

- 1) Judges should be elected and re-elected.
- 2) Judges should be appointed for life.
- 3) Judges should be appointed and then retained in elections.
- 4) Judges should be elected the first time against an opponent, and thereafter be subject to retention elections.

(1 – 4 are difficult to try to frame in the context of making an argument to the judge – constitutions define some of this – treat this as if you are making a written argument to convention to make a decision and your argument will be responded to)

- 5) Judges who have expressed a public opinion (other than in an official court opinion) on a topic should be recused on any case dealing with similar issues.
- 6) Judges should be able to express their opinions on legal issues outside of court proceedings, and should not be recused if presented with a case dealing with similar issues.
- 7) U.S. Supreme Court nominees should have to answer questions on any prior opinion the Court has issued.
- 8) U.S. Supreme Court nominees should be able to avoid having to answer questions regarding prior opinions by the Court.
- 9) Federal court appointments should not be for life.
- 10) The Constitution has it right, federal judges should have lifetime appointments.

(9 & 10 are difficult to try to frame in the context of making an argument to the judge – constitutions define some of this – treat this as if you are making a written argument to convention to make a decision and your argument will be responded to)

- 11) If an attorney requests a court to inform the jury about jury nullification, the court must do so.
- 12) A jury should never be told about jury nullification.
- 13) A jury should not be death penalty qualified.
- 14) A jury should be death penalty qualified.
- 15) Jurors should be paid their normal wages.
- 16) Jurors should be paid minimal compensation.
- 17) A judge at any level should be lawyer.
- 18) Being an attorney should not be a requirement to be a judge at any level.
- 19) Outside evaluators such as the ABA or the Federalist Society should NOT be used to evaluate the fitness of judicial nominees?

- 20) Judge Thomas Penfield Jackson was removed from the Microsoft case for bias, and should have been?
- 21) Judge Thomas Penfield Jackson was removed from the Microsoft case for bias, and should not have been?
- 22) John Marshall should have recused himself in Marbury v. Madison.
- 23) John Marshall should not have recused himself in Marbury v. Madison.

(20 – 24 Treat these topics as if the events happened, but you are now arguing to a higher court to have the ‘decisions’ reviewed)

- 24) US Supreme Court Justices should not be politically active while serving their appointment.
- 25) US Supreme Court Justices should be allowed to be politically active while serving their appointment.
- 26) Diversity on the United States Supreme Court should be considered with each appointment.
- 27) Diversity should never be a factor when considering a United States Supreme Court appointment.
- 28) Filibusters are appropriate when dealing with federal judicial appointments.
- 29) Filibusters should not be used when considering a federal judicial appointment.
- 30) The Constitution should be amended to prevent court packing by fixing the number of Supreme Court justices at nine.

(30 is difficult to try to frame in the context of making an argument to the judge – constitutions define some of this – treat this as if you are making a written argument to convention to make a decision and your argument will be responded to)

- 31) Stare Decisis should be required by the Court regarding opinions less than ten years old.
- 32) Judges should only look at the text and intent of the Constitution as other doctrines lead to anarchy.
- 33) Judges should consider the Constitution a living breathing document that must change with changing standards of decency as other doctrines lead to stagnation.
- 34) The US Supreme Court should be required to take cases in which different courts of appeals have come to opposite conclusions on substantially the same issue.

35) Judicial elections should be partisan, and during the campaign judges should be able to indicate their opinions on specific issues.

(35 is difficult to try to frame in the context of making an argument to the judge – constitutions define some of this – treat this as if you are making a written argument to convention to make a decision and your argument will be responded to)

36) Judges should be allowed to trade votes on different cases.

37) Judges should not be allowed to pressure each other and trade votes on different cases.

38) The judicial branch has exceeded the other branches in power regarding the Constitution's ideas of checks and balances, which has led to a tyranny of the minority.

39) The judicial branch has no more power than the other branches of government and serves its role well in the matter of checks and balances.

(38 & 39 are difficult to try to frame in the context of making an argument to the judge – constitutions define some of this – treat this as if you are making a written argument to convention to make a decision and your argument will be responded to)

40) Class actions law suits should be prohibited.

41) Family law matters such as child custody, child support, spousal support, and property division should be determined by a jury instead of a judge.

42) Family law matters such as child custody, child support, spousal support, and property division should be determined by a judge.

43) The Supreme Court should look at foreign customs and foreign court decisions as a guide to their decisions regarding the United States Constitution.

44) The Supreme Court should not look at foreign customs and foreign court decisions as a guide to their decisions regarding the United States Constitution.

45) A centralized court system, with one court that settles constitutional issues first is preferable to the US system in which all courts decide constitutional issues, with a possible final review by the top court.

46) A decentralized court system, such as the United States' system, in which all courts decide constitutional issues is preferable to a centralized court system with one court that decides constitutional issues.

(45 & 46 are difficult to try to frame in the context of making an argument to the judge – constitutions define some of this – treat this as if you are making a written argument to convention to make a decision and your argument will be responded to)

- 47) The current system of judicial review in the United States undermines democracy.
- 48) The current system of judicial review in the United States supports democracy.
- 49) Judges should be required to file findings of facts and conclusions of law.