

**Senator Grassley
Questions for the Record**

**Amos Mazzant,
Nominee, U.S. District Judge for the Eastern District of Texas**

- 1. Has your experience as an appellate judge impacted the way you approach cases as a magistrate judge? Please explain how you made that transition.**

Response: My past experience as a state appellate judge has heightened my appreciation of creating an accurate and thorough trial record. Making the transition from a state appellate judge to a magistrate judge was not difficult. As a state judge, I followed state law in making decisions; now, as a magistrate judge, I follow federal law. Having served as a federal law clerk for almost twelve years before becoming a state judge, I was very knowledgeable about federal law, which made the transition seamless.

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

Response: I believe the most important attribute of a judge is an adherence to the rule of law: To impartially consider the facts of a case and to apply the relevant precedent to those facts without consideration of any personal beliefs or opinions. I do possess this attribute, and in my role as a judge for over the past ten years, I have demonstrated my commitment to the rule of law.

- 3. 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, and treat everyone that comes before the court with dignity and respect. The element of judicial temperament that I consider most important is respect; respect for the parties, respect for the lawyers, respect for everyone involved in the federal process, and respect for the rule of law. I believe that I have demonstrated that I met these standards as a state judge and as a magistrate judge, and I would continue to meet these standards if confirmed as a district judge.

- 4. 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: As a state judge and magistrate judge for over ten years, I have faithfully followed all precedents from the Supreme Court, as well as all precedents from the Fifth Circuit. If confirmed as a district judge, I would continue to follow precedent, without regard to any personal beliefs.

5. **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: With regard to statutory interpretation, I examine the plain language of the words of the statute. My view is that statutory interpretation is to give effect to legislative intent and that the legislative intent is embodied into the words of the statute. If the plain meaning of the statute is unclear, I would look to Supreme Court and Fifth Circuit cases for analogous authority. If there is no analogous authority from the Supreme Court or Fifth Circuit, I would look for persuasive authority from other federal circuits.

6. **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: As a magistrate judge, I follow the precedent from the Supreme Court and the Fifth Circuit, irrespective of whether I agree with the decision. If confirmed as a district judge, I would also be bound by, and would continue to follow, the precedents from the Supreme Court and the Fifth Circuit.

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

Response: A judge should use restraint in considering whether a statute is constitutional and should avoid the constitutional question if there is another way to decide the case. Statutes passed by Congress and signed into law by the President are presumptively valid. If the constitutional question cannot be avoided, a judge should only declare a statute unconstitutional when Congress enacts a law that is contrary to the Constitution or when Congress enacts a law that exceeds its authority under the Constitution.

8. **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: In my view, it is not appropriate to rely upon foreign law or the views of the world community in determining the meaning of the Constitution.

9. **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: My record as a state court judge and as a magistrate judge for over ten years would be the best evidence that I follow the rule of law and do not make decisions based upon any political ideology or motivation. If confirmed as a district judge, I would continue to follow the rule of law and precedent.

- 10. 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: My record as a state court judge and as a magistrate judge would be the best evidence that I treat all litigants fairly, and that I follow the rule of law and do not make decisions based upon any personal views. If confirmed as a district judge, I would continue to follow the rule of law and precedent, and to treat fairly all who appear before me.

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

Response: I would manage my caseload by setting and enforcing reasonable deadlines for discovery, motions, and trials. As a magistrate judge for over five years, I am familiar with the caseload for the Eastern District of Texas, Sherman Division. I have extensive experience managing this heavy docket. If confirmed as a district judge, I would continue my practice of setting and enforcing reasonable deadlines, and I would refer appropriate matters to a magistrate judge.

- 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: Yes, a judge has a role in controlling the pace of litigation. I view part of my role as a judge to be that of a facilitator to assist the lawyers and the parties to move the litigation through the process as efficiently as possible. I do this, in part, by setting and enforcing reasonable deadlines for discovery, motions, and trials. If confirmed, I would continue this practice.

- 13. As a judge, you have experience deciding cases and writing opinions. Please describe how you reach a decision in cases that come before you and to what sources of information you look for guidance.**

Response: As a state court judge and as a current magistrate judge, my method has been to first review the briefs of the parties and read the case law cited by the parties. I then conduct additional research to see whether there is controlling precedent from the Supreme Court and the Fifth Circuit. I rely upon the controlling precedent to reach a decision and draft an opinion that explains the issue and sets forth the reasoning for my decision.

- 14. 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: Although I am not aware of the full context of this quotation, as a judge for over ten years, I follow the rule of law and do not decide a case based upon my own personal views or whether I think one side should win or lose a case. With that being said,

as a judge, I make sure that everyone who appears in court is treated with dignity and respect.

