

Responses of Andrea R. Wood
Nominee to be United States District Judge for the Northern District of Illinois
to the Written Questions of Senator Chuck Grassley

- 1. In a response to Senator Durbin on what you think a Federal judge should be like, you responded that a judge should be “prepared to ensure a just result that is consistent with the precedent.” What is a “just result” and, as a judge, how will you know when you have achieved that result?**

Response: A just result is achieved through a judicial process that is fair, impartial and grounded in the rule of law. A federal judge promotes the integrity of the judicial process by treating all participants in the process with respect, providing parties with a full and fair opportunity to be heard, and deciding the issues presented to him or her based on a faithful application of controlling legal precedent to the facts, regardless of the judge’s own personal views and opinions.

- 2. According to your questionnaire, it does not appear that you have tried a case in federal court yet you listed that 75% of your litigation experience was in federal court.**

- a. Have you tried a case to verdict, judgment or final decision in federal court?**

Response: I have not litigated a case to final verdict after a trial in federal court. However, I have litigated many federal court cases to a final resolution on the merits. For example, I have had judgments and orders entered in my client’s favor at the motion to dismiss and summary judgment stages of litigation. In addition, I have tried two cases to final decisions in proceedings before administrative law judges of the Securities and Exchange Commission. Those administrative proceedings consisted of full bench trials with live testimony and argument. In those proceedings, I examined witnesses, argued trial motions, sought admission of evidence and presented closing arguments, in a manner analogous to practice in federal district court. Finally, I was a member of the trial team for a month-long trial in federal bankruptcy court that settled after the close of evidence and post-trial briefing. Although the case was resolved before the judge issued her ruling, all of the trial work had been completed.

- b. Can you explain your experience practicing in federal court?**

Response: I have spent the majority of my career practicing in federal court, with a focus on complex litigation. At various times, I have represented a government agency, corporations and other business entities of various sizes, and individuals. I have also represented both plaintiffs and defendants. While my work at the Securities and Exchange Commission has focused on securities litigation, during my time in private practice I worked on cases involving a variety of subject matters. My experience with federal court practice includes managing all stages of litigation, including developing strategy, drafting pleadings and briefs, conducting fact and expert discovery, engaging in motion practice, participating in evidentiary hearings

and trials, and negotiating settlements. Although my cases generally have been resolved prior to trial, I have frequently appeared and argued before federal district courts across the United States.

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

Response: I believe that a judge should always conduct himself or herself in a manner that promotes confidence in the integrity of the judicial system. To accomplish this, a federal judge must treat all participants in the process with respect, provide parties with a full and fair opportunity to be heard, and decide matters based on a faithful application of controlling legal precedent to the facts, regardless of the judge's personal views and opinions. I believe that I possess these attributes.

4. 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 that the appropriate temperament for a judge is characterized by the following attributes: a calm and professional demeanor, respect for all participants in the judicial process, open-mindedness, impartiality, patience and humility. A good judge is also decisive without being rash and can maintain control of a courtroom without behaving in an unduly harsh manner. I believe that I meet this standard.

5. 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.

6. What assurances can you give this committee that, should you be confirmed, you will be able to eliminate any potential biases and influences, and that your courtroom decisions will not be affected by any political, economic, or philosophical influences?

Response: While I believe that all attorneys should conduct themselves with integrity and professionalism, I have always felt that those qualities are particularly important for attorneys representing the government because we are not only advocates but also public servants. Similarly, I believe judges have an obligation to conduct themselves in a manner that promotes confidence in the integrity of the judicial system. Thus, if confirmed as a district court judge, I assure the Committee that I will decide all issues presented to me based on the facts and the law, and not based on any personal opinions, biases or influences.

7. Do you believe the death penalty is an appropriate form of punishment? If called upon to do so, would you have any personal objection to imposing this sentence? Please explain your response.

