

# Judge Ketanji Brown Jackson: Selected Primary Material

February 28, 2022

On February 25, 2022, President Joseph Biden announced the [nomination](#) of Judge Ketanji Brown Jackson of the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) to become an Associate Justice of the U.S. Supreme Court. This nomination is to fill the impending vacancy on the Court caused by Justice Stephen Breyer’s [announcement](#) of his intention to retire from the Court effective “when the Court rises for the summer recess this year (typically late June or early July).”

This Sidebar contains reference information about Judge Jackson, including a biography; a list of publications she authored or coauthored; legislative documentation related to her previous nominations; a selection of her written opinions; a list of Supreme Court briefs to which she contributed; and additional resources. For more on Judge Jackson’s notable decisions in areas of interest to Congress, please see [The Supreme Court Nomination of Judge Ketanji Brown Jackson: Initial Observations](#).

## Biographical Sketch

Judge Jackson currently is a judge on the [D.C. Circuit](#), having been confirmed by the Senate on June 14, 2021. President Biden nominated Judge Jackson to the D.C. Circuit to fill the seat vacated by Judge Merrick B. Garland, and she received her commission on June 17, 2021. Before her appointment to the D.C. Circuit, Judge Jackson served as a judge for the [U.S. District Court for the District of Columbia](#) (D.C. District Court). Judge Jackson was nominated for this seat by President Obama on January 4, 2013, confirmed on March 23, 2013, and received her commission on March 26, 2013.

Judge Jackson was born in Washington, DC, in 1970. She graduated magna cum laude from Harvard University in 1992, and graduated cum laude from Harvard Law School in 1996. While at Harvard Law, Judge Jackson served as a supervising editor of the Harvard Law Review. Following her graduation, Judge Jackson served as a law clerk for Judge Patti B. Saris of the U.S. District Court for the District of Massachusetts. From 1997 to 1998, she clerked for Judge Bruce M. Selya of the U.S. Court of Appeals for the First Circuit. From 1999 to 2000, Judge Jackson was a law clerk for Associate Justice Stephen Breyer of the U.S. Supreme Court.

Judge Jackson first entered private practice in 1998, working as an associate with Miller Cassidy Larroca & Lewin LLP. In 2000, she joined Goodwin Procter LLP, followed by the Feinberg Group, LLP (from

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2002 until 2003), and Morrison & Foerster LLP (from 2007 until 2010), where she worked with a practice that focused on criminal and civil appellate litigation in both state and federal courts.

From 2003 until 2005, Judge Jackson served as an assistant special counsel for the U.S. Sentencing Commission. In 2005, Judge Jackson became an assistant federal public defender in the appeals division of the Office of the Federal Public Defender for the District of Columbia, where she served until 2007. Judge Jackson returned to the U.S. Sentencing Commission in 2010, serving as the Vice Chair and Commissioner. She remained at the Sentencing Commission until [December 2014](#).

Judge Jackson has been admitted to the bar in Massachusetts and the District of Columbia. She previously served on the Sentencing Task Force of the American Bar Association Criminal Justice Section, the Supreme Court Fellows Commission, and various other associations and committees. She also served on the Magistrate Judge Merit Selection Panel.

## Opinions

According to the Lexis Advance legal research database, Judge Jackson authored 585 rulings while serving on the D.C. District Court. District Court decisions authored by Judge Jackson can be found on the [court's website](#). While sitting on the D.C. Circuit, Judge Jackson has authored two opinions for the court and one concurring opinion:

- [Am. Fed'n of Gov't Emps., AFL-CIO v. Fed. Lab. Rels. Auth.](#), No. 20-1396, 25 F.4th 1 (D.C. Cir. Feb. 1, 2022)
- [Wye Oak Tech., Inc. v. Republic of Iraq](#), Nos. 19-7162, 19-7169 (D.C. Cir. Feb. 4, 2022)
- [I.A. v. Garland](#), Nos. 20-5271, 20-5273 (D.C. Cir. Feb 24, 2022) (concurring)

## Legislative Documentation

Below is a selection of legislative materials concerning Judge Jackson's confirmation to the D.C. Circuit, D.C. District Court, and the U.S. Sentencing Commission. Please note, this list does not include floor speeches regarding the nominee.

### D.C. Circuit

#### Hearing and Background Materials

- Ketanji Brown Jackson, [Responses to Questionnaire](#) for Judicial Nomination
- Ketanji Brown Jackson, [Responses to Questions](#)
- [Congressional Hearing: Nominee to be U.S. Court of Appeals Judge for the District of Columbia Circuit](#) (April 28, 2021) (United States Senate Committee on the Judiciary)

#### Congressional Record

- [Nominations](#), 167 Cong. Rec. S2042 (April 19, 2021)
  - [Executive Reports of Committee](#), 167 Cong. Rec. S3191 (May 20, 2021)
  - [Cloture Motion](#), 167 Cong. Rec. S4027 (June 10, 2021)
  - [Confirmation](#), 167 Cong. Rec. S4511 (June 14, 2021)
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## D.C. District Court

### Hearings and Background Materials

- Ketanji Brown Jackson, [Responses to Questionnaire](#) for Judicial Nomination
- [Congressional Hearing: Nominee to be U.S. District Judge for the District of Columbia](#) (December 12, 2012) (United States Senate Committee on the Judiciary)

### Congressional Record

- [Nomination](#), 158 Cong. Rec. S6558 (September 20, 2012)
- [Nomination Returned to the President](#), 159 Cong. Rec. S18 (January 3, 2013)
- [Nomination](#), 159 Cong. Rec. S24 (January 4, 2013)
- [Executive Reports of Committees](#), 159 Cong. Rec. S772 (February 14, 2013)
- [Confirmation](#), 159 Cong. Rec. S2436 (March 22, 2013)

## U.S. Sentencing Commission

### Congressional Record

- [Nomination](#), 155 Cong. Rec. S8061 (July 23, 2009)
- [Executive Reports of Committees](#), 155 Cong. Rec. S11205 (November 5, 2009)
- [Confirmation](#), 156 Cong. Rec. S593 (February 11, 2010)

## Publications

Below is a selection of published legal writing by Judge Jackson. This selection does not include material written by other individuals about the judge; however, this list does include interviews and articles in which she gave remarks.

