STATEMENT

of

PAUL T. MOXLEY, CHAIR

**STANDING COMMITTEE ON THE
FEDERAL JUDICIARY**

AMERICAN BAR ASSOCIATION

Concerning the

NOMINATION

of

THE HONORABLE BRETT M. KAVANAUGH

to be

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

before the

**COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

SEPTEMBER 7, 2018

Mr. Chairman, Ranking Member Feinstein, and Members of the Committee:

My name is Paul T. Moxley, of Salt Lake City, Utah, and it is my privilege to chair the American Bar Association's Standing Committee on the Federal Judiciary. I am joined today by John R. Tarpley of Nashville, Tennessee, who was this Committee's representative for the Sixth Circuit from August 2015 through August 2018 and served as the lead evaluator for the Standing Committee's investigation of Judge Brett M. Kavanaugh. We are also joined in the gallery by the Standing Committee's D.C. Circuit representative, Robert P. Trout of the District of Columbia, who worked with John as an additional evaluator for the Committee's investigation of Judge Kavanaugh. We are honored to appear here today to explain the Standing Committee's evaluation of the professional qualifications of Judge Kavanaugh to be Associate Justice of the Supreme Court of the United States.

The Chair of the Standing Committee is appointed by the ABA president each year and assumes the role in August. As our Committee's change in leadership coincided with the nomination and evaluation of Judge Kavanaugh, I owe a debt of gratitude to Pamela Bresnahan, the Standing Committee's immediate past Chair. Pam worked with me from the outset of Judge Kavanaugh's nomination and provided invaluable guidance and insight during the transition. Pam also conducted the Standing Committee's original evaluation of Judge Kavanaugh in 2003, when he was first nominated to serve on the D.C. Circuit Court of Appeals.

President Trump announced his nomination of Judge Kavanaugh to serve on the Supreme Court on July 10, 2018. The Standing Committee began its evaluation shortly thereafter and continued its work for the next several weeks. By unanimous vote on August 30, 2018, the Standing Committee awarded Judge Kavanaugh its highest rating of "Well Qualified" for

appointment to the Supreme Court of the United States, and the Standing Committee published its rating the next day.

THE STANDING COMMITTEE'S EVALUATION PROCESS

The Standing Committee has conducted its independent and comprehensive evaluations of the professional qualifications of nominees to the federal bench since 1953. The 15 distinguished lawyers that make up our Committee come from across the country, representing every federal judicial circuit in the United States. Members are from diverse backgrounds professionally, ethnically, and politically. They come from both large and small law firms and academia; they include a mix of "plaintiff" and "defense" lawyers. These prominent lawyers, who are identified in Exhibit A to this Statement, spend hundreds of hours each year without compensation conducting nonpartisan peer reviews of the professional qualifications of all nominees to the Supreme Court of the United States and all federal district and appellate courts, as well as the Court of International Trade and the Article IV territorial district courts.

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 rate the nominee as "Well Qualified," "Qualified," or "Not Qualified." In so doing, the Committee relies heavily on the confidential, frank, and considered assessments of lawyers, academics, judges, and others who have relevant information about the nominee's professional qualifications.

The Standing Committee's investigation of a nominee to the Supreme Court of the United States is based upon the premise that the nominee must possess exceptional professional qualifications. As set forth in the ABA's publicly available manual about the Committee's work, known as the *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.[1]

The significance, range, complexity, and nationwide impact of issues that a justice will confront on the Supreme Court demands no less. For that reason, our investigation of a Supreme Court nominee is more extensive than investigations conducted for nominations to the lower federal courts, and it is procedurally different in two principal ways.

First, all members of the Standing Committee conduct separate investigations into the nominee's professional qualifications within their respective circuits. In accordance with our procedures, each Standing Committee member prepared a confidential circuit report that was included in the comprehensive confidential final report on which the Standing Committee based its rating.

Second, when examining nominees to the Supreme Court, the Standing Committee assembles reading groups of scholars and practitioners to review the nominee's written work. With regard to our evaluation of Judge Kavanaugh, the University of Maryland Law School and the University of Utah Law School formed Reading Groups, comprising a total of 38 professors who are recognized experts in the substantive areas of law they reviewed. A third reading group, the Practitioners' Reading Group, was composed of 10 nationally recognized lawyers with significant trial and appellate experience who are knowledgeable concerning Supreme Court practice. The dedicated members of the three Reading Groups are identified in Exhibits B, C, and D to this Statement.

