a. legislators  
b. judges  
c. parole boards  
d. a, b, and c  
e. a and b  
Answer (d)  
p.261

9-15

Reducing the inmate's prison term as a reward for good behavior in prison is known as awarding:

- a. executive clemency
- b. probation
- c. good time
- d. pardon

Answer (c)

p.261

9-16

The majority of persons under some form of correctional supervisions are:

- a. in jail
- b. in prison
- c. on probation
- d. on parole

Answer (c)

p.262

9-17

An individual placed on probation:

- a. has not been found guilty of a crime
- b. is released into the community under the supervision of the court
- c. is awaiting transfer to prison
- d. has been released from prison and is under supervision

Answer (b)

p.262

9-18

Which of the following items appear to be most important in a judge's decision to incarcerate or grant probation?

- a. nature of the victim
- b. prior criminal record
- c. drug or alcohol problems
- d. steady employment

Answer (b)

p.265

9-19

Over the past decade, the number of people in prison has:

- a. risen dramatically
- b. remained about the same
- c. declined
- d. fluctuated greatly

Answer (a)

p.262

9-20

Many prison reforms have come about as a result of which Constitutional Amendment?

- a. Fourth
- b. Fifth
- c. Sixth
- d. Eighth
- e. Ninth

Answer (d)

p.269

9-21

Which of the following statements best summarizes the U.S. Supreme Court's decisions on the death penalty?

- a. The death penalty constitutes cruel and unusual punishment.
- b. State death penalty laws are constitutional if the law provides for the automatic—  
execution of a narrowly defined class of law breakers.
- c. Guided discretion laws are constitutional.
- d. Juries must vote on the death penalty at the same time that they vote on guilt or  
innocence.

Answer (c)

p.273

9-22

For a death penalty law to be constitutional, the Supreme Court ruled it must provide for:

- a. proportionality review
- b. stochastic process
- c. bifurcated process
- d. retribution process

Answer (c)

p.274

9-23

The standards on the death penalty are:

- a. staying constant
- b. continuing to evolve
- c. determined exclusively by the Supreme Court
- d. only changed as a result of public opinion

Answer (b)

p.276

9-24

Which of the following is universally regarded as an illegitimate factor in sentencing?

- a. prior record of the defendant
- b. seriousness of the offense
- c. employment status of the defendant

- d. family situation of the defendant
- e. race of the defendant

Answer (e)

p.278

9-25

With regard to the sentencing of minorities, research has concluded:

- a. African-Americans get longer sentences than whites
- b. African-Americans get shorter sentences than whites
- c. there are no differences by race
- d. the findings are inconclusive

Answer (d)

p.278

9-26

The following is an example of a factor associated with sentencing disparities:

- a. geography of justice
- b. race of the defendant
- c. seriousness of the crime
- d. defendant's prior record

Answer (a)

p.267

9-27

Sentencing guidelines are designed to:

- a. impose stricter sentences
- b. reduce corruption and bribery
- c. increase judicial discretion
- d. provide certainty and consistency

Answer (d)

p.270

9-28

Prescriptive sentencing guidelines:

- a. express what sentence should be imposed
- b. express what sentence may be imposed
- c. are utilized in every state
- d. have been declared unconstitutional

Answer (a)

p.270

9-29

Increasing the severity of the punishment tends to:

- a. decrease the crime rate
- b. decrease its application
- c. decrease court costs

d. increase the number of convictions

Answer (b)

p.270

9-30

The courtroom work group depends on regularity of behavior.

a. true

b. false

Answer (a)

p.253

9-31

Members of the courtroom work group try to avoid trials.

a. true

b. false

Answer (a)

p.253

9-32

Sentencing guidelines increase the judge's discretion.

a. true

b. false

Answer (b)

p.269

9-33

The number of adults in prison is now over one million.

a. true

b. false

Answer (a)

p.260

9-34

What is the courtroom work group and why do political scientists think it is important?

9-35

Explain the process of plea bargaining.

9-36

Why do cases go to trial?

9-37

Some critics favor the abolition of plea bargaining, while others argue that it serves an important purpose and should simply be reformed. Choose a position and provide a supporting argument.

9-38

How do films like *The Shawshank Redemption* contribute to the debate about the ever-growing size of the adult jail population in the United States?

9-39

What impact is the revolution in DNA testing having on the use of the death penalty?

9-40

Why might judicial sentencing guidelines be viewed as an infringement of the legislative branch on the powers of the judiciary?

9-41

How will fines in the Deepwater Horizon Explosion be determined?

## Chapter Ten

10-1

Galanter visualizes civil justice as:

- a. an adversarial contest——
- b. a disputing pyramid——
- c. a funnel-like process
- d. a test of wills
- e. a forum for negotiations

Answer (b)

p.291

10-2

The following exists only when a claim is rejected:

- a. dispute——
- b. grievance
- c. mediation
- d. lawsuit

Answer (a)

p.292

10-3

Hiring a lawyer often shows:

- a. a presence of legal realities
- b. the individual's seriousness in continuing the case
- c. the client's need to understand legal rules better
- d. a and c
- e. a, b, and c

Answer (e)

p.293

10-4

Which statement or statements best describe the work of most lawyers?

- a. Lawyers encourage lawsuits in order to create business for themselves.
- b. Lawyers try to keep clients out of court.
- c. Lawyers file lawsuits even if the claim is unreasonable.
- d. b and c.
- e. a and c.

Answer (b)

p.293

10-5

Which of the following best describes the lawyer's function within the legal system?

