

Response of Analisa Torres
Nominee to be United States District Judge for the Southern District of New York
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: My judicial philosophy is to adhere to the law and apply it impartially. I share Chief Justice Marshall's view on the role of the judge in our constitutional system, as articulated in *Marbury v. Madison*: the "province and duty of the Judicial Department is to say what the law is."

- 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: During my 13 years as a New York State judge, I have treated all litigants with fairness and impartiality, without regard to their political beliefs, their level of wealth or their status as a plaintiff (or, in criminal cases, the prosecution) or a defendant. If confirmed, I would employ the same approach.

- 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 is a cornerstone of American jurisprudence. Supreme Court precedent is binding on all lower federal courts. Circuit court precedent binds the district courts within a particular circuit. If confirmed, I would faithfully apply controlling Supreme Court and Second Circuit authority. A three-judge circuit court panel may not overturn circuit precedent. That may be accomplished only through the *en banc* process, when the circuit is considering a question of "exceptional importance" (see, Fed. R. App. P. 35[a]) or when one panel decision conflicts with another.