Response: The Supreme Court has held that the death penalty is constitutional, except in certain limited circumstances. If confirmed, I would faithfully apply controlling Supreme

Court and Seventh Circuit precedent in any case in which the death penalty is a potential punishment.

- 8. At times, judges are faced with cases of first impression. If there were no controlling precedent that was dispositive on 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 confirmed as a district court judge, I would approach cases of first impression by looking first to the text of the statute or provision at issue. If the meaning of the provision could not be ascertained from its plain language, then I would consider the purpose and structure of the statutory scheme as a whole, determine whether identical language appears in other parts of the same statute, and employ traditional tools of statutory interpretation established by Supreme Court and Seventh Circuit precedent. If the issue presented did not involve interpretation of a text, I would look to Supreme Court and Seventh Circuit precedent regarding analogous legal issues and, if necessary, consider precedent from other Circuits as persuasive authority.

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

Response: Federal statutes are presumed to be constitutional. When presented with a case questioning the constitutionality of a federal statute, a judge should first determine whether the case can be resolved without reaching the constitutional issue. If the judge determines that it is necessary to address the constitutional issue, then it would be appropriate for the judge to declare the statute unconstitutional if Congress exceeded its constitutional authority or enacted the statute in contravention of a constitutional provision. If confirmed as a district court judge, I would faithfully apply Supreme Court and Seventh Circuit precedent in evaluating whether Congress had done so.

- 10. In your view, is it ever proper for judges to rely on foreign law, or the views of the “world community”, in determining the meaning of the Constitution? Please explain.**

Response: No, I do not believe it is proper for a judge to rely on foreign law, or the views of the “world community,” in determining the meaning of the Constitution. If confirmed as a district court judge, I would rely on Supreme Court and Seventh Circuit precedent in deciding such matters.

- 11. What is your understanding of the workload in the Northern District of Illinois? If confirmed, how do you intend to manage your caseload?**

Response: My understanding is that the judges in the Northern District of Illinois have a heavy workload. During my career, I have had the privilege of appearing before judges in many different Districts across the United States, including the Northern District of Illinois. If confirmed, I would adopt the best practices that I have observed for effective and efficient case management. Among other things, I would issue clear standing orders regarding scheduling and pre-trial procedures so that there is no confusion regarding expectations. I would also work with parties from the outset to establish a realistic but firm schedule,

including setting trial dates as soon as practicable, and hold regular status conferences to make sure cases remain on track. Finally, I would lead by example by always being prepared, resolving motions promptly, and offering my own services and those of the magistrate judges to assist parties in resolving cases short of trial.

12. 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: In my experience, an engaged and diligent district court judge can make a significant difference when it comes to resolving litigation in an expeditious manner. If confirmed, I would follow the approach outlined in my response to Question 11 above in order to control the pace and conduct of litigation.

13. You have spent your entire legal career as an advocate for your clients. As a judge, you will have a very different role. Please describe how you will reach a decision in cases that come before you and to what sources of information you will look for guidance. What do you expect to be the most difficult part of this transition for you?

Response: If confirmed as a district court judge, I would decide legal issues by faithfully applying any controlling Supreme Court or Seventh Circuit precedent. When required to make factual determinations, I would listen carefully to the evidence, keep an open mind and make determinations based strictly on the evidence. In all circumstances, I would give full, fair and thoughtful consideration to the arguments presented by the litigants, conduct my own legal research when appropriate, and rule promptly. I expect that one of the most difficult parts of transitioning into the role of judge would be quickly getting up to speed on the substantial docket of cases in all stages of litigation that I would inherit on the first day. With the help of chambers staff, I would implement case management procedures immediately to gain control of my docket.

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

Response: I received these questions on June 26, 2013. I read each question carefully and drafted my responses. I then discussed my responses with an official at the Department of Justice. Thereafter, I finalized my responses and authorized the Department of Justice to transmit them to the Committee.

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

Response: Yes.