

**Chapter 2**  
**The Legal System: Issues, Structure, and Players**

**Questions for Class Discussion and/or Essay Examinations**

1. Describe the adversarial system of justice. How does it differ from the inquisitorial approach? (The Adversarial System)
2. Provide a criticism and a benefit of the adversarial model. (The Adversarial System)
3. Compare and contrast the role of judges under the inquisitorial and adversarial approaches. (The Adversarial System )
4. Describe the Lester Zygmank case (facts, charges, verdict, relevance to the issue of legality versus morality). (Legality Versus Morality)
5. What is black letter law? Why would someone not make a judgment based on black letter law? (Legality Versus Morality)
6. Give an example of a situation in which the law is inconsistent with typical views of morality. (Legality Versus Morality)
7. Summarize the case of Ralph Damms and explain how it illustrates the concept of intention. (Legality Versus Morality)
8. What does the Model Penal Code say about attempted, as opposed to completed crimes? According to research by Darley et al. (e.g., 1996), how does the position of the Model Penal Code differ from citizens' general views? (Legality Versus Morality)
9. Describe how attribution theorists would consider culpability. (Legality Versus Morality)
10. Discuss how people tend to make inferences about what causes another's negative behavior. Differentiate this from inferences about what causes one's own negative behavior. (Legality Versus Morality)
11. Comment on the potential consequences of discrepancies between citizens' sense of morality and the legal system's sense of legality. (Legality Versus Morality)
12. Discuss how justice has been viewed historically. (What is Justice?)
13. Differentiate between distributive justice and procedural justice. (What is Justice?)

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14. According to research conducted by Tyler and Huo (2002), do citizens have a better view of police officers and judges if they perceive that they are being treated fairly? (What is Justice?)
15. According to Chapter 2, there are three ways in which jurors' basic notions of what is just and fair ("commonsense justice") tends to differ from the "law on the books." What are these differences? (What is Justice?)
16. Discuss the concept of jury nullification and provide hypothetical examples.
17. Review recent research addressing the different factors and beliefs guiding juror decisions in different kinds of criminal cases.
18. Discuss Norman Finkel's concept of "commonsense justice." (What is Justice?)
19. Describe the federal court system. When would something come before a federal court? (Courts) Provide a handout and PowerPoint diagramming the federal court system.
20. Describe the federal appellate court system. (Courts)
21. Discuss current conflicts or splits among federal circuit courts on different issues.
22. What kinds of cases come before the U.S. Supreme Court? (Courts)
23. Describe the appointment process for justices of the U.S. Supreme Court. Discuss the different political factors and implications of appointments. (Courts)
24. Describe the structure of state court systems and indicate what sorts of cases each court reviews. Provide a handout and PowerPoint diagramming the state court system. (Courts)
25. What is therapeutic jurisprudence? (Players in the Legal System: Lawyers)
26. How does a problem solving court differ from a traditional court? (Courts)
27. Discuss the different kinds of problem-solving courts practicing therapeutic jurisprudence and the roles psychologists play in these courts. (Courts)
28. Discuss the Schiavo case and the issue of independence of the judiciary from the legislature. (Courts)

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29. What are the most common methods for the selection of state judges? (Players in the Legal System: Judges)
30. Describe the pros and cons of having retention elections for state judges? (Players in the Legal System: Judges)
31. According to research presented in Chapter 2, how does judges' behavior change as election time draws near? (Players in the Legal System: Judges)
32. Discuss the politicization of judicial elections and ways to find a balance between public accountability and judicial independence. (Players in the Legal System: Judges)
33. Discuss and contrast legal formalism and legal realism. (Players in the Legal System: Judges)
34. Discuss some of the different extralegal factors that may affect judicial decision-making. (Players in the Legal System: Judges)
35. Comment on the past and present gender and racial minority makeup of the population of federal judges. (Players in the Legal System: Judges)
36. Discuss in-group bias. Have male and female judges been found to view cases differently? Provide an example of the relevant research in your answer. (Players in the Legal System: Judges)
37. Describe the different responsibilities of trial and appellate judges and how their personal beliefs and attitudes may affect their decision-making. (Players in the Legal System: Judges)
38. Discuss the two "schools of thought" of appellate decision making. (Players in the Legal System: Judges)
39. How would one use a two-process model to explain trial judges' decision making? (Players in the Legal System: Judges)
40. Discuss the different settings in which attorneys practice and the different expectations and responsibilities associated with each setting. (Players in the Legal System: Lawyers)
41. Provide a history of public defenders; be sure to include a discussion of *Betts v. Brady* (1942) and *Gideon v. Wainwright* (1963). (Players in the Legal System: Lawyers)
42. Discuss how the training of American lawyers has changed over time. (Players in the Legal System: Lawyers)

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43. What have researchers found with regard to law students' well-being and motivation during law school? (Players in the Legal System: Lawyers)
44. Comment on the state of professional satisfaction among lawyers. (Players in the Legal System: Lawyers)
45. Discuss the typical "lawyer traits" and how they affect individual satisfaction with the practice of law. (Players in the Legal System: Lawyers)

