POL 230 Introduction to the Law
Study Guide 2 Kramer

Short essay questions:

1.   Why do we even care about the process of judicial selection? Aren't all judges pretty much the same? Why has this become such a controversial issue especially since World War II?   Cite at least three reasons that the process of judicial selection has become so much more overtly political in recent years.

2.   Is there a better way to select federal judges?   Currently, we have a process where a President appoints, the Senate must confirm and tenure is for life under good behavior. Are there any changes you might make to that system?   Cite at least two potential reforms and discuss the positives and negatives of each.

3. If one had to put together a "checklist" for attributes a Supreme Court Justice nominee would have to possess, what would it include? Cite and briefly explain at least five requirements/desired qualities in a potential Supreme Court nominee.

4.   Describe the "legal model" of judicial decision making in detail.   Identify and explain "plain meaning", "legislative history", "Framers' intent", "and stare decisis." Identify the relevant critiques of each interpretive device listed above. What are the positives of this approach and what are its negatives? What does this model explain well? What does it not explain satisfactorily? Why would lawyers and law students be especially favorable toward this model of explanation?

5. What is or are some of the major explanatory (independent) variables in the sociopolitical model of judicial decision making? How are they (or were they) chosen and coded?   What challenges does quantitative research present in this area?   Obviously the dependent variable here is judicial vote choice---review and remember what the problems are there in coding cases in a quantitative way from earlier discussions.   Do these models have significant explanatory power? How is that measured?   From this, can we conclude that quantitative judicial decision making models DO have great value?   What do they do better than the legal model? What do they fail to explain?

6. Explain Rosenberg's competing theories of SCOTUS's effectiveness in policymaking: the "constrained court" and the "dynamic court." Which model is a better explanation for US Supreme Court (in)effectiveness in policy development in your opinion? Is this a fair critique? Which examples seem most convincing to you? (We talked about abortion and civil rights). Is Rosenberg erecting a "straw man argument?"