### Judicial Selection and Judges:
- appointments political?
- federal court appointment process
- why presidents sometimes fail in appointments
- senatorial courtesy
- race/ethnicity/gender/religion issues
- why presidents sometimes fail to pack the Court
- influence of justices beyond decision making
- Judicial Conference
- independence vs. accountability
- implementation of judicial decisions
- who are the judges?
- state court selection systems
- appointment by governor
- appointment by legislature
- judicial elections (partisan vs. non-partisan)

### Merit selection (Missouri plan)
- requirements for becoming a judge
- social background of judges
- impact of social background on decision making
- background, experience, and ideology
- measurement of ideology
- adjudication
- negotiation
- administration
- external relations
- quality of judicial performance
- competence
- commitment
- temperament
- impartiality

### Criminal Trial Courts and Process:
- popular emphasis on criminal process
- power of government in criminal process
- penal code
- common crimes vs. less universal crimes
- definitions of crimes
- social code
- reasons for fascination with criminal process
- ambiguous definitions
- types of crimes (person, property, morality)
- regulatory crimes
- felonies
- misdemeanors
- violations
- juvenile offenses
- participants in criminal trials
- prosecutors: US attorneys and District Attorneys
- assistant US attorneys and assistant DAs
- prosecutorial discretion
- defense attorneys
- history of requirement of counsel at trial
- juries: grand and petit (trial)
- impartiality
- selection of trial juries
- *voir dire*

### Legal challenges
- peremptory challenges
- formal stages of criminal proceeding
- arrest by police
- initial appearance in court
- preliminary hearing
- grand jury indictment
- arraignment
- discovery
- pretrial motions and conference
- trial
- verdict
- motions during trial
- judgment notwithstanding the verdict (JNOV)
- appeals from trial ruling
- sentencing
- indigents in the criminal process
- *pro se*
- *habeas corpus*
- plea bargaining
- charge bargain
- prosecutor’s sentence bargain
- judge’s sentence bargain
- rationale for plea bargains
Civil Trial Courts and Process:
what do civil courts do? default judgment
civil procedure denial
purpose of civil procedure affirmative defense
remedies counterclaim
damages discovery
damages deposition
restitution

equity
injunction subpoena
injunction duces tecum
declaration contempt of court
due process and civil procedure interrogatories
notice motion
type of civil case dispositive motion
type of civil case summary judgment
contracts pretrial conference
personal injury trial
personal injury judgment, decree, or court order
domestic relations enforcing the order
probate and estate judgment-proof
complaint negotiations
plaintiff

defendant

cause of action settlement
testimony economic consequences of civil court outcomes
remedy lawyers’ impact on civil court outcomes
service of process alternative dispute resolution
summons
answer

General Thoughts:
You should know both the meaning and significance of these terms and phrases, which were discussed in the readings, in class, or both. This exam will be very similar to the first midterm. That is, the format of Midterm #2 will be part multiple choice and part short answers and essays. As was the case with the first midterm, you are responsible for any material we discussed in class along with the material presented in the required readings, even if we did not discuss those readings in class.