

June 10, 2025

The Honorable Pamela J. Bondi  
Attorney General  
United States Department of Justice  
Washington, DC 20530

Dear Attorney General Bondi:

We received your May 29 letter notifying the American Bar Association of changes that the Department of Justice has initiated. These appear to limit the ABA Standing Committee on the Federal Judiciary's (Standing Committee) participation in the process of reviewing individuals nominated to federal judgeships.

The ABA is both surprised and disappointed that the Justice Department has decided for the first time in 72 years to (a) block access by the Standing Committee to judicial nominees and (b) to restrict access of the Standing Committee to information that is relevant in evaluating judicial nominees.

The changes the Justice Department is apparently imposing will likely result in less transparency in the process of confirming nominees to lifetime appointments on the federal bench and appear to be based on incorrect information set forth in your letter.

During the past 18 administrations (including the first Trump administration), the Standing Committee has been a key evaluator of the professional qualifications of judicial nominees. In these seven decades, presidents and senators have found value in having one of the largest voluntary associations for lawyers and legal professionals in the world present an evaluation of the qualifications of judicial nominees for their review. A sample of some of the statements made by members of both parties is attached as Appendix 1.

**Let me be clear on several key points:**

- There is no one else doing the type of in-depth, independent evaluation that the Standing Committee does.
- That process includes key features as more fully described in this letter:
  - An extensive review of a judicial nominee's legal writings.
  - Forty or more extensive confidential interviews (and more in the case of nominees to the Supreme Court) with a broad cross-section of judges, lawyers and others who

know each nominee to obtain their assessments of the nominee's integrity, professional competence and judicial temperament, and the underlying bases for such opinions.

- An extensive interview of the nominee. This normally occurs near the end of the evaluation process after most of the other interviews have been completed, to provide him or her with an opportunity to address any potentially adverse information that has arisen during the evaluation and to provide other pertinent information.
- The evaluations help to ensure that nominees to the federal judiciary have the professional qualifications necessary for the responsibility that comes with a lifetime judicial appointment.
- Neither the Standing Committee nor the ABA advocates for any of the nominees.
- The Standing Committee does not evaluate a nominee's ideology or judicial philosophy.
- The evaluation is done by experienced lawyers from around the country who volunteer their time to do this work. Following a published process, Standing Committee members each spend hundreds of hours annually on these evaluations.
- The information provided to the Standing Committee is kept confidential and is not shared outside the Standing Committee. Such information is not shared with the officers, leaders or members of the ABA.
- The Standing Committee's rating of each nominee is only available to the public after it is presented to the nominee, the White House, the Department of Justice Office of Legal Counsel and the chair and ranking member of the Senate Judiciary Committee. The ratings are not shared in advance with the officers, leaders or members of the ABA.
- Finally, the data does not support your claim of bias in the ratings process, or that the Standing Committee is not a fair arbiter of a nominee's qualifications.
  - The Standing Committee has issued Well Qualified or Qualified ratings to no less than 96.9% of the rated nominees in each administration during the last two decades. This includes the first Trump administration.
  - The Standing Committee rated all three of President Trump's nominees to the U.S. Supreme Court as Well Qualified.

We provide further information to support these key points.

**The American Bar Association's Standing Committee has occupied a unique role in evaluating the professional qualifications of judicial nominees for 72 years in a well-documented process.**

As stated in the first line of your letter, the Standing Committee has received special treatment and access to judicial nominees for decades — and that access has been and remains warranted. The ABA has been treated differently because as one of the world's largest voluntary associations of lawyers and legal professionals, dedicated to helping to ensure a qualified judiciary, we are different.

The ABA started to evaluate the professional qualifications of federal judicial nominees and to submit its evaluations to the Senate in 1948. Since then, the procedures used by the Standing Committee have been formalized and evolved over time. In total, the Standing Committee has provided input to seven Republican presidents, six Democratic presidents and Senate leaders from both parties throughout the last seven decades.

No other organization involved in the judicial confirmation process conducts the extensive peer evaluations and confidential interviews that the Standing Committee does.

The Standing Committee's peer evaluation of nominees to the federal bench remains solely focused on their professional qualifications of integrity, professional competence and judicial temperament. In conducting its work, the Standing Committee believes that a nominee to the federal bench should have:

- At least 12 years of experience in the practice of law;
- Substantial trial experience as a lawyer or a trial judge, giving due consideration to distinguished accomplishments in the field of law or experience that is similar to in-court trial work; and
- Appellate court nominees should possess an especially high degree of legal scholarship, academia talent, analytical and writing abilities and overall excellence, placing less emphasis on the importance of trial experience as a qualification for the appellate courts.

