

## **Chapter 14 The Judiciary**

1. The common law evolved from the \_\_\_\_\_, established by William the Conqueror in England.
  - a. courts of registry
  - b. commonwealth courts
  - c. criminal houses
  - d. king's courts
  - e. appellate courts
  
2. Which of the following statements is true of the king's courts?
  - a. They were an important part of the judiciary before the Norman Conquest.
  - b. The law developed in the king's courts applied to the whole of England.
  - c. They depended on the local legal customs of various regions in America.
  - d. They are also referred to as *stare decisis*.
  - e. The earliest forms of courts in America were called king's courts.
  
3. The doctrine of *stare decisis* is based on \_\_\_\_\_.
  - a. precedents
  - b. caucuses
  - c. writs
  - d. objections
  - e. mistrials
  
4. If the Supreme Court of Georgia holds that a state law requiring candidates for state office to pass drug tests is unconstitutional, that decision will control the outcome of future cases on that issue brought before state courts in Georgia. This best exemplifies:
  - a. the implementation of the *ex post facto* law.
  - b. the implementation of the due process clause.
  - c. the implementation of the writ of *habeas corpus*.
  - d. the practice of double jeopardy.
  - e. the practice of *stare decisis*.
  
5. A court is likely to depart from the rule of precedent if:
  - a. a precedent is hypothetical and academic.
  - b. a foreign government is involved in the precedent.
  - c. the government seeks to use a precedent in a criminal case.
  - d. the government seeks to use a precedent to grant pardon to an offender.
  - e. a precedent has been rendered inapplicable due to technical or social changes.

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6. Which of the following is true of the 2010 ruling *Citizens United v. Federal Election Commission*?
- a. The Supreme Court raised the limit of the amount in controversy from \$20,000 to \$40,000 in diversity cases.
  - b. The ruling unauthorized cities and counties from passing local zoning or housing-construction laws.
  - c. The Supreme Court determined that the government may not ban political spending by corporations in elections when the spending is undertaken independently of the campaigns of individual candidates.
  - d. The Supreme Court declared 501(c)4 organizations invalid and prohibited political parties from accepting any funding from these organizations.
  - e. The ruling explicitly covered unions and nonprofit groups.
7. Which of the following statements is true of constitutional law?
- a. It consists of the rights and duties set forth in the federal Constitution and not the state constitutions.
  - b. It is based on the U.S. Constitution and the constitutions of the various states.
  - c. It applies only to ordinances passed by counties.
  - d. It relies on local legislatures to determine the constitutionality of a law.
  - e. It is the basis of the federal laws in the United States but not of the state laws.
8. State constitutions are supreme within the borders of their respective states unless:
- a. they issue a writ of *certiorari*.
  - b. they establish permanent state agencies.
  - c. they conflict with a federal law.
  - d. they engage in a justiciable controversy.
  - e. they reject a warrant request.
9. \_\_\_\_\_ is the body of written laws enacted by legislative bodies at any level of government.
- a. Administrative law
  - b. Case law
  - c. Constitutional law
  - d. Statutory law
  - e. Precedent law
10. Which of the following statements is true of administrative laws?
- a. They are valid only when enacted by legislative bodies.
  - b. Under these laws, judges are obligated to follow the precedents established within their jurisdiction.
  - c. They are considered the supreme law of the land.
  - d. All the states in the United States follow a common set of administrative laws that have not undergone any changes.
  - e. They are the rules, regulations, orders, and decisions of government agencies.

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11. Congress creates an agency called the Pollution Assessment Board that sets certain parameters to check the level of pollution. However, these parameters are in direct conflict with the ones set by a state agency in Florida called the Council of Pollution Investigation. Which of the following would be the most likely outcome in this scenario?
- The state court of Florida will get to choose the parameters the state will implement.
  - The parameters set by the Council of Pollution Investigation will take precedence.
  - The parameters set by the Pollution Assessment Board will not be applicable on the state of Florida.
  - The Pollution Assessment Board will have to change its parameters to avoid conflict.
  - The parameters set by the Pollution Assessment Board will take precedence.
12. Which of the following statements is true of case law?
- It is valid only when enacted by legislative bodies of the government.
  - It is specific for each state, independent of the nature of a lawsuit.
  - It is considered the supreme law of the land.
  - It includes interpretations of constitutional provisions.
  - It includes the ordinances passed by cities and counties.
13. Susan crashes her bike into a car. While checking for damages, the car's driver notices a dent and a few scratches on the car. There is no other damage to the car or the driver. However, the driver wants to file a lawsuit against Susan for her reckless riding and the damage it has caused to his car. In this scenario, Susan will most likely be subjected to \_\_\_\_\_.
- charges of fraud
  - civil law
  - administrative law
  - criminal law
  - felony charges
14. Which of the following is a difference between a civil lawsuit and a criminal lawsuit?
- Unlike defendants in civil lawsuits, defendants in criminal lawsuits are prosecuted by public officials.
  - Unlike civil lawsuits, criminal lawsuits are initiated by private parties.
  - Unlike judgements in criminal lawsuits, judgements in civil lawsuits involve penalties.
  - Unlike criminal lawsuits, civil lawsuits involve wrongs committed against the public as a whole.
  - Unlike criminal lawsuits, civil lawsuits result in imprisonment.
15. \_\_\_\_\_ refers to the authority of a court to hear and decide a particular case.
- Administrative responsibility
  - Impeachment
  - Stare decisis*
  - Senatorial courtesy
  - Jurisdiction

