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True / False

1. The United States has one national court system plus separate court systems in each of the 50 states and the District of Columbia.

- a. True
- b. False

ANSWER: True

2. Appellate courts are considered finders of fact.

- a. True
- b. False

ANSWER: False

3. When cases are appealed, appellate court judges may call on witnesses to testify.

- a. True
- b. False

ANSWER: False

4. Extradition is the automatic return of an individual accused of a crime in the United States who has fled the country and been found on foreign soil.

- a. True
- b. False

ANSWER: False

5. There may be as many as 28 judges who work together to make an appellate court decision.

- a. True
- b. False

ANSWER: True

6. There are three primary types of jurisdiction.

- a. True
- b. False

ANSWER: False

7. Trial courts are primarily concerned with considering evidence to resolve factual decisions within the bounds of the law.

- a. True
- b. False

ANSWER: True

8. Article II of the U.S. Constitution established the U.S. Supreme Court.

- a. True
- b. False

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ANSWER: False

9. U.S. magistrate judges may try to sentence felony defendants.

- a. True
- b. False

ANSWER: False

10. U.S. magistrate judges assist U.S. district judges by hearing felony cases.

- a. True
- b. False

ANSWER: False

11. The federal courts set the parameters for the operations of the criminal justice system.

- a. True
- b. False

ANSWER: True

12. Article III judges are nominated by the President and confirmed by the U.S. Senate.

- a. True
- b. False

ANSWER: True

13. Federal district court judges must be residents of the district in which they preside.

- a. True
- b. False

ANSWER: True

14. Prior to the Civil War, the U.S. Supreme Court was required to hear every case that was appealed to it.

- a. True
- b. False

ANSWER: True

15. In misdemeanor and petty offense cases, U.S. magistrate judges may preside over trials, accept pleas of guilty, and also impose sentences.

- a. True
- b. False

ANSWER: True

16. A U.S. attorney is nominated by the President, confirmed by the Senate, and serves during “good behavior.”

- a. True
- b. False

ANSWER: False

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17. Civil lawsuits consume more of the federal courts' time than criminal cases.

- a. True
- b. False

ANSWER: True

18. The Judicial Conference of the United States sets national administrative policy for the federal judiciary.

- a. True
- b. False

ANSWER: True

19. The Federal Judicial Center is the research and training arm of the federal judiciary.

- a. True
- b. False

ANSWER: True

20. The judicial council is the basic administrative unit of a circuit.

- a. True
- b. False

ANSWER: True

21. The onset of the Industrial Revolution increased the caseload of the federal courts.

- a. True
- b. False

ANSWER: True

22. It is likely that the number of federal judgeships will be increased in the short term.

- a. True
- b. False

ANSWER: False

23. Crime has been made a key campaign issue for elected officials for decades.

- a. True
- b. False

ANSWER: True

24. A basic rule of American politics is that citizens' demands for service exceed the willingness of voters to raise taxes to pay for those services.

- a. True
- b. False

ANSWER: True

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25. Congress does not authorize spending for anticrime programs.

- a. True
- b. False

ANSWER: False

Multiple Choice

26. The United States has a dual court system consisting of:

- a. district and superior courts.
- b. trial and appellate courts.
- c. criminal and civil courts.
- d. state and federal courts.

ANSWER: d

27. What does the Supreme Court issue when it agrees to hear a case on appeal?

- a. a writ of extradition
- b. a writ of jurisdiction
- c. a writ of stay
- d. a writ of *certiorari*

ANSWER: d

28. Original and appellate jurisdiction fall under which classification of jurisdiction?

- a. geographical jurisdiction
- b. subject matter jurisdiction
- c. hierarchical jurisdiction
- d. general jurisdiction

ANSWER: c

29. Which federal court has original jurisdiction over disputes between states?

- a. Legislative Court
- b. District Court
- c. Court of Appeals
- d. Supreme Court

ANSWER: d

30. Which kind of jurisdiction gives a court the power to review cases that have already been decided by another court?

- a. appellate jurisdiction
- b. concurrent jurisdiction
- c. personal jurisdiction
- d. subject matter jurisdiction

ANSWER: a

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31. During the Constitutional Convention, Anti-Federalists maintained the belief that a strong national government would:

- a. provide political and economic unity.
- b. weaken individual liberties.
- c. abolish state courts.
- d. create a uniform body of federal law.

