

**STATEMENT**

**of**

**HON. ANN CLAIRE WILLIAMS (RET.)**

**on behalf of the**

**STANDING COMMITTEE ON THE  
FEDERAL JUDICIARY**

**AMERICAN BAR ASSOCIATION**

**before the**

**COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE**

**concerning the**

**NOMINATION**

**of**

**THE HONORABLE KETANJI BROWN JACKSON**

**to be**

**ASSOCIATE JUSTICE OF THE SUPREME COURT  
OF THE UNITED STATES**

**MARCH 24, 2022**

1050 Connecticut Ave. NW, Suite 400 • Washington, DC 20036

Chairman Durbin, Ranking Member Grassley, and Members of the Committee:

My name is Hon. Ann Claire Williams (Ret.) of Chicago, Illinois. It is an honor and privilege to chair the American Bar Association’s Standing Committee on the Federal Judiciary, which recently completed its evaluation of the professional qualifications of Judge Ketanji Brown Jackson to be an Associate Justice of the Supreme Court of the United States. Our District of Columbia Circuit representative, D. Jean Veta of Washington, D.C., and our Federal Circuit representative, Joseph M. Drayton of New York City, were the lead evaluators in the Standing Committee’s evaluation of Judge Jackson. In accordance with the Standing Committee’s established procedures for a Supreme Court nominee,<sup>1</sup> I present this statement to explain the Standing Committee’s evaluation of Judge Jackson’s professional qualifications and the reasoning for its rating. We thank Senator Durbin and this Committee for inviting us to appear before the Senate Judiciary Committee. We also appreciate this administration’s request that the ABA Standing Committee on the Federal Judiciary conduct its peer review evaluations and its reaffirmance that they are a valuable part of the judicial confirmation process.

President Biden announced his nomination of Judge Jackson to be an Associate Justice of the Supreme Court on February 25, 2022. The Standing Committee began its evaluation that very day and continued its work for the next several weeks. After completing its work on March 18, 2022, the Standing Committee unanimously concluded that Judge Jackson merits our highest rating and is “Well Qualified” for appointment to the Supreme Court of the United States.

### **THE STANDING COMMITTEE’S EVALUATION PROCESS**

The Standing Committee has conducted its independent, nonpartisan, and comprehensive evaluations of the professional qualifications of nominees to the federal bench since 1953. The 18 distinguished lawyers who make up our Committee come from every federal circuit in the United States. The Committee members’ law firms range from a local firm with six attorneys to an international firm with over 2,000 attorneys. They practice in trial-level and appellate courts and work in a range of practice areas including banking and regulatory enforcement, class action defense, commercial litigation, criminal law, employment law, Indian law, intellectual property, real estate litigation, and torts. Depending on our workload, each of these lawyers can spend between 400 and 800 hours per year, volunteering their time, to conduct nonpartisan peer reviews of the professional qualifications of all Article III nominees to the Supreme Court of the United States, United States circuit courts of appeals, and United States district courts, as well as the Court of International Trade and the Article IV territorial district courts. A list of the current members of the Standing Committee is attached as Exhibit A.

The Standing Committee does not propose, endorse, or recommend nominees. Its sole function is to evaluate a nominee’s integrity, professional competence, and judicial temperament, and then to rate the nominee either “Well Qualified,” “Qualified,” or “Not Qualified.” It does not base its rating on, or seek to express any view regarding, a nominee’s ideology, political views,

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<sup>1</sup> American Bar Association, *Standing Committee on the Federal Judiciary: What It Is and How It Works* (“*Backgrounder*”) at 9–11, available at [https://www.americanbar.org/content/dam/aba/administrative/government\\_affairs\\_office/backgrounder-9-21-2020.pdf](https://www.americanbar.org/content/dam/aba/administrative/government_affairs_office/backgrounder-9-21-2020.pdf).

or political affiliation. The Committee relies heavily on the confidential, frank, and considered assessments of judges, lawyers, law school professors and deans, and others who have relevant information about the nominee's professional qualifications.

The Standing Committee's investigation of a nominee to the Supreme Court is based upon the premise that the nominee must possess exceptional professional qualifications. As set forth in the ABA's *Backgrounder*:

To merit the Committee's rating of "Well Qualified," a Supreme Court nominee must be a preeminent member of the legal profession, have outstanding legal ability and exceptional breadth of experience, and meet the very highest standards of integrity, professional competence and judicial temperament. The rating of "Well Qualified" is reserved for those found to merit the Committee's strongest affirmative endorsement.<sup>2</sup>

The significance, range, complexity, and nationwide impact of issues that such a nominee will confront on the Supreme Court demands no less. The Standing Committee's investigation of a Supreme Court nominee is more extensive than for a nominee to a lower federal court. The process also is procedurally different in two principal ways. First, each Standing Committee member conducts an investigation into the nominee's professional qualifications in his or her federal circuit and prepares a confidential circuit report that is included in the comprehensive confidential final report of the lead evaluators and sent to each member of the Standing Committee for review. Second, the Standing Committee commissions Reading Groups of scholars and practitioners to review the nominee's legal writings to supplement the Standing Committee's own review of the nominee's writings.

