STUDENT STUDY GUIDE
CHAPTER FOUR

Multiple Choice Questions

1. Which entity conducts background checks on potential nominees for federal judgeship positions?
   a. Office of the Attorney General
   b. Central Intelligence Agency
   c. U.S. Department of Justice
   d. U.S. Department of Defense

2. Judicial confirmation hearings are conducted by _____________________.
   a. the House of Representatives
   b. the U.S. Senate
   c. the U.S. Supreme Court
   d. the U.S. Attorney General

3. Which of the following states utilizes legislative appointments for both interim and full-term judicial vacancies?
   a. California
   b. Missouri
   c. Texas
   d. Virginia

4. Which of the following is not a problem associated with partisan elections?
   a. Voters have little say in who is elected
   b. Women and minorities are less likely to be selected
   c. Candidates who have been inactive in party politics are favored
   d. Campaign contributions may create conflicts of interest for judges

5. What type of judgeship is generally filled by non-partisan elections?
   a. Trial Court Judges
   b. Appellate Judges
   c. Magistrate Judges
   d. Bankruptcy Judges

6. Federal judges are also known as Article ______ judges.
   a. I
   b. II
   c. III
   d. IV
7. In a merit selection system, judicial candidates are initially evaluated by________________.
   a. the governor  
   b. the state legislature  
   c. the state bar association  
   d. the state nominating commission

8. Because of their need to raise substantial campaign funds, many judicial candidates look to ______________ for help.
   a. state bar associations  
   b. special interest groups  
   c. political assistance programs  
   d. state legislatures

9. Which of the following is not a reason for merit selection of judges?
   a. judicial elections are time-consuming  
   b. judicial elections are expensive  
   c. judicial elections are competitive and divisive  
   d. attorneys have input through service on nominating commissions

10. Which of the following is not a function of federal district judges?
    a. Preside over federal civil trials  
    b. Preside over federal criminal trials  
    c. Supervise federal grand juries  
    d. Conduct federal criminal investigations

11. The suitability of a potential federal court nominee is rated by the ______________.
    a. Attorney General  
    b. American Bar Association  
    c. Secretary of State  
    d. Board of Law Examiners

12. The jurisdiction and operating budget for federal courts is determined by ____________.
    a. the President  
    b. the U.S. Supreme Court  
    c. Congress  
    d. the American Bar Association

13. According to the Administrative Office of U.S. Courts, courts are able to ____________.
    a. exercise judicial powers  
    b. make laws  
    c. enforce and execute laws  
    d. do all of the above
14. How long is the term of a part-time U.S. Magistrate Judge?
   a. 4 years
   b. 8 years
   c. 12 years
   d. Lifelong tenure

15. Which of the following is not a method of judicial removal?
   a. Impeachment
   b. Popular election
   c. Judicial conduct commission removal
   d. U.S. Supreme Court removal

Multiple Choice Answer Key

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

1. It would be possible for courts to operate without some of their support personnel.

2. Research has shown that electing judges is the best way to ensure that quality judges are in office.

3. The fact that there are no formal qualifications for federal judges generally results in a diverse group of people in federal judgeship positions.

4. There is some degree of partisan political considerations involved in all methods of selecting judges.

5. Incumbent judges are frequently voted out of office.

6. Endorsements play a significant role in non-partisan elections.

7. In partisan elections, voters have a strong voice regarding who is selected for judicial positions.

8. State governors often use interim judicial appointments as a way to reward friends and political allies.

9. Some states allow non-lawyer judges in courts of general jurisdiction.

10. Federal district judges serve 8-year terms.

11. Minority judges are more likely to have been appointed than elected.

12. Individuals who receive interim judicial appointments are rarely able to gain the same position through an election.

13. In recent years, the cost of judicial elections has increased dramatically.

14. Most recent U.S. Presidents have been commended for filling judicial vacancies quickly.

15. The individuals and groups who are able to help judicial candidates raise campaign funds are generally voters who want to elect fair and impartial judges.
True/False Answer Key

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

Study Questions

1. There has been no research that indicates that one method of judicial selection is better than another. Comment on this and discuss how the various methods of judicial selection help determine who become judges and the manner in which those judges administer justice.

2. Despite the election of many judges, voters seem to have a very small say in who actually becomes a judge. Does this defeat the purpose of electing judges? What effect(s) does this have on the judicial process? Should this issue be remedied, and, if so, how? Be specific and give examples.

