

Responses of Jesse M. Furman
Nominee to be United States District Judge for the Southern District of New York
to the Written Questions of 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: In my view, judges play a narrow, but important role in our constitutional system, adjudicating disputes between parties based on a faithful application of the law to the facts. Consistent with that, I would characterize my judicial philosophy as adherence to the rule of law – specifically, the proposition that a judge must faithfully apply the law, whether found in the Constitution, statutes, or binding precedent, to the facts; and the notion that a judge should decide only the case and controversy before the Court.

- 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 justice under law, without regard for their political beliefs, economic condition, or social status. I believe that my career in the law – especially my career as a federal prosecutor – demonstrates clearly my commitment to that principle. Throughout my career, I have endeavored to treat everyone – including judges, colleagues, opposing counsel, witnesses, victims, and defendants – with equal dignity and respect and, if confirmed as a district judge, I would continue to do so.

- 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: In my opinion, judges should be strongly bound by the doctrine of stare decisis, as it is a foundation of the rule of law. I believe that stare decisis is an important principle for all judges, but it is especially important for district judges, who are bound by the decisions of the Supreme Court and their relevant Court of Appeals.