

Responses of William H. Orrick, III
Nominee to be United States District Judge for the Northern District of California
to the Written Questions of Senator Amy Klobuchar

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

Response: I view my role as a judge, if I am confirmed, as enhancing respect for the rule of law. That means that I should be, as Federal Rule of Civil Procedure 1 suggests, just and speedy in decision-making. I should show respect to everyone in my courtroom. I should recognize that I am in a court of limited jurisdiction, and not attempt to exercise authority on issues over which I have no jurisdiction. Most importantly, I should insure a fair hearing so that I understand the facts and then apply controlling precedent and the law in an even-handed way to determine the result. I should explain my decision clearly so that the litigants understand the basis of my reasoning.

- 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: My varied legal background is evidence that I will treat all litigants fairly and with respect, and that I will not let my personal views interfere with the administration of justice. I started my career with Georgia Legal Services, where I represented poor people for more than four years, often as plaintiffs. For the following twenty five years, I was in private practice, primarily defending corporate entities and wealthy people in employment and commercial litigation, while also representing the Episcopal Diocese of California and many other types of clients in my pro bono work. In the last three years, I have represented the United States. I have great respect for every type of client I have represented. I have never let my political beliefs affect my legal judgment, and believe that politics have no place in the courtroom.

- 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: District court judges must bind themselves tightly to precedent. So must judges in the Courts of Appeals, unless they are sitting en banc to review their own precedent. Without that commitment to stare decisis, the judiciary would properly be accused of merely being another political branch, with the whims of the individual judge rather than the rule of law controlling the outcome.