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16. Which of the following statements is true of the term "jurisdiction"?
- a. It refers to the reasons given by a Supreme Court judge for a particular ruling.
  - b. It applies to the power of courts to decide matters about certain persons, types of property, or subjects.
  - c. It describes the absolute power possessed by higher courts to overrule rulings of lower courts.
  - d. It refers to the obligation of state courts to decide cases based on the documented history of precedents.
  - e. It describes the power of legislature to veto bills.
17. Which of the following is true of a federal question?
- a. It provides a basis for federal court jurisdiction.
  - b. It is hypothetical and academic.
  - c. It requires the creation of a specialized federal court.
  - d. It can be ratified only by a panel of four or more federal judges.
  - e. It requires the Supreme Court to deny a cert issued by a federal agency.
18. In the context of federal court jurisdiction, which of the following is one of the criteria that qualify a case as a "diversity of citizenship" case?
- a. The parties in the lawsuit must live in different states.
  - b. The parties must have standing to sue.
  - c. The accusation against the defendant must be of a criminal nature.
  - d. The amount in controversy must be less than \$75,000.
  - e. The parties in the lawsuit must have been residents of the United States for at least three years.
19. Simon, a resident of Oklahoma, sues Madison, a resident of Vermont, for copyright infringement. Simon demands \$80,000 from Madison in damages. In this scenario, the case qualifies for federal jurisdiction on the grounds of \_\_\_\_\_.
- a. senatorial courtesy
  - b. contempt of court
  - c. diversity of citizenship
  - d. justiciable controversy
  - e. original intent
20. Standing to sue is the:
- a. requirement that a controversy being brought to court is real and substantial, as opposed to academic or hypothetical.
  - b. basis for federal court jurisdiction over a lawsuit that arises when the parties in the lawsuit live in different states.
  - c. ruling that a person has disobeyed a court order or has shown disrespect to the court or to a judicial proceeding.
  - d. basis for federal court jurisdiction over a lawsuit that arises when one of the parties is a foreign citizen.
  - e. requirement that an individual must have a sufficient stake in a controversy before he or she can bring a lawsuit.

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21. A justiciable controversy is an issue that:
- is real and substantial.
  - cannot be heard in a court of law.
  - can only be heard by the U.S. Supreme Court.
  - is hypothetical or academic.
  - raises a federal question.
22. Which of the following is an example of a justiciable controversy that gives a person or persons a standing to sue?
- A lawsuit filed by a hospital against its official sewage cleaners as the latter failed to remove toxic garbage from the hospital's vicinity
  - A lawsuit filed by a shop owner against an innocent customer because of previous personal grudges
  - A lawsuit filed by a school district against a television channel for broadcasting violent advertisements
  - A lawsuit filed by an environmental group against the U.S. government for the latter's purchase of oil
  - A lawsuit filed by a not-for-profit organization against an entrepreneur for opening another not-for-profit organization
23. Which of the following is true of the requirement of standing to sue?
- It limits the issues that can be decided by state and federal courts.
  - Only federal governments can specify by law when an individual or group has standing to sue.
  - It prevents a party from appealing a court's decision to a higher tribunal.
  - It provides a basis for federal court jurisdiction.
  - This requirement arises only in civil cases.
24. Which of the following best describes the term "contempt of court"?
- It is a requirement that a controversy being brought to court be real and substantial, as opposed to academic or hypothetical.
  - It is a basis for federal court jurisdiction over a lawsuit that arises when the parties in the lawsuit live in different states.
  - It is a ruling that a person has disobeyed a court order or has shown disrespect to the court or to a judicial proceeding.
  - It is a basis for federal court jurisdiction over a lawsuit that arises when one of the parties is a foreign citizen.
  - It is a requirement that an individual must have a sufficient stake in a controversy before he or she can bring a lawsuit.
25. Melissa Salters is taken into custody by a court bailiff in the middle of court proceedings for using obscene language while answering the opposition attorney's questions. Melissa has been formally:
- charged with perjury.
  - accused of tampering with evidence.
  - held in contempt of court.
  - charged with issues involving a conflict of interest.
  - charged with a justiciable controversy.

