

Chapter 3 The Courts and Legal Personnel

MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question.

- 1) Which of the following provides for the establishment of a Supreme Court and such inferior courts as Congress may establish? 1) _____
A) Magna Carter
B) U.S. Constitution
C) Bill of Rights
D) Declaration of Independence
- 2) Which of the following refers to the power to hear and determine cases first? 2) _____
A) Principal jurisdiction
B) Chief jurisdiction
C) Original jurisdiction
D) Primary jurisdiction
- 3) Which of the following refers to the open-court process where all parties present evidence, question witnesses, and generally put their case before the court? 3) _____
A) Trial
B) Tribunal
C) Hearing
D) None of the above
- 4) Which of the following refers to the one who determines the true facts; either a jury or, if a case is tried without a jury, the judge? 4) _____
A) Defendant
B) Trier of fact
C) Prosecutor
D) All of the above
- 5) Which of the following refers to a basis for federal court jurisdiction where the plaintiff and defendant are residents of different states and the amount in controversy exceeds \$75,000? 5) _____
A) Diversity of citizenship
B) Jurisdiction
C) Jurisdictional compromise
D) None of the above
- 6) Which of the following refers to a term that describes the entire panel of judges on a court hearing a case? 6) _____
A) En banc
B) Appellate panel
C) Appellate board
D) Appellate council
- 7) Which of the following refers to the power of a court to review what happened in a lower court? 7) _____
A) Federal jurisdiction
B) Appellate jurisdiction
C) Original jurisdiction
D) Supreme jurisdiction
- 8) Which of the following refers to documentation of proceedings at trial used for an appeal? 8) _____
A) Appellate report
B) Trial transcript
C) Record
D) Appellate brief
- 9) Which of the following refers to a written document containing factual and legal contentions; prepared by attorneys dealing with an appeal in a case? 9) _____
A) Record
B) Trial transcript
C) Appellate report
D) Appellate brief
- 10) Which of the following refers to the directions read to the jury by the judge? 10) _____
A) Rules of procedure
B) Jury instructions
C) Judicial instructions
D) Trial instructions

- 11) Which of the following refers to documents filed with the Supreme Court requesting a hearing? 11) _____
 A) Request for judicial review B) Petition for writ of certiorari
 C) USSC application D) All of the above
- 12) Which of the following are alternative names for state trial courts? 12) _____
 A) Circuit courts B) Municipal courts
 C) Superior courts D) All of the above
- 13) Which of the following methods is used to seat federal court judges? 13) _____
 A) Appointed by the House of Representatives
 B) Appointed by the President
 C) Election by the people
 D) All of the above
- 14) Which of the following refers to judicial officers who are appointed by judges of federal district courts and have some of the powers of a judge? 14) _____
 A) Federal Justice B) U.S. Attorney
 C) Federal Magistrate D) Court clerk
- 15) Which of the following refers to a court employee who assists the court and the judge by filing documents, marking and safeguarding evidence, reviewing documents that are submitted to the judge, and performing other similar tasks? 15) _____
 A) Federal Justice B) U.S. Attorney
 C) Federal Magistrate D) Court clerk
- 16) Which of the following refers to an informal interoffice document written to communicate the results of legal research and the resulting legal analysis? 16) _____
 A) Legal brief B) Writ
 C) Legal memorandum D) Petition
- 17) Which of the following refers to the standards of responsible and professional conduct for judges? 17) _____
 A) Canons of ethics B) CRM
 C) Judicial Code of Conduct D) None of the above
- 18) Which of the following refers to a special relationship of trust and confidence; it forms the basis of the attorney-client relationship? 18) _____
 A) Fiduciary relationship B) Confidentiality
 C) Trust account D) All of the above
- 19) Which of the following refers to a special bank account maintained by an attorney into which funds belonging to clients are kept? 19) _____
 A) Legal account B) Commingling account
 C) Escrow account D) Trust account
- 20) Which of the following refers to a type of trust account in which funds are held until some condition occurs? 20) _____
 A) Escrow account B) Client account
 C) Legal account D) Commingling account

TRUE/FALSE. Write 'T' if the statement is true and 'F' if the statement is false.

