Wrightsmans Psychology and the Legal System 9th edition Greene Test Bank

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TRUE/FALSE

1 : If a plaintiff and a defendant are from different states, then a federal court has jurisdiction.
A : true
B : false

Correct Answer : A

2 : The panel in an appeals court must decide the case by a majority vote.
A : true
B : false

Correct Answer : A

3 : State court systems typically include lower courts, trial courts, one or more courts of appeal, and a state supreme court.
A : true
B : false

Correct Answer : A

4 : Most cases are settled by having a trial.
A : true
B : false

Correct Answer : B

5 : Most state court judges face elections.
A : true
B : false

Correct Answer : A

6 : Most state court judges are not in favor of retention elections.
A : true
B : false

Correct Answer : B

7 : Most defendants cannot afford to hire a lawyer and so they are represented by public defenders.
A : true
B : false

Correct Answer : A

8 : Highly competitive, achievement-oriented individuals are likely to be more satisfied with the law profession.
A : true
B : false

Correct Answer : B

9 : When making inferences about another persons negative behaviors, we tend to attribute the cause to stable factors that are internal to the person.
A : true
B : false

Correct Answer : A

10 : Perceptions about procedural fairness and trustworthiness of the system affect individual acceptance of different legal decisions.
A : true
B : false

Correct Answer : A

11 : Over the past two decades, public opinion regarding the culpability and punishment of juvenile offenders has shifted from a more rehabilitative to a more punitive position.
A : true
B : false

Correct Answer : A

12 : In the case of Caperton v. A. T. Massey Coal (2009), the Supreme Court addressed the conflict of interest posed by a judge who hears a case concerning a company that significantly contributed to his reelection campaign.
A : true
B : false

Correct Answer : A

13 : Under the Right to Attorney Act, it is the duty of the state to provide a lawyer to those who cannot afford it.
A : true
B : false

Correct Answer : A

14 : Judges who have daughters, regardless of their gender, tend to be more liberal on gender issues than judges who do not have daughters.
A : true
B : false

Correct Answer : A

15 : New federal judges are appointed only when the currently serving judges retire, resign, or die.
A : true
B : false

Correct Answer : A

16 : According to 2005 statistics, nearly 90% of licensed lawyers worked as private practitioners most often in solo offices.

A : true
B : false

Correct Answer : B

17 : According to law, an accomplice to a crime is charged the same as the one committing the crime.
A : true
B : false

Correct Answer : A

MULTIPLE CHOICE

18 : American legal procedures involve a(n)_____ system of justice.
A : inquisitorial
B : disruptive
C : adversarial
D : impractical

Correct Answer : C

19 : The adversarial model has been criticized for promoting a competitive atmosphere that can distort the truth. What is the argument here?
A : Jurors must choose between two versions of truth unknowingly as the witnesses often shade their testimony to favor their side.
B : Skillful lawyers can effectively impugn the credibility of hostile witnesses.
C : Criminal defendants rarely testify despite being the most important source of information about the events in question.
D : All of these are correct.

Correct Answer : D

20 : You are witnessing a trial. The judge is doing most of the questioning of witnesses, rather than the lawyers. In fact, the courtnot the lawyershas chosen which witnesses will testify. Where are you?
A : Louisiana
B : England
C : A federal court in the United States (rather than a state court)
D : France

Correct Answer : D

21 : Which of the following is a characteristic of the inquisitorial approach to justice?
A : An intensely competitive atmosphere
B : Separate witnesses for each side
C : The presiding judge questions witnesses
D : Opposing parties prepare the witnesses before the trial

Correct Answer : C

22 : According to Chapter 2, Thibaut and Walker found
A : that the adversarial system led to less biased decisions.
B : that the adversarial system led to decisions that were more likely to be perceived as fair by the litigants.
C : that both A and B are correct.
D : that neither of these is correct.

Correct Answer : C

23 : In which approach to trials does the research indicate that attorneys apparently try harder (especially when the weight of evidence favors the opponent)?
A : Inquisitorial approach
B : Adversarial approach
C : Neither A nor B
D : Both A and B

Correct Answer : B

24 : Lester Zygmanik was charged with murdering his brother George after George was severely injured in a motorcycle accident. George did not want to live his life as a quadriplegic and asked Lester to kill him; Lester did as his brother asked. If you were a juror in this case and you were making decisions based on black-letter law, you would decide that Lester is
A : guilty.
B : not guilty.
C : not prepared to undergo a trial.
D : insane.

