

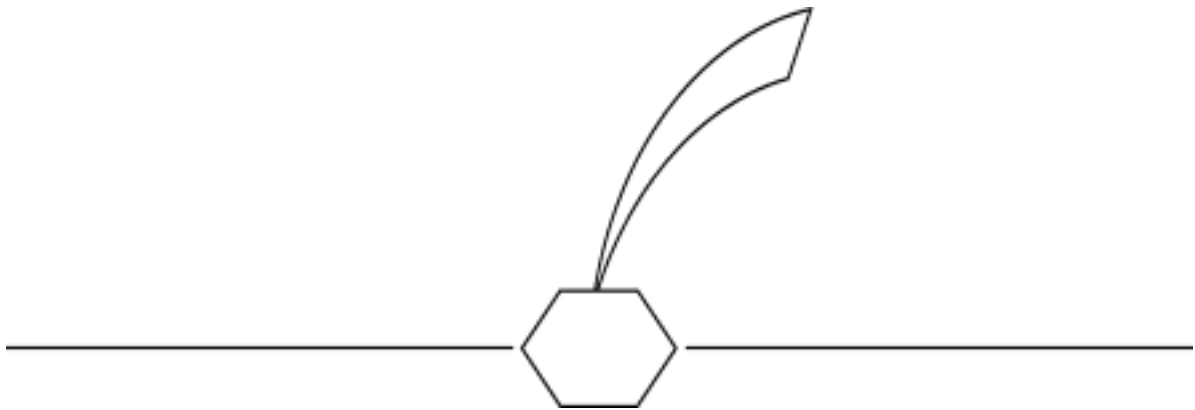
# **Introduction to the American Legal System**

by

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## **Instructor Manual**

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## INTRODUCTION

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This book provides a comprehensive and detailed description of the complex American legal system, written in a style that permits even beginning students to understand the subject thoroughly. The book comments on the public's criticism and explains why a particular procedure or law is necessary in order to protect individual constitutional rights.

The purpose of the book is to afford the student a comprehensive overview of the most important components of the American legal system. The book explains basic legal concepts in a concise, easy-to-grasp way not readily available in current literature. Important concepts are highlighted for easy comprehension. These terms are listed at the end of each chapter and in the glossary.

The book provides a general overview of the structure of the legal system, the criminal justice system, and the federal courts. It includes specific concepts and examples in the substantive law areas of:

- torts
- contracts
- real property
- wills and intestate succession

A chapter on legal research is included to orient the student on issues of the law, legal material, and techniques of legal research. A discussion on alternative dispute resolution has been added in this fifth edition.

The United States Constitution is provided in Appendix A.

This instructor manual is available in hard copy or diskette format from the publisher. The authors would appreciate any comments on how the teaching of this course could be improved. Send the information to Pearson Publications Company, 9614 Greenville Avenue, Dallas, Texas 75243 or e-mail: [pearsonpub@aol.com](mailto:pearsonpub@aol.com).

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**GENERAL INTRODUCTION  
TO THE LEGAL SYSTEM**

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**Outline**

Basic Legal Concepts and Terminology

- Sources of American Law
- Substance v. Equity
- Substance v. Procedure
- Civil v. Criminal

The Court

- The Judiciary and the Separation of Powers
- The Judiciary and Federalism
- Courts as Protectors of the Individual and the Oppressed
- Courts as Passive Arbiters
- The Judge

**Major Concepts**

Contemporary American law goes back to the primitive way of resolving disputes in the small towns and villages in England. The decisions made by judges became part of the old tradition known as the **common law**.

Common law evolved into principles of *stare decisis* or **precedent**, fostered by the belief that people needed to know what the rules were so they could conduct themselves accordingly. Today, US courts are guided by decisions of other courts when faced with the same or similar issues.

The common law rules as well as legislative enactments are rules of **substantive law**.

**Rules of procedure** establish the step-by-step mechanics that litigants must follow to gain access to the courts and conduct themselves thereafter.

