

Questions for the Record
Senate Judiciary Committee
Hearing: "Nominations"
April 10, 2013
Senator Amy Klobuchar

Questions for Srikanth Srinivasan, to be United States Circuit Judge for the District of Columbia Circuit

- 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: Were I to be confirmed, my judicial philosophy would be characterized by a commitment to an impartial adherence to the applicable law in addressing the cases that come before me, by which I mean an impartial and faithful application of the governing constitutional provisions, statutes, regulations, judicial precedents, or other pertinent legal instruments to the specific context and facts. The role of a judge in our constitutional system should be considered under the provisions of Article III of the Constitution, and includes, in particular, the responsibility to adjudicate only concrete cases and controversies that come before him or her.

- 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: It is essential that a judge conduct himself or herself with impartiality, objectivity, and open-mindedness in considering the cases to come before the court, and that he or she treat the parties that come before the court with fairness and respect. I assure the Committee that, if I were confirmed, I would adhere to those standards. I hope that the broad array of clients I have represented as a practicing attorney, the wide variety of issues I have confronted during the course of those representations, and the way in which I have comported myself, indicate a capacity for open-mindedness and fairness that would serve me well if I were confirmed to be a judge.

- 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: The doctrine of stare decisis serves vital interests in promoting stability and predictability in the law. Judges must adhere to that doctrine, under which a court is bound to follow applicable precedent except in highly unusual circumstances. A circuit court panel is bound to adhere to a prior circuit decision unless the decision is contrary to an intervening decision of the Supreme Court or of the en banc court of appeals. While a circuit court, sitting en banc, can overturn prior circuit precedent, a circuit court should

consider en banc review to overturn circuit precedent only in very narrow circumstances, such as if there is a conflict between prior panel decisions within the circuit or if the prior precedent has proved thoroughly unworkable. A circuit court is bound to adhere to any Supreme Court decision that has not been overruled by the Supreme Court itself.