

**Senator Grassley, Chairman  
Questions for the Record**

**Waverly D. Crenshaw, Jr.  
Nominee, United States District Judge for the Middle District of Tennessee**

- 1. Since 1998 you have been a registered lobbyist for numerous organizations, representing interests across a broad spectrum of industries, from insurance brokerage to vacation time-shares to telecommunications. If confirmed, how will you handle cases in which these organizations, or specific industries, are litigants in your courtroom?**

Response: If any of the organizations or specific industries for which I served as a lobbyist appear as a litigant, my conduct will be governed by the statutory rules and the Code of Conduct for United States Judges. I will recuse myself when the law and Code require me to do so. I will also recuse myself if my impartiality may be reasonably questioned. My goal will be transparency so I will disclose my prior relationship with the organization when appropriate. As a general rule, I will err in favor of disclosure to the litigants and seek their consent.

- 2. You have been involved in fundraising and campaigning for partisan candidates for public office in Tennessee. If you are confirmed, what assurances can you give the Committee that you will be fair to all litigants who come before you, particularly those with different political beliefs than your own?**

Response: In my practice, the political beliefs of my clients are never a factor. The oath for federal judges requires that I be impartial. Separately, I am bound to follow the statutory rules and the Code of Conduct for United States Judges. The oath and the governing rules prohibit all political activities, if I am confirmed as a district judge. I will do so. I pledge to this Committee to make decisions based upon the rule of law.

- 3. Please describe your involvement with the American Constitution Society.**

Response: In 2006, I served on the board of the local chapter. I only recall attending one meeting and did not hold any office or have any responsibilities other than my board position. I never made any presentations to or on behalf of the American Constitution Society.

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

Response: The most important attribute of a judge is to be fair and impartial because it shows respect to the parties, commitment to the rule of law, and assures the parties that they have had an equal chance to be fully heard by the Court. I believe that I am able to do that and as a trial attorney I know the importance of an impartial judiciary.

- 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: A judge should demonstrate patience at all times. This is important because patience shows respect to the litigants, witnesses, attorneys, jurors and court staff. When a judge exercises patience it contributes to the judicial system being and appearing to be fair and deliberate to the public. I have exercised patience in my practice with clients, attorneys, staff and court personnel. This is important to me because as a young lawyer I benefited from the patience of judges, court staff, clients and attorneys.

- 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. Please describe your commitment to following the precedents of higher courts faithfully and giving them full force and effect, even if you personally disagree with such precedents?**

Response: I am committed to the rule of law that includes adherence to the decisions of the Supreme Court and the Sixth Circuit Court of Appeals. Respect for the rule of law advances uniformity, stability and predictability in the legal system. The oath of office requires that I be impartial in my duties and set aside any personal views, which have no place in the judicial decision making process.

- 7. 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: In a case of first impression, I will look first to the plain language of the statute, rule or regulation at issue, which typically resolves the issue presented. When there is some ambiguity in the statute, rule or regulation, I will apply rules of statutory construction and, if necessary, look for guidance from decisions of the Supreme Court, Sixth Circuit Court of Appeals or other Circuit Courts of Appeal on the same or analogous issues.

- 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 best judgment of the merits to decide the case?**

Response: A district judge has no discretion on whether to follow the decisions of the Supreme Court or the controlling Circuit Court of Appeals. I will do so without regard to any personal opinions, which have no place in the judicial decision making process.

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

Response: The statutes enacted by Congress are presumed to be constitutional. Only when Congress creates a statute and when doing so exceeds its authority under the Constitution or the statute violates a constitutional provision should the statute be declared unconstitutional. If the issue can be resolved without addressing the constitutional issue, then I would do so. As a last resort, I would address the constitutional issue and make a decision on the most narrow or limited grounds.

**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.

**11. What assurances or evidence can you give this Committee that, if confirmed, your decisions will remain grounded in precedent and the text of the law rather than any underlying political ideology or motivation?**

Response: A core pillar of the legal system is respect for and adherence to the rule of law. A district judge’s personal views, opinions or politics have no role in the judicial decision making process. The oath of office requires that I be impartial in performing my duties. I promise the Committee that my decisions will comport with the rule of law and be based on legal precedent and the plain language of the law. As a trial attorney, I know that this is important to the stability of the legal system.