- a. snakes in the sand
- b. utilized only for criminal cases

- e. serve as gatekeepers
- d. encourage every client to go to court

Answer (e)

p.294

10-6

Most disputes do not end up in court because:-

- a. the plaintiff “lumps” it
- b. the party filing a claim is satisfied with a settlement
- c. the parties have difficulty finding lawyers
- d. a and b

e. a, b, and c

Answer (b)

p.295

10-7

Studies on civil court caseloads per thousand of the population indicate that they have:

- a. increased steadily in the 20th century
- b. decreased in the 20th century
- c. remained relatively stable in the 20th century
- d. fluctuated widely in the 20th century

Answer (c)

p.297

10-8

Studies on the kinds of civil cases coming to court in this century find:

- a. property cases have increased
- b. personal injury cases have increased
- c. market-related cases have increased
- d. the kinds of cases have remained the same
- e. there is no pattern

Answer (b)

p.297

10-9

Studies of Americans’ “suing” behavior indicate:

- a. they sue more than any other Western democracy
- b. they are not necessarily quick to sue
- c. community norms seem to shape suing behavior
- d. b and c

e. a, b, and c

Answer (d)

p.299

10-10

During the last decade, tort filings in many states have been:

- a. decreasing rapidly
- b. increasing rapidly
- c. staying relatively constant
- d. fluctuating widely

Answer (c)

p.301

10-11

The median verdict in automobile tort cases is around:

- a. \$15,000
- b. \$25,000
- c. \$55,000
- d. Over \$100,000

Answer (a)

p.307

10-12

Medical malpractice lawsuits are an example of:

- a. no-win torts
- b. low stakes litigation
- c. high stakes litigation
- d. guaranteed lawyer fees

Answer (c)

p.308

10-13

Mass tort litigation involves:

- a. charges by lawyers about the media
- b. the dual use of criminal sanctions
- c. very large sums of money
- d. the application of standard legal norms

Answer (c)

p.308

10-14

Mass tort cases are complicated because of:

- a. the problem of causation
- b. the absence of lawyers
- c. the small number of parties
- d. an inability to mobilize litigants

Answer (a)

p.309

10-15

Limits on punitive damages are an example of:

- a. stare decisis

- b. common law evolution
- c. policy litigation
- d. tort reform

Answer (d)

p.304

10-16

Which statement best describes community mediation programs?

- a. Arbitration is the dominate mode of dispute resolution.
- b. The focus is on minor disputes.
- c. Many programs have close links to the courts.
- d. a and b.
- e. a, b, and c.

Answer (b)

p.310

10-17

Critics charge that community courts:

- a. are too formal
- b. are too informal
- c. result in lengthy delays
- d. make work for too many lawyers

Answer (b)

p.310

10-18

Court-annexed compulsory arbitration is designed to:

- a. increase the geographic jurisdiction of a court
- b. increase the caseload for annexation courts
- c. provide a speedier, less expensive alternative to courts
- d. provide criminal suspects with an additional appeal

Answer (c)

p.311

10-19

The data that have been collected about court-administered arbitration programs shows:

- a. mixed results
- b. overwhelming success
- c. they have increased congestion
- d. they have increased court costs

Answer (a)

p.312

10-20

Hiring a lawyer automatically means a dispute will result in a lawsuit.

- a. true

b. false

Answer (b)

p.293

10-21

Tort reform has traditionally been a state legal matter.

a. true

b. false

Answer (a)

p.299

10-22

The Congress is active in establishing tort reform at the national level.

a. true

b. false

Answer (a)

p.301

10-23

Few people support Alternative Dispute Resolution.

a. true

b. false

Answer (b)

p.310

10-24

Stella Liebeck's jury verdict against McDonalds was substantially reduced by the courts.

a. true

b. false

Answer (a)

p.305

10-25

Why is a pyramid a useful shape to describe the disputing process in the United States?

10-26

Describe two factors that influence a person's decision to sue.

10-27

Is the United States suffering from a litigation explosion? Explain your answer.

10-28

Compare and contrast the view that Americans are "too quick to sue" with the view that everyone deserves "equal access to the civil legal system."

10-29

What contribution can political science make to the debate about reforming the civil legal system?

10-30

Describe and evaluate two proposed changes to the civil legal system (tort reform).

10-31

Discuss the differences between mediation and arbitration as forms of alternative dispute resolution.

10-32

Why did the Supreme Court reduce the punitive damages awarded by a jury to victims of the Exxon Valdez oil spill?

10-33

Explain the arguments that supporters of the BP Claims Fund make in advocating for this process over traditional litigation.

## Chapter Eleven

11-1

Which statement best describes the similarities and differences between civil procedure and criminal procedure?

- a. Criminal procedure is more extensive than civil procedure.
- b. Civil procedure has a significant constitutional basis.
- c. Civil procedure is more extensive than criminal procedure.
- d. The burden of proof is higher in civil cases than in criminal cases.
- e. The rules of civil procedure are similar to the rules of criminal procedure.

Answer (e)

11-2

In *Bleak House*, Charles Dickens provides a strong attack on the English legal system. Many of these problems were associated with the system being:

- a. loose and flexible \_\_\_\_\_
- b. rigid and formal \_\_\_\_\_
- c. focused on pretrial conference
- d. too concerned about sentencing

Answer (b)

p.324

11-3

The process of making formal written statements about each side of a civil case is known as:

- a. discovery \_\_\_\_\_
- b. motions \_\_\_\_\_
- c. pleadings
- d. pretrial

Answer (c)

p.324

11-4

A civil suit begins with the filing of a(n):

- a. indictment \_\_\_\_\_
- b. information \_\_\_\_\_
- c. complaint
- d. motion
- e. answer

Answer (c)

p.326

11-5

The person who brings a civil suit is called the:

- a. plaintiff \_\_\_\_\_
- b. defendant \_\_\_\_\_
- c. appellant
- d. respondent
- e. appellee

Answer (a)

p.326

11-6

A complaint includes a:

- a. description of the courts' jurisdiction
- b. statement of the facts
- c. cause of action
- d. remedy
- e. all of the above

Answer (e)

p.326

11-7

If a defendant refuses to provide an answer, the judge in the case may issue a:

- a. restraining order
- b. lively judgment
- c. default judgment
- d. certain judgment

Answer (c)

p.327

11-8

Which stage of the process is intended to eliminate surprises in civil cases?

- a. service \_\_\_\_\_
- b. pleadings \_\_\_\_\_
- c. answer
- d. discovery
- e. complaint

Answer (d)

p.327

11-9

Which of the following is not a tool of discovery?