In undertaking its extensive investigation of the professional qualifications of Judge Jackson, the Standing Committee wrote to and invited input relevant to our evaluation from 1,990 judges and 865 lawyers and other professionals. We contacted all of the justices on the Supreme Court; all of the judges on the U.S. Court of Appeals for the District of Columbia Circuit; all of the judges on the U.S. District Court for the District of Columbia; most, if not all, of the appellate judges and district court judges in all of the other federal circuits; all of the judges in the Federal Circuit, as well as all of the judges on the U.S. Court of Claims and the U.S. Court of International Trade; and selected magistrate, bankruptcy, and state court judges.

We also contacted and interviewed lawyers, law school deans and professors, and community and bar representatives across the country. The Standing Committee solicited input from the lawyers identified by Judge Jackson in her Senate Judiciary Committee Questionnaire as possibly having knowledge of her professional qualifications. We contacted practitioners located in Washington, D.C. and other circuits, including current and former federal prosecutors in the U.S. Attorney's Office for the District of Columbia; all of the lawyers who are members of the American College of Trial Lawyers and are located in Washington, D.C.; the heads of voluntary bar associations located in Washington, D.C. and other circuits; all of the law school deans for the law schools located in Washington, D.C., as well as law school deans located in

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<sup>2</sup> *Backgrounder* at 11.

other circuits; and all of the judges, lawyers, and other persons Judge Jackson supplied on a reference list.

The Standing Committee interviewed Article III judges at every level of the federal judiciary, attorneys who had appeared before Judge Jackson as an appellate and district court judge (including those who had lost cases), persons who worked with Judge Jackson during her time on the U.S. Sentencing Commission, attorneys who worked with and against Judge Jackson in her capacity as a federal public defender and as an attorney in private practice, persons who knew Judge Jackson during her clerkships, and persons who worked with Judge Jackson through her service to professional and civic organizations. In these interviews, the Standing Committee specifically searched for all views, negative or positive, regarding Judge Jackson's professional qualifications for service on the Supreme Court.

A Reading Group from the University of Illinois College of Law, a public law school, was co-chaired by Dean Vikram D. Amar and Professor Jason Mazzone. A Reading Group from Stanford Law School, a private law school, was co-chaired by Dean Jenny S. Martinez and Professor David Alan Sklansky. These two Academic Reading Groups were separate and independent. A total of 37 professors and academics who are recognized experts in their respective fields of law participated in these reading groups. Collectively, these professors have decades of experience not only in teaching and scholarship, but also in law firms, nonprofit organizations, and state and federal government. Lists of the members of the Academic Reading Groups are attached as Exhibits B and C.

A Practitioners' Reading Group composed of 15 preeminent, nationally recognized lawyers and three co-chairs also conducted an independent review of Judge Jackson's writings. Each of the distinguished members is very familiar with Supreme Court practice. Most have briefed or argued cases before the Supreme Court, and many have argued multiple cases before the Supreme Court. The majority of the members also served as law clerks to Justices of the Supreme Court appointed by presidents from both parties. The Reading Group includes two former state Supreme Court Chief Justices, a former Deputy Solicitor General of the United States, three former Assistants to the Solicitor General of the United States, two current or former law school deans, and the Chair or Vice Chair of some of the country's leading law firm Supreme Court and appellate practices. It also includes attorneys who served on the Practitioners' Reading Groups for all Supreme Court nominations dating back to that of Chief Justice John G. Roberts, Jr. This Reading Group was co-chaired by Hon. Timothy K. Lewis (Ret.), a former judge on the U.S. Court of Appeals for the Third Circuit; Roberta D. Liebenberg, a former Chair of the ABA Standing Committee on the Federal Judiciary and former Co-Chair of Practitioners' Reading Groups for two prior Supreme Court nominees; and Mary-Christine Sungaila, a member of the Practitioners' Reading Group for the nomination of Justice Brett M. Kavanaugh. A list of the members of the Practitioners' Reading Group is attached as Exhibit D.

