

# Test Bank for Judicial Process in America 10th Edition Carp Manning Stidham Ronal 148337825X 9781483378251

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## 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,
- there are both trial and appellate courts.
  - \*b. each level of government (state and national) has its own set of courts.
  - there are both constitutional (Article 3) courts and legislative (Article 1) courts.
  - 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.
- president
  - states
  - supreme Court
  - \*d. congress

Title: Ch02-03;F;

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

Title: Ch02-04;C;

4. Which of the following statements is *not* accurate?
- Judicial review is one of the features that set American courts apart from those in other countries.
  - 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.
  - 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.
- 20th of January
  - \*b. first Monday in October
  - Tuesday after the first Monday of November
  - 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

- 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?

- 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.