

Michael S. Greco
President

AMERICAN BAR ASSOCIATION

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August 23, 2005

Honorable Patrick Leahy
Ranking Democrat
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Senator Leahy:

Your August 17 statement regarding the American Bar Association's evaluation of Judge John Roberts prompts me to clarify the longstanding procedures of the ABA Standing Committee on Federal Judiciary regarding Supreme Court nominees. In addition to my current ABA duties I have had the honor of serving as Chair of the Standing Committee, led the Committee's evaluation of a prior Supreme Court nominee, and am familiar with the Standing Committee's procedures.

As you know, the American Bar Association does not propose, nominate, support or endorse judicial candidates. The ABA Standing Committee provides a non-partisan, non-ideological, comprehensive peer review of a nominee's professional qualifications, and it does so by using long-established standards that focus on three criteria only – the nominee's *integrity*, *professional competence* and *judicial temperament*. The Standing Committee does not consider a nominee's ideology or philosophy or political positions, leaving to the U.S. Senate, the Administration and the public to evaluate those and other factors. This has been the ABA Standing Committee's practice for more than half a century.

In order to provide maximum assistance to the Senate Judiciary Committee, the ABA Standing Committee routinely has submitted its evaluation several weeks prior to the nominee's scheduled hearing. It is the long-standing practice of the ABA Standing Committee during the weeks just prior to the hearing to continue to review and carefully consider any newly disclosed information that might affect its evaluation provided to the U.S. Senate and the Administration. In addition, the ABA Standing Committee reviews its evaluation again at the conclusion of the confirmation hearings and notifies the Senate and Administration of any change in its evaluation of the nominee on the three criteria mentioned above.

The ABA Standing Committee is following its customary procedures with respect to the current nominee to the Supreme Court.

Sincerely,

A handwritten signature in dark ink, reading "Michael S. Greco". The signature is written in a cursive style with a large, sweeping initial "M".

Michael S. Greco

Cc: Honorable Arlen Specter, Chair, Committee on the Judiciary
Honorable Alberto Gonzales, the Attorney General of the United States
Honorable Harriet Miers, Counsel to the President