To facilitate the Reading Groups' and the Standing Committee's reviews of Judge Jackson's writings, the Stanford Law School and University of Illinois College of Law libraries gathered the nominee's writings that were publicly available. The Reading Groups only reviewed Judge Jackson's published opinions and did not review her unpublished dispositions. The law librarians gathered, and the Reading Groups reviewed, the over 240 published opinions she authored on the district court and the two she authored on the court of appeals, briefs filed in

cases she handled as an attorney, law review articles, and other writings. The librarians also gathered the circuit court opinions where Judge Jackson sat on the panel but did not author the opinions. The materials were indexed by more than 30 subject areas.

All three Reading Groups adhered to the same rigorous standards that govern the work of the Standing Committee and independently evaluated the nominee’s analytical ability, clarity, knowledge of the law, application of the facts to the law, and ability to communicate effectively. Each member of each group reduced his or her evaluation to writing, with cited examples, and those written evaluations were then provided to each member of the Standing Committee.

The Standing Committee based its evaluation on its interviews with and written responses from judges, lawyers, law professors and community representatives from across the United States; its own reading of the nominee’s major writings; the reports of the three Reading Groups; and an in-depth personal interview of the nominee conducted on March 11, 2022 and March 15, 2022 by lead evaluators D. Jean Veta and Joseph M. Drayton and me. The Standing Committee also considered its confidential evaluations conducted in 2021 when Judge Jackson was nominated to the United States Court of Appeals for the District of Columbia and in 2012 when Judge Jackson was nominated to the United States District Court for the District of Columbia.<sup>3</sup>

Each member of the Standing Committee reviewed the confidential final report and individually evaluated the nominee’s professional qualifications by assessing her integrity, professional competence, and temperament. The Standing Committee unanimously concluded that Judge Jackson was “Well Qualified” to be Associate Justice of the Supreme Court of the United States.

### **OUR EVALUATION OF JUDGE JACKSON’S PROFESSIONAL QUALIFICATIONS**

The Standing Committee’s evaluation of Judge Jackson is based solely on a comprehensive, nonpartisan, nonideological peer review of her integrity, professional competence, and judicial temperament. The Standing Committee did not base its rating on, or seek to express any view regarding, Judge Jackson’s ideology, political views, or political affiliation. It also did not solicit information with regard to how Judge Jackson might vote on specific issues or cases that might come before the Supreme Court of the United States.

#### **A. Integrity**

In evaluating integrity, the Standing Committee considers the nominee’s character and general reputation in the legal community, as well as the nominee’s industry and diligence.<sup>4</sup> The

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<sup>3</sup> In connection with the 2021 evaluation, the Standing Committee found Judge Jackson “Well Qualified” to serve on the United States Court of Appeals for the District of Columbia Circuit. The Standing Committee found her “Qualified” in 2012 to serve on the United States District Court for the District of Columbia.

<sup>4</sup> *Backgrounder* at 3.

Standing Committee also considers the extent to which there have been any findings of ethical violations by a nominee, of which there have been none relating to Judge Jackson.

Judge Jackson has a sterling reputation for integrity. Judges and lawyers who have known her in every capacity uniformly praised her character, calling her integrity “beyond reproach,” “first rate,” and “impeccable.” She also uniformly received high marks for her industry and diligence. Lawyers and judges consistently described her as “thorough,” “hard working,” and “extremely well-prepared.” Other representative comments are:

- She has the “utmost integrity.”
- “Judge Jackson has a well-deserved reputation for the highest level of ethics and integrity. She is candid, honest, and takes great pains to ensure that all who appear before her understand the basis for her rulings and are given the chance to make their case and have their arguments heard.”
- She is “100% ethical.”
- “You write the word ‘integrity,’ and then you put her initials next to it.”
- “One can’t remark on [Judge Jackson’s] professional qualifications without mentioning her integrity. It is hard to pinpoint how and when one discerns such things, but as I got to know [Judge Jackson], I quickly gained confidence in her uprightness.”
- “She is off-the-charts in terms of her integrity and judicial temperament. She’s fair, honest, respectful, even-tempered, kind, and understanding with everyone she interacts with.”

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On the basis of these and many other uniformly positive comments received during our extensive review, the Standing Committee concluded that Judge Jackson possesses the integrity required to receive a “Well Qualified” rating.

## **B. Professional Competence**

“Professional competence” encompasses such qualities as intellectual capacity, judgment, writing and analytical abilities, knowledge of the law, and breadth of professional experience.<sup>5</sup> A Supreme Court nominee should possess “exceptional professional qualifications,” including an especially high degree of legal scholarship, academic talent, analytical and writing abilities, and overall excellence. The nominee should be able to write clearly and persuasively, harmonize a body of law, apply the law to the facts, and give meaningful guidance to the trial and circuit courts and the bar.<sup>6</sup>

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<sup>5</sup> *Backgrounder* at 3.

<sup>6</sup> *Backgrounder* at 10.