- 21) The U.S. Constitution provides for the establishment of a Supreme Court and such inferior courts as Congress may establish. 21) _____
- 22) In exercising its power to establish lower courts, Congress divided the United States into more than two-hundred separate districts and established federal district courts for each of the districts. 22) _____
- 23) Federal district courts are courts of original jurisdiction, or more simply, trial courts. 23) _____
- 24) Diversity of citizenship is a basis for federal court jurisdiction where the plaintiff and defendant are residents of different states and the amount in controversy exceeds \$10,000. 24) _____
- 25) Certain kinds of federal cases are heard not in the district courts but rather in specialized trial courts, which include bankruptcy court and U.S. Tax Court. 25) _____
- 26) The United States is divided into 12 separate geographical appellate areas called circuits. 26) _____
- 27) U.S. Claims Court handles cases involving international trade and custom duties. 27) _____
- 28) U.S. Monetary Court hears suits against the federal government for money damages in numerous civil matters. 28) _____
- 29) Jury instructions are statements of law read to the jury at the beginning of the trial. 29) _____
- 30) The U.S. Supreme Court can hear cases that originated in the state courts if the case involves a constitutional issue or a question of federal law. 30) _____
- 31) State court systems are established and organized according to federal law. 31) _____
- 32) All federal court judges or justices are appointed by the president, subject to approval by the Senate. 32) _____
- 33) Federal magistrates are appointed by judges of federal district courts and have some of the powers of a judge. 33) _____
- 34) Court clerks are court employees who assist in the smooth operation of the court. 34) _____
- 35) Court reporters are specially trained individuals who record verbatim the oral proceedings that take place in court. 35) _____
- 36) Bailiffs, sometimes called court deputies or court attendants, provide safety and order within the courtroom. 36) _____
- 37) In order to be accepted into law school, students must first pass the bar examination. 37) _____
- 38) Paralegals are specialized attorneys who practice a specific type of law. 38) _____

39) A trust account is a special bank account maintained by an attorney into which funds belonging to clients are kept. 39) _____

40) An escrow account is a type of trust account in which funds are held until some condition occurs. 40) _____

SHORT ANSWER. Write the word or phrase that best completes each statement or answers the question.

41) In a trial, the one who determines the true facts, either a jury or judge, is known as the _____ 41) _____

42) A basis for federal court jurisdiction where the plaintiff and defendant are residents of different states and the amount in controversy exceeds \$75,000 is known as _____. 42) _____

43) _____ is a term which describes the entire panel of judges on a court hearing a case. 43) _____

44) In reviewing a case, an appellate court can affirm the trial court's decision, reverse the trial court's decision, or _____ the case back to the trial court. 44) _____

45) Parties desiring a hearing before the Supreme Court usually file a document known as a(n) _____. 45) _____

46) All federal court judges or justices are appointed by the president, subject to approval by the _____. 46) _____

47) The court employee who assists the court and the judge by filing documents, marking and safeguarding evidence, reviewing documents that are submitted to the judge, and performing other similar tasks is known as a court _____. 47) _____

48) The _____ adopted by the federal judicial conference exemplify the type of rules regulating judges throughout the United States. 48) _____

49) The special relationship of trust and confidence known as _____ relationship forms the basis of the attorney-client relationship. 49) _____

50) _____ is the action of denying an attorney the right to practice law in a state. 50) _____

MATCHING. Choose the item in column 2 that best matches each item in column 1.

Match the following.

- | | | |
|-------------------------------------|--|-----------|
| 51) Trier of fact | A) A term that describes the entire panel of judges on a court hearing a case. | 51) _____ |
| 52) Diversity of citizenship | B) A special relationship of trust and confidence; it forms the basis of the attorney-client relationship. | 52) _____ |
| 53) En banc | C) A judicial officer; federal magistrates are appointed by judges of federal district courts; magistrates have some of the powers of a judge. | 53) _____ |
| 54) Petition for writ of certiorari | D) A type of trust account in which funds are held until some condition occurs. | 54) _____ |
| 55) Magistrate | E) A document filed with the Supreme Court requesting a hearing. | 55) _____ |
| 56) Court Clerk | F) In a trial, the one who determines the true facts; either a jury or, if a case is tried without a jury, the judge. | 56) _____ |
| 57) Paralegal | G) A court employee who assists the court and the judge by filing documents, marking and safeguarding evidence, reviewing documents that are submitted to the judge, and performing other similar tasks. | 57) _____ |
| 58) Canons of ethics | H) A basis for federal court jurisdiction where the plaintiff and defendant are residents of different states and the amount in controversy exceeds \$75,000. | 58) _____ |
| 59) Fiduciary relationship | I) Standards of responsible and professional conduct. | 59) _____ |
| 60) Escrow account | J) An individual whose training and education enables him or her to assist lawyers by performing certain legal tasks that traditionally have been done by lawyers. | 60) _____ |

ESSAY. Write your answer in the space provided or on a separate sheet of paper.

