

Senator Chuck Grassley
Questions for the Record
Nancy B. Firestone
Nominee, Judge for the U.S. Court of Federal Claims

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

Response: The most important attribute of a judge is to be fair and impartial when deciding a case. Over the past 15 years, I have decided each case before me with an open mind and based on binding precedent.

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

Response: It is very important for a judge to be even-handed with the parties and even-tempered. The Court of Federal Claims is the national court where citizens can sue the federal government for damages. It is vital that litigants feel that they have been heard, understood, and treated fairly, in all proceedings. For the past 15 years I have done my best to ensure that I live up to this standard and work to meet this standard in all of the matters before me.

3. 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: As a judge I am both bound and committed to following precedent and have done so in all of my decisions. I have never decided any case based on my personal views or with any political ideology in mind. I believe my record over the past 15 years establishes my commitment to following precedent in all cases and to faithfully applying precedent to the facts presented.

4. 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: Over the past 15 years, I have handled over 750 cases and issued nearly 600 decisions. I always treat each litigant fairly without regard to my personal views. I believe my record demonstrates my commitment to the principles of fairness required of a judge.

5. If confirmed, how do you intend to manage your caseload?

Response: Case management is a critical responsibility of a judge. I take that responsibility very seriously and take many steps to ensure that my docket is kept up to date. During the past 15 years, I have been committed to maintaining a current docket. To keep my docket current, I conduct weekly docket reviews with my law clerks and judicial

assistant. I also review court filings as they come in to ensure that routine matters are addressed immediately and motions are handled in a timely manner.

6. 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: Controlling the pace and conduct of litigation has been very important to me over the last 15 years. I hold regular status conferences with the parties to ensure that cases stay on schedule. I also make sure to resolve motions quickly so that issues are narrowed where possible.

7. 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: The decisions of the Supreme Court and Federal Circuit are binding on me. In all of my decisions I have faithfully applied precedent. My decisions reflect that commitment and I do not intend to deviate from that commitment in the future.