

Responses of Ramona V. Manglona
Nominee to be Judge for the District of the Northern Mariana Islands
to the Written Questions of Senator Chuck Grassley

- 1. As a native of the Northern Mariana Islands, you are part of an extensive and prominent family in the community. Perhaps most notably your husband is an Associate Justice on the CNMI Supreme Court. While you can take pride in your family's accomplishments, this situation does raise a concern and possible conflicts of interest.**

- a. Are you concerned about your ability to treat parties objectively given the many business and family associations you have within the Commonwealth's community? Please discuss fully.**

Response: I am very confident of my ability to continue treating all parties objectively. In my eight years as a trial court judge in the Commonwealth Superior Court, I have presided over many cases involving individuals and entities. In each instance, I have treated all parties objectively by rendering decisions based solely on the facts of the case and the applicable law.

- b. You have had to recuse yourself 55 times already as a trial judge. If confirmed as a Judge for the Federal District, do you think it will create too much of a burden on the legal system if you, as the only judge on the court, have to frequently recuse yourself? How will you handle such recusals and who will fill in for you when recusals are necessary?**

Response: The majority of cases in which I recused myself were traffic or small claims cases. These types of cases are not within the federal court's jurisdiction. Upon an informal survey of actual cases filed in the federal court in the same period I served as a trial judge, I found that I would not have had to recuse myself as frequently. In the event my recusal is warranted under the Code of Conduct for United States Judges and 28 U.S.C. § 455, a designated judge from the courts of record of the Northern Mariana Islands, or District Court of Guam, or a circuit or district court judge or any of the circuits, may be assigned to serve as a judge under 48 U.S.C. § 1821(b)(2). Additionally, a combined Clerk of Court/Part-time Magistrate Judge position was authorized by the Judicial Conference for the Northern Mariana Islands District Court prior to the retirement of the former chief judge. The magistrate judge may preside over limited cases permissible by statute.

- c. Do you have any concerns regarding what some might describe as a concentration of judicial power in one family?**

Response: Maintaining the integrity of the judicial process is always my highest concern and priority. The constant application of the Code of Judicial Conduct and other statutes governing the activities of judges and justices have served well

in ensuring that regardless of my personal relationship, justice is dispensed strictly on the rule of law.

- d. If confirmed, what steps will you take to ensure the Federal District Court remains independent?**

Response: If confirmed, I will apply the laws as interpreted by the United States Supreme Court and the Court of Appeals for the Ninth Circuit. If there is no applicable precedent, I will turn to other federal court decisions to consider their rationale as persuasive authority.

- 2. You have virtually no litigation or judicial experience in federal court. I am concerned about that lack of experience. In addition, you have limited experience in criminal law. As I'm sure you know, federal district court judges must rule on a host of different criminal matters.**

- a. Is there anything you can share with us about your legal background to ease concerns about your lack of experience?**

Response: As a former prosecutor for the Northern Mariana Islands, I handled all types of criminal cases, ranging from misdemeanors to felonies, in jury trials as well as bench trials. During this period, I received constant formal trainings in the United States, including the Career Prosecutor's Training and Government Civil Practice Course sponsored by the National College of District Attorneys. As a general jurisdiction trial court judge for the past eight years, I have presided over a host of different criminal cases, and have presided over bench trials and jury trials. As a judge, I also received formal trainings from the National Judicial College in Nevada. These combined experiences and trainings have prepared me adequately for the position of federal district court judge.

- b. Do you feel you are qualified to step into the position of Judge for the District Court? What specific steps will you do to prepare yourself for this position?**

Response: I do feel qualified to step into the position of judge for the district court. Before assuming the position, I will review all the current federal court rules (rules of evidence, criminal procedure, civil procedure, etc.) and any applicable case law, as well as the federal criminal statutes. Most of the court rules used in the Commonwealth Superior Court mirror the federal rules, and so the review would be for any distinctions and/or exceptions.

- c. Do you feel your overall experience has prepared you for the criminal cases you will handle as a district court judge? Please explain.**

Response: Yes, I feel that my overall experience as a former prosecutor and a current trial court judge has prepared me for the criminal cases I will handle as a district court judge. Most of the criminal cases that are filed in the federal court

historically involve drug cases, and I have presided over numerous drug cases as a trial court judge.

d. How do you plan to educate yourself with respect to federal criminal law and the Federal Sentencing Guidelines?