3. Discuss the balance between judicial independence and accountability. Is it more important that judges be able to make decisions without political pressure, or that they be accountable to the citizens they serve? How should a balance be reached? Be specific and explain your reasoning.

4. The process of impeachment of federal judges is expensive, difficult, and time-consuming. This results in very few judges being impeached. What positive and negative effects does this have on society and the administration of justice? Be specific and give examples.

5. There are several qualifications required for state judge positions, yet none for federal judges. How does this affect who is selected for state and federal judicial positions?
Matching Questions

1. Method of judicial selection in which judges run on a ballot that indicates their party identification

2. Appoint federal bankruptcy judges

3. Quasi-judicial officials who preside over administrative proceedings

4. Method of filling judicial vacancies when the prior judge has died, resigned, or been removed from office before the term expires

5. A neutral third party who helps disputing parties reach an agreement through compromise

6. Appoint U.S. Magistrate Judges

7. Federal judge who has reached the “rule of 80” and deals with select district court matters

8. Method of selecting federal judges

9. Process in which every public office is filled by a popular election

10. Method of judicial selection in which judges run on a ballot that does not indicate their political party

11. Quasi-judicial office that has been largely replaced by magistrates, and is designated to take testimony, hear parties, and report findings

12. Federal judge who is under age 65 and has the court’s longest tenure

13. Method of judicial selection that is also known as the Missouri Plan

14. Judicial position that does not require a law degree

15. Serve as judicial adjuncts through ad hoc appointments to oversee issues such as state mental hospitals and prison litigation
Word Bank

a. mediator
b. lay judge
c. masters
d. non-partisan election
e. senior judge
f. hearing officers
g. interim appointment
h. partisan election
i. referee
j. executive appointment
k. district court judges
l. chief judge
m. Court of Appeals judges
n. long ballot
o. merit selection

Matching Answer Key

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

Judges are outward symbols of the court system and are essential for the adjudication of disputes. Judges are selected through partisan elections, non-partisan elections, appointment, merit selection, and legislative appointment. In a partisan election, judges run on a ballot in which their political party is indicated. This system is utilized in state and local elections. In a non-partisan election, judges run on a ballot for popular election without indication of a political party. This system is used for the election of some state court trial judges and municipal court judges. Judicial appointment is used for state interim and Article III federal judge appointments. Interim appointments are made by the governor until the term of office expires or another election is held. Article III appointments are for federal district court judges, Courts of Appeals judges, and U.S. Supreme Court justices. Merit selection combines elements of election and appointment. Applicants are evaluated by a nominating committee, and names are sent to the governor to make a final selection until the next general election is held. Legislative appointments are used only in South Carolina and Virginia. Though each system has strengths and weaknesses, there is no data to indicate that one system is superior to another.

State court judges of general jurisdiction must be licensed attorneys and have prior law practice experience. In courts of limited jurisdiction, 29 states allow non-lawyer judges. While there are no formal qualifications for federal judges, Congress and the Department of Justice have created their own selective criteria. Federal judges are appointed for life terms, and may only be removed for impeachment or conviction of certain offenses. Magistrate judges assist federal district judges with their workloads, are appointed by district judges, and serve 8-year or 4-year terms. Bankruptcy judges handle district court bankruptcy cases, are selected by Courts of Appeals judges, and serve 14-year terms.

For judicial misconduct, state judges may be subject to discipline by the state’s Judicial Conduct Commission and federal judges may be subject to impeachment. Judges are free from control of others when making judicial decisions. However, the judiciary is dependent upon the legislative and executive branches for various functions, and must also be accountable to the citizens that they serve.

The judiciary also has many quasi-judicial officers who assist and are subservient to judges. Quasi-judicial officers include masters, U.S. magistrate judges, referees, mediators, and hearing officers.

Before trial, judges issue warrants, summonses, and subpoenas; set bail; conduct hearings; rule on motions; and establish a docket. During trial, judges act as neutral referees; preside over jury selection; rule on motions; and give jury instructions. After trial, judges impose sentences and handle probation revocation. Appellate judges review criminal cases for errors in trial or sentencing, and review civil cases to consider overturning or modifying judgments.

Judges are responsible for ensuring the smooth administration of justice in their courts. Because few judges are prepared to handle administrative responsibilities, some courts employ court coordinators, while others create chief judge positions to handle administrative tasks.