Disputes are either **civil** or **criminal**. In a criminal case the government brings the action. In a civil case a person, the **plaintiff**, seeks redress for an injury suffered. If the plaintiff prevails, the **defendant** must pay **damages** to the plaintiff.

The court's function is to resolve disputes in an orderly manner. The judicial branch is one of three branches of the US government: the other two are the legislative and executive. The courts have the authority to check the power of the other branches. The federal and state courts function independently. Some cases may be tried either in federal or state court; others may be tried only in state courts or only in federal court. Federal court judges are appointed, enabling them to protect the rights of minorities. Courts are passive arbiters in that they take action only after a party has come to it for redress. It cannot propose or enact laws of its choice, but it *can* reconfirm and strengthen existing laws.

The judge's role is to determine the facts, unless there is a jury, and apply the law to the facts to

determine who should prevail and enter a **judgment**.

### **Sample Exam: Terminology**

Identify and/or define the following:

1.     **What is the common law?**  
The law of the case, originating from custom, common sense and fairness in the towns and villages of England.
2.     **What is *stare decisis*?**  
A principle of fairness that decisions of one court would be binding on that court and on other courts of equal or lower rank in the same or a similar issue and similar facts in the future.
3.     **Describe precedent.**  
Principles of *stare decisis* that provided guidance for other courts faced with similar sets of facts.
4.     **Define statute.**  
An act of a legislative body that may be a prohibition, a command, or a declaration.
5.     **What is substantive law?**  
Legislative enactments or common law handed down by judges.
6.     **Define equity.**  
In cases where the judge determines that common law rule would achieve a highly unjust result, the court can attempt to achieve a fair result under the principles of equity.
7.     **Define procedure.**  
The rules of procedure establish the step-by-step mechanics that people bringing or defending a lawsuit or criminal prosecution must follow.
8.     **Describe plaintiff.**  
The person initiating the lawsuit to gain redress for an injury.
9.     **Describe defendant.**  
The opponent.
10.    **Remedy.**  
Damages, usually monetary compensation, awarded to plaintiff for the wrong caused by defendant.
11.    **Judgment.**  
Findings by the judge ending a dispute.

### **Sample Exam: True/False**

1.     Modern American jurisprudence finds its origins in the small towns and villages of England. **TRUE**

2. The principles of *stare decisis* and precedent are essentially the same. **TRUE**
3. Statutes, the acts of a legislative body that may be prohibitions, commands, or declarations, form the backbone of our legal system. **FALSE**
4. Substantive law consists merely of torts, contracts, real estate and wills and trusts. **FALSE**
5. Rules of procedure establish the step-by-step mechanics that people bringing or defending a lawsuit must follow. **TRUE**
6. Damages are the injuries suffered by the plaintiff. **FALSE**
7. The primary function of the court is the orderly resolution of disputes. **TRUE**
8. The role of the judiciary is to make new laws. **FALSE**
9. The judge determines the facts and the jury applies the law to the facts. **FALSE**
10. A judgment is signed by the judge and incorporates the jury's or the judge's findings and final decision in a case. **TRUE**

**THE CRIMINAL  
JUSTICE SYSTEM**

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**Outline**

Rights of the Accused

The Lawyers

- Prosecution
- Defense Counsel

Pretrial Process

- Investigation
- Arrest
- Bail
- Charging
- Arraignment
- Plea Bargaining
- Pretrial Motions

Trial

- Jury Selection
- Staging the Trial
- Publicity
- Presenting Evidence
- Jury Instructions

Sentencing

Appeal

**Major Concepts**

A **crime** is an action that offends the morality of a society and that a society has determined it will not tolerate. A crime is defined by statute. The **criminal justice system** is a system evolved to handle those who commit crimes; it applies to the entire process from commission of a crime to punishment.

