Senator Lindsey Graham, Ranking Member
Questions for the Record
Judge Julie Simone Sneed
Nominee to be United States District Judge for the Middle District of Florida

1. **Please explain whether you agree or disagree with the following statement: "The judgments about the Constitution are value judgments. Judges exercise their own independent value judgments. You reach the answer that essentially your values tell you to reach."**

   Response: I do not agree with the statement. The interpretation of the United States Constitution is based on applying the text of the document and construing it in accordance with its original public meaning. "Value judgments" have no role in the interpretation of the United States Constitution.

2. **When asked why he wrote opinions that he knew the Supreme Court would reverse, Judge Stephen Reinhardt's response was: "They can't catch 'em all." Is this an appropriate approach for a federal judge to take?**

   Response: Although I am not familiar with the statement or the context in which it was made, I do not agree with the statement. Federal judges are required to faithfully apply the applicable law to the facts at issue in each case. I will continue to apply all binding precedent faithfully and impartially if I am confirmed to serve as a district court judge.

3. **Do you consider a law student's public endorsement of or praise for an organization listed as a "Foreign Terrorist Organization," such as Hamas or the Popular Front for the Liberation of Palestine, to be disqualifying for a potential clerkship in your chambers? Please provide a yes or no answer. If you would like to include an additional narrative response, you may do so, but only after a yes or no answer. Failure to provide a yes or no answer will be construed as a "no."**

   Response: Yes.

4. **In the aftermath of the brutal terrorist attack on Israel on October 7, 2023 the president of New York University's student bar association wrote "Israel bears full responsibility for this tremendous loss of life. This regime of state-sanctioned violence created the conditions that made resistance necessary." Do you consider such a statement, publicly made by a law student, to be disqualifying with regards to a potential clerkship in your chambers? Please provide a yes or no answer. If you would like to include an additional narrative response, you may do so, but only after a yes or no answer. Failure to provide a yes or no answer will be construed as a "no."**

   Response: Yes.

5. **Please describe the relevant law governing how a prisoner in custody under sentence of a federal court may seek and receive relief from the sentence.**

   Response: A prisoner serving a sentence of a federal court may gain relief from the sentence pursuant to 28 U.S.C. § 2255. Pursuant to § 2255(a): "A prisoner in custody under a sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence."

6. **Please explain the facts and holding of the Supreme Court decisions in *Students for Fair Admissions, Inc. v. University of North Carolina* and *Students for Fair Admissions Inc. v. President & Fellows of Harvard College*.**

   Response: In *Students for Fair Admissions, Inc. v. University of North Carolina* and *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College,* 600 U.S. 181 (2023), a non-profit organization sued the University of North Carolina and Harvard College contending that the race-based admissions program used by the institutions violated the Equal Protection Clause of the Fourteenth Amendment and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq*. respectively. The Supreme Court concluded that the race-based admissions programs failed strict scrutiny and violated the Equal Protection Clause of the Fourteenth Amendment as well as Title VII of the Civil Rights Act.

7. **Have you ever participated in a decision, either individually or as a member of a group, to hire someone or to solicit applications for employment?**

   If yes, please list each job or role where you participated in hiring decisions.

   Response: As a magistrate judge, I participate in law clerk and student intern hiring decisions. As an attorney at Trenam, Kemker, Scharf, Barkin, Frye, O'Neill, and Mullis, P.A., Fowler White Boggs Banker, P.A., and Akerman LLP, I participated in interviewing candidates for associate positions. Additionally, as a law clerk to the Honorable James D. Whittemore, I participated in interviewing candidates for law clerk positions.

8. **Have you ever given preference to a candidate for employment or for another benefit (such as a scholarship, internship, bonus, promotion, or award) on account of that candidate's race, ethnicity, religion, or sex?**

   Response: No.

9. **Have you ever solicited applications for employment on the basis of race, ethnicity, religion, or sex?**

   Response: No.

10. **Have you ever worked for an employer (such as a law firm) that gave preference to a candidate for employment or for another benefit (such as a scholarship, internship, bonus, promotion, or award) on account of that candidate's race, ethnicity, religion, or sex?**

    If yes, please list each responsive employer and your role at that employer. Please also describe, with respect to each employer, the preference given. Please state whether you played any part in the employer's decision to grant the preference.

    Response: No.

11. **Under current Supreme Court and Eleventh Circuit precedent, are government classifications on the basis of race subject to strict scrutiny?**

    Response: The Supreme Court and Eleventh Circuit have held that racial classifications are analyzed by a reviewing court under strict scrutiny. "[S]uch classifications are constitutional only if they are narrowly tailored measures that further compelling governmental interests." *Adarand Constr., Inc. v. Pena*, 515 U.S. 200, 228 (1995); *Johnson v. Bd. of Regents of Univ. of Georgia*, 263 F.3d 1234, 1244 (11th Cir. 2001) (explaining that strict scrutiny applies to racial classifications).

12. **Please explain the holding of the Supreme Court's decision in *303 Creative LLC v. Elenis*.**

    Response: In *303 Creative LLC v. Elenis*, 600 U.S. 570 (2023), the Supreme Court held that the Free Speech Clause of the First Amendment prohibits the state of Colorado from compelling a website designer to engage in expressive speech concerning a same-sex marriage which was inconsistent with her religious beliefs.

13. **In *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943), Justice Jackson, writing for the Court, said: "*If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein*."**

    Is this a correct statement of the law?

    Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the correctness of Supreme Court decisions. *West Virginia State Board of Education v.*

Barnette, 319 U.S. 624, 642 (1943) was cited favorably by the United States Supreme Court in *303 Creative LLC v. Elenis*, 600 U.S. 570 (2023) and the decision remains binding precedent.

14. **How would you determine whether a law that regulates speech is "content-based" or "content-neutral"? What are some of the key questions that would inform your analysis?**

    Response: If presented with this issue as a district court judge, I would apply the binding precedent of the Supreme Court and the Eleventh Circuit. In *Reed v. Town of Gilbert, Arizona*, 576 U.S. 155, 163 (2015), the Supreme Court explained that "the crucial first step in the content-neutrality analysis" requires a determination of whether the law is content neutral on its face. If the law is content neutral on its face, courts consider whether the justification or purpose for the law are content based. *Id.* at 166. "The principal inquiry in determining content neutrality. . . is whether the government has adopted a regulation of speech because of disagreement with the message it conveys." *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).

15. **What is the standard for determining whether a statement is not protected speech under the true threats doctrine?**

    Response: True threats of violence are "serious expression[s] conveying that a speaker means to commit an act of unlawful violence." *Counterman v. Colorado*, 600 U.S. 66, 74 (2023). In a criminal prosecution, the government must prove that the defendant acted recklessly, "consciously disregard[ing] a substantial and [unjustifiable] risk that the conduct would cause harm to another." *Id.* at 79.

16. **Under Supreme Court and Eleventh Circuit precedent, what is a "fact" and what sources do courts consider in determining whether something is a question of fact or a question of law?**

    Response: Courts have considered this issue in several cases. *See, e.g., Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 401 (1990) (noting the difficulty of distinguishing between legal and factual issues); *Pullman-Standard v. Swint*, 456 U.S. 273, 288 (1982) (citing *Baumgartner v. United States*, 322 U.S. 665, 671 (1944) and noting the "vexing nature of the distinction between questions of fact and questions of law"); *Fla. Progress Corp. & Subsidiaries v. C.I.R.*, 348 F.3d 954, 960 (11th Cir. 2003) (same). The Supreme Court has held that issues of fact "address[] questions of who did what, when or where, how or why." *U.S. Bank Nat. Ass'n v. Village at Lakeridge, LLC*, 583 U.S. 387 (2018). Factual issues also include the "trial court's appraisal of witness credibility and demeanor." *Thompson v. Keohane*, 516 U.S. 99, 111 (1995). Additionally, the Supreme Court has explained "that an issue involves an inquiry into state of mind is not at all inconsistent with treating it as a question of fact. Equally clearly, an issue does not lose its factual character merely because its resolution is dispositive of the ultimate constitutional question." *Miller v. Fenton*, 474 U.S. 104, 113 (1985). In contrast, the

Supreme Court has explained that the "application of law to undisputed or established facts is a question of law." *Guerrero-Lasprilla v. Barr*, 140 S. Ct. 1062, 1068 (2020).

17. **Which of the four primary purposes of sentencing—retribution, deterrence, incapacitation, and rehabilitation—do you personally believe is the most important?**

    Response: Sentencing decisions in federal cases are governed by the factors provided in 18 U.S.C. § 3553. If I am confirmed as a district court judge, I will consider all of the applicable factors to impose a sentence that is sufficient, but not greater than necessary to comply with the purposes of sentencing.

18. **Please identify a Supreme Court decision from the last 50 years that you think is particularly well-reasoned and explain why.**

    Response: As a current magistrate judge and a nominee for the district court, I faithfully and fairly apply all binding precedent from the Supreme Court. I have not qualitatively analyzed the decisions of the Supreme Court.

19. **Please identify an Eleventh Circuit judicial opinion from the last 50 years that you think is particularly well-reasoned and explain why.**

    Response: As a current magistrate judge and a nominee for the district court, I faithfully and fairly apply all binding precedent from the Eleventh Circuit. I have not qualitatively analyzed the decisions of the Eleventh Circuit.

20. **Please explain your understanding of 18 U.S.C. § 1507 and what conduct it prohibits.**

    Response: Section 1507 of Title 18 of the United States Code provides: "Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined under this title or imprisoned not more than one year, or both."

21. **Is 18 U.S.C. § 1507 constitutional?**

    Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on matters that may come before me. Although I am unaware of any precedent that addresses the constitutionality of 18 U.S.C. § 1507, in *Cox v. Louisiana*, 379 U.S. 559 (1965), the Supreme Court upheld a state statute modeled after § 1507. If I am presented with this issue, I would review the written submissions provided by the parties to the litigation, the applicable precedent, and apply the law to the facts of the case.

