Multiple Choice Questions

1. Appellate courts review issues of ________.
   a. fact
   b. law
   c. both a and b
   d. neither a nor b

2. What is the primary function of appellate courts?
   a. Correct errors of law
   b. Make law
   c. Hear new evidence
   d. Both a and b
   e. a, b, and c

3. How many state court systems utilize intermediate appellate courts?
   a. 25
   b. 39
   c. 47
   d. 50

4. Where do state courts of intermediate appeals meet?
   a. State capital or other centralized location
   b. Various circuit locations
   c. Regional divisions
   d. All of the above

5. Which of the following states has a state supreme court that has jurisdiction exclusively over civil matters?
   a. New York
   b. Texas
   c. Vermont
   d. Virginia

6. Which of the following may resolve an allegation of judicial misconduct?
   a. Trial court
   b. State court of intermediate appeals
   c. State supreme court
   d. All of the above
7. The federal appellate system is comprised of ____ tier(s).
   a. 1
   b. 2
   c. 3
   d. 4

8. What made the federal district courts the federal system’s primary trial courts?
   a. Judiciary Act of 1789
   b. Circuit Court of Appeals Act of 1891
   c. 42 U.S.C. § 1983
   d. Marbury v. Madison

9. There are ____ numbered federal courts of appeals.
   a. 9
   b. 11
   c. 12
   d. 14

10. The caseload of the U.S. Courts of Appeals is currently ________.
    a. increasing
    b. decreasing
    c. remaining constant
    d. growing larger than that of state trial courts

11. Courts other than the U.S. Supreme Court are established by ________.
    a. the President
    b. the U.S. Supreme Court
    c. Congress
    d. U.S. voters

12. What power is known as the cornerstone of the U.S. constitutional system?
    a. Certiorari
    b. Mandamus
    c. Habeas corpus
    d. Judicial review

13. Appellate courts most often hear cases in groups of _____ judges
    a. 2
    b. 3
    c. 6
    d. 9
14. Before the Supreme Court will review a case, ____ justices must vote to add the case to the docket.
   a. 3  
   b. 4  
   c. 5  
   d. 9  

15. The U.S. Supreme Court’s yearly session begins in _______.
   a. January  
   b. August  
   c. September  
   d. October  

**Multiple Choice Answer Key**

1. b  
2. d  
3. b  
4. d  
5. b  
6. c  
7. b  
8. b  
9. b  
10. a  
11. c  
12. d  
13. b  
14. b  
15. d
True/False Questions

1. There is a right to privacy explicitly mentioned in the U.S. Constitution.

2. The majority of states have an intermediate court of state appeals.

3. Decisions of the state intermediate appellate courts may be reviewed by the state court of last resort.

4. The state court of last resort has the final say in all appellate matters that originated in state court.

5. Intermediate courts of appeals are recent additions to state court structures.

6. All states have nine judges on their courts of intermediate appeals.

7. Appellate courts review matters of fact and law.

8. The vast majority of state appeals are disposed of by the state courts of last resort.

9. All state courts of last resort are known as the supreme courts.

10. The majority of the caseload of federal courts of intermediate appeals is comprised of civil appeals.

11. All state supreme court justices serve fixed terms.

12. Decisions by state courts of last resort in death penalty cases are often not the final decision in the case.

13. All states have a board or commission that handles judicial conduct and discipline issues.

14. Automatic appeals of death penalty cases to the state court of last resort must be initiated by the person convicted of the crime.

15. Most states have adopted the pattern and structure of appellate courts set by the federal system.
True/False Answer Key

1. F
2. T
3. T
4. F
5. T
6. F
7. F
8. F
9. F
10. T
11. F
12. T
13. T
14. F
15. T

Study Questions

1. Explain the power of judicial review and the ways in which courts make law. What implications does this have for our legal system, government, and society? Be specific and give examples.

2. Describe the reasons that much of the U.S. Supreme Court’s authority is symbolic. Does this render the court system useless? Should the authority of the U.S. judiciary be strengthened? Explain your reasoning.

3. Very few cases are appealed, and even fewer are successful on appeal. Does this violate the legal system’s notion of fundamental fairness? Should a larger number of appellate cases be heard? Explain your reasoning.

