

Responses of Robin S. Rosenbaum
Nominee to be United States District Judge for the Southern District of Florida
to the Written Questions of Senator Chuck Grassley

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

Response: I believe that the most important attribute of a judge is integrity. Integrity includes fairness, intellectual honesty, and diligence. I believe that I have integrity.

- 2. 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 should be fair, even-tempered, and patient, treating with dignity and respect all who come before the judge. I consider all of these aspects of the appropriate judicial temperament of a judge to be essential. I believe that I meet this standard.

- 3. 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: I am entirely committed to following faithfully the precedents of the Supreme Court and the Eleventh Circuit Court of Appeals and giving them full force and effect, even if I personally disagree with such precedents.

- 4. At times, judges are faced with cases of first impression. If there were no controlling precedent that was dispositive on 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 a case of first impression involving a statute, I would first examine the language of the provision. If the language were clear, my analysis would begin and end with the language. If an ambiguity in the language existed, however, I would look to the structure and framework of the statute as a whole to interpret the provision at issue. In so doing, I would be careful to avoid a construction that would result in the redundancy or meaninglessness of any portion of the statute. If the answer were still not clear, I would consider whether precedents involving any analogous statutes were instructive. Finally, if ambiguity continued to exist, I would consider plainly ascertainable legislative intent.

- 5. 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 best judgment of the merits to decide the case?**

Response: My opinion about the correctness of Supreme Court and Eleventh Circuit precedent would be irrelevant to my rendering of decisions. Regardless of my personal views, I would faithfully follow the precedents of the Supreme Court and the Eleventh Circuit Court of Appeals, giving them full force and effect --- even if I personally disagreed with them.

6. Under what circumstances do you believe it appropriate for a federal court to declare a statute enacted by Congress unconstitutional?

Response: A statute should be declared unconstitutional only in rare circumstances where no possible fair constitutional interpretation can be discerned. Constitutional questions should be determined only if absolutely necessary and then, only in the narrowest possible way.

7. 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 would manage my caseload as efficiently as possible while still ensuring that each case receives the attention it deserves. As a sitting United States magistrate judge, I have developed a familiarity with the federal caseload in my district and have learned efficient ways to handle different types of matters while still giving each matter appropriate attention. If confirmed, I would continue to make these goals a priority. More specifically, I would hold conferences early in each case to schedule firm and realistic deadlines, and I would continue to meet with the parties as necessary to ensure that the deadlines are met. To further facilitate the expeditious resolution of cases, I would continue to make use of technology, particularly telephone and video-conference capabilities for non-substantive hearings.

8. 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: Judges absolutely have a role in controlling the pace and conduct of litigation. As noted above, if confirmed as a district judge, I would hold conferences early in each case to schedule firm and realistic deadlines, and I would continue to meet with the parties as necessary to ensure that the deadlines are met. To further facilitate the expeditious resolution of cases, I would continue to make use of technology, particularly telephone and video-conference capabilities for non-substantive hearings.

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

Response: I received these questions on Wednesday, March 7, 2012. After reviewing and considering them, I prepared answers to the questions and forwarded them to the Department of Justice for review, along with a letter of transmittal to the Senate Judiciary Committee.

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

Response: Yes.