### Suggested Activities

#### Class Discussions and Debates

1. Discussion: Discuss the case of Lester Zygmanik. Should he have killed his brother? Should he have gone to prison for committing this act? Also consider dividing the class into juries that deliberate this case; discuss the results of this process and consider the reasons for each verdict.
2. Discussion: On April 5, 2006, four teens in New Jersey were arrested and charged with first degree counts of conspiracy to commit murder, and conspiring to make terrorist threats. The terrorism charge is a charge lawmakers created in response to the September 11, 2001 attacks; it carries a *minimum* sentence of 30 years in prison for adults. These teens were accused of plotting to kill about 25 people in a lunch-period massacre at Winslow Township High School in Camden County. The teens, a couple of whom have arrest records for fighting in school, did not have any weapons, although allegedly they did try and purchase them. Officials decided to try two of the youths as adults. Here are some questions for students to ponder: Should someone be punished for planning a crime that never occurred? If so, should the punishment be as severe as it would be if the crime had occurred? Should these teens be charged as adults or should officials just consider this as one of the parents described it—"just kids hanging out together and having a little wild time?" Source: Teens in threat case face severe anti-terrorism law. (2006, April 7). *The Trenton Times*, A6.
3. Discussion: Discuss the case of Terri Schiavo. See the Suggested Readings section for possible sources of information.
4. Discussion: How do students feel about the fact that an unpopular decision could result in a judge being voted out of office? Should judges consider the possible acceptance of their decision when deciding?

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5. Discussion: Arrange for a panel of law students to speak to the class about “What law school is really like.” Do they feel that their values have changed during law school? If so, how and why?
6. Discussion: Have students provide examples of acts which may be illegal under state or federal law but may be considered ethical or moral in certain circumstances.
7. Debate: Is the intent to commit a crime (without completion) as serious as actually committing the crime? Should this difference affect punishment and sentencing? Have students provide reasoning for their position.
8. Discussion: Separate class into two groups with one group advocating for a distributive justice model and the other for a procedural justice model when considering different case outcomes. Have students discuss their positions and its effect on their beliefs about the fairness of decisions.
9. Discussion: Survey the students about their personal beliefs and perceptions of procedural justice and fairness. Discuss the factors influencing students’ opinions.
10. Discussion: Review recent research addressing the different factors and beliefs guiding jurors’ decision-making in serious criminal cases.
11. Discussion: Have students provide the kinds of traits they believe judges should possess and factors that should affect judicial decisions. Discuss answers in light of the two-process decision-making model used to explain judicial decisions.
12. Discussion: Have the class discuss their beliefs and impressions about prosecutors and public defenders. Which beliefs are accurate? Which assumptions are not?

### **Research Activities and Writing Assignments**

1. Research Activity: Have students compare the American trial procedure (adversarial) with that of other countries.
2. Assignment: Ask students to interview a trial lawyer who is in private practice who must represent some indigent clients, at lower pay. The lawyer’s experiences? Reactions?
3. Assignment: What should the criteria be for deciding eligibility for free counsel? Ask students to interview a judge, a lawyer in private practice, and/or a public defender about their views on this issue.

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4. Survey: Students can use the scenarios presented in the following reference to investigate the differences between community views and the law as stated in the Model Penal Code.

Robinson, P. H., & Darley, J. M. (1995). *Justice, liability & blame: Community views and the criminal law*. Boulder, CO: Westview Press, Inc.

5. Survey: Students can take or administer surveys to assess attitudes toward the legal system. See Wrightsman, Batson, and Edkins (2004). *Measures of legal attitudes*. Belmont, CA: Wadsworth (pp. 7-18).
6. Research Assignment: Have a student poll members of the pre-law group on campus to determine their motivations for wanting to attend law school.
7. Class Activity: Have students evaluate whether using an inquisitorial or adversarial approach affects case outcomes. Have half of the class serve as judges using the inquisitorial approach and the other half serve as judges using an adversarial approach. Provide students with a case description and evidence according to each respective approach. Discuss similarities and differences in decisions.
8. Research Assignment: Have students research the cases considered by the Supreme Court during the most recent session and provide a summary on one specific case and outcome.
9. Research Activity: Have students research recent judicial campaigns and the platforms on which judges ran for election, re-election, or retention. What special interest groups were involved or supported certain issues? What were the “hot issues” differentiating candidates?

### **Class Speakers/Guest Lecturers**

1. Speaker: Have a judge come to class to discuss the experience (e.g., stresses) of being a judge.
2. Speakers: Have a prosecutor and defense attorney come to class to discuss their experiences both in and out of court.
3. Speaker: Have an attorney from a large law firm meet with the class to discuss his or her involvement in pro bono cases and the availability of such projects at his or her firm.

