

# Chapter 18 Study Guide

## Law and the Legal Process



**Directions:** Use your notes from in-class lectures and discussion, as well as your textbook to find the answers to the following questions or to fill in the blanks.

### Section One: The American Legal System Has Many Branches

1. What are the four main "sources of American law" as identified in your text? (491-492)
2. Identify and define the three main categories of "torts." (494)
3. Identify and define the four main categories of public law. (495)
4. It is said that the Justice Department is, in a sense, the lawyer for the American people as a whole. List the four main responsibilities it has to the citizens of the U.S. (496)
5. Within each federal judicial district, the chief lawyer for the Justice Department is the U.S. Attorney. What are two main duties of U.S. Attorneys? (496)
6. A U.S. Marshal is also appointed for every federal judicial district. What are the five main duties of U.S. Marshals? (496)



### Section Two: The Criminal Justice System Enforces the Law



7. What is the first step in the criminal justice system?
8. If police believe that they have sufficient evidence, or probable cause, to link a suspect to a crime, the next step is usually...
9. Under rules set up by the *Miranda* decision, police must do what before questioning a suspect?
10. What is the term for the process of recording a suspect's name, address, and the charges against him/her when taken to the police station?
11. Usually within 24 hours, a person accused of a crime is brought before a judge. What does the judge do at this time?
12. At the initial appearance before a judge, the defendant most often is required to post bail. What is the purpose of bail?
13. What is the purpose of a "preliminary hearing" before a judge?
14. In some states (and the federal system), the decision to take a defendant to trial is dependent on the judgement of a group of citizens. What is this group called?
15. Most states, especially those in the western U.S., use a different procedure to determine if a defendant will go to trial for criminal charges. After a preliminary hearing, the state prosecutor files an "information," a sworn statement that there is sufficient evidence to go to trial, and then the defendant is "arraigned" in open court. What is an arraignment?

16. Most cases, whether state or federal, do not go to trial, but are "plea-bargained." What is the purpose of this practice?
17. Why do states often prefer to plea-bargain many cases?
18. What is the main criticism of the practice of plea-bargaining?

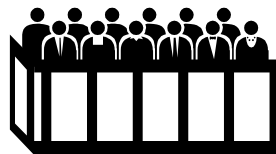
**Section Three: Trials Determine Guilt or Innocence**



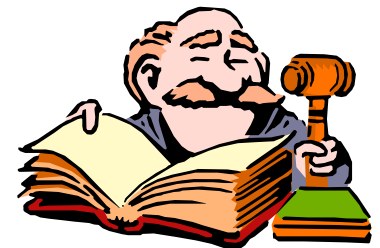
19. Why is an American trial called an "adversary proceeding"? (502)

20. Every trial has two specific purposes. What are they? (502)

21. What is the role of the jury in a trial? (502)



22. What is the job of the judge in a trial? (502)



23. What is the purpose of "pre-trial discovery"? (502)

24. What are the five steps in the process of jury selection? (503)

25. After finding a defendant guilty of the charges, a judge will often investigate a defendant's background to determine what "mitigating circumstances" there might be in this case. What are "mitigating circumstances"? (505)

26. What are the major criticisms of America's prison system? (506)

