**For Discussion**

1. Which do you consider more important to judicial decision making: judicial independence or judicial accountability? Should justices be selected according to merit systems involving nomination committees, that is, the Missouri Plan, or should they be subject to popular elections? Is it appropriate to attach party labels to candidates seeking judicial office via popular election?

2. Is it appropriate for justices subject to popular elections to give ideologically based campaign speeches? Why or why not? Do court systems based on popular elections run the risk of becoming dominated by external interest groups and political parties? Is it likely that justices who are subject to voter verification are less likely to follow the rule of law and more likely to base decisions in accordance with popular opinion?

3. What factors shape and constrain judicial behavior? Do justices engage in “strategic” behavior as defined by institutional arrangements as well as by political, social, and environmental contexts? How might electoral districts, margins of victory, political competitiveness, and career goals influence judicial behavior? Are justices in highly competitive political environments more likely to try to appear responsive to the electorate as a means of ensuring electoral success?

4. Do you foresee any problems in the lack of sentencing uniformity among the states? For instance, numerous states, such as Maryland, Michigan, and Kansas, have begun to shy away from mandatory minimum and truth-in-sentencing guidelines, shifting their focus to rehabilitation and treatment programs. Do traditional sentencing guidelines in any way weaken the authority of judges and parole boards? Do they increase incarceration rates and prison costs? Should that be a consideration in dealing with criminals?

5. Should the states place more emphasis on victims’ rights? What is the danger of ignoring victims’ rights? Defendants’ rights? Are all of these rights equally important from a criminal justice standpoint? Should they be?

6. Do judges have too much power? What does “legislating from the bench” mean? Is judicial activism a problem? Or, is interpretation of the law simply judicial prerogative? What policy or institutional mechanisms are available to reduce judicial power?

7. If the courts are the defenders of minorities against the majority, what dangers are there, if any, in limiting judicial discretion?