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[1] American Bar Association, *Standing Committee on the Federal Judiciary: What it is and How it Works* ("*Backgrounder*") 11 (2017).

The Reading Groups were guided by the same standards that are applied by the Standing Committee, measuring only professional competence and, if evident from writings, integrity, and judicial temperament. The members of the Reading Groups independently evaluated factors such as Judge Kavanaugh's analytical ability, clarity of writing, knowledge of the law, application of the facts to the law, expertise in harmonizing a body of law, and ability to communicate effectively. Each member of each group reduced his or her evaluation to writing, with cited examples, and each member's written evaluation was provided to the members of the Standing Committee. Additionally, the chair of each group provided a summary of each group's work.

During their extensive investigation of the professional qualifications of Judge Kavanaugh, Standing Committee members solicited input from almost 500 people who were likely to have knowledge of the nominee's professional qualifications, including federal and state judges, lawyers, and bar representatives. Those contacted included individuals who were likely to have first-hand knowledge about his professional qualifications inasmuch as they were identified on Judge Kavanaugh's response to the Senate Judiciary Committee Questionnaire. Standing Committee members also identified people with such knowledge through their interviews, their analyses of Judge Kavanaugh's writings, and sources identified through the investigative process. Additionally, the Standing Committee considered the confidential evaluations conducted in 2003, 2005, and 2006, when Judge Kavanaugh was nominated to the United States Court of Appeals for the District of Columbia Circuit.[2]

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[2] In connection with the 2003 evaluation, the Standing Committee found Judge Kavanaugh "Well Qualified" to serve on the United States Court of Appeals for the District of Columbia Circuit. In connection with the 2005 evaluation, the Standing Committee found Judge Kavanaugh "Well Qualified" to serve on the United States Court of Appeals for the District of Columbia Circuit. In connection with the 2006 evaluation, the Standing Committee found Judge Kavanaugh "Qualified" to serve on the United States Court of Appeals for the District of Columbia Circuit.

In total, the Standing Committee reached out to 471 judges, lawyers, and professors for information regarding Judge Kavanaugh's integrity, professional competence, and judicial temperament. The Standing Committee received more than 120 responses, and the members of the Standing Committee conducted interviews with those respondents who had personal knowledge of Judge Kavanaugh through their professional or personal dealings with him. These interviews were reduced to writing for the Standing Committee's collective consideration.

The Standing Committee based its evaluation on the data received from its extensive outreach; on its own analyses of Judge Kavanaugh's writings; on reports of the three Reading Groups; and on a personal interview of Judge Kavanaugh that was conducted on August 9, 2018, by our lead evaluator, John R. Tarpley, our second evaluator, Robert Trout, and me, as Chair of the Standing Committee. The written record of all analyses and interviews was assembled to comprise the Standing Committee's confidential final report that was distributed to each Standing Committee member. Standing Committee members were given approximately seven days to review this material, which totaled 1,635 pages, to individually evaluate Judge Kavanaugh's integrity, professional competence, and judicial temperament. Thereafter, the Standing Committee unanimously voted that Judge Kavanaugh is "Well Qualified" to serve as an Associate Justice on the United States Supreme Court. As Chair of the Standing Committee, I submitted our rating to the Senate Judiciary Committee, the White House, and the nominee on August 31, 2018. The rating was also published on the website of the Standing Committee on the Federal Judiciary.

OUR EVALUATION OF JUDGE KAVANAUGH'S
PROFESSIONAL QUALIFICATIONS

The Standing Committee did not consider Judge Kavanaugh's ideology, political views, or political affiliation. It did not solicit information with regard to how Judge Kavanaugh might vote on specific issues or cases that could come before the Supreme Court of the United States. Rather, the Standing Committee's evaluation of Judge Kavanaugh was based solely on a comprehensive, non-partisan, non-ideological peer review of his integrity, professional competence, and judicial temperament.

1.   Integrity

In evaluating integrity, the Standing Committee considers the nominee's character and general reputation in the legal community, industry, and diligence.[3] The Committee also considers any ethical violations or disciplinary proceedings involving the nominee, of which there have been none relating to Judge Kavanaugh. The Standing Committee found that Judge Kavanaugh enjoys an excellent reputation for integrity and is a person of outstanding character.

It was clear from our interview and other lengthy conversations with Judge Kavanaugh that he learned the importance of integrity from his mother and father, both of whom are lawyers, during his early childhood and developed a strong commitment to public service. (His mother also was a state court judge.) There are abundant examples of his devotion to public service, including being a judge, a law clerk, a law professor, a mentor to his diverse law clerks, a lawyer in the Office of the Independent Counsel, the White House, and the Office of the Solicitor General. Additionally, he was a partner at Kirkland & Ellis from 1997-2001.

