Chapter 1 Court Systems and Jurisdiction

1.1 Multiple Choice Questions

1) What courts does the federal court system include?

A) The U.S. district courts

B) The U.S. Supreme Court

C) The U.S. courts of appeals

D) All of the above

Answer: D

Objective: Describe the federal court system

Level: Basic

2) What term describes cases pertaining to the sea?

A) Admiralty

B) Maritime

C) All of the above

D) None of the above

Answer: C

Objective: Describe the federal court system

Level: Basic

3) What term describes decisions made by appellate courts?

A) Common law

B) English common law

C) American law

D) Judicial law

Answer: A

Objective: Describe the federal court system

Level: Basic

4) What is the name of the systematic collection of laws by the federal government?

A) The United States Laws Consolidation

B) The United States Legal Documents Collection

C) The United States Code

D) The United States Legal Codification

Answer: C

Objective: Describe the federal court system

Level: Intermediate

5) What part of the government creates administrative codes?

A) State legislature

B) Congress

C) Administrative agencies

D) Local government

Answer: C

Objective: Describe the federal court system

Level: Basic

6) How is the number of the U.S. Supreme Court justices determined?

A) By the U.S. Constitution

B) By Congress

C) By the Judiciary Act of 1789

D) By the U.S. President

Answer: B

Objective: Describe the federal court system

Level: Basic

7) When does the U.S. Supreme Court take a case on appeal?

A) A case involves federal law

B) A case involves issues of national significance

C) Four out of the nine justices believe the case is important enough to be heard

D) All of the above

Answer: D

Objective: Explain when the U. S. Supreme Court takes cases for review

Level: Basic

8) What is the significance of the abbreviation "cert. den." written on the court record?

A) The case will be reviewed by the group of three judges of an appellate court

B) The case can be resubmitted to the U.S. Supreme Court for review

C) The case may be reviewed by the U.S. Supreme Court if four justices out of nine agree to hear it

D) The decision of a lower appellate court must be followed

Answer: D

Objective: Explain when the U. S. Supreme Court takes cases for review

Level: Difficult

9) What courts does a state court system include?

A) Trial courts

B) Intermediate appellate courts

C) Supreme courts

D) All of the above

Answer: D

Objective: Distinguish the three types of courts in the state court system

Level: Basic

10) After a state trial court's decision, what action can parties to that case take?

A) Appeal the decision to a state appellate court

B) Ask the trial court to retry the case

C) Appeal the decision to a state supreme court

D) Appeal the decision to the U.S. Supreme Court

Answer: A

Objective: Distinguish the three types of courts in the state court system

Level: Basic

11) What are functions of state supreme courts?

A) To review decisions of appellate courts

B) To regulate the practice of law

C) To oversee the administration of the justice system in their states

D) All of the above

Answer: D

Objective: Distinguish the three types of courts in the state court system

Level: Basic

12) What does a three-judge panel of an appellate court determine for a particular case?

A) The case's eligibility to go to an appellate court of another state

B) The case's eligibility to go to the state's supreme court

C) The case's eligibility to go to the U.S. Supreme Court

D) The case's eligibility to go to another state supreme court

Answer: B

Objective: Distinguish the three types of courts in the state court system

Level: Intermediate

13) How is a state court of last resort called?

A) State supreme court

B) State superior court

C) State court of common pleas

D) State appellate court

Answer: A

Objective: Distinguish the three types of courts in the state court system

Level: Basic

14) If a court without jurisdiction makes a decision in a particular case, what are grounds for appeal for the party that lost this case?

A) The decision is irrelevant because of lack of jurisdiction

B) The decision is void because of lack of jurisdiction

C) The decision is void because of lack of competency

D) The decision is incompetent because of lack of jurisdiction

Answer: B

Objective: Define jurisdiction and categorize the types of jurisdiction

Level: Intermediate

15) What does original jurisdiction of a court mean?

A) A legal issue occurred in the state where a court sits

B) Parties to the case reside in the state where a court sits

C) A court has the power to hear the case originally

D) Parties to the case do business in the state where a court sits

Answer: C

Objective: Define jurisdiction and categorize the types of jurisdiction

Level: Basic

16) What is appellate jurisdiction?

A) Power of a court to hear the case when it first goes to court

B) Power of a higher court to retry cases that have been already tried by lower courts

C) Power of a court to grant certiorari

D) None of the above

Answer: D

Objective: Define jurisdiction and categorize the types of jurisdiction

Level: Basic

17) What is concurrent jurisdiction?

A) Several courts have the power to hear a particular case

B) Courts in the same state have the power to hear a particular case

C) All of the above

D) None of the above

Answer: A

Objective: Define jurisdiction and categorize the types of jurisdiction

Level: Basic

18) What legal term describes a lawsuit directed against property rather than against a particular person?

