

Responses of Nelva Gonzales Ramos
Nominee to be United States District Judge for the Southern District of Texas
to the Written Questions of Senator Charles Grassley

- 1. Do you believe that our federal government is one of limited and enumerated powers?**

Response: Yes.

- 2. Do you believe it is proper for a judge, consistent with governing precedent, to strike down an act of Congress that it deems unconstitutional? If so, under what circumstances?**

Response: Yes. It is proper for a judge to strike down an act of Congress when Congress enacts a law that is contrary to the Constitution or when Congress enacts a law that exceeds its authority under the Constitution. In determining whether an act of Congress is unconstitutional, I would follow Supreme Court and 5th Circuit precedent.

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

Response: The most important attribute of a judge is a firm commitment to the rule of law. I possess this attribute.

- 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: The appropriate temperament of a judge includes the qualities of impartiality, fairness, patience, courtesy, and respect for everyone who comes before the court. The most important elements of judicial temperament are impartiality and respect. 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 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: In matters concerning statutory interpretation, I would first look to the text of the statute. If the text is not clear, I would review the legislative purpose in enacting the statute. If an ambiguity remained, I would look to analogous precedent from the Supreme Court and the 5th Circuit.

In matters concerning the Constitution, I would first look to the text of the Constitution. If the text is not clear, I would look to analogous precedent from the Supreme Court and the 5th Circuit.

- 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 own judgment of the merits, or your best judgment of the merits?**

Response: I would be bound by precedent so I would apply the decision.

- 8. 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: If confirmed as a district judge, I would manage my caseload by setting and enforcing reasonable deadlines for discovery, motions, and trials. I would rule on motions promptly and resolve cases as efficiently as possible. I would also utilize the assistance of the Magistrate Judges as appropriate.

- 9. 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: Yes. I believe that judges have a significant role in controlling the pace and conduct of litigation. If confirmed as a district judge, I would take the steps outlined in response to Question 8 to control my docket.

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

Response: It is appropriate for a court to declare a statute enacted by Congress unconstitutional when the statute contravenes the Constitution or when Congress has exceeded its constitutional authority in enacting the statute. In determining whether a statute is unconstitutional, I would follow Supreme Court and 5th Circuit precedent.

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

Response: I reviewed the questions and prepared my responses. I discussed my responses with a Department of Justice official. I then finalized my responses and forwarded them to the Department of Justice for submission to the Senate Judiciary Committee.

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

Response: Yes.