STUDENT STUDY GUIDE
CHAPTER THREE

Multiple Choice Questions

1. California’s Three Strikes Law has resulted in ________________, which are jury acquittals when a punishment is grossly disproportionate to an offense.
   a. jury nullifications
   b. commuted sentences
   c. sanction diminutions
   d. penalty curtailments

2. Which of the following are not core members of the courtroom work group?
   a. Judges
   b. Prosecuting Attorneys
   c. Defense Attorneys
   d. Bailiffs

3. In their interactions with the police, judges are primarily making determinations as to whether __________ exists.
   a. reasonable suspicion
   b. evidence preponderance
   c. probable cause
   d. clear and convincing evidence

4. In a jury trial, how does the jury obtain information on the appropriate laws, the evidence presented, and how it should be interpreted?
   a. Through their own observations throughout the trial
   b. Through instructions given by the judge
   c. Through arguments given by the attorneys for each side
   d. Through their own research prior to trial

5. Which of the following is not a responsibility of law clerks?
   a. Presiding over minor preliminary hearings
   b. Conducting legal research
   c. Summarizing statutory and case law
   d. Writing first-round opinion drafts

6. Which of the following is not one of Eisenstein and Jacobs’ Courtroom Work Group Characteristics?
   a. Engage in a variety of tasks
   b. Hold degrees of higher education
   c. Have specialized roles
   d. Held together by common goals
7. Sentencing guidelines are produced by  
   a. U.S. Sentencing Commission  
   b. The President  
   c. Congress  
   d. The U.S. Supreme Court

8. Which work group member possesses the most superior knowledge of a criminal case?  
   a. Judges  
   b. Law Clerks  
   c. Prosecuting Attorneys  
   d. Defense Attorneys

9. Which of the following is not a goal that unites the courtroom work group?  
   a. Doing Justice  
   b. Representing Society  
   c. Maintaining Group Cohesion  
   d. Reducing Uncertainty

10. What is the ultimate manifestation of the negotiation process?  
    a. Plea Bargaining  
    b. Determining bail eligibility and amount  
    c. Determining conditions of pretrial release  
    d. Setting of trial dates

11. An assessment of a case’s true seriousness is known as the _________________.  
    a. going rate  
    b. realistic perception  
    c. case appraisal  
    d. value assessment

12. Which judicial function involves a suspect entering a formal plea to the charges being brought against him/her?  
    a. Indictment  
    b. Arraignment  
    c. Pretrial Motion  
    d. Initial Appearance

13. What method is used in order to enforce cohesion?  
    a. Informal sanctions  
    b. Sanctions from the Bar Association  
    c. Sanctions from the Executive Branch  
    d. Sanctions from the Supreme Court
14. Which of the following is a primary motivation for privately retained defense attorneys to help dispose of the case load?
   a. Scorn from other judges
   b. Eliminating cases with undisputed facts
   c. Turning attention to high-profile cases
   d. Generating income

15. A prosecutor’s decision of what charges to file is an example of a(n) _______________.
   a. pretrial motion
   b. unilateral decision
   c. adversarial proceeding
   d. negotiation

Multiple Choice Answer Key

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

1. The members of the courtroom work group fulfill their job functions independently of one another.

2. The interaction between judges and attorneys is very different in trial courts than in appellate courts.

3. The core members of the courtroom work group all typically hold law degrees.

4. Both prosecutors and defense attorneys may file motions for *nolle prosequi*.

5. Defense attorneys often have to convince their clients to accept a plea bargain.

6. Prosecuting attorneys often represent the interests of individual litigants.

7. Law clerks are rarely influential in their interactions with judges.

8. Witnesses introduce some degree of uncertainty into court proceedings.

9. Police officers and prosecutors generally have the same objective in regards to a defendant’s punishment.

10. Judges, prosecutors, and defense attorneys often share similar demographic characteristics.

11. Crime victims and litigants are classified as individuals who are regular members in the judicial process.

12. Judges are closely involved in most aspects of case processing.

13. The lawyers in a case work directly for the presiding judge.

14. A prosecuting attorney is under no obligation to be an advocate for the defendant.

15. Prosecutors and defense attorneys generally do not interact with one another during the trial process.
True/False Answer Key

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

Study Questions

1. Discuss the role of the news media in the courtroom work group. Members of the courtroom work core group are sometimes able to use the media to portray a case to their client’s or their own advantage. Does this help or hurt the court system and its goals? Should the role of the media be limited or expanded in any way? Explain your reasoning.

2. Witnesses and jurors add an element of unpredictability to the court system. Does this help or hurt the legal system and society? Should the role of witnesses and jurors be limited to give more predictability to the court system? Be specific and explain your reasoning.