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[3] American Bar Association, *Standing Committee on the Federal Judiciary: What it is and How it Works* ("*Backgrounder*") 3 (2017).

Many of the lawyers, judges, and others we interviewed praised Judge Kavanaugh's integrity. We cite representative comments as follows:

"His integrity is absolutely unquestioned. He is very circumspect in his personal conduct and harbors no biases or prejudices."

* * *

"He has the highest personal morality and the highest ethics."

* * *

"…his integrity is absolutely unquestioned. He harbors no biases or prejudices."

* * *

"He is what he seems, very decent, humble, and honest."

* * *

"He is entirely ethical and is a really decent person."

* * *

"He is believed to be trustworthy and of high integrity, a man of good character. He is a nice person and a good human being."

* * *

"His reputation for honesty and integrity is excellent."

* * *

"He always seeks to be fair. He is not result oriented. He always wants to do the right thing."

* * *

On the basis of the foregoing comments and additional comments received during our comprehensive evaluation process, the Standing Committee concluded that Judge Kavanaugh possesses the integrity required to receive our unanimous "Well Qualified" rating.

2.   Professional Competence

"Professional competence encompasses such qualities as intellectual capacity, judgment, writing and analytical abilities, knowledge of the law, and breadth of professional experience."[4] A Supreme Court nominee must possess exceptional professional qualifications, including an "especially high degree of legal scholarship, academic talent, analytical and writing abilities, and overall excellence. [The nominee must be able] to write clearly and persuasively, harmonize a body of law, and to give meaningful guidance to the trial and circuit courts and the bar for future cases."[5] Judge Kavanaugh's professional competence exceeds these high criteria.

In their evaluation of Judge Kavanaugh's professional competence to be an Associate Justice of the Supreme Court of the United States, the members of the Standing Committee examined not only the thorough reports of the Practitioners' and Academic Reading Groups, but also the views of lawyers, academics, and Judge Kavanaugh's judicial peers. All of the experienced, dedicated, and knowledgeable sitting judges, legal scholars, and lawyers who have worked with or against Judge Kavanaugh had high praise for his intellect and ability to communicate clearly and effectively.

We received many positive comments, including the following:

"He is in an elite category. His academic work and his teaching and extra-judicial speaking are evidence of his superior academic credentials."

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[4] *Id.* at 3.
[5] *Id.* at 9.

"His professional competence is among the best in the federal system. His intellectual integrity is very strong. He thinks deeply about the legal issues and focuses on the right questions."

* * *

"He is just the best -- brilliant, a great writer, fair, and he is open-minded."

* * *

"He is susceptible to being persuaded to the opposite position from where he started."

* * *

"He is extraordinary. He is very bright, very careful, very thoughtful, very thorough, and very conscientious."

* * *

"His work ethic is among the best."

* * *

"His competence is second to none. He is one of the smartest guys in every room."

* * *

"His opinions are scholarly, thoughtful, well-written, and easy to follow despite often complex subject matter."

* * *

The academics and practitioners who comprised the three reading groups overwhelmingly concluded that Judge Kavanaugh's opinions and writings were analytically rigorous and demonstrated exceptional writing ability and legal scholarship.

Dean Robert Adler and Professor Wayne McCormack, who chaired the Utah Law School

Reading Group, provided the following summary of their findings with regard to Judge

Kavanaugh's professional competence:

Summary and Overview

The overall impression expressed by the Utah Reading Group is
that Judge Kavanaugh is a very competent jurist. His writing is
clear and understandable, his reasoning logical and well organized,
his understanding of the law typically excellent and sometimes
extremely insightful... and his adherence to precedent generally
apparent even where there is reasonable cause for disagreement in
gray areas. Several reviewers also mentioned an apparent
willingness to entertain competing arguments, a conclusion based
on outcomes in different cases for competing interest groups such
as industry/environmental or prosecution/defense. In addition, to
the extent that judicial temperament can be measured from
published opinions, he seems to be quite respectful of both counsel
and colleagues, with extremely few rhetorical flourishes or
observations that might be viewed by some as disrespectful of
others and their views. Also, to the extent that it can be discerned
from written opinions and academic writing, we saw no evidence
whatsoever of any concern about Judge Kavanaugh's judicial
integrity.