ANSWER: b

32. Which Article of the U.S. Constitution provides the basis for the federal judiciary?

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

ANSWER: c

33. Which of the following is NOT true of federal district court judges?

- a. They are nominated by the President.
- b. They must be confirmed by the U.S. Senate.
- c. They must reside in their district.
- d. They are appointed for eight-year terms.

ANSWER: d

34. The United States has how many U.S. District Courts?

- a. 59
- b. 78
- c. 94
- d. 111

ANSWER: c

35. In 1968, Congress created which position to alleviate the workload of U.S. District Courts and to replace the former position of U.S. commissioner?

- a. U.S. magistrate judges
- b. U.S. attorneys
- c. U.S. bankruptcy judges
- d. U.S. circuit justices

ANSWER: a

36. Congress created the Courts of Appeals in:

- a. 1776.
- b. 1787.
- c. 1891.

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d. 1929.

ANSWER: c

37. The Rule of Four refers to:

- a. the number of justices required to vote in favor of granting *certiorari* to review a case.
- b. the number of justices required to uphold or overturn a lower court ruling.
- c. the maximum number of presenters allowed during oral arguments.
- d. the minimum number of justices required to publish a dissenting opinion.

ANSWER: a

38. The Prison Litigation Reform Act resulted in all of the following, EXCEPT:

- a. requiring inmates to pay certain fees from which they had previously been exempt.
- b. requiring inmates to exhaust all administrative remedies before filing.
- c. no longer allowing inmates to proceed *pro se* in civil rights actions.
- d. barring subsequent cases if previous cases had been dismissed as frivolous.

ANSWER: c

39. Magistrate judges are:

- a. nominated by the president and confirmed by the Senate.
- b. elected by voters in their district.
- c. selected by the U.S. Supreme Court.
- d. selected by U.S. district court judges.

ANSWER: d

40. Which of the following gave the U.S. Supreme Court the authority to invalidate an act of Congress as unconstitutional?

- a. *Marbury v. Madison* (1803)
- b. Article III of the U.S. Constitution
- c. The Judiciary Act of 1789
- d. The Judiciary Act of 1801

ANSWER: a

41. The U.S. Courts of Appeals is made up of how many judgeships?

- a. 14
- b. 50
- c. 98
- d. 179

ANSWER: d

42. Most “federal question” cases present issues concerning:

- a. the interpretation or application of the U.S. Constitution.

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- b. cases in which two or more states are parties.
- c. the application and interpretation of a statute enacted by Congress.
- d. securities and banking regulations relating to the housing market crash.

ANSWER: c

43. Heavy caseloads of the federal courts result in which problem(s)?
- a. burdens those who work in the courts
 - b. delay cases for litigants
 - c. burdens those who work in the courts and delays cases for litigants
 - d. None of these answers is correct.

ANSWER: c

44. Drug prosecutions account for approximately what percentage of all federal criminal cases?
- a. 11
 - b. 21
 - c. 41
 - d. 31

ANSWER: d

45. Which courts are tribunals created by Congress to handle specialized types of cases?
- a. Article III courts
 - b. Article II courts
 - c. State courts
 - d. Article I courts

ANSWER: d

46. What is the name of a court that has original jurisdiction?
- a. trial court
 - b. appellate court
 - c. legislative court
 - d. traffic court

ANSWER: a

47. Appeals from criminal convictions in the U.S. District Courts constitute _____ of the workload of the U.S. Courts of Appeals.
- a. less than 10 percent
 - b. about 22 percent
 - c. 43 percent
 - d. over 50 percent

ANSWER: b

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48. In 1950, Congress extended significant new due process rights in courts-martial by adopting the:

- a. Military Justice Act.
- b. U.S. Joint Service Committee Act.
- c. Uniform Code of Military Justice.
- d. Armed Forces Court of Appeals Act.