- a. interrogatories
- b. private investigation
- c. deposition
- d. subpoena

Answer (b)

p.328

11-10

The ~~most significant change in the Federal Rules of Civil Procedure is related to:~~

- a. ~~complaint~~
- b. ~~service~~
- c. ~~answer~~
- d. ~~discovery~~
- e. ~~venue~~

Answer (d)

p.328

11-11

~~In a civil case, the pretrial procedure for obtaining information about the issues and facts of the case is:~~

- a. ~~remedy~~
- b. ~~discovery~~
- c. ~~complaint~~
- d. ~~summons~~
- e. ~~privileged information~~

Answer (b)

p.328

11-12

A court order compelling a person to appear in court is termed a:

- a. ~~voir dire~~ \_\_\_\_\_
- b. ~~subpoena~~ \_\_\_\_\_
- c. ~~injunction~~ \_\_\_\_\_
- d. ~~brief~~ \_\_\_\_\_

Answer (b)

p.328

11-13

~~The following is an order by the court requiring a person to produce documents in their possession:~~

- a. ~~subpoena duces tecum~~
- b. ~~subpoena~~
- c. ~~interrogatory~~
- d. ~~deposition~~
- e. ~~judgment~~

Answer (a)

p.329

11-14

The following are questions that a party in a case must answer in writing and under oath:

- a. ~~subpoena duces tecum~~

- b. subpoena
- c. interrogatory
- d. deposition
- e. judgment

Answer (c)

p.329

11-15

A default judgment for the plaintiff may be granted against a defendant:

- a. after a mistrial
- b. if the defendant lost the case, but fails to pay the monetary damages awarded
- c. if the defendant fails to do anything
- d. if the defendant files a misleading answer
- e. none of the above

Answer (c)

p.330

11-16

If a case involves no genuine issue of fact and the law is clear, the judge can issue a:

- a. summary judgment \_\_\_\_\_
- b. default judgment \_\_\_\_\_
- c. preliminary injunction
- d. directed verdict
- e. acquittal

Answer (a)

p.329

11-17

Which of the following provides an important opportunity for lawyers to negotiate and settle cases?

- a. discovery \_\_\_\_\_
- b. jury selection \_\_\_\_\_
- c. pretrial conference
- d. bench conference

Answer (c)

p.330

11-18

In what type of case is the plaintiff most likely to face a problem enforcing the judgment of the court?

- a. tort \_\_\_\_\_
- b. property \_\_\_\_\_
- c. contract
- d. small claims

Answer (d)

p.330

11-19

Of all the lawsuits begun in the United States:

- a. the overwhelming proportion end with a court judgment
- b. only a few end without a court judgment
- c. the overwhelming proportion are settled before a judgment is rendered
- d. most are dismissed as insignificant

Answer (c)

p.331

11-20

Best results negotiations refers to:

- a. choosing the best lawyer
- b. achieving the highest number of motions
- c. obtaining the most money for the client
- d. getting the best bargain on lawyer fees

Answer (c)

p.332

11-21

What area of the law has been marked by a major expansion in liability since World War II?

- a. contract \_\_\_\_\_
- b. property \_\_\_\_\_
- c. tort \_\_\_\_\_
- d. small claims \_\_\_\_\_

Answer (c)

p.334

11-22

A tort case requesting a large sum of money is likely to involve which of the following types of negotiations?

- a. best result \_\_\_\_\_
- b. appropriate result \_\_\_\_\_
- c. ritualistic bargaining
- d. short bargaining

Answer (a)

p.332

11-23

In an uncontested divorce, a judge is called upon to perform which of the following?

- a. routine administration \_\_\_\_\_
- b. procedural adjudication \_\_\_\_\_
- c. decisional adjudication
- d. diagnostic adjudication

Answer (a)

p.343

11-24

In a dispute over child custody, a judge is called upon to perform which of the following tasks?

- a. routine administration \_\_\_\_\_
- b. procedural adjudication \_\_\_\_\_
- c. decisional adjudication
- d. diagnostic adjudication

Answer (d)

p.343

11-25

Which type of case usually involves a repeat player suing a one-shotter?

- a. divorce \_\_\_\_\_
- b. personal injury \_\_\_\_\_
- c. debt collection
- d. estate

Answer (c)

p.344

11-26

Which statement or statements best describe small claims court?

- a. Plaintiffs win a high percentage of the time.
- b. The typical defendant is an individual or tenant.
- c. Hiring a lawyer is associated with a favorable outcome.
- d. a, b, and c.
- e. a and c.

Answer (d)

p.344

11-27

In which type of lawsuit is one most likely to find a one-shotter suing a repeat player?

- a. contract \_\_\_\_\_
- b. divorce \_\_\_\_\_
- c. small claims
- d. tort \_\_\_\_\_
- e. property

Answer (d)

p.344

11-28

The purpose of civil procedure is the just and efficient resolution of disputes.

- a. true
- b. false

Answer (a)

p.323

11-29

~~A summons is an informal notice that you been named in a lawsuit.~~

~~a. true~~

~~b. false~~

~~Answer (b)~~

p.326

11-30

~~Less than 20% of civil cases are disposed of through a settlement.~~

~~a. true~~

~~b. false~~

~~Answer (b)~~

p.331

11-31

~~Most federal court cases are disposed of by trial.~~

~~a. true~~

~~b. false~~

~~Answer (b)~~

p.331

11-32

~~Defendants in tort cases are usually large insurance companies.~~

~~a. true~~

~~b. false~~

~~Answer (a)~~

p.334

11-33

~~No fault divorce systems require irreconcilable differences.~~

~~a. true~~

~~b. false~~

~~Answer (a)~~

p.342

11-34

~~Explain the primary steps in a civil lawsuit.~~

11-35

~~Why are most civil lawsuits settled before trial?~~

11-36

~~What are two aspects of the civil legal system illustrated by *Rodriguez v. Firestone* (2001)?~~

11-37

How are divorce cases and divorce law different from most other civil cases?

11-38

Why does political science describe the litigants in civil cases as “winners and losers”?

11-39

Why are the various organizations and individuals involved in the Deepwater Horizon incident blaming each other for the resulting oil spill?

## Chapter Twelve

12-1

The Constitution's requirement of jury trials:

- a. is uniform for federal and state governments, regardless of the kinds of cases
- b. is different for civil and criminal cases
- c. is set at a twelve-person jury
- d. requires unanimous jury convictions in all cases

Answer (b)

p.351

12-2

In *Baldwin v. New York* (1970), the Supreme Court held that a defendant in a criminal case has the right to a jury trial:

- a. if charged with treason
- b. only if charged with a capital offense
- c. is facing a prison sentence of six months or more
- d. only if charged with a felony
- e. none of the above

Answer (e)

p.353

12-3

In what type of civil case is there is no constitutional right to a trial by jury?

