

Questions for the Record
Hearing: Nominations
June 19, 2013
Submitted by Senator Amy Klobuchar

Questions for Todd M. Hughes:

1. If you had to describe it, how would you characterize your judicial philosophy?

Response: If I am confirmed, my judicial philosophy would be that the role of a judge is to determine what the law is, relying on applicable constitutional provisions, statutes, judicial precedents, and other legal authorities, and to apply it to the facts of the case in a neutral, even-handed and equitable manner. A judge should be respectful of the parties and fully understand all details of the case and the litigants' positions.

2. What assurances can you give that litigants coming into your courtroom will be treated fairly regardless of their political beliefs or whether they are rich or poor, defendant or plaintiff?

Response: The role of a judge should be to apply the law to the facts of the case in a neutral, fair and objective manner without regard to the identity of the parties. I am firmly committed to that role. Although I have been an advocate for the United States my entire career, I always have been sensitive to the concerns of the other litigants in cases I have handled or supervised. Moreover, as a member of the Federal Circuit Bar Association, I played a significant role in creating pro bono programs for veterans and federal employee appeals.

3. In your opinion, how strongly should judges bind themselves to the doctrine of stare decisis? How does the commitment to stare decisis vary depending on the court?

Response: Stare decisis is essential to the functioning of our judicial system. It provides important predictability and stability for litigants, and ensures even-handed application of the law. Circuit court judges are bound by Supreme Court decisions and precedential decisions of the circuit, unless there is intervening Supreme Court precedent. In rare circumstances, a circuit court may convene en banc to overturn prior circuit precedent, but only to resolve conflicting precedent or when a question of exceptional importance exists.