- 61) Identify and discuss the special trial courts maintained within the federal court system.

- 62) Discuss the circumstances in which the U.S. Supreme Court might hear a case that originated in a state court.
- 63) Discuss the selection process for federal judges. Also discuss how long federal judges serve and mechanisms for their removal from the bench.
- 64) Identify and discuss the members of the legal community.
- 65) Define and discuss the canons of ethics.
- 66) Technology has had a significant impact on federal and state courts in recent years. What additional advances in technology are needed to help the courts run more efficiently?
- 67) Candidates for federal judge are nominated by the president and subject to Senate confirmation. Once appointed, they serve for life. Are life-time terms for federal judges a good idea or should the terms be finite? Explain your answer.

Answer Key

Testname: UNTITLED3

- 1) B
- 2) C
- 3) C
- 4) B
- 5) A
- 6) A
- 7) B
- 8) C
- 9) D
- 10) B
- 11) B
- 12) D
- 13) B
- 14) C
- 15) D
- 16) C
- 17) A
- 18) A
- 19) D
- 20) A
- 21) TRUE
- 22) FALSE
- 23) TRUE
- 24) FALSE
- 25) TRUE
- 26) TRUE
- 27) FALSE
- 28) FALSE
- 29) FALSE
- 30) TRUE
- 31) FALSE
- 32) TRUE
- 33) TRUE
- 34) TRUE
- 35) TRUE
- 36) TRUE
- 37) FALSE
- 38) FALSE
- 39) TRUE
- 40) TRUE
- 41) trier of fact
- 42) diversity of citizenship
- 43) En banc
- 44) remand
- 45) petition for writ of certiorari
- 46) Senate
- 47) clerk
- 48) canons of ethics
- 49) fiduciary
- 50) Disbarment

Answer Key

Testname: UNTITLED3

51) F

52) H

53) A

54) E

55) C

56) G

57) J

58) I

59) B

60) D

61) [key points to be made]

- Certain kinds of federal cases are heard not in the district courts but rather in specialized trial courts, which include the following
- Bankruptcy court—a court handling bankruptcy proceedings
- U.S. Court of International Trade—a court that handles cases involving international trade and custom duties
- U.S. Claims Court—a court that hears suits against the federal government for money damages in numerous civil matters
- U.S. Tax Court—a court that handles controversies between taxpayers and the Internal Revenue Service involving underpayment of federal taxes

62) [key points to be made]

The Supreme Court is primarily a court of review. It hears cases from the lower federal courts. It can also hear cases that originated in the state courts if the case involves a constitutional issue or a question of federal law. If the issues in the case relate only to state law, then the Supreme Court has no authority to hear the case. In most instances, the Supreme Court has discretionary power to review cases. It often exercises that power in cases of major importance or in cases where the lower courts are in disagreement regarding the law to be applied.

63) [key points to be made]

All federal court judges are appointed by the president, subject to approval by the Senate. The Senate conducts hearings on all individuals nominated by the president in order to assure that only qualified individuals take the bench. Once a person takes the bench as a federal judge, that person serves for life, or until he or she retires from the bench. However, a federal judge can be removed involuntarily through the impeachment process if the judge's misconduct warrants it.

64) [key points to be made]

- The Court: Judges, Magistrates/Commissioners/Referees, Court Reporters, Court Clerks, Bailiffs
- The Law Office: Attorneys, Paralegals, Law Office Administrators, Legal Secretaries, Law Clerks
- Administrative Agencies: Administrative Judges, Attorneys (Legal Counsel), Enrolled Agents, Patent Agents, Support Staff

65) [key points to be made]

- The canons of ethics adopted by the federal judicial conference exemplify the type of rules regulating judges throughout the United States.
- A Judge Should Uphold the Integrity and Independence of the Judiciary.
- A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities.
- A Judge Should Perform the Duties of the Office Impartially and Diligently.
- A Judge May Engage in Extra-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice.
- A Judge Should Regulate Extra-Judicial Activities to Minimize the Risk of Conflict with Judicial Duties.
- A Judge Should Regularly File Reports of Compensation Received for Law-Related and Extra-Judicial Activities.
- A Judge Should Refrain from Political Activity.

66) Answers will vary.

67) Answers will vary.