

Chapter 6: The Court System

Test Bank

Multiple Choice

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

Answer Location: Introduction

2. Approximately how many cases does the California court system handle annually?

- A. 7 million
- B. 4 million
- C. 2 million
- D. 1 million

Answer Location: Introduction

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

Answer Location: The Three-Tiered Court System

4. Approximately what percentage of cases filed actually make it to trial?

- A. 10%
- B. 25%
- C. 50%
- D. 90%

Answer Location: The Three-Tiered Court System

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

Answer Location: The Three-Tiered Court System

6. 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

Answer Location: The Three-Tiered Court System

7. 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. 75
 - B. 250
 - C. 1,000
 - D. 5,000

Answer Location: The Three-Tiered Court System

8. How many justices sit on the state supreme court?
- A. 5
 - B. 7
 - C. 9
 - D. 13

Answer Location: The Three-Tiered Court System

9. Who controls the number of judgeships in the state?
- A. the governor
 - B. the legislature
 - C. the courts
 - D. the attorney general

Answer Location: The Three-Tiered Court System

10. 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

Answer Location: On and Off the Court

11. 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. State Bar's Commission on Judicial Nominees
- C. Attorney General's Office
- D. none of these

Answer Location: On and Off the Court

12. 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

Answer Location: On and Off the Court

13. 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

Answer Location: On and Off the Court

14. 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.

Answer Location: On and Off the Court

15. 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.

Answer Location: On and Off the Court

16. Which person is considered to be the principal supervisor of the lower courts?

- A. the chief justice of the Supreme Court
- B. the governor
- C. the attorney general
- D. the entire 27-member state Judicial Council

Answer Location: The Three-Tiered Court System

17. The 30-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

Answer Location: Court Administration

18. 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.

Answer Location: Conclusion: Access to Justice

19. Who typically reviews cases at the appellate level?

- A. grand juries
- B. the entire membership of the Supreme Court
- C. three-judge panels
- D. a superior court judge

Answer Location: The Three-Tiered Court System

20. 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

Answer Location: Court Administration

21. What are grand jurors NOT allowed to do?

- A. research claims of improper practices
- B. indict political figures
- C. investigate wasteful practices
- D. determine the constitutionality of a law

Answer Location: Juries

22. 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

Answer Location: Juries

23. The current policy of sending convicted nonviolent, nonsexual state prisoners to be housed in county jails is _____.

- A. prison fiscalization
- B. realignment
- C. externalities
- D. redistricting

Answer Location: Criminal Justice and Its Costs

24. 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.

Answer Location: Criminal Justice and Its Costs | Conclusion: Access to Justice

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

- A. \$6,000
- B. \$13,812, the cost of a Cal-Grant for a U.C. student
- C. \$25,000
- D. \$76,000

Answer Location: Box 6.1 FAST FACTS on California's Criminal Justice System | Conclusion: Access to Justice

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

- A. 7 million; 10%
- B. 4 million; 25%

- C. 1 million; 90%
- D. fewer than 1 million; 100%

Answer Location: The Three-Tiered Court System

27. 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

Answer Location: The Three-Tiered Court System

28. A traffic violation is considered _____.

- A. a criminal violation
- B. an infraction
- C. a misdemeanor
- D. a felony

Answer Location: The Three-Tiered Court System

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

- A. infraction
- B. misdemeanor
- C. felony
- D. civil

Answer Location: The Three-Tiered Court System

30. 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

Answer Location: Criminal Justice and Its Costs

31. 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

Answer Location: Criminal Justice and Its Costs

32. 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

Answer Location: Criminal Justice and Its Costs

True/False

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

Answer Location: The Three-Tiered Court System

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

Answer Location: The Three-Tiered Court System

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

Answer Location: The Three-Tiered Court System

4. 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.

Answer Location: On and Off the Court

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

Answer Location: On and Off the Court

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

Answer Location: On and Off the Court

7. 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.

