



Standing Committee on
the Federal Judiciary

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FIRST CIRCUIT

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SECOND CIRCUIT

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THIRD CIRCUIT

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SIXTH CIRCUIT

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May 5, 2020

Via Email

The Honorable Lindsey Graham
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Via Email

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

*Re: Nomination of Justin Reed Walker to the United States Court of Appeals
for the District of Columbia Circuit*

Dear Chairman Graham and Ranking Member Feinstein,

The American Bar Association's Standing Committee on the Federal Judiciary has completed its evaluation of the professional qualifications of Judge Justin Walker, who has been nominated by the President to the United States Court of Appeals for the District of Columbia Circuit. As you know the Standing Committee confines its evaluations to the qualities of integrity, professional competence, and judicial temperament. A majority of the Standing Committee is of the opinion that Judge Walker is "**Well Qualified**," a minority determined that he is "Qualified," and a minority determined that he is "Not Qualified" to serve on the United States Court of Appeals for the District of Columbia Circuit. One member of the Standing Committee recused himself from voting due to a conflict. The majority rating represents the Standing Committee's official rating.

We believe some explanation of this rating would be helpful to the Judiciary Committee. When Judge Walker was a nominee for the United States District Court for the Western District of Kentucky last year, the Standing Committee determined he was "Not Qualified" for the district bench, and a minority determined he was "Qualified." The Standing Committee's rating was predicated on the nominee's then-narrower litigation experience. The Standing Committee wrote:

The Standing Committee believes that Mr. Walker does not presently have the requisite trial or litigation experience or its equivalent. I would like to point out that based on its peer review, the Standing Committee does not have any questions about Mr. Walker's temperament or integrity. There were no issues raised by any of his peers with respect to these two criteria. Further, although Mr. Walker does not at this point have the requisite experience, the Standing Committee believes Mr. Walker has great potential to serve as a federal judge.

The Standing Committee's consideration for court of appeals nominations is focused differently. According to the Standing Committee's *Backgrounder*:

... appellate court nominees should possess an equally high degree of legal scholarship, academic talent, analytical and writing abilities, and overall excellence. The ability to write clearly and persuasively, to harmonize a body of law, and to give meaningful guidance to the trial courts and the bar for future cases are particularly important skills for nominees to the appellate courts. Because an appellate judge deals primarily with the review of briefs and the records of lower courts, the Committee places somewhat less emphasis on the importance of trial experience as a qualification for the appellate courts.

The Standing Committee's inquiry of the relevant legal community, therefore, is focused with that different lens. Based on interviews and a review of his scholarship and other writings, the Standing Committee believes that Judge Walker possesses a keen intellect, and his writing ability is exemplary. Judge Walker also has significant appellate experience, having clerked for both the D.C. Circuit and the Supreme Court of the United States. Additionally, since our last rating, Judge Walker has served as a federal trial judge. Although the *Backgrounder* explains that a nominee to the federal bench ordinarily should have at least 12 years' experience in the practice of law, a majority of the Standing Committee concluded that Judge Walker's varied accomplishments as a law clerk, law professor, and now as a district judge offset concerns about his years of practicing law.

Thus, the Standing Committee is of the opinion that Judge Walker is "Well Qualified" to serve as a judge on the Court of Appeals for the District of Columbia Circuit.

Very truly yours,



William C. Hubbard

WCH:thm

cc: Pat A. Cipollone, White House Counsel (*via email*)
Lola A. Kingo, Chief Nominations Counsel, Office of Legal Policy,
U.S. Department of Justice (*via email*)
The Honorable Justin Reed Walker (*via email*)
ABA Standing Committee on the Federal Judiciary (*via email*)
Denise A. Cardman, ABA Standing Committee on the Federal Judiciary,
Staff Counsel (*via email*)