Both federal and state laws divide criminal conduct into two categories. **Misdemeanors** range from traffic violations to small thefts. **Felonies** are major crimes with penalties ranging from fine to imprisonment or both. Federal courts consist of three levels: District, Appeals and Supreme.

Subject matter **jurisdiction** refers the power or authority to hear and decide a particular case. **Personal jurisdiction** gives courts the power over the people involved in a criminal or civil lawsuit.

The rights and privileges of the criminal defendant contained in the Bill of Rights concern **procedural due process**. To arrest someone requires **probable cause**. Evidence that is obtained in violation of the standards set out in the Fourth Amendment must be excluded.

This rule is known as the **exclusionary rule**. **Grand jury indictments** are provided under the **Fifth Amendment**. Under this amendment an accused cannot be compelled to testify against himself — the privilege against self-incrimination. The **Miranda warnings** extend this privilege to preliminary questioning. The **Sixth Amendment** provides for a jury and gives the defendant the right “to be informed of the nature and cause of the accusation,” and the witnesses against the defendant, as well as be appointed legal counsel.

A suspect is formally charged in an **indictment**, or an **information** or **complaint**. During an **arraignment** the accused enters a plea. Motions may be filed before trial, such as **Motion for Discovery and Inspection, Motion for Bill of Particulars, Motion for Change of Venue, Motion to Sever, Motions to Suppress Evidence** or to **Dismiss the Indictment**. A jury panel is questioned in *voir dire* examination. The parties have a right to challenge a certain number of jurors from the jury panel. These are called **preemptory challenges**. Evidence is presented through **direct examination** and **cross-examination**. After closing arguments, a **jury charge** is presented to the jury, which then deliberates and presents a **verdict**. Sentences can be either **probation** or **imprisonment**, or a combination, called a **split sentence**. Criminal cases are appealed to the U.S. Court of Appeals.

### Sample Exam: Terminology

Identify and/or define the following:

1. **Subject matter jurisdiction.**  
A term that refers to the power or authority of a court to hear and decide a particular kind of case.
2. **Personal jurisdiction.**  
Gives a court the power over the people involved in a criminal or civil lawsuit based upon where they live.
3. **Where is a case appealed from a court that is not a court of record?**  
Since the proceedings were not recorded by a court reporter, the case must be retried by a higher court.
4. **Where are the basic concepts of criminal justice stated?**  
In the Bill of Rights.
5. **Describe the origin of the Miranda warnings.**  
This rule was established in a case called *Miranda v. Arizona* where the defendant had to be advised that he had the right to remain silent.
6. **Describe the significance of the Eighth Amendment.**  
This amendment forbids cruel and unusual punishment. Over the years this has come to mean punishment characterized by the infliction of pain out of proportion to the crime.
7. **What is a voir dire examination of a jury panel?**  
Questioning of a jury panel by the judge and the lawyers to secure jurors of their choice. Defense counsel prefers jurors who are like the defendant; prosecutors seek jurors who are like the victim.

8. **What is a preemptory challenge?**  
Strikes of a certain number of jurors by the attorneys for any reason.
9. **What is covered by the criminal justice system?**  
It covers the entire process from when a person arouses the suspicion of the police officer on the beat to the time the criminal has served out a term of imprisonment, parole or probation.
10. **Describe a probation revocation hearing.**  
If a defendant violates the terms of probation, the probationer can be called before the court to determine if probation privileges should be revoked.

**Sample Exam: True/False**

1. Lower level courts are less likely to be effective than higher-level courts. **TRUE**
2. The vast majority of cases are heard by lower level courts. **TRUE**
3. Procedural due process is spelled in the First Amendment. **FALSE**
4. The right to a jury is spelled out in the Sixth Amendment. **FALSE**
5. A challenge for cause of a juror may be exercised by the attorneys for any reason. **FALSE**
6. A hung jury is a jury that reports to be hopelessly deadlocked and unable to reach a verdict. **TRUE**
7. A presentence report is prepared by the probation officer and includes the background of the defendant to enable the judge to impose a fair sentence. **TRUE**
8. A split sentence refers to a split between a fine and imprisonments. **FALSE**
9. Under a suspended sentence, the defendant is permitted to serve the entire prison sentence on probation. **TRUE**
10. State defendants have access to federal courts for the purpose of appealing only if they assert that the state failed to observe a federally imposed procedural guarantee. **TRUE**

