

ROOTS OF THE FEDERAL JUDICIARY

- _____ 1. (*) This is the power or authority that the judicial branch has in government; what it may do with laws.

- _____ 2. (p.337) Where in the Constitution is the judicial branch described?

- _____ 3. (p.338) Members of the federal judiciary, including SCOTUS, serve for this term of office. (*) What could end their term? (3-4)

- _____ 4. (338) How many federal courts were created by the Constitution? How was each additional federal court established? (there are currently more than 100)

- _____ 5. (p.338) What checks does the legislative branch have on the judiciary according to the Constitution?

- _____ 6. (p.338) What is an executive branch check on the judiciary according to the Constitution?

CREATION OF THE FEDERAL JUDICIAL SYSTEM

- _____ 7. (p.339) This act established the basic three-tiered structure of the federal court system.

- _____ 8. (pp.339-340) These are the three tiers of the federal court system from highest to lowest.

THE MARSHALL COURT

- _____ 9. (p.344) This individual is considered to be the most important justice of not only the early SCOTUS, but in the entire history
_____ of the Court as well. What were his years of service?
- _____ 10. (p.344) This court case holding by SCOTUS established the supremacy of the national government over state governments
_____ through a broad interpretation of the “necessary and proper” clause. A state had attempted to tax a U.S. bank.
- _____ 11. (p.345) Since the power of judicial review is not specifically stated in the Constitution, it is considered to be an ____ power
_____ that the chief justice of the time stated was derived from this clause of the Constitution.

THE AMERICAN LEGAL SYSTEM

- _____ 12. (p.345) The federal court system parallels the structure of the judicial systems of the fifty states, in that both systems have
_____ this many levels or _____. This second term is used as an overall description of the entire judiciary of the United States as
a result of this parallel structure.
- _____ 13. (p.345) Name the levels of the state judicial systems from highest level court to lowest. (Federal in #8 above)

- _____ 14. (glossary, p. 345) What does jurisdiction mean?

- _____ 15. (p.345) Jurisdiction of the federal courts is determined by what two elements? (*) Who determines/issues the second
_____ element?

- _____ 16. (glossary, p.346) What does original jurisdiction mean?

- _____ 17. (glossary, p.346) What is appellate jurisdiction?

- _____ / _____ 18. (p.346) This percentage of all court cases ends in the court of original jurisdiction. This leaves this percentage of cases that get decided in an appellate court.
- _____ 19. (p.346) Appellate courts do not fully retry cases. Appellate courts decide issues of ____ ____ and do not typically review the _____ unless relevant to the appeal.
- _____ 20. (p.350) A (prior) judicial decision that serves as a rule for subsequent cases of a similar nature.
- _____ 21. (p.350) The practice of relying on past court decisions or precedents to formulate decisions in new cases; a Latin phrase meaning “let the decision stand.”
- _____ 22. (p.350) Can precedents be overruled or overturned thereby establishing a new precedent?
- _____ 23. (*) A person who pleads another’s cause, to argue on another’s behalf; in the court system, specifically a lawyer, counsel (synonym)
- _____ 24. (*) The list or schedule of cases to be tried by a court of law.

Sorry – chart inserted here from O’Connor & Sabato textbook
Dual Structure of the American Court System ©Pearson 2009

THE FEDERAL COURT SYSTEM

- _____ 25. (p.348) These are the two names given to the judicial assemblies (courts) established by the Constitution or authorized to be established by Congress in the Constitution.

- _____/_____
_____/_____
_____/_____ 26. (p.348) Name the courts that fit these criteria. (p.346, Fig. 10.1) For each, give the number of courts in existence.
- _____ 27. (p.348) These are the two names given to the judicial assemblies established by Congress under its implied powers (necessary & proper clause), generally, for special purposes.

- _____ 28. (p.348,346) Name three courts that fit these criteria.

- _____ 29. (p.348) In both types of courts mentioned above, judges gain their positions by this method.
- _____ 30. (p.348) In this type of court, judges serve a fixed and limited term.

