

Senator Thom Tillis
Questions for the Record

John Kenneth Bush
Nominee, United States Circuit Judge for the Sixth Circuit

1. At your hearing, we briefly discussed the proper role of a judge. I would like you to elaborate on how you view the role of a judge and a party's expectation that he or she will be before a judge who is fair and impartial?

Fairness and impartiality on the part of a judge is an absolute expectation that every litigant deserves and that all judges should aspire to meet. Judges should guard against any personal biases that might affect their decisionmaking and must recuse themselves "in any proceeding in which [their] impartiality might reasonably be questioned." 28 U.S.C. § 455. They must also recuse themselves in certain circumstances specified by statute that present a similar threat to their impartiality.

2. Are there any circumstances when impartiality is *not* an absolute expectation for someone serving on the bench?

No.

3. Will you commit to being fair and impartial to all parties who come before you, regardless of their station in life, beliefs, or affluence?

Yes.

4. What is judicial activism?

Judicial activism occurs when a judge relies on his or her political preferences, rather than faithfully following the applicable legal texts and precedents, to determine the outcome of a case.

- a. Would you ever consider judicial activism appropriate?

No.