- a. equity
- b. contract
- c. common law
- d. tort

Answer (a)

p.353

12-4

Based on Supreme Court interpretations of the U.S. Constitution, which statement is not correct concerning the size of juries?

- a. six-member juries in federal civil cases
- b. six-member juries in federal criminal cases
- c. six-member juries in state civil cases
- d. six-member juries in state criminal cases

Answer (b)

p.355

12-5

The Supreme Court has ruled that juries:

- a. must be composed of 12 people
- b. are available only in felony cases
- c. must reach unanimous verdicts in all cases

d. can be of differing sizes

Answer (d)

p.355

12-6

Under American law, what does a jury of one's peers mean?

- a. Jurors must be selected from a cross-section of the community.
- b. The jury must contain persons of the same social background as the defendant.
- c. Jurors should be longtime members of the community.
- d. Jurors should be familiar with the defendant's neighborhood.
- e. Minorities must be represented on the jury.

Answer (a)

p.356

12-7

A challenge for cause must include:

- a. agreement between prosecution and defense
- b. lack of agreement between prosecution and defense
- c. agreement from the judge
- d. no reason for dismissal

Answer (c)

p.358

12-8

Voir dire refers to:

- a. cross examination of witnesses during trial
- b. questioning of potential jurors
- c. judge's instructions to the jury
- d. appellate review of the trial record

Answer (b)

p.357

12-9

When attorneys exclude jurors without explanation, they are exercising:

- a. voir dire
- b. challenge for cause
- c. peremptory challenge
- d. exclusionary rule

Answer (c)

p.358

12-10

Which of the following steps in the jury selection process is solely the prerogative of the attorneys?

- a. drawing up a master list of potential jurors
- b. selecting persons from the master list for summoning

- ~~c. granting exemptions from jury service~~
- ~~d. selecting the members of the venire~~
- ~~e. exercising peremptory challenges~~

Answer (e)

p.358

12-11

A recent effort to streamline jury duty is:

- ~~a. one day/one trial system~~
- ~~b. voir dire~~
- ~~c. jury compensation~~
- ~~d. six-member jury~~
- ~~e. assembly-line justice~~

Answer (a)

p.359

12-12

In a civil case, the burden of proof required to convict is:

- ~~a. proof beyond a reasonable doubt~~
- ~~b. proof based on clear and convincing evidence~~
- ~~c. proof based on the preponderance of the evidence~~
- ~~d. proof drawn from the judge's instructions to the jury~~

Answer (c)

p.361

12-13

In a civil trial:

- ~~a. the plaintiff presents its case first~~
- ~~b. the defense presents its case first~~
- ~~c. the clerk decides who will go first~~
- ~~d. the judge decides who will go first~~
- ~~e. a random draw determines who will go first~~

Answer (a)

p.360

12-14

Which of the following types of evidence are generally not admissible in criminal trials?

- ~~a. testimony~~
- ~~b. circumstantial~~
- ~~c. hearsay~~
- ~~d. direct~~

Answer (c)

p.362

12-15

The basic requirements for the admissibility of evidence during trial include:

- a. relevance and hearsay
- b. privilege and trustworthiness
- c. materiality and hearsay
- d. trustworthiness and relevance
- e. trustworthiness and hearsay

Answer (d)

p.362

12-16

In a burden of proof defense, the attorney relies on:

- a. cross-examination
- b. bench trial
- c. testimony from friends of the defendant
- d. affirmative defense
- e. insanity defense

Answer (a)

p.361

12-17

The last step in a trial before the charge to the jury is:

- a. closing statement by the defense
- b. verdict
- c. closing statement by the plaintiff or prosecutor
- d. rebuttal
- e. re-cross examination

Answer (c)

p.367

12-18

A study by Kalven and Zeisel found:

- a. evidence in a case seems to predict the verdict
- b. juries are more strict than judges
- c. juries and judges seldom agree on verdicts
- d. the most influential person is the jury foreman

Answer (a)

p.369

12-19

Which of the following has not been a conclusion of research on jury decision-making?

- a. The majority on the first ballot usually wins.
- b. Lone jurors frequently produce hung juries.
- c. Men talked more frequently than women.
- d. In a third of the cases, only one vote is needed.

Answer (b)

p.369

~~12-20~~

~~A motion for a change of venue requests which of the following be changed:~~

~~a. place of the trial~~

~~b. judge~~

~~c. prosecutor~~

~~d. jury~~

~~e. court~~

~~Answer (a)~~

~~p.371~~

~~12-21~~

~~Which of the following is not a permissible technique for dealing with prejudicial pretrial publicity?~~

~~a. sequestering the jury~~

~~b. change of venue~~

~~c. forbidding either party to provide the press with information~~

~~d. prohibiting the press from publishing information about the case~~

~~Answer (d)~~

~~p.372~~

~~—~~

~~12-22~~

~~Petty offenses enjoy no constitutional right to a jury trial.~~

~~a. true~~

~~b. false~~

~~Answer (a)~~

~~p.353~~

~~12-23~~

~~Juries must always be unanimous.~~

~~a. true~~

~~b. false~~

~~Answer (b)~~

~~p.369~~

~~12-24~~

~~Venire involves the drawing of the jury pool.~~

~~a. true~~

~~b. false~~

~~Answer (a)~~

~~p.357~~

~~12-25~~

~~Why did the framers of the United States legal system consider trial by jury “fundamental to the American scheme of justice”?~~

~~12-26~~

What image of jury consultants is provided in *Runaway Jury* and how is it similar or different to that presented in the text?

12-27

Describe one potential impact of the use of jury consultants on the legitimacy of the jury system?

12-28

Explain the importance of *trustworthiness* and *relevance* as they relate to the admissibility of evidence?

12-29

Are concerns about the impact of pretrial publicity warranted in most cases? Examine efforts to limit prejudicial pretrial publicity in this era of the 24/7 new cycle.

