

Questions for the Record
Hearing: Nominations
May 8, 2013
Submitted by Senator Amy Klobuchar

Questions for Patricia E. Campbell-Smith, to be a Judge of the United States Court of Federal Claims:

- 1. If you had to describe it, how would you characterize your judicial philosophy? How do you see the role of the judge in our constitutional system?**

Response: My judicial philosophy is to apply the law consistently and impartially to the facts of the case at hand. The role of a judge is to decide cases in accordance with the law.

- 2. What assurances can you give that litigants coming into your courtroom will be treated fairly regardless of their political beliefs or whether they are rich or poor, defendant or plaintiff?**

Response: The judiciary remains strong when the litigants' expectation of respectful and just treatment is satisfied. In my seven years as a judicial officer, I have treated each litigant--without exception--courteously and fairly. If confirmed to serve as a judge on the Court of Federal Claims, I will continue to treat litigants in this manner.

- 3. In your opinion, how strongly should judges bind themselves to the doctrine of stare decisis? How does the commitment to stare decisis vary depending on the court?**

Response: A judge must adhere to precedent when making decisions. The decisions of the Supreme Court and the Federal Circuit are binding on the Court of Federal Claims and must be followed. I am committed to applying the law, including precedent, in each case now before me, and if I receive Senate confirmation, I will remain similarly resolved.

**Senator Charles Grassley
Questions for the Record**

**Patricia E. Campbell-Smith
Nominee, Judge of the United States Court of Federal Claims**

- 1. Perhaps in your Special Master experience, you've encountered cases where a plaintiff is denied relief and your sense of justice feels undermined because of the constraints imposed by statute or precedent. As a Federal Claims Judge, when balancing a plaintiff's interest in obtaining justice with limits imposed by statute or precedent, how would you decide?**

Response: Many of the cases that I have considered as a Special Master involve difficult injuries and compelling factual circumstances. However, the law--whether prescribed by statute or precedent--does not provide a remedy in all the cases that come before me. When evaluating claims, I study the filings, listen carefully to the testimony of the parties and their witnesses, and apply the law to the record before me to reach a decision. When the limitations of the statute and the jurisprudence do not allow the plaintiff to recover, I have found against the plaintiff and have written an opinion laying out the record and explaining the legal constraints which, in my analysis, preclude relief. If, however, the statute and the jurisprudence--when applied to the facts of the case--afford relief, I have written an opinion describing the relevant facts and the legal grounds for the plaintiff's recovery. If I am fortunate enough to be confirmed by the Senate, I will approach cases at the Court of Federal Claims in the same manner.

- 2. In your view, are there particular challenges facing the Court of Claims? Do you see any areas where improvement is needed?**

Response: Because it has been seven years since I have clerked on the Court of Federal Claims, I am not in a position to know if there are particular challenges facing the Court of Federal Claims or if there are particular areas with respect to the Court of Federal Claims in which improvement may be needed. However, based on my five years of experience as a special master, and more recently, my two years of experience as chief special master, I know that all courts face challenges in being both deliberate and efficient in their mission to deliver considered, fair, prompt and just decisions. One tool that has helped me in my judicial work so far is the use of electronic resources. If I am fortunate enough to be confirmed by the Senate, I would continue to use such tools and would be alert to identify other opportunities to assist the Court of Federal Claims in doing its important judicial work as effectively as possible.