### Media Activities

1. Video (VHS/DVD): *Judicial Opinions: The Supreme Court Justices*. Interviews with various justices are presented in this 67 minute program including a discussion with Sandra Day O'Connor and Stephen Breyer on Judicial Independence. Go to Films for the Humanities and Sciences at <http://ffh.films.com/> or call 1-800-257-5126 to order.
2. Video (VHS/DVD): Show the 105 minute film *Gideon's Trumpet* (1980) which details the story of Clarence Earl Gideon, a story briefly described in Chapter 2. Available for purchase from <http://www.amazon.com>.
3. Video (VHS/DVD): *Presumed Guilty: Tales of the Public Defenders* (2001). Call Wallen Blake Media at 1-888-879-5919 or visit their website to order this 120 minute program that features the attorneys in the San Francisco Office of the Public Defender (<http://www.srpublications.com/>).
4. Video (VHS/DVD): *Gideon's Trumpet: The Poor Man and the Law: 1964*. This CBS News Program documents the case of *Gideon v. Wainwright*. Includes interviews with Gideon and his attorney. Go to <http://ffh.films.com/> or call 1-800-257-5126 to order this 51 minute program.
5. Video (VHS): Frontline's program *Real Justice* provides an inside look at the world of defense lawyers and prosecutors. Call 1-877-PBS-SHOP or visit [www.pbs.org](http://www.pbs.org) to purchase a videotape of this program. Also see the Suggested Websites section for more information.
6. Video (VHS/DVD): *Justice Sandra Day O'Connor*. Justice O'Connor discusses the difficulties she had breaking into the male-dominated legal profession. Call Wallen Blake Media at 1-888-879-5919 or visit their website to order this 60 minute ABC News program (<http://www.srpublications.com/>).

### Suggested Readings

1. van Koppen, P. J., & Penrod, S. D. (2003). *Adversarial versus inquisitorial justice: Psychological perspectives on criminal justice systems*. New York: Springer.

Description: Using primarily a comparison between the United States criminal justice system and that of the Netherlands, van Koppen and Penrod consider how each system handles different kinds of issues (e.g., risk assessment).

2. Tyler, T. R., Boeckmann, R. J., Smith, H. J., & Huo, Y. J. (1997). *Social justice in a diverse society*. Boulder, CO: Westview.

Description: See this book for more on justice (including psychological and behavioral reactions to justice and injustice).

See also:

Tyler, T. R. (2006). *Why people obey the law*. Princeton, NJ: Princeton University Press.

Description: More on procedural justice. Tyler has updated this text (originally published by Yale University Press).

Robinson, P. H., & Darley, J. M. (1995). *Justice, liability & blame: Community views and the criminal law*. Boulder, CO: Westview Press, Inc.

Tyler, T. R. (2001). Public trust and confidence in legal authorities: What do majority and minority group members want from law and legal institutions? *Behavioral Sciences and the Law*, 19, 215-235.

3. Murphy, K., & Tyler, T. (2008). Procedural justice and compliance behaviour: The mediating role of emotions. *European Journal of Social Psychology*, 38, 652-668.

Description: Recent research that demonstrates that emotional reactions to perceived justice or injustice can predict one's level of compliance with authority decisions and rules.

4. Benesh, S. C., & Howell, S. E. (2001). Confidence in the courts: A comparison of users and non-users. *Behavioral Sciences and the Law*, 19, 199-214.

Description: Considers procedural justice and how that affects confidence in state and local courts.

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5. Bryan, P. E. (2005). *Constructive divorce: Procedural justice and sociolegal reform*. Washington, DC: American Psychological Association.  
Description: Bryan discusses a procedural justice approach to divorce. Included are suggestions for procedural reforms that can improve outcomes, and promote the psychological well-being of participants.
6. Liptak, A. (2005, December 31). So, guy walks up to the bar, and Scalia says...*The New York Times*, A1, A12.  
Description: For an interesting view of the Supreme Court justices, read the article cited above. It profiles a study completed by Jay Wexler, a law professor at Boston University, who tabulated the number of laughs generated by comments from the justices over a nine month term. According to Wexler, "Justice Scalia is the funniest...Justice Thomas gave rise to no laughter at all" (p. A1).
7. Caplan, A. L., McCartney, J. J., & Sisti, D. A. (2006). *The case of Terri Schiavo: Ethics at the end of life*. Amherst, NY: Prometheus Books.  
Description: A number of books on the Terri Schiavo case have been published (including a book written by Terri's husband, and another written by her family). For more on the case of Terri Schiavo, consult the book noted above which provides a timeline of the case and a discussion of the state and federal issues.
8. Daicoff, S., & Wexler, D. B. (2003). Therapeutic jurisprudence. In A. M. Goldstein (Ed.). *Handbook of psychology, Vol. 11, Forensic psychology*. New York: John Wiley & Sons, pp. 561-580.  
Description: This chapter includes a discussion of how legal practice can be conducted in a more therapeutic way.
9. Cuellar, A. E., McReynolds, L. S., & Wasserman, G. A. (2006). A cure for crime: Can mental health treatment diversion reduce crime among youth? *Journal of Policy Analysis and Management*, 25, 197-214.  
Description: These authors evaluate the effects of a mental health diversion program for youth in Texas.
10. Eaton, L., & Kaufman, L. (2005, April 26). Judges turn therapist in problem-solving court. *The New York Times*, A1, B7.  
Description: Describes New York state's use of problem-solving courts (i.e., homelessness court, domestic violence courts and mental health courts).