**12. What assurances or evidence can you give the Committee and future litigants that you will put aside any personal views and be fair to all who appear before you, if confirmed?**

Response: It would be a violation of my oath of office if I allowed any personal views to play any part in the judicial decision making process. I believe that the public’s confidence and trust in the judicial system depends upon impartiality. I pledge to do so, if I am fortunate to be confirmed.

**13. If confirmed, how do you intend to manage your caseload?**

Response: If confirmed, I will manage my caseload by setting case deadlines and enforcing them because I know as a trial attorney that deadlines make lawyers work to resolve cases. I plan to combine case deadlines with prompt rulings on discovery and dispositive motions so that the parties can make an informed case assessment and prepare for trial or use mediation to resolve the case without a trial. I believe that effective and efficient case management requires that the judge stay abreast of the status of cases. I will do that and work diligently to move cases promptly.

**14. Do you believe that judges have a role in controlling the pace and conduct of a litigation and, if confirmed, what specific steps would you take to control your docket?**

Response: Yes, as explained in the previous answer, I believe that judges have an important role in controlling the pace and conduct of litigation.

**15. President Obama said that deciding the “truly difficult” cases requires applying “one’s deepest values, one’s core concerns, one’s broader perspectives on how the world works, and the depth and breadth of one’s empathy . . . the critical ingredient is supplied by what is in the judge’s heart.” Do you agree with this statement?**

Response: I am not familiar with this statement. If confirmed I believe that the oath of office requires me to make my decisions based on binding precedent of the Supreme Court and the Sixth Circuit Court of Appeals. Any personal views will have no place in the judicial decision making process.

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

Response: The Office of Legal Policy at the Department of Justice forwarded these questions to me on June 15, 2015. I reviewed the questions and did research as necessary. I then drafted my answers, discussed them with an attorney for the Office of Legal Policy, and then finalized them for submission to the Committee.

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

Response: Yes.

**Senator Cruz  
Questions for the Record**

**Waverly D. Crenshaw, Jr.  
Nominee, United States District Judge for the Middle District of Tennessee**

**Judicial Philosophy**

**1. Describe how you would characterize your judicial philosophy?**

Response: I have not served as a judge so I don't have a judicial philosophy. I have served as a Hearing Officer for several years for the Tennessee Supreme Court's Board of Professional Responsibility that renders decisions on ethical complaints against attorneys. In that role, I maintain an open mind listening to testimony of witnesses, parties and experts. Based on the ethical rule at issue, I apply the rule to the facts to make a decision on whether an ethical violation has occurred. I anticipate that I would follow a similar approach, if I am confirmed as a district judge.

**2. How does a responsible judge interpret constitutional provisions, such as due process or equal protection, without imparting his own values to these provisions?**

Response: When a case requires interpretation of a constitutional provision, I will focus on the plain language of the constitutional provision at issue. My analysis would be guided by decisions on constitutional interpretation by the Supreme Court and the Sixth Circuit Court of Appeals. By doing so, I will remain faithful to the rule of law that is at the foundation of our legal system and insures that any personal opinions do not intrude on the judicial decision making process.

**3. With the assumption that you will apply all the law announced by the Supreme Court, please name a Warrant Court, Burger Court, and Rehnquist Court precedent that you believe was wrongly decided - but would nevertheless faithfully apply as a lower court judge. Why do you believe these precedents were wrongly decided?**

Response: If I am fortunate to be confirmed as a district judge it would not be my role to explore whether a Supreme Court decision was wrongfully decided. The doctrine of stare decisis requires that I apply and follow Supreme Court decisions. Any personal views I might have would play no role in the judicial decision making process.

**4. Which sitting Supreme Court Justice do you most want to emulate?**

Response: Any person who becomes a Supreme Court Justice is entitled to respect. I do not have sufficient knowledge of the current Supreme Court Justices to select one over another. In my judgment, each is entitled to respect and the decisions of the Supreme Court must be followed without question.

- 5. Do you believe originalism should be used to interpret the Constitution? If so, how and in what form (i.e., original intent, original public meaning, other)?**

Response: The Supreme Court in District of Columbia v. Heller, 554 U.S. 570 (2008) considered the original public meaning of the Second Amendment when interpreting that provision. As a district judge, if confirmed, I would follow Heller and other controlling precedent of the Supreme Court and the Sixth Circuit Court of Appeals on issues of constitutional interpretation.