4. Discuss the various solutions that have been attempted to ease the increasing workload of appellate judges. Which of these seems most effective? Least effective? How else might this issue be resolved?

5. Discuss the reasons that the death penalty has been suspended in several states. What factors contributed to this? What impact might this have on appellate courts and the appeals process?
Matching Questions

1. Courts that conduct hearings in groups
2. Where most error correction takes place
3. Practice in which judges on the initial courts of appeals traveled to that court’s location
4. Power of a court to determine whether or not an act of government is constitutional
5. Appeals that appellate courts are obligated to accept once a conviction has resulted and an appeal has been filed
6. Rule stating that a real issue must be in dispute and the parties involved must have competing and exclusive interests at stake
7. The process through which the majority of cases are appealed to the U.S. Supreme Court
8. Name commonly given to jurists on courts of last resort
9. Petition filed in district court that asks the state to demonstrate that a prison inmate’s incarceration is lawful
10. Where most law development takes place
11. Name commonly given to jurists on intermediate appellate courts
13. Utilized to help appellate judges manage their caseloads
14. Appeals that appellate courts may decide to accept or decline once an appeal has been filed
15. Rule stating that required avenues of appeal must be utilized before a case can be appealed to the U.S. Supreme Court
Word Bank

a. judicial review  
b. civil rights action  
c. circuit riding  
d. writ of certiorari  
e. discretionary  
f. collegial  
g. case and controversy  
h. writ of habeas corpus  
i. judges  
j. intermediate appellate courts  
k. exhaustion of state remedies  
l. justices  
m. staff attorneys  
n. courts of last resort  
o. automatic

Matching Answer Key

1. f  
2. j  
3. c  
4. a  
5. o  
6. g  
7. d  
8. l  
9. h  
10. n  
11. i  
12. b  
13. m  
14. e  
15. k
Chapter Summary

Appellate courts are responsible for reviewing issues of law related to the decisions made by other courts and administrative agencies. Appellate courts lack original jurisdiction and are collegial courts of record that correct errors of law made by lower judicial bodies and develop law.

There is variation among the states in the structure of state appellate courts. Thirty-nine states have intermediate appellate courts. Eleven states have only courts of last resort. The name and size of these courts vary by state. Justices primarily serve fixed terms and may be elected, appointed, or merit selected. Judicial discipline or removal from office may be handled by a judicial board or by the state supreme court. These courts hear a significant number of civil appeals, as well as all decisions regarding the imposition of the death penalty.

Federal Appellate Courts consist of the U.S. Courts of Appeals and the U.S. Supreme Court. The U.S. Courts of Appeals are also called Circuit Courts and were created by the Judiciary Act of 1789. These courts handle the majority of federal appeals. The U.S. Supreme Court is created by Article III of the U.S. Constitution and has broad jurisdiction. Its primary function is judicial review. The U.S. Supreme Court controls its docket through writs of certiorari, discretionary review, and an independent calendar. The U.S. Supreme Court may not have the final word on an issue, and much of its authority is symbolic. Both the Courts of Appeals and the U.S. Supreme Court have experienced an increasing number of cases filed and terminated.

Federal appellate court judges are appointed by the President and confirmed by the Senate. They have life tenure and may be removed through impeachment. Appellate judges are an extremely elite group, most of whom are white males from prominent families who have achieved prestigious educations and successful legal careers. However, an increasing number of women and minorities have achieved appellate judicial positions in recent years.

Appellate courts are collegial courts that decide cases in groups. For an appeal, there must be an error of law; an objection to the error must have been made; the appeal must be timely; and state remedies must be exhausted. Appellate courts are prohibited from issuing advisory opinions, and the appealing party must have the financial resources to undertake an appeal.

To handle their increasing caseload, courts have tried adding judges, expanding intermediate appellate courts, hearing cases in panels, employing law clerks and staff attorneys, deciding cases without opinion, utilizing unpublished and memorandum opinions, curtailing oral arguments, and using summary judgments.

Mandatory appeals often come from constitutional provisions or state statutes. These appeals are most common in intermediate appellate courts. Discretionary appeals are most common in courts of last resort. Appellate courts may offer federal post-conviction relief. This includes writs of habeas corpus and civil rights actions. Despite the avenues for appeal, few cases are successful on appeal, and the vast majority of people receive and serve the sentence originally imposed by the trial court.