

CHAIR

Paul T. Moxley
111 E. Broadway, 11th Floor
Salt Lake City, UT 84111

FIRST CIRCUIT

Peter Bennett
Suite 201
75 Market Street
Portland, ME 04101

SECOND CIRCUIT

Vincent Chang
500 Fifth Ave.
New York, NY 10110

THIRD CIRCUIT

Adriane J. Dudley
Suite 3
5194 Dronningens Gade
St. Thomas, VI 00802-6921

FOURTH CIRCUIT

Pamela J. Roberts
Suite 1200
1441 Main Street
Columbia, SC 29201

FIFTH CIRCUIT

J. Douglas Minor, Jr.
Suite 400
188 E. Capitol Street
Jackson, MS 39201-2100

SIXTH CIRCUIT

John B. Pinney
Suite 1800
312 Walnut Street
Cincinnati, OH 45202

SEVENTH CIRCUIT

John Skilton
Suite 201
33 East Main Street
Madison, WI 53703

EIGHTH CIRCUIT

Cynthia E. Nance
1653 N. Applebury Drive
Fayetteville, AR 72701-2418

NINTH CIRCUIT

Marcia Davenport
Suite 200
900 North Last Chance Gulch
Helena, MT 59601
Laurence Pulgram
12th Floor
555 California Street
San Francisco, CA 94104-1503

TENTH CIRCUIT

Jennifer Weddle
Suite 2400
1200 17th Street
Denver, CO 80202

ELEVENTH CIRCUIT

Robert L. Rothman
Suite 2100
171 17th Street, NW
Atlanta, GA 30363-1031

D.C. CIRCUIT

Matthew G. Kaiser
8th Floor West
1099 14th Street NW
Washington, D.C. 20005

FEDERAL CIRCUIT

Marylee Jenkins
1301 Avenue of the Americas
New York, NY 10019

STAFF COUNSEL

Denise A. Cardman
Suite 400
1050 Connecticut Avenue, NW
Washington, DC 20036-5306

Please respond to:

Paul T. Moxley
Cohne Kinghorn, P.C.
111 E. Broadway, 11th Floor
Salt Lake City, UT 84111
E-mail: pmoxley@ck.law

July 30, 2019

VIA E-MAIL ONLY

The Honorable Lindsey Graham
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

VIA E-MAIL ONLY

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

**Re: Nomination of Justin R. Walker to the United States
District Court for the Western District of Kentucky**

Dear Chairman Graham and Ranking Member Feinstein:

I write to offer a brief explanation of the ABA Standing Committee on the Federal Judiciary's "Not Qualified" rating for Justin R. Walker. Our rating is based on the Standing Committee's criteria as set forth in the *Backgrounder*. The Standing Committee believes that Mr. Walker does not presently have the requisite trial or litigation experience or its equivalent. I would like to point out that based on its peer review, the Standing Committee does not have any questions about Mr. Walker's temperament or integrity. There were no issues raised by any of his peers with respect to these two criteria. Further, although Mr. Walker does not at this point have the requisite experience, the Standing Committee believes Mr. Walker has great potential to serve as a federal judge.

The *Backgrounder* explains that a nominee to the federal bench ordinarily should have at least 12 years' experience in the practice of law. This 12-year experience guideline is neither a hard-and-fast rule nor an automatic disqualifier. The Standing Committee's criteria provide that a nominee's limited experience may be offset by the breadth and depth of the nominee's experience over the course of his or her career. Nominees with less than 12 years at the bar, but with substantial trial or courtroom experience and/or compensating accomplishments in the field of law, can and have been found qualified by our Committee. However, Mr. Walker's experience to date has a very substantial gap, namely the absence of any significant trial experience. Mr. Walker has never tried a case as lead or co-counsel, whether civil or criminal. His recent co-counsel experience in a criminal *pro bono* case tried in the Western District of Kentucky did not include performance of any duties in the courtroom due to the Court's rules prohibiting the appointment of two attorneys to try the case. In addition, based on review of his biographical information and conversations with Mr. Walker, it was challenging to determine how much of his ten years since graduation from law school has been spent in the practice of law. Even crediting the time spent in judicial clerkships, Mr. Walker's practice experience is less than his 10 years since graduation and significantly less than the 12 years of legal practice experience stated in our criteria.

The Standing Committee believes that a nominee should be professionally competent to manage and resolve the many diverse matters facing a federal judge on a daily basis. The accumulation of experience and legal knowledge that is acquired by a practicing lawyer both inside and outside of the courtroom prepares a lawyer over time to handle a broad spectrum of legal issues in a wide variety of subject matters and to manage a courtroom over which he or she will preside as a judge. The judicial system, the public, the trial bar, and the nominee are not well served by appointing to the bench a lawyer who lacks adequate experience.

While we respect the distinguished clerkships for which Mr. Walker was selected following graduation from law school and his current academic experience, his legal practice to date does not compensate for the short time the nominee has practiced law and/or his lack of substantial courtroom experience. It is the Standing Committee's judgment at the present time that Mr. Walker does not meet the minimum professional competence standard necessary to perform the responsibilities required by the high office of a federal district court judge.

Thank you for the opportunity to provide this explanation of the Standing Committee's rating of Mr. Walker.

Sincerely,



Paul T. Moxley

PTM/mc

cc: Justin R. Walker, Esq. (via e-mail and U.S. Mail)
Pat A. Cipollone, Esq. (via e-mail only)
Lola A. Kingo, Chief Nominations Counsel, Office of Legal Policy,
U.S. Department of Justice (via e-mail only)
ABA Standing Committee on the Federal Judiciary (via e-mail only)
Denise A. Cardman, ABA Standing Committee on the Federal Judiciary,
Staff Counsel (via e-mail only)