ANSWER: c

49. Which article of the U.S. Constitution established the U.S. Supreme Court and gave Congress the power to create lower courts?

- a. Article I
- b. The U.S. Constitution did not establish the U.S. Supreme Court
- c. Article II
- d. Article III

ANSWER: d

50. Which cases involve suits between citizens of different states or between a U.S. citizen and a foreign country or citizen?

- a. diversity of citizenship cases
- b. mandamus cases
- c. *en banc* cases
- d. venue cases

ANSWER: a

51. The administrative policymaking organization of the federal judicial system, composed of 26 federal judges, is the:

- a. Judicial Conference of the United States.
- b. Administrative Office of the Courts.
- c. Federal Judicial Center.
- d. U.S. Sentencing Commission.

ANSWER: a

52. What is the name given to the particular location or area in which a court having geographic jurisdiction may hear a case?

- a. venue
- b. stay
- c. venire
- d. federal question

ANSWER: a

53. *Habeas corpus*, motions to vacate sentence, mandamus, and Section 1983 and *Bivens* civil rights actions are all examples of what type of petitions?

- a. prisoner petitions
- b. jurisdiction petitions

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- c. bankruptcy petitions
- d. extradition petitions

ANSWER: a

54. Who is the presiding officer of the U.S. Supreme Court?
- a. the President
 - b. the Attorney General
 - c. the Senate Majority Leader
 - d. the Chief Justice

ANSWER: d

55. One of the principal activities of this organization is the education and training of federal judicial personnel, including judges, probation officers, clerks of court, and pretrial service officers.
- a. Federal Judicial Center
 - b. Administrative Office of the Courts
 - c. FBI Judicial Academy at Quantico
 - d. Judicial Personnel and Training Section of the Judicial Conference

ANSWER: a

56. An administrative task for this person/group in the Supreme Court includes regulating attorney admissions to the Supreme Court bar.
- a. chief justice
 - b. Congress
 - c. lawyer
 - d. magistrate judge

ANSWER: a

57. The Administrative Office was established in _____.
- a. 1901
 - b. 1939
 - c. 1952
 - d. 1963

ANSWER: b

58. Another name for the judicial council is the _____.
- a. administrative office
 - b. sentencing council
 - c. circuit council
 - d. Federal Court

ANSWER: c

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59. This president's "Great Society" programs increased the caseload of the federal courts.

- a. Franklin Roosevelt
- b. John Kennedy
- c. George Bush
- d. Lyndon Johnson

ANSWER: d

60. In the past _____ years, district court filings have increased more than sixfold.

- a. 50
- b. 10
- c. 2
- d. 100

ANSWER: a

61. _____ percent of the research budget of the National Institute of Justice is spent on developing new technology for law enforcement and the criminal justice system.

- a. Ten
- b. Thirty
- c. Forty-five
- d. Sixty

ANSWER: d

62. There are _____ separate court systems.

- a. 10
- b. 25
- c. 46
- d. 51

ANSWER: d

63. Between _____, there was general agreement on the inadequacy of the federal judicial system.

- a. 1789 and 1891
- b. 1900 and 1924
- c. 1843 and 1862
- d. 1722 and 1792

ANSWER: a

64. In _____, Congress passed the Judges Bill.

- a. 1842
- b. 1925
- c. 1954
- d. 1987

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ANSWER: b

65. The Military Trials for Enemy Combatants Act was passed in _____.

- a. 1925
- b. 1964
- c. 1989
- d. 2006

ANSWER: d

66. There are a total of how many full- and part-time magistrate judges?

- a. 240
- b. 570
- c. 350
- d. 620

ANSWER: b

CASE 2.1

The founding fathers engaged in a vigorous debate over whether there should be a federal court system separate from the state systems. Those who supported a strong federal judiciary ultimately prevailed. Subsequent expansion of the federal courts has created a contemporary controversy over how to alleviate the problem of rising caseloads within the federal court system.