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26. Which of the following statements is true of the federal court system in the United States?
- On the lowest tier of the federal court system are the U.S. district courts.
  - The number of judicial districts in the United States has been fixed at forty.
  - The federal court system is a two-tiered model.
  - The District of Columbia does not have its own federal court system.
  - There are a total of fifty five court systems in the United States.
27. The Foreign Intelligence Surveillance Court (FISC) was initially created to:
- bar unreasonable searches of foreign individuals living in the United States on work permits.
  - issue search warrants against suspected foreign spies inside the United States.
  - determine if trial courts are eligible to sentence suspected foreign spies.
  - review cases of foreign individuals applying for work permits.
  - create additional courts to handle cases involving immigrants.
28. Which of the following statements is true of the U.S. courts of appeals?
- They hear evidence or testimony.
  - A single judge presides over court proceedings in appellate courts.
  - There are fifty-two federal courts of appeals in the United States.
  - They review the transcript of the trial court's proceedings.
  - They form the lowest tier of the federal court system.
29. The appellate court's decision in a case is final if:
- the case involves a federal question.
  - the defendant is charged with contempt of court.
  - a panel of experts reviews the transcript of the trial court's proceedings in the case.
  - a panel of ten jurors unanimously agrees with the ruling.
  - the high court declines to review the case.
30. According to \_\_\_\_\_ of the U.S. Constitution, there is only one national Supreme Court, but Congress is empowered to create additional courts as it deems necessary.
- Article VII
  - Article V
  - Article III
  - Article II
  - Article IV

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31. Which of the following statements is true of the United States Supreme Court?
- The Supreme Court has appellate authority over cases decided by the U.S. courts of appeals.
  - The U.S. Supreme Court is on the middle tier of the federal court system.
  - The Supreme Court primarily acts as a trial court.
  - Most cases originate at the Supreme Court level.
  - The United States Supreme Court consists of ten justices—one chief justice and nine associate justices.
32. Which of the following best describes the writ of *certiorari*?
- It is a consensual agreement between the prosecutor and the defendant in a court case.
  - It is a record of precedents stored in the United States Supreme Court.
  - It is a document signed by the U.S. president granting pardon to a person convicted of a crime.
  - It is an order from a higher court asking a lower court for the record of a case.
  - It is an appeal from an appellate court asking the Supreme Court to review a case.
33. The U.S. Supreme Court:
- grants most petitions for a writ of *certiorari*.
  - is not required to issue a writ of *certiorari*.
  - does not support the privilege of the writ of *certiorari*.
  - is obligated to issue a writ of *certiorari* when the parties involved request that it do so.
  - always issues a writ of *certiorari* when criminal proceedings are involved.
34. A denial of a writ of *certiorari*:
- indicates that the Supreme Court agrees with a lower court's opinion.
  - means that the decision of the lower court remains the law within that court's jurisdiction.
  - occurs when lower courts are unable to send the record of the case in question to the Supreme Court.
  - is a decision on the merits of a case.
  - is purely based on the discretion of federal appellate courts.
35. After the justices of the Supreme Court have considered all the information provided by the appellate attorneys, they:
- inform the president of their decision.
  - submit a joint report to their law clerks, who then issue their official decision.
  - determine the rulings of the case in a committee meeting that is televised by the major networks.
  - discuss the case in conference, which is strictly private.
  - announce their decision to the Congress leaders.

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36. In the context of Supreme Court conferences, an opinion that commands the support of more than half of the justices is called a \_\_\_\_\_.

- a. weighted opinion
- b. maximal opinion
- c. consensus opinion
- d. majority opinion
- e. winning opinion

37. In a robbery case, the accused was found guilty and was sentenced to three years of imprisonment. The majority opinion of the Supreme Court justices was based on a witness's statement. Justice Harvey, though in agreement with the Court's decision, agreed to the ruling for different reasons. He based his opinion on the DNA fingerprinting reports.

Justice Harvey wrote a(n) \_\_\_\_\_.

