

Responses of Sara L. Darrow
Nominee to be United States District Judge for the Central District of Illinois
to the Written Questions of Senator Charles Grassley

- 1. Other than a very brief time in a small private practice, you have spent your entire career working on criminal matters. If confirmed, how will you prepare yourself to handle the variety of other legal issues that a district judge confronts?**

Response: As a federal prosecutor I have a firm grasp of federal rules and procedure. I would build upon my experience and work hard to get up to speed in the different areas of law that come before a district judge. I will utilize the numerous resources available from the Federal Judicial Center and attend continuing legal education courses for district court judges. I will also consult with the other district judges for guidance. Above all, if confirmed, I will work diligently to prepare for the legal and procedural aspects of each case that would come before me.

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

Response: Yes.

- 3. 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 appropriate for a federal court to declare all or part of a statute unconstitutional if Congress has exceeded its constitutional authority.

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

Response: I believe that the most important attribute of a judge is an ability to apply the law to the facts in a fair and impartial manner. I believe that I possess that quality.

- 5. 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 treat all who enter the courtroom with dignity and respect, be courteous and patient when considering the arguments presented, and be firm in applying the law to the facts of the case. I believe that I meet each of these standards.

- 6. 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.

- 7. 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 the absence of controlling precedent, I would review decisions from the Supreme Court, the Seventh Circuit, and other federal courts that have addressed an analogous issue. I would also look to the text of any applicable statutes and consider legislative purpose.

- 8. 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: The role of a district court judge is to apply the law as defined by the Supreme Court or the Court of Appeals to the case presented. I would employ that duty regardless of my own judgments of the merits.

- 9. 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: I would set regular status conferences, enforce reasonable and stringent deadlines, and decide matters expeditiously.

- 10. 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, judges have an important role in controlling the pace and conduct of litigation. If confirmed, I will work hard to ensure prompt resolution of cases while affording each litigant a full and fair hearing.

- 11. 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 federal court to declare all or part of a statute unconstitutional if Congress has exceeded its constitutional authority.

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

Response: I reviewed and carefully considered each question and answer. I discussed some of my responses with a Justice Department representative, finalized my answers, and authorized their communication to the Committee.

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

Response: Yes.