Correct Answer : A

25 : Lester Zygmanik, who admitted to shooting his brother in the head and killing him,
A : was found guilty of first-degree murder.
B : was found guilty of second-degree murder.
C : was found not guilty by reason of insanity.
D : was found not guilty.

Correct Answer : D

26 : Which of the following U.S. states legally allows physician-assisted suicide?
A : Colorado
B : Oregon
C : Texas
D : New Jersey

Correct Answer : B

27 : Euthanasia, or mercy killings and physician-assisted suicide, highlights the conflict between
A : legality and morality.
B : individual rights and public good.
C : criminal law and professional ethics codes.
D : None of these are correct.

Correct Answer : A

28 : How does the Model Penal Code assign punishment for crimes that were only attempted but were not completed?
A : Attempted crimes deserve a lesser penalty than completed crimes.
B : Those who only attempt, but do not complete a crime, do not deserve to be punished at all.
C : Those who attempt crimes deserve the same penalty as those who complete crimes.
D : None of these are correct (the Model Penal Code does not consider punishment).

Correct Answer : C

29 : Darley and his colleagues investigated how peoples general thoughts about punishment differed from that found in the Model Penal Code. They found that generally
A : people did not feel that the intent to commit a crime was the same as actually committing the crime.
B : when a person had taken only preliminary action toward committing a crime, few respondents thought the prospective perpetrator was guilty.
C : when a person had taken action described as reaching the point of dangerous proximity to the crime, respondents thought that punishment should be less severe than that given to those who had completed the crime.
D : All of these are correct.

Correct Answer : D

30 : Beth and Joanne are jurors for a case in which the defendant has been charged with robbery. Beth has a tendency to make internal, stable, and global attributions. Joanne has a tendency to make external, unstable, and specific attributions. Given this information, what are Beth and Joannes likely ideas about defendant responsibility?
A : Beth will tend to see the offender as less responsible for his crime than Joanne.
B : Beth will tend to see the offender as more responsible for his crime than Joanne.
C : Beth and Joanne will tend to see the offender as equally responsible.
D : None of these are correct.

Correct Answer : B

31 : When making inferences about what caused another person to commit a crime, we tend to attribute the cause to
A : external, stable, and global factors.
B : internal, unstable, and global factors.
C : internal, stable, and global factors.
D : external, unstable, and global factors.

Correct Answer : C

32 : When citizens concept of morality is inconsistent with the actual law, this may lead to
A : decreased compliance with the law.
B : citizens feeling alienated from authority.
C : increased contempt for the legal system.
D : All of these are correct.

Correct Answer : D

33 : In Lester Zygmanik trial, the jurors judgment was based on
A : Lesters grief, love, and selflessness toward his brother.
B : black-letter law.

C : the forensic psychologists report.
D : None of these are correct.

Correct Answer : A

34 : For almost two weeks, Anju has been negotiating her salary for her new job in market research. While her new manager could not provide as much pay as Anju wants, she made up for it in benefits (e.g., Anju received extra vacation time). Anju is very pleased with the way the salary issues were resolved. One could consider this salary dispute in terms of distributive justice, for it focuses on the
A : amount of time spent negotiating.
B : type of position Anju is about to take.
C : procedure of the dispute resolution.
D : fairness of the outcome.

Correct Answer : D

35 : If individuals view the procedures of dispute resolution as fair, then they will see the outcome as just, regardless of whether the dispute was resolved in their favor or not. This perspective is referred to as
A : distributive justice.
B : commonsense justice.
C : fairness justice.
D : procedural justice.

Correct Answer : D

36 : Individuals will perceive a decision-making process as fair if they
A : believe they have a voice in the process.
B : are treated with respect during the process.
C : believe authorities in the process are motivated by fairness.
D : All of these are correct.

Correct Answer : D

37 : Diane has been in a dispute with an insurance company over an accident claim. She has called the insurance company every day and their staff has been very willing to hear her point of view. She has been pleased with how she has been treated during this process. Ultimately, her case went through the court system, and although the decision was not in her favor, Diane saw the decision-making process as a fair one. Which justice perspective would have predicted Dianes attitude about this process?
A : Distributive justice
B : Commonsense justice
C : Fairness justice
D : Procedural justice

Correct Answer : D

38 : Which of the following represents differences between commonsense justice and black-letter law?
A : People tend to consider a wider context than the law.
B : As compared to the law, people tend to take a more subjective view of the actions of the defendant and victim.