3. Discuss the dynamics of the authority that each of the courtroom work group core members has, and the limitations that each group member may place upon the others. How does this affect the outcomes of the court system and its members’ common goals? Be specific and give examples.

4. Discuss the limitations that are placed upon judges’ authority and the impact that these limitations have upon the court system. Do these limitations help or hurt society? Should the authority of judges be expanded or further limited? Explain your reasoning.

5. Many participants in the court system are surprised to see the prosecuting and defense attorneys interacting casually and behaving in a friendly manner toward one another. Should the advocates for the two opposing sides behave this way in an adversarial system? Does this hurt their ability to be effective advocates for their clients? Should this type of relationship be limited or encouraged? Explain your reasoning.
Matching Questions

1. A motion asking for the trial to be moved to another location, particularly when there has been substantial pretrial publicity
2. Has rotating characters and brings some uncertainty to the trial process
3. A motion asking for additional time to locate evidence or prepare for the case
4. May be utilized so that a case is portrayed to the public in a certain way
5. Motion that can be filed to prevent a criminal case from going to trial
6. More concerned with an offender receiving a severe sentence than with case disposal
7. Motion to access physical evidence before trial
8. Issued by the grand jury when it determines that there is probable cause for a trial
9. Work to ensure that their client’s rights are protected throughout criminal proceedings
10. Responsible for conducting legal research and writing first draft legal opinions
11. Has the responsibility of ruling on pretrial motions
12. Often serves as a legal advisor to law enforcement agencies
13. Responsible for maintaining a court’s docket
14. Close and distinct _____________ exists in a jurisdiction when virtually all the lawyers and judges know one another.

15. A document that outlines the accusations against the defendant and the provisions of the case that establish probable cause
Word Bank

a. news media
b. continuance
c. defense attorneys
d. police officers
e. court clerks
f. nolle prosequi
g. law clerks
h. judge
i. true bill
j. local legal culture
k. change of venue
l. prosecuting attorneys
m. criminal information
n. jury
o. discovery

Matching Answer Key

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

There are several groups that comprise the courtroom work group. These groups fulfill many functions, and all of their roles are interdependent. These groups have frequent and ongoing relationships in which they interact in a wide variety of manners and settings. Judges fulfill roles such as issuing warrants; making probable cause determinations; granting or denying bail; presiding over hearings; ruling on motions; and presiding over trials. Prosecuting attorneys represent the state in criminal cases. Defense attorneys, who may be privately retained or appointed, ensure that the defendant’s rights are protected and defend their client throughout criminal proceedings. Other work group actors include law clerks, court clerks and administrators, jurors, witnesses, police officers, and the news media.

The seven characteristics that define the courtroom work group are that they exhibit authority relationships; display influence relationships; are held together by common goals; have specialized roles; use a variety of work techniques; engage in a variety of tasks; and have different degrees of stability and familiarity. The core members of the courtroom work group, which include judges, prosecutors, and defense attorneys, participate in courtroom processes with great frequency. They share common demographic characteristics, professional backgrounds, and a common perspective on court operations. Regular members, who include law enforcement personnel, expert witnesses, and the news media, all have frequent courtroom participation, but less participation than core group members. Occasional participants, who include jurors, crime victims, and litigants, participate in the court process on an infrequent or one-time basis. This group has very diverse training, values, and orientations.

The courtroom work group has different authority relationships. Judges are the supreme rulers of the court, as is reflected in their dress, the courtroom design, and the way they are addressed. However, the judge’s authority is limited by the prosecutor’s discretion, budgetary control, jurisdiction, sentencing guidelines, and appeals.

All work group members influence and are influenced by the other members, and members have different bases of power and areas of knowledge. Judges have formal authority and may direct actions of the court and the attorneys. Prosecutors have superior case knowledge and have discretion about what matters will go to trial. Defense attorneys are able to interview witnesses, obtain evidence through discovery, and file pretrial motions. The four common goals of the members are doing justice; maintaining group cohesion; disposing of the case load; and reducing uncertainty.

Their different bases of knowledge give group members various types of power and influence. Three interaction techniques that are frequently utilized are unilateral decisions, adversarial proceedings, and negotiations.

Stable and familiar relationships among the group members are more likely to lead to close working relationships. This often leads to better negotiations, less reliance on formalities, more utilization of informal arrangements, and the creation of cooperative relationships. Group interactions play a significant role in the way that one group member responds to another. There are occasionally outside factors that may create disruption to group goals. One example of this is California’s Three Strikes Law.