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11. *Behavioral Sciences & the Law* had an issue in 2005 (Volume 23, number 2) that was devoted to *Diversion from the Criminal Justice System* (edited by John Petrila).

Description: It includes articles on drug and mental health courts.

12. Steffensmeier, D., & Hebert, C. (1999). Women and men policymakers: Does the judge's gender affect the sentencing of criminal defendants? *Social Forces*, 77, 1163-1196.

Description: Here's more on the topic of whether male and female judges view cases differently (the authors of this study found that female judges tended to be harsher).

13. Wrightsman, L. S. (2006). *The psychology of the Supreme Court*. New York: Oxford University Press.

Wrightsman, L. S. (2008). *Oral arguments before the Supreme Court: An empirical approach*. New York: Oxford University Press.

Consult Wrightsman's books on the Supreme Court for more information on how the Supreme Court justices make their decisions.

14. Sheldon, K. M., & Krieger, L. S. (2007). Understanding the negative effects of legal education on law students: A longitudinal test of self-determination theory. *Personality and Social Psychology Bulletin*, 33, 883-897.

Description: Considers students at two law schools over three years; they found that students at both law schools suffered, but students had greater difficulties at the school that was perceived as more controlling.

15. Feige, D. (2006). *Indefensible: One lawyer's journey into the inferno of American justice*. Boston: Little, Brown.

Description: David Feige provides an account of a typical day in the life of a public defender in the South Bronx.

16. Lewis, A. (1989). *Gideon's trumpet*. New York: Vintage.

Description: A moving account of a landmark case. (Reissued edition available in paperback.)

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17. Parker, L. (2005, August 29). 8 years in a Louisiana jail, but he never went to trial. *USA Today*, 1A-2A.

Description: As Chapter 2 notes, most people accused of a crime cannot afford to hire a lawyer. The article cited above tells the story of one of those people. In 1996, James Thomas was charged with murder. He didn't have any money to hire an attorney, so he asked the government to provide him with one. He then spent the next 8 1/2 years waiting in jail, waiting for his case to go to trial. Recently, an appeals court ruled that prosecutors had waited too long to try him and threw the case out. This story is not all that unusual. Many poor people go to jail without talking to a lawyer. Read the article cited for stories of the public defender system and its problems.

18. Krakauer, L., Chen, C. P. (2003). Gender barriers in the legal profession: Implications for career development of female law students. *Journal of Employment Counseling*, 40, 65-79.

Description: Considers differences in the career paths that men and women take in the legal profession and how gender can influence those choices.

19. Slotkin, J., & Slotkin Goodman, S. (2007). *It's harder in heels: Essays by women lawyers achieving work-life balance*. Vandepias Publishing.

Sax, R. (Ed.). (2009). *Reaching the bar: Stories of women at all stages of their law careers*. Kaplan Publishing.

Riveira, A., & Blohm, L. (2006). *Presumed equal: What America's top women lawyers really think about their firms*. Bloomington, IN: AuthorHouse.

Description: For those who wish to focus on reading about women in the legal profession, here are some choices.

20. Zarate, C. (2010). A study of the relationship between lawyer rating of job satisfaction and the mentorship behavior of their mentor/lead advisor, available at: <http://proquest.umi.com/pqdlink?Ver=1&Exp=08-13-2017&FMT=7&DID=2111723251&RQT=309&attempt=1&cfc=1>

Description: This doctoral dissertation addresses the different factors affecting lawyers' ratings of job satisfaction.

21. Redding, R. E., & Murrie, D. C. (2010). Judicial decision making about forensic mental health evidence. *Special Topics in Forensic Practice*, 683-690  
Available at: [http://works.bepress.com/richard\\_redding/15](http://works.bepress.com/richard_redding/15)

Description: This book chapter reviews how judges consider and render decisions regarding forensic mental health evidence.

22. Simon, D., & Scurich, N. (2011). Lay judgments of judicial decision making. *Journal of Empirical Legal Studies*, 8, 709–727.

Description: This study examined lay people’s evaluations of hypothetical judicial decisions and asked participants to evaluate the acceptability of decisions, the process by which they were made, and the legitimacy of judges.