C : People, when compared to the law, tend to take a proportional approach to punishment.
D : All of these are correct.

Correct Answer : D

39 : Jury nullification refers to
A : excluding certain persons from a jury because of their personal beliefs.
B : choosing a bench trial (or trial by judge) over a jury trial.
C : commonsense justice in which a jury refuses to convict a defendant who is legally guilty of the crime charged.
D : None of these are correct.

Correct Answer : C

40 : How many federal courts of appeal are there?
A : 1
B : 7
C : 13
D : 20

Correct Answer : C

41 : State cases will come under the jurisdiction of the federal courts
A : if the plaintiff and defendant in the case are from different states.
B : if the plaintiff and defendant are from the same state but choose to have their case heard in a federal court.
C : when the federal courts choose certain cases to hear at their discretion.
D : None of these are correct.

Correct Answer : A

42 : Like state courts, the opinions of the federal courts are published in bound volumes called Reporters after
A : the opinion is dismissed by the state court.
B : only one of the judges writes the opinion without the consent of the co-judges.
C : a panel of jurors votes for the majority needed.
D : all of the judges on the relevant court of appeals sit in on the case.

Correct Answer : D

43 : The number of federal judges sitting in each district and appellate court
A : depends on the population of the county in which district exists.
B : is equal across districts.
C : depends on the judicial budget for each calendar year.
D : None of these are correct.

Correct Answer : D

44 : The Supreme Court has the authority to review which of the following?
A : All cases decided by the federal appellate courts
B : Any state court decisions based on the Constitution or on laws of the United States
C : Any state court decisions
D : Both A and B

Correct Answer : D

45 : Raising a federal question refers to
A : a published court opinion.
B : a request that all judges from the pertinent Court of Appeals sit in on a case.
C : the authority to review state court decisions that involve constitutional or federal law issues.
D : questions allowed in oral arguments.

Correct Answer : C

46 : Disputes that reach the legal system are often, not always, resolved in court. Diversion to an alternative system may occur upon
A : ones first encounter with a police officer.
B : ones encounter with a psychologist.
C : escalation of problems due to traditional prosecution.
D : ones case being referred to traditional courts.

Correct Answer : A

47 : Problem-solving courts such as veterans courts, drug courts, and mental health courts could all be considered forms of
A : specialty courts.
B : alternative courts.
C : critical legal courts.
D : None of these are correct.

Correct Answer : A

48 : Former Supreme Court Justice Sandra Day OConnor condemned the practice of electing judges due to a concern that the election process can lead to the election of judges who are not
A : experienced enough to serve.
B : impartial.
C : punitive enough.
D : appropriately educated.

Correct Answer : B

49 : According to research presented in Chapter 2, judges have been found to become _____ as election time draws near.
A : friendlier
B : more punitive
C : less harsh
D : more forgiving

Correct Answer : B

50 : Which two presidents were the most inclusive (i.e., in terms of gender and ethnicity) in their appointments of federal judges?
A : Barack Obama and George W. Bush
B : Barack Obama and Jimmy Carter
C : Barack Obama and Bill Clinton
D : Jimmy Carter and Bill Clinton

Correct Answer : C

51 : Appellate judges must
A : assess the credibility of certain witnesses.
B : decide if the law was properly applied in a previous decision.
C : render a verdict.
D : Both B and C.

Correct Answer : B

52 : What are the two distinguished process models of decision making that were proposed by cognitive psychologists to the judges?
A : Legal model of decision making and attitudinal model of human judgment
B : Attitudinal model of decision making and deliberative model of decision making
C : Altruistic model of decision making and intuitive model of decision making
D : Intuitive process and deliberative process models of decision making

Correct Answer : D

53 : The idea that decisions by federal judges appointed by Democratic presidents differ from those of judges appointed by Republican presidents suggests that
A : an attitudinal model of decision making is at work.
B : judges view their cases in light of their attitudes.
C : Both A and B are correct.
D : None of these are correct.