- a. antecedent opinion
- b. *certiorari* opinion
- c. contradicting opinion
- d. dissenting opinion
- e. concurring opinion

38. In the context of Supreme Court conferences, which of the following statements is true of a dissenting opinion?

- a. It can be written by one or more justices.
- b. It refers to the opinion of the Chief Justice of the Supreme Court.
- c. It occurs when a justice is in agreement with the Court's decision, but for reasons different from the majority opinion.
- d. It is expressed by a judge or justice who is in agreement with the majority opinion.
- e. It refers to a consensual disagreement of all the nine justices to the Court's decision.

39. The opinion that receives the support of the largest number of justices, but does not command a majority of the Court, is referred to as a(n) \_\_\_\_\_.

- a. majority opinion
- b. plurality opinion
- c. sanctioned opinion
- d. antecedent opinion
- e. *certiorari* opinion

40. Justices of the Supreme Court are appointed by the president with the advice and consent of the \_\_\_\_\_.

- a. Senate
- b. vice president
- c. state supreme courts
- d. Kitchen Cabinet
- e. cabinet

41. Ordinarily, federal judges:



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- a. serve twelve-year terms.
  - b. cannot be removed from office through the impeachment process.
  - c. are nominated by the vice president.
  - d. serve until they resign, retire, or die.
  - e. serve until their six-year term is completed.
42. In the context of federal court nominations for judicial positions, the \_\_\_\_\_ holds hearings and makes its recommendation to the Senate, where it takes a majority vote to confirm the presidential nomination.
- a. Senate Judiciary Committee
  - b. House Judiciary Committee
  - c. Senate Appropriations Committee
  - d. House Ways and Means Committee
  - e. Joint Congressional Committee
43. As a result of a practice known as \_\_\_\_\_, home-state senators of the president's political party can influence the choice of the nominee to a district court.
- a. partisan politeness
  - b. senatorial courtesy
  - c. representative respect
  - d. senatorial chivalry
  - e. congressional cordiality
44. Which of the following statements is true of the practice of senatorial courtesy?
- a. It allows the president to veto a federal nomination by a senator from his or her own party.
  - b. It is a written statement by a court expressing the reasons for its decision in a case.
  - c. It is exercised by senators of the president's political party.
  - d. It empowers appellate courts to overrule district court decisions.
  - e. It is a spoken argument presented to a judge in person by a senator during a trial.
45. The power of the courts to decide on the constitutionality of legislative enactments and of actions taken by the executive branch is known as \_\_\_\_\_.
- a. judicial policymaking
  - b. judicial trial
  - c. judicial contempt
  - d. judicial intent
  - e. judicial review

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46. Which of the following is true of policymaking in the United States?
- a. Policymaking is the primary function of the trial courts.
  - b. Federal courts cannot influence policy when they apply the law.
  - c. Policymaking is an unavoidable function of the federal court.
  - d. District courts cannot establish policy when they interpret the law.
  - e. The doctrine of *stare decisis* allows the Supreme Court to make policies.
47. Which of the following is a difference between activist judges and restraintist judges?
- a. Unlike restraintist judges, activist judges assume that the courts should thwart the implementation of legislative acts if it is conflicting with precedent rulings.
  - b. Unlike activist judges, restraintist judges assume that the courts should defer to the decisions of the legislative and executive branches.
  - c. Unlike activist judges, restraintist judges believe that it is a constitutional provision that the judiciary must exercise judicial review.
  - d. Unlike restraintist judges, activist judges oppose the privilege of judicial review given to the federal courts.
  - e. Unlike activist judges, restraintist judges believe that the courts should actively use their powers to ensure that legislative and executive branches do not exceed their authority.
48. A state court decides to pass a law to ban abortion based on religious beliefs. The U.S. Supreme Court invalidates this law as a violation of constitutional rights, including the right to privacy. In this case, the Supreme Court's decision is an example of:
- a. judicial restriction.
  - b. judicial activism.
  - c. judicial negligence.
  - d. judicial oversight.
  - e. judicial restraint.
49. Due to the activism of the Warren Court, the term judicial activism has often been linked with \_\_\_\_\_.
- a. liberalism
  - b. dictatorship
  - c. libertarianism
  - d. conservatism
  - e. communism

