

**Senator Grassley
Questions for the Record**

**Michael Boggs,
Nominee: U.S. District Judge for the Northern District of Georgia**

- 1. During your hearing, I asked a few questions that you had already touched on in your earlier answers. I'd like to give you the opportunity to answer a few of them now, in writing.**

- a. There may be some concern that your personal views on abortion may influence your ability to follow precedent as a judge. First, what is your commitment to following precedent, if confirmed?**

Response: As a trial and appellate court judge for the last ten years, I have faithfully followed precedent in all cases that have come before me. If confirmed, I would remain steadfast in my commitment to follow the precedent of the United States Supreme Court and the Eleventh Circuit Court of Appeals in all cases, including the decisions in *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

- b. Please describe what you see to be the differences in responsibility of a policy maker and a judge regarding the topic of abortion.**

Response: My duty as a judge and the principle that has guided me during my judicial career has been faithfulness to the rule of law and the doctrine of *stare decisis*, being ever mindful of the limited role of the judiciary and of the fact that judges should not be policy makers. I have been committed to faithfully applying precedent during the entirety of my ten-year judicial career as both a state trial court and appellate court judge, during which time I have disposed of over 14,000 matters. If confirmed, I remain committed to this guiding principle with respect to matters involving women's reproductive rights as well as other matters that may come before me. On the other hand, policy makers are not bound by precedent, and by virtue of their office, they are likely to express the will of their constituency on matters of public policy including, where they deem appropriate, on matters regarding the topic of abortion.

- c. Do you hold any views regarding abortion, religious or otherwise, that would make you unable to discharge your duties faithfully as a United States District Judge?**

Response: No.

- 2. Could you foresee a scenario in which a case dealing with abortion came before you where you ruled to uphold an abortion law?**

Response: Regardless of whether I was presented a case that involved a constitutional challenge to an abortion restriction or a case that involved a constitutional challenge to a law protecting abortion, I would faithfully apply the law to the facts of the case in a fair and impartial manner, giving complete deference to the binding precedent of the United States Supreme Court decisions in *Roe* and *Casey*, as well as any other subsequent decisions of the United States Supreme Court or the Eleventh Circuit Court of Appeals on that issue.

3. **In February 2013, you gave an interview to the Atlanta Constitution Journal where you talked about imposing a 10-year mandatory sentence on a 17 year old that you thought was unjust, but you did it because the law required you to. Please describe how you came to your decision in weighing what you believed was fair with what the law required you to do.**

Response: The specific case about which I was speaking was *State v. Wesley*, a 2006 criminal case over which I presided as a trial judge. Mr. Wesley was a 17-year-old African-American high school student with no prior criminal record when he was indicted along with two older acquaintances for his role as the getaway driver in the armed robbery of a convenience store owner at his home. Mr. Wesley did not possess a weapon, did not enter the victim's home, received no money, and called the police and reported the crime within hours after it happened. He cooperated with the police and gave statements against his co-defendants. The other defendants had substantial criminal histories and possessed weapons during the armed robbery of the victim. Mr. Wesley refused to accept a plea to robbery as a lesser-included offense, which would have avoided the imposition of a minimum mandatory sentence, instead proceeded to trial, and was convicted. In accordance with Georgia law, and consistent with the range of sentencing available, I imposed a minimum mandatory period of incarceration of ten years. Thereafter, one of the co-defendants pled guilty to robbery and was sentenced to five years in prison pursuant to a plea agreement. The third defendant, the other party with a weapon, was subsequently tried before a jury and acquitted. I granted Mr. Wesley's motion for a new trial on the general grounds of manifest injustice, and he subsequently pled guilty to robbery. Pursuant to the plea agreement, he was immediately eligible for parole. I also permitted Mr. Wesley to enter the plea as a first offender which permitted him to avoid the collateral consequences of a felony conviction. Judges must decide cases based on a faithful obligation to follow the law, wherever it leads, and that is what I did in this case.

