

Chapter 6

Multiple Choice/Fill in the Blank

1. Whose job is it to “provide fair and equal access to justice for all Californians”?
 - a. the governor’s
 - b. the court system’s
 - c. the Attorney General’s
 - d. the local sheriff’s

2. Approximately how many cases does the California court system handle annually?
 - a. 8 million
 - b. 4 million
 - c. 2 million
 - d. 1 million

3. The California court system is organized into three distinct layers:
 - a. criminal courts, civil courts, and administrative courts
 - b. the state supreme court, the Department of Justice, and the Judicial Council
 - c. trial, superior, administrative, judicial, and supreme courts
 - d. trial courts, courts of appeal, and the state supreme court

4. Approximately what percentage of cases filed actually make it to trial?
 - a. 10 percent
 - b. 25 percent
 - c. 50 percent
 - d. 90 percent

5. Civil suits:
 - a. are brought against citizens accused of committing crimes against humanity
 - b. involve disputes between individuals or organizations seeking money for damages that are usually incurred through injuries, breaches of contract, or defective products
 - c. are only brought against illegal immigrants
 - d. involve felonies, misdemeanors, and minor infractions, or crimes committed by persons being brought to trial

8. The highest judicial authority in the state is vested in:
 - a. the state Supreme Court
 - b. the Attorney General
 - c. the Judicial Council
 - d. The District Courts of Appeal

Type: F

9. Although roughly 8,000 cases are appealed to it, the state Supreme Court only tends to issue approximately _____ written opinions during an annual term.
 - a. 100 (85 was the actual number reported in the 2015 “Court Report”)

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10. How many justices sit on the state supreme court?

- a. five
- b. seven
- c. nine
- d. thirteen

13. Who controls the number of judgeships in the state?

- a. the governor
- b. the legislature
- c. the courts
- d. the attorney general

14. Who can appoint individuals to fill vacancies on California courts?

- a. the governor
- b. the legislature
- c. the attorney general
- d. the chief justice of the supreme court

18. To assist the governor with judicial nominations, the _____, a state agency whose members represent the legal profession, must first screen the nominees.

- a. Judicial Council
- b. Commission on Judicial Nominees
- c. California Bar Association
- d. Attorney General's Office

19. Who confirms the governor's judicial appointments to the appellate and supreme court?

- a. the state Senate
- b. Commission on Judicial Appointments
- c. California Bar Association
- d. Attorney General's Office

20. Members of the Commission on Judicial Appointments include:

- a. the Big Five
- b. all the constitutional executive officers, plus the Supreme Court chief justice
- c. the attorney general, Supreme Court chief justice, presiding judge of the courts of appeal, and at-large members of the legal community
- d. the legislature's and the governor's appointees who are all at-large members of the legal community

22. What are the qualifications for becoming a judge in California?

- a. Selection by the governor; there are no set qualifications.
- b. Having passed the state bar.
- c. Having a law degree or law enforcement background (includes attorneys, police or sheriffs, prison guards, and probation officers).
- d. Having been an attorney who has practiced law for 10 years in California.

23. What is true of judicial elections in California?
- a. many are highly controversial, because justices often act in highly partisan ways
 - b. most are low-key affairs; few judges run against opponents, and they are rarely rejected by the voters
 - c. they are extremely expensive, routinely costing candidates millions of dollars
 - d. they are only held for candidates who are not lawyers (i.e. have not passed the bar), but those candidates are highly qualified citizens who want to become judges nevertheless
24. Which person is considered to be the principal supervisor of the state court system?
- a. the chief justice of the Supreme Court
 - b. the governor
 - c. the attorney general
 - d. the entire 27-member state Judicial Council
25. The 27-member board responsible for managing the court system by setting policies, rules, and procedures, controlling the courts' budget, and reporting to the legislature is the:
- a. Department of Justice
 - b. Commission on Judicial Appointments
 - c. Judicial Council
 - d. California Bar Association
27. In what sense is the judicial branch "political"?
- a. All judges in California are elected in partisan elections; that is, with their party affiliation stated next to their names on the ballot
 - b. All judicial officers (judges, justices) in the state are appointed by the governor and never have to run in an election
 - c. Judges make policy through their interpretation of laws and their choices about how to apply those laws
 - d. Active and retired judges campaign heavily for their colleagues, who must run for reelection every 12 years
39. Who typically reviews cases at the appellate level?
- a. grand juries
 - b. the supreme court reviews every case
 - c. three-judge panels
 - d. a superior court judge
43. Who controls how the judicial system's budget is allocated and spent?
- a. the governor
 - b. the assembly and senate
 - c. the Judicial Council
 - d. the chief justice
45. What are grand jurors NOT allowed to do?

