

Senator Tillis
Questions for the Record

Susan Paradise Baxter
Nominee, United States District Judge for the Western District of Pennsylvania

- 1. One challenge you will face as a federal judge is managing a busy caseload. If confirmed, how will you balance competing priorities of judicial efficiency and due process to all litigants involved in the case?**

Response: As a United States Magistrate Judge for nearly twenty-one years, I understand the importance of efficiently and effectively resolving the cases before me. I have relied on the training I have received to use the electronic case management system to full effect; I take advantage of the resources offered by the Federal Judicial Center; I hold status conferences regularly to keep cases on track and costs down, often by video- or tele-conferencing, where appropriate; and I issue opinions and orders in a timely manner. I have been able to keep my docket current while still thoroughly reviewing each case in front of me according to the law.

- a. Will you give certain cases priority over others?**

Response: As required by law, motions for temporary restraining orders and preliminary injunctions are given priority in civil matters. The law also requires a speedy trial in criminal cases. Other than these requirements, and any other priority established by law, I will decide all cases promptly without prioritizing them on any basis.

- 2. What is a fundamental right?**

Response: A fundamental right is a right provided by the United States Constitution, as amended, and as interpreted by the United States Supreme Court.

- a. From where are these rights derived?**

Response: These rights derive mainly from the Bill of Rights and the Due Process Clause of the Fourteenth Amendment, as construed by the United States Supreme Court.

- 3. What role, if any, should societal pressure or popular opinion play in interpreting legislation or the United States Constitution?**

Response: None. Each case should be decided strictly on the law as applied to the facts of the case.

Questions for Judge Susan Paradise Baxter

1. Under what circumstances can a judge declare a statute unconstitutional?

Response: Statutes are presumed to be constitutional, and a federal court should avoid reaching a constitutional question if there is another avenue upon which the case may be resolved. In the limited circumstances when Congress exceeds its authority in passing a law or when a law violates the United States Constitution, it is the duty of the federal court to hold that the law is unconstitutional.

2. What do you consider “judicial activism,” and is it ever appropriate for a judge to be a “judicial activist?”

Response: People define “judicial activism” differently, but it is my firm conviction that a judge should apply the law specifically to each case without regard to her own views or beliefs. If confirmed, I will decide cases without respect to any view other than the controlling law. If a “judicial activist” is a judge who does other than that, I believe that judge is acting inappropriately.