Correct Answer : C

54 : The researchers exposed 500 judges to a hypothetical case involving illegal immigration, to demonstrate
A : the influence of political clout.
B : the effect of emotions on judicial decisions.
C : the effect of facts, evidence, and legal rules.
D : None of these are correct.

Correct Answer : B

55 : The decision in the case of _____ overturned a previous rule, Betts v. Brady, on the matter of whether poor defendants should be provided a court-appointed attorney.
A : Mapp v. Ohio
B : Gideon v. Wainwright
C : Escobedo v. Illinois
D : Jackson v. Denno

Correct Answer : B

56 : In Gideon v. Wainwright (1963), the Supreme Court ruled that
A : Gideon should be released as his confession was coerced.
B : Gideon had the right to be represented by an attorney, even if he could not afford one.
C : the evidence admitted at his trial was obtained through an illegal search and seizure.
D : None of these are correct.

Correct Answer : B

57 : In the 18th and 19th centuries, American lawyers became lawyers by
A : attending college for one year.
B : attending college for two years.
C : being apprentices.
D : declaring themselves to be one.

Correct Answer : C

58 : Ken is feeling increasingly depressed during his first year of law school. The _____ would likely explain his depression by suggesting that he is no longer intrinsically motivated to pursue his goal of being a lawyer; all his motivations are now extrinsic.
A : self-determination theory of optimal motivation
B : intuitive model of procedure
C : intrinsic/extrinsic theory of motivation
D : deliberative model of motivation

Correct Answer : A

59 : According to one study, when lawyers discussed their cases with other lawyers, their predictions about the case outcome were
A : just as accurate as in an individual assessment.
B : often too low.
C : often too high.
D : significantly more accurate.

Correct Answer : D

60 : The judicial system in which the judge has more control of the proceedings is called a(n) _____ system.
A : inquisitorial
B : disruptive
C : adversarial
D : impractical

Correct Answer : A

61 : The law set down by the founding fathers in the U.S. Constitution, written by legislators, and interpreted by judges is called the _____.
A : blue sky law
B : Model Penal Code
C : black-letter law
D : commonsense law

Correct Answer : C

62 : Which of the following considers the accomplice as culpable as the triggerman in a crime scene?
A : Commonsense justice
B : Felony-murder doctrine
C : Procedural justice
D : Distributive justice

Correct Answer : B

63 : Name the school of thought wherein the judges decisions are influenced by a variety of psychological, social, and political factors, and they care about the real-world ramifications of their decisions.
A : Legal formalism
B : Legal realism
C : Commonsense justice
D : Distributive justice

Correct Answer : B

64 : What term describes the process wherein a persons reasoning is typically outside of the persons awareness but functions as a powerful determinant of how people evaluate information and reach conclusions about the law?
A : Intuitive reasoning
B : Motivated reasoning
C : Logical reasoning
D : Commonsense justice

Correct Answer : B

65 : What is the methodology where lawyers often rely on intuitive cognitive mechanisms rather than deliberative processes to evaluate cases?
A : Motivated reasoning
B : Overconfidence bias
C : Confirmation bias
D : Intrinsic motivation

Correct Answer : C

66 : What describes the situational and personality factor that causes positive and negative motivation eventually causing changes in subjective well-being?
A : Intrinsic motivation
B : Self-determination theory of optimal motivation
C : Extrinsic motivation
D : Motivated reasoning

Correct Answer : B

67 : Which state in the United States passed a law in 2005 that banned the sale or rental of violent video games that portrayed killing, maiming, dismembering, or sexually assaulting an image of a human being to minors?
A : California
B : Texas
C : Florida
D : Virginia

Correct Answer : A

68 : Which of these legal systems is followed in Europe but not in Great Britain?
A : Adversarial system

B : Inquisitorial system
C : Administrative justice
D : Presumptive sentencing

Correct Answer : B

69 : People v. Taylor, 1992, the case of a duped would-be offender, illustrates _____.
A : the Model Penal Code
B : presumptive sentencing
C : therapeutic jurisprudence
D : motivated reasoning

Correct Answer : A

70 : Which justice system provides more justice than truth?
A : Adversarial system
B : Inquisitorial system
C : Administrative justice
D : Presumptive sentencing

Correct Answer : A

71 : Which justice system provides more truth than justice?
A : Adversarial system
B : Inquisitorial system
C : Administrative justice
D : Presumptive sentencing