- 6. What role, if any should the constitutional rulings and doctrines of foreign courts and international tribunals play in the interpretation of our Constitution and laws?**

Response: None

- 7. What are your views about the role of federal courts in administering institutions such as prisons, hospitals, and schools?**

Response: Federal courts are courts of limited jurisdiction. Decisions of federal courts that affect institutions such as prisons, hospitals, and schools are confined by the Constitution, federal statutes and decisions of the Supreme Court and the Circuit Courts of Appeals. Any personal views would play no role in the judicial decision making process.

- 8. What are your views on the theory of a living Constitution, and is there any conflict between the theory of a living Constitution and the doctrine of a judicial restraint?**

Response: I have not studied the legal theory of a living Constitution. If confirmed, I would decide cases on the issues presented and base my decision on statutory text and legal precedent as established by the Supreme Court and the Sixth Circuit Court of Appeals, without regard to any personal views, opinions, or beliefs that have no role in the judicial decision making process.

- 9. What is your favorite Supreme Court decision on the past 10 years, and why?**

Response: I have not reviewed or studied all of the decisions of the Supreme Court to select a favorite.

- 10. Please name a Supreme Court case decided in the last 10 years that you would characterize as an example of judicial activism.**

Response: I understand judicial activism to be when a judge allows his or her personal views to predetermine a decision or reach an issue that is not necessary to resolve the case. As a nominee, it would not be appropriate for me to criticize decisions of the Supreme Court that I would be obligated to follow if I am fortunate enough to be confirmed as a district judge.

- 11. What is your definition of natural law, and do you believe there is any room for using natural law in interpreting the Constitution or statutes?**

Response: I understand that the phrase “natural law” has a variety of definitions and meanings. If confirmed, I will faithfully apply the decisions of the Supreme Court and the Sixth Circuit Court of Appeals.

### **Congressional Power**

**12. Explain whether you agree that “State sovereign interests . . . are more properly protected by procedural safeguards inherent in the structure of the federal system than by judicially created limitations on federal power.” *Garcia v. San Antonio Metro Transit Auth.*, 469 U.S. 528, 552 (1985).**

Response: The Supreme Court’s decision in *Garcia v. San Antonio Metro Transit Authority*, 469 U.S. 528 (1985), is binding precedent that I would follow regardless of any personal views.

**13. Do you believe that Congress’ Commerce Clause power, in conjunction with its Necessary and Proper Clause power, extends to non-economic activity?**

Response: The Supreme Court has addressed the scope of the Commerce Clause power in several decisions, such as *United States v. Lopez*, 514 U.S. 549 (1995) (identifying three areas of activity that Congress may regulate under the Commerce Clause), that are binding precedent, which I would follow regardless of any personal views.

**14. What limits, if any, does the Constitution place on Congress’ ability to condition the receipt and use by states of federal funds?**

Response: In *South Dakota v. Dole*, 483 U.S. 203 (1987), the Supreme Court held that the only valid conditions that Congress may impose on the State’s receipt of federal funds are: 1) when the condition is attached to expenditures that benefit the general welfare; 2) when the condition is unambiguous; 3) when it is reasonably related to the purpose of the expenditure to which the condition is attached; and 4) when the condition is in violation of the Constitution. If confirmed, I will follow this decision and all other binding precedent of the Supreme Court and the Sixth Circuit Court of Appeals on this issue.

**15. Is Chief Justice Roberts’ decision in *NFIB v. Sebelius*, 132 S. Ct. 2566 (2012), on the Commerce Clause and Necessary and Proper Clause binding precedent?**

Response: In *NFIB v. Sebelius*, five justices concluded that Congress did not have sufficient authority under the Commerce Clause and Necessary and Proper Clause to pass the Affordable Care Act. The Sixth Circuit has suggested that the Commerce Clause analysis in *Sebelius* is a holding. *United States v. Rose*, 714 F.3d 362, 371 (2013). The absence of a single opinion supported by five justices has created confusion among courts. In such situations, the Supreme Court in *Marks v. United States*, 430 U.S. 188 (1977), has directed that “the holding of the Court may be viewed as that position taken by those Members who

concurring in the judgment on the narrowest grounds.” *Id.* 193 (internal quotation marks omitted).

### **Presidential Power**

**16. What are the judicially enforceable limits on the President’s ability to issue executive orders or executive actions?**

Response: The Supreme Court has ruled that the President’s authority to issue executive orders or actions must flow from an Act of Congress or the Constitution. *See, e.g., Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952). If confirmed, I would apply Supreme Court and Sixth Circuit Court of Appeals decisions on this issue.