**Your statements that the ABA is an activist organization and the suggestions that what the ABA may or may not support somehow permeates the ratings process are unsupported by the facts.**

The Standing Committee's work is insulated from all other activities of the ABA to ensure its independence and impartiality. Regardless whether its work is done before or after a nomination is received by the Senate, the Standing Committee has always evaluated *only* each nominee's professional competence, integrity and judicial temperament. Its peer evaluations are based on narrowly focused views of judges, lawyers and other professionals who are colleagues of the nominee and in a position to provide candid, confidential assessments of the nominee's professional qualifications. No other organization provides this important nonpartisan information to the White House or the Senate Judiciary Committee during the confirmation process.

Unlike other organizations, the Standing Committee does not select or even suggest the nominees to federal judgeships as doing so would compromise its independent evaluative function, and it does not consider a nominee's philosophy, political affiliation or ideology as criteria for its rating. Its role is strictly advisory. The White House and Senate are free to consider the Standing Committee's rating of a nominee or to disregard it completely, as has been done at times over the years, including during the first Trump administration.

To ensure fairness and consistency in the process, the Standing Committee members apply clearly defined evaluation criteria and procedures to the evaluation of each nominee it rates as published in the Standing Committee's background report.<sup>1</sup>

The Standing Committee's longstanding evaluation procedures have included receiving the Senate Judiciary Committee Questionnaire from the Department of Justice and a waiver signed by the nominees that allows the Standing Committee to obtain information regarding any disciplinary actions or proceedings involving each nominee. Access to this important background information enhances the Standing Committee's peer review process that has helped inform administration officials and senators from both parties since the inception of its role.

Once all the information is collected and the results of the peer evaluations are considered, the Standing Committee votes on each nominee and sends a written statement or letter with its rating to the Senate Judiciary Committee.

**It is deeply disturbing that the Justice Department has decided to restrict access to judicial nominees without justification or basis.**

While we recognize that presidential administrations and the Senate take into consideration many factors during the nomination and confirmation process, a nominee's professional qualifications for a lifetime appointment to the bench should be a foundational consideration. The Standing Committee's impartial peer evaluations are unique and have consistently provided a significant source of information considered by senators from both parties that is not otherwise available during the confirmation process.

Your instructions to limit the Standing Committee's access to nonpublic information about a nominee, including their bar records, and directing nominees not to respond to the Standing Committee's questions or requests for interviews as part of the confirmation process will result in the nondisclosure of relevant information that should be considered before confirming anyone for a lifetime appointment as a federal judge.

---

<sup>1</sup> "Standing Committee on the Federal Judiciary: What it is and How it Works," American Bar Association, last updated August 2023, available at [https://www.americanbar.org/content/dam/aba/administrative/federal\\_judiciary/2024-backgrounder.pdf](https://www.americanbar.org/content/dam/aba/administrative/federal_judiciary/2024-backgrounder.pdf).

The evaluations of the nominee that result in the ratings provided to the Senate Judiciary Committee have been useful for senators to review in addition to the work and due diligence they do. Considering these are lifetime appointments, it is surprising that the Justice Department would seek to restrict the work of the Standing Committee.

**Your claims that the ABA is not a “fair arbiter of nominees’ qualifications, and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations” are not supported by the data or facts.**

Again, let me clear up the incorrect assertions made in your letter.

**The Standing Committee has issued Well Qualified or Qualified ratings to no less than 96.9% of the rated nominees in each administration during the last two decades. This includes the first Trump administration.**

- The Standing Committee rated all three of President Trump’s nominees to the Supreme Court of the United States as Well Qualified.
- During the Biden, Trump and G.W. Bush administrations, the Standing Committee had *post-nomination* access to each nominee. Using its published evaluation procedures, the Standing Committee rated no less than 96.9% of the nominees from each of these administrations as Well Qualified or Qualified.
- The Standing Committee cited “professional competence” as the reason it gave Not Qualified ratings to five of the 10 nominees who received such ratings during President Trump’s first term, citing a lack of trial or litigation experience as described in the Standing Committee’s procedures.
- During the Obama, George H.W. Bush and Reagan administrations, the Standing Committee had *pre-nomination* access to potential nominees to lower federal court judgeships, which enabled those administrations to decide confidentially whether to nominate someone using the rating information and consistently resulted in an even higher percentage of published Well Qualified and Qualified ratings.

Your letter does not assert that any nominee has refused or been reluctant to participate in Standing Committee interviews or to disclose information as has been the practice for 72 years. Given the above data, it is difficult to believe that the nominees would be resistant to such review. To repeat, the numbers indicate that the Standing Committee has rated nearly 97% of the nominees to be qualified for every administration including the first Trump administration.

In summary, the data does not support the reasoning given in your letter to restrict the Standing Committee’s access to information or to the nominees for the first time in 72 years. These restrictive efforts by the Justice Department reduce transparency and deprive the Senate of

information it needs to meet its constitutionally required duty to provide advice and consent to the president concerning nominees for lifetime appointments to the federal judiciary. Restricting access to information and nominees for lifetime appointments also undermines the public's confidence in the judiciary.