### Suggested Websites

1. Go to the Oyez website ([www.oyez.org](http://www.oyez.org)) for more information about the following Supreme Court cases:  
  
*Betts v. Brady* (1942)  
*Caperton v. A.T. Massey Coal* (2009)  
*Gideon v. Wainwright* (1963)  
*Grutter v. Bollinger* (2003)
2. The Supreme Court has launched its own website (<http://www.supremecourtus.gov/>). This site includes general information about the Supreme Court.
3. Some of your students may enjoy a visit to <http://baseball.oyez.org/> to play Oyez Baseball! It compares baseball players and Supreme Court justices, and can be a fun way to learn some trivia about both!
4. The Frontline website that accompanied the program *Justice for Sale* is an investigation into the impact of campaign cash on the U.S. court system. The video focused on three states (Texas, Louisiana, and Pennsylvania) and described efforts by special interest groups to influence judges and their decisions. The website includes an interactive map that displays information regarding how each state selects judges (<http://www.pbs.org/wgbh/pages/frontline/shows/justice/>). (A transcript and video clips of the program are available at this site, but videotapes can no longer be purchased.)
5. Visit <http://www.courtinnovation.org/index.cfm?fuseaction=page.viewPage&pageID=505&documentTopicID=31> for more information on problem solving justice.
6. Frontline’s program *Real Justice* provides an inside look at the world of defense lawyers and prosecutors; the program has an accompanying website which includes various “stats and facts” regarding prosecutors and defense attorneys; see <http://www.pbs.org/wgbh/pages/frontline/shows/bostonda/>.

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7. See the website for the National Legal Aid & Defender Association ([www.nlada.org/](http://www.nlada.org/)) for more on public defense.
8. The text describes the court case of Clarence Gideon and the impact he has had on the justice system today. For more information on the court case, the impact on the courts today, and other links on Clarence Gideon, visit <http://www.ct.gov/ocpd/cwp/view.asp?a=4087&q=479198>
9. Students interested in learning more about law schools may want to conduct virtual visits of law schools. Many law schools have extensive websites; one good index of sites is maintained by Yahoo (access through [http://www.yahoo.com/law/law\\_schools/](http://www.yahoo.com/law/law_schools/)). You can search through law schools alphabetically at this site.
10. Many women have made contributions to the legal profession. An article written by Justice O'Connor addresses the various contributions made by women to the law and the current status of females in the profession. This article can be found at [http://scholar.valpo.edu/cgi/viewcontent.cgi?article=1959&context=vulr&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dfemale%2520contributions%2520to%2520the%2520law%2520and%2520%26source%3Dweb%26cd%3D1%26ved%3D0CEgQFjAA%26url%3Dhttp%253A%252F%252Fscholar.valpo.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1959%2526context%253Dvulr%26ei%3DY7AqUOSkCPOM6QH3wYHYCQ%26usg%3DAFQjCNEbBGYnNH1pxnrmTizI3frwAd\\_IQ#search=%22female%20contributions%20law%22](http://scholar.valpo.edu/cgi/viewcontent.cgi?article=1959&context=vulr&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dj%26q%3Dfemale%2520contributions%2520to%2520the%2520law%2520and%2520%26source%3Dweb%26cd%3D1%26ved%3D0CEgQFjAA%26url%3Dhttp%253A%252F%252Fscholar.valpo.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%253D1959%2526context%253Dvulr%26ei%3DY7AqUOSkCPOM6QH3wYHYCQ%26usg%3DAFQjCNEbBGYnNH1pxnrmTizI3frwAd_IQ#search=%22female%20contributions%20law%22)
11. Visit the website for HALT: An Organization of Americans for Legal Reform ([www.halt.org](http://www.halt.org)) to learn more about self-help legal resources.
12. Visit the website for the National Center for State Courts, which provides numerous resources on different problem-solving courts (<http://www.ncsc.org/information-and-resources/browse-topics-a-z.aspx>).
13. The website for the ABA Journal provides numerous resources and covers the latest legal practice updates and current developments in the law (<http://www.abajournal.com/>). For an article addressing the factors affecting the retirement of federal judges see: [http://www.abajournal.com/news/article/why\\_do\\_federal\\_judges\\_retire\\_more\\_income\\_is\\_top\\_answer](http://www.abajournal.com/news/article/why_do_federal_judges_retire_more_income_is_top_answer)
14. The Federal Judicial Center is an educational and research center for the US Federal Courts which provides numerous resources, including different educational programs for judges, training materials and videos, and information on the history of the US judiciary. For more information, visit <http://www.fjc.gov/public/home.nsf>

**Test Bank**

**Multiple Choice Questions**

1. American trial procedure is a(n) \_\_\_\_\_ system of justice.
- A. inquisitorial
  - B. disruptive
  - C. adversarial
  - D. impractical

Answer: C                      Reference: The Adversarial System

2. Results of a survey of trial lawyers suggested that \_\_\_\_\_ of polled lawyers believed juror questioning improved the quality of justice, while \_\_\_\_\_ viewed juror questioning negatively.
- A. 33% and 49%
  - B. 49% and 33%
  - C. 50% and 50%
  - D. 85% and 15%

