

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. c. concurrent jurisdiction.
b. original jurisdiction. d. federal jurisdiction.
- ___ 2. This is the court of last resort in all questions of federal law.
a. district court c. Supreme Court
b. territorial court d. appellate court
- ___ 3. Explanation for the Supreme Court's decision is called
a. a legal draft. c. litigation.
b. an opinion. d. judicial referee.
- ___ 4. A court of appeals has
a. original jurisdiction. c. appellate jurisdiction.
b. grand jury jurisdiction. d. concurrent jurisdiction.
- ___ 5. A state may not take a person's life, liberty, or property without
a. a Supreme Court opinion. c. original jurisdiction.
b. appellate jurisdiction. d. due process.
- ___ 6. This is the trial jury.
a. grand jury c. federal jury
b. petit jury d. state jury
- ___ 7. The United States is divided into 12 regions, each one with a
a. United States Court of Appeals. c. concurrent court.
b. United States Tax Court. d. United States Claims Court.
- ___ 8. The majority of the cases the Supreme Court hears come
a. from lower courts as appeals. c. from the president's office.
b. through federal jurisdiction. d. through Congressional hearings.
- ___ 9. A petition to the Supreme Court to hear a case is called a
a. brief. c. *writ of certiorari*.
b. precedent. d. *per curiam*.
- ___ 10. A friend of the court is
a. an *amicus curiae*. c. a lobbyist.
b. a *writ of certiorari*. d. a justice.
- ___ 11. The power to confirm appointments to the Supreme Court resides in
a. state legislatures. c. the Senate.
b. the people. d. the House of Representatives.
- ___ 12. A written decision by the Court is
a. an opinion. c. a *writ of certiorari*.
b. a brief. d. a *per curiam* opinion.
- ___ 13. A written statement that sets forth legal argument is called a
a. *writ of certiorari*. c. *per curiam* opinion.
b. brief. d. decision.
- ___ 14. A justice writes this when he or she agrees with the majority opinion, but for a different reason.
a. brief c. concurring opinion
b. *per curiam* opinion d. dissenting opinion

- ___ 15. This is the Senate's control over the Supreme Court.
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| a. override power | c. confirmation power |
| b. amendment power | d. veto power |
- ___ 16. The authority to hear certain cases is called
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| a. concurrent jurisdiction. | c. litigation of the court. |
| b. appellate jurisdiction. | d. jurisdiction of the court. |
- ___ 17. The celebrated decision in this case gave the Supreme Court judicial review.
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| a. Slaughterhouse Case | c. <i>McCulloch v. Maryland</i> |
| b. <i>Marbury v. Madison</i> | d. <i>Plessy v. Ferguson</i> |
- ___ 18. That no state may deprive any person of life, liberty, or property is part of
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| a. original jurisdiction. | c. litigation. |
| b. the due process clause. | d. appellate jurisdiction. |
- ___ 19. An assistant to a Supreme Court judge is a
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| a. law clerk. | c. congressional page. |
| b. chief justice. | d. justice. |
- ___ 20. Justices reach the Court through
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| a. Electoral College vote. | c. presidential appointment. |
| b. senatorial appointment. | d. popular vote. |
- ___ 21. This comprises the largest block of the Court's cases.
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| a. civil liberties | c. economic issues |
| b. due process of law | d. federal legislation |
- ___ 22. This is NOT a limit on the Court's power.
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| a. restriction of types of issues | c. lack of enforcement power |
| b. congressional jurisdiction | d. checks and balances |
- ___ 23. The president's most important influence over the Court is the power to
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| a. veto a ruling. | c. appoint justices with Senate consent. |
| b. override a decision. | d. demand judicial review. |
- ___ 24. A Supreme Court decision sets a
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| a. precedent. | c. trial court date. |
| b. judicial circuit. | d. state court jurisdiction. |
- ___ 25. This means "let the decision stand."
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| a. writ of <i>certiorari</i> | c. <i>stare decisis</i> |
| b. <i>per curiam</i> | d. <i>amicus curiae</i> |

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 re-pass 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