**17. Does the President possess any unenumerated powers under the Constitution, and why or why not?**

Response: The Supreme Court has ruled that the President’s powers must derive from an Act of Congress or the Constitution. *Medellin v. Texas*, 552 U.S. 491, 524 (2008). If confirmed, I will apply Supreme Court and Sixth Circuit Court of Appeals precedent on this issue.

### **Individual Rights**

**18. When do you believe a right is “fundamental” for purposes of the substantive due process doctrine?**

Response: The Supreme Court has held that a right is fundamental when it is “deeply rooted in this Nation’s history and tradition and implicit in the concept of ordered liberty.” *Washington v. Glucksberg*, 521 U.S. 702, 720-21 (internal citations and quotations omitted). If confirmed, I will follow this decision and all binding precedent of the Supreme Court and the Sixth Circuit Court of Appeals in similar cases.

**19. When should a classification be subjected to heightened scrutiny under the Equal Protection Clause?**

Response: The Supreme Court has held that classifications based on race, gender, national origin or alienage are subject to heightened scrutiny under the Equal Protection Clause. *See, e.g., City of Cleburne v. Cleburne Living Center*, 473 U.S. 432, 440 (1985). If confirmed, I will apply Supreme Court and Sixth Circuit Court of Appeals precedent on this issue.

**20. Do you “expect that [15] years from now, the use of racial preferences will no longer be necessary” in public higher education? *Grutter v. Bollinger*, 539 U.S. 306 343 (2003).**

Response: The Supreme Court’s decision in *Grutter v. Bollinger* is binding precedent that I will apply regardless of any personal views or expectations, that have no place in the judicial decision making process.



**21. To what extent does the Equal Protection Clause tolerate public policies that apportion benefits or assistance on the basis of race?**

Response: The Supreme Court in Fisher v. University of Texas at Austin, 133 S. Ct. 2411 (2013), held that strict scrutiny analysis applies to determine whether using race in the context of college admissions is proper, which includes public policies that apportion benefits on the basis of race. If I am confirmed, I will apply this and other binding Supreme Court and Sixth Circuit Court of Appeals precedent.

**22. Does the Second Amendment guarantee an individual right to keep and bear arms for self-defense, both in the home and in public?**

Response: The Supreme Court has held in District of Columbia v. Heller, 554 U.S. 570 (2008), that the Second Amendment guarantees individuals the right to keep and bear arms for self-defense in the home. The Sixth Circuit Court of Appeals has observed that the Supreme Court has not “fleshed out” the full extent of the right protected by the Second Amendment, Tyler v. Hillsdale County Sheriff’s Department, 775 F.2d 308, 316 (2014), although it has noted five Circuit Courts of Appeal have recognized the right to carry guns outside of the home. If confirmed, I will follow the decisions of the Supreme Court and the Sixth Circuit Court of Appeals on issues arising under the Second Amendment right to bear arms.

**Senator Vitter**  
**Questions for the Record**

**Waverly D. Crenshaw, Jr.**  
**Nominee, United States District Judge for the Middle District of Tennessee**

- 1. What is your opinion of the constitutionality of the majority ruling NLRB v. Canning and what would be your allowable time frame between pro forma sessions of the senate before the president can soundly exercise his recess appointment power? Is it 3 days? 4? 5?**

Response: In NLRB v. Canning, 134 S. Ct. 2550 (2014), the Supreme Court addressed when the President can make appointments under the Recess Appointments Clause in the Constitution. The Court held that the President can make recess appointments during a recess that lasts 10 days or more. As long as the Senate, under its rules, can transact business, it is not in recess and a recess appointment would not be appropriate. Id. at 2574. If I am fortunate enough to be confirmed, I will follow this and other binding precedent of the Supreme Court and the Sixth Circuit Court of Appeals on the issue of recess appointments.

- 2. In your opinion, is it an undue burden on a woman seeking an abortion under Planned Parenthood v. Casey if state requires that doctors performing the procedures have admitting privileges at one of the hospitals in the state to protect women's health and, as a result, all abortion clinics in the state are shut down?**

Response: In Planned Parenthood v. Casey, 505 U.S. 833 (1992), a plurality of the Supreme Court held that the test to determine the validity of laws restricting abortions is whether the law has the purpose or effect to place an undue burden on the woman seeking an abortion. Applying that test, the Supreme Court invalidated, in part, restrictions created under a Pennsylvania statute. I understand that the issue raised by this question is being litigated in various federal courts, so I do not believe it would be appropriate for me to address the issue because it could come before me as a judge, if I am confirmed. I will follow this case and other binding precedent of the Supreme Court and the Sixth Circuit Court of Appeals on issues regarding abortion, if I am confirmed.