Judge Jackson's professional competence is exceptional. In summarizing the basis for this conclusion, we emphasize that the Committee does not simply express its own view. Rather, as a conduit for the views of the nominee's peers in our profession, it also expresses the unanimous consensus of the 160 judges, lawyers, and academics we interviewed in this evaluation; the 44 additional judges and lawyers we interviewed in our 2021 and 2012 evaluations; and the 55 members of the Reading Groups. This point merits repeating: in our extensive investigation, all of the experienced, dedicated, and knowledgeable sitting judges; lawyers who have appeared before the nominee; lawyers who worked with or against the nominee while she was in private practice and at the Office of the Federal Public Defender; and persons she encountered in her work at the Sentencing Commission, in addition to the distinguished members of the Academic and Practitioners' Reading Groups, described the nominee as outstanding and cite specific evidence in support of that view.

## **1. Breadth of Professional Experience**

In evaluating the breadth of Judge Jackson's professional experience, we consider her time on the bench and beyond. Judge Jackson has a strong educational background and a broad spectrum of professional experience. She graduated *magna cum laude* from Harvard College in 1992. She graduated *cum laude* from Harvard Law School in 1996, where she served as a supervising editor of the *Harvard Law Review*. Judge Jackson clerked for Judge Patti B. Saris of the U.S. District Court for the District of Massachusetts. She then clerked for Judge Bruce M. Selya of the U.S. Court of Appeals for the First Circuit. After a year in private practice, Judge Jackson clerked for Justice Stephen G. Breyer on the Supreme Court.

Judge Jackson has civil litigation experience from her time at Miller Cassidy Larroca & Lewin LLP (D.C.) (1998 – 1999), Goodwin Procter LLP (Boston) (2000 – 2002), and Morrison & Foerster LLP (D.C.) (2007 – 2010), as well as mediation experience from her work at The Feinberg Group (2002 – 2003). She has criminal experience as a federal public defender in Washington, D.C. (2005 – 2007) and in her work with the U.S. Sentencing Commission, first as an Assistant Special Counsel (2003 – 2005), and, subsequently, as Vice Chair and Commissioner (2010 – 2014). The U.S. Sentencing Commission is a bipartisan, independent agency located in the judicial branch of government, created by Congress in 1984 to reduce sentencing disparities and to promote transparency and proportionality in sentencing. The Commission has seven voting members, all of whom must be confirmed by the Senate, and one nonvoting member. At least three members must be federal judges, and not more than four members may be members of the same political party.

Judge Jackson has over eight years experience as a district court judge, where she presided over both civil and criminal cases. She has served as an appellate judge on the U.S. Court of Appeals for the District of Columbia since 2021.

Throughout her career, Judge Jackson has participated in a number of professional and civic activities. One example is her service to the American Law Institute (ALI), a highly respected, nonprofit organization that publishes Restatements of the Law, Principles of the Law, and Model Codes for our profession to further its mission of clarifying, modernizing, or otherwise improving the law to promote the better administration of justice. ALI has over 4,500 members from the bar, bench, and academy who are selected based on outstanding achievement

in the legal profession. Judge Jackson also serves on ALI’s Council, the ALI governing body composed of 65 leading lawyers, judges, and scholars.

Appointed by Chief Justice Roberts, she also serves on the Supreme Court Fellows Commission and on the Judicial Conference of the United States Committee on Defender Services, which oversees the implementation of the Criminal Justice Act including the provision of federal public defender services. Her board memberships have included the Washington, D.C. Council for Court Excellence, where she co-chaired its Jury Project, a yearlong comprehensive review of jury service in the District of Columbia. Judge Jackson has also served since 2016 on the Harvard Board of Overseers, a 36-member body elected by Harvard alumni. She has been a member of the Board’s Executive Committee since 2019.

We contacted and interviewed jurists, attorneys, and others who knew Judge Jackson in all the preceding roles. Respondents identified Judge Jackson’s broad-based experience as a district court judge, appellate judge, litigator, defense attorney, and member of the Sentencing Commission as significant strengths she would bring to the Supreme Court. Representative comments include:

- “She’s had a valuable range of professional experiences that give her an unusual level of sophistication about how the law and legal institutions work—and how they do not always work as we wish they did.”
- “Her varied professional experience will be a true asset to the Court.”
- “She is one of the brightest legal minds in the country with a well-rounded set of experiences in the legal system and judiciary that will make her an exceptional Supreme Court Justice.”

## **2. Well-Qualified Consensus from Judges and Attorneys**

The unanimous consensus from the many judges and attorneys we interviewed and from whom we received written comments is that Judge Jackson is well qualified to serve on the Supreme Court. The words “brilliant,” “eminently qualified,” and “she has my highest recommendation” were repeatedly used when describing Judge Jackson’s professional competence. As one jurist put it, Judge Jackson is “extraordinarily well qualified.”