Correct Answer : B

72 : A large majority of states base their criminal laws on the _____ drafted by the influential American Law Institute in the 1960s.
A : blue sky law
B : Model Penal Code
C : black-letter law
D : commonsense law

Correct Answer : B

73 : The _____ focuses on how people explain others intentions.
A : attribution theory
B : intrinsic/extrinsic motivation theory
C : self-determination theory of optimal motivation
D : theory of intuition

Correct Answer : A

74 : Although there are 50 different state court systems in the United States, they all typically include _____.
A : lower courts, trial courts, and appellate courts.
B : lower courts and trial courts, and no appellate courts.
C : trial courts and appellate courts, and no lower courts.
D : lower courts and appellate courts, and no trial courts.

Correct Answer : B

ESSAY

75 : Compare the inquisitorial and adversarial approaches.

Correct Answer : Answers may vary.In an adversarial system of justice, the choice of what evidence to present during a trial is within the discretion of those involved in the litigation and their attorneys. Judges rarely call witnesses or introduce evidence on their own. The adversarial system is derived from English common law. This approach contrasts with the inquisitorial system used in Europe (but not in Great Britain), in which the judge has more control over the proceedings. The presiding judge conducts almost all the questioning of witnesses. When interrogating the disputing parties and witnesses, the judge often refers to a dossier prepared by a court official who investigated the case. The presentation of evidence and arguments is tightly controlled by the judge even in the presence of partisan attorneys representing the parties during the trial.In the inquisitorial system, the two sides do not have separate witnesses; the witnesses testify for the court, and the opposing parties are not allowed to prepare the witnesses before the trial. During a trial in the adversarial model, jurors may have to choose between two versions of the truth, neither of which is completely accurate, because witnesses often shade their testimony to favor their “side.” In addition, skillful lawyers can effectively impugn the credibility of hostile witnesses, and criminal defendants rarely testify, despite being the most important source of information about the events in question.Research suggests that the adversarial system led to less-biased decisions that were more likely to be seen as fair by the parties in dispute. Because the adversarial system permits the litigants to “call the shots,” it seems optimized to produce fair and just outcomes. Some note that inquisitorial procedures seem optimized to produce truthful outcomes because they involve a neutral third party who gathers the relevant evidence without influence from the parties who have a stake in the dispute. People’s perceptions of justice and truth apparently do depend on the legal procedures to which they are exposed.

76 : What does the Model Penal Code say about attempted as opposed to completed crimes? According to research by Darley et al. (e.g., 1996), how does the position of the Model Penal Code differ from citizens general views?

Correct Answer : Answers may vary.According to the Model Penal Code, an offender who tries but fails is just as culpable as an offender who tries and succeeds. Psychologist John Darley and his colleagues asked respondents to read short scenarios that described people who had taken one or more steps toward committing either robbery or murder and to assign punishment to those people. They found that people’s intuitions differed in predictable ways from the position of the Model Penal Code. In situations where the person depicted in the scenario had taken only preliminary action (e.g., examining the store he planned to burgle or telling a friend about his plan), few people thought he was guilty, and those who did, assigned mild punishments. Yet, according to the Model Penal Code, this person is just as guilty as one who actually completed the burglary. When the scenario described a person who had reached the point of “dangerous proximity” to the crime, punishments increased, but they still were only half as severe as those assigned to the person who actually completed the crime. Apparently, people do not accept the view that intent to commit an act is the moral equivalent of actually doing it. Their notions about criminality and the need for punishment are more nuanced and less “black and white” than what the Model Penal Code prescribed.

77 : Discuss how justice has been viewed historically.

Correct Answer : Answers may vary.Sample Answer:More than 2,000 years ago, at the beginning of the Republic, Socrates posed this question and we continue to ponder it today. Definitions of justice have changed throughout history. In the Old Testament and in Homer's The Iliad, justice meant something like revenge. By the time of the Golden Age of Athens in the fifth century B.C.E., the concept of justice came to be less about vengeance and more about achievement of the well-being of individuals (Solomon, 1990). The development of Christianity and Islam accentuated a conception of justice within religious traditions of morality. As a result, people began to see matters of social injustice (e.g., the suffering of the poor and the oppressed) as issues of concern, along with offenses against one person or one's family (Solomon, 1990).

78 : Describe how attribution theory explains others intentions.

