

Senator Chuck Grassley
Questions for the Record
Armando O. Bonilla
Nominee, Judge for the U.S. Court of Federal Claims

- 1. Your Senate Questionnaire indicates that you have served the Department of Justice in a variety of capacities for twenty years. If confirmed, what lessons or principles have you learned from your experiences that you will take with you to the Court of Claims?**

Response: A reputation of integrity is a lawyer's greatest asset. Throughout my career, I have endeavored to behave with absolute integrity, humility, and the highest standards of work ethic and professionalism; take great pride in my work; and treat others with respect. I have worked hard to establish a record and reputation of always basing my decisions and actions solely upon a careful examination of the relevant facts and strict adherence to the rule of law. If confirmed, I commit to staying true to these values.

- 2. As an attorney for the Department of Justice it is your responsibility to zealously represent the United States. If confirmed, how do you plan to transition to neutrally presiding over cases?**

Response: As a government advocate, my mission is to act in the best interest of the United States. A judge, in contrast, is duty bound to be and remain impartial. If confirmed, I would draw upon my experience as a federal district court law clerk in making the transition from advocate to judge. Between 1992 and 1994, I drafted dozens of bench memoranda and opinions and was exposed to an extraordinary example of an impartial federal trial court judge. Also, for two decades, I had the privilege of appearing before a number of federal trial and appellate court judges across this Nation whom I, my opposing counsel and their clients, and the public relied upon to be and remain neutral. I will never lose sight of the importance of a judge's impartiality in our judicial system.

- 3. What assurances or evidence can you give the Committee and future litigants that you will put aside any personal views and be fair to all who appear before you, if confirmed?**

Response: Personal views are not relevant to, and have no place in, a judge's fulfillment of his or her solemn responsibilities in the administration of justice. My personal beliefs never played a role in any bench memorandum or opinion I drafted during my two-year federal district court clerkship; nor have my personal views ever been a factor in any civil case I litigated or settled, criminal case I prosecuted or declined, appellate argument I advanced, or policy decision I made or recommended during my twenty-year tenure with the Department of Justice. If confirmed, I assure the Committee, future litigants and their counsel, and the public that I would impartially and steadfastly adhere to the rule of law without regard to any personal views and be fair to all who appear before the court.

- 4. What assurances or evidence can you give this Committee that, if confirmed, your decisions will remain grounded in precedent and the text of the law rather than any underlying political ideology or motivation?**

Response: If confirmed, I assure the Committee that every decision I make would reflect an impartial and steadfast adherence to precedent and the text of the law rather than any underlying political ideology or motivation. Like personal views, political ideology and motivation have no place in a judge's fulfillment of his or her solemn responsibilities in the administration of justice.

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

Response: The most important attributes of a judge are integrity, impartiality, and an unwavering commitment to the rule of law. A judge's failure to possess and consistently act in accordance with these values undermines our Nation's system of justice and the public's confidence therein, by removing the core principles of fairness, predictability, and stability in the law. I possess and have acted in accordance with these attributes throughout my career.

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

Response: A judge should be impartial, even-tempered, open-minded, fair, humble, and respectful towards all parties, counsel, and witnesses who appear before the court and all court personnel. During my two-year clerkship with United States District Judge for the District of New Jersey Garrett E. Brown, Jr. (now retired), I benefitted greatly from his example. In each case, the parties walked away from the court proceeding knowing that Judge Brown was ably prepared, had a firm grasp of all material facts and the governing law, allowed each party to present their position, understood the arguments advanced, maintained control of the courtroom through his steadfast adherence to the rule of law and court procedures, and ruled without delay and without regard to his personal beliefs.

Throughout my career, I have modeled my behavior after the extraordinary example of Judge Brown and the many other exemplary trial and appellate court judges throughout this Nation that I have had the privilege of appearing before. If confirmed, I would commit to hold myself to the highest standards of integrity, work ethic, and professionalism and without exception I will impartially adhere to the rule of law.

- 7. If confirmed, how do you intend to manage your caseload?**

Response: Between 1994 and 2001, while serving as a trial and appellate attorney in the Civil Division of the Department of Justice, I litigated over 100 cases before the Court of Federal Claims and briefed and argued over 50 appeals before the Federal Circuit. As a result of these experiences, if confirmed, my familiarity with the range of cases and issues properly brought before the Court of Federal Claims – and the court's

jurisdictional limitations – would enable me to more quickly and efficiently manage my caseload.

Moreover, in following the example of proper case management demonstrated by Judge Brown during my clerkship, if confirmed, I would: conduct weekly docket reviews with my law clerks and judicial assistant; review court filings as they are docketed to ensure that routine matters are addressed promptly and substantive motions are resolved in a timely manner; issue and adhere to strict pretrial scheduling orders after consulting with the parties; schedule oral arguments, conduct trials, and issue court decisions without delay; conduct regular status conferences with counsel to ensure that pending cases are advancing; encourage parties to engage in a continuous and meaningful dialogue in an effort to narrow the issues requiring resolution by the court; encourage parties to reasonably consider settlement; offer to serve as a settlement judge in any case pending on my docket or the docket of any of my colleagues; and offer to refer any case pending on my docket to another judge on the court for settlement negotiations.

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

Response: Yes. In my experience over the last two decades litigating cases before the Court of Federal Claims and a number of federal district courts around the country, trial judges play a vital role in controlling the pace and conduct of litigation. If confirmed, I would be fully engaged – as outlined in response to Question No. 7 – in the timely resolution of all cases brought before the court.

9. In general, Supreme Court precedents are binding on all lower federal courts and Federal Circuit Court precedents are binding on the Court of Federal Claims. Please describe your commitment to following the precedents of higher courts faithfully and giving them full force and effect, even if you personally disagree with such precedents.

Response: If confirmed, I commit to faithfully following the binding precedents of the Supreme Court and the Federal Circuit. I would do so without regard to whether I personally agree or disagree with such precedents. As stated in response to Question No. 3, a judge's personal views are not relevant to, and serve no legitimate purpose in, ruling upon a case or controversy presented before the court. I adhered to these principles during my two-year federal district court clerkship and have continued to do so throughout my twenty-year career with the Department of Justice.

10. In your view, are there particular challenges facing the Court of Claims? Do you see any areas where improvement is needed?

Response: In Fiscal Year 2014, the Court of Federal Claims has seen a significant increase in the number of procurement challenges, which by their nature requires expedited proceedings. Concomitantly, the court's bench has experienced a high

vacancy rate. If confirmed, I would work hard to ensure that these cases – as well as all matters assigned to my docket – are resolved timely and in strict accordance with the governing law.

With regard to areas where improvement is needed, I am not currently in a position to identify court-specific concerns or needs. If confirmed, I would work with the Chief Judge, my colleagues, and court staff to continuously identify areas where improvement is needed and develop and implement performance-based and cost-effective solutions.