22. **Please answer the following questions yes or no. If you would like to include an additional narrative response, you may do so, but only after a yes or no answer:**

a. **Was *Brown v. Board of Education* correctly decided?**

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the correctness of Supreme Court decisions. However, because it is unlikely that the issue of racial segregation in schools will come before me, I can state that this decision was correctly decided.

b. **Was *Loving v. Virginia* correctly decided?**

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the correctness of Supreme Court decisions. However, because it is unlikely that issues related to miscegenation laws will come before me, I can state that this decision was correctly decided.

c. **Was *Griswold v. Connecticut* correctly decided?**

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the correctness of Supreme Court decisions. If I am confirmed as a district court judge, I will faithfully apply all binding precedent including *Griswold v. Connecticut*, 381 U.S. 479 (1965).

d. **Was *Roe v. Wade* correctly decided?**

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the correctness of Supreme Court decisions. *Roe v. Wade*, 410 U.S. 113 (1973) was overruled by the Supreme Court in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022). If I am confirmed as a district court judge, I will faithfully apply all binding precedent including *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022).

e. **Was *Planned Parenthood v. Casey* correctly decided?**

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the correctness of Supreme Court decisions. *Planned Parenthood v. Casey*, 505 U.S. 833 (1992) was overruled by the Supreme Court in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022). If I am confirmed

as a district court judge, I will faithfully apply all binding precedent including *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022).

f. **Was *Gonzales v. Carhart* correctly decided?**

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the correctness of Supreme Court decisions. If I am confirmed as a district court judge, I will faithfully apply all binding precedent including *Gonzalez v. Carhart*, 550 U.S. 124 (2007).

g. **Was *District of Columbia v. Heller* correctly decided?**

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the correctness of Supreme Court decisions. If I am confirmed as a district court judge, I will faithfully apply all binding precedent including *District of Columbia v. Heller*, 554 U.S. 570 (2008).

h. **Was *McDonald v. City of Chicago* correctly decided?**

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the correctness of Supreme Court decisions. If I am confirmed as a district court judge, I will faithfully apply all binding precedent including *McDonald v. City of Chicago*, 561 U.S. 742 (2010).

i. **Was *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC* correctly decided?**

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the correctness of Supreme Court decisions. If I am confirmed as a district court judge, I will faithfully apply all binding precedent including *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 565 U.S. 171 (2012).

j. **Was *New York State Rifle & Pistol Association v. Bruen* correctly decided?**

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the correctness of Supreme Court decisions. If I am confirmed as a district court judge, I will faithfully apply all binding precedent including *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022).

k. **Was *Dobbs v. Jackson Women's Health* correctly decided?**

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the correctness of Supreme Court decisions. If I am confirmed as a district court judge, I will faithfully apply all binding precedent including *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022).

l. **Were *Students for Fair Admissions, Inc. v. University of North Carolina* and *Students for Fair Admissions Inc. v. President & Fellows of Harvard College* correctly decided?**

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the correctness of Supreme Court decisions. If I am confirmed as a district court judge, I will faithfully apply all binding precedent including *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.,* 600 U.S. 181 (2023).

m. **Was *303 Creative LLC v. Elenis* correctly decided?**

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the correctness of Supreme Court decisions. If I am confirmed as a district court judge, I will faithfully apply all binding precedent including *303 Creative LLC v. Elenis*, 600 U.S. 570 (2023).

23. **What legal standard would you apply in evaluating whether or not a regulation or statutory provision infringes on Second Amendment rights?**

Response: I would apply the standard provided by the Supreme Court in *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022) to evaluate whether a regulation or statutory provision infringes on Second Amendment rights. In *Bruen*, the Supreme Court explained: "When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation." *Id.* at 24.

24. **Demand Justice is a progressive organization dedicated to "restor[ing] ideological balance and legitimacy to our nation's courts."**

a. **Has anyone associated with Demand Justice requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

Response: No.

b. **Are you currently in contact with anyone associated with Demand Justice? If so, who?**

   Response: No.

c. **Have you ever been in contact with anyone associated with Demand Justice? If so, who?**

   Response: No.

25. **The Alliance for Justice is a "national association of over 120 organizations, representing a broad array of groups committed to progressive values and the creation of an equitable, just, and free society."**

    a. **Has anyone associated with Alliance for Justice requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

       Response: No.

    b. **Are you currently in contact with anyone associated with the Alliance for Justice? If so, who?**

       Response: No.

    c. **Have you ever been in contact with anyone associated with Demand Justice? If so, who?**

       Response: No.

26. **Arabella Advisors is a progressive organization founded "to provide strategic guidance for effective philanthropy" that has evolved into a "mission-driven, Certified B Corporation" to "increase their philanthropic impact."**

    a. **Has anyone associated with Arabella Advisors requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

       Response: No.

    b. **Please include in this answer anyone associated with Arabella's known subsidiaries the Sixteen Thirty Fund, the New Venture Fund, or any other such Arabella dark-money fund.**

       Response: No.

    c. **Are you currently in contact with anyone associated with Arabella Advisors? Please include in this answer anyone associated with Arabella's known**

subsidiaries the Sixteen Thirty Fund, the New Venture Fund, or any other such Arabella dark-money fund that is still shrouded.

Response: No.

d. **Have you ever been in contact with anyone associated with Arabella Advisors? Please include in this answer anyone associated with Arabella's known subsidiaries the Sixteen Thirty Fund, the New Venture Fund, or any other such Arabella dark-money fund that is still shrouded.**

Response: No.

27. **The Open Society Foundations is a progressive organization that "work[s] to build vibrant and inclusive democracies whose governments are accountable to their citizens."**
    a. **Has anyone associated with Open Society Fund requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

    Response: No.

    b. **Are you currently in contact with anyone associated with the Open Society Foundations?**

    Response: No.

    c. **Have you ever been in contact with anyone associated with the Open Society Foundations?**

    Response: No.

28. **Fix the Court is a "non-partisan, 501(C)(3) organization that advocates for non-ideological 'fixes' that would make the federal courts, and primarily the U.S. Supreme Court, more open and more accountable to the American people."**
    a. **Has anyone associated with Fix the Court requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

    Response: No.

    b. **Are you currently in contact with anyone associated with Fix the Court? If so, who?**

    Response: No.

c. **Have you ever been in contact with anyone associated with Fix the Court? If so, who?**

   Response: No.

29. **Please describe the selection process that led to your nomination to be a United States District Judge, from beginning to end (including the circumstances that led to your nomination and the interviews in which you participated).**

    Response: On June 4, 2022, I applied to the Florida Federal Judicial Nominating Conference (FJNC), which was established by Florida's United States House Democratic Delegation, for a position on the United States District Court for the Middle District of Florida. On July 5, 2022, I interviewed with the FJNC for the position. On July 8, 2022, I was notified that I was selected as one of the finalists recommended for the position.

    On September 16, 2022, I met with Senator Rick Scott's General Counsel concerning my interest in the position. On April 11, 2023, I interviewed with Senator Scott. On June 2, 2023, I interviewed with the Chair of Senator Marco Rubio's Judicial Advisory Commission and the State Director for Senator Rubio.

    On April 25, 2023, I interviewed with attorneys from the White House Counsel's Office. Since that time, I have been in contact with officials from the Office of Legal Policy at the Department of Justice and the White House Counsel's Office. On November 1, 2023, the President announced his intent to nominate me for the district court judge position.

30. **During your selection process did you talk with any officials from or anyone directly associated with the organization Demand Justice, or did anyone do so on your behalf? If so, what was the nature of those discussions?**

    Response: No.

31. **During your selection process did you talk with any officials from or anyone directly associated with the American Constitution Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?**

    Response: I talked with the president of the South Florida Lawyer Chapter of the American Constitution Society about my interest in the district court judge position.

32. **During your selection process, did you talk with any officials from or anyone directly associated with Arabella Advisors, or did anyone do so on your behalf? If so, what was the nature of those discussions? Please include in this answer anyone associated with Arabella's known subsidiaries the Sixteen Thirty Fund, the New Venture Fund, or any other such Arabella dark-money fund that is still shrouded.**

    Response: No.

33. **During your selection process did you talk with any officials from or anyone directly associated with the Open Society Foundations, or did anyone do so on your behalf? If so, what was the nature of those discussions?**

    Response: No.

34. **During your selection process did you talk with any officials from or anyone directly associated with Fix the Court, or did anyone do so on your behalf? If so, what was the nature of those discussions?**

    Response: No.

35. **Since you were first approached about the possibility of being nominated, did anyone associated with the Biden administration or Senate Democrats give you advice about which cases to list on your committee questionnaire?**
    a. **If yes,**
        i. **Who?**
        ii. **What advice did they give?**
        iii. **Did they suggest that you omit or include any particular case or type of case in your questionnaire?**

    Response: No.

36. **List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding your nomination.**

    Response: On April 25, 2023, I interviewed with attorneys from the White House Counsel's Office. Since that time, I have been in contact with officials from the Office of Legal Policy at the Department of Justice and the White House Counsel's Office. On November 1, 2023, the President announced his intent to nominate me for the district court judge position in the Middle District of Florida.

37. **Please explain, with particularity, the process whereby you answered these questions.**

    Response: I reviewed the questions provided, conducted legal research when necessary, and prepared the responses to each question.

Senate Judiciary Committee
Nominations Hearing
November 29, 2023
Questions for the Record
Senator Amy Klobuchar

Julie Simone Sneed, to be United States District Court Judge for the Middle District of Florida
In 2015, you were appointed as a magistrate by the sitting Article III judges of the Middle District of Florida, who were appointed by presidents of both parties. You have since presided over eight trials that have gone to verdict or final judgment. You have also managed a docket of civil and criminal matters, conducted initial appearances, detention hearings, and presided over settlement conferences.

- **How has your experience serving as a magistrate judge prepared you to serve as a federal district court judge?**

Response: My work as a magistrate judge since 2015 has provided me with a broad range of experience. I manage a heavy docket of pending cases and preside over both civil and criminal matters. I have entered over 1,000 orders ruling on non-dispositive motions and recommending the disposition of dispositive motions. I have also presided over all phases of civil cases. I have presided over eight civil trials upon receiving the consent of the parties to the litigation. In criminal matters, as a magistrate judge, I am the first judicial officer that encounters defendants following their arrest. I have conducted initial appearances, arraignments, bail and detention hearings, preliminary hearings, and competency hearings in criminal cases. I have reviewed and authorized search warrants and arrest warrants while on criminal duty. I have also presided over settlement conferences, central violation bureau citation proceedings, and naturalization ceremonies. The wide range of service I performed as a magistrate judge has prepared me to serve as a federal district judge if I am so fortunate as to be confirmed.

- **What steps have you taken to ensure that those who appear before you have confidence that the court reached a fair and just decision, regardless of the outcome?**

Response: It is highly important that individuals coming before the court have confidence that their matter will be considered fairly, impartially, and justly. Relatedly, the Fifth Amendment to the United States Constitution requires due process. To help ensure confidence in the administration of justice and due process, I hold hearings regularly, ensure that the issues are fully briefed before ruling, allow supplemental briefing when warranted, and listen intently when parties are advocating their positions before the court. I also approach each issue neutrally, fairly, and impartially. I also help ensure that translators, hearing amplifier equipment, and water is available when needed during court proceedings.

Senator Mike Lee
Questions for the Record
Julie Simone Sneed, Nominee for District Court Judge for the Middle District of Florida

1. **How would you describe your judicial philosophy?**

   Response: During my eight years serving as a magistrate judge, my judicial philosophy has been to work diligently and neutrally to determine the law applicable to each case and apply the law to the facts. My philosophy also includes following all binding precedent of the Supreme Court and the Eleventh Circuit. It is also important to hold hearings as frequently as possible to provide the parties with a full and fair opportunity to be heard. Additionally, my judicial philosophy includes providing written rulings that are clear, accessible, and comprehensive.

2. **What sources would you consult when deciding a case that turned on the interpretation of a federal statute?**

   Response: The Supreme Court has explained that statutes are considered by reviewing the plain text. *See Bostock v. Clayton Cnty.*, 140 S. Ct. 1731, 1749 (2020) ("This Court has explained many times over many years that, when the meaning of the statute's terms is plain, our job is at an end. The people are entitled to rely on the law as written, without fearing that courts might disregarded its plain terms based on some extratextual consideration."). If the plain text is unambiguous, my inquiry ends there. If after reviewing the plain text, the legal text is ambiguous, it is then appropriate to look beyond textual sources to determine the meaning of a statute or provision. If the text is ambiguous, I would look to other sources authorized by the Supreme Court or the Eleventh Circuit, including precedent interpreting similar laws and canons of construction.

3. **What sources would you consult when deciding a case that turned on the interpretation of a constitutional provision?**

   Response: The Supreme Court has instructed that the Constitution is interpreted by considering the text itself and the original public meaning of its provisions. *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022); *District of Columbia v. Heller*, 554 U.S. 570 (2008). If I am called upon to interpret the Constitution, I would review the provision of the Constitution at issue, research the original public meaning of the provision, and follow binding Supreme Court and Eleventh Circuit precedent concerning the interpretation of the provision.