DISTRICT COURTS

- _____ 31. (p.348) Federal trial courts of original jurisdiction; the lowest level of federal judicial assemblies.
- _____/_____ 32. (p.348) How many of these courts exist? Each state has a minimum of ____.
33. (p.349) The three categories of cases heard by these federal trial courts of original jurisdiction:
_____ is a party.
_____ jurisdiction – poses a claim under the Constitution, national statutes (laws), or a treaty with another nation
_____ civil suits between citizens __ __ __ and of value greater than \$ ____.

- _____ 34. (p.349) This official is the chief law enforcement officer within each judicial region served by the of these lowest federal level courts mentioned above.

THE COURTS OF APPEALS (a.k.a. =)

- _____ 35. (p.349) Federal judicial assemblies (courts) that review cases for errors of legal proceedings and cases previously decided; the intermediate level of federal judicial assemblies.
- _____ 36. (p.349) How many of these courts exist? What was their previous name?

- _____ 37. (p.349) This specific federal appellate court reviews cases involving federal regulatory commissions and agencies; it is located in our nation's capital.
- _____ 38. (p.349) This specific federal appellate court reviews cases involving patent, contract and/or financial claims against the national government.
- _____ 39. (p.349, Fig. 10.1) How are the remaining federal courts at this intermediate level identified?
- _____ 40. (p.349) Cases at this federal intermediate level are typically heard and decided by a rotating ____ ____ ____.
- _____ 41. (p.349) Cases at this federal intermediate level are one of two (three) types. List each type and provide the percentage of each.

- _____ 42. (p.349) This specific federal appellate court was previously defined, but is also considered to be the second most important court after SCOTUS. It hears and decides the bulk of cases involving the administrative (bureaucratic) agencies.
- _____ 43. (p.349, start of section) Who can appeal a case from a federal district court to a U.S. court of appeals?
- _____ 44. (p.350) The party wishing to appeal from this intermediate level must file a _____. The ____ ____ decides if the case will be reviewed again at the highest level. Most appealed cases are heard/are not heard (circle one) at the highest level.

- _____ 45. (p.350) Written arguments of legal reasoning filed in conjunction with a court case.
- _____ 46. (p.350) Courts of appeals attempt to correct errors of ____ and ____, hear no ____, but do read ____ and listen to ____ ____.
- _____
_NO
_READ
_HEAR

THE SUPREME COURT OF THE UNITED STATES

_____ 47. (p.350) This single federal court acts as the final interpreter of the U.S. Constitution and has both original (limited) and appellate jurisdiction; it is the highest of federal judicial assemblies.

_____ 48/16. (p.338, Table 10.1) In what situations, specifically regarding the U.S., does SCOTUS have original jurisdiction?

_____ (note next two questions)

_____ 49/17. (Table 10.1) In what situations, specifically regarding foreign nations, does SCOTUS have original jurisdiction?

_____ 50/18. (Table 10.1) In what situations, specifically regarding U.S. states, does SCOTUS have original jurisdiction?

_____ 51. (p.350) Appeals heard and decided by this high Court come from these two sources.

_____ 52. (p.350) What are the quantity and titles of the members of this Court?

_____ 53/5. (pp.336-337) While the concept of the Supreme Court and courts in general is of impartiality, fairness and equal treatment by the rule of law, in what aspects can the procedures associated with the Supreme Court be considered “political?”

_____ 54/6. (p.337) By what other three (3) names or nicknames is the Supreme Court known? (two from text, one from class/your own)

_____ 55/8. (p.337) What term is used to refer to the federal courts other than the Supreme Court? It can also be used to refer to the state courts. How is this term different from the same word used above in reference to the Supreme Court?

_____ 56/9. (p.337) Used as a historical reference, a specific Supreme Court and/or its body of work is referred to by whose name?

_____ 57/22. (p.338) What role does the Supreme Court play in the impeachment process? (of a sitting president or federal official)

_____ 58/23. (p.338) This is the authority or power of SCOTUS and the federal courts to rule on the constitutionality of acts by the other branches of government and by the states.

