Name

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Date

Discussion 4

Are the Courts more important or less important today than a few hundred years ago?

The courts are more important today than a few hundred years ago and the main reason behind this is that society has become quite fast paced and modern and so are its issues. A few hundred years ago, the population was quite less, due to which the issues of the general public were not as plenty as in modern society. There used to be influential people in the society who resolved the issues of the general public. However, in the modern society, the courts are responsible for handling all the legal and criminal issues of the society, which includes from the property rights and issues family matters, criminal cases to the matters related to international business. In addition to it, courts also ensure the civil and constitutional rights of the individuals due to which they hold a much more important position than a hundred years ago (Pound, and DeRosa, 145).

Looking at today’s Supreme Court decisions often being political and 5-4 votes, is the idea of judicial independence no longer valid?

Today’s Supreme Court decisions are often deemed political due to the difference of 5-4 votes, which raises fingers about the validation of judicial independence. The founding fathers of the United States of America had kept the tenure of the judges as lifelong, in order to free them of the political pressure, which could influence their decision making. However, in the modern time, the appointment of the judges to the top courts of the country is handled by the president and it can be said that the demeanor of the judges has changed in order to earn the favorable position in the eyes of those who can decide their position in the society. Judicial independence is at stake due to the political involvement and pressure on the judges (Linzer, and Staton, 225).

Are the courts just another political tool for parties? Give examples.

In the recent times, the courts have become just another political tool for parties and the most important reason behind this is the involvement of the parties in the nomination and appointment of the judges at the different position in the judicial system. The example of the scenario is evident from the case of the appointment of Judge Brett Kavanaugh as the Associate Justice of the Supreme Court of the United States, even after facing the charges of sexual harassment. Another example is that of Senator Lindsey Graham, who threatened the officials of the Democratic Party to appoint the person who was nominated by him. By doing so, the political parties use the court as a tool for getting the decisions of their own choice (Goodnow, 83).

How should the courts continue to run and how should nominations of justices be handled?

The courts should continue to run as separate entities which are not pressured by the political parties or the government. Ensuring and strengthening judicial independence should be the most important motive of the society as a unit and the basic responsibility of the judicial workforce. There should be specified criteria of the nomination of the justices and the involvement of the political parties should be strictly banned in this regard. The lifelong tenure of the judges can be discontinued by the nomination of only two judges after a period of four to five years, which will ensure the transparency in the judicial system (Neubauer, and Fradella, 78).

Look at the spectacle events of the Kavanaugh confirmation, is this the way they should go from this point onward?

The spectacle events of Brett Kavanaugh confirmation as the associate justice highlights some of the most important issues with the nominations and appointments of the top courts of the United States of America. He was labeled as sexual harasser by three women; however, he was able to deny all the charges and take the oath of his position. They should not handle the situation and move for this point onward in such a way, as it would set the wrong example and the influential people would not be punished for their crimes.

Works Cited

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