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- a. research claims of improper practices
- b. indict political figures
- c. investigate wasteful practices
- d. determine the constitutionality of a law

46. Who sits on grand juries?

- a. regular citizens, just like trial juries
- b. only those with a legal background, such as attorneys
- c. retired judges
- d. professional jurors who have trained for several years to hold the position

51. The current policy of sending convicted non-violent, non-sexual state prisoners to be housed in county jails is:

- a. prison fiscalization
- b. realignment
- c. externalities
- d. redistricting

52. What do Californians generally believe about the corrections system?

- a. Too much is spent on prisons and prisoners, and funding ought to be reduced.
- b. Prison guards and other staff receive the high salaries and benefits that they deserve.
- c. Low-level inmates can safely be released back into communities.
- d. More money should be spent to build state-of-the-art prisons.

53. Approximately how much does it cost to imprison one inmate per year in California?

- a. \$6,000
- b. \$12,240, the same as a Cal-Grant for a U.C. student
- c. \$25,000
- d. \$66,000

57. The California court system annually handles about _____ cases, and about _____ of them make it to trial.

- a. 8 million; 10 percent
- b. 4 million; 25 percent
- c. 1 million; 90 percent
- d. fewer than 1 million; 100 percent

60. A special court that combines case processing with mandatory help programs such as drug and alcohol treatment programs, and monitoring of individuals, is known as a:

- a. collaborative court
- b. supreme court
- c. probate court
- d. family court

61. A traffic violation is considered:

- a. a criminal violation

- b. an infraction
- c. a misdemeanor
- d. a felony

62. In which type of case is a death sentence possible in California?

- a. infraction
- b. misdemeanor
- c. felony
- d. civil

Type: F

63. Name a direct consequence of budgets cuts in the court system: _____

- a. Varies. Possibilities include: court closures, longer waiting times for cases to be dealt with or heard (this could also be stated as “less access to courts”), longer driving times for people to reach an open courthouse, no court reporters for civil and family cases.

66. Two recent propositions (Props 36 and 47) may help reduce the state’s prison population by:

- a. closing many jails that need substantial repairs
- b. transferring inmates to out-of-state prisons and private prisons
- c. granting early parole to anyone convicted before 1992
- d. imposing a life sentence on third-strike violent offenders only and reclassifying some drug crimes as misdemeanors

67. About how much money does California spend on state prisons (from all sources)?

- a. \$300 million
- b. \$1 billion
- c. \$3 billion
- d. \$13 billion

68. Three-strikes sentencing in California is now applied to:

- a. any and all types of crime
- b. drug crimes only
- c. violent and serious offenses only
- d. undocumented immigrants only

Essay or Short Answer Questions

Type: E

7. What is the function of the appellate courts, or courts of appeal?

- a. Sandwiched between the trial and Supreme Courts are the courts of appeal, organized into six appellate districts. Parties to a case who lose at the trial court level may appeal their cases to the next level, where the lower court decision or case will be reviewed for errors, improprieties, or technicalities that could lead to a reversal of the lower court’s judgment. Appellate court decisions clarify and actually establish government policy, as the state supreme court allows the great majority of their decisions to stand.