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SUBSTANTIVE CIVIL LAW

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**Outline**

Torts

Contracts

Real Property

Wills and Intestate Succession

**Major Concepts**

**Torts** are broadly defined as acts or omissions to act that cause legal harm to someone, committed under circumstances where the law imposes a duty to refrain from causing such harm. Some torts such as **fraud** arise out of a contractual relationship. Torts are divided into **intentional torts** and **negligence torts**. Intentional torts may be battery, assault, false imprisonment, intentional infliction of emotional distress, trespass, and conversion. Negligence torts are the basis of the majority of modern lawsuit. **Strict-liability torts** apply especially to animals, or product liability. **Nuisance, deceit or fraud** are also classified as torts. **Damages** for torts are compensatory (actual) or punitive.

**Contracts** require an **offer** and an **acceptance**. They can be **express** or **implied in fact** or **implied in law (quasi contractual)**. **Consideration** is something of value or an act that a party performs or promises to perform. **Contracts of adhesion** refer to standardized contracts, usually preprinted, to which the weaker party — usually a buyer — must agree if the weaker party wishes to do business with the stronger party.

**Real Property** stems largely from the common law of England dating back to the Norman Conquest. Various types of ownership interests are known as **estates in land**. **Fee simple** is the most common. **Easement** is a right to make specified use of the land of another, for instance, a utility easement. Limited property interests would be **mineral rights, water rights and air rights**. Co-ownership can exist through **tenancy in common, joint tenancy or tenancy by the entirety**. Co-ownership is also created through **mortgages (deeds of trust)**. Under a lease, the landlord provides possession of the premises with **quiet enjoyment**.

**Wills** can be made three ways. **Intestate succession** refers to property passing to descendants without a will. If no heir can be found, the property passes to the state. **Independent administration** can be conducted with or without court supervision.

**Alternative dispute resolution, known as ADR**, is found in four methods: self-resolution; by expert intervention; decision by neutral third party; or finally by court authority.

**Sample Exam: Terminology**

1. **Describe a strict liability tort and give an example.**  
Falls in the category of negligence torts, such as manufacturing an unsafe automobile.

The Ford Motor Co. lost lawsuits involving the Ford Pinto due to their unreliability.

2. **Define assault.**  
Placing someone in the apprehension of an immediate battery.
3. **Discuss false imprisonment.**  
Restraining someone within a bounded area against that person's will; false arrest is an example.
4. **Define negligence torts.**  
Negligence consists of a duty to conform to a standard, established by law; a failure to meet the standard; a cause-and-effect relationship between that failure and the resulting injury; and damages resulting from the injury.
5. **Define the one-bite rule.**  
Domesticated animals are treated as domesticated the first time they bite someone, and the owner is not liable on the first occasion on which the pet bites.
6. **What is the significance of the writ of assumpsit?**  
Much of modern contract law is derived from this old English writ. A contractual liability requires that an agreement, written or oral, be entered into.
7. **Define the parol evidence rule.**  
Statements, usually oral, made before the contract was reduced to writing may not be used to contradict the terms of the written contract.
8. **Define a contract of adhesion.**  
A standardized contract, usually preprinted, to which the weaker party must agree if the weaker party wishes to do business with the stronger party.
9. **What is an easement appurtenant?**  
An implied easement entitling the grantee to travel over the rest of the grantor's land to reach conveyed property.
10. **Describe the Uniform Simultaneous Death Act.**  
When a testator and beneficiary die so close together in time that it cannot be determined who died first, as in a plane crash or auto accident, half the property passes as though the testator had died first, and half as though the beneficiary had died first.
11. **Describe the major methods to resolve disputes through alternative dispute resolution.**  
Mediation and arbitration are the most common. Summary jury trial uses a mock jury to learn how a real jury might decide. Minitrials are used in highly complex and technical issues and are presided over by a neutral moderator hired by the parties. Executives of the companies attempt to resolve the issues after hearing the abbreviated version of their cases. Moderated settlement conference is similar to a minitrial except it uses a panel rather than a single moderator.