Correct Answer : Answers may vary.A well-established theory in social psychology, attribution theory, focuses on how people explain others' intentions. According to the theory, attributions tend to vary along three dimensions: internality—whether we explain the cause of an event as due to something internal to a person or to something that exists in the environment; stability—whether we see the cause of a behavior as enduring or merely temporary; and globalness—whether we see the cause as specific to a limited situation or applicable to all situations. An individual who makes internal, stable, global attributions about an act of misconduct ("He is so evil that he doesn't care what anyone thinks or feels about him") will see an offender as more culpable and more deserving of punishment than a person who offers external, unstable, specific explanations for the same act ("As a result of hanging out with a rough crowd, she was in the wrong place at the wrong time.").

79 : Differentiate between distributive justice and procedural justice.

Correct Answer : Answers may vary.We often assess perceptions of legitimacy in the outcomes of legal disputes, such as whether the would-be pickpocket who came up empty-handed should be punished as severely as the one who got the loot. This focus on the fairness of the outcome in a legal dispute is the main concern of distributive justice models. According to the principles of distributive justice, a person will be more accepting of decisions and more likely to believe that disputes have been resolved appropriately if the outcomes seem just (or if the outcomes—in the same sense as salaries or promotions—seem distributed equitably, hence the term distributive justice).A series of classic studies in psychology and law showed that although distributive justice theories were correct, there was clearly more to the story. This work, conducted by a psychologist and a law professor, suggests that disputants' perceptions of the fairness of the procedures are vitally important to the sense that "justice" was done. Such an orientation leads us to think of justice not only as punishment for wrongdoing but also as a process by which people receive what they deserve or are due. Procedural justice models suggest that if individuals view the procedures of dispute resolution or decision making as fair, then they will view the outcome as just, regardless of whether it favors them or not. According to this perspective, important issues in a contested divorce include the means by which each person was wronged and whether the marriage can be dissolved in a manner satisfactory to both. In a dispute with an insurance company over an accident claim, one might ask whether the injured party was treated fairly or unfairly.

80 : Judges election has gathered a lot of momentum in the recent years just like the political elections. How has this impacted the judges? What are its influences on passing judgments in courts?

Correct Answer : Answers may vary.There are at least two schools of thought about whether judges' rulings are influenced solely by the facts of a case and the applicable laws, or whether extralegal factors play a role. Legal formalism is the perspective that judges apply legal rulings to the facts of a case in a careful, rational, mechanical way and pay little heed to political or social influences on, or implications of, their judgments. In contrast, legal realism holds that judges' decisions are influenced by a variety of psychological, social, and political factors, and that judges indeed are concerned about the real-world ramifications of their decisions.One caricature of legal realism is that judges are influenced by very personal matters, such as when they last ate. In fact, there is some empirical support of this idea: In their study of successive parole decisions by experienced judges, Danziger, Levav, and Avnaim-Pesso found that the percentage of favorable rulings dropped from approximately 65% to nearly zero as a morning or afternoon courtroom session wore on, but that the percentage of favorable rulings rose again to about 65% after the judge had taken a food break! Food matters aside, much evidence suggests that trial judges, as human beings, reflect on their own experiences, assumptions, and biases when reaching decisions from the bench, especially when the choice involves some leeway (e.g., deciding whether to allow evidence to be presented in a trial or deciding on the length of a prison sentence). They may have biases for or against certain groups—gay or lesbian persons, racial minorities, and older adults—that affect the way they process evidence and make decisions. Judges who have been prosecutors may maintain their sympathy with the government's evidence in criminal trials; conversely, judges of defendants.

81 : Discuss the judicial system structure in the United States. In your answer, include the different kinds of courts that have been created to handle specific legal issues.

Correct Answer : Answers may vary.Disputes that reach the legal system are often, though not always, resolved in court. New community-based alternatives to standard prosecutions are increasingly used. Diversion to an alternative system may occur upon one's first encounter with a police officer, or when the case is referred to any of several "problem-solving courts" (also called specialty courts). Rather than focusing on punishment for wrongdoing, as traditional courts tend to do, problem-solving courts deal with the underlying reasons that individuals commit crimes in the first place. Such problem-solving courts include drug courts, mental health courts, and veterans' courts (addressing issues of drug abuse, mental illness, and exposure to trauma, respectively), among others.

82 : Discuss The Case of Violent Video Games and Minors Free Speech Rights. Why was this case taken to a federal court rather than a state court?

