

Evaluation Process and Ratings of Supreme Court Nominees by the American Bar Association

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This Insight provides information related to the evaluation and rating of a Supreme Court nominee by the [American Bar Association](#) (ABA). Once a [President nominates](#), or announces an intention to nominate, an individual to a vacancy on the Court, the nominee is evaluated by the American Bar Association's [Standing Committee on the Federal Judiciary](#).

The committee [states](#) that each evaluation “focuses solely on a nominee’s professional qualifications” and “does not take into consideration a nominee’s philosophy, political affiliation or ideology.” A nominee’s professional qualifications include his or her integrity, professional competence, and judicial temperament. [According to the committee](#), it “conducts the most extensive nationwide peer review possible [of the nominee] on the premise that the highest court in the land requires a lawyer or judge with exceptional professional qualifications.” Consequently, the evaluation process [typically involves](#) conducting hundreds of interviews with those “persons most likely to have information regarding the professional qualifications of the nominee.” It [also involves](#) an examination of the nominee’s legal writings by law school professors (often recognized experts in areas of law related to the nominee’s writings) and practicing lawyers with experience arguing before the Court.

In reporting the result of its evaluation, the ABA committee rates a nominee as “Well Qualified,” “Qualified,” or “Not Qualified.” The [committee’s rating](#) can be unanimous (appearing as a single rating) or, if not unanimous, the rating by the majority or substantial majority of the committee is listed first, followed by the rating or ratings given by a minority of the committee. Occasionally, [under certain circumstances](#), a committee member is recused or otherwise abstains from participating in a vote on the rating for a nominee.

A nominee’s rating [is submitted](#) in writing to the [Senate Judiciary Committee](#), White House, and U.S. Department of Justice. Typically, the [Senate Judiciary Committee has also invited](#) the ABA committee to testify, as the first public witness, about its evaluation and rating of the nominee at his or her confirmation hearing.

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Ratings of Nominees from 1990 to 2022

Table 1 provides ABA ratings information for Supreme Court nominees from 1990 to 2022. As shown by the table, of the 12 nominees rated by the committee, 11 received a rating of “Well Qualified” (and the rating was unanimous for 10 of the 11 nominees).

According to the committee, to receive a rating of “Well Qualified,” a 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 ... is reserved for those found to merit the Standing Committee’s strongest affirmative endorsement.”

A rating of “Qualified” means that the nominee satisfies the committee’s “high standards with respect to integrity, professional competence and judicial temperament” and the committee considers “the nominee is fully qualified to perform all of the duties and responsibilities” associated with serving on the Court.

Table 1. ABA Ratings of Supreme Court Nominees, 1990-2022

Nominee	Year	Rating / Unanimous?	Recusals or Abstentions
Jackson	2022	Well Qualified / Yes	n/a
Barrett	2020	Well Qualified / No ^a	n/a
Kavanaugh	2018	Well Qualified / Yes	n/a
Gorsuch	2017	Well Qualified / Yes	n/a
Garland	2016	Well Qualified / Yes	1 recusal
Kagan	2010	Well Qualified / Yes	1 abstention
Sotomayor	2009	Well Qualified / Yes	n/a
Alito	2005	Well Qualified / Yes	1 recusal
Miers	2005	No Rating ^b	n/a
Roberts ^c	2005	Well Qualified / Yes	n/a
Breyer	1994	Well Qualified / Yes	n/a
Ginsburg	1993	Well Qualified / Yes	n/a
Thomas	1991	Qualified / No ^d	1 recusal
Souter	1990	Well Qualified / Yes	n/a

Source: American Bar Association at https://www.americanbar.org/groups/committees/federal_judiciary/ratings.

Notes:

- A substantial majority of the committee rated Amy Coney Barrett as “Well Qualified,” while a minority rated her as “Qualified.”
- The Miers nomination was withdrawn prior to being rated by the ABA.
- For the position of Chief Justice. John G. Roberts, Jr., was similarly rated as “Well Qualified” when initially nominated to be an Associate Justice.
- A substantial majority of the committee rated Clarence Thomas as “Qualified,” while a minority rated him as “Not Qualified.”

Evaluation of Nominees Prior to 1990

Although the ABA has evaluated nominees to the Supreme Court since 1955, it has not used the same terminology or ratings system in its evaluation of nominees for the past 67 years. For example, during the

Eisenhower presidency, several Supreme Court nominees were characterized as “eminently qualified.” This term was used to describe [John Harlan](#), [William Brennan, Jr.](#), and [Charles Whittaker](#). Another Eisenhower nominee, [Potter Stewart](#), was described by the ABA as being “exceptionally well qualified.” This term was also used to describe [Byron White](#) (nominated by President Kennedy).

Later during the Kennedy, Johnson, and Nixon presidencies, the ABA characterized a number of nominees as “highly acceptable from the viewpoint of professional qualifications.” The ABA used this language to describe [Arthur Goldberg](#), [Abe Fortas](#) (for both his Associate Justice and Chief Justice nominations), [Thurgood Marshall](#), [Homer Thornberry](#), [Warren Burger](#), and [Clement Haynsworth, Jr.](#) The ABA used similar language for [Harry Blackmun](#), [Lewis F. Powell, Jr.](#), and [John Paul Stevens](#) (“meets high standards of professional competence, judicial temperament and integrity”). In 1981, the ABA characterized [Sandra Day O’Connor](#) as meeting “the highest standards of judicial temperament and integrity” while being “qualified from the standpoint of professional competence.”

Since the mid-1980s, the ABA has used the term “Well Qualified” as its highest rating—with [William H. Rehnquist](#) being the first nominee to receive this rating when he was nominated to be Chief Justice in 1986. CRS compiled information about the evaluation of nominees prior to 1990 by examining news articles and information provided by the ABA.

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