#### **Sample Exam: True/False**

1. Fraud is a tort. **TRUE**

2. Someone who is kissed by a stranger while asleep may claim battery. **TRUE**
3. Negligence *per se* is where a statute prohibits certain conduct but courts hold that a violation of the statute is not negligence. **FALSE**
4. An invitee on land refers to someone who was invited to visit the property owner. **FALSE**
5. Contracts can be grouped into three categories: express contracts, contracts implied in fact, and contracts implied in law. **TRUE**
6. A binding contract requires merely an offer and an acceptance. **FALSE**
7. Commercial paper can be promissory notes or drafts. **TRUE**
8. Utility easements allow the utility company to erect poles or bury underground cables or pipes at the landowner's expense. **FALSE**
9. Mortgages are also called deeds of trust. **TRUE**
10. A holographic will is written in the testator's handwriting and signed by the testator. **TRUE**

## Major Concepts

The practice of law is regulated by each of the 50 states. This includes restrictions on the practice of law. The ABA Standing Committee on Professional Ethics formulated a formal opinion in 1967 restricting the use of lay assistants. Essentially the ABA suggests that nonlawyers may not give legal advice; hold themselves out as lawyers; appear as legal representatives of clients before a court. In the absence of state licensing requirements, the guidelines of the following professional association were developed as guidance for the utilization of paralegals: The ABA, NFPA, and NALA

### Sample Exam: Terminology

- 1. Describe how admission to the bar is controlled.**  
Each state controls admission to the bar either by the legislature or by the highest court of that state, often through a board of bar examiners.
- 2. Discuss what a nonlawyer may not do, according to the ABA.**  
Give advise to clients concerning their legal rights and responsibilities; hold themselves out to the public as a lawyer; and appear as the legal representative of a client before a court. Also, a nonlawyer may not use a lawyer's professional stationery without identifying him or herself as a nonlawyer.
- 3. What role does the ABA exert about paralegals?**  
The ABA Model Rules of Professional Conduct suggest that a law firm must have measures in place to insure that the behavior of nonlawyers is compatible with the professional obligations of lawyers.
- 4. Describe the differences between ABA Canons, Ethical Considerations and Disciplinary Rules.**  
Canons express the standards of professional conduct. Ethical Considerations represent the objectives. Disciplinary Rules are mandatory and state the minimum level of conduct below which no lawyer can fall.
- 5. Describe a contingency fee.**  
A percentage of the amount recovered; paid by the client only if the case is successful.
- 6. What is *pro bono* legal work?**  
The representation of charitable organizations or those who are unable to afford necessary legal services at no charge or at a reduced charge.
- 7. Give an example of the unauthorized practice of law.**
- 8. What is attorney/client privilege?**  
This is governed by state and federal law. A statement that is made to or by an attorney outside the presence of anyone except the attorney and the attorney's staff.

9. **What action should a lawyer or paralegal take in a civil case when fraud on the part of the client becomes evident?**  
The attorney must call upon the client to rectify the fraud and if the client fails to do so, the lawyer must reveal the fraud.
10. **What is a secret?**  
Information gained in the professional relationship that the client has requested to be kept secret.