4. **Without going into specific views you might personally hold, as a state court judge, have you ever made a ruling that follows the law or precedent that you have personally disagreed with? If so, will you briefly describe how you were able to put aside your own views and rule according to the law?**

Response: As I discussed in response to question 3, I have been obligated to impose some mandatory sentences in felony criminal cases that I may have personally disagreed with, however, my job as a judge and the principle that has guided me during my career has been to be faithful to the rule of law and the doctrine of *stare decisis*, being ever mindful of the limited role of the judiciary and that judges should not be policy makers. I think that a

review of my ten-year judicial record is the best evidence of my commitment to separating any personal views I may have from my role as an impartial decision maker. Since first offering myself for judicial office in 2004, I have fully understood, respected, and appreciated that as a judge, my duty is to follow the law regardless of any personal opinions I may have, and I believe my record demonstrates that I have done this.

5. **During your hearing, Senator Blumenthal asked a question where he said that you had indicated that the right of privacy was not in the Constitution. You answered that you did not recall ever having said that. For the record, what is your understanding of the Constitutional right to privacy?**

Response: The Supreme Court has stated that “[w]hile there is no ‘right of privacy’ found in any specific guarantee of the Constitution, the Court has recognized that ‘zones of privacy’ may be created by more specific constitutional guarantees and thereby impose limits upon government power. See *Roe v. Wade*, 410 U.S. 113, 152-153 (1973).” *Paul v. Davis*, 424 U.S. 693, 712-713 (1976). And, “[i]n *Roe* the Court pointed out that the personal rights found in this guarantee of personal privacy must be limited to those which are ‘fundamental’ or ‘implicit in the concept of ordered liberty’ as described in *Palko v. Connecticut*, 302 U.S. 319, 325 (1937).” *Id.* Activities that fall within this definition include “matters relating to marriage, procreation, contraception, family relationships, and child rearing and education. In these areas it has been held that there are limitations on the States’ power to substantively regulate conduct.” *Id.* Privacy interests have also been found to exist in connection with the First Amendment’s protection for freedom of assembly, *Bates v. City of Little Rock*, 361 U.S. 516, 522-523 (1960), and in connection with the Fourth Amendment’s guarantee against unreasonable searches and seizures. *United States v. Jones*, 132 S. Ct. 945, 950-951 (2012). If confirmed, I would apply these precedents and all other binding precedent of all cases of the United States Supreme Court and the Eleventh Circuit Court of Appeals on the issue of the constitutional right to privacy.

6. **During your hearing, several Senators asked you about a vote on an amendment that you took regarding abortion doctors’ privacy. You said that you were not aware of violence against doctors at the time of the vote. To clarify, did you mean that you were not aware of violence against abortion doctors at all when you took the vote, or that issue did not occur to you at the time when you were voting because you were considering other factors, such as a woman’s right to know information about her doctor?**

Response: Thank you for the opportunity to clarify my testimony. What I meant in my testimony to the Committee was that at the time the amendment was passed by a voice vote on February 8, 2001, to the time I later cast the recorded vote for the amendment, during the busiest day of the legislative session, I did not consider the issue of violence against abortion doctors. Although I understand from recent press reports that the issue of violence against abortion doctors was debated on the House floor that day, I do not recall that debate. I was considering the bill as a whole, the purpose of which was to educate and make available to the public information concerning a physician’s disciplinary histories and malpractice final judgments. As I think back on this bill, the only thing I recall being

discussed, and the issue that garnered all of the attention, of which I was aware, was the question of whether and how malpractice judgments and settlements would be disclosed.

By my statement to the Committee, I did not intend to convey categorically that I was generally unaware of claims of violence against physicians that perform abortions. I would have been aware of some of the cases of violence at that time, although I do not recall specifically hearing any of these concerns raised relative to this amendment. I should have considered this at the time the amendment was presented and regret my vote for this amendment. The amendment was ill-conceived and dangerous, and I should not have supported it.

