Senator Grassley
Questions for the Record

Responses of Jeri Kaylene Somers
Nominee, U.S. Court of Federal Claims

1. You have served as a judge in a variety of settings, including the U.S. Air Force, the U.S. Department of Transportation Board of Contract Appeals, and the U.S. Civilian Board of Contract Appeals. If confirmed, what lessons or principles have you learned from these experiences that you will take with you to the Court of Claims?

Response: As a judge in these various settings, I have learned that it is important to examine the facts carefully, with an open mind, and to treat each litigant fairly. My experience in each of these forums has enabled me to become more effective and efficient in evaluating the legal issues presented by each case. However, each case is different. I have learned that, at times, guiding the parties through alternative dispute resolution procedures as an alternative to traditional litigation can be the most effective way of resolving the issues that brought the parties to the forum. Another important lesson that I have learned is that the parties appreciate a quick resolution to their disputes, because lengthy litigation is costly and inefficient. If confirmed, I would use my experience to quickly evaluate each case, assist the parties in exploring the various options available to them, and, ultimately, as necessary, issue a decision that is fair, understandable, and consistent with precedent.

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

Response: I believe that a judge must be impartial and fair, approaching each case with an open mind, regardless of any personal views or beliefs. Throughout my judicial career, I have handled hundreds of cases. I have always treated each litigant fairly without regard to my personal views. I believe my record demonstrates my commitment to the principles of fairness required of a judge.

3. 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: As a judge I have consistently ensured that my decisions are guided by precedent and the text of the law. I have never issued a decision based upon political ideology or motivation. If confirmed, I would continue this practice.

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

Response: The most important attributes of a judge are integrity and impartiality. A judge should act with the highest degree of integrity in deciding cases and when interacting with the parties and counsel appearing before the court. A judge must always maintain impartiality, examining each case objectively and with an open mind, guided by binding precedent.

Throughout my judicial career, and before, whether serving as an Air Force judge advocate, as a litigator representing the United States, or as an attorney representing companies in the private sector, I have demonstrated these attributes.

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 be fair, patient, impartial, even-handed, and even-tempered to the parties that appear before the tribunal. A judge must also be willing to do the work, carefully examining the materials submitted by counsel, and being open-minded to the positions advocated by each side. It is essential that litigants feel that they have been heard, understood, and treated fairly. Finally, the judge must apply the law to the facts of a particular case, mindful of precedent and without bias. I have conducted myself consistently with this standard throughout my legal career.

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

Response: Case management is essential to ensure the matters are resolved timely. I proactively manage my current caseload, promptly convening scheduling conferences at the beginning of a case, with regularly scheduled status conferences to ensure the timely progression of a case. If confirmed, I would continue this practice at the U.S. Court of Federal Claims.

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

Response: Yes, I believe that judges have an important role in controlling the pace and conduct of litigation. I hold regular status conferences with the parties to ensure that cases stay on schedule, and I encourage parties to attempt to resolve issues through alternative dispute resolution methods when appropriate. I also resolve motions quickly to ensure cases progress as expeditiously as possible.

8. In general, Supreme Court precedents are binding on all lower federal courts and Federal Circuit Court precedents are binding on the Court of Federal Claims. 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: The decisions of the Supreme Court and the Federal Circuit are binding on the Civilian Board of Contract Appeals, and I have faithfully applied precedent to our cases. I will continue to follow precedent should I be confirmed to the Court of Federal Claims, regardless of whether I personally agree or disagree with the precedent.

9. In your view, are there particular challenges facing the Court of Claims? Do you see any areas where improvement is needed?

Response: The Court of Federal Claims faces the same challenges as the other courts in the federal judiciary, including budgetary constraints and an increasingly complex caseload. If

confirmed, I would support the Chief Judge as she works to improve the functioning of the court. However, at this time, I do not possess the knowledge that would enable me to identify specific areas needing improvement.