

**Responses of Susan O. Hickey**  
**Nominee to be United States District Judge for the Western District of Arkansas**  
**to the Written Questions of Senator Chuck Grassley**

**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 to be fair and impartial in applying the law to the facts of a case and to treat all parties with respect. I believe I possess this 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: A judge should be fair, impartial, open-minded, courteous and respectful. These qualities are all important in a judge's temperament. However, I believe impartiality and respect for the law and the parties are the most important qualities. I believe 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. 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.

**4. 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 cases of first impression, I would look to analogous Supreme Court and Circuit Court rulings. In instances of statutory interpretation, I would look to the plain language of the statute at issue, along with the legislative history and intent, if necessary. Any decisions of first impression would be narrow and limited to the facts of the case before the court.

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

Response: As a district judge, I would be bound to follow the law as handed down by the Supreme Court or the Court of Appeals. If confirmed, I would follow such precedent. I would not use my own judgment of the merits of a case.

**6. 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: Having worked in the federal court system for many years, I am familiar with the heavy caseload of our federal courts. If confirmed, I would keep track of my docket through the court's case management system. I would use pretrial scheduling orders and status conferences to move cases forward and utilize settlement conferences, when appropriate, to bring about the resolution of cases. I would rule on pending motions in a timely manner and promptly set matters for trial.

**7. 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. Judges have a significant role in controlling the pace and conduct of litigation. If confirmed, I would utilize pretrial scheduling orders and status conferences to move cases forward. I would rule on pending motions promptly, set trial dates and refer matters to settlement conferences, when appropriate. I believe these steps will ensure that each case before the court will be resolved in a timely manner.

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

Response: I received the questions on June 15, 2011. I prepared my responses on June 16, 2011. I then discussed my responses with a Department of Justice official. After my responses were finalized, I forwarded them to the Department of Justice for submission to the Senate Judiciary Committee.

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

Response: Yes.