7. Please describe the work you've done with the adult felony drug court program.

Response: In 2008, while serving as a trial court judge in the Waycross Judicial District, I became interested in developing a drug court program after observing that a large proportion of criminal defendants with whom I was dealing were in the criminal justice system by virtue of their substance abuse and/or mental health issues. Georgia's felony recidivism rate was roughly 30%, and my personal experience with sentencing felony offenders was that, absent addressing their substance abuse issue, they were less likely to successfully reintegrate in the community and become productive members of society. My research likewise demonstrated that many of these offenders were non-violent offenders. National evidence demonstrated that drug courts were successful in greatly diminishing the recidivism rates of these offenders and doing so at a lower cost to taxpayers. The program required the participants to complete their GED, obtain a job, regularly attend substance abuse counseling, attend frequent court sessions, and remain drug free. Upon successful completion of the program, the offender's felony case would be dismissed and the offender would have no felony criminal record.

I felt compelled to do something based on the revolving criminal justice door that I had seen in my few years on the bench, and felt particularly concerned by the disproportionate numbers of African-Americans who were caught in the criminal justice cycle due to their addiction to drugs. Soon after starting the program, I was appointed by Chief Justice Leah Ward Sears to serve as a member of the Accountability Courts Committee of the Judicial Council of Georgia where I assisted in the effort to expand drug courts throughout the state, and where I advocated for the adoption of standardized drug court rules and best practices. In 2011, I was appointed by Chief Justice Carol W. Hunstein to serve on the Governor's Special Council on Criminal Justice Reform for Georgians where we made recommendations to the General Assembly to further improve Drug Courts in Georgia.

I served as the presiding drug court judge in the Waycross Judicial Circuit until 2012. During this time I was responsible for all matters pertaining to the program, including the writing of the Participant Handbook and the Operations and Policy Manual. I recruited the local Community Service Board to fill administrative and counseling staff positions, negotiated drug screening equipment contracts and office leases, and developed all necessary court forms. I built the collaborative team framework with the public defender, district attorney, state probation, and local law enforcement agencies including the drafting

of memoranda of understanding required by the Department of Justice. I was also involved in all community outreach including building relationships with prospective employers, instituting a private drug screening program for local governments, and coordinating GED program providers. I wrote all state and federal grant applications and was responsible for the implementation of and compliance with these grants. My duties included managing the program budget and the completing of all necessary matters pertaining to the court's successful application for nonprofit tax status with the Internal Revenue Service. I found that drug courts can be an effective tool for certain offenders in reducing recidivism, putting families back together, and giving offenders an opportunity to regain their lives.

8. In your questionnaire you gave some examples of legislation that you sponsored. Will you please elaborate on your efforts in these areas:

a. Strengthening laws combating sexual exploitation of children and internet child pornography?

Response: Protecting children from those who would abuse or exploit them was an overarching goal of mine when I was in the Georgia General Assembly. To this end, I authored House Bill 462, the "Child Protection Act" in 2003. I consider this to be the most significant legislation that I authored or co-authored during the entirety of my legislative service and am very proud to have helped to improve the safety of Georgia's children through this Act. The Act broadened the definition of pimping to target those who were pimping minors and criminalized the act of transporting a person for the purpose of prostitution. The Act changed the description of the offense of sexual exploitation of children and made substantial changes to the definitions and penalties for computer pornography involving a child. The Act also removed a possible loophole in existing Georgia law that had been recognized in similar federal statutes when distributors of child pornography may have been able to escape prosecution by altering child pornography through "morphing" technology. The Act also brought Georgia in line with federal law by upgrading the crime of possession of child pornography from a misdemeanor offense to a felony. The Act also strengthened Georgia law regarding the use of the internet to solicit a child to commit an illegal sexual act.

b. Expanding and improving the law on criminal offenses against minor victims?