Judge Jackson is universally and highly regarded for her intellect. As one interviewee stated, “We have a lot of smart people [on a board on which she serves] but she is brilliant, and I do not say that lightly.” Other representative comments include:

- “She’s absolutely brilliant as a jurist.”
- “Judge Jackson has always had a superior understanding, intelligence, and competence.”
- “She’s very, very smart. She’s very agile and able to think on her feet.”
- “She is absolutely brilliant. She is the judge I aspire to be.”

Judges and lawyers also consistently highlighted Judge Jackson’s exceptionally strong analytical skills and writing, as reflected in the following representative comments:

- She has a “wonderfully analytical mind.”
- “Studying her opinions is like a master class in judicial writing. Her opinions are organized, methodical, and reflect respect for the litigants. . . . She has spent most of her time as a judge on the district court, but wrote opinions in her cases similar to what you would see from an appellate court.”
- “Her opinions are well-written, well-reasoned, and painstakingly researched. During oral argument, Judge Jackson asks thoughtful questions that cut to the heart of the matter while also making sure that she fully understands each party’s arguments.”
- “Judge Jackson is extremely thorough and conscientious. Her written work product, whether memoranda or judicial opinion, is consistently well reasoned and beautifully crafted.”

Interviewees, including opposing counsel in cases before she took the bench and attorneys against whom Judge Jackson has ruled, were similarly consistent in their glowing praise for Judge Jackson’s overall professional competence and qualifications. Comments from attorneys who have been on the losing side of Judge Jackson’s rulings include:

- “I can say without reservation that Judge Jackson is eminently qualified to serve on the high court. She is fair, patient, and insightful – with a command of the issues and the law. We haven’t won every case or question before her, but I would have no hesitation appearing before her again, win or lose. She is a model jurist.”
- “We lost on the issues before her, but . . . [h]er decision was well-reasoned, well-written, and affirmed by the D.C. Circuit. She is smart and competent. She is even-keeled with a great temperament.”
- “I’ve appeared before Judge Jackson many times, both in the District Court and in the D.C. Circuit. In my opinion, Judge Jackson is one of the very best judges – or for that matter, Justices – I have ever argued a case in front of. She is brilliant; her intellect is simply formidable. And equally important, she possesses all of the other important attributes of a great jurist: She is practical and intuitive and curious and courteous and always impeccably well-prepared.”

We received a multitude of similar comments about Judge Jackson’s overall professional competence from judges and lawyers of all political persuasions and from many parts of the profession. Those comments include:

- “She is superbly qualified.”
- She is a “10+.”

- She is “exceptionally well qualified.”
- “Having served as a colleague of Judge Jackson . . . , I can say with great confidence that she has the professional qualifications, integrity, and judicial temperament to be an exceptional and consequential justice on the United States Supreme Court.”
- She is “a superb lawyer and judge, has an exceptional temperament both with litigants and federal judges, and is unquestionably well qualified to serve on the Supreme Court.”
- “I cannot think of anyone more qualified or better-suited to sit on the High Court.”

### **3. Readings Groups’ Reviews of the Nominee’s Writings**

The three Reading Groups submitted comprehensive reports to the Standing Committee that further support the conclusion that Judge Jackson’s legal scholarship, analytical skills, and writing ability are extraordinary. The Reading Groups acted independently and submitted independent reports, in part so that the Standing Committee could see whether there was any divergence of views. The Academic Reading Groups were co-chaired by the deans of their law schools and were composed of experts in the subject areas of the writings they reviewed. The Practitioners’ Reading Group primarily consisted of members who view Supreme Court decisions from another angle—from the standpoint of preeminent practitioners who regularly practice before the Court. More than 300 pages of Reading Groups’ close analysis of Judge Jackson’s writings were shared with our entire Committee. Even though each group worked independently, the three groups reached the same conclusions, and their reports yielded remarkably similar themes. The three Reading Groups summarized their conclusions as follows.

#### **a. University of Illinois College of Law Reading Group**

“The overall and overwhelming assessment of the members of the Illinois reading group is that Judge Jackson is an extremely competent jurist whose work demonstrates a high degree of integrity and an admirable judicial temperament. . . .

Our faculty readers praised as well Judge Jackson’s legal knowledge and analytical skills. Her writings demonstrate her tremendous subject-matter breadth as a district court judge and, at the same time, showed her deep and sophisticated knowledge in specific areas of the law. . . . She is adept at understanding the full scope of arguments the parties have made and at distilling the core issues to be resolved. She is a skilled interpreter of statutes and she applies doctrine faithfully and fairly. . . .

[T]he clear consensus . . .—and, again, the reading group was quite diverse among demographic, ideological, and subject-matter lines—was that Judge Jackson’s body of work demonstrated impressive competence and admirable temperament and integrity.”