12-30

Describe what is meant by the term “jury nullification” and offer a political science explanation for why jurors might want to engage in such behavior.

12-31

Are juries vanishing?

## Chapter Thirteen

13-1

Which statement or statements ~~best~~ describe appellate courts?

- ~~a. Appellate courts operate the same as trial courts.~~
- ~~b. Appellate courts provide for error correction.~~
- ~~c. Appellate courts engage in policy formulation.~~
- ~~d. a, b, and c.~~
- ~~e. b and c.~~

Answer (e)

p.382

13-2

Either the plaintiff or the defendant may appeal a decision to an appellate court in:

- ~~a. a criminal case~~
- ~~b. a civil case~~
- ~~c. a and b~~
- ~~d. none of the above~~

Answer (b)

p.383

13-3

The U.S. Constitution's Fifth Amendment prohibition of double jeopardy means:

- ~~a. every party has the right to a jury trial~~
- ~~b. the losing party has the right to one appeal~~
- ~~c. a prosecutor cannot appeal a verdict of not guilty~~
- ~~d. a defendant is innocent until proven guilty~~
- ~~e. defendants have a right to counsel~~

Answer (c)

p.383

13-4

Protecting a person from being prosecuted a second time after he or she has been found innocent is termed:

- ~~a. double jeopardy~~
- ~~b. ex post facto~~
- ~~c. right to one appeal~~
- ~~d. exclusionary rule~~
- ~~e. Fourth Amendment right~~

Answer (a)

p.383

13-5

Which statement best describes the appellate court process?

- ~~a. Only questions of law may be appealed.~~
- ~~b. Trial court findings of fact are subject to scrutiny.~~

- ~~c. If the record is unclear, witnesses may be called.~~
- ~~d. Single judges typically make the decision.~~

Answer (a)

p.387

13-6

Which statement about the American appellate process is not true?

- ~~a. Judges can ask questions during oral argument.~~
- ~~b. Lawyers may introduce new evidence.~~
- ~~c. Decisions are made by a group of judges.~~
- ~~d. There are limits on when a case can be appealed.~~

Answer (b)

p.387

13-7

An appeals court can:

- ~~a. hold trials in certain cases~~
- ~~b. affirm the judgment of a lower court~~
- ~~c. reverse the judgment of a lower court~~
- ~~d. b and c~~
- ~~e. a, b, and c~~

Answer (d)

p.387

13-8

Appellate court proceedings may include:

- ~~a. jurors \_\_\_\_\_~~
- ~~b. witnesses \_\_\_\_\_~~
- ~~c. cross-examination~~
- ~~d. oral argument~~

Answer (d)

p.388

13-9

Which of the following is not one of the common steps in appellate procedure?

- ~~a. writing and filing briefs~~
- ~~b. selecting jurors~~
- ~~c. presenting oral argument~~
- ~~d. writing an opinion~~

Answer (b)

p.388

13-10

An appellee is:

- ~~a. the party who lost at the trial court level~~
- ~~b. the party who won at the trial court level~~

- ~~c. the plaintiff at the trial court~~
- ~~d. the defendant at the trial court~~
- ~~e. the party who brings the appeal~~

Answer (b)

p.388

13-11

When an appellate court remands a case, it:

- ~~a. affirms the lower court's decision~~
- ~~b. reverses the lower court's decision~~
- ~~c. returns the case to the lower court~~
- ~~d. submits the case to a higher court~~
- ~~e. shifts the case to another appellate court~~

Answer (e)

p.388

13-12

If a case is affirmed, it:

- ~~a. means the case cannot be appealed to a higher court~~
- ~~b. is sent back to the court that heard the case~~
- ~~c. means the decision of a lower court was accepted by the appellate court~~
- ~~d. will result in a new trial for the defendant~~

Answer (c)

p.388

13-13

Cases in the U.S. Courts of Appeals can come from:

- ~~a. federal administrative agencies that lost in a lower court~~
- ~~b. state supreme courts~~
- ~~c. the U.S. Supreme Court~~
- ~~d. the U.S. Court of Appeals for the Federal Circuit~~

Answer (a)

p.389

13-14

Which statement or statements best describe criminal appeals?

- ~~a. defendants often win on appeal~~
- ~~b. criminal appeals usually raise only routine issues~~
- ~~c. judges find criminal appeals more interesting than civil appeals~~
- ~~d. a, b, and c~~
- ~~e. a and c~~

Answer (b)

p.390

13-15

Efforts to improve the efficiency of appellate courts have included all of the following,

except:

- a. eliminating oral argument
- b. issuing summary affirmations
- c. issuing unpublished opinions
- d. eliminating dissenting opinions

Answer (d)

p.392

13-16

Which statement best describes post-conviction remedies?

- a. they may be filed only in federal court
- b. they are limited to issues raised on appeal
- c. they are limited to constitutional defects
- d. they are limited to one filing
- e. they may only be filed in the court that convicted the defendant

Answer (e)

p.393

13-17

The writ of habeas corpus protects:

- a. students who want to see their files
- b. the right of association and petition
- c. persons in confinement
- d. criminal defendants whose trials are delayed
- e. civil defendants whose cases are delayed

Answer (e)

p.393

13-18

Which statement best describes post-conviction remedies?

- a. The Burger Court expanded the grounds upon which they can be filed.
- b. Defendants on probation are the most likely to win.
- c. Reform proposals primarily reflect concerns about judicial administration.
- d. They are most likely to be filed in capital punishment cases.

Answer (e)

p.394

-

13-19

Compared to case filings in trial courts, filings in appellate courts have:

- a. increased at the same rate
- b. increased at a much faster rate
- c. actually declined
- d. there is no pattern

Answer (b)

p.396

13-20

Faced with growing appellate caseload, the first response by courts was to:

- a. eliminate oral argument
- b. add additional courts
- c. expand the clerk's office
- d. write unpublished opinions

Answer (b)

p.392

13-21

Contemporary approaches to solving the problem of appellate court caseloads involve which of the following?

