

Responses of Michael P. Shea
Nominee to be United States District Judge for the District of Connecticut
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: A judge should adjudicate cases fairly and promptly by applying binding precedent to the particular facts of each case, without regard to his or her own personal views, and should treat the parties, counsel, witnesses, jurors and court staff with dignity and respect. The role of a district court judge in our constitutional system is an important but limited one. It includes presiding over trials fairly and deciding issues within the court's jurisdiction by applying precedent of higher courts to the particular facts of each case.

- 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: If confirmed, I will take an oath, among other things, to "administer justice without respect to persons, and do equal right to the poor and to the rich." I would regard adherence to that oath as a solemn commitment that was central to my day-to-day duties and critical to the rule of law in our society. I also note that, as a practicing attorney, I have had the opportunity to represent a broad range of clients – from indigent individuals to large corporations, and both plaintiffs and defendants.

- 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 promotes stability in the law, helps ensure that courts respect the limits on their authority, and is a critical principle in a society based on the rule of law. All judges – but especially district court judges, who are required to follow precedent of the Supreme Court and Courts of Appeals – are bound by the principle of stare decisis. The Supreme Court, and Courts of Appeals sitting en banc, may on rare occasions overrule their own decisions, and have articulated the narrow circumstances in which it is appropriate for them to do so.