#### **b. Stanford Law School Reading Group**

“The members of the Reading Group had very positive reactions overall to Judge Jackson’s opinions and other writings. Readers were impressed by Judge Jackson’s skills as a writer and a legal analyst, by her evenhandedness and her fidelity to the law, and by

her demonstrable judicial temperament. Again and again, the separate reports by members of the Reading Group praise the clarity of Judge Jackson’s writing; her careful, meticulous presentation of the applicable law and the parties’ arguments; her lucid and methodical reasoning; her manifest lack of bias; her judicial probity; and the respect and dignity she accords to all of the litigants who appear before her. We did not identify any instances in which Judge Jackson appears to have decided an issue unreasonably or with anything less than great care, sharp insight, and impartiality. . . .

With regard to professional competence, with regard to integrity and respect for the rule of law, and with regard to judicial temperament, Judge Jackson’s opinions, as well as her other writings, show her to be highly qualified for an appointment to the Supreme Court.”

### **c. Practitioners’ Reading Group**

“In sum, all of the members of the Practitioners Reading Group found that Judge Jackson’s professional competence is outstanding. Her opinions are well-written, persuasive, analytically rigorous, and clear. She meticulously lays out the facts and procedural history, followed by a thorough discussion of controlling law and the application of the law to the facts of the case. She avoids unnecessarily broad pronouncements and refrains from opining on issues that are not squarely presented. Significantly, many members remarked that her opinions take great pains to explain to the parties the reasoning underlying her decisions and ensure that all arguments and significant cases have been thoroughly addressed. The Reading Group concluded that her opinions provide meaningful guidance to other parties, courts, and practitioners.

The Reading Group members also unanimously agreed that Judge Jackson satisfies the criteria of integrity and judicial temperament. Her opinions reflect a faithful adherence to precedent and demonstrate judicial restraint. She is even-handed in her approach, treating all litigants with respect. Her opinions are professional in tone and approach.

We unanimously conclude that Judge Jackson’s numerous opinions consistently demonstrate the highest degree of legal scholarship, intellectual acumen and overall excellence necessarily required and that she should receive a ‘Well Qualified’ rating from the Committee.”

### **d. Individual Comments of Reading Group Members**

Representative comments from individual members of the Reading Groups include:

- “A striking aspect of Judge Jackson’s opinions is how much ground she covers, in depth, in writing that manages to be both crisp and replete with detail. Her opinions teach – readers are invited to learn what she knows about the surrounding legal principles. . . . [On] the Supreme Court, I suspect her opinions would quickly come to be viewed as an excellent guide to the bench, the bar, and the public, especially on intricate and technical legal questions.”
- She “has that wonderful combination of high intelligence and common sense. She thinks analytically and is a clear and persuasive writer. She can both craft an exceptionally

intricate opinion and present it in a way that lawyers and non-lawyers alike can understand. She writes with confidence and authoritativeness, yet with an abiding sensitivity to the importance of the issues to the parties.”

- “Judge Jackson reveals herself to be highly prepared, exceptionally organized, and intellectually astute. Her opinions are marked by clarity of analysis, careful attention to the facts, and respect for the governing law.”
- Her opinions are “uniformly impartial, respectful, and direct” and “show no favoritism or bias.” “The hallmark of her opinions is thoroughness,” and she takes “no short cuts,” instead “support[ing] her findings and conclusions with copious citation of the parties’ filings, the factual record, and the applicable precedent.”
- “The opinions reviewed also reflect strong judicial temperament. They respectfully address the parties and their legal positions, including in cases where pro se litigants have misunderstood or disregarded the applicable rules.”
- The decisions reviewed spoke “well of her judicial temperament and integrity: she does not indulge in editorializing or digress beyond the parties’ arguments, and she treats litigants courteously even when decisively rejecting their arguments.”
- “One of the most distinctive and laudable attributes of Judge Jackson’s judicial opinions is her unwavering evenhandedness.”
- “My opinion . . . is that Judge Jackson easily satisfies even the very high standards of competence, integrity, and temperament that are applied to nominees to the Supreme Court. The degree of analytical rigor she brought to these relatively routine procedural issues is extremely impressive. The consistent clarity and readability of her writing is even more impressive, especially considering the short turnaround on many of these decisions.”

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The Standing Committee thanks each of the Reading Groups for their hundreds of hours of careful, thorough, thoughtful, and insightful work.

#### **4. Reversals by the U.S. Circuit of Appeals for the District of Columbia Circuit**

During her eight years as a district court judge, only ten of Judge Jackson’s 578 opinions, dispositive orders, or orders affecting injunctive relief decisions were reversed by the United States Court of Appeals for the District of Columbia Circuit, in whole or in part. One of those reversals was itself reversed by the Supreme Court. Four of her decisions were vacated and remanded by the Court of Appeals, and three opinions were affirmed but criticized by the Court of Appeals.

