

**Senator Chuck Grassley
Questions for the Record**

**Judith Ellen Levy
Nominee, U.S. District Judge for the Eastern District of Michigan**

- 1. In 2009 at the Hot Topics in Fair Housing Event, you said “the issue of racial integration is the most pressing issue facing fair housing enforcers.” What role do you believe the courts should play in the issue of racial integration?**

When I gave that talk, I was speaking as an advocate for the government, which has a responsibility to enforce federal laws regarding fair housing. If confirmed as a judge, my role would be to uphold and apply the law as it stands, not to advocate for any one side.

The role of the district court judge should be to approach every case with an open mind and be fair, impartial and respectful to all participants. A trial court judge should also apply established law to the facts in each case in order to reach a carefully reasoned and thoughtfully articulated decision. If I am confirmed to serve as a district court judge and a case is assigned to me that relates in some manner to race discrimination or racial integration, I would use this approach to handling the case. The federal courts are limited to the cases or controversies that are brought before them and in all cases must apply the law to the facts. Federal courts do not have any other specific role in the issue of racial integration.

- 2. Some have contended that a judge should have empathy for those who appear before them. My concern is that when someone suggests a judge should have empathy, they are really suggesting the judge should place their thumb on the scales of justice to tilt it in the favor of the proverbial little guy. In your personal opinion, is it ever the role of a judge to favor one party over another?**

No. A judge should be fair and impartial to all parties and participants in the process.

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

A judge should approach every case with an open mind and be fair, impartial and respectful to all participants. A trial court judge should also apply established law to the facts in each case in order to reach a carefully reasoned and thoughtfully articulated decision. I believe these are the most important attributes of a judge, and I possess the ability to do them.

- 4. 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: A judge should work hard and be fair, impartial, patient and respectful to all participants. I consider these to be the most important elements of judicial temperament and I meet this standard.

5. **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.

6. **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: If I am confirmed as a district court judge and I am faced with a case of first impression involving interpretation of a statute, I would turn first to the language of the statute. If the text is clear, I would stop there and apply the plain language of the statute to the facts of the case before me. If the statutory language did not lead to a clear understanding, I would look to the structure and context of the provision, and turn to Supreme Court and Sixth Circuit precedent interpreting similar provisions. If these were not available, I would look to relevant decisions by other Courts of Appeals for guidance.

7. **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 best judgment of the merits to decide the case?**

Response: If confirmed as a federal judge, I will apply Supreme Court and Sixth Circuit precedent in all cases regardless of whether I agree with the decisions.

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

Response: I believe that a district court judge must presume that a statute passed by Congress is constitutional and should be found unconstitutional only if it clearly conflicts with the Constitution as interpreted by the Supreme Court and relevant circuit courts, or if Congress clearly acted beyond its constitutional authority.

9. **What assurances or evidence can you give this Committee that, if confirmed, your decisions will be grounded in precedent and the text of the law rather than any underlying political ideology or motivation?**

Response: As an Assistant United States Attorney, I have always applied established law to the facts of any matter I have handled in order to determine whether to recommend that the United States bring a case in federal court or assert a particular defense. My own political views have never played a role in any decision I have made on behalf of the United States, and if confirmed as a district court judge, I would not permit my personal beliefs to play a role in my decision-making.

10. What assurances or evidence can you give the Committee and future litigants that you will put aside any personal views and be fair to all who appear before you, if confirmed?

Response: I have never permitted my personal views to play a role in how I have approached a case or matter as a practicing attorney, and I would not do this as a judge. I would put aside any personal views I might hold in order to reach a fair and unbiased decision in each case.

11. 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: No, I do not believe foreign law or the views of the “world community” should apply when determining the meaning of the Constitution.

12. If confirmed, how do you intend to manage your caseload?

Response: If I am confirmed as a district court judge, I will manage my caseload by working hard, staying engaged with setting scheduling orders, and referring pre-trial matters to the assigned Magistrate Judge where appropriate.

13. 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 trial court judges have a very important role to play in controlling the pace and conduct of litigation. If confirmed as a district court judge, I will strive to ensure that cases move forward in a timely and efficient manner. For example, I would take an active role in issuing scheduling orders in cases and ensuring that discovery disputes in civil cases are resolved expeditiously. I would also refer matters to the assigned Magistrate Judge where appropriate.

14. 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: If confirmed as a district court judge, I will reach decisions by applying established law to the facts in each case in order to reach a carefully reasoned and thoughtfully articulated decision. I will look to the applicable Supreme Court and Sixth Circuit precedent to guide my decisions.

I expect that the most difficult part of this transition will be managing complex criminal cases with multiple defendants; however, I feel prepared to take on this challenge as a result of my experience in the United States Attorney’s Office over the last thirteen years.

15. According to the website of American Association for Justice (AAJ), it has established a Judicial Task Force, with the stated goals including the following: “To increase the number of pro-civil justice federal judges, increase the level of professional diversity of federal judicial nominees, identify nominees that may have an anti-civil justice bias, increase the number of trial lawyers serving on individual Senator’s judicial selection committees”.

- a. Have you had any contact with the AAJ, the AAJ Judicial Task Force, or any individual or group associated with AAJ regarding your nomination? If yes, please detail what individuals you had contact with, the dates of the contacts, and the nature of the communications.**

Response: I have not had any contact with the AAJ or any group associated with it.

- b. Are you aware of any endorsements or promised endorsements by AAJ, the AAJ Judicial Task Force, or any individual or group associated with AAJ made to the White House or the Department of Justice regarding your nomination? If yes, please detail what individuals or groups made the endorsements, when the endorsements were made, and to whom the endorsements were made.**

Response: No.

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

Response: I received these questions from the Department of Justice on November 6, 2013, and prepared my responses. I discussed my responses with a representative of the Department of Justice, and I authorized the Department of Justice to submit my responses.

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

Response: Yes.