**Sample Exam: True/False**

1. Paralegals may practice law as long as there is a lawyer in the same office. **FALSE**
2. Lawyers may not advertise their services. **FALSE**
3. With the exception of patent, trademark, and admiralty attorneys, lawyers may not refer to themselves as specialists in a particular field of law unless they are certified as specialists by their state board of legal specialization. **TRUE**
4. Legal fees must be reasonable and should be explained to the client in advance. **TRUE**
5. *Pro bono* services provided paralegals the opportunity to learn a field of law in which they do not work on a daily basis, for instance in legal clinics, courts, and mediation services. **TRUE**
6. A confidence is information protected by the attorney/client privilege. **TRUE**
7. A secret is the same as a confidence. **FALSE**
8. An attorney may never reveal confidential information. **FALSE**
9. When obtaining confidential information, paralegals must treat the information in the same manner as is required of the attorney handling the case. **TRUE**
10. A lawyer or paralegal may not contact prospective or actual jurors or their families before or during the court of a lawsuit or criminal trial. **TRUE**

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**LEGAL RESEARCH**

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**Outline**

Sources of the Law

Legal Materials

- Judicial Decisions
- Legislation
- Regulation and Administrative Decisions
- Secondary Sources
- Research Aids

Techniques of Legal Research

**Major Concepts**

Citations form the basis of legal research. Three types of knowledge are required for legal research:

- an understanding of the sources from which various types of law are derived
- familiarity with the legal materials in which law from each of these sources is embodied
- a systematic way of using these materials to locate the answer to a given question.

The three main sources of law correspond with the three branches of government: executive, legislative and judicial. Judicial decisions form the largest body of written law—over 3 million reported cases. They are collected and published in reporters. The legislative enactments, statutes, stem from modern times. *The Congressional Record* is a verbatim transcript of all proceedings in the House and the Senate. If a statute is vague, the legislative history may furnish clarification. In recent years, administrative and executive agencies adopt regulations that have the force of law. The *Code of Federal Regulations* records administrative regulations. Secondary sources such as encyclopedias, law reviews, legal treatises and form books often carry the weight of law. Law reviews are published at law schools. Treatises are written by law professors and other legal scholars. *Shepard's Citations* lists all reported cases and later cases that have cited or referred to the case.

**Sample Exam: Terminology**

1. **Define legal research.**  
The process of looking up the law on a particular topic.
2. **Describe what is involved in mastering legal research.**
  - Understanding the sources
  - Familiarity with the legal materials
  - Systematic way of using these materials.
3. **What are the three main sources of law in the United States?**  
Executive, legislative and judicial.

4. **Define *stare decisis*.**  
Literally, let the decision stand. A rule of law established in one case is followed in similar cases as they arise.
5. **When is the legislative history of importance in researching a legal issue?**  
When the language of a statute is unclear, the legislative history may add clarification.
6. **Describe what is covered in the *Code of Federal Regulations*.**  
Administrative regulations issued by federal agencies.
7. **Define Shepardizing.**  
Consulting *Shepard's Citations* to determine what cases have cited the original case for the issue being researched.
8. **Describe what LEXIS and WESTLAW cover.**  
These databases contain the full text of both federal and state cases reported in the official reporters over the past several decades, as well as direct case histories at the federal level.
9. **Discuss form books.**  
Sample forms of legal documents, such as wills, real estate documents and court pleading, often written by practicing attorneys, that may be copied and adapted to fit a particular situation.

**Sample Exam: True/False**

1. When a law student graduates from law school, he or she is expected to know both substantive and procedural law in a given jurisdiction. **FALSE**
2. Paralegals should be able to find the relevant law on a particular issue and argue that issue in court. **FALSE**
3. The official reporters are issued by the government and cover state court and U.S. Supreme Court decisions. **TRUE**
4. Unofficial reporters are published by private legal publishing companies. **TRUE**
5. *The Congressional Record* is a verbatim transcript of all proceedings on the floor of the U.S. Senate and House. **TRUE**
6. Published materials are also available on the legislative history of state statutes. **FALSE**
7. A law review or law journal is published by law schools and contain major legislation. **FALSE**
8. Treatises are legal reference books, often written by law professors. **TRUE**
9. *The Restatement of Torts* might be a useful reference tool for researching a question on negligence. **TRUE**
10. Headnotes are paragraphs written by the editorial staff of West Publishing Company summarizing the important legal points contained in the decision. **TRUE**