A) Quasi in rem action

B) In personam action

C) In rem action

D) Transitory action

Answer: C

Objective: Contrast an in personam action from an in rem action

Level: Basic

19) What is a characteristic of an in rem action?

A) A lawsuit is directed against property

B) The property must be located in the state where the court sits

C) A notice must be given to people who may have an interest in the proceeding

D) All of the above

Answer: D

Objective: Contrast an in personam action from an in rem action

Level: Basic

20) What type of jurisdiction allows a court to hear a quasi in rem action?

A) A court has jurisdiction over the person but not over the property

B) A court has jurisdiction over the property but not over the person

C) A court has jurisdiction over the plaintiff but not over the defendant

D) A court has jurisdiction over the person and the property

Answer: B

Objective: Contrast an in personam action from an in rem action

Level: Basic

21) How does a court obtain personal jurisdiction over the defendant?

A) The defendant lives in the jurisdiction

B) The defendant engages in legally significant behaviors in the jurisdiction

C) The defendant has a business in the jurisdiction

D) All of the above

Answer: D

Objective: Contrast an in personam action from an in rem action

Level: Basic

22) What is a proper venue?

A) Geographical location where a court sits

B) Convenient location for a trial

C) Place where the defendant's property is located

D) Any geographic location where the case can be tried

Answer: B

Objective: Explain how jurisdiction is different from venue

Level: Basic

23) What is a change of venue?

A) The dismissal of a case because of lack of jurisdiction

B) The appeal filed in a higher court

C) The removal of a suit begun in one district to another district

D) The change of the place where a court sits

Answer: C

Objective: Explain how jurisdiction is different from venue

Level: Basic

24) What are possible reasons for the defendant's motion for a change of venue?

A) Negative media coverage

B) Pretrial publicity

C) Partial jury

D) All of the above

Answer: D

Objective: Explain how jurisdiction is different from venue

Level: Intermediate

25) What is a form of alternative dispute resolution?

A) Conciliation

B) Trial

C) Appeal

D) Litigation

Answer: A

Objective: Compare and contrast negotiation, mediation and arbitration

Level: Basic

26) What is a purpose of negotiation?

A) To settle the case outside the court

B) To resolve the legal dispute relatively fast

C) To reach a compromise by bargaining

D) All of the above

Answer: D

Objective: Compare and contrast negotiation, mediation and arbitration

Level: Basic

27) What role does a mediator play?

A) Files a petition with a court

B) Tries to persuade the parties to settle their dispute

C) Appeals the decision of a lower court

D) Asks for a change of venue

Answer: B

Objective: Compare and contrast negotiation, mediation and arbitration

Level: Basic

28) What are the consequences of binding arbitration?

A) Parties must obey the decision of an arbitrator

B) Parties can take the case to a trial court

C) Parties can appeal the arbitrator's decision in an appellate court

D) Parties can resubmit the case to an arbitration panel

Answer: A

Objective: Compare and contrast negotiation, mediation and arbitration

Level: Intermediate

29) In what situation do parties use arbitration to settle their legal disputes?

A) Parties prefer to bargain until they reach a settlement

B) Parties prefer an informal trial run by a private organization

C) Parties prefer a neutral third person to make suggestions

D) Parties agreed to a mandatory arbitration

Answer: D

Objective: Compare and contrast negotiation, mediation and arbitration

Level: Difficult

30) What term is used to describe an informal trial?

A) Mini-trial

B) Non-binding arbitration

C) Quasi in rem action

D) Negotiation

Answer: A

Objective: Compare and contrast negotiation, mediation and arbitration

Level: Basic

1.2 True/False Questions

1) In the federal court system, U.S. district courts are trial courts.

Answer: TRUE

Objective: Describe the federal court system

Level: Basic

2) In the United States, all laws are codified.

Answer: FALSE

Objective: Describe the federal court system

Level: Intermediate

3) Ordinances are laws passed by federal legislative bodies.

Answer: FALSE

Objective: Describe the federal court system

Level: Basic

4) The U.S. Supreme Court takes a case on appeal only when all justices agree that the case is important.

Answer: FALSE

Objective: Explain when the U. S. Supreme Court takes cases for review

Level: Basic

5) When the U.S. Supreme Court denies a writ of certiorari, it means that the decision of a lower appellate court, where the case has been reviewed, must be followed.

Answer: TRUE

Objective: Explain when the U. S. Supreme Court takes cases for review

Level: Intermediate

6) All state trial courts hear cases involving adoption, divorce, and the settlement of estates.

Answer: FALSE

Objective: Distinguish the three types of courts in the state court system

Level: Basic

7) A state appellate court retries cases that first have been tried in a state trial court.

Answer: FALSE

Objective: Distinguish the three types of courts in the state court system

Level: Intermediate

8) State supreme courts regulate consolidation of laws.