4. **What role do the text and original meaning of a constitutional provision play when interpreting the Constitution?**

   Response: Please see my response to Question 3.

5. **How would you describe your approach to reading statutes? Specifically, how much weight do you give to the plain meaning of the text?**

Response: Please see my response to Question 2.

6. **Does the "plain meaning" of a statute or constitutional provision refer to the public understanding of the relevant language at the time of enactment, or does the meaning change as social norms and linguistic conventions evolve?**

Response: The plain meaning of a statute or constitutional provision refers to the public understanding of the relevant language at the time of enactment. *See New York Rifle & Pistol Ass'n. v. Bruen*, 142 S. Ct. 2111, 2132 (2022) (The Constitution's "meaning is fixed according to the understandings of those who ratified it.") and *Bostock v. Clayton Cnty.*, 140 S. Ct. 1731, 1741 (2020) (In construing statutes, courts consider "the ordinary public meaning of the statute's language at the time of the law's adoption.").

7. **What are the constitutional requirements for standing?**

Response: The Supreme Court has held that standing to maintain a lawsuit in federal court requires a plaintiff to establish three elements. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992). "First, the plaintiff must have suffered an injury in fact — an invasion of a legally protected interest which is concrete and particularized as well as "actual or imminent." *Id.* at 560. "Second, there must be a causal connection between the injury and the conduct complained of — the injury has to be fairly traceable to the challenged action of the defendant, and not the result of the independent action of a third party not before the court." *Id.* (internal citations omitted). "Third, it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision." *Id.* (internal citations omitted).

8. **Do you believe Congress has implied powers beyond those enumerated in the Constitution? If so, what are those implied powers?**

Response: Although Congress has enumerated powers, the Necessary and Proper Clause of the Constitution grants Congress the power to "make all Laws which shall be necessary and proper for carrying into Execution" its powers. U.S. Const. art. I, § 8, cl. 18; *United States v. Comstock*, 560 U.S. 126 (2010).

9. **Where Congress enacts a law without reference to a specific Constitutional enumerated power, how would you evaluate the constitutionality of that law?**

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on issues that may come before the court. If this issue is presented to me, I would review the briefs submitted by each party and allow the parties a full and fair opportunity to be heard before reaching a decision. I would also consider "whether

the statute constitutes a means that is rationally related to the implementation of a constitutionally enumerated power" as explained by the Supreme Court in *United States v. Comstock*, 560 U.S. 126, 134 (2010).

10. Does the Constitution protect rights that are not expressly enumerated in the Constitution? Which rights?

Response: The Supreme Court has held that the Constitution protects rights that are not expressly enumerated in the Constitution when they are "deeply rooted in this Nation's history and tradition" and "implicit in the concept of ordered liberty." *Washington v. Glucksberg*, 521 U.S. 702, 721 (1997). Unenumerated fundamental rights include the right to marry, *Loving v. Virginia*, 388 U.S. 1 (1967), *Obergefell v. Hodges*, 576 U.S. 644 (2015), the right to interstate travel, *Memorial Hospital v. Maricopa County*, 415 U.S. 250 (1974), the right to obtain and use contraceptives, *Griswold v. Connecticut*, 381 U.S. 479 (1965), the right to have children, *Skinner v. Oklahoma*, 316 U.S. 535 (1942), and the right to raise one's children, *Meyer v. Nebraska*, 262 U.S. 390 (1923).

11. What rights are protected under substantive due process?

Response: Please see my response to Question 10.

12. If you believe substantive due process protects some personal rights such as a right to contraceptives, but not economic rights such as those at stake in *Lochner* v. *New York*, on what basis do you distinguish these types of rights for constitutional purposes?

Response: The Supreme Court abrogated *Lochner v. New York*, 198 U.S. 45 (1905) and held that economic rights are "necessarily subject to the restraints of due process, and regulation which is reasonable in relation to its subject and is adopted in the interests of the community." *West Coast Hotel v. Parrish*, 300 U.S. 379, 391 (1937).

13. What are the limits on Congress's power under the Commerce Clause?

Response: Article I, Section 8 of the Constitution enumerates Congress's powers. Under the Commerce Clause, Congress has the power to regulate "the use of the channels of interstate commerce," "the instrumentalities of interstate commerce, or persons or things in interstate commerce," and "those activities that substantially affect interstate commerce." *United States v. Lopez*, 514 U.S. 549, 558–59 (1995).

14. What qualifies a particular group as a "suspect class," such that laws affecting that group must survive strict scrutiny?

Response: The Supreme Court has explained that a "suspect class is one saddled with such disabilities, or subjected to such a history of purposeful unequal treatment, or relegated to such a position of political powerlessness as to command extraordinary

protection from the majoritarian political process." *San Antonio School District v. Rodriguez*, 411 U.S. 1, 28 (1973). In identifying whether a suspect class exists, the Supreme Court has considered whether the group has an "immutable characteristic determined solely by accident of birth," *Johnson v. Robison*, 415 U.S. 361, 375 n.14 (1974), the history of discrimination against the group, and the political powerlessness of the group, *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 464 (1985). Classifications based on race and ethnicity are subject to strict scrutiny. *Wygant v. Jackson Bd. of Educ.*, 476 U.S. 267, 273 (1986).

15. How would you describe the role that checks and balances and separation of powers play in the Constitution's structure?

Response: Checks and balances and the separation of powers within our Constitution's structure acts as a "self-executing safeguard against the encroachment or aggrandizement of one branch at the expense of the other." *Morrison v. Olson*, 487 U.S. 654, 693 (1988).

16. How would you go about deciding a case in which one branch assumed an authority not granted it by the text of the Constitution?

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on issues that may come before the court. If this issue is presented to me, I would review the briefs submitted by each party and allow the parties a full and fair opportunity to be heard before reaching a decision. I would also consider applicable Supreme Court and Eleventh Circuit precedent.

17. What role should empathy play in a judge's consideration of a case?

Response: Judges' consideration of a case should be based on the rule of law.

18. Which is worse; invalidating a law that is, in fact, constitutional, or upholding a law that is, in fact, unconstitutional?

Response: Both options presented are unacceptable and should be avoided.

19. From 1789 to 1857, the Supreme Court exercised its power of judicial review to strike down federal statutes as unconstitutional only twice. Since then, the invalidation of federal statutes by the Supreme Court has become significantly more common. What do you believe accounts for this change? What are the downsides to the aggressive exercise of judicial review? What are the downsides to judicial passivity?

Response: I have not studied this issue. If I am confirmed, I would adhere to the law applicable to each case and faithfully apply the law to the facts to reach a decision.

20. How would you explain the difference between judicial review and judicial supremacy?

Response: The Supreme Court has explained judicial review as follows: "Since early in our Nation's history, courts have recognized their duty to evaluate the constitutionality of legislative acts. We announced our responsibility to review laws that are alleged to violate the Federal Constitution in *Marbury v. Madison*, [5 U.S. 137 (1803)] proclaiming that "[i]t is emphatically the province and duty of the judicial department to say what the law is." *Moore v. Harper*, 600 U.S. 1, 19 (2023). "Judicial supremacy" is the "doctrine that interpretations of the Constitution by the federal judiciary in the exercise of judicial review, esp. U.S. Supreme Court interpretations, are binding on the coordinate branches of the federal government." Judicial Supremacy, Black's Law Dictionary (11th ed. 2019).

21. Abraham Lincoln explained his refusal to honor the Dred Scott decision by asserting that "If the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court . . . the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal." How do you think elected officials should balance their independent obligation to follow the Constitution with the need to respect duly rendered judicial decisions?

Response: The Constitution and the laws of the United States are the supreme law of the United States pursuant to Article VI of the Constitution. Elected officials are bound by oath to uphold the Constitution and the rule of law which includes judicial decisions interpreting the law. *See Cooper v. Aaron*, 358 U.S. 1, 17-20 (1958) (explaining that elected officials are bound to follow Supreme Court decisions based on the doctrine of judicial supremacy). Elected officials may pursue dissent through legislation or Constitutional amendment.

22. In Federalist 78, Hamilton says that the courts are the least dangerous branch because they have neither force nor will, but only judgment. Explain why that's important to keep in mind when judging.

Response: In our separate co-equal branches of government, judges are responsible for exercising judgment and interpreting the law. Judges are not responsible for creating legislation or making new laws.

23. As a district court judge, you would be bound by both Supreme Court precedent and prior circuit court precedent. What is the duty of a lower court judge when confronted with a case where the precedent in question does not seem to be rooted in constitutional text, history, or tradition and also does not appear to speak directly to the issue at hand? In applying a precedent that has questionable constitutional underpinnings, should a lower court judge extend

the precedent to cover new cases, or limit its application where appropriate and reasonably possible?

Response: District court judges must adhere to precedent of the U.S. Supreme Court even when the precedent does not seem to be rooted in constitutional text, history, or tradition. *See Hicks v. Miranda*, 422 U.S. 332, (1975) (explaining that lower courts are bound by the decisions of Supreme Court); *see Agostini v. Felton*, 521 U.S. 203, 237 (1997) (explaining that "[i]f a precedent of [the Supreme Court] has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, the Court of Appeals should follow the case which directly controls, leaving to [the Supreme Court] the prerogative of overruling its own decisions" and *quoting Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989)). If I am confirmed as a district court judge, I would be bound to follow Supreme Court and Eleventh Circuit precedent.

24. When sentencing an individual defendant in a criminal case, what role, if any, should the defendant's group identity(ies) (e.g., race, gender, nationality, sexual orientation or gender identity) play in the judges' sentencing analysis?

Response: None. Sentencing decisions in federal cases are governed by the factors provided in 18 U.S.C. § 3553. Factors including group identities are not considered in sentencing decisions. If I am confirmed as a district court judge, I will consider all of the applicable factors provided in 18 U.S.C. § 3553 to impose a sentence that is sufficient, but not greater than necessary to comply with the purposes of sentencing.

25. The Biden Administration has defined "equity" as: "the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality." Do you agree with that definition? If not, how would you define equity?

Response: I am not familiar with the statement referenced in question number 25. Equity is defined as fairness and impartiality. Equity, Black's Law Dictionary (11th ed. 2019).

26. Without citing Black's Law Dictionary, do you believe there is a difference between "equity" and "equality?" If so, what is it?

Response: Equity, is defined as "justice according to natural law or right" and "freedom from bias or favoritism." Equity, Merriam-Webster Dictionary. Equality refers to the "quality or state of being equal." Equality, Merriam-Webster Dictionary.

27. Does the 14th Amendment's equal protection clause guarantee "equity" as defined by the Biden Administration (listed above in question 25)?

Response: The Fourteenth Amendment to the United States Constitution does not reference the word "equity." I am not aware of any Supreme Court or Eleventh Circuit precedent addressing whether the Fourteenth Amendment's Equal Protection Clause guarantees equity. The Supreme Court explained that "Congress proposed and the States ratified the Fourteenth Amendment, providing that no State shall 'deny to any person ... the equal protection of the laws.' U.S. Const. amend. 14, § 1. To its proponents, the Equal Protection Clause represented a 'foundation[al] principle'—'the absolute equality of all citizens of the United States politically and civilly before their own laws.' Cong. Globe, 39th Cong., 1st Sess., 431 (1866) (statement of Rep. Bingham) *202 (Cong. Globe)." *Students for Fair Admissions, Inc. v. University of North Carolina and Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181, 201 (2023).

