

Response of Colin S. Bruce
Nominee to be United States Judge for the Central District
of Illinois to the Written Questions of Senator Chuck Grassley

- 1. You have spent your entire legal career as an Assistant United States Attorney handling both civil and criminal matters. What assurances can you give this committee that you will be able to fairly judge a case that involves the United States Attorney's Office and AUSAs that you have previously worked with and supervised?**

Response: If I am confirmed as a district court judge, I am confident that I would be fair in any case involving the United States and the United States Attorney's Office for several reasons. First, my twenty-four years in the United States Attorney's Office trained me to strive for fairness and justice, following Mr. Justice Sutherland's direction in *Berger v. United States*, 295 U.S. 88 (1935), that the United States Attorney's purpose "in a criminal prosecution is not that it shall win a case, but that justice shall be done." Second, I believe that opposing counsel generally perceive me as a person who strives for fairness and justice. Third, I fully understand the difference between a representative of the executive and a representative of the judiciary; I fully embrace the responsibility for neutrality, fairness and justice that comes with the judiciary. Finally, I have a bedrock belief in the rule of law and equal justice under the law. I intend to treat all persons with courtesy and respect, and I will base my decisions not on the person or party appearing before me, but instead on the rule of law.

- 2. What recusal policies do you plan to implement with respect to the US Attorney's Office and AUSAs with whom you have worked and supervised?**

Response: If I am confirmed as a district court judge, my intent is to recuse myself from all criminal matters for the first six months after I take the bench. Further, I intend to recuse myself from all matters which were opened in the United States Attorney's Office for the Central District of Illinois during the time when I was either the First Assistant or the branch supervisor, or any case in which I was previously involved as an Assistant United States Attorney.

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

Response: The most important attributes of a judge include the ability to apply the law fairly and impartially to all cases, while exercising judicial restraint by only addressing the issues before the court. A judge should also show humility, be courteous and respectful to all parties, and be hard working. I believe I possess these attributes.

- 4. 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: I believe a district court judge needs to be polite, patient and respectful to all parties while still maintaining control of the courtroom. A judge also needs to remain calm, show humility, listen carefully, and focus only on the issues before the court. I believe I possess all of those abilities.

- 5. 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: Yes.

- 6. What assurances can you give this committee that, should you be confirmed, you will be able to eliminate any potential biases and influences, and that your courtroom decisions will not be affected by any political, economic, or philosophical influences?**

Response: If I am confirmed as a district court judge, I will decide issues presented before me based upon the facts and the law. During my twenty-four years as an Assistant United States Attorney, I have exercised prosecutorial discretion without regard to my personal beliefs and regardless of a defendant's or victim's economic status, political beliefs or any other characteristic. If confirmed as a district court judge, I would be faithful to the judicial oath and treat everyone appearing before me fairly, courteously and respectfully.

- 7. Do you believe the death penalty is an appropriate form of punishment? If called upon to do so, would you have any personal objection to imposing this sentence? Please explain your response.**

Response: The Supreme Court has held that the death penalty is constitutional, except in certain limited circumstances. If I am confirmed as a district court judge, I would apply the relevant Supreme Court and Seventh Circuit Court of Appeals precedent to any case where death is a potential punishment.

- 8. 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: If I am confirmed as a district court judge and presented with a statutory interpretation case of first impression, I would look first to the express language of the statute and give the text its plain and ordinary meaning. If the language is ambiguous, I would look to controlling Supreme Court and Seventh Circuit Court of Appeals precedent and use the applicable rules of statutory construction to resolve the ambiguity. If there were no

controlling precedents from the Supreme Court or the Seventh Circuit Court of Appeals, I would look for persuasive precedent involving similar issues from those and other federal courts.

9. 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. A statute is only unconstitutional when Congress has exceeded its authority in enacting the statute or when the statute violates the Constitution.

10. 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.

11. What is your understanding of the workload in the Central District of Illinois? If confirmed, how do you intend to manage your caseload?

Response: If I am confirmed as a district court judge, I would use the case management rules found in the Federal Rules of Civil Procedure to assure that discovery and motion practice are being completed in a timely manner. I would set firm deadlines for pretrial discovery, motions and trials. In criminal cases, I would hold regular status hearings to ensure that both sides were complying with discovery deadlines. In both civil and criminal cases, I would promptly issue decisions to expedite resolution and litigation. I would make an expectation in my courtroom that the attorneys will be held to deadlines set by the court. Lastly, I would consult with fellow judges to learn their best practices.

12. 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: I believe that judges have a role in controlling the pace and conduct of litigation. If I am confirmed as a district court judge, I would establish deadlines for specific events and after these deadlines are set, grant a continuance only upon good cause. I would also take the steps described in my response to Question 11 to control and manage my docket.

13. You have spent your entire legal career as an advocate for your clients. As a judge, you will have a very different role. Please describe how you will reach a decision in cases that come before you and to what sources of information you will look for guidance. What do you expect to be most difficult part of this transition for you?

Response: As an Assistant United States Attorney, I am an advocate for the United States. I understand that if I am confirmed as a district court judge, my role will be much different. A judge must be neutral and detached from the parties and issues, deciding cases based solely on the facts and the applicable law. If I am confirmed as a district court judge, I am confident that I can successfully make this transition. For guidance in reaching decisions, I will look to

the decisions of the United States Supreme Court, the Seventh Circuit Court of Appeals, and all applicable laws and rules of procedure.

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

Response: I received these questions via e-mail from the Department of Justice on June 26th, 2013. On June 28th, 2013, I drafted my responses to the questions. I returned my responses to these questions and the written questions of other Senators to the Department of Justice on June 28th, 2013, and authorized the Department of Justice to submit these responses to the United States Senate.

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

Response: Yes.