- a. adopting expedited processing techniques
- b. restricting the jurisdiction of the intermediate appellate courts
- c. adding additional courts
- d. hiring more judges

Answer (a)

p.392

13-22

The movement in state supreme courts to reinvigorate state constitutions as sources of individual rights over and above the rights granted by the U.S. Constitution is referred to as:

- a. states' rights
- b. expanded original jurisdiction
- c. state judicial activism
- d. new judicial federalism

Answer (d)

p.398

13-23

Which state supreme court was noted for being dominated with conservative "Old Stock" Republicans?

- a. Ohio
- b. Alabama
- c. New Jersey
- d. California
- e. Illinois

Answer (a)

p.400

13-24

Since World War II, which state supreme court has been considered the leader in the development of legal doctrines?

- a. Ohio
- b. Alabama

- c. New Jersey
- d. California
- e. Illinois

Answer (e)

p.400

13-25

Which of the following social background variables has been consistently found to relate to decision making by appellate judges?

- a. race
- b. gender
- c. pre-judicial career
- d. political party affiliation
- e. religious affiliation

Answer (d)

p.401

13-26

Which of the following approaches to studying judicial decision making rests on the assumption that appellate court judges view cases primarily in terms of policy preferences?

- a. judicial attitudes
- b. social backgrounds
- c. small group
- d. judicial role

Answer (a)

p.400

13-27

According to studies of judicial role, which phrase best describes judges who express a very narrow and traditional view of the judicial process?

- a. conservatives
- b. pragmatists
- c. law interpreters
- d. lawmakers

Answer (c)

p.402

13-28

An appeal of a lower court decision is discretionary.

- a. true
- b. false

Answer (a)

p.383

13-29

The U.S. Supreme Court and most state supreme courts largely have mandatory

jurisdiction.

a. true

b. false

Answer (b)

p.385

13-30

The bulk of trial court filings are never appealed.

a. true

b. false

Answer (a)

p.385

13-31

Habeas corpus relief has been expanding.

a. true

b. false

Answer (b)

p.394

13-32

State supreme courts have been consistently losing influence in the U.S. legal system.

a. true

b. false

Answer (b)

p.398

13-33

The partisan views of appellate judges have been linked to their decisions.

a. true

b. false

Answer (a)

p.400

13-34

The small group dynamics of appellate courts have been linked to their decision making.

a. true

b. false

Answer (a)

p.404

13-35

Describe the two primary purposes of appeal in the United States legal system.

13-36

Explain the difference between mandatory and discretionary appellate jurisdiction.

13-37

What options are available to an appellate court as it considers how to dispose of a case?

13-38

What are the primary differences between trial and appellate courts?

13-39

Are appellate courts more *political* than trial courts? Explain your answer.

13-40

Describe three key features of criminal appeals.

13-41

What is meant by *habeas corpus* relief? Explain the history of *habeas corpus* in the United States and relate it the current situation of enemy combatants being held by the U.S. government in Cuba.

13-42

Provide examples of how state supreme courts differ from one another and offer an explanation for why these differences exist.

13-43

What are two important factors in understanding how appellate court judges make their decisions?

13-44

Why do appellate courts function as multi-judge bodies, and how might small group theory help us understand their behavior?

13-45

How have advances in DNA evidence changed the argument about innocents on death row?

## Chapter Fourteen

14-1

A prime example of the U.S. Supreme Court's original jurisdiction would be:

- a. suits between citizens of different states
- b. a state challenging the constitutionality of a federal law
- c. suits between two or more states
- d. disbarment of attorneys

Answer (c)

p.415

14-2

The appellate jurisdiction of the Supreme Court is determined by:

- a. Congress
- b. the Supreme Court
- c. the Justice Department
- d. the Constitution

Answer (a)

p.417

14-3

The most common route by which cases come to the U.S. Supreme Court is by:

- a. *amicus curiae*
- b. certiorari
- c. appeal
- d. certification

Answer (b)

p.419

14-4

Prior to 1988, if a lower court declared an Act of Congress unconstitutional, the losing side might file which of the following with the Supreme Court:

- a. writ of certification
- b. writ of appeal
- c. writ of certiorari
- d. writ of curium
- e. writ of chancery

Answer (b)

p.417

14-5

Which statement best describes doctrines of access?

- a. They are clearly defined and largely inflexible.
- b. They grant the Supreme Court flexibility in deciding which cases the federal courts will hear.
- c. They vary little depending on the justices sitting on the court.

d. They are largely based on the Constitution and legislative acts.

Answer (b)

p.419

14-6

Which of the following do federal courts not issue?

a. injunctions \_\_\_\_\_

b. advisory opinions \_\_\_\_\_

c. writs of mandamus

d. writs of habeas corpus —

e. writs of appeal —

Answer (b)

p.420

14-7

The requirement of standing means that to sue in federal court one must demonstrate that he or she:

a. has contacted all similarly situated potential plaintiffs

b. can prove his or her case beyond a reasonable doubt

c. has tried to resolve the issue through the other branches of government

d. has been involved in an actual dispute

Answer (d)

p.421

14-8

Taxpayers' suits against the government concerning tax expenditures are:

a. prohibited by the Constitution

b. prohibited by the Supreme Court

c. encouraged by the Supreme Court

d. rarely permitted by the Supreme Court

Answer (d)

p.421

14-9

Under which of the following legal doctrines has the Court refused to hear challenges to American foreign policy?

a. political questions \_\_\_\_\_

b. taxpayer lawsuits \_\_\_\_\_

c. ripeness —

d. class action

e. mootness

Answer (a)

p.425

14-10

The major factor in determining whether a case involves a political question is:

- a. the presence of political debate
- b. its association with a political party
- c. the perceptions of the justices who are sitting on the court at that time
- d. the activities of the president who is in office at the time
- e. the unsettled nature of the law

Answer (e)

p.425

14-11

Lawyers that argue cases before the Supreme Court:

- a. come from a wide variety of law firms
- b. are mostly inexperienced at appellate argument
- c. come mostly from a narrow circle of lawyers
- d. are mostly the same ones who tried the case in the lower court

Answer (c)

p.426

14-12

The unique position of the solicitor general stems from his or her involvement in which branch of government?

- a. executive
- b. judicial
- c. legislative
- d. b and c
- e. a and b

Answer (e)

p.429

14-13

Who represents the federal government before the Supreme Court?

