



## **ABA Standing Committee on the Federal Judiciary**

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### **Evaluations of Nominees to the United States Supreme Court**

For more than 50 years, the ABA Standing Committee on the Federal Judiciary has evaluated the professional qualifications of nominees to the Supreme Court and to the district and appellate federal courts by conducting extensive peer reviews of each nominee's integrity, professional competence and judicial temperament. The Standing Committee does not take into account a nominee's philosophy, political affiliation or ideology. While these criteria-- integrity, professional competence and judicial temperament -- are the basis for the Standing Committee's evaluation of all federal court nominees, the Committee's investigations of Supreme Court nominees are particularly rigorous. The significance, range, and complexity of the issues considered by the Supreme Court demand that nominees appointed to the Court be of exceptional ability.

The Standing Committee takes its role in the process of vetting and screening nominees to the Court very seriously. It conducts the most extensive, nationwide peer review possible on the premise that the highest court in the land requires a lawyer or judge with exceptional professional qualifications.

There are several procedural differences between the Standing Committee's investigations of Supreme Court nominees and those of lower federal court nominees:

- Investigations of Supreme Court nominees are conducted after the President has made a nomination or has announced an intention to nominate a particular lawyer or judge.
- Unlike nominations to the lower courts in which the primary investigation is conducted by a single circuit member, all members of the Committee conduct confidential interviews within their circuit of persons most likely to have information regarding the professional qualifications of the nominee. Typically hundreds of such interviews are conducted around the country.
- A team (or teams) of distinguished law school professors examine the nominee's legal writings (opinions, blogs, briefs, articles, etc.) for quality, clarity, knowledge of the law and analytical ability. Customarily, this is accomplished by dividing the material into areas of law and having it reviewed by professors who are recognized experts in each area on which the nominee has written, and provide the Committee with their comments.
- A national team of leading practicing lawyers with Supreme Court experience – typically former Supreme Court clerks, past members of the Solicitor General's office and other lawyers with experience arguing before the Supreme Court – also examines the legal writings of the nominee, and provide the Standing Committee with their insights and comments.

The results of these analyses are reported to the full Standing Committee for its consideration and evaluation in developing a rating.

The Standing Committee utilizes three rating categories in evaluating a prospective nominee to the Supreme Court: “Well Qualified,” “Qualified,” and “Not Qualified.” To merit a “Qualified” or “Well Qualified” rating, a Supreme Court nominee must be at the top of the legal profession, have outstanding legal ability and exceptional breadth of experience, and meet the highest standards possible. The evaluation of “Well Qualified” is reserved for those found to merit the Committee’s strongest affirmative endorsement.

The Standing Committee reports its rating in a written letter to the White House, United States Department of Justice and to each member of the Senate Judiciary Committee. In connection with the nominee’s confirmation hearings, the Standing Committee prepares a written statement for submission to the Senate Judiciary Committee explaining which explains the reasons for the Committee’s rating and at the request of the Senate Judiciary Committee, the Chair and the evaluators who primarily conducted the investigation will testify at the hearing.

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