28. Without citing Black's Law Dictionary, how do you define "systemic racism?"

Response: "Systemic racism" is defined as "the oppression of a racial group to the advantage of another as perpetuated by inequity within interconnected systems (such as political, economic, and social systems)." Systemic racism, Merriam-Webster Dictionary.

29. Without citing Black's Law Dictionary, how do you define "critical race theory?"

Response: "Critical race theory" is defined as "a group of concepts used for examining the relationship between race and the laws and legal institutions of a country and especially the United States." Critical race theory, Merriam-Webster Dictionary (internal parentheticals omitted).

30. Do you distinguish "critical race theory" from "systemic racism," and if so, how?

Response: Please see my responses to Questions 28 and 29.

Senator Josh Hawley
Questions for the Record

Julie Simone Sneed
Nominee, U.S. District Judge for the Middle District of Florida

1. **Have you ever worked on a legal case or representation in which you opposed a party's religious liberty claim?**
   a. **If so, please describe the nature of the representation and the extent of your involvement. Please also include citations or reference to the cases, as appropriate.**

   Response: No.

2. **What role should the original public meaning of the Constitution's text play in the courts' interpretation of its provisions?**

   Response: The Supreme Court has instructed that the Constitution is interpreted by considering the text itself and the original public meaning of its provisions. *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022); *District of Columbia v. Heller*, 554 U.S. 570 (2008). If I am called upon to interpret the Constitution, I would review the provision of the Constitution at issue, research the original public meaning of the provision, and follow binding Supreme Court precedent concerning the interpretation of the provision.

3. **Do you consider legislative history when interpreting legal texts?**
   a. **If so, do you treat all legislative history the same or do you believe some legislative history is more probative of legislative intent than others?**

   Response: The Supreme Court has explained that statutes are considered by reviewing the plain text. *See Bostock v. Clayton County*, 140 S. Ct. 1731, 1749 (2020) ("This Court has explained many times over many years that, when the meaning of the statute's terms is plain, our job is at an end. The people are entitled to rely on the law as written, without fearing that courts might disregarded its plain terms based on some extratextual consideration."). If the plain text is unambiguous, my inquiry ends there. If after reviewing the plain text, the legal text is ambiguous, it is then appropriate to look beyond textual sources to determine the meaning of a statute or provision. If the text is ambiguous, I would look to other sources authorized by the Supreme Court or the Eleventh Circuit, including precedent interpreting similar laws and canons of construction. In certain instances, the Supreme Court has explained that consideration of pre-enactment legislative history may be useful. *See Consumer Prod. Safety Comm'n. v. GTE Sylvania, Inc.*, 447 U.S. 102, 118 n.13 (1980) (considering pre-enactment legislative history in construing stating the Consumer Product Safety Act, 15 U.S.C. § 2051 *et seq*. and explaining that "even when it would otherwise be useful, subsequent legislative history will

rarely override a reasonable interpretation of a statute that can be gleaned from its language and legislative history prior to its enactment."). If after reviewing the plain text, the legal text is ambiguous and no applicable precedent exists, I would consider pre-enactment legislative history only as authorized by Supreme Court and Eleventh Circuit precedent.

b. When, if ever, is it appropriate to consult the laws of foreign nations when interpreting the provisions of the U.S. Constitution?

Response: The Supreme Court interprets the U.S. Constitution by reviewing the text and considering its original public meaning. Generally, laws of foreign nations are not consulted when interpreting the U.S. Constitution.

4. Under the precedents of the Supreme Court and U.S. Court of Appeals for the Circuit to which you have been nominated, what is the legal standard that applies to a claim that an execution protocol violates the Eighth Amendment's prohibition on cruel and unusual punishment?

Response: A prisoner contending that the Eighth Amendment's prohibition on cruel and unusual punishment was violated as a result of an execution protocol must establish that the "conditions presenting the risk must be sure or very likely to cause serious illness and needless suffering, and give rise to sufficiently imminent dangers." *Baze v. Rees*, 553 U.S. 35, 49–50 (2008). Further, a prisoner must identify a "feasible and readily implemented alternative method of execution that would significantly reduce a substantial risk of severe pain that the State has refused to adopt without a legitimate penological reason." *See Bucklew v. Precythe*, 139 S. Ct. 1112, 1125–26 (2019); *see also Glossip v. Gross*, 135 S. Ct. 2726 (2015) (stating that an inmate cannot successfully challenge a method of execution under the Eighth Amendment unless he identifies "an alternative that is feasible, readily implemented, and in fact significantly reduces a substantial risk of severe pain.").

5. Under the Supreme Court's holding in *Glossip v. Gross*, 135 S. Ct. 824 (2015), is a petitioner required to establish the availability of a "known and available alternative method" that has a lower risk of pain in order to succeed on a claim against an execution protocol under the Eighth Amendment?

Response: Please see my response to Question 4.

6. Has the Supreme Court or the U.S. Court of Appeals for the Circuit to which you have been nominated ever recognized a constitutional right to DNA analysis for habeas corpus petitioners in order to prove their innocence of their convicted crime?

Response: Neither the Supreme Court nor the Eleventh Circuit has recognized a constitutional right to DNA analysis for habeas corpus petitioners to prove their innocence of a crime. *See District Att'y's Off. for the Third Jud. Dist. v. Osborne,* 557

U.S. 52 (2009) (concluding that there is no substantive due process right to obtain evidence for DNA testing purposes)*; Alvarez v. Florida*, 679 F.3d 1257, 1264 (11th Cir. 2012) (same).

7. **Do you have any doubt about your ability to consider cases in which the government seeks the death penalty, or habeas corpus petitions for relief from a sentence of death, fairly and objectively?**

   Response: No.

8. **Under Supreme Court and U.S. Court of Appeals for the Circuit to which you have been nominated, what is the legal standard used to evaluate a claim that a facially neutral state governmental action is a substantial burden on the free exercise of religion? Please cite any cases you believe would be binding precedent.**

   Response: The Supreme Court has held that "laws incidentally burdening religion are ordinarily not subject to strict scrutiny under the Free Exercise Clause as long as they are neutral and generally applicable." *Fulton v. City of Philadelphia*, 141 S. Ct. 1868, 1876 (2021); *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 531 (1993). "If the object of a law is to infringe upon or restrict practices because of their religious motivation, the law is not neutral." *Church of Lukumi Babalu Aye, Inc.*, 508 U.S. at 532. The Free Exercise Clause bars "even subtle departures from neutrality" concerning religion. *Masterpiece Cakeshop, Ltd. v. Colorado C.R. Comm'n.*, 138 S. Ct. 1719, 1731 (2018). Additionally, a law is not generally applicable if it "invites the government to consider the particular reasons for a person's conduct by providing a mechanism for individualized exemptions." *Fulton*, 141 S. Ct. at 1877. Laws that are not neutral or generally applicable are subject to strict scrutiny. *Church of Lukumi Babalu Aye, Inc.*, 508 U.S. at 546 (explaining that a "law burdening religious practice that is not neutral or not of general application must undergo the most rigorous of scrutiny").

9. **Under Supreme Court and U.S. Court of Appeals for the Circuit to which you have been nominated, what is the legal standard used to evaluate a claim that a state governmental action discriminates against a religious group or religious belief? Please cite any cases you believe would be binding precedent.**

   Response: "The Free Exercise Clause of the First Amendment, applicable to the States under the Fourteenth Amendment, provides that 'Congress shall make no law ... prohibiting the free exercise' of religion." *Fulton v. City of Philadelphia*, 141 S. Ct. 1868, 1876 (2021). The "protections of the Free Exercise Clause pertain if the law at issue discriminates against some or all religious beliefs or regulates or prohibits conduct because it is undertaken for religious reasons." *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 532 (1993). The Supreme Court has held that strict scrutiny applies to a determination of whether governmental action discriminates against a religious group or religious belief. *Id.* at 546. "A law that targets religious conduct for distinctive treatment or advances legitimate government interests only

against conduct with a religious motivation will survive strict scrutiny only in rare cases." *Id.*

10. What is the standard in the U.S. Court of Appeals for the Circuit to which you have been nominated for evaluating whether a person's religious belief is held sincerely?

Response: The Supreme Court has held that in evaluating whether a person's religious beliefs are sincerely held, courts have a narrow function. *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014). "The narrow function" of the courts does not involve determining whether "religious beliefs are mistaken or insubstantial." *Id.* at 725. Rather, courts consider whether sincere beliefs reflect an "honest conviction." *Id.; Cambridge Christian School, Inc. v. Florida High School Athletic Ass'n*, 942 F.3d 1215, 1248 (11th Cir. 2019) (same).

11. The Second Amendment provides that, "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

a. What is your understanding of the Supreme Court's holding in *District of Columbia v. Heller*, 554 U.S. 570 (2008)?

Response: In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the Supreme Court held that the Second Amendment provides a personal right to keep and bear arms in the home for self-defense.

b. Have you ever issued a judicial opinion, order, or other decision adjudicating a claim under the Second Amendment or any analogous state law? If yes, please provide citations to or copies of those decisions.

Response: In *United States v. Staley*, Case No. 8:23-cr-228-CEH-JSS, 2023 U.S Dist. LEXIS 219798 (M.D. Fla. Oct. 3, 2023), defendant moved to dismiss the indictment against him contending that the charge against him for being a person previously convicted of a felony offense in violation of 18 U.S.C. § 922(g)(1) violated his Second Amendment right to possess a firearm. I entered a report and recommendation recommending the denial of the defendant's motion and noting that *District of Columbia v. Heller*, 554 U.S. 570, 626-27 (2008) did not "cast doubt on longstanding prohibitions on the possession of firearms by felons." The district court judge adopted, confirmed and approved my report and recommendation in all respects. *See United States v. Staley*, Case No. 8:23-cr-228-CEH-JSS, 2023 U.S. Dist. LEXIS 218608 (M.D. Fla. Dec. 8, 2023).

12. Dissenting in *Lochner v. New York*, Justice Oliver Wendell Holmes, Jr. wrote that, "The 14th Amendment does not enact Mr. Herbert Spencer's Social Statics." 198 U.S. 45, 75 (1905).

a. What do you believe Justice Holmes meant by that statement, and do you agree with it?

Response: Justice Holmes' dissent urges judicial restraint, avoiding interference with legislation, and explains that the Constitution does not require a particular economic philosophy.

b. Do you believe that *Lochner v. New York*, 198 U.S. 45 (1905), was correctly decided? Why or why not?

Response: The Supreme Court abrogated *Lochner v. New York*, 198 U.S. 45 (1905) and held that economic rights are "necessarily subject to the restraints of due process, and regulation which is reasonable in relation to its subject and is adopted in the interests of the community." *West Coast Hotel v. Parrish*, 300 U.S. 379, 391 (1937). As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the correctness of Supreme Court decisions. If I am confirmed as a district court judge, I will faithfully apply all binding precedent of the Supreme Court and the Eleventh Circuit.

13. In *Trump v. Hawaii*, the Supreme Court overruled *Korematsu v. United States*, 323 U.S. 214 (1944), saying that the decision—which had not been followed in over 50 years—had "been overruled in the court of history." 138 S. Ct. 2392, 2423 (2018). What is your understanding of that phrase?

