

**Responses of Yvonne Gonzalez Rogers**  
**Nominee to be United States District Judge for the Northern District of California**  
**to the Written Questions of Senator Chuck Grassley**

- 1. You are an active member of your community in California. President Obama has said that he hopes judges would reach decisions based on “their broader vision of what America should be.” Based on your experience as both a judge and your work in the community, do you believe judges should consider "their broader vision of what America should be" when deciding cases?**

Response: I am not familiar with the context for the portion of the quote from President Obama and cannot comment on it. A judge can serve as a role model for the community. As a judge, I regularly engage with members of the community in Court: jurors, witnesses, litigants, attorneys, and the public. When adjudicating cases, a judge should rule objectively based on the law without bias, prejudice or sympathy.

- 2. In *People v. Terrazas*, the jury found the defendant guilty of felony driving under the influence and causing injury to more than one individual. Despite that the jury found the defendant guilty of the felony plus one enhancement, you stayed the sentence of 3 years of state prison with an additional year for the enhancement. Please explain your rationale for this decision.**

Response: My sentencing decision was consistent with the sentencing factors set forth in California statutes and the recommendation of the Court’s Probation Department. In this case, significant credible evidence existed of the defendant’s history of mental illness. The sentence imposed on the defendant, who was a daughter of a Vietnam veteran and had earned a master’s degree, owned her own home and had a history of employment, allowed for lengthier monitoring than incarceration would allow and required treatment in a residential, non-release mental health facility after a year of incarceration. This approach, in light of the circumstances, more effectively promoted the goal of protecting society than the alternative.

- 3. Please explain your view of sentencing, and if confirmed, what deference will you give federal Sentencing Guidelines?**

Response: I use state sentencing guidelines in my criminal sentencing decisions. Federal Sentencing Guidelines represent the reasoned deliberative analysis of a commission whose goal was to establish more uniform sentencing. I commend this goal and, if I am fortunate enough to be confirmed, would use Federal Sentencing Guidelines to guide my decisions.

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

Response: The most important attribute of a judge is an unwavering commitment to adjudicate all cases fairly, based on the law and in a timely manner. I believe I possess this attribute.

- 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: Given the myriad roles and challenges a judge faces, the elements of judicial temperament are broad. Those most important include: integrity; an unwavering commitment to render justice without bias or delay; intelligence; knowledge of and ability to apply the law; respect for the parties, the attorneys, and the litigation process; humility, patience and open-mindedness; a vigorous work ethic; and the capacity to manage large caseloads effectively. I believe I do possess a strong judicial temperament.

- 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 deciding cases of first impression, my goal is to reach a reasoned decision based on an unbiased view of the case and relevant law. I would look to the plain language of the statute, regulation or constitutional provision, if one is at issue. If not clear, I would also consult the legislative history, if it exists, trends of precedent in similar situations, and reasoned analysis from other jurisdictions in the United States.

- 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: I would apply the precedent of the decisions of the Supreme Court and the Circuit Court in which I sit.

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

Response: In the first instance, I would follow the canon that statutes should be construed to avoid constitutional questions with care not to rewrite the statute. I am further bound and would follow the precedent set forth in U.S. v Morrison, 529 U.S. 598, 607 (2000) in which the Supreme Court articulated the longstanding principle that “[d]ue respect for the decisions of a coordinate branch of Government demands that we

invalidate a congressional enactment only upon a plain showing that Congress has exceeded its constitutional bounds.”

**10. 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 currently manage a docket of over 550 cases successfully. I would use the same skills to manage a federal docket. These include: a dedication to hard work; active management of the pace of litigation; prompt, sound and reasoned rulings; formal and informal access to the court; steadfast requirement of professionalism from attorneys; and active communication with the parties to determine the most efficient path to resolution without sacrificing the rights of the parties.

**11. 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. I would manage cases through early and substantive case management conferences, early mediation and/or settlement conferences after initial stages of discovery, and the scheduling of firm trial dates, which will trigger other deadlines. I would also consult with other federal judges regarding best practices so that I could employ those with respect to my own caseload.

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

Response: I received the questions from a representative of the Department of Justice (DOJ) on Wednesday, July 20, 2011. After reflection, I drafted my responses and I discussed these responses with the DOJ representative. I finalized my responses on Thursday, July 21, 2011 and then asked the DOJ representative to forward my responses to the Senate Judiciary Committee.

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

Response: Yes.