

Responses of J. Rodney Gilstrap
Nominee to be United States District Judge for the Eastern District of Texas
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: My judicial philosophy is centered on fairness, impartiality and faithfulness to the rule of law. I believe a district judge in our constitutional system should strive to see that a full and fair presentation of the relevant evidence is presented through the trial process, whether before the bench or a jury. Thereafter the judge should insure that the applicable law is applied under the doctrine of stare decisis resulting in a judgment which focuses narrowly on the issues fairly raised at trial.

- 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: Fair treatment applied to everyone is essential to the effective operation of our judicial system. Partial fairness is much akin to partial honesty. Neither rises to the standard required by our constitutional system. Fair treatment, coupled with common courtesy, should be accorded not only to litigants, but also to witnesses, jurors, lawyers, and all persons in the courtroom. If confirmed, I will consistently strive to meet this high standard in discharging my duties. I will also insist that my law clerks, court staff and members of the bar do the same. In my view, there is no place within our justice system for consideration by judges of the political beliefs or monetary strengths or weaknesses of the parties or whether a litigant is a plaintiff or defendant.

- 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: Trial judges must be committed to faithfully applying applicable precedent to those facts as are fully and fairly established through the trial process. This approach should not vary among the trial courts. En banc review by the applicable Circuit Court of Appeals and review by the Supreme Court may result in overturning prior precedent, but such is not appropriate at the trial court level.