

Responses of Timothy M. Cain
Nominee to be United States District Judge for the District of South Carolina
to the Written Questions Senator Amy Klobuchar

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

Response: My judicial philosophy is that all parties should be treated equally under the law, regardless of station in life. A judge should be a fair and impartial arbiter of disputes brought before the court, and faithfully adhere to the rule of law. Judges should apply the law to a particular set of facts.

- 2. As the one undemocratic branch, the courts have a special responsibility to make sure they are available to those Americans most in need of the courts to protect their rights. 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: All parties are entitled to equal access to justice regardless of their social or economic status. I believe that my record as a state court judge for over eleven years demonstrates my commitment to equal access to justice for all. If confirmed, I pledge to continue this commitment, and to treat all parties fairly, affording each a full and fair opportunity to be heard, in accordance with the provisions of applicable law.

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

Response: Judges should adhere to the doctrine of stare decisis and follow established and controlling precedent. The principle that like cases should be decided in like manner, and the commitment to stare decisis, should apply to all judges.