Response: While House Bill 462, the "Child Protection Act," dealt with strengthening criminal statutes regarding the sexual exploitation of children and computer pornography involving a child, I also included within that legislation language to improve the law on criminal offenses against minor victims. Through House Bill 462, I sought to strengthen Georgia's statute on sexual battery by proposing that "a person convicted of the offense of sexual battery against any child under the age of 16 years shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years." In addition, I authored House Bill 463 which concerned the state sexual offender registry. This legislation specified that creating, publishing, selling or possessing any material depicting a minor or a portion of a minor's body engaged in sexually explicit conduct was a criminal

offense and mandated reporting under the state sex offender registry. I am pleased that this legislation was passed and am hopeful that it has made Georgia's children safer.

c. Updating the State Sexual Offender Registry requirements?

Response: I authored House Bill 463 in 2003 which included several changes to Georgia's sex offender registry. Specifically, the bill mandated more timely reporting of offenders to county sheriffs, mandated reporting of changes in residence and employment addresses, required offenders to notify sheriffs in the event of a move to a new state, and required that the offender registration notification form be read and signed at the time of registration. Offenders were also required to report in person to the sheriff of their county of residence within ten days of the anniversary date of the original registration to be photographed. Protecting children from sex offenders was an important cause for me as a state legislator. I worked to improve the State Sexual Offender Registry, and offender's obligations thereto, in order to provide the general public with more timely and accurate information about the offenders living in their area so that they could more adequately protect their children.

9. What are some qualities or characteristics that you have seen in judges (state or federal) that you would hope to avoid, if confirmed?

Response: Prior to becoming a state judge, I had the occasion to appear before many state and federal judges during my career and gleaned much from watching these jurists. The characteristics that I have seen in other judges that I have endeavored to avoid throughout my judicial career, and those that I would hope to avoid if confirmed, include judges who display a poor, intolerant, and impatient temperament, judges who display a poor work ethic and are unprepared for matters that appear before them, judges who interject bias or personal feelings into judicial decisions, judges who do not treat everyone before them equally and with respect and dignity, and judges who unreasonably delay decisions in cases. During the entirety of my ten-year judicial career as a trial and appellate court judge, I have endeavored to avoid these characteristics and believe that I have done so successfully.

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

Response: Most importantly, judges should respect the limited role of the judiciary in our democracy and respect the rule of law by deciding each case through a fair, impartial, and unbiased application of the binding precedent to the relevant facts. Judges should not prejudge cases and be diligent in their duties, be fair, impartial, unbiased, patient, and open-minded, and should treat all parties equally and with respect, civility, and dignity. Judges should be disciplined to decide only those issues properly presented for consideration. These self-imposed disciplines are paramount to the maintenance of the balanced system of government envisioned by the Founding Fathers as they ensure public confidence in a justice system grounded in fairness and equity. I feel that I possess these attributes and that my work as a trial and appellate court judge for the last ten years demonstrate my personal commitment to these attributes.

- 11. 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: Judges exist to do justice. In many instances, a litigant's only experience with the judicial system may be one case – his or her own. Everything they think or know of the judicial system may well be based upon that one case. As such, it is important that judges exercise the appropriate temperament in dealing with litigants, lawyers, and the general public. Public confidence in a fair, impartial and unbiased judicial system is paramount to our system of democracy and can be strengthened through the exercise of appropriate judicial temperament. The appropriate temperament of a judge includes that a trial judge should be patient, impartial, and fair, giving each litigant a full and fair opportunity to be heard. Judges should be civil and treat each litigant equally and with dignity and respect. I believe that I possess these attributes and that I have consistently applied them during my judicial career over the last ten years.

- 12. 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. Please describe your commitment 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 committed to being faithful to my oath and to following the binding precedents of higher courts giving them full force and effect regardless of whether I agree or disagree with the precedent. I believe that my judicial career as a trial and appellate judge demonstrates my faithfulness to following the precedent of higher courts.

