

**Responses of Louis B. Butler, Jr.
Nominee to the U.S. District Court for the Western District of Wisconsin
to the Written Questions of Senator John Cornyn**

- 1. I write to request that you provide a sufficient answer to one of the written questions submitted after your Senate Judiciary Committee hearing.**

Rule 4.1(13) of the 2007 ABA Model Code of Judicial Conduct requires that a judicial candidate not “make pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.” In particular, the comments to this section emphasize that a candidate should not make such pledges and promises to “an appointing or confirming authority.” Similarly, Canon 30 of the American Bar Association’s 1924 Canons of Judicial Ethics, as cited by the ABA, states that a candidate for judicial position “should not announce in advance his conclusions of law on disputed issues to secure” the support of the class of people who will determine whether the candidate attains the judicial position. And Canon 3A(6) of the U.S. Judicial Code of Conduct provides that a “judge should not make public comment on the merits of a matter pending or impending in any court.”

Any conversations that may have violated these Canons are relevant to the Senate’s exercise of its advice and consent power. In exercising this power, the Senate is entitled to judge for itself whether any views you expressed on legal issues raise concerns under the applicable ethical rules.

My previous question did not call for any private details of your conversations, or for you to reveal which Senator asked about any particular issue. The question merely asks that any views on the specific legal issues listed in the question that you may have expressed to one Senator be made available to all Senators. Please answer the question, which is reproduced below.

You state in your Committee questionnaire that, during the appointment process, you were “asked about [your] personal views concerning a number of issues.” Were you asked, and did you answer, questions regarding your views on any of the following: the use of foreign law in American courts; the death penalty; abortion; the scope of Congress’s commerce power; affirmative action; the protections of the First Amendment; the meaning of the Second Amendment; the protections of the Fourth and Fifth Amendments; the application of the Eighth Amendment; the scope of the Tenth Amendment; federal courts’ limited review of state *habeas corpus* petitions; the proper enforcement of immigration laws; the effect of arbitration provisions; or the permissible application of punitive damages? If yes, please provide the answer you gave at that time.

Response: Senator, with regard to my conversations with United States Senators, and with reference to Rule 4.1(13) of the 2007 ABA Model Code of Judicial Conduct, I can assure you that I have not made pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicated duties of the office. I have made no such pledges or promises to “an appointing or confirming authority.” With reference to Canon 30 of the American Bar Association’s 1924 Canons of Judicial Ethics, I have not announced in advance my conclusions of law on disputed issues to secure the support of any class of people who will determine whether I attain this position. With reference to Canon 3A(6) of the U.S. Code of Judicial Conduct, I have not made any “public comment on the merits of a matter pending or impending in any court.” If I am confirmed as a United States District Court Judge, I will decide cases based on the facts and the law, following established precedent from the United States Supreme Court and the Seventh Circuit Court of Appeals.