- 3. The Court's ruling on the right to privacy in Griswold v. Connecticut laid the foundation for Roe v. Wade. From your perspective, is Roe v. Wade settled law?**

Response: The Supreme Court's decision in Roe v. Wade, 410 U.S. 113 (1973), has been modified by its decision in Gonzales v. Carhart, 550 U.S. 124 (2007), and Planned Parenthood v. Casey, 505 U.S. 833 (1992). Those cases are binding precedent and must be followed by lower court federal judges. If I am confirmed, I will follow these cases and other binding precedent of the Supreme Court and the Sixth Circuit Court of Appeals regarding right to privacy issues.

**4. Do you agree that the ruling in Baker v. Nelson precludes the federal courts from hearing cases regarding state definitions of marriage? Do you think that US v. Windsor contradicts the Court's previous ruling in Baker?**

Response: The Minnesota Supreme Court in Baker v. Nelson, 291 Minn. 310, 191 N.W. 2d 185 (1971), held that a state statute limiting marriage to persons of the opposite sex did not violate the First, Eighth, Ninth or Fourteenth Amendments to the Constitution. 291 Minn. at 315; 191 N.W. 2d at 187. Baker appealed to the Supreme Court, which dismissed the appeal "for want of a substantial federal question." Baker v. Nelson, 409 U.S. 810 (1972). The Supreme Court held in United States v. Windsor, 133 S. Ct. 2675 (2013), that the Defense of Marriage Act is unconstitutional, 133 S. Ct. at 2695, but recognized that the States have "virtually exclusive province" to define and regulate marriage. 133 S. Ct. at 2691. The Sixth Circuit Court of Appeals in DeBoer v. Richard Snyder, 772 F.3d 388 (2014), held that statutes in Michigan, Tennessee, Ohio and Kentucky that prohibited same-sex marriages or recognition of same-sex marriages from other states were constitutional. The Sixth Circuit's decision is pending before the Supreme Court in Obergefell v. Hodges, that may address the issue of whether the Constitution requires States to issue marriage licenses to same-sex couples. The Supreme Court's decision in Obergefell will be binding precedent. If confirmed as a district judge, I will follow all binding precedent of the Supreme Court and the Sixth Circuit Court of Appeals on this issue.

**5. What is your philosophy on judicial precedent and would you apply prior binding case law that resulted in a court decision that you personally disagree with?**

Response: A district judge is required to follow decisions of the Supreme Court and the controlling Circuit Court of Appeals and has no discretion to do otherwise. As a district judge, if I am confirmed, any personal views, opinions or beliefs will have no role in the judicial decision making process.

**6. How do you reconcile the 2<sup>nd</sup> Amendment basic right under the Constitution to keep and bear arms made applicable to states under the 14<sup>th</sup> Amendment in McDonald v. City of Chicago with the more recent crop of lower federal court rulings upholding gun control laws, such as laws requiring gun registration, laws making it illegal to carry guns near schools and post offices, and laws banning bottom loading semi-automatic pistols for protection?**

Response: The Supreme Court has held in District of Columbia v. Heller, 554 U.S. 571 (2008), that the Second Amendment to the Constitution guarantees an individual the right to keep and bear arms for self-defense. In McDonald v. City of Chicago, 561 U.S. 742 (2010), that Second Amendment right was made binding on the States through the Fourteenth Amendment to the Constitution. I understand that there is litigation pending on the scope of an individual's right to keep and bear arms, so I do not believe it would be appropriate for me to address the issue that could come before me if I am fortunate enough to be confirmed. As a district judge, I would follow binding precedent of the Supreme Court and the Sixth Circuit Court of Appeals on Second Amendment issues.

**7. Do you support suspending capital punishment sentencing pending the Supreme Court's decision on the use of lethal injection drugs in Oklahoma?**

Response: The Supreme Court recently held oral argument on Oklahoma's method of imposing capital punishment. It would not be appropriate to address this pending issue. If I am fortunate enough to be confirmed, I would faithfully follow the decisions of the Supreme Court and the Sixth Circuit Court of Appeals on the issue of capital punishment.