Answer: B                      Reference: The Adversarial System

3. You are witnessing a trial. The judge is doing most of the questioning of witnesses, rather than the lawyers. In fact, the court—not the lawyers—has chosen which witnesses will testify. Where are you?
- A. Louisiana
  - B. England
  - C. a federal court in the U.S., rather than a state court
  - D. France

Answer: D                      Reference: The Adversarial System

4. Which of the following is a characteristic of the inquisitorial approach to justice?
- A. an intensely competitive atmosphere
  - B. separate witnesses for each side
  - C. the presiding judge questions witnesses
  - D. opposing parties prepare the witnesses before the trial

Answer: C                      Reference: The Adversarial System

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5. According to Chapter 2, Thibaut and Walker found
- A. that the adversarial system led to less biased decisions.
  - B. that the adversarial system led to decisions that were more likely to be perceived as fair by the litigants.
  - C. both A and B
  - D. none of the above

Answer: C                      Reference: The Adversarial System

6. In which approach to trials does the research indicate that attorneys apparently try harder (especially when the weight of evidence favors the opponent)?
- A. inquisitorial approach
  - B. adversarial approach
  - C. neither A nor B
  - D. both A and B

Answer: B                      Reference: The Adversarial System

7. Lester Zygmank was charged with murdering his brother, George after George was severely injured in a motorcycle accident. George did not want to live his life as a quadriplegic and asked Lester to kill him; Lester did as his brother asked. If you were a juror in this case and you were making decisions based on black letter law, you would decide that Lester is
- A. guilty.
  - B. not guilty.
  - C. not prepared to undergo a trial.
  - D. insane.

Answer: A                      Reference: Legality Versus Morality

8. Lester Zygmank, who admitted to shooting his brother in the head and killing him
- A. was found guilty of first-degree murder.
  - B. was found guilty of second-degree murder.
  - C. was found not guilty by reason of insanity.
  - D. was found not guilty.

Answer: D                      Reference: Legality Versus Morality

9. Which of the following U.S. states legally allows physician-assisted suicide?

- A. California
- B. Oregon
- C. Washington
- D. New York

Answer: B                      Reference: Legality Versus Morality

10. Euthanasia, or mercy killings and physician-assisted suicide, highlights the conflict between

- A. legality and morality.
- B. individual rights and public good.
- C. criminal law and professional ethics codes.
- D. none of the above

Answer: A                      Reference: Legality Versus Morality

11. How does the Model Penal Code assign punishment for crimes that were only attempted, but were not completed?

- A. Attempted crimes deserve a lesser penalty than completed crimes.
- B. Those who only attempt, but do not complete a crime, do not deserve to be punished at all.
- C. Those who commit attempted and completed crimes deserve the same penalty.
- D. none of the above (the Model Penal Code does not consider punishment)

Answer: C                      Reference: Legality Versus Morality

12. Darley and his colleagues investigated how people's general thoughts about punishment differed from that found in the Model Penal Code. They found that generally

- A. people did not feel that the intent to do a crime was the same as actually doing the crime.
- B. when a person had taken only preliminary action toward committing a crime, few respondents thought the prospective perpetrator was guilty.
- C. when a person had taken action described as reaching "the point of dangerous proximity to the crime," respondents thought that punishment should be less severe than that given to those who had completed the crime.
- D. all of the above

Answer: D                      Reference: Legality Versus Morality

## Chapter 2: The Legal System: Issues, Structure, and Players

13. Beth and Joanne are jurors for a case in which the defendant has been charged with robbery. Beth has a tendency to make internal, stable and global attributions. Joanne has a tendency to make external, unstable, and specific attributions. Given this information, what are Beth and Joanne's likely ideas about defendant responsibility?
- A. Beth will tend to see the offender as less responsible for his crime than Joanne.
  - B. Beth will tend to see the offender as more responsible for his crime than Joanne.
  - C. Beth and Joanne will tend to see the offender as equally responsible.
  - D. none of the above

Answer: B                      Reference: Legality Versus Morality

14. When making inferences about what caused another person to commit a crime, we tend to attribute the cause to
- A. external and stable factors.
  - B. internal and unstable factors.
  - C. internal and stable factors.
  - D. external and unstable factors.

Answer: C                      Reference: Legality Versus Morality

15. When citizens' concept of morality is inconsistent with the actual law, this may lead to
- A. decreased compliance with the law.
  - B. citizens feeling alienated from authority.
  - C. increased contempt for the legal system.
  - D. all of the above

Answer: D                      Reference: Legality Versus Morality

16. When you are making inferences about what caused you to commit an act that has negative consequences, you would tend to blame
- A. external and unstable causes.
  - B. external and stable causes.
  - C. internal and stable causes.
  - D. internal and unstable causes.

Answer: A                      Reference: Legality Versus Morality

## Chapter 2: The Legal System: Issues, Structure, and Players

17. For almost two weeks, Fred has been negotiating his salary for his new job in market research. While his new boss could not provide as much pay as Fred wanted, he made up for it in benefits (e.g., Fred received extra vacation time). Fred is very pleased with the way the salary issues were resolved. One could consider Fred's salary dispute in terms of distributive justice, for it focuses on the
- A. amount of time spent negotiating.
  - B. type of position Fred is about to take.
  - C. procedure of the dispute resolution.
  - D. fairness of the outcome.

