



Standing Committee on
the Federal Judiciary

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CHAIR

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FIRST CIRCUIT

Carlos A. Rodriguez-Vidal
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250 Munoz Rivera Avenue
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SECOND CIRCUIT

Vincent Chang
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THIRD CIRCUIT

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Pamela J. Roberts
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FIFTH CIRCUIT

J. Douglas Minor, Jr.
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SIXTH CIRCUIT

John B. Pinney
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SEVENTH CIRCUIT

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Sonia Miller-Van Oort
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NINTH CIRCUIT

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TENTH CIRCUIT

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TENTH CIRCUIT

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September 24, 2019

Via Email

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

Via Email

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

*Re: Nomination of Sarah E. Pitlyk to the United States
District Court for the Eastern District of Missouri*

Dear Chairman Graham and Ranking Member Feinstein:

The ABA Standing Committee on the Federal Judiciary has received a full report on Sarah E. Pitlyk and a supplemental report by a second reviewer. The Committee has unanimously determined that Ms. Pitlyk is “Not Qualified” for the position of federal district judge. I write to offer a brief explanation of this rating. Our rating is based on the Standing Committee’s criteria as set forth in the *Backgrounder*. The Standing Committee believes that Ms. Pitlyk does not 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’s rating does not rest on questions about Ms. Pitlyk’s temperament or integrity.

The *Backgrounder* that provides guidance to our evaluation process explains that a nominee to the federal bench ordinarily should have a minimum of 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 fewer than 12 years at the bar (as is the case with Ms. Pitlyk, both due to the calendar and periods of inactive status), 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, Ms. Pitlyk’s experience to date has a very substantial gap, namely the absence of any trial or even real litigation experience. Ms. Pitlyk has never tried a case as lead or co-counsel, whether civil or criminal. She has never examined a witness. Though Ms. Pitlyk has argued one case in a court of appeals, she has not taken a deposition. She has not argued any motion in a state or federal trial court. She has never picked a jury. She has never participated at any stage of a criminal matter.

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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, despite great intelligence, high character, and experience researching and writing briefs, lacks adequate trial court or equivalent experience.

While we respect the clerkship for which the nominee served after graduation from law school, her legal practice to date does not compensate for the short time the nominee has actually practiced law and her lack of litigation, trial, and courtroom experience. It is the Standing Committee's judgment that Ms. Pitlyk 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 explain our rating to you.

Very truly yours,



William C. Hubbard

WCH:cks

cc: Pat A. Cipollone, White House Counsel (*via email*)
Lola A. Kingo, Chief Nominations Counsel, Office of Legal Policy,
U.S. Department of Justice (*via email*)
Sarah E. Pitlyk (*via email*)
David L. Brown (*via email*)
ABA Standing Committee on the Federal Judiciary (*via email*)
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