67. Which of the following statements regarding proposals to reduce federal caseloads is TRUE?

- a. Reducing the jurisdiction of federal courts would nearly double the caseload of state courts, and states would certainly oppose such an action.
- b. Creating additional courts and judgeships would require additional funding of the federal judiciary, which already comprises a sizeable portion of the federal budget.
- c. It is unlikely that Congress will ever have the filibuster-proof majority needed to authorize additional federal judgeships.
- d. The antagonistic relationship between Congress and the federal judiciary is unlikely to result in any significant reforms.

ANSWER: d

68. Which of the following proposals would our Federalist founding fathers MOST likely support?

- a. Abolish federal diversity jurisdiction except in certain cases.
- b. Abolish concurrent jurisdiction on crimes punishable by both state and federal law.
- c. Create several new Article I legislative courts.
- d. Limit ability of prisoners to file civil rights lawsuits.

ANSWER: c

69. Which of the following proposals would due process advocates LEAST likely support?

- a. Abolish federal diversity jurisdiction except in certain cases.
- b. Abolish concurrent jurisdiction on crimes punishable by both state and federal law.

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- c. Create several new Article I legislative courts.
- d. Limit ability of prisoners to file civil rights lawsuits.

ANSWER: d

70. What is one of the major weaknesses of the Articles of Confederation prior to 1787?
- a. There is not a national supreme court.
 - b. Each state gets only one vote in the Congress of the Confederation.
 - c. Only the central government is allowed to declare war.
 - d. Articles can only be altered with the approval of Congress.

ANSWER: a

71. Which was one of the most hotly debated sections of the Constitution?
- a. Article I
 - b. Article II
 - c. Article III
 - d. Article IV

ANSWER: c

72. Which judge performs virtually all tasks carried out by district court judges, except trying and sentencing felony defendants?
- a. circuit justice
 - b. magistrate judge
 - c. appellate court judge
 - d. administrative judge

ANSWER: b

Completion

73. The United States has a _____ court system, which means that it has one national court system plus separate court systems in each of the 50 states and the District of Columbia.

ANSWER: dual

74. _____ jurisdiction means that a court has the authority to try a case and decide it.

ANSWER: Original

75. Appellate courts primarily review the legal decisions made by _____ courts.

ANSWER: trial

76. Today, the trial courts that primarily exercise original jurisdiction in the federal system are the United States _____ Courts.

ANSWER: District

77. Typically sitting in panels of three, _____ justices review the records in cases appealed from district courts.

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ANSWER: circuit

78. _____ of citizenship cases involve suits between citizens of different states or between a U.S. citizen and a foreign country or citizen.

ANSWER: Diversity

79. A writ of _____ is issued by the U.S. Supreme Court to obtain and review the proceedings of a lower court.

ANSWER: *certiorari*

80. Article _____ of the U.S. Constitution established the U.S. Supreme Court and gave Congress the power to create lower courts.

ANSWER: III

81. A prisoner _____ is a civil lawsuit filed by an inmate alleging violations of his or her rights.

ANSWER: petition

82. The Federal _____ Center provides orientation and continuing education judges and personnel of courts.

ANSWER: Judicial

83. The major problem facing the federal courts is _____ caseloads.

ANSWER: heavy

84. The director of the _____ of the U.S. Courts is responsible for the day-to-day administrative tasks of the federal courts, including lobbying Congress for more funds and judgeships.

ANSWER: Administrative Office

85. The particular location or area in which a court having geographical jurisdiction may hear a case is the _____.

ANSWER: venue

86. _____ petitions are those in which inmates may collaterally challenge their convictions (after exhausting all available state remedies to do so) by arguing that their trial was constitutionally defective.

