The Judicial Branch Test

Multiple Choice
Identify the letter of the choice that best completes the statement or answers the question.

1. A trial court has
   a. appellate jurisdiction.  
   b. original jurisdiction. 
   c. concurrent jurisdiction. 
   d. federal jurisdiction.

2. This is the court of last resort in all questions of federal law.
   a. district court 
   b. territorial court 
   c. Supreme Court 
   d. appellate court

3. Explanation for the Supreme Court's decision is called
   a. a legal draft. 
   b. an opinion. 
   c. litigation. 
   d. judicial referee.

4. A court of appeals has
   a. original jurisdiction. 
   b. grand jury jurisdiction. 
   c. appellate jurisdiction. 
   d. concurrent jurisdiction.

5. A state may not take a person's life, liberty, or property without
   a. a Supreme Court opinion. 
   b. an appellate opinion. 
   c. original jurisdiction. 
   d. due process.

6. This is the trial jury.
   a. grand jury 
   b. petit jury 
   c. federal jury 
   d. state jury

7. The United States is divided into 12 regions, each one with a
   a. United States Court of Appeals. 
   b. United States Tax Court. 
   c. concurrent court. 
   d. United States Claims Court.

8. The majority of the cases the Supreme Court hears come
   a. from lower courts as appeals. 
   b. through federal jurisdiction. 
   c. from the president's office. 
   d. through Congressional hearings.

9. A petition to the Supreme Court to hear a case is called a
   a. brief. 
   b. precedent. 
   c. writ of certiorari. 
   d. per curiam.

10. A friend of the court is
    a. an amicus curiae. 
    b. a writ of certiorari. 
    c. a lobbyist. 
    d. a justice.

11. The power to confirm appointments to the Supreme Court resides in
    a. state legislatures. 
    b. the people. 
    c. the Senate. 
    d. the House of Representatives.

12. A written decision by the Court is
    a. an opinion. 
    b. a brief. 
    c. a writ of certiorari. 
    d. a per curiam opinion.

13. A written statement that sets forth legal argument is called a
    a. writ of certiorari. 
    b. brief. 
    c. per curiam opinion. 
    d. decision.

14. A justice writes this when he or she agrees with the majority opinion, but for a different reason.
    a. brief 
    b. per curiam opinion 
    c. concurring opinion 
    d. dissenting opinion
15. This is the Senate's control over the Supreme Court.
   a. override power  
   b. amendment power  
   c. confirmation power  
   d. veto power

16. The authority to hear certain cases is called
   a. concurrent jurisdiction.  
   b. appellate jurisdiction.  
   c. litigation of the court.  
   d. jurisdiction of the court.

17. The celebrated decision in this case gave the Supreme Court judicial review.
   a. Slaughterhouse Case  
   b. Marbury v. Madison  
   c. McCulloch v. Maryland  
   d. Plessy v. Ferguson

18. That no state may deprive any person of life, liberty, or property is part of
   a. original jurisdiction.  
   b. due process clause.  
   c. litigation.  
   d. appellate jurisdiction.

19. An assistant to a Supreme Court judge is a
   a. law clerk.  
   b. chief justice.  
   c. congressional page.  
   d. justice.

20. Justices reach the Court through
   a. Electoral College vote.  
   b. senatorial appointment.  
   c. presidential appointment.  
   d. popular vote.

21. This comprises the largest block of the Court's cases.
   a. civil liberties  
   b. due process of law  
   c. economic issues  
   d. federal legislation

22. This is NOT a limit on the Court's power.
   a. restriction of types of issues  
   b. congressional jurisdiction  
   c. lack of enforcement power  
   d. checks and balances

23. The president's most important influence over the Court is the power to
   a. veto a ruling.  
   b. override a decision.  
   c. appoint justices with Senate consent.  
   d. demand judicial review.

24. A Supreme Court decision sets a
   a. precedent.  
   b. judicial circuit.  
   c. trial court date.  
   d. state court jurisdiction.

25. This means "let the decision stand."
   a. writ of certiorari  
   b. per curiam  
   c. stare decisis  
   d. amicus curiae

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Short Answer

Answer TWO Critical Thinking questions and FIVE Understanding Concepts questions. Question 35 counts as two Understanding Concepts questions, so if you answer it, you only have to answer three more Understanding Concepts questions.

Critical Thinking

26. Synthesizing Information Why does the Constitution give federal courts jurisdiction in cases involving disputes between two states or between a state and a citizen of another state?
27. **Stating an Opinion**  Some people maintain that all judges should be elected rather than appointed in order to make them more accountable to the people. Should this principle apply to Supreme Court justices? Explain why or why not.

28. **Making Inferences**  What two actions could Congress take to undo a Supreme Court ruling that a federal law is unconstitutional? Explain the advantages and disadvantages of each action.

**Understanding Concepts**

29. **Constitutional Interpretations**  Explain how and why the Supreme Court's ruling in the case of *Marbury v. Madison* increased the Court's power.

30. **Comparison**  Describe the differences between criminal and civil law.

31. **Evaluation**  Describe the Adversary System of Justice, and discuss the criticism of this system and its alternative.

32. **Description**  List and describe four elements of American Law.
33. **Discussion**  Discuss the factors that influence Supreme Court decisions.

34. **Discussion**  Discuss four limits on the Supreme Court.

35. **Description**  Follow a Supreme Court case from the Writ of Certiorari to the writing of opinions.  Your answer should list and describe all of the steps in a Supreme Court case.
The Judicial Branch Test
Answer Section

MULTIPLE CHOICE

1. B
2. C
3. B
4. C
5. D
6. B
7. A
8. A
9. C
10. A
11. C
12. A
13. B
14. C
15. C
16. D
17. B
18. B
19. A
20. C
21. A
22. B
23. C
24. A
25. C

SHORT ANSWER

26. Federal court jurisdiction exists in order to provide a fair hearing of the case. Impartiality might not exist if the issue was litigated in the state courts of either party to the dispute.

27. Answers will vary but should demonstrate reasoned judgment. Some students may argue that the Court's rulings should reflect the values of society while others will claim that the Court's job is to interpret the Constitution in as nonpolitical a manner as possible.

28. Congress could either repass the law with the objectionable parts removed or offer an amendment to the Constitution. Although more complicated and less certain of approval, an amendment would restore the entire law in a way that would protect it from further Court rulings.

29. The Court ruled that the law which gave it the power to force Jefferson to make Marbury a judge was unconstitutional. In making this decision, the Court took for itself the power of judicial review—the power to declare acts of Congress unconstitutional.

30. See Diagram

31. Two opposing sides
Lawyers
Impartial judge
Fight it out in court to discover truth
Criticism is that there is more emphasis on winning than truth or justice.
Alternative risks giving too much power to government.

32. Adversary System
   Presumption of Innocence
   Due Process of Law
   Equal Justice Under Law
   Trial by Jury

33. Constitution and the Law
   Judicial Philosophy
   Strict
   Loose
   Briefs
   Lawyers
   Amicus Curae

Politics and Society?

34. Limits on types of issues
   Limits on types of cases
   No Advisory Opinions
   Limited control over agenda
   Lack of enforcement power
   Checks and balances

35. Writ of Certiorari
   Rule of Four - Conference Room
   Briefs
   Oral Arguments
   Discussion and voting - Conference Room
   Opinions - Majority, Minority, Concurring