

**Senator Chuck Grassley
Questions for the Record**

**Madeline Hughes Haikala
Nominee, U.S. District Judge for the Northern District of Alabama**

- 1. What recusal policies, if any, do you plan to implement with respect to your former law firm, Lightfoot, Franklin & White?**

Response: As a magistrate judge, I have recused from all cases in which attorneys from Lightfoot, Franklin appear. If confirmed, I will maintain that practice. Under Canon 3 of the Code of Conduct for United States Judges, I must disqualify myself from a proceeding in which my impartiality “might reasonably be questioned.” The Committee on Codes of Conduct, “recommends that judges consider a recusal period of at least two years” with respect to cases in which colleagues from the judge’s former law firm appear as counsel of record. Committee on Codes of Conduct Advisory Opinion No. 24, *Guide to Judiciary Policy*, Vol. 2B, Ch. 2, p. 24-1 (June 2009). I have followed that recommendation and will continue to do so. After two years, I will decide if a longer recusal period is necessary.

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

Response: The most important attribute of a judge is integrity. Webster’s online dictionary offers these synonyms for integrity: character, decency, honesty. From integrity, important attributes spring such as trustworthiness, and integrity engenders respect. I believe I possess integrity.

- 3. 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: In my view, a judge should listen well and be thoughtful, even-tempered, courteous, patient, and humble. Humility ranks high among these qualities because it is critical to a judge’s credibility. I believe I possess an appropriate judicial temperament.

- 4. 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, I am committed to following binding precedent, regardless of my personal views.

- 5. 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: When I was sworn in as a magistrate judge, I affirmed that I would, “administer justice without respect to persons, and do equal right to the poor and to the rich.” I also affirmed that I would, “faithfully and impartially discharge and perform all the duties incumbent upon” me as a magistrate judge. I have abided by that affirmation as a magistrate judge. If I am fortunate enough to be confirmed as a district court judge, I will continue to do so.

- 6. 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 United States Supreme Court has held that the death penalty is constitutional. However, “[t]he death penalty may not be imposed on certain classes of offenders, such as juveniles under 16, the insane, and the mentally retarded . . .” *Roper v. Simmons*, 543 U.S. 551, 568 (2005) (holding that “[t]he Eighth and Fourteenth Amendments forbid the imposition of the death penalty on offenders who were under the age of 18 when their crimes were committed”). As in all matters, I am committed to following binding precedent, regardless of any personal views.

- 7. 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: In deciding cases of first impression, I will follow the methods that the Eleventh Circuit employs. The Eleventh Circuit Court of Appeals just decided a question of first impression regarding a recent amendment to a long-standing statute. In answering the question presented, the court of appeals began with the text of the section of the statute at issue. Finding some ambiguity in that section, the court examined the statute as a whole to determine the context for the section in dispute. The court noted that the interpretation urged by one of the parties would produce an “absurd result,” and the court considered the way in which the Secretary of Labor interpreted the provision when the Secretary revamped the implementing regulations for the statute. Concluding that a term in the section was subject to multiple reasonable interpretations, the court turned to legislative history and to the canons of statutory construction to interpret and apply the code section. *U.S. Steel Min. Co. v. Director, OWCP*, 2013 WL 3213132 (11th Cir. June 27, 2013).

- 8. Under what circumstances do you believe it appropriate for a federal court to declare a statute enacted by Congress unconstitutional?**

Response: Binding precedent establishes that a federal court may declare a federal statute unconstitutional only when Congress exceeds its authority. *See, e.g., U.S. v. Lopez*, 514 U.S. 549, 551 (1995).

- 9. 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: In my view, foreign law or the opinions of the “world community” are irrelevant to judicial interpretation and application of the provisions of the United States Constitution.

10. What is your understanding of the workload in the Southern District of New York? If confirmed, how do you intend to manage your caseload?

Response: The workload of district court judges and magistrate judges in the Northern District of Alabama is extremely heavy. It is my responsibility to manage my docket effectively and efficiently both through my efforts and the efforts of my staff.

11. 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: Often, there is little need for the court to intercede to set the pace of litigation; however, the court should reserve the right to intervene when parties fail to manage their case. Generally speaking, scheduling orders give a judge adequate oversight of the pace of litigation pending before him.

12. 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: I have had the privilege of serving as a magistrate judge since October 1, 2012. I reach decisions in cases by studying the record, reading and/or listening to the arguments that the parties make, and identifying and applying the legal precedent that governs the issues presented.

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

Response: I received Senator Grassley’s questions on June 26, 2013. Over the course of a few days, I drafted and revised my responses. A member of the Department of Justice reviewed my answers.

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

Response: Yes, the answers to these questions reflect my true and personal views.