

**Responses of Andrew David Hurwitz
Nominee to be United States Circuit Judge for the Ninth Circuit
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: I do not find it useful to use labels in describing my judicial philosophy. I think that the central philosophy of all judges should be to decide the individual case before them solely on the basis of the law. The role of the judge in our constitutional system, while important, is limited. Judges should not second-guess legislative or executive policy judgments, but should and must ensure that the other branches of government do not infringe upon individual constitutional rights or exceed the powers granted them under Articles I and II.

- 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 believe I have acted in this fashion throughout my career on the Arizona Supreme Court, and commit to doing so if confirmed as a circuit judge. Those who have appeared before me have indicated in responses to surveys distributed by the Arizona Judicial Performance Review Commission that they regard me as having acted impartially in cases before me.

- 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: Stare decisis is important because it provides predictability in the law; the law should not change simply because the composition of a court has changed. The Supreme Court should, however, reserve the right to overrule manifestly incorrect prior decisions, as it did in *Brown v. Board of Education*. Lower courts should be even more firmly committed to stare decisis in the case of their own prior decisions, as appellate review is available to a litigant who believes that a decision is in error.