

Responses of Gershwin A. Drain
Nominee to be United States District Judge for the Eastern District of Michigan
to the Written Questions of Senator Amy Klobuchar

- 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: As a trial judge my judicial philosophy is to closely follow and apply the law that is set forth in statutes, and to follow the case law found in precedents pronounced by higher courts. The judicial branch, along with the executive and legislative branches form the three equal branches of government. The judicial branch interprets and applies the law in cases and controversies, whereas the executive enforces the law and the legislature creates or modifies 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: I am totally committed to treating all those who would come before me impartially and fairly and I have endeavored to do that for the 25 years I have been a judge. I believe that all political and personal beliefs must be checked at the courthouse door and that when coming onto the bench a judge must be neutral and unbiased in all matters.

- 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: All judges should be thoroughly committed to the principle of stare decisis. A judge must completely adhere to and abide by controlling precedent from higher courts. Stare decisis creates stability and predictability in the law for the litigants.