Legal Writing and Analysis

The Reading Group members were unanimous in their view that
Jude Kavanaugh writes and analyzes the law (and application of
facts to law) with exceptional clarity, and that his opinions are well
organized, resulting in relatively clear precedent for lower courts
and later litigants. He states appellate issues plainly, and clearly
articulates the holding and relevant reasoning. He avoids
unnecessary legal jargon, making his opinions accessible to both
lawyers and non-lawyers. His writing style is extremely efficient,
which often results in shorter opinions than is typical for appellate
courts. In many cases Reading Group members found this to be
refreshing and commented that he focused mainly or exclusively
on the essential controlling precedents and other applicable law,
and that he avoided the tendency to write a legal treatise where a
simple opinion would suffice….

The Maryland Law School Reading Group was led by Professors David Gray and Renée M. Hutchins. They made the following observations:

- The ruling in each case is workmanlike, and appears grounded in precedent or the record before the court. Even Judge Kavanaugh's dissenting opinion does not appear to be an illogical or unduly constrained reading of precedent.

- Judge Kavanaugh is an excellent writer with a flair for making complicated facts understandable.

- As a law professor, I appreciated the logical and analytical way in which Judge Kavanaugh addressed the issues presented in these cases. In the cases I reviewed, his writing is clear and to the point, and his conclusions are thoughtful. And while it is difficult to judge judicial temperament from a judicial opinion, I very much appreciated the way in which he engaged, in his writing, with those who had opinions different than his own. He made his points and engaged with the assertions of others, but did so in a respectful and reasonable way. There was no sarcasm or disrespectful banter, either of the litigants or other judges.

- Overall, the opinions are clearly and logically written, well supported with case law, and based on sophisticated interpretations of relevant statutory provisions. The opinions are not flashy or quotable and very few have any stylistic ruffles and flourishes. Every now and then an opinion makes a clever argument, but for the most part the writing is workmanlike (in the non-pejorative sense) more than eloquent. There is no pedantry, no showing off, no self-authorizing "because we say so" rhetoric, and no ridicule or dismissal of contrary views…. the opinions I read are professional in tone, respectful of the arguments they reject, and careful to explain why those arguments were unpersuasive.

- Judge Kavanaugh is a clear, concise, skillful writer. He provides a thorough but not excessive recounting of the facts of each case. His legal analysis is easy to follow. His prose is fairly straightforward and his tone is neutral.

- Judge Kavanaugh's research…appears to be thorough. His legal arguments are well-supported and hew closely to precedent.

- In all, Judge Kavanaugh's opinions are clearly written, follow conventional legal and statutory analysis, and are well within the mainstream of legal thought in [tax procedure law].

The Practitioners' Reading Group, which was chaired by Laurie Webb Daniel, arrived at similar positive conclusions about Judge Kavanaugh's professional competence. Summarizing the findings of the committee, the report stated:

> …Judge Kavanaugh's opinions [are] clear and cogent. His writing is overwhelmingly well organized, thoughtful, articulate, and thorough. Judge Kavanaugh seems to be very thoughtful about synthesizing case law—drawing lessons from larger bodies of case law. He is particularly skilled at distilling complex facts into easily digestible portions early in the decision. Judge Kavanaugh is methodical in addressing the issues one-by-one. And he often includes a section of housekeeping matters to remand for correction of technical errors in the judgment.

* * *

Given the breadth, diversity, and strength of the positive feedback we received from judges and lawyers of all political persuasions and from so many parts of the profession, the Committee would have been hard-pressed to come to any conclusion other than that Judge Kavanaugh has demonstrated professional competence that is exceptional. Time and again, those with whom he has worked and those who have been involved in cases over which he has presided have applauded his intellectual acumen, thoughtful discernment, and written clarity. Based on the results of our extensive investigation and the resulting input we received from varied and knowledgeable sources, we have determined that Judge Kavanaugh possesses sufficiently outstanding professional competence to be rated "Well Qualified."

3.   Judicial Temperament

In evaluating judicial temperament, the Standing Committee considers a nominee's "compassion, decisiveness, open-mindedness, courtesy, patience, freedom from bias, and

commitment to equal justice under the law."[6] Lawyers and judges overwhelmingly praised

Judge Kavanaugh's judicial temperament.

The following representative comments provide insight into Judge Kavanaugh's

demeanor as a jurist:

"He is very straightforward. He stays on point."

* * *

"He maintains an open mind about things."

* * *

"He is affable, a nice person. He is easy to get along with and has a good sense of

humor."