Type: E

21. What are the qualifications for becoming a judge in California?

- a. Persons must be attorneys who have practiced law in California for at least ten years.

Type: E

26. What is a grand jury? What do grand jurors do?

- a. Grand juries are impaneled every year in every county to investigate the conduct of city and county government and their agencies. Each grand jury contains 19 citizens (except for the 23-member L.A. grand jury). Grand jurors research claims of improper or wasteful practices, issue reports, recommend improvements to local programs, and sometimes indict political figures for misconduct, meaning they uncover sufficient evidence to warrant a trial.

Type: E

28. In what ways do “politics” affect the functioning of the state’s court system?

- a. Although the courts are impartial administrators of the law, it is impossible to eradicate politics from the court system. Judges are people whose personal and partisan biases tend to be expressed in their judicial philosophy or approach, and governors tend to appoint justices whose philosophy mirrors their own. Thus, it is possible for a governor to shape the judiciary through appointments, bringing a more “liberal,” “moderate,” or “conservative” cast to the bench. The fact that judges interpret law means that they play a role in setting state policy. In addition, most justices will face a retention election during their careers, and the threat of recall is always present. Laws and ballot initiatives affect how the judges and justices function; they may be forced by the voters to impose mandatory sentences for certain kinds of crimes, regardless of case-by-case circumstances (the Three Strikes law and other mandatory sentencing laws are good examples). Money also matters: the legislature plays no role in judicial appointments, but they (along with the governor) control how much money is allocated to the courts and the criminal justice system. The amounts of money they allocate affect who has access to the courts and how quickly their cases can be resolved.

Type: E

34. How can the governor shape the judiciary?

- a. Through appointments. The governor has the right to appoint judges at all levels to fill vacancies, and typically will appoint hundreds of judges during his or her term in office. By trying to identify and select individuals who share the governor’s political bent or ideological viewpoint, or select individuals who “resemble” the citizenry descriptively, the governor has the ability to shape the appearance (representativeness) of the courts, as well as judicial outcomes. Judges usually serve for many years, so the impact of a governor can be felt long after he or she has left office.

Type: E

37. What are the likely outcomes of cuts to the court system’s budget?

- a. Courthouse and courtroom closures, employee furloughs (employees are not allowed to work certain days per month), long waits for help with paperwork and filings, people have to travel longer distances to courts that remain open, elimination of public assistance

programs (clerks, interpreters, and so on), overworked employees, and long court trial delays.

Type: E

48. What is the state's "one day, one trial" program?

a. People who are called for jury duty (prospective jurors) are excused from service at the end of a single day if they have not been assigned to a trial, and they only need to respond to a jury summons once a year.

Type: E

49. How have California policy makers tried to reduce overcrowding in state prisons?

a. Through a new policy referred to as "realignment" (AB 109, the "Public Safety Realignment" law), non-violent, non-sexual offenders are being transferred to county jails. Other solutions include sending convicted criminals to prisons in other states and releasing certain inmates early.

Type: E

50. Describe the state's prison population reduction policy that was established by AB 109, the "Public Safety Realignment" law.

a. About 34,000 nonviolent, nonserious, and nonsexual state prisoners and 46,000 parolees are being transferred to county jails and county probation departments, where counties are responsible for housing and monitoring them. The state is in the process of helping to provide more funding to counties to help defray the high costs associated with incarceration.

Type: E

55. Why are California's prisons overcrowded and "bursting at the seams"?

a. Minimum sentencing laws and money are the top reasons California's prisons are overcrowded. More prisoners are serving out lengthy sentences, and not enough jails are being built to accommodate all convicted criminals. California's "three strikes" law means that criminals receive mandatory 25-years-to-life sentences (without the possibility of parole), which has created a large and aging population requiring substantial and expensive health care – money that might otherwise be spent on upgrading prison facilities to accommodate more prisoners. Fixed, high staffing costs also influence decisions about spending in other areas of corrections that could relieve overpopulation. The three-strikes law was recently changed so that third-strike offenses apply only to serious, violent crimes, but there are many inmates today who are serving long sentences under those penalties.