The Standing Committee has a judicial nominee evaluation process with public criteria. Its work reflects the underlying commitment of the ABA to support our judicial system, in part by evaluating whether the nominees possess the professional qualifications needed for this responsibility. That is why we do these reviews through the Standing Committee.

**The American Bar Association believes it has a public service responsibility to the Senate, the public and the profession to continue to conduct evaluations to help ensure a qualified judiciary.**

The Standing Committee on the Federal Judiciary cumulatively spends thousands of volunteer hours a year on peer evaluations. These extensive, nonpartisan evaluations are done by experienced trial and appellate lawyers. The evaluations help to ensure that nominees to the federal judiciary have the professional qualifications necessary for the responsibility that comes with a lifetime judicial appointment.

We urge you to reconsider your decision to change the longstanding procedures in the judicial confirmation process that would prevent the Standing Committee from having at least the same access to information on a post-nomination basis that it has had since President Trump first assumed office in 2017. Retaining such access not only provides the administration and the Senate with important insights derived from nonpartisan peer evaluations not otherwise available but knowing that relevant professional information has been considered before confirming any judicial nominees also helps bolster the public's trust and confidence in our federal courts.

Sincerely,



William R. Bay  
President, American Bar Association

cc: Senator Chuck Grassley, Chair, Senate Judiciary Committee  
Senator Dick Durbin, Ranking Member, Senate Judiciary Committee  
Pamela J. Roberts, Chair, ABA Standing Committee on the Federal Judiciary

## Appendix 1.

Senators from *both* parties have considered the results of the Standing Committee's evaluations as part of the confirmation process, frequently citing the ABA ratings in their floor and press statements, and some even referring to those ratings as the "gold standard." For example, during the confirmation hearings for Supreme Court nominee Brett Kavanaugh in 2018, Senator Lindsey Graham (R-S.C.) referred to the ABA rating as the "gold standard,"<sup>2</sup> and Senator Susan Collins (R-Maine) highlighted the Standing Committee's rating and its "extraordinarily thorough assessment" during a speech announcing her decision to vote for Justice Kavanaugh's confirmation to the Supreme Court.<sup>3</sup> During the confirmation hearings for Judge Neil Gorsuch's nomination to the Supreme Court in 2017, Senate Judiciary Chair Chuck Grassley (R-Iowa) and Senator Orrin Hatch (R-Utah) also referenced the ABA ratings in public statements on the nomination.<sup>4</sup>

Senators from both parties have also periodically taken issue with individual evaluations, including former Senate Majority Leader Harry Reid (D-Nev.), who was frustrated when a nominee in the Obama administration was rated as Qualified to be a judge, but also received a minority Not Qualified rating reportedly because there was a concern that she had no judicial experience.<sup>5</sup>

Our Standing Committee process, however, has generally not changed. It remains unbiased towards either party and focused on the thorough nonpartisan peer evaluations of the professional qualifications of nominees to the federal judiciary.

---

<sup>2</sup> "Here's my understanding, if you lived a good life people would recognize it, like the American Bar Association has, the gold standard." U.S. Senator Lindsey Graham's (R-S.C.) remarks at the Senate Judiciary Committee's hearing on Judge Brett Kavanaugh's nomination to the Supreme Court on Thursday, Sept. 27, 2018, available at <https://www.lgraham.senate.gov/public/index.cfm/2018/9/transcript-of-graham-s-remarks-on-kavanaugh-nomination>.

<sup>3</sup> Senator Susan Collins (R-Maine) highlighted in a 2018 floor speech on Judge Brett Kavanaugh's nomination to the Supreme Court that:

Judge Kavanaugh has received rave reviews for his 12-year track record as a judge, including for his judicial temperament. The American Bar Association (ABA) gave him its highest possible rating. Its Standing Committee on the Federal Judiciary conducted an extraordinarily thorough assessment, soliciting input from **almost 500 people**, including his judicial colleagues. The ABA concluded that "his integrity, judicial temperament and professional competence met the highest standard." (emphasis added)

<https://www.collins.senate.gov/newsroom/senator-collins-announces-she-will-vote-confirm-judge-kavanaugh>.

<sup>4</sup> See "Gorsuch Boosted by Bar Association's Best Rating," Courthouse News Service, March 10, 2017, available at <https://www.courthousenews.com/gorsuch-boosted-bar-associations-best-rating/>; "Gorsuch in Confirmation Hearing Promises Independence from Politics," Transcript, PBS Newshour, March 20, 2017, <https://www.pbs.org/newshour/show/gorsuch-confirmation-hearing-promises-independence-politics>.

<sup>5</sup> See "Senate Majority Leader Takes Swipe at ABA Over Judicial Nominee Evaluations," ALM/Law.com, Feb. 12, 2010, available at <https://www.law.com/almID/1202443211722/>.