

Responses of Jane M. Triche-Milazzo
Nominee to be United States District Judge for the Eastern District of Louisiana
to the Written Questions of Senator Chuck Grassley

- 1. 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. 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: While I did enjoy political activities prior to my election as state district court judge, I understand and firmly believe that political ideology has no place in the courtroom. If confirmed, I would be bound by the rule of law and precedent.

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

Response: I believe that my work as a state court judge would be evidence of my impartiality towards all litigants appearing before me.

- 2. 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 the ability to apply the law in a fair and impartial manner. I believe my work as a state court judge indicates that I possess this attribute.

- 3. 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 patient, calm and respectful towards all litigants. Additionally, a judge should be well prepared to address the issues before it. I believe my temperament as a state court judge reflects that I meet this standard.

- 4. 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.

- 5. 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: In the event that there is no binding precedent from the Supreme Court or Fifth Circuit Court of Appeals, I would first look to the text of the statute to determine its clear meaning. In the event of some ambiguity, I would look to precedent from the Supreme Court and Fifth Circuit for guidance on statutory interpretation to reach a conclusion.

- 6. 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: I would be bound by precedent from the United States Supreme Court and Fifth Circuit Court of Appeals.

- 7. 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: I would work with the Clerk of Court to establish a case management system that tracks cases allotted to me. I would set early status conferences to establish pretrial discovery, motion and final pretrial conference deadlines to move cases toward expeditious disposition.

- 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: A judge has a clear role in controlling the pace and conduct of litigation. If confirmed, I would establish the system identified in question #7, and would encourage mediation and alternative dispute resolution. Additionally, I would take advantage of magistrate settlement conferences.

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

Response: I received these questions on June 15, 2011 and prepared answers. I discussed my responses with a representative of the Department of Justice and after finalizing same, authorized transmission to the Senate Judiciary Committee.

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

Response: Yes.