_____ 59/24. (p.338) Where in the Constitution is the authority referred to above specifically stated?

_____ 60/25. (p.338) This court case introduced and established the authority of SCOTUS to determine constitutionality of actions of the national government. In what year did this case occur?

_____ 61/26. (p.338) This court case established the authority of SCOTUS to determine the constitutionality of state action. Date?

JUDICIAL PHILOSOPHY and DECISION MAKING

_____ 62. (p. 367) A philosophy of decision-making that advocates the courts should base decisions on the wording of the Constitution, allowing the decisions of other branches of government to stand if they do not violate constitutionality based upon those words.

_____ 63. (p. 367) A philosophy of decision-making that advocates the courts should base decisions on the ideals of the Constitution, using the court's power to further justice particularly in favor of the individual over government.

_____ 64. (p. 367) An approach to constitutional interpretation that emphasizes the Framers' words and original intent; based upon the wording of the Constitution and writings of the Framers.

_____ 65. (*) An approach to constitutional interpretation that emphasizes the ideals expressed in the Constitution within the contemporary context of society.

CRIMINAL & CIVIL LAW

- _____ 66. (p.347) Codes of behavior (that regulate individual conduct) and are related to the protection of property and individual safety.
- _____ 67. (p.347) What are the three levels, from most severe to least severe, of the type of law mentioned above?

- _____ 68. (347,*) In these types of cases, the plaintiff (injured or wronged party) is the ___ as a whole, represented by the ___, ___, or ___ government.

- _____ 69. (p.347) Codes of behavior that regulate the conduct and relationships between private individuals or companies including business and contractual relationships.
- _____ 70. (p.347) In these types of cases mentioned above, the plaintiff (injured or wronged party) is either an ___ or ___ who seeks to recover something of ____.

- _____ 71. (p.347) Most legal disputes in the U.S. never reach a court _____. They can be settled before reaching _____ or prior to being given over to the ___ or ___ for a decision.

- _____ 72. (p.347) The first name given in the title of a court case is the ___ or _____. In criminal cases it is always the ___ who files or brings ___ against the alleged wrongdoer.

- _____ 73. (p.347) The second name given in the title of a court case is the ___ or _____. This is the alleged wrongdoer and the party who is being _____.

_____ 74. (p.347) What actions do judges take to prepare for making decisions about interpreting the intent of the laws.

_____ 75. (p.347) This body of individuals may act as the ultimate finder of fact and determine the culpability of the individual or party on trial.

_____ 76. (p.347) When did SCOTUS rule that African Americans could not be barred from trial juries due to race?

_____ 77. (p.347) When did SCOTUS rule that women could not be barred from trial juries due to gender?

_____ 78. (pp.347-348) This is the tactic used to exclude potential jurors from sitting on the trial panel; it does not require a reason be given, often it was used to exclude African Americans and/or women until the practice was limited by SCOTUS.

THE SELECTION AND CONFIRMATION OF FEDERAL JUDGES

- _____ 79. (p.350) Selection of judges for all the constitutional courts are by this two step process.

- _____ 80. (p.350) Process by which presidents defer selection of U.S. district court judges (sometimes courts of appeals judges as well) to the nominee named by senators of the president's party who represent the state where the vacancy occurs.
- _____ 81. (p.352) These are the typical characteristics of federal judges in general.

- _____ 82. (*) Term meaning, to examine, investigate or evaluate in a thorough or expert manner. (see next question)
- _____ 83. (pp.354-355) What are the six criteria of consideration taken into account as a president and his staff vet a potential nominee for appointment to a federal court.

- _____ 84. (p.355) She was the first female justice to serve on SCOTUS and was appointed by this president in 1981.

- _____ 85. (p.355) He was the first African-American justice to serve on SCOTUS. Appointed by President Lyndon B. Johnson, he served from 1967 – 1991,
- _____ 86. (p.356) For which level of federal court is the nomination and confirmation process more intense and thorough?
- _____ 87. (p.356) Are recent nominations and confirmations for the Supreme Court the only time in history there have been difficulties and controversies in this process between the two (three) branches of government?