- 13. Every nominee who comes before this Committee assures me that he or she will follow all applicable precedent and give them full force and effect, regardless of whether he or she personally agrees or disagrees with that precedent. With this in mind, I have several questions regarding your commitment to the precedent established in *United States v. Windsor*. Please take any time you need to familiarize yourself with the case before providing your answers. Please provide separate answers to each subpart.**

- a. In the penultimate sentence of the Court's opinion, Justice Kennedy wrote, "This opinion and its holding are confined to those lawful marriages."¹**

- i. Do you understand this statement to be part of the holding in *Windsor*? If not, please explain.**

Response: Yes.

- ii. What is your understanding of the set of marriages to which Justice Kennedy refers when he writes "lawful marriages"?**

¹ *United States v. Windsor*, 133 S.Ct. 2675 at 2696.

Response: It is my understanding that he is referring to same-sex marriages that a State has recognized as lawful.

- iii. Is it your understanding that this holding and precedent is limited only to those circumstances in which states have legalized or permitted same-sex marriage?**

Response: Yes. As I understand the holding in *Windsor*, it applies to Section 3 of the Defense of Marriage Act's prohibition against federal recognition of same-sex marriages that a State has recognized as lawful.

- iv. Are you committed to upholding this precedent?**

Response: If confirmed, I would faithfully follow *Windsor*, and any other relevant precedent from the United States Supreme Court and Eleventh Circuit Court of Appeals, on this issue as with any issue.

- b. Throughout the Majority opinion, Justice Kennedy went to great lengths to recite the history and precedent establishing the authority of the separate States to regulate marriage. For instance, near the beginning, he wrote, "By history and tradition the definition and regulation of marriage, as will be discussed in more detail, has been treated as being within the authority and realm of the separate States."²**

- i. Do you understand this portion of the Court's opinion to be binding Supreme Court precedent entitled to full force and effect by the lower courts? If not, please explain.**

Response: Yes. The entirety of all majority opinions of the Supreme Court are binding precedent and should be faithfully followed by lower court judges unless specifically overruled by later Supreme Court decisions.

- ii. Will you commit to give this portion of the Court's opinion full force and effect?**

Response: Yes. If confirmed, I would faithfully follow the entirety of the majority opinion in *Windsor*, and any other relevant precedent from the United States Supreme Court and Eleventh Circuit Court of Appeals on this, or any other issue.

- c. Justice Kennedy also wrote, "The recognition of civil marriages is central to state domestic relations law applicable to its residents and citizens."³**

- i. Do you understand this portion of the Court's opinion to be binding Supreme Court precedent entitled to full force and effect by the lower courts? If not, please explain.**

² *Id.* 2689-2690.

³ *Id.* 2691.

Response: Yes. The entirety of all majority opinions of the United States Supreme Court are binding precedent and should be faithfully followed by lower court judges unless specifically overruled by later United States Supreme Court decisions.

ii. Will you commit to give this portion of the Court’s opinion full force and effect?

Response: Yes. If confirmed, I would faithfully follow the entirety of the majority opinion in *Windsor*, and any other relevant precedent from the Supreme Court and Eleventh Circuit Court of Appeals on this, or any other issue.

d. Justice Kennedy wrote, “The definition of marriage is the foundation of the State’s broader authority to regulate the subject of domestic relations with respect to the ‘[p]rotection of offspring, property interests, and the enforcement of marital responsibilities.’”⁴

i. Do you understand this portion of the Court’s opinion to be binding Supreme Court precedent entitled to full force and effect by the lower courts? If not, please explain.

Response: Yes. The entirety of all majority opinions of the Supreme Court are binding precedent and should be faithfully followed by lower court judges unless specifically overruled by later Supreme Court decisions.

ii. Will you commit to give this portion of the Court’s opinion full force and effect?