Answer: FALSE

Objective: Distinguish the three types of courts in the state court system

Level: Basic

9) All state courts have original jurisdiction in that state.

Answer: FALSE

Objective: Define jurisdiction and categorize the types of jurisdiction

Level: Intermediate

10) A court may have more than one type of jurisdiction.

Answer: TRUE

Objective: Define jurisdiction and categorize the types of jurisdiction

Level: Basic

11) The doctrine called forum non conveniens gives a court with concurrent jurisdiction the right to refuse to hear a particular case.

Answer: TRUE

Objective: Define jurisdiction and categorize the types of jurisdiction

Level: Basic

12) A court decision in an in rem action affects many people, not only parties to the case.

Answer: TRUE

Objective: Contrast an in personam action from an in rem action

Level: Basic

13) In quasi in rem action the legal issue pertains to the entire property of the defendant.

Answer: FALSE

Objective: Contrast an in personam action from an in rem action

Level: Intermediate

14) Long-arm statutes allow a state court to obtain jurisdiction over a person's property located in another state.

Answer: FALSE

Objective: Contrast an in personam action from an in rem action

Level: Basic

15) Each state has its own rules of venue to provide convenient places for trials.

Answer: TRUE

Objective: Explain how jurisdiction is different from venue

Level: Basic

16) Only the plaintiff's attorney can raise the question of improper venue.

Answer: FALSE

Objective: Explain how jurisdiction is different from venue

Level: Intermediate

17) Courts must always grant motions for a change in venue.

Answer: FALSE

Objective: Explain how jurisdiction is different from venue

Level: Intermediate

18) Negotiation is a process in which parties to the case try to reach a compromise with the help of a neutral third party.

Answer: FALSE

Objective: Compare and contrast negotiation, mediation and arbitration

Level: Basic

19) A conciliator has authority over the mediation process.

Answer: TRUE

Objective: Compare and contrast negotiation, mediation and arbitration

Level: Basic

20) The arbitrator's award is the arbitrator's ruling in favor of the plaintiff.

Answer: FALSE

Objective: Compare and contrast negotiation, mediation and arbitration

Level: Basic

1.3 Fill in the Blank Questions

1) A federal question is a matter that involves the U.S. Constitution, acts of Congress, or \_\_\_\_\_\_\_\_.

Answer: treason

Objective: Describe the federal court system

Level: Basic

2) Diversity of citizenship is a term describing cases between citizens of the United States and a(n)\_\_\_\_\_\_\_\_ government.

Answer: foreign

Objective: Describe the federal court system

Level: Basic

3) The highest court of the land is the U.S. \_\_\_\_\_\_\_\_ Court.

Answer: Supreme

Objective: Explain when the U. S. Supreme Court takes cases for review

Level: Basic

4) When four out of the nine justices agree to hear cases, the U.S. Supreme Court grants petitions for \_\_\_\_\_\_\_\_.

Answer: certiorari

Objective: Explain when the U. S. Supreme Court takes cases for review

Level: Basic

5) Juvenile courts, housing courts, and probate courts are state lesser trial courts with \_\_\_\_\_\_\_\_ jurisdiction.

Answer: limited

Objective: Distinguish the three types of courts in the state court system

Level: Basic

6) The practice of law is regulated by state \_\_\_\_\_\_\_\_ courts.

Answer: supreme

Objective: Distinguish the three types of courts in the state court system

Level: Basic

7) To review a decision of a lower court, a court must have \_\_\_\_\_\_\_\_ jurisdiction.

Answer: appellate

Objective: Define jurisdiction and categorize the types of jurisdiction

Level: Basic

8) A court has \_\_\_\_\_\_\_\_ jurisdiction when only this court has the power to hear a particular case.

Answer: exclusive

Objective: Define jurisdiction and categorize the types of jurisdiction

Level: Basic

9) When a court has complete jurisdiction over the parties and the subject matter of the case, the court has \_\_\_\_\_\_\_\_ jurisdiction.

Answer: plenary

Objective: Contrast an in personam action from an in rem action

Level: Basic

10) A lawsuit that can be tried in different courts with appropriate jurisdiction is called a(n)\_\_\_\_\_\_\_\_ action.

Answer: transitory

Objective: Contrast an in personam action from an in rem action

Level: Basic

11) The geographical location where the case is tried is called a(n) \_\_\_\_\_\_\_\_.

Answer: venue

Objective: Explain how jurisdiction is different from venue

Level: Basic

12) An inconvenient place to hear a particular case is called a(n) \_\_\_\_\_\_\_\_ venue.

Answer: improper

Objective: Explain how jurisdiction is different from venue

Level: Basic

13) A mediator listens to each party in a private session called a(n) \_\_\_\_\_\_\_\_.

Answer: caucus

Objective: Compare and contrast negotiation, mediation and arbitration

Level: Basic

14) A neutral third party, a(n) \_\_\_\_\_\_\_\_, listens to parties' arguments and makes a decision.

