

Written Questions of Senator Jeff Flake
U.S. Senate Committee on the Judiciary
Judicial Nominations
December 15, 2015

Robert John Colville
Nominee, U.S. District Judge for the Western District of Pennsylvania

1. What is your approach to statutory interpretation? Under what circumstances, if any, should a judge look to legislative history in construing a statute?

Response: I would, first, apply any binding precedential authority of the Supreme Court or the Third Circuit respecting the relevant statutory authority. In the absence of binding precedential authority, I would look to the plain meaning of the language of the statute. In my experience it is rare that further considerations are required. If, however, the language of the specific statute was genuinely ambiguous, I would apply the recognized rules of statutory construction to the specific statutory language. I would consider decisions of the Supreme Court and the Third Circuit respecting similar and analogous statutory language. Next, I would look to the express language of the broader relevant statutory authority and any stated goals of the over-arching legislative scheme. I would consider the decisions of courts of other circuits addressing similar and analogous statutory language. Finally, in the absence of any other guidance, I would rely on the Supreme Court and Third Circuit precedents concerning the use of legislative history in statutory interpretation.

2. What is the proper scope of the 10th Amendment to the Constitution? In what circumstances should a judge apply it?

Response: The Tenth Amendment explicitly states that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." I would apply the decisions of the Supreme Court and of the Third Circuit in any case that involves the 10th Amendment that came before me.

3. Does current standing doctrine foster or impede the ability of litigants to obtain relief in our legal system?

Response: Federal courts are courts of limited jurisdiction. As a result, extant legal authority related to standing is one of many doctrines relied on to determine which cases or controversies are properly justiciable in federal courts. As a District Court Judge, I would apply the applicable standing doctrine and follow the precedent of the Supreme Court and the Third Circuit in determining the same.