

**Senator Chuck Grassley**  
**Questions for the Record**  
**Thomas Halkowski**  
**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 respect for the rule of law - ensuring it is applied carefully and impartially without regard for one's own personal views. I possess this attribute. I have faithfully adhered to the law as well as have respected other parties while clerking at the United States Court of Federal Claims, while clerking at the United States Court of Appeals for the Federal Circuit, while representing the United States as an attorney at the United States Justice Department, and while representing a wide variety of private companies as an attorney at Fish & Richardson P.C.

**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: A judge should be impartial, humble, and fair. A judge should also be careful and diligent in reviewing the materials submitted by counsel, should be respectful and considerate toward each party, and keep an open-mind to the positions being advocated by each side. I meet this standard.

**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: I have never held a position in, or rendered services to, a political party or election committee; nor have I served in any political positions in government. If confirmed, I assure without reservation that I would adhere with fidelity to applicable precedent and text of the law without any consideration regarding political ideology or motivation.

**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: For the public to have confidence in our courts, parties must be treated impartially, fairly, and with respect. During my career as a clerk serving for Judge Roger Andewelt and subsequently for Chief Judge Helen Nies, I learned the importance of faithfully adhering to the rule of law and applying precedent without regard to personal views. Later, as an attorney for the Justice Department and subsequently as an attorney representing private companies while a member of Fish & Richardson P.C., I gained further understanding of the need to represent my clients without regard to personal views as well as the importance of fairly presenting issues to the Court. My character as

evidenced through-out my career evidences a commitment to treat others with respect. If confirmed, I assure without reservation that I would continue to stay true to these values and would faithfully and impartially apply the law putting aside any personal views.

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

Response: If confirmed, I will diligently apply the United States Court of Federal Claims Rules by, among other things, promptly convening scheduling conferences, efficiently addressing discovery disputes, encouraging parties to meaningfully meet-and-confer in an effort to narrow issues in dispute, carefully ruling on dispositive motions, and encouraging parties to reasonably consider settlement.

**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: In my experience, Judges on the United States Court of Federal Claims play a vital role in controlling the pace and conduct of litigation. If confirmed, I will, in addition to the approaches outlined above in response to Question No. 5, meet regularly with staff in chambers to review the status of each case as well as maintain communication with litigants to ensure their cases are proceeding at a reasonable pace.

**7. Would you please comment on how you will transition from being an advocate to being a Judge?**

Response: The role of a judge in fairly assessing the evidence and argument presented from both sides is different from the role of an advocate seeking to persuade a judge to rule in favor of a client. Yet, when properly approached, both judge and attorney must have a deep and abiding respect for the impartial application of the law to resolve a dispute. My decades of experience litigating matters both on behalf of the United States and on behalf of private companies – including working on many trials – will provide valuable preparation for the work of being a judge, if I am confirmed. Also, I was fortunate to have served as a judicial clerk for Judge Roger Andewelt of the United States Court of Federal Claims and, subsequently, Chief Judge Helen Nies of the United States Court of Appeals for the Federal Circuit. Thanks to the wise counsel of both Judge Andewelt and Chief Judge Nies, I learned much about effectively and properly adjudicating disputes. Both my judicial clerking experience and my work litigating disputes have impressed upon me the critical importance of a court's careful assessment of each case, hearing with an open-mind the argument and diligently reviewing the evidence from each side, and impartially applying the law to the facts to arrive at a decision without regard for any personal views. If I am fortunate enough to be confirmed, I look forward to leveraging the knowledge and experience gained from my judicial clerkships along with my work as trial counsel as I transition to the bench.

**8. 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 assure without reservation that I would adhere with fidelity to the Supreme Court and Federal Circuit Court precedent without regard to any personal views.