ANSWER: *Habeas corpus*

87. A _____ is a court order that temporarily suspends activity in a case.

ANSWER: stay

88. Roughly _____ undocumented immigrants are removed from the United States each day.

ANSWER: 1,000

89. The _____ illustrates the interplay between judicial administration and politics.

ANSWER: Administrative Office Act of 1939

90. The _____ of the United States is the presiding officer of the U.S. Supreme Court.

ANSWER: Chief Justice

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91. The _____ of the U.S. Courts has been responsible for implementing the policies established by the Judicial Conference by handling the day-to-day administrative tasks of the federal courts.

ANSWER: Administrative Office

92. _____ lobby on behalf of their members for favorable government policies.

ANSWER: Interest groups

Essay

93. You are a law student and have begun considering your future. You are interested in being a judge and are looking at U.S. magistrate judge, district judge, circuit judge, and even Supreme Court justice. As you are doing your research, from a law student's perspective, you know that U.S. magistrate judges assist U.S. district judges by conducting pretrial criminal matters, supervising discovery in civil cases, and making reports and recommendations concerning the disposition of motions and prisoner petitions. District court judges preside over trials and write opinions adjudicating many types of civil disputes. Typically sitting in panels of three, circuit judges review the records in cases appealed from district courts and write opinions ruling on the merits of legal arguments raised in those appealed. You feel that you really want to make a difference in whatever city you will move to after graduation, and you're hoping to make a great and lasting impact that will change how criminal cases will be tried in the future. What role do you feel might be best to try to get into, and why?

ANSWER: Student responses will vary.

94. Imagine that you were an Anti-Federalist who was part of the talks that happened at the Constitutional Convention in 1787. What is your viewpoint? Why would you stand behind this viewpoint? You hear others speak during the convention, those who are considered Federalists. What is their opinion? Why do you think it's wrong? Finally, consider the compromise that occurred. What did it ratify? Why? From an Anti-Federalist perspective, do you think that you got what you wanted, or do you think the Federalists got what they wanted? Was it a good compromise? Why or why not?

ANSWER: Student responses will vary.

95. Imagine that you have committed a very serious crime and you are given the choice of having your case appear in a trial court or in an appellate court. Consider the differences between the two types of court systems. Who is involved in each type? Would one type be better or worse to hear your case? Why?

ANSWER: Student responses will vary.

96. Imagine that you are trying to get into a federal judge position. Why would this be a positive thing for courts that have heavy caseloads? What types of things do you feel that you can offer the court to help ease its burden?

Several weeks after, you are told that, although the court could use your help, that they cannot hire you. What is the most likely reason for this? Is there any solution to this issue? What other advice could you offer to help with the court's heavy caseload?

ANSWER: Student responses will vary.

97. Imagine that you are a new actor in a federal court. You are encouraged to think about all of the good you could contribute to on the state and local level. You know that by interpreting the requirements of federal law—especially the U.S. Constitution—the federal courts set the parameters for the operation of the criminal justice system so that police, prosecutors, defense attorneys, and judges honor the individual rights and liberties guaranteed in Constitution throughout all phases of the criminal justice process from the initial investigation by police to sentencing the offender. The Supreme Court, in particular, has a profound impact on the administration of criminal justice. What is an example of such an impact, and what more do you feel that you could be done in the future? As an actor in a federal court, how can your efforts make their way to the Supreme Court?

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ANSWER: Student responses will vary.

98. How do the federal courts impact the administration of justice at the local and state levels through their federal question jurisdiction?

ANSWER: By interpreting the requirements of federal law—especially the U.S. Constitution—the federal courts set the parameters for the operation of the criminal justice system so that police, prosecutors, defense attorneys, and judges honor the individual rights and liberties guaranteed in the Constitution.