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50. Justice Antonin Scalia calls himself a textualist. What Scalia means by textualism is that:
- when determining the meaning of legislation, he looks at the Constitution in the context of today's society.
  - he actively uses his powers to check the legislative and executive branches to ensure that they do not exceed their authority.
  - he defers to the decisions of the legislative and executive branches of the United States government.
  - when determining the meaning of legislation, he refuses to consider anything other than the actual transcript of the law.
  - when determining the meaning of legislation, he considers the nature of the problem the legislation was meant to address.
51. In the context of approaches to legal interpretation, originalists believe that to determine the meaning of a particular constitutional phrase, \_\_\_\_\_.
- the Court should look to the intentions of the founders
  - the Court should stick strictly to the text of the Constitution
  - the government should base their views on the opinion of the majority of the public
  - the government should base their views on the history of precedents
  - the Court should examine the Constitution in the context of today's society
52. Some people, especially conservatives, argue that policymaking from the bench:
- has upset the balance of power envisioned by the framers of the Constitution.
  - is consistent with the constitutional separation of powers.
  - is consistent with the philosophy of judicial restraint.
  - is necessary to force state and federal legislatures to comply with judicial rulings.
  - helps to enhance the trust American citizens place in the U.S. Supreme Court.
53. The American judiciary is subjected to a number of checks. One such check is that:
- the Supreme Court hears meritless appeals so it can rule on such issues.
  - justices broaden their rulings to focus on multiple aspects of an issue, not just one aspect.
  - justices make decisions based on their personal values and policy preferences.
  - legislatures can revise old laws or pass new ones in an attempt to negate a court's ruling.
  - federal and state legislatures are obligated to appropriate the funds necessary to carry out rulings.
54. To reverse Supreme Court rulings, \_\_\_\_\_.
- a panel of nine federal justices can express a dissenting opinion
  - parties involved in cases of federal question can appeal to appellate courts for judicial review
  - Congress can propose amendments to the United States Constitution
  - state courts can revise old laws or pass new ones in an attempt to negate a court's ruling
  - lower federal courts can alter or limit the jurisdiction of the Supreme Court

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55. Which of the following is true of the checks and balances on the American judiciary?
- The Supreme Court hears meritless appeals so it can rule on such issues.
  - Congress has the authority to limit or otherwise alter the jurisdiction of the lower federal courts.
  - Justices make decisions based on their personal values and policy preferences.
  - The Supreme Court cannot re-open a case that has been heard in the lower courts.
  - Federal and state legislatures are obligated to appropriate the funds necessary to carry out rulings.
56. Whenever a case involves a claim based, at least in part, on the U.S. Constitution or a treaty, a \_\_\_\_\_ arises.
- writ of *certiorari*
  - plurality opinion
  - justiciable controversy
  - federal question
57. \_\_\_\_\_ often serve as grounds for a mistrial or for appealing a court's decision to a higher tribunal.
- Writs of *certiorari*
  - Oral arguments
  - Procedural errors
  - Federal questions
58. The U.S. \_\_\_\_\_, positioned at the lowest tier of the federal court system, hear evidence or testimony pertinent to a particular case.
- district courts
  - Supreme Court
  - appellate courts
  - Court of Appeals for the Federal Circuit
59. The \_\_\_\_\_ greatly expanded the powers of the Foreign Intelligence Surveillance Court (FISC).
- Civil Contingencies Act of 2004
  - USA Patriot Act of 2001
  - Investigatory Powers Act of 2016
  - USA Freedom Act of 2015
60. The \_\_\_\_\_ refrains from reporting the legal interpretations under which it issues its rulings.
- Foreign Intelligence Surveillance Court
  - National Security Agency
  - Court of Appeals for the D.C. Circuit
  - Sixth Circuit Court
61. \_\_\_\_\_ asserts that the courts should not thwart the implementation of legislative acts unless those acts are clearly unconstitutional.
- Judicial activism
  - Judicial superiority
  - Judicial restraint
  - Judicial supremacy

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62. The judicial philosophy known as \_\_\_\_\_ holds that the government should do nothing that is not specifically mentioned in the U.S. Constitution.
- A. textual conservatism
  - B. broad constructionism
  - C. discourse analysis
  - D. strict construction
63. In the context of approaches to legal interpretation, modernists differ from originalists in that they \_\_\_\_\_.
- A. believe that the Court should look to the intentions of the founders
  - B. seek to examine the Constitution in the context of today's society
  - C. contend that the government should do nothing that is not specifically mentioned in the Constitution
  - D. advocate that the Court should stick strictly to the text of the Constitution
64. Justice Kennedy's majority opinion in the case *Lawrence v. Texas* is an example of \_\_\_\_\_.
- A. originalism
  - B. modernism
  - C. textualism
  - D. despotism
65. \_\_\_\_\_ is mandated by various established judicial traditions and doctrines, including the doctrine of *stare decisis*, which theoretically obligates the Supreme Court to follow its own precedents.
- A. Judicial activism
  - B. Self-restraint
  - C. Original intent
  - D. Strict construction