Response: The Supreme Court explained in *Trump v. Hawaii*, 138 S. Ct. 2392, 2423 (2018) that *Korematsu v. United States*, 323 U.S. 214 (1944) "was gravely wrong the day it was decided, has been overruled in the court of history, and—to be clear—has no place in law under the Constitution."

14. Are there any Supreme Court opinions that have not been formally overruled by the Supreme Court that you believe are no longer good law?

a. If so, what are they?

b. With those exceptions noted, do you commit to faithfully applying all other Supreme Court precedents as decided?

Response: District court judges must adhere to precedent of the U.S. Supreme Court and I commit to faithfully applying all U.S. Supreme Court precedent as decided. *See Hicks v. Miranda*, 422 U.S. 332, (1975) (explaining that lower courts are bound by the decisions of Supreme Court); *see Agostini v. Felton*, 521 U.S. 203, 237 (1997) (explaining that "[i]f a precedent of [the Supreme Court] has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, the Court of Appeals should follow the case which directly controls, leaving to [the Supreme Court]

the prerogative of overruling its own decisions" and *quoting Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989)).

15. Judge Learned Hand famously said 90% of market share "is enough to constitute a monopoly; it is doubtful whether sixty or sixty-four percent would be enough; and certainly thirty-three per cent is not." ***United States v. Aluminum Co. of America*****, 148 F.2d 416, 424 (2d Cir. 1945).**

- **a. Do you agree with Judge Learned Hand?**
- **b. If not, please explain why you disagree with Judge Learned Hand.**
- **c. What, in your understanding, is in the minimum percentage of market share for a company to constitute a monopoly? Please provide a numerical answer or appropriate legal citation.**

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on issues that may come before the court or on whether a case was correctly decided. If this issue is presented to me, I would review the briefs submitted by each party and allow the parties a full and fair opportunity to be heard. I would also consider binding Supreme Court precedent including *Eastman Kodak Co. v. Image Tech. Serv., Inc.*, 504 U.S. 451, 481 (1992) and *United States v. Grinnell Corp.*, 384 U.S. 563 (1966).

16. Please describe your understanding of the "federal common law."

Response: The Supreme Court has held that "[t]here is no federal general common law." *Erie Railroad Co. v. Tompkins*, 304 U.S. 64, 78 (1938). "Federal common law" is defined as the "body of decisional law derived from federal courts when adjudicating federal questions and other matters of federal concerning such as disputes between the states and foreign relations, but excluding all cases governed by state law." Federal common law, Black's Law Dictionary (11th ed. 2019).

17. If a state constitution contains a provision protecting a civil right and is phrased identically with a provision in the federal constitution, how would you determine the scope of the state constitutional right?

- **a. Do you believe that identical texts should be interpreted identically?**
- **b. Do you believe that the federal provision provides a floor but that the state provision provides greater protections?**

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on issues that may come before the court. If this issue is presented to me, I would review the briefs submitted by each party and allow the parties a full and fair opportunity to be heard. I would also consider binding Supreme Court precedent including *Wainwright v. Goode*, 464 U.S. 78, 84 (1983) which held that the "views of the state's highest court with respect to state law are binding on the federal courts." Additionally, the Supreme Court has held that within our "federal system the substantive rights provided by the Federal Constitution define only a minimum. State

law may recognize liberty interests more extensive than those independently protected by the Federal Constitution." *Mills v. Rogers*, 457 U.S. 291, 300 (1982); *see also Florida v. Powell*, 559 U.S. 50, 59 (2010) (recognizing that state courts may "interpret state constitutional provisions to accord greater protection to individual rights than do similar provisions of the United States Constitution").

18. Do you believe that *Brown v. Board of Education*, 347 U.S. 483 (1954) was correctly decided?

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the correctness of Supreme Court decisions. However, because it is unlikely that the issue of racial segregation in schools will come before me, I can state that this decision was correctly decided.

19. Do federal courts have the legal authority to issue nationwide injunctions?
   a. If so, what is the source of that authority?
   b. In what circumstances, if any, is it appropriate for courts to exercise this authority?

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on issues that may come before the court. Although the Supreme Court has considered cases involving nationwide injunctions, the Supreme Court has not specifically addressed whether issuance of a nationwide injunction is authorized. The Eleventh Circuit has explained that a "federal district court may issue a nationwide or universal injunction in appropriate circumstances." *State of Florida v. Department of Health and Human Servs.*, 19 F.4th 1271, 1281-82 (11th Cir. 2021); *Georgia v. President of the United States*, 46 F.4th 1283, 1304 (11th Cir. 2022). "Those appropriate circumstances are rare." *Georgia v. President of the United States*, 46 F.4th 1283, 1304 (11th Cir. 2022). If this issue is presented to me, I would review the briefs submitted by each party and allow the parties a full and fair opportunity to be heard. I would also consider whether "[t]he judicial Power of the United States" which extends to "all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made ... under their Authority," U.S. Const. art. III, §§ 1, 2, Federal Rule of Civil Procedure 65, and precedent of the Supreme Court and Eleventh Circuit provide authority to issue a nationwide injunction.

20. Under what circumstances do you believe it is appropriate for a federal district judge to issue a nationwide injunction against the implementation of a federal law, administrative agency decision, executive order, or similar federal policy?

Response: Please see my response to Question 19.

21. What is your understanding of the role of federalism in our constitutional system?

Response: Federalism is the division of power between the state and federal governments in the U.S. constitutional system. The Supreme Court has emphasized the importance federalism and comity in judicial decisions. *See, e.g.*, *Younger v. Harris*, 401 U.S. 37, 44 (1971) ("What the concept does represent is a system in which there is sensitivity to the legitimate interests of both State and National Governments, and in which the National Government, anxious though it may be to vindicate and protect federal rights and federal interests, always endeavors to do so in ways that will not unduly interfere with the legitimate activities of the States.").

22. Under what circumstances should a federal court abstain from resolving a pending legal question in deference to adjudication by a state court?

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on issues that may come before the court. If this issue is presented to me, I would review the briefs submitted by each party and allow the parties a full and fair opportunity to be heard. I would also consider the applicability of the Anti-Injunction Act, 28 U.S.C. § 2283, *Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983), *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800 (1976), *Younger v. Harris*, 401 U.S. 37 (1971), *Burford v. Sun Oil Co*., 319 U.S. 315 (1943), *Railroad Comm'n of Texas v. Pullman Co*., 312 U.S. 496 (1941), and *Rooker v. Fidelity Trust Co*., 263 U.S. 413 (1923).

The Supreme Court has recognized the applicability of abstention doctrines which allow federal courts to use their discretion to avoid exercising jurisdiction in deference to "scrupulous regard for the rightful independence of the state governments and the smooth working of the federal judiciary." *Railroad Comm'n of Texas v. Pullman Co*., 312 U.S. 496, 501 (1941). The abstention doctrines recognized by the Supreme Court include the following:

Pullman abstention was recognized in *Railroad Comm'n of Texas v. Pullman Co*., 312 U.S. 496 (1941). In *Pullman*, the Supreme Court explained that federal courts ordinarily should refrain from deciding federal constitutional questions when the case may be disposed of on questions of state law. *Id.* at 501. "Under the *Pullman* abstention doctrine, a federal court will defer to state court resolution of underlying issues of state law. Two elements must be met for *Pullman* abstention to apply: (1) the case must present an unsettled question of state law, and (2) the question of state law must be dispositive of the case or would materially alter the constitutional question presented. The purpose of *Pullman* abstention is to avoid unnecessary friction in federal-state functions, interference with important state functions, tentative decisions on questions of state law, and premature constitutional adjudication. Because abstention is discretionary, it is only appropriate when the question of state law can be fairly interpreted to avoid adjudication of the constitutional question." *Siegel v. LePore*, 234 F.3d 1163, 1174 (11th Cir. 2000).

Burford abstention was recognized in *Burford v. Sun Oil Co*., 319 U.S. 315 (1943). In *Burford*, the Supreme Court held that federal court abstention was appropriate when the exercise of jurisdiction by the federal court would disrupt a state administrative process. *Id.* Under *Burford*, "where timely and adequate state-court review is available, a federal court sitting in equity must decline to interfere with the proceedings or orders of state administrative agencies: (1) when there are difficult questions of state law bearing on policy problems of substantial public import whose importance transcends the result in the case then at bar; or (2) where the exercise of federal review of the question in a case and in similar cases would be disruptive of state efforts to establish a coherent policy with respect to a matter of substantial public concern." *New Orleans Pub. Serv., Inc. v. Council of the City of New Orleans*, 491 U.S. 350, 361 (1989); *Boyles v. Shell Oil Products Co.*, 199 F.3d 1260, 1265 (11th Cir. 2000).

Colorado River abstention was recognized in *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800 (1976). In *Colorado River*, the Supreme Court explained that when parallel proceedings are pending in state and federal courts, federal courts may decline to exercise jurisdiction or stay consideration of a case when exceptional circumstances exist and in the interest of judicial economy, sound judicial administration, and comprehensive disposition of the case. *Id.* at 813. "*Colorado River* analysis is applicable as a threshold matter when federal and state proceedings involve substantially the same parties and substantially the same issues." *Ambrosia Coal and Const. Co. v. Pages Morales*, 368 F.3d 1320, 1330 (11th Cir. 2004). In determining whether *Colorado River* abstention applies, the Eleventh Circuit considers: "(1) whether one of the courts has assumed jurisdiction over property, (2) the inconvenience of the federal forum, (3) the potential for piecemeal litigation, (4) the order in which the forum obtained jurisdiction, (5) whether state or federal law will be applied, (6) the adequacy of the state court to protect the parties' rights," (7) the "vexatious or reactive nature of the federal or the state litigation," and (8) whether the cases involve a federal statute that "evinces a policy favoring abstention." *Id.* at 1331.

Younger abstention was recognized in *Younger v. Harris*, 401 U.S. 37 (1971). In *Younger*, the Supreme Court explained that federal courts abstain from exercising jurisdiction when a parallel, criminal proceeding is pending in state court. *Id.* The Supreme Court has extended the application of *Younger* abstention to "exceptional cases" that involve parallel state criminal prosecutions, civil enforcement proceedings, and "civil proceedings involving certain orders that are uniquely in furtherance of the state courts' ability to perform their judicial functions." *Sprint Comm., Inc. v. Jacobs*, 571 U.S. 69, 73 (2013). Similarly, the Eleventh Circuit has explained that the principles of *Younger* abstention "are fully applicable to noncriminal judicial proceedings when important state interests are involved." *31 Foster Children v. Bush*, 329 F.3d 1255, 1274 (11th Cir. 2003). In considering the applicability of the *Younger* abstention doctrine, courts examine "first do [the proceedings] constitute an ongoing state judicial proceeding; second, do the proceedings implicate important state interests; and third, is there an adequate opportunity in the state proceedings to raise

constitutional challenges." *Id.* at 1275 (quoting *Middlesex County Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 432 (1982)).

Rooker-Feldman abstention was recognized in *Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983) and *Rooker v. Fidelity Trust Co*., 263 U.S. 413 (1923). *Rooker-Feldman* abstention bars federal courts from reviewing, reversing, or invalidating a final state court decision. *Dale v. Moore*, 121 F.3d 624, 626 (11th Cir. 1997). The *Rooker-Feldman* doctrine applies to "cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." *Lozman v. City of Riviera Beach, Fla.,* 713 F.3d 1066, 1072 (11th Cir. 2013) (quoting *Exxon Mobil Corp. v. Saudi Basic Indus. Corp*., 544 U.S. 280, 284 (2005)).