99. The different agencies involved in the administration of the federal court system include the Judicial Conference of the United States, the Administrative Office of the U.S. Courts, the Federal Judicial Center, and the U.S. Sentencing Commission. What are their responsibilities? How are these responsibilities hierarchical in nature?

ANSWER: The Judicial Conference of the United States sets national administrative policy for the federal judiciary. Under the supervision of the Judicial Conference, the Administrative Office of the U.S. Courts provides administrative support to the courts. The Federal Judicial Center provides orientation and continuing education to judges and personnel of courts, as well as research support for courts and Judicial Conference committees. The U.S. Sentencing Commission promulgates sentencing guidelines and otherwise establishes federal sentencing policies as directed by the 1984 Sentencing Reform Act.

100. Differentiate the jurisdiction and functions of Article III courts from Article I courts and other specialized federal courts.

ANSWER: Article III courts are empowered to adjudicate “cases and controversies” arising under the U.S. Constitution, federal law, and certain cases between citizens of different states or different counties. Article I courts are tribunals created by Congress to handle specialized types of cases, especially those that arise under the regulatory law of federal agencies. The decisions of Article I courts are generally reviewable in Article III courts. Article III judges are nominated by the president and confirmed to office by the U.S. Senate. Article I judges are not; they are appointed for fixed terms. Article I judges enjoy two protections to foster their independence: life-tenure (unless impeached) and a guarantee that their salaries can never be decreased. Article I judges do not have these protections.

101. Describe the difference between geographical jurisdiction and venue.

ANSWER: Geographical jurisdiction in criminal cases is primarily concerned with a sovereign’s power to punish conduct that violates its criminal laws. Thus, the courts of California have no jurisdiction to try a person accused of committing a crime in Oregon; Oregon has such power, since the accused is alleged to have violated its criminal law. But which courts within the state of Oregon would hear the case? That is a matter of venue. Venue is the particular location or area in which a court having geographic jurisdiction may hear a case. Proper venue is based on statutorily defined geographic subdivisions. These subdivisions are often determined by city or county boundaries, although other boundaries can be set that are unrelated to city or county lines.

102. Describe the differences among hierarchical jurisdiction, original jurisdiction, and appellate jurisdiction.

ANSWER: Hierarchical jurisdiction refers to differences in the courts’ functions and responsibilities. Original jurisdiction means that a court has the authority to try a case and decide it. Appellate jurisdiction means that a court has the power to review cases that have already been decided by another court.

103. Describe the Judiciary Act of 1789.

ANSWER: The Judiciary Act of 1789 established separate U.S. District Courts, which are the trial courts of original jurisdiction in the federal system. Although the creation of these courts strengthened the federal judiciary, the Act also allayed Anti-Federalists’ fears in several ways. Federal district courts were given limited jurisdiction, U.S. District Courts are “state contained”—the boundaries of the District Courts are drawn along

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state lines, and federal district court judges must be residents of their districts. A century later, the Courts of Appeals Act of 1891 created intermediate federal appellate courts.

104. Describe the Court of Appeals Act of 1891.

ANSWER: The landmark Court of Appeals Act of 1891 represented the climactic victory of the Nationalists' interests. The law created new courts known as circuit courts of appeals. Under this new arrangement, most appeals of trial decisions went to a circuit court of appeals. In short, the creation of the circuit courts of appeals released the high court from hearing many types of petty cases. The high court now had much greater control over its workload and could concentrate on deciding major cases and controversies.

105. Describe how case filings differ for U.S. Supreme Court, U.S. Circuit Courts of Appeals, U.S. District Courts, and U.S. Bankruptcy Courts, for 2002, 2007, and 2015.

ANSWER:

	2002	2007	2015
U.S. Supreme Court	8,255	8,241	7,033
U.S. Circuit Courts of Appeals	57,555	58,410	52,698
U.S. District Courts	341,841	325,920	340,238
U.S. Bankruptcy Courts	1,547,669	801,269	860,182