**8. You clerked for Judge John T. Nixon from 1982-1984, and have spoken of him with admiration since that time.**

**a. How would you describe Judge Nixon's approach to the law?**

Response: I clerked for Judge Nixon over 30 years ago, shortly after graduation from law school. The position offered me the unique experience to observe the internal operation of the judicial process. As a young lawyer, I was not in a position to assess Judge Nixon's approach to the law or the correctness of his judicial practices. However, I did observe that he displayed patience by allowing lawyers time to present their cases and witnesses time to give their testimony. I learned about federal procedure, trial practice, motion practice, persuasive writing skills and effective court room advocacy. Those lessons helped me to develop my own litigation style and approach, but since my clerkship, my skills and experiences as a trial lawyer have been more influenced by my actual trial and litigation experience representing individuals and companies, than the clerkship experience early in my career.

**b. How has your experience as a clerk for Judge Nixon influenced your own views and practice of law?**

Response: Please see above.

**c. What are the five most lasting lessons you learned from him?**

Response: Please see above.

**d. What practices of his would you emulate?**

Response: Please see above.

**e. Are there any practices that you would want to avoid as a judge?**

Response: Please see above.

**9. You served on the board of the Capital Case Resource Center of Tennessee from 1988-1995.**

- a. Did you work on any cases for the Capital Case Resource Center during that time? If so, please describe those cases.**

Response: No. The Capital Case Resource Center's focus was on offering assistance and support to lawyers representing clients who faced a sentence of death.

- b. How closely did you work with William Redick during that time? Did you continue to have contact with or support the endeavors of Mr. Redick after leaving the Capital Case Resource Center?**

Response: I did not work on any cases with Mr. Redick at any time. My contact with him after my board service concluded was limited to sporadic social contacts at bar association events.

- 10. Describe in detail your views on the Free Exercise and Establishment Clauses of the First Amendment of the U.S. Constitution. Do you understand those clauses to ever require the affirmative accommodation of religious practices and beliefs? Do those protections extend to the workplace?**

Response: The Supreme Court has addressed the scope of protections in the Establishment and Free Exercise Clauses in several cases. The Establishment Clause has been interpreted by the Supreme Court to prohibit the establishment of a national religion or the preference of one religion over another. In Lemon v. Kurtzman, 403 U.S. 602 (1971) the Supreme Court applied a three-part test to determine if a governmental practice satisfies the Establishment Clause. The governmental practice must: 1) have a clearly secular purpose; 2) that neither advances nor inhibits religion; and 3) avoids excessive governmental entanglement with religion. 403 U.S. at 612-13. The Free Exercise Clause has been interpreted by the Supreme Court to prohibit any governmental regulation of religious beliefs, which includes compelling a religious belief or penalizing individuals who hold a particular religious belief. Sherbert v. Verner, 374 U.S. 398, 402 (1963). An affirmative accommodation of sincerely held religious beliefs is required in the workplace under Title VII of the Civil Rights Act. Dewey v. Reynolds Metal Co., 402 U.S. 689 (1971); Trans World Airlines, Inc. v. Hardison, 432 U.S. 63 (1977). If confirmed, I will apply Supreme Court and Sixth Circuit Court of Appeals decisions when deciding cases involving the Free Exercise or Establishment Clauses and workplace accommodations.

- 11. If confirmed as a judge for the Middle District of Tennessee, will you ensure that all cases brought before you are managed and disposed of in a timely manner, including those cases where you may have personal disagreements with the law? If so, please describe affirmative steps that you would take to ensure that all cases receive timely review.**

Response: If I am fortunate enough to be confirmed I will engage in active case management so that cases reach a resolution by settlement or trial. As a trial lawyer, I know that deadlines motivate lawyers to act and work on their cases. I plan to set case deadlines in a scheduling

order to govern case progression. Those deadlines will be enforced so that cases don't linger. I plan to work diligently, as I already do in my practice, to rule on discovery or dispositive motions promptly, so that the litigants can prepare for trial. As appropriate, I will encourage mediation to resolve a case without trial. To ensure timely action on cases I will maintain a chamber's matrix of cases with pending motions, cases ready for trial and cases that may need periodic status updates due to their complexity. I do not believe that any personal views about a case have a place in the judicial decision making process.