Correct Answer : Answers may vary.Spurred by the efforts of state senator and child psychologist Leland Yee, the California legislature passed a law in 2005 that banned the sale or rental to minors of violent video games that portrayed "killing, maiming, dismembering, or sexually assaulting an image of a human being." Violators could be fined up to $1,000. But violent video games such as Grand Theft Auto and Call of Duty are big sellers, so video game makers immediately challenged the law in the U.S. District Court for Northern California, arguing that it restricted free speech rights guaranteed by the First Amendment. The district court judge ruled in their favor, as did the Ninth Circuit Court of Appeals. The U.S. Supreme Court, in a 7–2 ruling, agreed (Brown v. Entertainment Merchants Association, 2011), holding that the California law was an unconstitutional infringement on free speech.Social science played a prominent and controversial role in this case, as both sides enlisted psychologists to comment on the connection between exposure to violent video games and harmful effects on children. Despite strong empirical evidence of increased aggressive behaviors, desensitization to violence, nightmares, and fear of being harmed that result from exposure to media violence, the Court accepted the video game makers' claim that the relationship is correlational and not causal. They also agreed with the game makers that the law restricted the expression of free speech.

But in a forceful dissenting opinion, Justice Stephen Breyer listed dozens of peer-reviewed scholarly articles on this topic and concluded that the bulk of the evidence supported the claim that violent video games do cause psychological harm to children.

83 : Discuss the different decision-making process that a judge considers before passing judgment on a case?

Correct Answer : Answers may vary.Psychologists have a ready explanation for why judges' attitudes and values affect their decisions: When people, including judges, have opinions about desired outcomes, those goals direct how they seek out and weigh empirical evidence. Information congruent with a particular goal is disproportionately attended to and valued, while incongruent evidence is dismissed. This process, called motivated reasoning, is typically outside of a person's awareness, but functions as a powerful determinant of how people evaluate information and reach conclusions about the law. Also relevant to judges' decision making, cognitive psychologists have proposed various two-process models of human judgment. Though the details vary, all the models distinguish between intuitive processes that occur spontaneously, often without careful thought or effort, and deliberative processes that involve mental effort, concentration, motivation, and the application of learned rules. The former is sometimes referred to as System 1 and the latter System 2. Motivated reasoning is implicated in both because end goals can unconsciously steer both intuitive and deliberative evaluations of evidence. A team of law professors has used a two-process model to explain trial judges' decision making and, in particular, to assess how emotions can influence their judgments. They claim that although judges try to make decisions by relying on facts, evidence, and legal rules rather than personal biases or emotions, because they are ordinary people (who happen to wear robes), judges tend, like all of us, to favor intuitive reactions over careful deliberate responses. And though quick judgments can be overridden by complex, deliberative thoughts, judges must expend the effort to do so.

84 : A simple handwritten petition of a modest man changed the procedures of criminal trials. Discuss the 1963 Gideon v. Wainwright case, in detail. How did it change the legal system for the better?

Correct Answer : Answers may vary.Many people accused of crime cannot afford to hire a lawyer; most criminal defendants are represented by public defenders who are also government employees. The history of public defenders dates from the 1963 case of Gideon v. Wainwright, in which the Supreme Court held that the State of Florida was obligated to pay for a lawyer for Clarence Earl Gideon, a small-town thief who lived on the fringes of society. Gideon had initially been denied a lawyer after he was accused of breaking and entering into a pool hall to steal money, and he was convicted following an unsuccessful attempt to defend himself. While incarcerated, he appealed to the U.S. Supreme Court, contending that the Constitution guaranteed every criminal defendant's right to a lawyer. Gideon's case was heard in 1963, despite the fact that only 3% of appeals are usually considered and that the Supreme Court had dismissed the same proposition in the 1942 case of Betts v. Brady, ruling that free counsel was only a right under "special circumstances."Gideon was represented before the Supreme Court by Abe Fortas, who argued that legal representation for defendants was a necessity for a fair trial and that the "special circumstances" rule from Betts v. Brady was difficult to apply fairly. The Court ruled unanimously in Gideon's favor, and Gideon was later acquitted after he was granted a new trial and a state-appointed attorney. Because of Gideon's petition and subsequent successful appeal, states have established public defender programs, hiring lawyers to represent those who cannot afford them.