

**Responses of Jennifer Guerin Zipps
Nominee to be United States District Judge for the District of Arizona
to the Written Questions of Senator Chuck Grassley**

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

Response: I believe that the most important attribute of a judge is integrity. A judge with integrity is one who is consistently faithful to the law, truthful, trustworthy, fair, principled and honest. I believe I possess this attribute.

2. 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: The most important elements of an appropriate judicial temperament include respectfulness, patience, and humility. A judge's temperament sets the tone of court proceedings and may influence the public's confidence in our judicial system. I believe I have this temperament and hence meet this standard.

3. 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.

4. At times, judges are faced with cases of first impression. If there were no controlling precedent that dispositively concluded 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: I would look for guidance from rulings of the Supreme Court and other federal appellate courts in an analogous case. I would also consider any rule, regulation, statute or constitutional provision that might have a bearing on the issue to be resolved. Finally, I would look to decisions of the district court and state courts in any analogous cases to determine if they provided persuasive authority. In resolving the case and undertaking these tasks, I will be guided by the principles of adherence to the rule of law, the need to exercise judicial restraint, and the need to foster confidence in the judiciary.

5. What would you do if you believed the Supreme Court or the Court of Appeals had seriously erred in rendering a decision? Would you apply that decision or would you use your own judgment of the merits, or your best judgment of the merits?

Response: I would follow the precedent of the Supreme Court and Ninth Circuit Court of Appeals regardless of my personal beliefs.

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

Response: A federal court should only declare a statute enacted by Congress unconstitutional when Congress has exceeded its authority set forth in the Constitution or enacted legislation in contravention of the Constitution. In considering a challenge to a statute, a federal court should look to binding precedent interpreting the constitutional provision at issue.

7. As you know, the federal courts are facing enormous pressures as their caseload mounts. If confirmed, how do you intend to manage your caseload?

Response: As a Magistrate Judge in the United States District Court for the District of Arizona, I am familiar with the large volume of cases and the tools available for management of the mounting caseload. To ensure the just, speedy, and inexpensive determination of each civil action, I would set meaningful deadlines for conducting discovery and filing motions, promptly set motions hearings and trials, and make myself available for resolution of discovery disputes. In criminal cases, I would set motions hearings, deadlines, status conferences and trials in a manner that would ensure compliance with the Speedy Trial Act. I would continue to use the District's e-management tools for monitoring the progress of cases, and I would continue my practice of issuing orders and opinions promptly once a matter is taken under advisement. I would also continue the District's current practice of fully utilizing magistrate judges in civil and criminal cases to ensure the District's many cases are timely heard and resolved.

8. 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: I believe that judges have an important role in controlling the pace and conduct of litigation. A judge must ensure that litigation is promptly resolved without undue expense. If confirmed, I would employ the case management techniques discussed in my answer to Question 7.

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

Response: I personally reviewed the questions and, after some careful reflection, prepared my responses. I then forwarded my responses to the Department of Justice for submission to the Senate Judiciary Committee.

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

Response: Yes.

Responses of Jennifer Guerin Zipps
Nominee to be United States District Judge for the District of Arizona
to the Written Questions of Senator Amy Klobuchar

- 1. If you had to describe it, how would you characterize your judicial philosophy – and how do you see the role of the judge in our constitutional system?**

Response: A judge should seek to adhere to the rule of law and strive to create a fair and impartial forum for the resolution of disputes. A judge should ensure that each party is provided an opportunity to be heard and is treated respectfully in the presentation of his or her position. In terms of our constitutional system, a judge must always be mindful that his or her role is not to legislate, but to apply the law that has been enacted, and to ensure that legislation and its execution is consistent with law and with constitutional principles.

- 2. As the one undemocratic branch, the courts have a special responsibility to make sure they are available to those Americans most in need of the courts to protect their rights. 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: As a magistrate judge for six years, I believe I have demonstrated my commitment to treat each person who appears before me fairly and with respect, regardless of political beliefs, nationality, socioeconomic status, or status as a plaintiff or defendant. Equal justice under the law is fundamental to the credibility of our legal system. Should I be confirmed, I pledge that each person who appears before me will receive equal access and just treatment.

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

Response: Judges must respect precedential opinions in order to instill confidence that the result in a given case is not merely a function of who happens to be deciding it. If a specific issue has been previously decided by a controlling Circuit Court of Appeals or the Supreme Court, a judge must follow the precedent. A commitment to the doctrine of stare decisis should not vary depending on the court. Proper respect for precedent must be the rule at all levels of our judicial system.