

**Senator Grassley  
Questions for the Record**

**Jill N. Parrish,  
Nominee, U.S. District Judge for the District of Utah**

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

Response: I believe the most important attribute of a judge is integrity. When a judge possesses integrity, she will abide by her oath to faithfully follow the rule of law embodied in the Constitution, statute, and binding precedent and to administer justice without respect to persons. Of necessity, this requires thorough preparation, keeping an open mind until a case or issue has been submitted, and treating all litigants with courtesy, dignity, and respect. I believe that I have exhibited integrity throughout my legal career and, if confirmed, am committed to discharging my duties as a federal district judge with absolute integrity.

**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 must have patience and a commitment to afford all litigants procedural fairness. Affording a litigant procedural fairness requires keeping an open mind, listening, acknowledging, and giving serious consideration to the arguments of the parties. It further requires treating all persons with courtesy, dignity, and respect. I believe that I have these traits and have demonstrated them during my twelve years on the Utah Supreme Court.

**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: As a member of the Utah Supreme Court for the last twelve years, I understand the importance of stare decisis and binding precedent. If confirmed as a federal district judge, I will faithfully follow the precedent of the United States Supreme Court and the Court of Appeals for the Tenth Circuit. Any personal views I may have on an issue will be irrelevant to the decisions I render.

**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: If presented with a case of first impression involving an issue of statutory construction, I will look to the ordinary meaning of the statutory language construed in the context of the statute as a whole. If the statute is ambiguous, I will look to analogous authority or generally-accepted canons of statutory construction. I will follow a similar procedure in cases of first impression involving constitutional or contractual provisions.

- 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: If confirmed as a federal district judge, I will faithfully follow binding precedent regardless of whether or not I agree with it. Any personal views I might have on an issue will play no role in my decision.

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

Response: The circumstances under which it is appropriate for a federal court to declare a statute unconstitutional are extremely limited. If confirmed as a federal district judge, I will not address a constitutional issue unless it is necessary to the disposition of a case. If required to address a constitutional issue, I will begin with the proposition that statutes passed by Congress and signed into law by the President are presumptively valid. A judge should only declare a statute unconstitutional if it is necessary to the disposition of a case and it is clear that the statute is contrary to the text of the Constitution as interpreted by binding precedent.

- 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: Foreign law, including the constitutional rulings and doctrines of foreign courts and international tribunals, or the views of the “word community” can never be binding precedent on the courts of the United States and generally do not provide relevant or persuasive authority. The interpretation of the Constitution and laws of the United States is informed by the intent of the framers and Congress as reflected by the enacted text. Foreign law may inform an understanding of that intent in those rare cases where the framers or Congress had explicitly looked to that law as an example to emulate or avoid, for example the Magna Carta. *See, e.g., Boumediene v. Bush*, 553 U.S. 723, 845 (2008), *Browning-Ferris Indus. of Vermont, Inc. v. Kelco Disposal, Inc.*, 492 U.S. 257, 272–73 (1989).

- 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 member of the Utah Supreme Court for nearly twelve years. During that time, I have sat on over nine hundred cases that resulted in a written opinion. I believe my record demonstrates that I decide cases based upon the law and precedent. If confirmed as a federal district judge, I will continue to decide cases in the same manner.

**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: A judge's personal views should play no role in the decisional process. The best evidence of my ability to put aside any personal views and be fair to all who appear before me is my track record as a justice on the Utah Supreme Court during the past twelve years. I believe it demonstrates that I decide cases based upon the rule of law.

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

Response: While parties must be given adequate time for discovery and case preparation, justice delayed is often justice denied. Therefore, I believe that it is important to keep matters moving toward expeditious resolution. The best way to accomplish this is through active participation as a trial judge. This includes holding a scheduling conference early in each case to set realistic deadlines and then holding the attorneys to those deadlines absent good cause to deviate from them. If confirmed, I will be available to resolve any scheduling or discovery disputes and to assist the parties in narrowing issues for trial. I will also give careful consideration to dispositive motions and rule on them in a timely manner.

**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 that a trial judge does play an important role in moving cases toward expeditious resolution. If confirmed, I will proceed as outlined in my previous answer to meet that goal.

**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 key to reaching the correct decision is thorough preparation. I begin with a complete review of the briefing in each case. I listen carefully to the arguments of counsel. I then focus my attention on the underlying law and facts. I study the applicable statutes, regulations, and precedent and then apply them to the facts of the particular case at hand to reach a decision. In cases where I am the assigned author, I then undertake the preparation of a written opinion that will fully explain the basis of 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: I am not familiar with the context of this quotation. While I am courteous and respectful to all who appear before me, I follow the rule of law, rather than my own views or values, in deciding cases.

- 14. According to the website of American Association for Justice (AAJ), it has established a Judicial Task Force, with the stated goals including the following: “To increase the number of pro-civil justice federal judges, increase the level of professional diversity of federal judicial nominees, identify nominees that may have an anti-civil justice bias, increase the number of trial lawyers serving on individual Senator’s judicial selection committees.”**

- a. Have you had any contact with the AAJ, the AAJ Judicial Task Force, or any individual or group associated with AAJ regarding your nomination? If yes, please detail what individuals you had contact with, the dates of the contacts, and the subject matter of the communications.**

Response: No. I have had no contact with any such groups.

- b. Are you aware of any endorsements or promised endorsements by AAJ, the AAJ Judicial Task Force, or any individual or group associated with AAJ made to the White House or the Department of Justice regarding your nomination? If yes, please detail what individuals or groups made the endorsements, when the endorsements were made, and to whom the endorsements were made.**

Response: I am not aware of any such endorsements.

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

Response: On January 29, 2015, these questions were forwarded to me by the Office of Legal Policy at the Department of Justice. I personally drafted my answers and submitted them to the Office of Legal Policy. I made minor revisions before finalizing them and submitting them to the Committee.

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

Response: Yes.