

QUESTIONS

True or False

- ___ 1. Arbitration and mediation are two non-adversarial alternatives to litigation.
- ___ 2. If a person receives a summons and complaint, but fails to appear for hearings or trial, the court may still have jurisdiction over that person and could render a decision affecting his or her rights.
- ___ 3. The least adversarial alternative to litigation is arbitration.
- ___ 4. Trial courts are courts of original jurisdiction in most cases.
- ___ 5. The attorney-client privilege is designed to encourage the client to tell the truth to his attorney.
- ___ 6. One of the common criticisms of the adversary system is that it unfairly benefits the wealthier party.
- ___ 7. Cases must initially be heard in courts of appellate jurisdiction.
- ___ 8. Subject matter jurisdiction determines whether a case is heard in state or federal court.
- ___ 9. A right of removal allows the defendant to move a case from the state court system in which it's filed to a federal court system.
- ___ 10. Federal judges are appointed, while most state judges are elected.

Multiple Choice

- ___ 1. Which of the following is not considered one of the threshold issues that must be met before one can bring a lawsuit?
 - a. standing.
 - b. ripeness.
 - c. case or controversy.
 - d. none of the above (all must be present).
- ___ 2. A case challenging a statute as violating a person's rights under the U. S. Constitution
 - a. must be heard in a State court.
 - b. must be heard in a federal court.
 - c. may be heard in either State or federal court.
 - d. must be heard in the U. S. Court of Claims.
- ___ 3. To render a binding decision in a case, a court must have

- a. subject matter jurisdiction.
- b. jurisdiction over the person.
- c. either a or b.
- d. both a and b.

_____ 4. Standing

- a. requires proof of an injury in fact and of an interest that is directly affected by the challenged action.
- b. is usually not difficult to establish when challenging the action of an agency under an environmental statute.
- c. both a and b.
- d. none of the above.

_____ 5. The federal district court and the court of common pleas have concurrent jurisdiction over

- a. cases involving the interpretation of the Constitution.
- b. most cases requiring the interpretation of a federal statute.
- c. both a and b.
- d. none of the above.

_____ 6. Federal judges

- a. are appointed by the president with the advice and consent of the Senate.
- b. are allowed to serve for life, assuming "good behavior."
- c. are elected.
- d. both a and b.

_____ 7. The purpose of serving the summons and complaint is to

- a. give the defendant notice of the pending action against her.
- b. give the court jurisdiction over the defendant.
- c. give the court subject matter jurisdiction over the case.
- d. both a and b.

_____ 8. The *voir dire* process

- a. is supposed to ensure that jurors are not biased.
- b. allows for removal of potential jurors through both *peremptory* and *for cause* challenges.
- c. both a and b.
- d. none of the above.

_____ 9. If a defendant wants to sue a plaintiff, then the defendant should also file a(n) _____ with the answer.

- a. counterclaim.
- b. information.
- c. either a or b.
- d. none of the above. He must wait until the plaintiff's case has been

decided.

____ 10. Grand juries

- a. are used in only criminal cases.
- b. are used in only civil cases.
- c. are used to decide the facts in a case.
- d. both a and c.

Answers to the critical thinking questions regarding “Does a Turtle Have More Rights Than a Human?”

1. *Identify the conclusions and reasons of the article.*

The author concludes that the Supreme Court ruling was correct: property owners should have the right to bring suits against overzealous regulation. Why should property owners have the right to bring suits? She offers two reasons for her conclusion. First, property owners are economically harmed by over-regulation. If they are harmed, they should have the right to bring a suit. Second, the author suggests that if a turtle or inanimate object has the right to bring a suit, any human should also be able to bring a suit because a human's rights are more important than an animal's or inanimate object's right.

2. *Identify the ethical norm guiding the author's thinking.*

The author seems to value security, in the sense that she wants property rights protected above almost anything else. Furthermore, if a person is harmed, she believes they should have the right to bring a suit in response to that harm. She wants to be sure that property rights will be protected. Thus, she argues that property owners should be allowed to bring suit against overzealous regulation.

3. *Which ethical norm seems to conflict with the author's preferred ethical norm?*

Justice seems to conflict with security because the author wants to give preference to humans over animals. Perhaps animals and humans should have equal protection rights under the law. If justice is defined as equal protection under the law, the animals are not receiving justice. If the reader valued justice over security, he or she would probably disagree with the author's reasoning.