None of the interviewees or members of the Academic or Practitioners’ Reading Groups believed that the reversals or circuit court actions reflected negatively on Judge Jackson’s professional competence. To the contrary, representative comments include:

- From two professors who reviewed the nominee’s administrative law decisions: “While Judge Jackson’s district court opinions have occasionally been reversed by the circuit court, in our view these reversals reflect differing approaches to unsettled questions of administrative law rather than any errors of analysis by Judge Jackson.”
- From another professor, with respect to a different decision: “Regardless of this outcome, the fact and mode of reversal does not undermine the conclusions I reach about Judge Jackson’s professional qualifications.”
- From the same professor, discussing a different case: “The trajectory of the case, ultimately including reversal on some issues, does not controvert my conclusions about Judge Jackson’s professional qualifications. If anything, it illustrates the difficulty and contentiousness of the issues.”

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Given the breadth and strength of the preceding comments and a multitude of similar comments, the Standing Committee concluded that Judge Jackson’s professional competence is exceptional and merits a rating of “Well Qualified.”

### **C. Temperament**

In evaluating temperament, the Committee considers the nominee’s “compassion, decisiveness, open-mindedness, courtesy, patience, freedom from bias, and commitment to equal justice under the law.”<sup>7</sup> The praise for Judge Jackson’s judicial temperament was universal. Representative comments include:

- She has “the ideal temperament.”
- “Judge Jackson has the perfect temperament for a judge. She is unfailingly respectful, courteous, and warm in every situation, and to everyone, regardless of whether they are a litigant, colleague, or courthouse employee. She is always prepared, and when she speaks, she has always considered every aspect of the topic, and her colleagues listen carefully and give great weight to her contributions to meetings and discussions.”
- She is “humble” and “with no sense of entitlement.”
- Her temperament is “outstanding. . . . She was friendly, engaging, and seemed genuinely pleased to have the opportunity to ask us questions about the issues and to have us help her think through the issues and get to the right answers. . . . Warm, humble, active, and totally engaged.”
- “Judge Jackson has great temperament. She is personable. She is down-to-earth and treats everyone with respect.”

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<sup>7</sup> *Backgrounder* at 3.

- “Judge Jackson exhibited prototypical judicial temperament. She was engaged and curious, her questions were direct but respectful, she listened intently to the answers given by counsel, and she treated each argument and each party even-handedly and with dignity.”

The Standing Committee also explored Judge Jackson’s ability to work with colleagues on difficult issues. Not a single respondent expressed any concern. One interviewee, for example, commented that “Judge Jackson was a strong consensus builder during her time as a Commissioner.” Jurists at all levels of the federal judiciary similarly express confidence in Judge Jackson’s collegiality and consensus-building skills, including through the following comments:

- One jurist regarded Judge Jackson’s service on the Sentencing Commission as valuable because she was required to work in a group and achieve consensus. This jurist noted that she similarly was required to work in a group during her time on the U.S. Court of Appeals for the D.C. Circuit. The interviewee believes Judge Jackson has the skills to work well on difficult issues in a group and to remain collegial.
- Another jurist describes Judge Jackson as easy to work with, responsive, and collegial, even when they disagree on the issues. This jurist states that Judge Jackson approaches those discussions in the spirit of getting to the correct legal answer.
- Still another jurist states: “I would especially highlight how she combines her quick and penetrating analytic ability with both firmness of conviction and an open ear. When she disagrees with you, she spells out why. She is eager to hear analyses different from hers, and is open to reconsidering a position in light of additional arguments. But she will not budge unless she is actually persuaded.”
- A jurist who observed Judge Jackson on the Sentencing Commission reports that she did an especially good job “bridging the gap between differences of opinion” between prosecutors and defense attorneys regarding sentencing policy.
- A jurist who served on a committee with Judge Jackson states that this jurist and Judge Jackson began their work on the committee with different views, but as they progressed, they found common ground.

### **Freedom from Bias and Commitment to Equal Justice Under the Law**

In light of Judge Jackson’s two years as a federal public defender, her representation of Guantanamo Bay defendants, and her time on the Sentencing Commission, the Standing Committee took special care to evaluate whether the nominee possessed “open-mindedness,” “freedom from bias,” and “commitment to equal justice under the law,”<sup>8</sup> and in particular whether she demonstrated any bias that favored criminal defendants.

