

**Responses of Susie Morgan**  
**Nominee to be United States District Judge for the Eastern District of Louisiana**  
**to the Written Questions of Senator Chuck Grassley**

- 1. In your hearing you were asked to describe your judicial philosophy. You responded by describing the role of the judge, but didn't really give any insight as to your judicial philosophy. Would you please describe your judicial philosophy?**

Response: My judicial philosophy is that district court judges must demonstrate a respect for the rule of law and an understanding of the limited role of judges in our constitutional system. Federal courts are courts of limited jurisdiction. As a result, judges should decide only cases or controversies that are properly before their courts and those cases should be decided as narrowly as possible based on the law at issue and the decisions of the United States Supreme Court and Fifth Circuit Court of Appeals. Judges must decide all cases fairly and impartially without regard for the judge's personal views or opinions.

- 2. You have been very active in politics. Over the course of your career, you have volunteered time and donated money to many Democratic candidates. There is certainly nothing wrong with that. But, your political history may concern future litigants, should you be confirmed.**

- a. Do you think your political activity and contributions would be of concern to any litigant who might appear before you, if confirmed? If so, how would you respond to any concerns that might be raised?**

Response: I have never been employed by a political party or a particular candidate, and I have never had a management role in any campaign. My participation has been in a minor volunteer role, as my primary focus has always been on the full-time practice of law and my family responsibilities. I do not think that my previous activities or contributions will be of concern to any litigant who appears before me. If I am confirmed as a federal district judge, I will not be involved in any political activities and I will base my decisions only on the facts and the law without regard to personal opinion.

- b. Public records indicate you made campaign contributions during the time you were requesting consideration for nomination as a United States District Judge. Do you think that such contributions generally raise an issue of an appearance of impropriety or reduce public confidence in the integrity and impartiality of the judiciary?**

Response: I knew and supported Senator Landrieu for many years before I requested consideration for nomination. Under these circumstances, I do not think that my contribution to her would create an appearance of impropriety or would reduce public confidence in the judiciary.

- c. **Can you assure this Committee that, if confirmed, your decisions will remain grounded in the precedent and the text of the law rather than any underlying political ideology or motivation?**

Response: Yes.

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: I strongly believe that equal justice under the law is the cornerstone of our legal system and that the judge's personal views have no place in the decision-making process. Over the course of my career, through my paid legal work, my pro bono cases and my other volunteer work, I have demonstrated a commitment to treat all persons equally, with respect and dignity, and without regard to their political beliefs or personal status. I believe that I have the reputation in the legal community of being a polite and courteous person who treats opposing parties and counsel fairly and with respect. If confirmed, I will decide cases on an impartial basis based only on the facts and the law without regard to my personal views or opinions. I will remain open-minded and impartial throughout any cases assigned to me.

4. **You have worked as a lobbyist, seeking earmarks for municipal projects. Will this present any type of conflict of interest for you?**

Response: I worked as a lobbyist for the governing bodies of Caddo Parish and Bossier Parish, Louisiana. In that capacity, I worked with the bipartisan Louisiana Congressional delegation to help these parishes seek funding for economic development projects. I also assisted with efforts in support of Barksdale Air Force Base, which is located in Bossier Parish. I have done no lobbying for either parish recently and I have no continuing professional relationship with either of them. Both parishes are located within the jurisdiction of the United States District Court for the Western District of Louisiana, and the seat for which I have been nominated is in the Eastern District of Louisiana. I do not believe that my work for these parishes will present any conflict of interest if I am confirmed.

5. **During your hearing, you indicated you have talked to some of the judges who sit on the Eastern District of Louisiana currently who have "offered to help get me up to speed." What has been the general nature of those conversations? Did any of the conversations relate to your nomination hearing or the confirmation process? If so, please describe in detail.**

Response: I saw two of the current judges at separate social and/or bar association events. I mentioned to both of them that I had done some criminal cases while I lived in Shreveport, Louisiana but that the majority of my work has been in civil litigation. Each of them offered to assist me, if I am confirmed, by inviting me to observe criminal

proceedings in their courtrooms. These brief conversations did not relate to my nomination hearing or the confirmation process.

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

Response: I believe that a judge must possess many attributes, including intellectual capacity, promptness, decisiveness, patience and respect for others. I believe the most important attribute of a judge is impartiality in his or her findings of fact and application of the law. I believe that I possess these characteristics.

**7. 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: I believe that a good judicial temperament is one showing respect for others, patience, and humility. A judge must lead by example in the courtroom by demonstrating that all parties who come before the court will be treated fairly and with dignity and respect. I believe that I meet this standard.

**8. 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. Are you committed to following the precedents of higher courts faithfully and giving them full force and effect, even if you personally disagree with such precedents?**

Response: Yes. If confirmed, I will follow the precedents of the United States Supreme Court and the United States Court of Appeals for the Fifth Circuit, regardless of my personal opinions.

**9. At times, judges are faced with cases of first impression. If there were no controlling precedent that dispositively concluded 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: If I am confirmed and I am faced with a case of first impression, I will start by considering the plain language of the statute or other legal provision at issue. I will also look to controlling precedent of the United States Supreme Court and the United States Court of Appeals for the Fifth Circuit. If there are no cases on point, I will look to decisions on analogous issues from the federal and state courts for persuasive authority.

**10. 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 own judgment of the merits, or your best judgment of the merits?**

Response: If confirmed as a district court judge, I will faithfully adhere to the precedent established by the Supreme Court and the Fifth Circuit Court of Appeals without regard

for my own judgment or views of the precedent. It is never appropriate for the district court judge to substitute his or her own judgment for binding precedent.

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

Response: I believe that it is appropriate for a federal court to declare a statute enacted by Congress unconstitutional only if Congress has exceeded its constitutional authority or enacted a statute inconsistent with a provision of the Constitution. In making this decision, I would be guided by the Supreme Court's interpretation of the Constitutional provision and all applicable decisions of the Supreme Court and the Fifth Circuit Court of Appeals.

**12. As you know, the federal courts are facing enormous pressures as their caseload mounts. If confirmed, how do you intend to manage your caseload?**

Response: The Eastern District of Louisiana has established case management tools to assist in the efficient handling of cases and early resolution of disputes where possible. If confirmed, I will manage my caseload by using those case management tools to establish and enforce clear deadlines for pretrial discovery and motion practice. I will work closely with the magistrate judges for the Eastern District of Louisiana to ensure that all deadlines are being met and to intervene if they are not. I will rule expeditiously on matters before my court being always mindful of the cost and inconvenience of protracted litigation to the parties.

**13. 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, based on my experience as a litigator, I am aware that judges have an important role in controlling the pace and conduct of litigation. I will use those techniques outlined in answer to Question 12 above to facilitate the efficient and prompt resolution of cases. If confirmed, I will strive to hear and decide those matters before me in an expeditious manner. I will treat all litigants and attorneys with respect and require that others do the same to ensure that the conduct of the litigation remains professional.

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

Response: I received the questions on Wednesday, October 26, 2011. I drafted responses to the questions on Thursday, October 27, 2011. I discussed my responses with an official from the Department of Justice, after which I finalized my responses. I then forwarded my responses to the Department of Justice for submission to the Senate Judiciary Committee.

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

Response: Yes.