* * *

 "He is a really decent person, has not done anything untoward on a personal basis."

* * *

"He…gets the highest marks in the area of professionalism."

* * *

"His temperament is terrific. He is thoughtful, and fair-minded in his questions to

counsel."

* * *

"He is charming and delightful; is thoughtful and careful in his works"

* * *

"He always approaches cases intelligently and respectful of the views of others with

whom he disagreed."

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[6] *Id.* at 3.

* * *

"[He] is a wonderful colleague and is very, very bright. Is very fair minded and patient."

* * *

"Is even keeled, respectful of counsel and his colleagues. When he disagrees with colleagues, he is not just being stubborn."

* * *

"He is susceptible to being persuaded to the opposite position from where he started."

* * *

"He is unfailingly polite with advocates, with colleagues, and with everyone he deals with."

* * *

"He is very companionable, fun and funny, and gregarious. He is a fine person who likes people. He has very good people skills. He is always prepared, he will listen, and asks good questions of both sides."

* * *

"He is warm, friendly, and unassuming – he is the nicest person."

* * *

"He maintains an open mind about things. He is affable, a nice person. He is very easy to get along with and has a good sense of humor."

4.   **Judicial Independence**

While judicial independence is not itself a criterion that we separately evaluate, it is a quality essential to measuring integrity, professional competence, and judicial temperament. Based on the writings, interviews, and analyses that comprised this evaluation, we concluded that

Judge Kavanaugh believes strongly in the independence of the judicial branch of government, and we believe that he will be a strong and respectful voice in protecting it.

CONCLUSION

In conclusion, Judge Kavanaugh meets the highest standards of integrity, professional competence, and judicial temperament. It is the unanimous opinion of the Standing Committee that Judge Kavanaugh is "Well Qualified" to serve as an Associate Justice of the Supreme Court of the United States.

Mr. Chairman, I note the ABA Standing Committee shares the goal of your Committee – to assure a qualified and independent judiciary for the American people. Thank you for the opportunity to present this statement.

ABA Standing Committee on the Federal Judiciary, 2018-2019

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ABA Counsel to the Standing Committee
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ABA Standing Committee on the Federal Judiciary

Academic Reading Group
University of Maryland Francis King Carey School of Law

<u>Chairs</u>

David Gray	Professor of Law: Criminal Law; Criminal Procedure; Evidence; International Criminal Law Seminar/Course
Renée M. Hutchins	Co-Director: Clinical Law Program Jacob A. France Professor of Public Interest Law: Appellate and Post-Conviction Advocacy Clinic; Fourth Circuit Decisions

<u>Members</u>

Barbara Bezdek	Professor of Law: Aberdeen – Comparative Property and Contract Law in Times of Extraordinary Change; Contemporary Issues in American Housing Law; Fair Housing Seminar; Lawyering and Social Movements; Small Business and Community Equity Development Clinic
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Patricia Campbell	Director: Intellectual Property Law Program Director: Maryland Intellectual Property Legal Resource Center Professor of Law: Intellectual Property and Entrepreneurship Clinic; Intellectual Property Law Externship Workshop; Intellectual Property Law Survey; Patent Law; Trade Secrets
Robert Condlin	Professor of Law: Introduction to Civil Procedure; Legal Analysis and Writing; Legal Profession; Negotiation
Karen Czapanskiy	Professor of Law: Families with Special Needs Children Seminar; Family Law; Introduction to Civil Procedure; Legal Analysis and Writing; Property
Deborah Thompson Eisenberg	Director: Center for Dispute Resolution (C-DRUM) Professor of Law: Alternative Methods of Dispute Resolution; Conflict Resolution and the Law; Mediation Clinic; Youth, Education and Justice – Legal Theory and Practice

