

Responses of Ronnie Abrams
Nominee to be United States District Judge for the Southern District of New York
to the Written Questions of Senator Chuck Grassley

1. What is the most important attribute of a judge, and do you possess it?

Response: I believe that the most important attributes of a judge are fidelity to the law, independence, integrity, fairness, good judgment, an appropriate temperament and a commitment to treating all those before her with dignity and respect. I believe that I possess these attributes.

2. Please explain your view of the appropriate temperament of a judge. What elements of judicial temperament do you consider the most important, and do you meet that standard?

Response: I believe that having an appropriate judicial temperament is critical to a judge's ability to administer justice faithfully and to the public's confidence in the judicial system. It is especially important that a judge be consistently fair, respectful, courteous, patient, humble, open-minded, evenhanded and decisive. I believe that, if confirmed as a district judge, my conduct will meet that standard.

3. In general, Supreme Court precedents are binding on all lower federal courts and Circuit Court precedents are binding on the district courts within the particular circuit. Are you committed to following the precedents of higher courts faithfully and giving them full force and effect, even if you personally disagree with such precedents?

Response: Yes.

4. At times, judges are faced with cases of first impression. If there were no controlling precedent that dispositively concluded an issue with which you were presented, to what sources would you turn for persuasive authority? What principles will guide you, or what methods will you employ, in deciding cases of first impression?

Response: If confirmed and faced with a case of first impression, I would start with the text of the provision at issue. If the plain language and structure of the text did not yield a clear answer, I would look to precedents of the Supreme Court and the Court of Appeals for the Second Circuit interpreting analogous provisions, as well as precedent from other federal courts, for guidance.

5. What would you do if you believed the Supreme Court or the Court of Appeals had seriously erred in rendering a decision? Would you apply that decision or would you use your own judgment of the merits, or your best judgment of the merits?

Response: If confirmed, I would faithfully apply any relevant Supreme Court or Second Circuit precedent, regardless of my personal judgment or views of the precedent.

6. Under what circumstances do you believe it appropriate for a federal court to declare a statute enacted by Congress unconstitutional?

Response: It is appropriate for a federal court to declare a statute enacted by Congress unconstitutional if it violates a provision clearly set out in the U.S. Constitution, or if Congress has exceeded its constitutional authority. In considering a constitutional challenge to a statute, a district judge must apply any applicable precedent of the Supreme Court and the Court of Appeals for the circuit in which it sits.

7. As you know, the federal courts are facing enormous pressures as their caseload mounts. If confirmed, how do you intend to manage your caseload?

Response: If confirmed as a district judge, I would establish rules for litigants in an effort to provide clear guidance about my expectations. Among other things, I would set and adhere to firm deadlines for pretrial discovery, motions and trial. In addition, I would monitor my docket closely; encourage mediation or settlement when possible; make productive use of the magistrate judges when appropriate; and strive to decide all matters promptly. To manage my caseload effectively, I would also endeavor to learn more about and use the best practices of fellow judges in my district.

8. Do you believe that judges have a role in controlling the pace and conduct of litigation and, if confirmed, what specific steps would you take to control your docket?

Response: Yes. A critical aspect of the due administration of justice is ensuring that matters are resolved fairly and efficiently and judges play an important role in accomplishing that goal by controlling the pace and conduct of litigation. If confirmed as a district judge, I would take the steps described in my response to Question 7 to control my docket.

9. Please describe with particularity the process by which these questions were answered.

Response: I received these questions on Tuesday, October 11, 2011. Over the course of the next day, I drafted responses to the questions. I discussed my responses with a representative of the Department of Justice and authorized the Department of Justice to transmit them to the Committee.

10. Do these answers reflect your true and personal views?

Response: Yes.

Responses of Ronnie Abrams
Nominee to be United States District Judge for the Southern District of New York
to the Written Questions of Senator Amy Klobuchar

- 1. If you had to describe it, how would you characterize your judicial philosophy? How do you see the role of the judge in our constitutional system?**

Response: In my view, the role a district judge plays is a very important but limited one. That role is to decide the case or controversy before the court based on the facts before the court and the law as determined by the decisions of the United States Supreme Court and Court of Appeals for the circuit in which the court sits.

- 2. What assurances can you give that litigants coming into your courtroom will be treated fairly regardless of their political beliefs or whether they are rich or poor, defendant or plaintiff?**

Response: All parties are entitled to equal justice under the law, regardless of their economic status, political beliefs, or social status. I believe that my career in the law – in which I have represented both the federal government and defendants in criminal cases, as well as plaintiffs and defendants in civil cases, ranging from large corporations to individuals seeking to enforce their rights – demonstrates my firm commitment to that principle. Throughout my career, including as a federal prosecutor and pro bono attorney, I have endeavored to treat everyone fairly, and with dignity and respect, and if confirmed as a district judge, I would be faithful to the judicial oath and continue to do so.

- 3. In your opinion, how strongly should judges bind themselves to the doctrine of stare decisis? How does the commitment to stare decisis vary depending on the court?**

Response: The doctrine of stare decisis applies to all courts and if confirmed as a district judge, I would firmly adhere to the doctrine.