- a. the attorney general
- b. the solicitor general
- c. the secretary of justice
- d. the chief justice

Answer (b)

p.429

14-14

The "discuss list" is prepared by:

- a. Congress
- b. the chief justice
- c. the clerk of court
- d. the solicitor general
- e. law clerks

Answer (b)

p.430

14-15

If the Supreme Court decides to review a case, they issue:

- a. a writ of certiorari
- b. a writ of habeas corpus
- c. a bill of attainder
- d. a writ of jurisdiction
- e. none of the above

Answer (a)

p.431

14-16

A writ of certiorari is issued by the Supreme Court only when:

- a. a majority of justices vote for it
- b. at least four justices vote for it
- c. a unanimous Court supports it
- d. the solicitor general approves of it
- e. none of the above

Answer (b)

p.431

14-17

For a case to be heard by the U.S. Supreme Court it must:

- a. raise a substantial federal question
- b. be certified by a three-judge district panel
- c. be approved by the solicitor general
- d. involve a constitutional issue

Answer (a)

p.432

14-18

Which of the following has been found to be a “cue” in the Supreme Court deciding to hear a case?

- a. The state is a party.
- b. The solicitor general requests review.
- c. The case involves an issue of economic regulation.
- d. Interest groups have not filed amicus.

Answer (b)

p.433

14-19

When the Supreme Court issues a “collective” unsigned opinion in a case, its brief decision is referred to as:

- a. *amicus curiae* opinion
- b. *per curiam* opinion
- c. *obiter dictum* opinion

- d. *in forma pauperis* opinion
- e. *mandamus* opinion

Answer (b)

p.436

14-20

The name given to a petition to the Supreme Court by an indigent is termed:

- a. *in forma pauperis* \_\_\_\_\_
- b. assigned counsel \_\_\_\_\_
- c. unpaid case
- d. *in forma curium* \_\_\_\_\_
- e. *amicus curiae* \_\_\_\_\_

Answer (a)

p.435

14-21

Of the many appeals which it receives each year, the Supreme Court typically accepts for review:

- a. less than 100
- b. between 100-150
- c. between 150-200
- d. over 200 \_\_\_\_\_

Answer (a)

p.438

14-22

Another name for the Court's agenda is:

- a. blue slip
- b. docket
- c. calendar
- d. program

Answer (b)

p.438

14-23

The vast majority of the cases that come to the Supreme Court arise under their original jurisdiction.

- a. true
- b. false

Answer (b)

p.415

14-24

Doctrines of access increase the workload of the Supreme Court.

- a. true
- b. false

Answer (b)  
p.419

14-25

The concept of mootness requires that the court's decision must be able to grant some relief to the parties.

- a. true
- b. false

Answer (a)  
p.422

14-26

Former Supreme Court law clerks are barred from later arguing cases before the Supreme Court.

- a. true
- b. false

Answer (b)  
p.426

14-27

The justices' ideological preferences are related to which cases get granted review by the Supreme Court.

- a. true
- b. false

Answer (a)  
p.427

14-28

The number of paid cases heard submitted to the Supreme Court for review has been increasing rapidly over the past thirty years.

- a. true
- b. false

Answer (b)  
p.435

14-29

Explain the difference between the Supreme Court's original and appellate jurisdiction?

14-30

Why are "doctrines of access" political?

14-31

Explain the difference between ripeness and mootness.

14-32

Why is *Roe v. Wade* (1973) a useful decision for considering the scope of the Supreme-

Court's political power?

14-33

~~Compare and contrast the influence of lawyers, interest groups and the solicitor general in getting a case heard by the Supreme Court.~~

14-34

~~What are two reasons why a Supreme Court justice might be reluctant to vote to consider a case?~~

14-35

~~Explain the rule of four and why it is important in considering which cases the Supreme Court places on its docket.~~

14-36

~~Describe the Supreme Court's workload.~~

14-37

~~Describe and evaluate the arguments being made by the executive branch and the judiciary branch about the justiciability of the cases being brought by the enemy-combatants being held in Cuba. Relate these issues to the controversy in the book about whether Congress or the Court should get to decide its jurisdiction.~~

## Chapter Fifteen

15-1

Supreme Court justices are selected by:

- a. appointment by the president with the approval of the Senate and the American Bar Association
- b. appointment by the president with the advice and consent of the Senate
- c. nomination by the House of Representatives with the approval of the Senate and the president
- d. appointment by the president subject to the approval of two-thirds of the sitting justices

Answer (b)

p.448

15-2

Among the sitting justices on the Supreme Court, all (9 out of 9):

- a. were once legislators
- b. have sat on the U.S. Courts of Appeals
- c. were active law professors
- d. had few political ties

Answer (b)

p.450

15-3

Who was nominated to the Supreme Court for symbolic reasons as part of President Nixon's southern strategy?

- a. Lewis Powell
- b. Warren Burger
- c. William Rehnquist
- d. Harry Blackmun
- e. Sandra Day O'Connor

Answer (a)

p.451

15-4

Who is the first woman to serve on the U.S. Supreme Court?

- a. Maxine Waters
- b. Elena Kagan
- c. Sandra Day O'Connor
- d. Ruth Bader Ginsburg

Answer (c)

p.452

15-5

Which factor best accounts for the defeat of Robert Bork to serve on the Supreme Court?

- a. Ethical issues dogged his nomination.
- b. Northern Republicans found him unacceptable.

- ~~c. Southern Democrats perceived him to be too conservative.~~
- ~~d. President Reagan had little political clout at the time.~~

Answer (c)

p.456

15-6

Which of the following statements is not true about the chief justice?