Senate _____ 88. (p.356) List the two groups and four steps typically involved in the legislative branch's confirmation process of a SCOTUS nominee

- _____
- _____
- _____

The full _____ 89.

- _____
- _____

_____ 90. (p.356) What organizations and subsequent information are part of the president's investigation phase of a potential nominee?

_____ 91. (356) Two additional steps in the Senate Judiciary Committee's investigation.

_____ 92. (pp.356-357) These organizations have become increasingly involved in information campaigns for or against judicial nominees and directed toward the public, the Senate, or the president. What is this process called?

THE SUPREME COURT TODAY (PROCEDURES)

- _____ 93. (p.360,*) A document which a losing party files with the Supreme Court asking the Supreme Court to review the decision of a lower court. It includes a list of the parties, a statement of the facts of the case, the legal questions presented for review, and arguments as to why the Court should grant the writ.
- _____ 94. (p.360) a legal document in which the Supreme Court requests records from a lower court to review a case; initiates process of accepting an appeal of a lower court decision; Latin phrase meaning “to be informed.”
- _____
_____ 95. (p.361) Appellate petitions to SCOTUS come from what two type of courts?
- _____ 96. (p.361) Name given to the voting threshold established by SCOTUS custom which requires at least four justices vote in favor of hearing a case by requesting files from a lower court.
- _____/_____ 97. (pp.361-362) Recent law school graduates who serve as legal assistants to Supreme Court justices are known by this term. Current justices have between ___ - ___ of these assistants.
- _____ 98. (p.362) The position/lawyer responsible for handling all appeals on behalf of the U.S. government to the U.S. Supreme Court; the fourth-ranking member of the Department of Justice (DOJ).
- _____

_____ 99. (pp.362-363) What common cues or characteristics exist in cases typically accepted to be heard by the SCOTUS?
- _____ 100. (p.363) Latin phrase meaning “friend of the court.” These are individuals, special interest groups or the U.S. government itself which act as third party interests in a court case. What is the plural version “friends?”
- _____ 101. (p.363) Legal document filed by a “friend of the court” third party in support or opposition of a case being heard and/or for a specific decision later from the Court.
- _____ 102. (p.364) Once a case has been accepted by SCOTUS, what is the next legal step taken by lawyers on both sides of a case? What is contained within these documents?
- _____

- _____ 103. (p.364) SCOTUS' annual term begins on this specific day and ends at this general point of this month.
- _____
_____ 104. (p.365) During SCOTUS' term, session cycle alternately between these two periods; one session of two weeks long in which cases are heard and information is presented to the Court, the second two-week session is spent reading, researching, reviewing, discussing cases and writing opinions.
- _____
_____ 105. (p.365) These are verbal, legal reasoning presented by lawyers before the SCOTUS; only 30 minutes long, they include the lawyer's presentation, as well as questions from the justices and the attorney's responses. On what days of the week are these sessions typically held?
- _____
_____ 106. (p.366) This is the exclusive, closed-door session of SCOTUS in which the justices discuss the merits and details of cases leading to a final vote; held once a week during these sessions: ___ or ___ ____.
- _____
_____ 107. (p.366) Discussion during these closed-door sessions begin with this individual speaking first, then progressing from this individual (most ___) to this individual (least ___).
- _____
_____ 108. (*) Final voting follows the opposite progression, beginning with this individual, proceeding to this individual and concluding with this individual.
- _____
_____ 109. (p.366) This is the final step of the SCOTUS process; known by these two names it presents the legal reasoning which justifies the Court's decision.
- _____
_____ 110. (p.366) The primary written, legal reasoning representing the views of at least five justices is known by this specific term. It is synonymous with the terms above.
- _____
_____ 111. (pp.366-367) This is a supplemental written legal view when one or more Court justices agree with the decision of the Court, but have different legal reasoning or rationale to justify the decision.
- _____ 112. (pp.367) This is the written legal reasoning representing the views of the justices who disagree with the Court's decision.