

**Responses of Sharon Johnson Coleman
Nominee to the United States District Court for the Northern District of Illinois
to the Written Questions of Senator Jeff Sessions**

- 1. As you may know, President Obama has described the types of judges that he will nominate to the federal bench as follows:**

“We need somebody who’s got the heart, the empathy, to recognize what it’s like to be a young teenage mom. The empathy to understand what it’s like to be poor, or African-American, or gay, or disabled, or old. And that’s the criteria by which I’m going to be selecting my judges.”

- a. I recognize that you do not know what President Obama may or may not have meant by this statement, do you believe that you fit President Obama’s criteria for federal judges, as described in his quote?**

Response: I believe that President Obama’s decision to nominate me to serve on the United States District Court indicates that I fit his criteria for selection of federal judges.

- b. What role do you believe that empathy should play in a judge’s consideration of a case?**

Response: A judge should make a sincere effort to understand and respect the positions of all litigants and litigators, even if the applicable law does not permit them to receive the relief they seek.

- c. Do you think that it is ever proper for judges to indulge their own subjective sense of empathy in determining what the law means?**

Response: No

- i. If so, under what circumstances?**

Response: None

- ii. Please provide an example of a case in which you have done so.**

Response: None

- iii. Please provide an example of a case in which you had to set aside your own subjective sense of empathy and rule solely based on the law.**

Response: In a case that I presided over in the trial court, a civil jury granted a six figure award to the parents of a 7 year old girl who had drowned in a retention pond. Despite my empathy for the family’s grief

and loss, I entered a judgment notwithstanding the verdict in favor of the defendant company where the jury's special interrogatory answer indicated that the case for negligence had not been made.

2. Do you think it is ever proper for judges to indulge their own values in determining what the law means?

Response: No

a. If so, under what circumstances?

Response: None

b. Please provide an example of a case in which you have done so.

Response: None

c. Please provide an example of a case in which you had to set aside your own value and rule solely based on the law.

Response: I can recall no case in which the law was inconsistent with my values.

3. Do you think it is ever proper for judges to indulge their own policy preferences in determining what the law means?

Response: No

a. If so, under what circumstances?

Response: None

b. Please provide an example of a case in which you have done so.

Response: None

c. Please provide an example of a case in which you had to set aside your own policy preferences and rule solely based on the law.

Response: I can recall no case in which the law was inconsistent with my policy preferences.

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

Response: I received the Questions for the Record from Senators Sessions and Coburn on March 17, 2010, by electronic transmission from the Office of Legal Policy (OLP). I drafted my answers to those questions. I consulted with the OLP regarding my answers. I then transmitted the answers back to the Office of Legal Policy with the understanding that they would be forwarded to the Committee.

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

Response: Yes