- ~~a. The chief justice discusses cases first in conference.~~
- ~~b. The chief justice votes last at the conference.~~
- ~~c. The chief justice is the formal head of the entire federal court system.~~
- ~~d. The chief justice, when in the majority, assigns the opinion.~~

Answer (b)

p.460

15-7

The chief justice:

- ~~a. presides at the conferences~~
- ~~b. writes all the dissenting opinions~~
- ~~c. assigns all opinions of the court~~
- ~~d. decides which cases the court will review~~

Answer (a)

p.460

15-8

Majority opinions of the U.S. Supreme Court are assigned by:

- ~~a. random lottery~~
- ~~b. automatic rotation~~
- ~~c. the chief justice, if he voted in the majority~~
- ~~d. the justice who volunteers to write the case~~
- ~~e. the Supreme Court clerk~~

Answer (c)

p.463

15-9

If the chief justice is not in the majority when a case is decided, the responsibility for opinion assignment rests with:

- ~~a. the most junior justice on the court~~
- ~~b. the most senior associate justice in the minority~~
- ~~c. the chief justice's law clerks~~
- ~~d. the most senior associate justice in the majority~~

Answer (d)

p.460

15-10

In cases with a minimum winning coalition, the justice usually assigned to write the opinion is:

- a. the most senior member of the winning coalition
- b. the most senior member of the dissenting coalition
- c. the justice whose views are closest to the ideological middle
- d. the chief justice

Answer (c)

p.461

15-11

When Supreme Court justices compose their draft (preliminary) opinions, the main audience they are seeking to influence are:

- a. other judges in future cases
- b. the mass media
- c. the other two branches of government
- d. their colleagues on the Court

Answer (d)

p.462

15-12

Cases before the Supreme Court are decided:

- a. unanimously
- b. by two-thirds vote
- c. by majority vote
- d. by plurality vote

Answer (c)

p.462

15-13

A justice of the Supreme Court who agrees with the decision of the majority in a case but not with the reasons for that decision, may write his own:

- a. minority opinion
- b. majority opinion
- c. amicus curiae opinion
- d. concurring opinion
- e. dissenting opinion

Answer (d)

p.463

15-14

Dissenting opinions are important because:

- a. they represent the position of the chief justice
- b. they are the statement of the defendant's attorney
- c. in criminal law they must be carried out by local police
- d. they can form the basis of arguments used years later, reversing the majority opinion in a similar case

Answer (d)

p.463

15-15

The decision as to the results in the case is called the:

- a. opinion
- b. judgment
- c. brief
- d. tort

Answer (b)

p.463

15-16

A decision that decides the given case but is not usually regarded as being of strong precedential value is called:

- a. majority opinion
- b. consenting opinion
- c. plurality opinion
- d. dissenting opinion
- e. opinion of the court

Answer (c)

p.463

15-17

Judges who disagree with the majority decision of the Court:

- a. must remain silent
- b. can vote against it but may not write an opinion
- c. may write a dissenting opinion
- d. may write a concurring opinion

Answer (c)

p.463

15-18

Which of the following justices is considered a member of the conservative bloc on the Supreme Court?

- a. Breyer
- b. Sotomayor
- c. Ginsburg
- d. Kennedy
- e. Scalia

Answer (e)

p.465

15-19

In analyzing voting patterns of Supreme Court justices, political scientists use the following technique:

- a. factor analysis
- b. multiple regression

e. interviews  
d. scalogram  
Answer (d)  
p.465

15-20

On the Roberts court, the justice who most often votes in the middle is:

- a. Sotomayor
  - b. Scalia
  - c. Kennedy
  - d. Thomas
  - e. Rehnquist
- Answer (c)  
p.465

15-21

The Burger court can best be characterized as:

- a. very conservative and unified
  - b. pragmatism marked by compromise
  - c. liberal on most matters
  - d. unified with no distinct ideological flavor
- Answer (b)  
p.469

15-22

Who is the current chief justice of the U.S. Supreme Court?

- a. Earl Warren
  - b. Byron White
  - c. William Rehnquist
  - d. John Roberts
  - e. William Marshall
- Answer (d)  
p.469

15-23

Which statement best describes the Rehnquist court?

- a. more liberal than recent courts
  - b. five conservative justices largely controlled its decisions
  - c. dominated by four middle of the road justices
  - d. a solid four justice conservative bloc
- Answer (b)  
p.470

15-24

Which statement best describes Congressional reaction to Supreme Court decisions?

- a. It is easier to alter statutory interpretations than constitutional interpretations.

- b. It is easier to alter constitutional interpretations than statutory interpretations.
- c. In earlier years, passing constitutional amendments occurred relatively frequently.
- d. Congress rarely reacts to Supreme Court decisions.

Answer (a)

p.473

15-25

Which statement or statements best describe public opinion about the Supreme Court?

- a. The general public knows surprisingly little about the Supreme Court.
- b. The general public is often dissatisfied with specific Supreme Court decisions.
- c. Public support for the Supreme Court is consistently higher than for other political institutions.
- d. a and b.
- e. a, b, and c.

Answer (e)

p.467

15-26

Public opinion is believed to influence the Supreme Court:

- a. directly
- b. through the appointment of new Supreme Court justices
- c. through the legal briefs of the attorneys
- d. a and b

Answer (d)

p.467

15-27

Religious preference has never been a factor in Supreme Court appointments.

- a. true
- b. false

Answer (b)

p.452

15-28

Supreme Court justices by agreement rarely ask questions during oral argument.

- a. true
- b. false

Answer (b)

p.459

15-29

The Supreme Court's decisions are rarely unanimous.

- a. true
- b. false

Answer (a)

p.463

~~15-30~~

~~Dissenting opinions agree with the result but not the reasons.~~

~~a. true~~

~~b. false~~

~~Answer (b)~~

~~p.463~~

~~15-31~~

~~Elena Kagan is the first woman to serve on the Supreme Court.~~

~~a. true~~

~~b. false~~

~~Answer (b)~~

~~p.452~~

~~15-32~~

~~Is the Supreme Court a political or legal institution? Explain your answer by making reference to the textbook, our class discussions and the recent Supreme Court decisions.~~

~~15-33~~

~~Why does the Supreme Court allow so little time for oral argument?~~

~~15-34~~

~~Describe three criteria presidents use in choosing nominees for the Supreme Court.~~

~~15-35~~

~~Why is Senate confirmation of Supreme Court nominees nearly always a sure bet?~~

~~15-36~~

~~On what bases are opinions assigned to Supreme Court justices for authorship?~~

~~15-37~~

~~Why are Supreme Court opinions rarely unanimous?~~

~~15-38~~

~~Describe three limiting conditions on the impact and implementation of Supreme Court decisions.~~

~~15-39~~

~~How did the confirmation of Sonia Sotomayor change the Supreme Court?~~