

Responses of Paul Kinloch Holmes, III
Nominee to be United States District Judge for the Western District of Arkansas
to the Written Questions of Senator Jeff Sessions

- 1. When Justice Stevens announced his retirement, the President said that he would select a Supreme Court nominee with “a keen understanding of how the law affects the daily lives of the American people.”**

- a. Do you believe judges should ever base their decisions on a desired outcome?**

Response: No.

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

Response: I do not believe a judge should decide a case on a desired outcome.

- ii. Please identify any cases in which you have done so.**

Response: None. I have not served as a judge.

- iii. Please discuss an example of a case where you have had to set aside your own desired outcome and rule based solely on the law.**

Response: If I am confirmed as a district judge, I will decide cases based on the facts and the applicable law, and not on a desired outcome.

- b. Do you believe a judge should consider his or her own values or policy preferences in determining what the law means?**

Response: No.

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

Response: I do not believe a judge should determine the meaning of the law based on personal values or policy preferences.

- ii. Please identify any cases in which you have done so.**

Response: None. I have not served as a judge.

- iii. If not, please discuss an example of a case where you have had to set aside your own values or policy preferences and rule based solely on the law.**

Response: If I am confirmed as a district judge, I will follow the law as determined by the Supreme Court of the United States and the Court of Appeals for the Eighth Circuit.

- c. **During her confirmation hearings, Justice Sotomayor rejected President Obama’s so-called “empathy standard” stating, “We apply the law to facts. We don’t apply feelings to facts.” Do you agree with Justice Sotomayor?**

Response: Yes.

2. **Do you believe that the death penalty constitutes cruel and unusual punishment under the Constitution? Please explain your answer.**

Response: No. The Supreme Court of the United States has ruled that the death penalty does not constitute cruel and unusual punishment, and I would follow that precedent as a district judge.

3. **Do you believe that the death penalty is an acceptable form of punishment? Please explain your answer.**

Response: Yes. The Supreme Court of the United States has ruled that the death penalty is an acceptable form of punishment except in certain cases, and I would follow the precedent of the Supreme Court of the United States if I am confirmed as a district judge.

4. **What is your view of the role of a judge?**

Response: I believe that a district judge should determine the applicable law in a case based on the decisions of the Supreme Court of the United States and the court of appeals for the circuit in which the judge sits, and apply that law to the facts of a case as determined by the jury or by the court in a non-jury trial. A district judge should maintain confidence in the judicial system by conducting all proceedings with fairness and impartiality as to all parties.

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

Response: I prepared my responses to the questions then forwarded my responses to the Office of Legal Policy of the Department of Justice.

6. **Do these answers reflect your true and personal views?**

Response: Yes.