

## **ABA Standing Committee on Federal Judiciary Investigations of Supreme Court Nominees**

For more than 50 years, the ABA Standing Committee on 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. 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 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 person with exceptional professional qualifications.

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

- 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.
  
- Teams of law school professors examine the nominee's legal writings (opinions, 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 Committee with their comments.

The results of these analyses are reported to the full Committee for evaluation.

The 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.