Donald Gifford	Jacob A. France Professor of Torts: Advanced Torts; Products Liability
Leigh Goodmark	Professor of Law: Family Law; Gender and the Law Seminar; Gender Violence Clinic; Gender Violence Seminar; Justice at the Intersection of Social Work and the Law Seminar
Michael Greenberger	Director: Center for Health and Homeland Security Professor of Law: Center for Health and Homeland Security Externship; Center for Health and Homeland Security Externship Workshop; Cybercrime; Financial Derivatives Regulation; Homeland Security and Law of Counterterrorism; National Security; Electronic Surveillance and the Fourth Amendment
Leslie Meltzer Henry	Professor of Law: Advanced Bioethics and the Law Seminar/Course; Constitutional Law II – Individual Rights
Diane Hoffman	Director: Law and Health Care Program Jacob A. France Professor of Health Care Law: Aberdeen – Comparative Health Law; Critical Issues in Health Care; Introduction to Torts; Journal of Health Care Law and Policy; Legal Analysis and Writing
Seema Kakade	Director: Environmental Law Clinic Assistant Professor of Law: Environmental Law Clinic
Lee Kovarsky	Professor of Law: Capital Punishment; Civil Procedure I & II; Criminal Procedure; Federal Courts; Introduction to Civil Procedure; Maryland Law Review
William Moon	Assistant Professor of Law: Business Associations; Contracts; International Business Transactions Seminar
Michael Pappas	Associate Dean for Research and Faculty Development Professor of Law: Climate Change – Emerging Issues; Natural Resources Law; Property
Amanda Pustilnik	Professor of Law: Criminal Law; Evidence; Evidence – Issues in Medical and Forensic Evidence
Maureen Sweeney	Law School Associate Professor: Human Rights in U.S. Law – Legal Theory and Practice; Immigration Clinic; Immigration Law; Practicing Law in Spanish
Donald Tobin	Dean and Professor of Law: Law and Leadership; Low Income Taxpayer Clinic

Kevin Tu	Professor of Law: Business Associations; Commercial Law – Secured Transactions; Contracts; Corporate Governance Seminar; Journal of Business and Technology Law; Securities Regulation
Michael Van Alstine	Piper and Marbury Professor of Law: Commercial Law – Secured Transactions; Commercial Law – Secured Transactions and Payment Systems; Contracts; Maryland Journal of International Law

EXHIBIT C

ABA Standing Committee on the Federal Judiciary

Academic Reading Group
University of Utah S.J. Quinney College of Law

<u>Chairs</u>

Robert W. Adler   Jefferson B. and Rita E. Fordham Presidential Dean
University Distinguished Professor
Environmental Law; Administrative

Wayne McCormack   E.W. Thode Professor of Law
National Security Law; International Law

<u>Members</u>

Anthony Anghie   Professor of Law
International Law

Paul Cassell   Ronald N. Boyce Presidential Professor of Criminal Law
University Distinguished Professor
Criminal Law

Jorge Contreras   Professor of Law
Intellectual Property Law

Lincoln Davies   Hugh B. Brown Presidential Endowed Professor of Law
Administrative Law; Energy Law

Leslie Francis   Alfred C. Emery Endowed Professor of Law
University Distinguished Professor
Health Law

RonNell Jones   Lee E. Teitelbaum Professor of Law
Constitutional Law

Robert Keiter   Wallace Stegner Professor of Law
University Distinguished Professor
Constitutional Law; Natural Resources Law

Laura Kessler   Professor of Law
Employment Law

Christopher Peterson   John J. Flynn Endowed Professor of Law
Commercial Law; Contract Law

Arnold Reitze	Professor of Law *Environmental Law*
Amelia Rinehart	Professor of Law *Antitrust Law; Contract Law*
Jeff Schwartz	William H. Leary Professor of Law *Securities Law; Business Law*
Alexander Skibine	S.J. Quinney Professor of Law *Administrative Law; Constitutional Law*
Linda Smith	James T. Jensen Endowed Professor of Transactional Law *Law of Judicial Process; Legal Profession*

EXHIBIT D

ABA Standing Committee on the Federal Judiciary

Practitioner's Reading Group

Chair

Laurie Webb Daniel	Partner, Holland & Knight Atlanta, Georgia

Members

Justice Christine M. Durham (ret.)	Chief Justice, Utah Supreme Court (*retired*) Salt Lake City, Utah
John P. Elwood	Partner, Vinson & Elkins Lecturer, University of Virginia School of Law Washington, D.C.
Brent O. Hatch	Founding Partner, Hatch, James & Dodge, P.C. Salt Lake City, Utah
Todd A. Holleman	Principal, Miller Canfield Detroit, Michigan
Justice Judith Ann Lanzinger (ret.)	Justice, Ohio Supreme Court (*retired*) Columbus, Ohio
Harry H. Schneider, Jr.	Partner, Perkins Coie Seattle, Washington
Mary-Christine "M.C." Sungaila	Partner, Haynes and Boone, LLP Orange County, California
Amy Levin Weil	Founding Partner, The Weil Firm Atlanta, Georgia
Linwood C. Wright, Jr.	Assistant United States Attorney Philadelphia, Pennsylvania