Notably, no judge, attorney, or other respondent raised such a concern to us during our extensive evaluation, nor did any do so in our prior 2021 and 2012 evaluations. Instead, we

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<sup>8</sup> *Backgrounder* at 3.

affirmatively raised the issue, including with current and former high-ranking attorneys in the U.S. Attorney's Office for the District of Columbia and with other prosecutors from that office who have appeared before Judge Jackson. All rejected any concern that Judge Jackson was biased. One high-ranking attorney in the U.S. Attorney's Office, for example, when asked about the potential concern that Judge Jackson is "soft on crime," responded, "I vehemently disagree." Another federal prosecutor who has appeared before Judge Jackson at least 10 times responded to the same question by saying "that is not the case" and stating that such an allegation was "absolutely not borne out based on my experience with her." A former federal prosecutor who had multiple cases before Judge Jackson said there was "no bias, and she was fair to all sides in connection with sentencing and all aspects of cases. Judge Jackson did not favor either side."

Instead, the prosecutors found Judge Jackson to be of the highest integrity: doing things by the book, a "100% straight shooter," and treating everyone fairly. Similarly, prosecutors gave Judge Jackson's professional competence the highest praise: "a smart judge without any biases," "incredibly competent," and intellectually nimble and able to incorporate the parties' oral arguments into her rulings. As to judicial temperament, they described Judge Jackson as pleasant, not favoring one party over another, and "a very engaged judge."

Representative comments from current and former federal prosecutors in the U.S. Attorney's Office for the District of Columbia include:

- "I found her to be incredibly fair."
- "I think she's fabulous" and "a great pick."
- "In all of my experiences, both direct and indirect, I have found that Judge Jackson has a sharp intellect, excellent judgment, a balanced demeanor, and a passion for the rule of law. In fact, even when I have disagreed with particular rulings issued by Judge Jackson, I have always found that her decisions were the product of sound judgment and reflected a thoughtful approach to her position on the bench."

My bottom line: I believe that Judge Jackson is an excellent judge and that she is eminently qualified to sit on the U.S. Supreme Court. I support her nomination."

- She was generally regarded as "a good draw" by the prosecutors because "she is a smart judge without any biases, which is all we're asking for."
- "[S]he has been incredibly competent and kind. She has shown the utmost integrity and a calm demeanor in stressful circumstances. [One case], in particular, was a difficult and fraught child pornography case, but she handled it incredibly deftly while being fair and compassionate to all parties involved. She has my absolute highest recommendation."
- "[S]he was everything one would want in a judge. She is smart, experienced, fair, poised, and always displayed excellent judicial temperament. Her opinions were well-reasoned and thoughtful. Lastly, she managed her courtroom very well, while allowing the litigants to be heard and try their cases."

Judges and attorneys who encountered Judge Jackson during her time at the Sentencing Commission similarly commented on her freedom from bias. Indeed, multiple persons we interviewed commented on her dissent to an amendment that would have given defendants who originally received a sentence reduction for cooperating with the government an additional sentencing reduction due to retroactive sentencing guidelines for crack cocaine offenses. One interviewee noted that while perhaps Judge Jackson personally favored the amendment, she believed the Commission did not legally have the authority to make the change and so dissented. (The Supreme Court later agreed with Judge Jackson and the two other dissenters.) Another respondent stated that Judge Jackson displayed “absolutely no indicia of bias on the Sentencing Commission. . . . She is a very reflective person, and she doesn’t bring any kind of preconceived biases or judgment on the issues that we dealt with. I never saw a sense of bias that she applied to our decisions.”

Feedback from other judges and attorneys was of the same accord, including from attorneys who appeared before her and from others who worked with her in professional endeavors such as the American Law Institute. None expressed any concern that Judge Jackson was biased or anything less than open-minded. Comments we received on this point include:

- “She does not let her personal feelings or belief get in the way of what she thinks is the correct legal result.”
- Judge Jackson comes to a case with “an open mind” and “wants to get it right.”
- “She is not outcome-driven.”
- “She is faithful to the rule of law, even if she sometimes may personally disagree with an outcome.”

\* \* \*

Judge Jackson received only praise for her judicial temperament during our extensive evaluation. As a result, the Standing Committee concluded that Judge Jackson’s judicial temperament is deserving of a “Well Qualified” rating.

## CONCLUSION

Across every aspect of her professional career, from over 250 judges, attorneys, and academics of all political persuasions, we heard the same words used to describe Judge Jackson: “brilliant,” “thoughtful,” “thorough,” “beyond reproach,” “fair,” “respectful,” and “eminently qualified.” Our extensive review leads us to conclude that Judge Jackson meets the highest standards of integrity, professional competence, and judicial temperament. It is the unanimous opinion of the Standing Committee that Judge Jackson is “Well Qualified” to serve as an Associate Justice of the Supreme Court of the United States.

**EXHIBIT A**

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