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**FEDERAL COURTS**

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**Outline**

Jurisdiction

- Cases the Federal Courts may hear
- Federal question jurisdiction
- Diversity of citizenship
- Exclusive jurisdiction
- Criminal jurisdiction
- Pendent jurisdiction

Matters over which the Federal Courts refuse to assume jurisdiction

- Justiciable controversy
- Standing
- Advisory opinions
- Political questions
- Hypothetical questions
- Mootness

Structure of the Federal courts

- Federal District Courts
- United States Courts of Appeals
- United States Supreme Court

Procedure

- The complaint
- The defendant's response to the complaint
- Counterclaims
- Discovery
- Motion practice — termination of the litigation without trial
- The trial
- Motion for judgment notwithstanding the verdict
- Motion for a new trial
- Judgment

Personnel of the Federal Courts

- The Federal Judge
- The United States District Judge and Staff
- The United States District Clerk
- The United States Magistrates
- The United States Probation Office
- The United States Marshall
- The United States Attorney

**Major Concepts**

Federal courts have increasingly exerted their influence over virtually every aspect of American life. In addition to adjudicating ordinary damage disputes between private litigants, federal courts have become involved in social issues ranging from school desegregation and prison reform to abortion and the death penalty. Few Americans have a good understanding of the inner workings of the federal courts or the sources of and limitations on their authority.

The **doctrine of judicial restraint** is the practice of using certain criteria to refuse to accept cases based on jurisdiction. Cases can be denied, for example, because of lack of jurisdiction over the matter or lack of standing.

The structure of the federal courts is based on three layers: the U.S. district courts; the U.S. Courts of Appeals and the U.S. Supreme Court. The Supreme Court issues a **writ of certiorari** upon the petition of any party if it chooses to hear the appeal.

The Federal Rules of Civil Procedure govern the procedure to be followed in federal courts, starting with the filing of a **complaint**.

Federal judges are appointed for life and can be removed only through **impeachment**.

### **Sample Exam: Terminology**

Identify and/or define the following:

1. **Federal Question Jurisdiction.**  
Claims based on the Constitution
2. **Diversity jurisdiction.**  
Controversies between different states or citizens of different states.
3. **Concurrent jurisdiction.**  
When state courts can hear the same claims as federal courts.
4. **Pendant jurisdiction.**  
When the plaintiff has different claims based on both federal and state laws, the federal court has pendant jurisdiction of the state claims.
5. **Removal.**  
When upon defendant's request, a case is moved from state to federal court.
6. **The ripeness doctrine.**  
Anticipation of a dispute or harm does not entitle a plaintiff to sue.
7. **Final decision.**  
Leaves nothing further for the court to decide.
8. **Interlocutory order.**  
Court rulings that do not finally dispose of the case.
9. **Appellant**  
Party who files the notice of appeal.
10. **Receiver.**  
Neutral party appointed by the court to preserve property during the course of litigation.

**Sample Exam: True/False**

1. Federal courts sometimes issue advisory opinion. **FALSE**
2. The Congress, the Executive and Judiciary branches are equal branches of government. **TRUE**
3. Federal courts have jurisdiction over controversies between different states. **TRUE**
4. Federal courts have jurisdiction over admiralty and maritime case. **TRUE**
5. State courts rarely have concurrent jurisdiction with federal courts over federal. claims. **FALSE**
6. Federal question jurisdiction refers merely to treaties made under U.S. authority. **FALSE**
7. The Supreme Court has original jurisdiction over cases affecting ambassadors. **TRUE**
8. A federal crime must clearly be defined by an act of Congress. **TRUE**
9. A criminal act must violate either a federal or a state law before a charge can be brought. **FALSE**
10. The doctrine of judicial self-restraint prevents state courts from hearing numerous cases. **FALSE**