



NATIONAL ASSOCIATION OF WOMEN LAWYERS

**COMMITTEE FOR THE EVALUATION OF SUPREME COURT
NOMINEES**

MISSION OF THE COMMITTEE

The mission of the Committee is to review and evaluate the qualifications of each Presidential nominee to the United States Supreme Court with a specific focus on laws and decisions regarding women's rights or that have a special impact on women.

GOVERNANCE

The Committee is chaired by the President of NAWL or her designee. Members of the Committee are appointed by the President of NAWL and consist of lawyers who are diverse with respect to the nature of their practice and jurisdiction. The size of the Committee ranges from a minimum of 12 and a maximum of 18 lawyers. Committee members are appointed to a term that ends when a nominee is confirmed and the Supreme Court vacancy is filled. All fact-finding and deliberations of the Committee are confidential to the Committee.

PROCEDURES FOR INVESTIGATION AND EVALUATION

Each member of the Committee is expected to participate in the investigation and evaluation of a nominee. To

advance the investigation process, the Committee Chair shall appoint a Coordination Subcommittee and a Readers Subcommittee and a chair of each Subcommittee. The Coordination Subcommittee shall consist only of Committee members. The Readers Subcommittee shall consist of Committee members and may also consist of non-members of the Committee.

Inquiry by both Subcommittees shall be focused on the issues set forth in Appendix A, below. Inquiry shall also be made into the nominee's history of treatment of women, including especially her/his female employees and colleagues.

The Readers Subcommittee shall review available writings of the nominee and report to the Committee about its findings.

The Coordination Subcommittee shall take primary responsibility for (a) coordinating fact-finding about the nominee, which shall consist of a range of information, including personal interviews and available documentation relating to the nominee's history and life experiences, and (b) reporting the results of fact-finding to the full Committee.

Upon announcement of the nominee, the Coordination Subcommittee shall request from the White House and from the appropriate Senate office copies of the questionnaires completed by the nominee. The Coordination Committee also shall obtain all other information that the White House and Senate will provide about the nominee. The Coordination Subcommittee shall request from the nominee a signed and notarized Waiver of Confidentiality authorizing the Committee to ascertain from the appropriate disciplinary bodies whether the nominee has ever been the subject of professional complaint or discipline. The Coordination Subcommittee shall

distribute copies of the questionnaires and all other information to members of the Committee. Members of the full Committee shall review these materials and identify, if any, particular areas of inquiry that require more detailed review.

The Coordination Subcommittee shall recommend individuals to be interviewed, either telephonically or in person, and assign members of the Committee to arrange for and conduct interviews. Interviewees may include references named on the nominee's questionnaires, members of the nominee's staff and her/his employees, attorneys who have worked with or opposed the nominee, clients of the nominee, and colleagues in bar and community groups who have worked with the nominee. Other potential interviewees may include lawyers, judges, or academics who have had dealings with the nominee; attorneys whose names appear in legal opinions either as adversaries to or co-counsel with the nominee; and counsel who have appeared before a nominee who is a sitting judge. In the case of a current or former judge, interviewees also may include attorneys who have appeared before the nominee in capacities other than as trial counsel, the judicial officer (if any) having supervisory responsibility over the nominee, and representatives from relevant government, non-profit, and public interest organizations.

In each interview, every effort will be taken to obtain a fair and candid evaluation of the nominee and her/his qualifications for office. When conducting interviews, each Committee member shall assure the interviewee that her/his identity and specific responses will be kept confidential and not disclosed to the nominee or to anyone who is not a member of the Committee.

No Committee member shall reveal to the nominee, or to any other person who is not a member of the Committee, comments made during the investigation. While the identity and comments of persons interviewed

are otherwise kept confidential, they will be disclosed to the full Committee.

It is Committee policy not to consider anonymous remarks about a nominee. Accordingly, no such remarks shall be considered by the Committee in making its evaluation. The Committee may take account of anonymous remarks if it is able to confirm the accuracy of those remarks from other sources, including witnesses who are willing to be identified to the Committee.

The Coordination Subcommittee shall request a personal interview with the nominee. If possible, the interview shall be held face-to-face with the nominee in the nominee's office or other convenient setting. If possible, the interview shall take place after the Committee has completed the bulk of its investigation, so that any questions arising in the course of the fact-finding can be discussed with the nominee within the limitations of confidentiality. The Subcommittee or Committee shall make reasonable efforts to notify the nominee in advance of the interview of the nature of any material negative information known to the Committee, and to obtain the nominee's comment about such information. If such negative information comes to light after the interview, the Committee shall endeavor to bring the matter to the attention of the nominee and invite her/his comment thereon.

CONCLUSIONS AND OVERALL EVALUATION

The Committee shall receive reports from the Coordination Subcommittee and the Readers Subcommittee. After review and deliberation, the Committee shall issue a summary evaluation ("Evaluation"), which will consist of a conclusion as to whether the nominee is well-qualified, qualified or not qualified, along with a brief statement of the bases for the Committee's Evaluation. The Committee will submit the recommended statement to the NAWL Board for approval.

To merit a rating of "Well Qualified," the prospective nominee must be at the top of the legal profession in his or her legal community; have outstanding legal ability, breadth of experience, and the highest reputation for integrity; and demonstrate the capacity for sound judicial temperament, with a demonstrated commitment to women's rights or issues that have a special impact on women. The rating of "Qualified" means that the prospective nominee satisfies the Committee's very high standards with respect to integrity, professional competence and judicial temperament, with a demonstrated commitment to women's rights or issues that have a special impact on women, and that the Committee believes that the prospective nominee is qualified to perform all of the duties and responsibilities required of a federal judge. When a prospective nominee is found "Not Qualified," the Committee has determined that the prospective nominee does not meet the Committee's standards with respect to any one or more of its evaluation criteria - integrity, professional competence, judicial temperament or he or she does not demonstrate a commitment to women's rights or issues that have a special impact on women.

The Committee's Evaluation will be provided to the nominee, the President and the Senate Judiciary Committee; published on the NAWL website; and distributed to other appropriate persons.

Appendix A: Issues for Review

1. Women and the Workplace (such as sexual harassment, sex or gender discrimination, equal pay, pregnancy leave/maternity leave, family leave/dependent care).
2. Women and the Criminal Justice System (such as sentencing guidelines, domestic violence, sexual assault).
3. Women and Health Care (such as reproductive rights, health insurance, Medicare).
4. Women and Education (such as Title IX/athletics, sexual harassment, sex or gender discrimination).
5. Women and Family (such as adoption, marriage and divorce, child support/child custody, child care, unmarried couples).
6. Women in the Military (such as sexual harassment, sex or gender discrimination, equal pay/equal promotion, pregnancy leave/maternity leave, family leave/dependent care).
7. Women and Finance (such as social security, credit/bankruptcy, welfare/poverty/government benefits, tax).
8. Women and Retirement (such as savings and investments, estate planning, probate/inheritance).
9. Policies and Laws Impacting Multicultural Women.
10. Enforcement of Statutes regarding Women's Rights; Federal versus State Law Relief.
11. Equal protection, due process, and other constitutional issues that form the historic basis for protecting gender rights, including the rights of women of all races, ethnicities, and sexual orientations.