

**Senator Grassley  
Questions for the Record**

**Mark Anthony Young,  
Nominee, U.S. District Judge for the Central District of California**

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

Response: I believe that the most important attribute of a judge is integrity. Judicial integrity includes being impartial in all matters that come before me, adhering to all binding precedents and following the rule of law, and treating the parties and litigants with respect. During my seven years as a Los Angeles County Superior Court Judge and my prior ten years as a federal prosecutor, I have always conducted myself with utmost integrity. Therefore, I believe that I do possess this important attribute.

**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: In my opinion, the appropriate judicial temperament includes treating all who come before the court with patience, dignity, and respect, while, at the same time, maintaining control over the courtroom and the proceedings. I believe that I have conducted myself in this manner as a state court judge and that I meet this standard.

**3. In general, Supreme Court precedents are binding on all lower federal courts and Circuit Court precedents are binding on the district courts within the particular circuit. 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: Throughout my tenure as a state court judge, I have always followed binding precedent without regard to any personal opinions. If confirmed as a federal district judge, I will continue to follow all binding precedent.

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

Response: I would start by looking at the written text of the rule, regulation or statute at issue. Specifically, I would determine whether the text was clear and unambiguous. If the language was clear and unambiguous, I would follow the statute's plain meaning. If the language was unclear, I would apply the canons of statutory construction, including decisions on analogous cases decided by the Supreme Court of the United States and the Court of Appeals for the Ninth Circuit. Finally, I would look to cases from other circuits

or district courts that have dealt with similar statutes or provisions for persuasive authority.

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

Response: I would apply the decision of the Supreme Court of the United States or the Ninth Circuit Court of Appeals.

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

Response: Statutes enacted by Congress are presumed to be constitutional, and a judge is empowered to declare a statute unconstitutional only in the very limited circumstance when it is clear that the statute is in conflict with the Constitution or exceeds congressional authority. Moreover, a court should avoid reaching a constitutional question if there is another avenue on which to base the court's decision.

- 7. In your view, is it ever proper for judges to rely on foreign law, or the views of the "world community", in determining the meaning of the Constitution? Please explain.**

Response: No. A judge should never rely upon foreign law or world community views in determining the meaning of the Constitution of the United States of America.

- 8. 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 been a state court judge for over seven years. During the time, I have demonstrated a commitment to following binding precedent and the text of the law rather than any political ideology or motivation. If confirmed, I would continue to follow all binding precedent and the rule of law.

- 9. 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: As a state court judge, I have treated all litigants who have appeared before me fairly and with respect without regard to any personal views. If confirmed, I would continue that practice.

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

Response: During my tenure as a judge on the Los Angeles County Superior Court, I have balanced an extremely large daily calendar of cases with jury trials and court motions. In order to manage that case load, I needed to be fair, efficient and, most importantly from a case management standpoint, prepared. If confirmed, I will continue to put in the work necessary to be prepared to handle a large and complex case load. In addition, I will have early, in-person scheduling conferences with the parties in which potential issues will be discussed and deadlines set. I believe that reasonable but firm deadlines are a crucial case management tool, along with the court making prompt decisions on issues that arise during the case. Finally, I will take advantage of all the electronic case management tools available to district judges in the Central District of California.

**11. 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. I believe judges play a crucial role in moving cases forward in a fair but efficient manner. If confirmed as a district court judge, I would follow the steps set forth in my prior answer to efficiently manage the pace of my docket.

**12. As a judge, you have experience deciding cases and writing opinions. Please describe how you reach a decision in cases that come before you and to what sources of information you look for guidance.**

Response: The parties' briefing of the matter is the starting point for deciding cases and writing decisions. Prior to oral argument, I also conduct my own research into the issues in order to identify any outstanding legal issues or facts to be resolved. I believe oral argument plays an important role in the decision making process in that it allows the parties to address the questions and concerns of the court, or to clarify troubling issues or facts. Once I have determined the facts of the case, I apply the relevant binding precedent to those facts and issue my decision.

**13. President Obama said that deciding the "truly difficult" cases requires applying "one's deepest values, one's core concerns, one's broader perspectives on how the world works, and the depth and breadth of one's empathy . . . the critical ingredient is supplied by what is in the judge's heart." Do you agree with this statement?**

Response: As a state court judge, I have always made my decisions based upon the law and binding precedent. No other considerations are relevant to that decision making process.

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

Response: The Office of Legal Policy (“OLP”) at the Department of Justice forwarded these questions to me on October 28, 2015. I reviewed the questions and prepared my answers. I submitted my draft responses to OLP and discussed those responses with staff from OLP. I then finalized my responses and authorized OLP to submit these responses on my behalf.

**15. Do these answers reflect your true and personal views?**

Response: Yes.

**Written Questions of Senator Jeff Flake**  
U.S. Senate Committee on the Judiciary  
*Judicial Nominations*  
**Mark Anthony Young**  
Nominee, U.S. District Judge for the Central District of California

October 27, 2015

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**1. What is your approach to statutory interpretation? Under what circumstances, if any, should a judge look to legislative history in construing a statute?**

Response: In my approach, I would start by looking at the written text of the statute at issue. Specifically, I would determine whether the text was clear and unambiguous. If the language was clear and unambiguous, I would follow the statute's plain meaning. If the language was unclear, I would apply the canons of statutory construction, including decisions on analogous cases decided by the Supreme Court of the United States and the Court of Appeals for the Ninth Circuit. Finally, I would look to cases from other circuits or district courts that have dealt with similar statutes or provisions for persuasive authority. Pursuant to binding Supreme Court and Ninth Circuit precedent, legislative history may be relevant under some limited circumstances.

**2. What is the proper scope of the 10th Amendment to the Constitution? In what circumstances should a judge apply it?**

Response: The Tenth Amendment to the United States Constitution guarantees the states all powers not specifically delegated to the federal government by the Constitution, or prohibited by the Constitution to the states. Thus, the states retain a significant measure of sovereign authority "to the extent that the Constitution has not divested them of their original powers and transferred those powers to the Federal Government." New York v. United States, 505 U.S. 144, 156 (1992). If I am so fortunate as to be confirmed, I will apply all binding precedent including Supreme Court and Ninth Circuit precedent regarding the Tenth Amendment.

**3. Does current standing doctrine foster or impede the ability of litigants to obtain relief in our legal system?**

Response: Standing is the constitutional limitation of federal court jurisdiction to actual cases or controversies. See U.S. Const. art. III, § 2; see also Lujan v. Defenders of Wildlife, 504 U.S. 555, 560 (1992). It is a threshold issue in every federal case and determines the power of the court to even entertain the suit. Warth v. Seldin, 422 U.S. 490, 498 (1975). As such, consistent with the Constitution and Supreme Court precedent, litigants must first establish standing before they can pursue their claims.