

## **Chapter 8**

### **8.1 Critical Thinking**

1. What are some of the benefits of a dual court system?

Different courts cover different types of crime, and that federal courts can interpret federal law without the bias that may affect a state court.

2. Why is it difficult for a case to make it all the way to the Supreme Court? Should it be that difficult? Why or why not?

It is difficult because of the sheer number of cases that are appealed to this court. People disagree on whether or not the level of difficulty is acceptable: Some feel that the Supreme Court should handle only important cases, while others feel that they should hear more cases.

### **8.2 Critical Thinking**

1. The first purpose of the court is to “do justice.” Given what you know about the American court system, do you think that justice is done? Why or why not?

Some people are satisfied with the current court system, but others feel that it is below standard for reasons such as delays, public defenders that are sometimes inept, and the fact that defendants who can afford good lawyers get a different version of “justice” than poor defendants do.

2. Of the remaining nine purposes of the courts, which ones do you think can be most easily achieved? Why?

Answers vary widely. Be sure to support your answer with objective reasoning.

### 8.3 Critical Thinking

1. Of the key actors in the administration of justice, which one, in your opinion, wields the most power? Why?

The judge carries the most power, although the prosecutor has a great deal of power, too.

2. Of the different types of attorneys a defendant might have, which one do you think will do the best job of defending the accused? Why?

High-priced celebrity lawyers are expected to do the best job, but this is not always the case. Contract lawyers may come second, followed by either court-appointed lawyers or public defenders.

- 8.4 **Critical Thinking** Do you agree with the criticism that the poor are unfairly discriminated against because they are the least able to pay their own bail and the least able to pay the fee to a bail bonds person? Why or why not?

You probably agree that this is the case because it forces poor people to stay in jail before their trials simply because of a lack of funds.

### **8.5 Critical Thinking**

1. Do you think that the plea-bargaining process is beneficial? Why or why not?

Overall, it is beneficial because it keeps courts from becoming overly backlogged. On the other hand, it lets criminals get lighter sentences than they deserve, in particular ones that know how to manipulate the system.

2. How could the plea-bargaining process be improved?

Answers will vary. Perhaps plea-bargaining should be automatically denied by law, not by judicial discretion, for certain serious charges; or perhaps plea-bargaining should not allow felony offenses to be reduced to misdemeanor offenses.

### **8.6 Critical Thinking**

1. What are some of the benefits of having a trial by jury?

A trial by jury brings together several people who are not legal professionals and who are the defendant's peers. Therefore, they can bring a "common sense" judgment regarding the facts of the case, unhampered by court politics.

2. How could the jury system be improved so that there is a more diverse mix of people?

The jury pool could be drawn from a wider variety of sources.