Response: Yes. If confirmed, I would faithfully follow the entirety of the majority opinion in *Windsor*, and any other relevant precedent from the Supreme Court and Eleventh Circuit Court of Appeals on this, or any other issue.

e. Justice Kennedy wrote, “The significance of state responsibilities for the definition and regulation of marriage dates to the Nation’s beginning; for ‘when the Constitution was adopted the common understanding was that the domestic relations of husband and wife and parent and child were matters reserved to the States.’”⁵

i. Do you understand this portion of the Court’s opinion to be binding Supreme Court precedent entitled to full force and effect by the lower courts? If not, please explain.

Response: Yes. The entirety of all majority opinions of the Supreme Court are binding precedent and should be faithfully followed by lower court judges unless specifically overruled by later Supreme Court decisions.

⁴ *Id.* (internal citations omitted).

⁵ *Id.* (internal citations omitted).

ii. Will you commit to give this portion of the Court's opinion full force and effect?

Response: Yes. If confirmed, I would faithfully follow the entirety of the majority opinion in *Windsor*, and any other relevant precedent from the United States Supreme Court and Eleventh Circuit Court of Appeals on this, or any other issue.

14. 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: When confronted with a case of first impression, I would apply the same analysis that I have used throughout my judicial career. First, I would study and apply the text of the applicable statute, regulation, or constitutional provision at issue and apply the canons of statutory construction to determine whether the provision's meaning is clear and unambiguous. If the meaning is clear and unambiguous, I would apply the provision as written. If the plain meaning is not clear, then I would apply the same canons of construction and look to analogous precedents from the United States Supreme Court and the Eleventh Circuit Court of Appeals for guidance. If additional assistance were needed, I would look to persuasive authority of the other jurisdictions within the United States for guidance.

15. 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: It is a judge's job to render decisions consistent with controlling precedent regardless of personal beliefs they may have, and I do abide by this. I would apply the binding precedent of the United States Supreme Court and the Eleventh Circuit Court of Appeals without regard to whether I believed the court erred in the decision. I have faithfully followed binding precedent throughout my judicial career as a trial and appellate judge, and I would continue to do so if confirmed as a district judge.

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

Response: Statutes enacted by Congress are presumed to be constitutional and federal courts should find them to be unconstitutional "only upon a plain showing that Congress has exceeded its constitutional bounds." *United States v. Morrison*, 529 U.S. 598, 607 (2000). In the rare circumstance when I would be called upon to consider the constitutionality of a statute, I would apply the standards established by the United States Supreme Court and the Eleventh Circuit Court of Appeals in my analysis.

17. In your view, is it ever proper for judges to rely on foreign law, or the views of the "world community", in determining the meaning of the Constitution? Please explain.

Response: No. It is not appropriate for judges to rely on foreign law or the views of the “world community” in determining the meaning of the United States Constitution.

- 18. What assurances or evidence can you give this Committee that, if confirmed, your decisions will remain grounded in precedent and the text of the law rather than any underlying political ideology or motivation?**

Response: I have served as a state legislator and have great respect for the distinct and markedly different roles of the legislative and judicial branches of government. Judges should not be policy makers. I have been a judge for ten years on both the trial and appellate courts in Georgia. My judicial career, and the decisions I have rendered, demonstrates that my decisions will be grounded in precedent and the text of the law and equally evinces my respect for the rule of law and the limited role of judges in our democracy. I have never allowed my personal views, political ideology or other motivation to guide the disposition of any case with which I have been involved. I understand that if confirmed as a district court judge, my duty will be to decide cases fairly and impartially, without political ideology and without bias, by faithfully and uniformly applying binding precedent to the properly presented facts before me. If confirmed as a district judge, I would continue this strict adherence to the rule of law and continue to remain grounded in precedent and the text of the law alone in reaching my judicial decisions.

