

**Responses of Jon E. DeGuilio
Nominee to the U.S. District Court for the Northern District of Indiana
to the Written Questions of Senator Jeff Sessions**

1. What in your view is the role of a judge?

Response: In my view the role of a judge is to respect the “rule of law” and to interpret and apply the law consistent with the plain meaning of a statute and precedent, irrespective of personal beliefs or philosophies. I believe that a judge is a public servant who must act with integrity and impartiality, someone who must work hard to meet the great responsibilities of the position and be respectful of the parties and issues before the court.

2. What is your definition of “judicial activism?”

Response: I would characterize “judicial activism” as judicial decisions made contrary to precedent and/or the plain meaning of a statute, motivated by personal beliefs and philosophies. It might also be characterized by decisions or actions that go beyond the limited issues of a case or other instances in which decisions are made contrary to applicable legal standards in an effort to promote a particular personal view.

3. Supreme Court precedents are binding on all lower federal courts and Circuit Court precedents are binding on the district courts within the particular circuit.

- a. 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.

- b. How would you rule if you believed the Supreme Court or the Court of Appeals had seriously erred in rendering a decision? Would you nevertheless apply that decision to the facts presented before you?**

Response: I would be bound to apply the law to the facts of the case consistent with the legal standards established by the United States Supreme Court or the Seventh Circuit Court of Appeals and regardless of my personal views.

4. As you may know, President Obama has described the types of judges that he will nominate to the federal bench as follows:

“We need somebody who’s got the heart, the empathy, to recognize what it’s like to be a young teenage mom. The empathy to understand what it’s like to be poor, or African-American, or gay, or disabled, or old. And that’s the criteria by which I’m going to be selecting my judges.”

- a. While I understand that you cannot know what President Obama may or may not have meant by this statement, do you believe that you fit President Obama's criteria for federal judges, as described in his quote?**

Response: Yes, I believe that I possess empathy and respect for all people.

- b. What role do you believe that empathy should play in a judge's consideration of a case?**

Response: In this context, I believe that empathy speaks to the ability of a judge to understand the interests and motivations of the parties. Empathy may then be a valuable tool to aide in a better understanding of the facts of a case and to assess the credibility of witnesses. Having said that, empathy should not play a role in the analysis and interpretation of the law nor the application of the law to the facts of a case.

- c. Do you think that it's ever proper for judges to indulge their own subjective sense of empathy in determining what the law means?**

Response: No.

- i. If so, under what circumstances?**

Response: None

- 5. Do you think it is ever proper for judges to indulge their own values in determining what the law means? If so, under what circumstances?**

Response: No. The law must be analyzed, interpreted and applied consistent with its plain meaning, precedent and the well-established rules of statutory construction, free from the consideration of personal beliefs. I believe to do less would be contrary to the oath of office, the Code of Conduct for United States Judges and the best traditions of our judiciary.

- 6. Do you think it is ever proper for judges to indulge their own policy preferences in determining what the law means? If so, under what circumstances?**

Response: No, I do not believe it is ever proper for judges to indulge their own policy preferences in determining what the law means.

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

Response: After receiving these questions I independently prepared a draft of my responses. I discussed my draft responses with representatives of the Department of Justice. I then made minor revisions. Upon completion of the responses I forwarded same to the Department of Justice for submission to the Senate Judiciary Committee.

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

Response: Yes.