



SAMPLE DISCUSSION QUESTIONS

1. The film illustrated Justice Roberts and Justice Alito's willingness to say one thing at their confirmation hearings and then write quite another once safely on the bench. What should the role of confirmation hearings be? Should judges be held to what they said during their hearings, or should they be free to change their opinion based on the facts of a particular case?

Follow-up question: Were Roberts and Alito's decisions in the Louisville case really that different from what they said in their confirmation hearings? Were they contradicting themselves, or did the decision reflect what they had said about disapproving of discrimination based on race?

2. In the past the Supreme Court has had a reputation for protecting the rights of ordinary citizens. Is this an appropriate role for the court? Has the court veered from this path?

3. In the film Lilly Ledbetter stated "I thought and believed that if I had a problem I could carry it to a court system." Do you think other citizens view the justice system this way? Are they wrong?

What do you think the legacy of Brown is, both legally and in popular culture? Are these perceptions consistent? Are they changing?

Follow-up question: What is the meaning of Brown after the Louisville case? Does it have any force left, or has it been stripped of all meaning?

5. Are Supreme Court justices too isolated from the experiences of average Americans? Consider Ledbetter's comment that she felt Ginsburg had been discriminated against and thus understood what Ledbetter had been through. Compare this to the majority's unrealistic implication that Ledbetter should have known she was being discriminated against when she got her first paycheck.

6. Professor Scott Lemieux states that this Court is merely "furthering the Republican agenda through another branch." Do you see a difference between judges selected for their political agenda rather than their ideological agenda?

Follow-up question: Mr. Lazarus asserts that "Progressives need to win elections ... If progressives win elections, they're going to take control of the lower federal courts." Isn't this just another political party imposing its agenda on the judiciary?

7. Do you think the right's legal agenda genuinely reflects a value-neutral vision of the law or do you think it is simply a political program in legal dress?

8. What is the role of the political party opposing a judicial nominee? How far should they go to stop judges that they think are dangerous? Is filibustering judicial nominees appropriate?

9. Is Chief Justice Roberts' analogy of a judge and umpire useful or overly simplistic/misleading?

Follow-up question: Does any judge just "interpret, not make the law?"