23. What in your view are the relative advantages and disadvantages of awarding damages versus injunctive relief?

Response: The determination of whether issuance of damages or injunctive relief is warranted is based on the facts of the case. A damage award may be sufficient to address past injury or harm, while injunctive relief may be warranted for prospective relief to prevent future, imminent harm. In certain circumstances, a plaintiff's remedies at law, including monetary damages, are insufficient to remedy their harm. *See, e.g.*, *Amoco Prod. Co. v. Village of Gambell*, 480 U.S. 531, 542 (1987) ("In brief, the bases for injunctive relief are irreparable injury and inadequacy of legal remedies."). In such circumstances, and as governed by the law applicable to the case, injunctive relief may be appropriate to ensure that the plaintiff's claimed harm is redressed. *See, e.g.*, *Arnold v. Martin*, 449 F.3d 1338, 1341 (11th Cir. 2006) (prospective injunctive relief was unavailable to plaintiff where injunction would not redress any future harm) (citing *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992)); *United States v. Askins & Miller Orthopaedics, P.A.*, 924 F.3d 1348, 1360 (11th Cir. 2019) ("Indeed, the record and the district court's own findings demonstrate that the government's proposed injunctive relief is 'appropriate for the enforcement of the internal revenue laws,' 26 U.S.C. § 7402(a), and that the government will likely suffer irreparable injury absent an injunction.").

24. What is your understanding of the Supreme Court's precedents on substantive due process?

Response: The Supreme Court has held that the Fourteenth Amendment's provision that "[n]o State shall . . . deprive any person of life, liberty, or property, without due process of law,' . . guarante[es] more than fair process, . . . and [includes] a substantive sphere as well, 'barring certain government actions regardless of the fairness of the procedures used to implement them.'" *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 840 (1998) (citing *Washington v. Glucksberg,* 521 U.S. 702, 719 (1997) and *Daniels v. Williams,* 474 U.S. 327, 331 (1986)). The "liberty" protected by substantive due process "includes more than the absence of physical restraint" and that substantive due process "provides heightened protection against government interference with certain

fundamental rights and liberty interests." *Washington*, 521 U.S. at 719–20. When asked to determine whether a newly asserted right or liberty interest is protected under the substantive due process clause, the Supreme Court first looks to "those fundamental rights and liberties which are, objectively, 'deeply rooted in this Nation's history and tradition' . . . and 'implicit in the concept of ordered liberty,' such that neither liberty nor justice would exist if they were sacrificed." *Id.*; *see Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022) (holding that the right to abortion is not "deeply rooted in this Nation's history and tradition and implicit in the concept of ordered liberty"). The Supreme Court then requires "a 'careful description' of the asserted fundamental liberty interest." *Washington*, 521 U.S. at 719–20 (citing *Reno v. Flores*, 507 U.S. 292, 302 (1993)).

25. The First Amendment provides "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

a. What is your view of the scope of the First Amendment's right to free exercise of religion?

Response: Please see my responses to Questions 8 and 9.

b. Is the right to free exercise of religion synonymous and coextensive with freedom of worship? If not, what else does it include?

Response: The Supreme Court has held that the First Amendment "protects religious exercises, whether communicative or not." *Kennedy v. Bremerton School District*, 142 S. Ct. 2407, 2421 (2022).

c. What standard or test would you apply when determining whether a governmental action is a substantial burden on the free exercise of religion?

Response: Please see my responses to Questions 8 and 9.

d. Under what circumstances and using what standard is it appropriate for a federal court to question the sincerity of a religiously held belief?

Response: Please see my response to Question 10.

e. Describe your understanding of the relationship between the Religious Freedom Restoration Act and other federal laws, such as those governing areas like employment and education?

Response: The Religious Freedom Restoration Act, 42 U.S.C. § 2000bb-3, "applies to all Federal law, and the implementation of that law, whether statutory or otherwise." *Little Sisters of the Poor Saints Peter and Paul Home v. Pennsylvania*, 140 S. Ct. 2367, 2383 (2020).

f. **Have you ever issued a judicial opinion, order, or other decision adjudicating a claim under the Religious Freedom Restoration Act, the Religious Land use and Institutionalized Person Act, the Establishment Clause, the Free Exercise Clause, or any analogous state law? If yes, please provide citations to or copies of those decisions.**

   Response: No.

26. **Under American law, a criminal defendant cannot be convicted unless found to be guilty "beyond a reasonable doubt." On a scale of 0% to 100%, what is your understanding of the confidence threshold necessary for you to say that you believe something "beyond a reasonable doubt." Please provide a numerical answer.**

    Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on issues that may come before the court. In the Eleventh Circuit, the legal burden of "beyond a reasonable doubt" requires proof "so convincing that you would be willing to rely and act on it without hesitation in the most important of your own affairs." While not given to numerical calculation, the government's burden of proof in criminal cases is less than 100 percent. *See United States v. Carpa*, 271 F.3d 962, 968 n.7 (11th Cir. 2001) (remanding for further proceedings on defendants' motion for a new trial, where juror stated that he held the government to "more than proof beyond a reasonable doubt, i.e., to a 100 percent standard of proof.").

27. **The Supreme Court has held that a state prisoner may only show that a state decision applied federal law erroneously for the purposes of obtaining a writ of habeas corpus under 28 U.S.C. § 2254(d) if "there is no possibility fairminded jurists could disagree that the state court's decision conflicts with th[e Supreme] Court's precedents."** ***Harrington v. Richter*****, 562 U.S. 86, 102 (2011).**
    a. **Do you agree that if there is a circuit split on the underlying issue of federal law, that by definition "fairminded jurists could disagree that the state court's decision conflicts with the Supreme Court's precedents"?**
    b. **In light of the importance of federalism, do you agree that if a state court has issued an opinion on the underlying question of federal law, that by definition "fairminded jurists could disagree that the state court's decision conflicts if the Supreme Court's precedents"?**
    c. **If you disagree with either of these statements, please explain why and provide examples.**

    Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on issues that may come before the court. If I am confirmed as a district court judge, I would also consider binding Supreme Court precedent including *White v. Woodhall*, 572 U.S. 415 n.3 (2014) and *Harrington v. Richter*, 562 U.S. 86, 102 (2011).

28. **U.S. Courts of Appeals sometimes issue "unpublished" decisions and suggest that these decisions are not precedential. *Cf.* Rule 32.1 for the U.S. Court of Appeals for the Tenth Circuit.**
    a. **Do you believe it is appropriate for courts to issue "unpublished" decisions?**
    b. **If yes, please explain if and how you believe this practice is consistent with the rule of law.**
    c. **If confirmed, would you treat unpublished decisions as precedential?**
    d. **If not, how is this consistent with the rule of law?**
    e. **If confirmed, would you consider unpublished decisions cited by litigants when hearing cases?**
    f. **Would you take steps to discourage any litigants from citing unpublished opinions? *Cf.* Rule 32.1A for the U.S. Court of Appeals for the Eighth Circuit.**
    g. **Would you prohibit litigants from citing unpublished opinions? *Cf.* Rule 32.1 for the U.S. Court of Appeals for the District of Columbia.**

Response: Federal Rule of Appellate Procedure 32.1 permits issuance of unpublished opinions. Eleventh Circuit Court of Appeals opinions "shall be unpublished unless a majority of the panel decides to publish it. Unpublished opinions are not considered binding precedent, but they may be cited as persuasive authority." 11th Cir. R. 36-2. As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the propriety of the rules of the Eleventh Circuit Court of Appeals.

29. **In your legal career:**
    a. **How many cases have you tried as first chair?**

    Response: I have tried nine cases as first chair.

    b. **How many have you tried as second chair?**

    Response: I have tried one case as second chair.

    c. **How many depositions have you taken?**

    Response: I have taken numerous depositions. Although I cannot recall the exact figure, I estimate that I have taken well over 50 depositions.

    d. **How many depositions have you defended?**

    Response: I have defended numerous depositions. Although I cannot recall the exact figure, I estimate that I have defended at least 50 depositions.

e. How many cases have you argued before a federal appellate court?

Response: Although I served as a judicial law clerk in a Florida appellate court and participated in drafting appellate briefs submitted in Florida appellate courts, I have not presented oral argument before a federal appellate court.

f. How many cases have you argued before a state appellate court?

Response: Although I served as a judicial law clerk in a Florida appellate court and participated in drafting appellate briefs submitted in Florida appellate courts, I have not presented oral argument before a state appellate court.

g. How many times have you appeared before a federal agency, and in what capacity?

Response: My practice as a litigator included primarily trial court matters. I have not argued before a federal agency.

h. How many dispositive motions have you argued before trial courts?

Response: I have argued numerous dispositive motions before trial courts. Although I cannot recall the exact figure, I estimate that I have argued at least 20 dispositive motions before trial courts.

i. How many evidentiary motions have you argued before trial courts?

Response: I have argued numerous evidentiary motions before trial courts. Although I cannot recall the exact figure, I estimate that I have argued at least 10 evidentiary motions before trial courts.

30. If any of your previous jobs required you to track billable hours:

a. What is the maximum number of hours that you billed in a single year?

b. What portion of these were dedicated to pro bono work?

Response: While working in private practice, I tracked billable hours and although I cannot recall the exact number of hours, I estimate that the maximum number of hours that were billed in a single year was 2,300. I worked to dedicate at least 100 hours a year to pro bono work during the time I worked in private practice.

31. Justice Scalia said, "The judge who always likes the result he reaches is a bad judge."

a. What do you understand this statement to mean?

Response: I understand Justice Scalia to have meant that in reaching decisions, a judge should be guided by the law rather than their own preferences in the outcome.

32. Chief Justice Roberts said, "Judges are like umpires. Umpires don't make the rules, they apply them."

   a. What do you understand this statement to mean?

   b. Do you agree or disagree with this statement?

Response: I understand Chief Justice Roberts to be describing the role of judges as applying the law as written. I agree with his statement.

33. When encouraged to "do justice," Justice Holmes is said to have replied, "That is not my job. It is my job to apply the law."

   a. What do you think Justice Holmes meant by this?

   b. Do you agree or disagree with Justice Holmes? Please explain.

Response: I understand Justice Holmes to be describing the role of judges as applying the law as written without regard to their personal beliefs. I agree with his statement.

34. Have you ever taken the position in litigation or a publication that a federal or state statute was unconstitutional?

   a. If yes, please provide appropriate citations.

Response: No.

35. Since you were first contacted about being under consideration for this nomination, have you deleted or attempted to delete any content from your social media? If so, please produce copies of the originals.

Response: No.

36. What were the last three books you read?

Response: Grant by Ron Chernow; The Constitution by Michael Stokes Paulsen and Luke Paulsen; Executive Presence by Sylvia Ann Hewlett.

37. Do you believe America is a systemically racist country?

Response: The issue of systemic racism is an important issue for policymakers to consider. If I am confirmed as a district court judge, I would follow Supreme Court and Eleventh Circuit precedent and evaluate claims of racial discrimination by considering the applicable laws and facts precedented in each case.

