

**Senator Chuck Grassley**  
**Questions for the Record**  
**Robert N. Scola, U.S. District Judge for the Southern District of Florida**

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

Response: I believe that the most important attribute of a judge is personal and professional integrity. Integrity encompasses the concepts of fairness, impartiality and intellectual honesty in one's commitment to follow the rule of law. I believe that I do possess this attribute.

2. **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: The appropriate temperament of a judge is a critical component of an effective and respected system of justice. The most important elements of judicial temperament are patience, a calm demeanor, civility, humility and diligence. A judge should treat all litigants, attorneys, jurors and staff with dignity and respect. The behavior *of* the court should set the standard for the behavior of all *in* the court. I believe that I do meet that standard.

3. **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: I am fully committed to follow precedents of higher courts faithfully and give them full force and effect, irrespective of my personal views.

4. **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: If the case involved the interpretation of a statute or provision of the Constitution, I would first look to the plain and ordinary meaning of the statute or Constitution and apply that ordinary meaning. If it were necessary to look beyond the language of the statute or Constitutional provision, I would look to prior rulings of the Supreme Court and Eleventh Circuit Court of Appeals involving analogous cases for guidance.

5. **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 understand that I am bound by precedents of higher courts and would not hesitate to follow the precedent of the Supreme Court and Eleventh Circuit Court of Appeals.

6. **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 have had sixteen years of experience in managing judicial caseloads in the Criminal, Family and Civil Divisions of the State of Florida Circuit Court. Each of those divisions presented different case management challenges and I have adjusted my management techniques to address the unique problems facing each of those divisions. My case management skills have allowed me to maintain a relatively low caseload in each of the divisions in our system. I would use some of the case management skills I have learned as a state court judge to set reasonable, yet meaningful, deadlines for the completion of pre-trial motions, discovery and trials. If assigned any uniquely complicated cases, I would hold an early case management conference to set deadlines with the input of the attorneys that will allow the parties to prepare the case and bring it to resolution within a reasonable period of time. I would also set hearings as soon as practicable and enter orders following hearings expeditiously to make sure the court is not unduly delaying the resolution of a case.

7. **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: I do believe that judges have an important role in controlling the pace and conduct of litigation and, if confirmed, I would utilize the case management techniques discussed in my answer to Question 6.

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

Response: I personally reviewed the questions and, after some careful reflection, prepared my responses. I then forwarded my responses to the Department of Justice for submission to the Senate Judiciary Committee.

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

Response: Yes.