15. Every nominee who comes before this Committee assures me that he or she will follow all applicable precedent and give them full force and effect, regardless of whether he or she personally agrees or disagrees with that precedent. With this in mind, I have several questions regarding your commitment to the precedent established in *United States v. Windsor*. Please take any time you need to familiarize yourself with the case before providing your answers. Please provide separate answers to each subpart.

a. In the penultimate sentence of the Court’s opinion, Justice Kennedy wrote, “This opinion and its holding are confined to those lawful marriages.”¹

i. Do you understand this statement to be part of the holding in *Windsor*? If not, please explain.

Response: Yes.

ii. What is your understanding of the set of marriages to which Justice Kennedy refers when he writes “lawful marriages”?

Response: Same-sex marriages recognized under state law.

iii. Is it your understanding that this holding and precedent is limited only to those circumstances in which states have legalized or permitted same-sex marriage?

Response: Yes.

iv. Are you committed to upholding this precedent?

Response: Yes.

b. Throughout the Majority opinion, Justice Kennedy went to great lengths to recite the history and precedent establishing the authority of the separate States to regulate marriage. For instance, near the beginning, he wrote, “By history and tradition the definition and regulation of marriage, as will be discussed in more detail, has been treated as being within the authority and realm of the separate States.”²

i. Do you understand this portion of the Court’s opinion to be binding Supreme Court precedent entitled to full force and effect by the lower courts? If not, please explain.

¹ *United States v. Windsor*, 133 S.Ct. 2675 at 2696.

² *Id.* 2689-2690.

Response: Yes.

- ii. **Will you commit to give this portion of the Court’s opinion full force and effect?**

Response: Yes.

- c. **Justice Kennedy also wrote, “The recognition of civil marriages is central to state domestic relations law applicable to its residents and citizens.”³**

- i. **Do you understand this portion of the Court’s opinion to be binding Supreme Court precedent entitled to full force and effect by the lower courts? If not, please explain.**

Response: Yes.

- ii. **Will you commit to give this portion of the Court’s opinion full force and effect?**

Response: Yes.

- d. **Justice Kennedy wrote, “The definition of marriage is the foundation of the State’s broader authority to regulate the subject of domestic relations with respect to the ‘[p]rotection of offspring, property interests, and the enforcement of marital responsibilities.’”⁴**

- i. **Do you understand this portion of the Court’s opinion to be binding Supreme Court precedent entitled to full force and effect by the lower courts? If not, please explain.**

Response: Yes.

- ii. **Will you commit to give this portion of the Court’s opinion full force and effect?**

Response: Yes.

- e. **Justice Kennedy wrote, “The significance of state responsibilities for the definition and regulation of marriage dates to the Nation’s beginning; for ‘when the Constitution was adopted the common understanding was that the domestic relations of husband and wife and parent and child were matters reserved to the States.’”⁵**

³ *Id.* 2691.

⁴ *Id.* (internal citations omitted).

⁵ *Id.* (internal citations omitted).

- i. Do you understand this portion of the Court’s opinion to be binding Supreme Court precedent entitled to full force and effect by the lower courts? If not, please explain.**

Response: Yes.

- ii. Will you commit to give this portion of the Court’s opinion full force and effect?**

Response: Yes.

- 16. According to the website of American Association for Justice (AAJ), it has established a Judicial Task Force, with the stated goals including the following: “To increase the number of pro-civil justice federal judges, increase the level of professional diversity of federal judicial nominees, identify nominees that may have an anti-civil justice bias, increase the number of trial lawyers serving on individual Senator’s judicial selection committees”.**

- a. Have you had any contact with the AAJ, the AAJ Judicial Task Force, or any individual or group associated with AAJ regarding your nomination? If yes, please detail what individuals you had contact with, the dates of the contacts, and the subject matter of the communications.**

Response: In early December 2013, I met with Lisa Blue Baron, a friend and prominent attorney whom I have known for a number of years, to discuss my application for this judicial vacancy. During this meeting, I inquired if Ms. Blue Baron would consider supporting my nomination if the Senators decided to advance my name to the White House. Also during this meeting, I learned that Ms. Blue Baron is an officer with the American Association for Justice. Although Ms. Blue Baron was very cordial, she declined to support me because she was already supporting one of the other candidates under consideration. Since then, I periodically notified my friends, including Ms. Blue Baron, about my status in the process.

- b. Are you aware of any endorsements or promised endorsements by AAJ, the AAJ Judicial Task Force, or any individual or group associated with AAJ made to the White House or the Department of Justice regarding your nomination? If yes, please detail what individuals or groups made the endorsements, when the endorsements were made, and to whom the endorsements were made.**

Response: No.

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

Response: On September 16, 2014, these questions were forwarded to me by the Department of Justice Office of Legal Policy. I reviewed the questions and drafted my answers to the questions. I then submitted my answers to the Department of Justice Office of Legal Policy for review. I then subsequently finalized my answers for submission to the Senate Judiciary Committee.

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

Response: Yes.