Answer Location: On and Off the Court

8. Judges are immune from political and campaign pressures.

Answer Location: On and Off the Court

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

Answer Location: On and Off the Court

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

Answer Location: On and Off the Court

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

Answer Location: On and Off the Court

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

Answer Location: On and Off the Court

13. 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.

Answer Location: Introduction

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

Answer Location: Juries

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

Answer Location: The Three-Tiered Court System

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

Answer Location: The Three-Tiered Court System

17. State courts cannot rule on the constitutionality of initiatives before voters have actually approved them through an election.

Answer Location: The Three-Tiered Court System

18. A grand jury exists in every county.

Answer Location: Juries

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

Answer Location: Criminal Justice and Its Costs

20. 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.

Answer Location: Criminal Justice and Its Costs

21. 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.

Answer Location: On and Off the Court

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

Answer Location: On and Off the Court

23. The only place that the Supreme Court hears cases (oral arguments) is in the state capital of Sacramento.

Answer Location: The Three-Tiered Court System

24. Review of death penalty cases will be sped up under a proposition passed by voters in 2016.

Answer Location: The Three-Tiered Court System

25. Governor Brown has not diversified the Supreme Court with his three choices for justices: all have been White males.

Answer Location: On and Off the Court

26. Voters often reject judges in retention elections.

Answer Location: On and Off the Court

27. Voters rarely reject judges in retention elections.

Answer Location: On and Off the Court

28. Since the policy of realignment went into effect, crime rates of all types have skyrocketed in California.

Answer Location: Criminal Justice and Its Costs

Essay

1. Name a direct consequence of budget cuts in the court system.

Ans: 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.

Answer Location: Introduction

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

Ans: 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.

Answer Location: The Three-Tiered Court System

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

Ans: Persons must be attorneys who have practiced law in California for at least 10 years.

Answer Location: On and Off the Court

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

Ans: 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.

Answer Location: Juries

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

lthough 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.

Answer Location: The Three-Tiered Court System

6. How can the governor shape the judiciary?

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.

Answer Location: On and Off the Court

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

courthouse and courtroom closures, employee furloughs (employees are not allowed to work certain days per month, or shorter hours for employees), 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.

Answer Location: Introduction

8. What is the state’s “one day, one trial” program?

Ans: 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.

Answer Location: Juries

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

through a new policy referred to as “realignment” (AB 109, the “Public Safety Realignment” law), nonviolent, nonsexual offenders are being transferred to county jails. Other solutions include sending convicted criminals to prisons in other states and releasing certain inmates early.

Answer Location: Criminal Justice and Its Costs

10. Describe the state’s prison population reduction policy that was established by AB 109, the “Public Safety Realignment” law.

Ans: Nonviolent, nonserious, and nonsexual state prisoners and parolees are being transferred to county jails and county probation departments, where counties are responsible for housing and monitoring them. The state provides funding to counties to help defray the high costs associated with incarceration.

Answer Location: Criminal Justice and Its Costs

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

Ans: 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 violent 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; many inmates today are serving long sentences under those penalties.

Answer Location: Criminal Justice and Its Costs

12. Why are prisons chronically underfunded?

Ans: 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. (Still, the state continues to pour more money into prisons yearly.)

Answer Location: Criminal Justice and Its Costs

13. What are civil suits?

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.

Answer Location: The Three-Tiered Court System

14. What are collaborative courts?

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 415 (note: a student might say, "close to 400") such courts in California that deal specifically with veterans, mental

health, homelessness, drugs, and domestic violence cases.

Answer Location: The Three-Tiered Court System

15. How has Chief Justice Tani Cantil-Sakauye tried to improve access to justice for vulnerable populations?

Ans: Varies. Two mentioned in the book are: (a) To address fines and fees that disproportionately penalize low-income defendants, courts are testing an ability to pay calculator. (b) Online “self-help” resources are available on the courts’ website. (c) Collaborative courts exist for helping people rebuild their lives instead of going to jail and risking recidivism.

Answer Location: The Three-Tiered Court System