Type: E

56. Why are prisons chronically underfunded?

a. Varies. First, underfunding of the correctional system has been the default option for state lawmakers because prisoners and prison spending are valued by virtually no one, and state lawmakers generally are not rewarded for spending more money on a system that is not well-regarded by the public. On the other hand, spending cuts to prisons are far more popular and represent a rare point of agreement for those across the political

spectrum (including those on the left and the right), because liberals would prefer more spending on rehabilitation and crime prevention programs, whereas conservatives generally equate corrections-related spending with unfair comforts for criminals who should compensate for their crimes. Second, costs continue to rise, not fall, and as staffing-related costs and medical care for aging prisoners have risen, funding levels have not kept pace with the increases.

Type: E

58. What are civil suits?

a. A lawsuit that is not criminal, but instead involves a dispute between individuals or organizations seeking monetary compensation for damages that are usually incurred through injuries, breaches of contract, or defective products.

59. What are collaborative courts?

a. These “problem-solving courts” operate through the superior courts, combining judicial case processing, drug and alcohol treatment services, and monitoring to help individuals rebuild their lives and avoid recidivism. There are 374 (note: a student might say, “close to 400” or “about 375”) such courts in California that deal specifically with veterans, mental health, homelessness, drugs, and domestic violence cases.

True or False Questions

6. More than half of the cases in the state’s judicial system result from traffic violations.

- a. True
- b. False

11. The state supreme court is required to review all the cases that are appealed to it.

- a. True
- b. False

12. The state constitution guarantees citizens the right to a jury trial, but not a civil trial.

- a. True
- b. False

15. If a person wants to become a judge, a qualified individual may run for a judicial election instead of first being appointed by the governor.

- a. True
- b. False

16. Almost all state judges and justices are appointed to their positions by the governor.

- a. True
- b. False

17. If superior court justices are first appointed by the governor, they must become nonpartisan candidates for office when their terms expire.

- a. True
- b. False

29. Elections involving judges are nonpartisan, meaning that a judicial candidate's party affiliation is not indicated on the ballot as it would be for other statewide elected officials.

- a. True
- b. False

30. Judges are immune from political and campaign pressures.

- a. True
- b. False

31. Judges who are appointed to fill an unexpired term must run in a retention election when the term expires.

- a. True
- b. False

32. In a retention election, voters get to decide whether to keep a judge in office.

- a. True
- b. False

33. Unlike legislative elections, special interests may not campaign for or against a judge.

- a. True
- b. False

35. The state Senate approves or confirms all judicial appointments made by the governor.

- a. True
- b. False

36. Unlike other state institutions, California's system of justice remains well-funded and has not had to weather the same kinds of budget cuts as other programs during recent lean budget years.

- a. True
- b. False

38. At the appellate level, grand juries make determinations about whether a case should be dismissed on technical grounds.

- a. True
- b. False

40. Appeals courts review the judgments rendered in lower (superior) courts.

- a. True
- b. False

41. State courts cannot rule on the constitutionality of initiatives that have been approved by voters.

- a. True

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b. False

42. State courts cannot rule on the constitutionality of initiatives before they have been approved by voters.

a. True

b. False

44. A grand jury exists in every county.

a. True

b. False

47. The federal government fully reimburses California for housing illegal immigrant felons in its state prisons.

a. True

b. False

54. The state of California must provide adequate medical care to all inmates, because failure to do so is a violation of the U.S. Constitution's ban on cruel and unusual punishment.

a. True

b. False

64. Although judges and justices are supposed to be chosen for their nonpartisan and unbiased decisions, they are often chosen by governors who tend to appoint people from their own political party.

a. True

b. False

65. Judges and justices in California are broadly representative of California, roughly mirroring the state's ethnic diversity.

a. True

b. False