

**Responses of Patty Shwartz
Nominee to be United States Circuit Judge for the Third 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: Under Article III of the Constitution, a judge decides cases and controversies. Consistent with this obligation, my judicial philosophy is to impartially decide only the case in front of me based upon the governing law and the facts established in the record, to give the parties an opportunity to be heard, to render fair and prompt decisions, and to provide reasons for the decisions for the benefit of the litigants, the public, and any higher court that may be asked to review the decision.

- 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: As a United States Magistrate Judge, I have acted in accordance with my oath by handling every case impartially and treating all litigants fairly, courteously, and respectfully, regardless of their station, beliefs, or legal position. I would continue to do so as an appellate judge if I am confirmed.

- 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 a foundation of our legal system and all judges, regardless of the court on which they sit, must be committed to it. It provides notice as to what the law is, predictability as to how a court would treat a particular set of facts, and stability to our nation of laws. That said, a court has the authority to overrule its incorrect prior decisions if the law or facts require such a result, as the United States Supreme Court has done, for example, in *Brown v. Board of Education*, 347 U.S. 483 (1954), when it overruled *Plessy v. Ferguson*, 163 U.S. 537 (1896).