### Law Review Articles

- Note, [Prevention Versus Punishment: Toward a Principled Distinction in the Restraint of Released Sex Offenders](#), 109 Harv. L. Rev. 1711 (1996)
- Recent Case, [Racketeer influenced and Corrupt Organizations Act \(RICO\) - Scope of Liability After Reves v. Ernst & Young](#), 108 Harv. L. Rev. 1405 (1995)

### Articles, Editorials, and Letters

- Ketanji Brown Jackson, *Judging A Book: Jackson Reviews* “[When Should Law Forgive?](#),” Law360, September 24, 2019
- Ketanji Brown Jackson and Kathleen Cooper Grill, “[‘Carrot and Stick’ Philosophy: The History of the Organizational Sentencing Guidelines and the Emergence of Effective Compliance and Ethics Programs](#),” The Complete Compliance and Ethics Manual (Soc’y of Corporate Compliance & Ethics), August 2012
- Ketanji Brown Jackson and Karen Escalante, “[Section 10\(b\) and Rule 10b-5: The US Courts of Appeals Apply Different Legal Tests for Assessing the Primary Liability of](#)

[Secondary Actors](#),” Securities Litigation, Enforcement, and White Collar Criminal Defense Newsletter, Morrison & Foerster LLP, Spring 2009

- Ketanji Brown Jackson, Letter to the Editor, “Feder’s as Racist as Those He Condemns,” Bos. Herald, April 10, 1997, at 36
- Richard N. Ostling, “[A.C.L.U.--Not All That Civil](#),” Time Magazine, Apr. 26, 1993, at 31 (reported by Ketanji O. Brown and Julie Johnson)
- John Greenwald, “[Ouch!](#),” Time Magazine, Mar. 8, 1993, at 53 (reported by Ketanji O. Brown et al.)
- Janice Castro with Ketanji O. Brown, “[Hollywood Rocks Madison Avenue](#),” Time Magazine, Feb. 22, 1993, at 65
- John Greenwald, “[The Job Freeze](#),” Time Magazine, Feb. 1, 1993, at 52 (reported by Ketanji O. Brown et al.)

## Briefs

The following briefs in which Judge Jackson is listed as counsel are either available below or upon request to the authors. Please note, participation as counsel does not necessarily indicate that Judge Jackson was the sole or principal author of the brief:

### Supreme Court

- [Brief for the National Association of Criminal Defense Lawyers as Amicus Curiae in Support of Petitioner](#), *Bloate v. United States*, 559 U.S. 196 (2010)
- [Brief of the National Association of Federal Defenders as Amicus Curiae in Support of Respondent](#), *Arizona v. Gant*, 556 U.S. 332 (2009)
- [Brief on Behalf of Former Federal Judges as Amici Curiae in Support of Petitioners](#), *Boumediene v. Bush*, 553 U.S. 723 (2008)
- [Brief for Respondent](#), *Hall Street Associates v. Mattel, Inc.*, 552 U.S. 576 (2008)
- [Supplemental Brief for Respondent](#), *Hall Street Associates v. Mattel, Inc.*, 552 U.S. 576 (2008)
- Supplemental Reply Brief for Respondent, *Hall Street Associates v. Mattel, Inc.*, 552 U.S. 576 (2008)
- [Brief of the Cato Institute, the Constitution Project, and the Rutherford Institute, as Amici Curiae in Support of Reversal](#), *Al-Marri v. Spagone*, 555 U.S. 1220 (2009)
- [Brief of the Constitutional Project and the Rutherford Institute as Amici Curiae in Support of Petitioner](#), *Al-Marri v. Pucciarelli*, 555 U.S. 1220 (2009)

### Circuit Courts of Appeals

- Brief of Appellant Jeffrey Edwards, *United States v. Edwards*, 496 F.3d 677 (D.C. Cir. 2007)
  - Reply Brief for Appellant Jeffrey Edwards, *United States v. Edwards*, 496 F.3d 677 (D.C. Cir. 2007)
  - Brief for Appellant Andrew Littlejohn, *United States v. Littlejohn*, 489 F.3d 1335 (D.C. Cir. 2007)
  - Reply Brief for Appellant Andrew Littlejohn, *United States v. Littlejohn*, 489 F.3d 1335 (D.C. Cir. 2007)
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- Brief for Appellant, *United States v. Ponds*, 454 F.3d 313 (D.C. Cir. 2006)
- Reply Brief for Appellant, *United States v. Ponds*, 454 F.3d 313 (D.C. Cir. 2006)
- Brief in Support of Defendants-Appellants by Amici Curiae Women's Bar Association of Massachusetts, *McGuire v. Reilly*, 260 F.3d 36 (1st Cir. 2001)

*Source: Composed by CRS from the Federal Judicial Center's biography on [Judge Jackson](#) visited on February 28, 2022; the [Senate Committee on the Judiciary's questionnaire](#) from her confirmation to the D.C. Circuit; [Profiles of Attorneys and Judges on Westlaw](#); law review files on [HeinOnline](#); and the Library of Congress's [Research Guide](#) on the current nominee.*

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