Answer: D                      Reference: What Is Justice?

18. If individuals view the procedures of dispute resolution as fair then they will see the outcome as just, regardless of whether the dispute was resolved in their favor or not. This perspective is referred to as
- A. distributive justice.
  - B. commonsense justice.
  - C. fairness justice.
  - D. procedural justice.

Answer: D                      Reference: What Is Justice?

19. Individuals will perceive a decision-making process as fair if they:
- A. believe they have a voice in the process
  - B. are treated with respect during the process
  - C. believe authorities in the process are motivated by fairness
  - D. all of the above

Answer: D                      Reference: What Is Justice?

20. Diane has been in a dispute with an insurance company over an accident claim. She has called the insurance company every day and their staff has been very willing to hear her point of view. She has been pleased with how she has been treated during this process. Ultimately, her case went through the court system, and although the decision was not in her favor, Diane saw the decision-making process as a fair one. Which justice perspective would have predicted Diane's attitude about this process?
- A. distributive justice.
  - B. commonsense justice.
  - C. fairness justice.
  - D. procedural justice.

Answer: D                      Reference: What Is Justice?

## Chapter 2: The Legal System: Issues, Structure, and Players

21. Which of the following represents differences between commonsense justice and black letter law?
- A. People tend to consider a wider context than the law.
  - B. As compared to the law, people tend to take a more subjective view of the actions of the defendant and victim.
  - C. People, when compared to the law, tend to take a proportional approach to punishment.
  - D. all of the above

Answer: D

Reference: What Is Justice?

22. Jury nullification refers to

- A. excluding certain persons from a jury because of their personal beliefs.
- B. choosing a bench trial (or trial by judge) over a jury trial.
- C. disregarding the law and presented evidence to acquit a defendant.
- D. none of the above

Answer: C

Reference: What Is Justice?

23. How many federal courts of appeal are there?

- A. 1
- B. 7
- C. 13
- D. 20

Answer: C

Reference: Courts

24. State cases will come under the jurisdiction of the federal courts

- A. if the plaintiff and defendant in the case are from different states.
- B. if the plaintiff and defendant are from the same state, but choose to have their case heard in a federal court.
- C. when the federal courts choose certain cases to hear at their discretion.
- D. none of the above

Answer: A

Reference: Courts

Chapter 2: The Legal System: Issues, Structure, and Players

25. What does it mean to say that important cases are sometimes heard *en banc*?
- A. The trial is postponed until the judge has an opening.
  - B. Only one of the judges writes the opinion.
  - C. A majority vote is not needed.
  - D. All of the judges on the relevant court of appeals sit in on the case.

Answer: D                      Reference: Courts

26. The number of federal judges sitting in each district and appellate court
- A. depends on the population of the county in which district exists.
  - B. is equal across districts.
  - C. depends on the judicial budget for each calendar year.
  - D. none of the above

Answer: D                      Reference: Courts

27. The Supreme Court has the authority to review which of the following?
- A. all cases decided by the federal appellate courts
  - B. any state court decisions based on the Constitution or on laws of the U.S.
  - C. any state court decisions
  - D. A and B

Answer: D                      Reference: Courts

28. A *writ of certiorari* is
- A. a published court opinion.
  - B. a request that all judges from the pertinent Court of Appeals sit in on a case.
  - C. the order granting the Supreme Court review of a case.
  - D. only allowed in oral arguments.

Answer: C                      Reference: Courts

29. The approach to law that views the law as a vehicle to improve the lives of those involved is
- A. therapeutic jurisprudence.
  - B. feminist jurisprudence.
  - C. critical legal studies.
  - D. altruistic jurisprudence.

Answer: A                      Reference: Courts

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30. Problem-solving courts such as juvenile courts, drug courts and mental health courts could all be considered forms of
- A. therapeutic jurisprudence.
  - B. feminist jurisprudence.
  - C. critical legal studies.
  - D. altruistic jurisprudence.

Answer: A                      Reference: Courts

31. Former Supreme Court Justice Sandra Day O'Connor condemned the practice of electing judges due to a concern that the election process can lead to the election of judges who are not
- A. experienced enough to serve.
  - B. impartial.
  - C. punitive enough.
  - D. appropriately educated.