- 19. What assurances or evidence can you give the Committee and future litigants that you will put aside any personal views and be fair to all who appear before you, if confirmed?**

Response: My job as a judge, and the principle that has guided me during my ten-year judicial career, is to be faithful to the rule of law and the doctrine of *stare decisis*, being ever mindful of the limited role of the judiciary and that judges have no role in making public policy. The best evidence of the type of judge I will be is the type of judge that my ten-year judicial record reflects that I am. I think that a review of my judicial record demonstrates that I am committed to separating my personal opinions from my job as an impartial decision maker and is the best evidence of my commitment to treating all who come before me equally, respectfully, impartially and without bias. A review of my opinions demonstrates that I have been faithful to the rule of law and that I have decided cases objectively, impartially and without bias. If confirmed, I would continue to abide by the principle of treating everyone equally and fairly under the law and deciding cases without any regard to any personal views I may have.

- 20. If confirmed, how do you intend to manage your caseload?**

Response: I currently serve on one of the busiest intermediate state appellate courts in the United States and previously served as a state trial court judge in a very large and busy judicial circuit. I have experience managing a busy caseload. If confirmed, I would take an active role in managing my caseload by setting reasonable but firm scheduling orders, and utilizing court personnel and magistrate judges to facilitate the efficient resolution of

pretrial matters. My experience as a former trial judge has taught me that judges should work hard, be prepared, and actively engage the lawyers in their cases. This means being available to handle discovery disputes or for unplanned conferences as necessary. I would continually monitor my cases in an effort to ensure that the public's access to the court is not affected by caseload issues and that matters are resolved as efficiently as possible.

21. 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: As a former trial court judge with jury trial dockets in four counties, I have experience in managing a litigation caseload. Judges have a role in controlling the pace and conduct of litigation and in ensuring cases move through the system in a manner that is fair to the litigants and reasonable for the lawyers. Efficient case management by the judge is imperative in ensuring the public's reasonable access to the courts while building public confidence in our judicial system as an efficient means of resolving disputes. As I have in the past, I would use my strong work ethic to personally engage in the cases assigned to me, and I would set firm yet reasonable scheduling orders and make myself available to counsel as necessary to ensure the pace of litigation fulfills the courts obligation to provide an efficient means for dispute resolution.

22. As a judge, you have experience deciding cases and writing opinions. Please describe how you reach a decision in cases that come before you and to what sources of information you look for guidance.

Response: As an appellate court judge, I decide cases beginning with a thorough review of the record submissions of the parties. I review pertinent and applicable decisions from the Georgia Supreme Court and the Court of Appeals of Georgia, and I review the jurisdictional posture of the case and the applicable standard of appellate review. When available, I also consider the oral arguments of the parties. Thereafter, I apply the facts of the case in a fair, unbiased, and impartial manner to the applicable law in reaching a decision that is consistent with binding precedent. Ultimately, all of my decisions are based on a faithful adherence to the rule of law and the doctrine of *stare decisis* coupled with a faithful application of our appellate standard of review in each case.

23. According to the website of American Association for Justice (AAJ), it has established a Judicial Task Force, with the stated goals including the following: "To increase the number of pro-civil justice federal judges, increase the level of professional diversity of federal judicial nominees, identify nominees that may have an anti-civil justice bias, increase the number of trial lawyers serving on individual Senator's judicial selection committees".

- a. Have you had any contact with the AAJ, the AAJ Judicial Task Force, or any individual or group associated with AAJ regarding your nomination? If yes, please detail what individuals you had contact with, the dates of the contacts, and the subject matter of the communications.**

Response: No.

- b. Are you aware of any endorsements or promised endorsements by AAJ, the AAJ Judicial Task Force, or any individual or group associated with AAJ made to the White House or the Department of Justice regarding your nomination? If yes, please detail what individuals or groups made the endorsements, when the endorsements were made, and to whom the endorsements were made.**

Response: No.

- 24. Please describe with particularity the process by which these questions were answered.**

Response: I received these questions on May 20, 2014 and prepared my responses on May 20-27, 2014. I submitted my responses to the Department of Justice Office of Legal Policy for review. I then finalized my responses and authorized their transmittal to the Committee.

- 25. Do these answers reflect your true and personal views?**

Response: Yes.