Answer: arbitrator

Objective: Compare and contrast negotiation, mediation and arbitration

Level: Basic

1.4 Matching Questions

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

A) A state trial court

B) A body of government that administers justice

C) A phrase put on the record when the U.S. Supreme Court refuses to hear a case

D) The highest appellate court of the land

E) A state trial court with limited jurisdiction

F) The title of a judge of the highest appellate court of the land

G) Improper geographic location where the case should be tried

H) The abbreviation of the term used to describe alternative processes for settling legal disputes without litigation

I) The power of a higher court to review decisions of trial courts

J) Parties to this action seek to settle questions about property

1) Appellate jurisdiction

Level: Basic

2) The U.S. Supreme Court

Level: Basic

3) Improper venue

Level: Basic

4) Justice

Level: Basic

5) Probate court

Level: Basic

6) Court

Level: Basic

7) Cert. den.

Level: Basic

8) In rem action

Level: Basic

9) Court of common pleas

Level: Basic

10) ADR

Level: Basic

Answers: 1) I 2) D 3) G 4) F 5) E 6) B 7) C 8) J 9) A 10) H

1.5 Essay Questions

1) Define the federal court system and discuss principal sources of law in the U.S.

Answer: [key points to be made]

Definition: The federal court system, established by Article III of the U.S. Constitution, includes the U.S. district courts, the U.S. courts of appeals, and the U.S. Supreme Court.

These courts hear the following:

 Cases raising a federal question

 Cases involving diversity of citizenship and exceeding the sum of $75,000

 Bankruptcy cases

 Patent and copyright cases

 Admiralty (maritime)

 cases

There are five principal sources of law in the U.S.:

 Federal and state constitutions

 Federal and state statutes (and ordinances)

 Administrative regulations

 Common law

 English common law

Laws passed by government are consolidated into codes.

Objective: Describe the federal court system

Level: Basic

2) Define and discuss jurisdiction and venue.

Answer: [key points to be made]

 Definition: Jurisdiction is the power (authority) that a court has to hear a particular case. The venue is the place where the trial is held.

 The power to courts is given either by the federal or a state constitution or by a federal or state statute

 Types of jurisdiction: original, appellate, concurrent, exclusive, and plenary

 The doctrine of forum non conveniens used by courts with concurrent jurisdiction

 Each state has established rules of venue to provide convenient places for trials

 Parties to the case can make pretrial motions for a change in venue

 The court may grant change in venue to ensure a fair trial by an impartial jury

Objective: Explain how jurisdiction is different from venue

Level: Basic

3) Define negotiation and mediation and discuss their advantages and disadvantages.

Answer: [key points to be made]

 Definition: Negotiation is a two-party process by which each side, without the help of a neutral third party, attempts to conclude its dispute by bargaining with the other until one side agrees to the other side's offer of settlement. Mediation is an informal process in which a neutral third person, a mediator (or conciliator), listens to both sides and makes suggestions for reaching a solution.

Advantages:

 Negotiation: parties are in charge of the process; parties do not have to be represented by attorneys (although often parties involved in negotiation have legal representation); negotiated settlements are often kept private.

 Mediation: It is a relatively fast and less expensive way to resolve legal disputes; a mediator uses caucuses to find out about interests behind each party's demands; the mediator tries to persuade parties to compromise and settle their differences in reaching a mutually acceptable agreement.

Disadvantages:

 Negotiation: the unrepresented party may not know how to negotiate; if parties cannot settle their legal dispute, they may still go to court.

 Mediation: the mediator is in charge of the mediation process, but he or she cannot force parties to settle the case; thus, the parties still may go to court.

Objective: Compare and contrast negotiation, mediation and arbitration

Level: Intermediate

1.6 Critical Thinking Questions

1) What issues should be considered by a plaintiff's attorney before filing a complaint in a particular court?

Answer: [key points to be made]

 Proper jurisdiction of the court

 The defendant's certain winning on appeal if the chosen court lacks proper jurisdiction

 Courts with concurrent jurisdiction

 Possibility that the court may refuse to hear the case under the doctrine of forum non conveniens

 Whether the case is an in rem, quasi in rem, or in personam action

Objective: Define jurisdiction and categorize the types of jurisdiction

Level: Basic

2) Since the U.S. Supreme Court hears only a small number of cases per year, how does it affect the role of state supreme courts?

Answer: [key points to be made]

 Even if petitions for certiorari may be made to the U.S. Supreme Court from a state supreme court, only a few of them are granted

 For majority of cases, state supreme courts are courts of last resort

 The decisions of state supreme courts are usually final and must be followed

 State supreme courts are very important in the administration of justice in the U.S.

Objective: Distinguish the three types of courts in the state court system

Level: Intermediate