Answer: B                      Reference: Players in the Legal System: Judges

32. According to research presented in Chapter 2, judges have been found to become \_\_\_\_\_ as election time draws near.
- A. friendlier
  - B. more punitive
  - C. less harsh
  - D. more forgiving

Answer: B                      Reference: Players in the Legal System: Judges

33. Which two presidents were the most inclusive (i.e., in terms of gender and ethnicity) in their appointments of federal judges?
- A. George W. Bush and George H.W. Bush
  - B. George W. Bush and Jimmy Carter
  - C. Jimmy Carter and Bill Clinton
  - D. Ronald Regan and Bill Clinton

Answer: C                      Reference: Players in the Legal System: Judges

34. Appellate judges must

- A. assess the credibility of certain witnesses.
- B. decide if the law was properly applied in a previous decision.
- C. render a verdict.
- D. B and C

Answer: B

Reference: Players in the Legal System: Judges

35. What are the two schools of thought regarding appellate decision making?

- A. legal model of decision making and attitudinal model of decision making
- B. attitudinal model of decision making and deliberative model of decision making
- C. deliberative model of decision making and intuitive model of decision making
- D. intuitive model of decision making and therapeutic jurisprudence decision making.

Answer: A

Reference: Players in the Legal System: Judges

36. The idea that decisions by federal judges appointed by Democratic presidents differ from those of judges appointed by Republican presidents suggests that

- A. an attitudinal model of decision making is at work.
- B. judges view their cases in light of their attitudes.
- C. both A and B
- D. None of the above

Answer: C

Reference: Players in the Legal System: Judges

37. When trial judges were asked to take the Cognitive Reflection Test, researchers found that the judges used

- A. intuitive processes.
- B. deliberative processes.
- C. distributive processes.
- D. both A and B

Answer: D

Reference: Players in the Legal System: Judges

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38. The decision in the case of \_\_\_\_\_ overturned a previous rule, *Betts v. Brady*, on the matter of whether poor defendants should be provided a court appointed attorney.
- A. *Mapp v. Ohio*
  - B. *Gideon v. Wainwright*
  - C. *Escobedo v. Illinois*
  - D. *Jackson v. Denno*

Answer: B                      Reference: Players in the Legal System: Lawyers

39. In *Gideon v. Wainwright* (1963) the Supreme Court ruled that
- A. Gideon should be released as his confession was coerced.
  - B. Gideon had the right to be represented by an attorney, even if he could not afford one.
  - C. the evidence admitted at his trial was obtained through an illegal search and seizure.
  - D. none of the above

Answer: B                      Reference: Players in the Legal System: Lawyers

40. In the 18<sup>th</sup> and 19<sup>th</sup> centuries, American lawyers became lawyers by
- A. attending college for one year.
  - B. attending college for two years.
  - C. being an apprentice.
  - D. declaring themselves to be one.

Answer: C                      Reference: Players in the Legal System: Lawyers

41. Ken is feeling increasingly depressed during his first year of law school. The \_\_\_\_\_ would likely explain his depression by suggesting that he is no longer intrinsically motivated to pursue his goal of being a lawyer; all his motivations are now extrinsic.
- A. self-determination theory of optimal motivation
  - B. intuitive model of procedure
  - C. intrinsic/extrinsic theory of motivation
  - D. deliberative model of motivation

Answer: A                      Reference: Players in the Legal System: Lawyers

## Chapter 2: The Legal System: Issues, Structure, and Players

42. According to one study, when lawyers discussed their cases with another lawyer, their predictions about the case outcome
- A. were just as accurate as in an individual assessment.
  - B. were often too low
  - C. were often too high
  - D. were significantly more accurate .

Answer: D

Reference: Players in the Legal System: Lawyers

### True or False Questions

1. If a plaintiff and a defendant are from different states, then a federal court has jurisdiction.

Answer: True

Reference: Courts

2. The panel in an appeals court has to decide the case by a majority vote.

Answer: True

Reference: Courts

3. State court systems typically include lower courts, trial courts, one or more courts of appeal and a state supreme court.

Answer: True

Reference: Courts

4. Most cases are settled by having a trial.

Answer: False

Reference: Courts

5. Most state court judges face elections.

Answer: True

Reference: Players in the Legal System: Judges

6. Most state court judges are not in favor of retention elections.

Answer: False

Reference: Players in the Legal System: Judges

7. Most defendants cannot afford to hire a lawyer and so they are represented by public defenders.

Answer: True

Reference: Players in the Legal System: Lawyers

## Chapter 2: The Legal System: Issues, Structure, and Players

8. Highly competitive, achievement-oriented individuals are likely to be more satisfied with the law profession.

Answer: False                      Reference: Players in the Legal System: Lawyers

9. When making inferences about another person's negative behaviors we tend to attribute the cause to stable factors that are internal to the person.

Answer: True                      Reference: Legality Versus Morality

10. Perceptions about procedural fairness and trustworthiness of the system affect individual acceptance of different legal decisions.

Answer: True                      Reference: What is Justice?

11. Over the past two decades, public opinion regarding the culpability and punishment of juvenile offenders has shifted from a more rehabilitative to a more punitive position.

Answer: True                      Reference: Courts

12. In the case of *Caperton v. A. T. Massey Coal* (2009), the Supreme Court addressed the conflict of interest posed by a judge who hears a case concerning a company that significantly contributed to his re-election campaign.

Answer: True                      Reference: Players in the Legal System: Judges