Judicial Process in America 10th edition Carp Test Bank

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Chapter 2: The Federal Judicial System

Title: Ch02-01;C;
1. One of the most important and most confusing features of the judiciary in the United States is the dual court system, that is,
a. there are both trial and appellate courts.
*b. each level of government (state and national) has its own set of courts.
c. there are both constitutional (Article 3) courts and legislative (Article 1) courts.
d. the U.S. Supreme Court has both original and appellate jurisdiction.

Title: Ch02-02;F;
2. Article 3 of the Constitution states that "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the ___ may from time to time ordain and establish.
a. president
b. states
c. supreme Court
*d. congress

Title: Ch02-03;F;
3. In *Marbury v. Madison* (1803), the Supreme Court asserted its power to
a. issue court orders commanding a public official to perform an official, nondiscretionary duty.
b. issue a writ of *certiorari*.
*c. declare an act of Congress unconstitutional.
d. issue writs of *mandamus*.

Title: Ch02-04;C;
4. Which of the following statements is *not* accurate?
a. Judicial review is one of the features that set American courts apart from those in other countries.
b. As a policymaker, the Supreme Court has no self-starting device. The justices must wait for problems to be brought to them; there can be no judicial policymaking if there is no litigation.
c. The Supreme Court is overwhelmingly an appellate court because most of its time is devoted to reviewing decisions of lower courts.
*d. Since 1925, the Supreme Court has been required to issue a writ of *certiorari* in all of the cases that come to it; the Court no longer has discretion in deciding which cases it should review.

Title: Ch02-05;F;
5. Each year, the formal session of the Supreme Court begins on the ____ and lasts until the business of the term is completed.
a. 20th of January
*b. first Monday in October
c. Tuesday after the first Monday of November
d. Wednesday after Labor Day

Title: Ch02-06;F;
6. The Supreme Court's term is divided into ____, each lasting approximately two weeks, during which the justices meet in open session and hold internal conferences, and ____, during which the justices work behind closed doors to consider cases and write opinions.
a. hearings/deliberations
b. periods/intermissions

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c. sets/breaks
*d. sittings/recesses

Title: Ch02-07;F;
7. Typically, the attorney for each side of a case is given ____ for oral argument before the Supreme Court.
a. ten minutes
*b. thirty minutes
c. one hour
d. as much time as necessary

Title: Ch02-08;F;
8. When the justices of the Supreme Court meet in conference,
a. only their law clerks are allowed to be in the room with them.
*b. they discuss cases that were argued earlier in the week as well as *certiorari* petitions.
c. the senior associate justice keeps an official record of the discussions.
d. the most junior justice presides and offers an opinion first in each case.

Title: Ch02-09;F;
9. A quorum for a decision on a case in the Supreme Court is ____ members.
a. four
b. five
*c. six
d. seven

Title: Ch02-10;C;
10. Which of the following statements is accurate?
*a. The chief justice, if voting with the majority, either writes the Court's opinion or assigns it to another justice who voted with the majority.
b. The chief justice always writes the Court's opinion.
c. The chief justice, if voting with the majority, writes the Court's opinion.
d. The chief justice assigns the writing of the Court's opinion in every case.

Title: Ch02-11;F;
11. When the chief justice votes with the minority,
a. the most junior justice in the majority assigns the writing of the Court's opinion.
b. he or she assigns the writing of the Court's opinion to a justice who voted with the majority.
c. he or she writes a concurring opinion.
*d. the most senior justice in the majority assigns the writing of the Court's opinion.

Title: Ch02-12;F;
12. A *per curiam* opinion is
a. written by a justice who disagrees with the opinion of the Court.
b. written by a justice who agrees with part of a Court ruling but disagrees with other parts.
*c. an unsigned opinion that is usually brief.
d. a signed opinion that is written by a justice who agrees with the Court's decision but differs in his or her reason for reaching that conclusion.

Title: Ch02-13;F;
13. There is/are ___ court(s) of appeals in each of the ___ regional circuits.
a. one/nine

*b. one/twelve
c. two/ten
d. two/fifteen

Title: Ch02-14;F;
14. The U.S. courts of appeals are responsible for reviewing some cases appealed from administrative agencies and cases appealed from
a. state courts of last resort.
b. state trial courts of general jurisdiction.
*c. federal district courts.
d. three-judge district courts.

Title: Ch02-15;F;
15. The Court of Appeals for the Eleventh Circuit was carved from the ____ Circuit.
a. First
*b. Fifth
c. Seventh
d. Tenth

Title: Ch02-16;F;
16. The U.S. Court of Appeals for the Federal Circuit
a. was created in Article 3 of the Constitution.
b. is a general jurisdiction court created by Congress in 1891.
c. hears appeals from the courts of appeals in the geographic circuits.
*d. is a specialized appellate court created by Congress in 1982.

Title: Ch02-17;F;
17. The Ninth Circuit includes the states of
a. Texas and Louisiana.
b. Illinois and Indiana.
c. Michigan and Ohio.
*d. California and Arizona.

Title: Ch02-18;C;
18. Which of the following statements is *not* accurate?
*a. The U.S. courts of appeals have had discretionary control of their dockets since 1925.
b. The U.S. courts of appeals deal with both routine and highly important matters.
c. Error correction is one purpose of review in the U.S. courts of appeals.
d. Cases in the U.S. courts of appeals are typically heard by three-judge panels.

Title: Ch02-19;F;
19. Federal statutes provide for a(n) ____ procedure, in which all the circuit's judges sit together on a panel
and decide a case.
a. *certiorari*
*b. *en banc*
c. *stare decisis*
d. *mandamus*

Title: Ch02-20;C;
20. Which of the following statements is *not* accurate?

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a. The federal district courts have original jurisdiction over virtually all cases in the federal judicial system.
b. The federal district courts are the trial courts of the federal judicial system.
*c. In establishing district court jurisdiction, Congress does not respect state boundaries; thus federal judicial districts encompass more than one state.
d. Trials in federal district courts may be either bench trials or jury trials.

Title: Ch02-21;F;
21. The federal district courts are ____ courts.
*a. constitutional
b. legislative
c. specialized jurisdiction
d. appellate

Ch02-22;C;
22. Magistrate judges
a. play an important role in helping the justices of the Supreme Court decide which cases should be heard.
b. conduct research on the federal courts and make recommendations to improve the administration and management of the federal courts.
c. negotiate with other government agencies for court accommodations in federal buildings.
*d. perform duties in the processing of cases for the federal district courts to which they are appointed.