38. What case or legal representation are you most proud of?

Response: I am most proud of the first jury trial I presided over as a magistrate judge. In *Disa v. Ashley Furniture Indus., Inc.*, Case No. 8:14-cv-1915-JSS, 2016 WL 2653273 (M.D. Fla. May 10, 2016), I presided over the five-day jury trial with the consent of the parties. Presiding over the trial, I handled jury selection, preliminary and final jury

instructions, evidentiary rulings and motions that arose during the trial. I also observed the dedication and conscientiousness of the members of the jury. The case involved a former president of defendant's subsidiary who sued defendant seeking in excess of $1.2 million contending that amount was due pursuant to the parties' employment compensation agreement and as a bonus for work allegedly performed. Defendant maintained that plaintiff was not entitled to receive a bonus or any further compensation because plaintiff did not remain employed for the full year as required by plaintiff's employment compensation agreement. Defendant prevailed following the trial after the jury's deliberation. I resolved post-trial motions including plaintiff's motion for a new trial pursuant to Federal Rule of Civil Procedure 59, which I denied, and defendant's motion for costs pursuant to Federal Rule of Civil Procedure 54(d) and 28 U.S.C. § 1920, which I granted.

39. Have you ever taken a position in litigation that conflicted with your personal views?

a. How did you handle the situation?

Response: Yes. I adhered to my ethical obligation as a lawyer to zealously represent my client. Chapter 4, Florida Rules of Professional Conduct.

b. If confirmed, do you commit to applying the law written, regardless of your personal beliefs concerning the policies embodied in legislation?

Response: Yes, if I am confirmed as a district court judge, I would remain committed to applying the law as written without regard to my personal beliefs concerning the policies embodied in legislation.

40. What three law professors' works do you read most often?

Response: I do not regularly read individual law professors' work with enough frequency to identify a particular author.

41. Which of the Federalist Papers has most shaped your views of the law?

Response: The Federalist Papers are an important collection of essays in our Nation's history. Federalist Number 78 describes the judicial branch and provides information about the role of the courts.

42. What is a judicial opinion, law review article, or other legal opinion that made you change your mind?

Response: Although I regularly read judicial opinions, law review articles and legal opinions, I cannot identify a particular publication that made me change my mind.

43. Do you believe that an unborn child is a human being?

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on issues that may come before the court. If I am confirmed as a district court judge, I would faithfully apply all binding precedent including *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022).

44. Other than at your hearing before the Senate Judiciary Committee, have you ever testified under oath? Under what circumstances? If this testimony is available online or as a record, please include the reference below or as an attachment.

Response: No.

45. In the course of considering your candidacy for this position, has anyone at the White House or Department of Justice asked for you to provide your views on:

a. *Roe v. Wade,* 410 U.S. 113 (1973)?
b. The Supreme Court's substantive due process precedents?
c. Systemic racism?
d. Critical race theory?

Response: No.

46. Do you currently hold any shares in the following companies:

a. Apple?
b. Amazon?
c. Google?
d. Facebook?
e. Twitter?

Response: No.

47. Have you ever authored or edited a brief that was filed in court without your name on the brief?

a. If so, please identify those cases with appropriate citation.

Response: I worked in private practice as a litigation associate at Trenam, Kemker, Scharf, Barkin, Frye, O'Neill, and Mullis, P.A. and as a partner at Fowler White Boggs Banker, P.A., and Akerman LLP and authored and edited numerous briefs in those roles. Generally, my name would have been listed on the briefs. I cannot specifically recall an instance in which a brief was filed with the court without my name that I authored or edited.

48. Have you ever confessed error to a court?

a. If so, please describe the circumstances.

Response: I worked in private practice as a litigation associate at Trenam, Kemker, Scharf, Barkin, Frye, O'Neill, and Mullis, P.A. and as a partner at Fowler White Boggs Banker, P.A., and Akerman LLP and authored and edited numerous briefs in those roles. I cannot specifically recall an instance in which I confessed error to a court.

49. Please describe your understanding of the duty of candor, if any, that nominees have to state their views on their judicial philosophy and be forthcoming when testifying before the Senate Judiciary Committee. *See* U.S. Const. art. II, § 2, cl. 2.

Response: The oath judicial nominees take before testifying before the Senate Judiciary Committee is significant and is of utmost importance. Pursuant to their oath, judicial nominees are obligated and required to provide truthful information and respond with candor when testifying before the Senate Judiciary Committee.

Senator John Kennedy
Questions for the Record

Julie Sneed

1. **Are there any circumstances under which it is justifiable to sentence a criminal defendant to death? Please explain.**

   Response: Yes. The Supreme Court has held that a sentence of death imposed upon a violation of federal law is appropriate for those offenses listed in the Federal Death Penalty Act, 18 U.S.C. § 3591. *See United States v. Tsarnaev*, 595 U.S. 302, 317 (2022) (explaining that the Federal Death Penalty Act "sets out a comprehensive scheme by which federal district courts adjudicate, review, and impose death sentences"). The Supreme Court has explained that "[b]ecause the death penalty is the most severe punishment, it must "be limited to those offenders who commit 'a narrow category of the most serious crimes' and whose extreme culpability makes them 'the most deserving of execution.'" *Roper v. Simmons*, 543 U.S. 551, 568 (2005) (quoting *Atkins v. Virginia*, 536 U.S. 304, 319 (2002)). The "imposition of capital punishment for the crime of murder, and when a life has been taken deliberately by the offender" is not "disproportionate to the crime. It is an extreme sanction, suitable to the most extreme of crimes." *Gregg v. Georgia*, 428 U.S. 153, 187 (1976).

   a. **Should a judge's opinions on the morality of the death penalty factor into the judge's decision to sentence a criminal defendant to death in accordance with the laws prescribed by Congress and the Eighth Amendment?**

      Response: No. A judge's personal opinions should not factor into the decision to sentence a criminal defendant to death. Judges are required to faithfully apply the applicable law to the facts at issue in each case.

2. **Except when a statutory maximum controls, when is it appropriate for a sentencing judge to impose a sentence below the range provided by the Sentencing Guidelines?**

   Response: The Supreme Court has held that the Sentencing Guidelines are advisory. *United States v. Booker*, 543 U.S. 220, 245 (2005). As a result, "district courts must treat the Guidelines as the 'starting point and the initial benchmark.'" *Kimbrough v. United States*, 552 U.S. 85, 108 (2007) (quoting *Gall v. United States*, 552 U.S. 38, 49 (2007)). District courts are also required to apply the factors provided in 18 U.S.C. § 3553 which govern sentencing decisions. Section 3553 provides that upon "motion of the Government, the court shall have the authority to impose a sentence below a level established by statute as a minimum sentence so as to reflect a defendant's substantial assistance in the investigation or prosecution of another person who has committed an offense." 18 U.S.C. § 3553(e). If I am confirmed as a district court judge, I will apply all of the factors included in 18 U.S.C. § 3553 to impose a sentence that is sufficient, but not greater than necessary to comply with the purposes of sentencing.

3. Is the U.S. Supreme Court a legitimate institution?

Response: Yes, the U.S. Supreme Court is a legitimate institution. If I am confirmed as a district court judge, I will continue to apply all binding precedent from the U.S. Supreme Court faithfully and impartially.

4. Is the current composition of the U.S. Supreme Court legitimate?

Response: Yes, the current composition of the U.S. Supreme Court is legitimate. If I am confirmed as a district court judge, I will continue to apply all binding precedent from the U.S. Supreme Court faithfully and impartially.

5. Please describe your judicial philosophy. Be as specific as possible.

Response: During my eight years serving as a magistrate judge, my judicial philosophy has been to work diligently and neutrally to determine the law applicable to each case and apply the law to the facts. My philosophy also includes following all binding precedent of the Supreme Court and the Eleventh Circuit. It is also important to hold hearings as frequently as possible to provide the parties with a full and fair opportunity to be heard. Additionally, my judicial philosophy includes providing written rulings that are clear, accessible, and comprehensive.

6. Is originalism a legitimate method of constitutional interpretation?

Response: Yes, the Supreme Court has used originalism in directing that the Constitution be interpreted based on the original public meaning of its provisions. *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022); *District of Columbia v. Heller*, 554 U.S. 570 (2008).

7. If called on to resolve a constitutional question of first impression with no applicable precedents from either the U.S. Supreme Court or the U.S. Courts of Appeals, to what sources of law would you look for guidance?

Response: If I am called upon to interpret the Constitution, I would review the provision of the Constitution at issue and research the original public meaning of the provision. I would also review the briefs submitted by each party to allow the parties a full and fair opportunity to be heard. Additionally, I would follow binding Supreme Court and Eleventh Circuit precedent concerning the interpretive method that should be used to resolve the constitutional question of first impression.

8. Is textualism a legitimate method of statutory interpretation?

Response: Yes, the Supreme Court has explained that statutes are considered by reviewing the plain text. *See Bostock v. Clayton Cnty.*, 140 S. Ct. 1731, 1749 (2020) ("This Court has explained many times over many years that, when the meaning of the

statute's terms is plain, our job is at an end. The people are entitled to rely on the law as written, without fearing that courts might disregarded its plain terms based on some extratextual consideration.").

9. When is it appropriate for a judge to look beyond textual sources when determining the meaning of a statute or provision?

Response: The Supreme Court has explained that statutes are considered by reviewing the plain text. *See Bostock v. Clayton Cnty.*, 140 S. Ct. 1731, 1749 (2020) ("This Court has explained many times over many years that, when the meaning of the statute's terms is plain, our job is at an end. The people are entitled to rely on the law as written, without fearing that courts might disregarded its plain terms based on some extratextual consideration."). If the plain text is unambiguous, my inquiry ends there. If after reviewing the plain text, the legal text is ambiguous, it is then appropriate to look beyond textual sources to determine the meaning of a statute or provision. If the text is ambiguous, I would look to other sources authorized by the Supreme Court and the Eleventh Circuit, including precedent interpreting similar laws and canons of construction. In certain instances, the Supreme Court has explained that consideration of pre-enactment legislative history may be useful. *See Consumer Product Safety Comm'n. v. GTE Sylvania, Inc.*, 447 U.S. 102, 118 n.13 (1980) (considering pre-enactment legislative history in construing stating the Consumer Product Safety Act, 15 U.S.C. § 2051 *et seq*. and explaining that "even when it would otherwise be useful, subsequent legislative history will rarely override a reasonable interpretation of a statute that can be gleaned from its language and legislative history prior to its enactment.").

10. Does the meaning (rather than the applications) of the U.S. Constitution change over time? If yes, please explain the circumstances under which the U.S. Constitution's meaning changes over time and the relevant constitutional provisions.

Response: The meaning of the U.S. Constitution was fixed at the time of its enactment. *See New York Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111, 2132 (2022) (explaining that the Constitution's "meaning is fixed according to the understandings of those who ratified it," and that it applies to "circumstances beyond those the Founders specifically anticipated.").

11. What is the role of legislative history in determining a statute's meaning?

Response: Please see my response to Question 9.

12. When is it appropriate for a district judge to issue a nationwide injunction? Please also explain the legal basis for issuing nationwide injunctions and the relevant factors a district judge should consider before issuing one.

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on

issues that may come before the court. Although the Supreme Court has considered cases involving nationwide injunctions, the Supreme Court has not specifically addressed whether issuance of a nationwide injunction is authorized. The Eleventh Circuit has explained that a "federal district court may issue a nationwide or universal injunction in appropriate circumstances." *State of Florida v. Department of Health and Human Servs.*, 19 F.4th 1271, 1281-82 (11th Cir. 2021); *Georgia v. President of the United States*, 46 F.4th 1283, 1304 (11th Cir. 2022). "Those appropriate circumstances are rare." *Georgia v. President of the United States*, 46 F.4th 1283, 1304 (11th Cir. 2022). If this issue is presented to me, I would review the briefs submitted by each party and allow the parties a full and fair opportunity to be heard. I would also consider whether "[t]he judicial Power of the United States" which extends to "all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made ... under their Authority," U.S. Const. art. III, §§ 1, 2, Federal Rule of Civil Procedure 65, and precedent of the Supreme Court and Eleventh Circuit provide authority to issue a nationwide injunction.

