

Responses of Edgardo Ramos
Nominee to be United States District Judge for the Southern District of New York
to the Written Questions of Senator Chuck Grassley

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

Response: The most important attribute of a judge is a determination to decide all cases fairly, impartially, narrowly and promptly. 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: I believe a judge must at all times demonstrate an abiding respect for the rule of law. A critical element of this aspect of judicial temperament is an understanding of the limited role of judges within our constitutional system and the acknowledgement of the need to apply precedent where it exists. Judges must also treat all parties that come before the court with respect. A judge exhibits respect for the parties by treating them courteously, by giving them a fair opportunity to be heard, and by promptly deciding the matters that come before the court. I believe I 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: If the matter involved the interpretation of a statute, I would first look to the plain language of the statute. If I find the language to be ambiguous, I would then look to its legislative history for guidance. If the matter did not involve statutory interpretation, I would first look to analogous authority of the Supreme Court and the Second Circuit Court of Appeals. If necessary, I would also look to analogous authority of other federal courts of appeal.

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 believe district court judges are duty bound to apply precedential authority issued by the Supreme Court and the court of appeals of the circuit in which they sit. If confirmed, I would be fully prepared to apply precedent.

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

Response: District court judges may appropriately declare a federal statute unconstitutional where it is contrary to a constitutional provision or where Congress has exceeded its authority. In making this determination, I would be guided by the Supreme Court's interpretation of the applicable constitutional provision and all applicable precedent of the Supreme Court and the Second Circuit Court of Appeals.

- 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: If confirmed, I would seek to manage my caseload by setting and enforcing firm deadlines for pretrial discovery and motions. I would work closely with the Magistrate Judges assigned to the matters to insure that the cases were proceeding in accordance with the schedule and to intervene promptly where they were not. I would endeavor to decide all motions expeditiously and would not hesitate to facilitate settlement discussions or encourage mediation. In addition, I would seek the counsel of my fellow district court judges concerning best practices for case management.

- 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: Judges play a most important role in controlling the pace and conduct of litigation. If confirmed, in addition to the specific steps outlined in response to Question 7, I would also encourage litigants to treat each other with professionalism and to seek the help of the court where such professionalism was lacking.

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

Response: I received the questions on Wednesday, August 3, 2011. I prepared my responses over the following several days and then reviewed my responses with representatives of the Department of Justice. I then finalized my responses and authorized their transmittal to the Committee.

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

Response: Yes.