Response: I plan to read through the federal criminal law and the federal sentencing guidelines, including any applicable case law. I will utilize the numerous resources available at the Federal Judicial Center, including its online services. I also plan on attending all available courses tailored for district court judges.

e. How much deference will you afford the Sentencing Guidelines?

Response: I will afford the Sentencing Guidelines great deference.

f. Do you agree that the sentence a defendant receives for a particular crime should not depend on the judge he or she happens to draw?

Response: Yes.

g. Under what circumstances do you believe it is appropriate for a district court judge to depart downward from the Sentencing Guidelines?

Response: A downward departure (or upward departure) from the Sentencing Guidelines would be warranted if the facts of the particular case and the applicable law justify it.

3. Do you believe that your judicial decision-making will be affected by the fact that this position is term-limited?

Response: No, my judicial decision-making will not be affected by the fact that the position is term-limited.

4. Do you believe that our federal government is one of limited and enumerated powers?

Response: Yes, I do.

5. What does the concept of separation of powers mean for the federal courts? If confirmed, will this be a governing principle which you will follow?

Response: Separation of powers for the federal courts means federal courts also have limited powers under the U.S. Constitution. Its limited jurisdiction is to decide cases involving laws of the federal government and certain controversies involving diversity of citizenship, but does not include controversies limited to the states. If confirmed, I will follow this governing principle.

- 6. Do you believe it is proper for a judge, consistent with governing precedent, to strike down an act of Congress that it deems unconstitutional? If so, under what circumstances, and applying what factors?**

Response: Yes, it is proper for a judge, consistent with governing precedent, to strike down an act of Congress that it deems unconstitutional under the power of judicial review. When Congress exceeds its authority, the court has the obligation to strike down the act. The circumstances would be contingent on the particular Congressional power exercised and the infringed rights of the individual. The factors would be dictated by the applicable governing precedent.

- 7. What is the most important attribute of a judge, and do you possess it?**

Response: The most important attribute of a judge is to be fair and impartial by according all parties due process and adhering to the rule of law. I believe I possess the fairness and impartiality that are crucial to being a judge.

- 8. Please explain your view of the appropriate temperament of a judge. What elements of judicial temperament do you consider the most important, and do you meet that standard?**

Response: A judge has to be courteous and patient when considering the parties' arguments, and be firm in applying the law to the facts of the case. I have been adhering to this standard as a trial court judge and I will continue to do so if confirmed.

- 9. In general, Supreme Court precedents are binding on all lower federal courts and Circuit Court precedents are binding on the district courts within the particular circuit. Are you committed to following the precedents of higher courts faithfully and giving them full force and effect, even if you personally disagree with such precedents?**

Response: Yes.

- 10. At times, judges are faced with cases of first impression. If there were no controlling precedent that dispositively concluded an issue with which you were presented, to what sources would you turn for persuasive authority? What principles will guide you, or what methods will you employ, in deciding cases of first impression?**

Response: In the absence of controlling precedent, I would turn to decisions from the U.S. Supreme Court, the Ninth Circuit, and other federal courts that have addressed an analogous issue. In the absence of any case law, I would employ the rules of statutory construction.

- 11. What would you do if you believed the Supreme Court or the Court of Appeals had seriously erred in rendering a decision? Would you apply that decision or would you use your own judgment of the merits, or your best judgment of the merits?**

Response: Because I am bound by the precedents of the U.S. Supreme Court and the Ninth Circuit Court of Appeals, I will apply the holdings of their decision.

12. As you know, the federal courts are facing enormous pressures as their caseload mounts. If confirmed, how do you intend to manage your caseload?

Response: If confirmed, I intend to monitor the progress of cases by setting regular status conferences and setting stringent deadlines.

13. Do you believe that judges have a role in controlling the pace and conduct of litigation and, if confirmed, what specific steps would you take to control your docket?

Response: I believe that judges have a role in controlling the pace and conduct of litigation by scheduling hearings and setting deadlines. If confirmed, I would ensure that time sensitive cases, such as criminal cases with defendants who exercise their right to a speedy trial, be a priority of all counsel as well as the court. For civil matters, the civil procedure rules and case management plans will be enforced to ensure prompt and fair resolution of matters.

14. Please describe with particularity the process by which these questions were answered.

Response: I drafted my answers after a careful consideration of the questions. I then discussed some of my answers with a representative from the U.S. Department of Justice. I prepared my final responses to these questions thereafter.

15. Do these answers reflect your true and personal views?

Response: Yes.