13. **Is there ever an appropriate circumstance in which a district judge may ignore or seek to circumvent a precedent set by the circuit court under which it sits or the U.S. Supreme Court?**

    Response: No, district court judges must adhere to precedent of the U.S. Supreme Court and the applicable circuit court. *See Hicks v. Miranda*, 422 U.S. 332, (1975) (explaining that lower courts are bound by the decisions of Supreme Court); *see also Agostini v. Felton*, 521 U.S. 203, 237 (1997) (explaining that "[i]f a precedent of [the Supreme Court] has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, the Court of Appeals should follow the case which directly controls, leaving to [the Supreme Court] the prerogative of overruling its own decisions" and *quoting Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989)).

14. **Would you faithfully apply all precedents of the U.S. Supreme Court?**

    Response: Yes. If I am confirmed as a district court judge, I would faithfully apply all precedents of the U.S. Supreme Court.

15. **Please describe the analysis you would use to evaluate whether a law or regulation infringes on an individual's rights under the Second Amendment in light of the Supreme Court's opinion in *New York State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111 (2022).**

    Response: I would apply the standard provided by the Supreme Court in *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022) to evaluate whether a regulation or statutory provision infringes on Second Amendment rights. In *Bruen*, the Supreme Court explained: "When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. The government must then justify

its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation." *Id.* at 24.

16. When should a district judge deem a previously unrecognized unenumerated right to be "fundamental" and therefore entitled to protection under the Fourteenth Amendment?

Response: In determining whether a previously unrecognized unenumerated right is fundamental, the Supreme Court "has long asked whether the right is deeply rooted in [our] history and tradition" and essential to our Nation's "scheme of ordered liberty." *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 237 (2022) (*citing Timbs v. Indiana*, 139 S. Ct. 682, 686 (2019), *McDonald v. Chicago*, 561 U.S. 742, 767 (2010), and *Washington v. Glucksberg*, 521 U.S. 702, 721 (1997)).

17. Should a district judge give deference to an agency's interpretation of a statute that imposes criminal penalties? Please explain.

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on issues that may come before the court. If this issue is presented to me, I would review the briefs submitted by each party and allow the parties a full and fair opportunity to be heard. I would also consider whether the government's interpretation of criminal statutes is owed deference as discussed in *United States v. Mead Corp.,* 533 U.S. 218, 226–27 (2001) (explaining that deference is warranted when it "appears that Congress delegated authority to the agency generally to make rules carrying the force of law, and that the agency interpretation claiming deference was promulgated in the exercise of that authority") and *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984).

18. Please describe how courts determine whether an agency's action violates the Major Questions Doctrine.

Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on issues that may come before the court. If this issue is presented to me, I would review the briefs submitted by each party and allow the parties a full and fair opportunity to be heard. I would also consider whether the issue presented involves a "decision of such magnitude and consequence" on a matter of "'earnest and profound debate across the country'" which must "res[t] with Congress itself, or an agency acting pursuant to a clear delegation from that representative body." *West Virginia v. EPA*, 142 S. Ct. 2587, 2616, 2620 (2022) (*quoting Gonzales v. Oregon*, 546 U.S. 243, 267–68 (2006)).

19. Please identify one member of the federal judiciary, current or former, whose service on the bench most inspires you and explain why.

Response: I have been inspired by numerous members of the federal judiciary including U.S. District Judge James D. Whittemore. I served as a law clerk to Judge Whittemore and had an opportunity to observe his adherence to the rule of law, diligence in working to understand the law applicable to each case, patient steely demeanor in presiding over contentious hearings and trials, high ethical standards, and commitment to remain accessible by attending local bar association functions. Judge Whittemore's distinguished service as a district court judge continues to inspire me.

20. You have been nominated to serve as a federal district judge. To the best of your recollection, please list up to 10 cases in which you served as lead counsel in a case tried before a jury in federal district court.

Response: Although I have practiced extensively in federal and state courts, I have not served as lead counsel in a case tried before a jury in federal district court. I have presided over eight trials, including six jury trials, as a magistrate judge in federal court. I have also tried ten cases in state court.

21. To the best of your recollection, please list up to 10 instances in which you presented oral argument before a U.S. Court of Appeals panel.

Response: Although I served as a judicial law clerk in a Florida appellate court and participated in drafting appellate briefs submitted in Florida appellate courts, I have not presented oral argument before a U.S. Court of Appeals panel.

22. Please describe the process by which you prepared for your hearing before the U.S. Senate Committee on the Judiciary, including materials or sources provided to you or consulted by you.

Response: In preparation for my hearing before the U.S. Senate Committee on the Judiciary, I reviewed my application for the district court judge position, the orders and reports and recommendations I entered as a magistrate judge, the cases I handled as a litigator, the United States Constitution, and Supreme Court decisions. I also reviewed additional Supreme Court decisions, prior Senate Committee on the Judiciary nomination hearings, and a collection of questions and answers from prior nomination hearings that were provided by the White House Counsel's Office. I also participated in meetings with the White House Counsel's Office in preparation for the hearing.

23. Why should Senator Kennedy support your nomination?

Response: I am honored to be considered for the district court judge position in the Middle District of Florida. I am committed to adhering to the rule of law and faithfully following the precedent of the Supreme Court and the Eleventh Circuit. My service as a magistrate judge for eight years and my recent reappointment to another eight-year term

has prepared me to serve as a district court judge. I manage a heavy docket of pending cases and preside over both civil and criminal matters. I have entered over 1,000 orders ruling on non-dispositive motions and recommending the disposition of dispositive motions. I have also presided over all phases of civil cases. I have presided over eight civil trials upon receiving the consent of the parties to the litigation. In criminal matters, as a magistrate judge, I am the first judicial officer that encounters defendants following their arrest. I have conducted initial appearances, arraignments, bail and detention hearings, preliminary hearings, and competency hearings in criminal cases. I have reviewed and authorized search warrants and arrest warrants while on criminal duty. I have also presided over settlement conferences, central violation bureau citation proceedings, and naturalization ceremonies. The wide range of service I performed as a magistrate judge has prepared me to serve as a federal district judge if I am so fortunate as to be confirmed.

Questions from Senator Thom Tillis
For Julie Simone Sneed, nominee to be United States District Judge for the Middle District of Florida

1. **Can a judge's personal views and background benefit them in interpreting and applying the law, or would you say that they are irrelevant?**

   Response: A judge's personal views and background are irrelevant in interpreting and applying the law.

2. **Do you believe impartiality is an aspiration or an expectation for a judge?**

   Response: Impartiality is an expectation and requirement for judges. Canon 3 of the Code of Conduct for Judges requires that judges perform the duties of the office fairly, impartially, and diligently.

3. **What is judicial activism? Do you consider judicial activism appropriate?**

   Response: Judicial activism is a "philosophy of judicial decision-making whereby judges allow their personal views about public policy, among other factors, to guide their decisions." Black's Law Dictionary (11th ed. 2019). Judicial activism is not appropriate.

4. **Should a judge second-guess policy decisions by Congress or state legislative bodies to reach a desired outcome?**

   Response: No. Judges are not permitted to second-guess policy decisions by Congress or state legislative bodies to reach a desired outcome.

5. **Does faithfully interpreting the law sometimes result in an undesirable outcome? How, as a judge, do you reconcile that?**

   Response: Yes, faithfully interpreting the law may sometimes result in an outcome that is unfavorable. Nevertheless, judges are required to apply the law faithfully and impartially, without fear or favor. 28 U.S.C. § 453; Code of Conduct for United States Judges, Canon 3.

6. **What will you do if you are confirmed to ensure that Americans feel confident that their Second Amendment rights are protected?**

   Response: The Second Amendment provides an individual right to keep and bear arms. U.S. Const. amend. II. If I am confirmed as a district court judge, I will faithfully apply all binding precedent including *New York State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111 (2022), *McDonald v. Chicago*, 561 U.S. 742 (2010), and *District of Columbia v. Heller*, 554 U.S. 570, 635 (2008).

7. **What process do you follow when considering qualified immunity cases, and under the law, when must the court grant qualified immunity to law enforcement personnel and departments?**

   Response: Qualified immunity shields government officials from claims filed pursuant to 42 U.S.C. § 1983 unless the conduct violates a statutory or constitutional right, and that right was clearly established at the time of the alleged violation. *See District of Columbia v. Wesby*, 583 U.S. 48 (2018); *Saucier v. Katz*, 533 U.S. 194 (2001). If I am confirmed as a district court judge, I will faithfully apply binding Supreme Court and Eleventh Circuit precedent when considering qualified immunity cases.

8. **Do you believe that qualified immunity jurisprudence provides sufficient protection for law enforcement officers who must make split-second decisions when protecting public safety?**

   Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on issues that may come before the court. If I am confirmed as a district court judge, I will faithfully apply binding Supreme Court and Eleventh Circuit precedent when considering qualified immunity cases including *District of Columbia v. Wesby*, 583 U.S. 48 (2018), *Saucier v. Katz*, 533 U.S. 194 (2001), and *Malley v. Brigg*s, 475 U.S. 335 (1986). The Supreme Court has held that qualified immunity "provides ample protection to all but the plainly incompetent or those who knowingly violate the law." *Malley*, 475 U.S. at 341. The issue of the sufficiency of qualified immunity jurisprudence is within the province of the legislature.

9. **What do you believe should be the proper scope of qualified immunity protections for law enforcement?**

   Response: Please see my response to Question 8.

10. **What are your thoughts regarding the importance of ensuring that all IP rights are in fact enforced?**

    Response: The Constitution empowers Congress to protect the intellectual property rights of authors and inventors in the Intellectual Property Clause. U.S. Const. art. I, § 8, cl. 8. As a magistrate judge, I have handled pre-trial motions and presided over a trial involving intellectual property rights. I have faithfully applied all Supreme Court and Eleventh Circuit precedent concerning intellectual property rights. If I am confirmed as a district court judge, I will continue to faithfully apply all Supreme Court and Eleventh Circuit precedent concerning intellectual property rights.

11. **In the context of patent litigation, in some judicial districts plaintiffs are allowed to request that their case be heard within a particular division. When the requested division has only one judge, this allows plaintiffs to effectively select the judge who will hear their case. What are your thoughts on this practice, which typically is referred to as "forum shopping" and/or "judge shopping?"**

    Response: The Middle District of Florida does not assign cases using this practice and does not have procedures to allow the assignment of cases using that practice. In the Middle District of Florida, all cases are assigned randomly to a district judge and magistrate judge in each division of the court.

12. **The Supreme Court has repeatedly waded into the area of patent eligibility, producing a series of opinions in cases that have only muddled the standards for what is patent eligible. The current state of eligibility jurisprudence is in shambles. What are your thoughts regarding the Supreme Court's patent eligibility jurisprudence?**

    Response: As a current magistrate judge and a nominee for the district court, the Code of Conduct for United States Judges generally precludes me from commenting on the quality of Supreme Court jurisprudence or issues that may come before the court. If I am confirmed as a district court judge, I will faithfully apply binding Supreme Court and Eleventh Circuit precedent when considering patent cases.