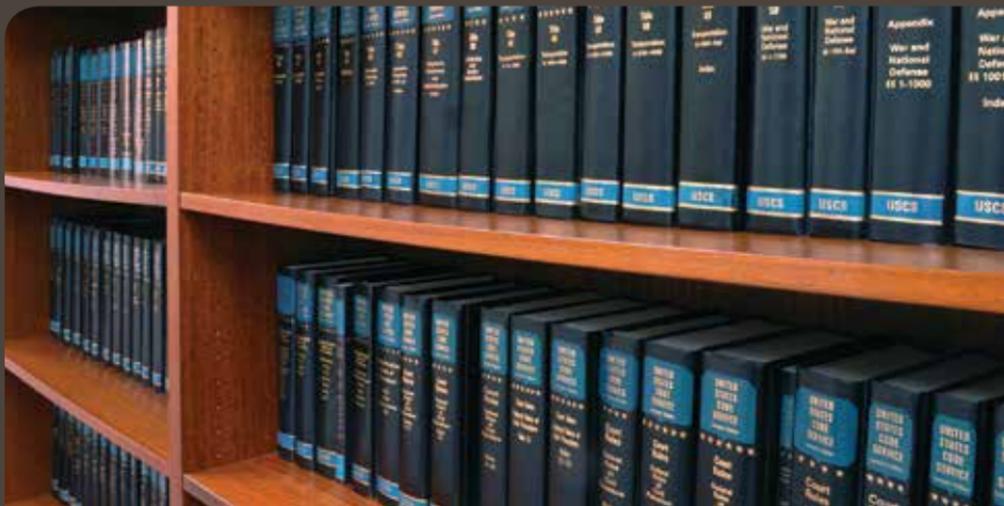




# THE PATH TO THE FEDERAL BENCH





# INTRODUCTION

This pamphlet is intended to serve as a guide for law students and lawyers early in their careers who are interested in pursuing an Article III federal judgeship in the future (Article III being the section of the Constitution concerned with federal judges nominated by the President, confirmed by the Senate, and appointed for life). By providing basic information about how to assess one's candidacy, as well as what to expect during the nomination and confirmation phases of the judicial selection process, we hope to illuminate what is often a somewhat obscure process and help the reader plan ahead. We also point to sources where further information can be obtained. The end goal is to facilitate the rise of a diverse group of talented lawyers to the federal bench.

Although this pamphlet focuses on Article III federal judgeships, it's worth noting that there are many terrific opportunities for state judgeships. State judges perform a vital governmental role that affects the lives of many Americans and a state judgeship is one of many routes that may lead to the federal judiciary. If you would like more information on state judgeships and state-specific judicial selection, please see the American Judicature Society's Judicial Selection website at <http://www.judicialselection.us>.

In addition, there are “Article I” federal judges, which include magistrate and bankruptcy judges. These judges are appointed and serve for a specified term of office (typically eight, ten or fifteen years). Because the appointment process for these judges varies by jurisdiction, this pamphlet does not describe those processes. Similar to state judgeships, service as a federal magistrate or bankruptcy judge is itself prestigious, and also maybe a stepping-stone to an Article III judgeship.

It is important to note at the outset that there is no one path to the federal bench. Federal judges can and do come from a wide range of social, economic, educational, and professional backgrounds. It is also important to recognize that the processes and procedures for judicial selection and nomination may change alongside political shifts within the White House and Congress. Thus, while the information presented in this pamphlet is current and will help you plan for the future, it is a good idea to monitor aspects of the process that are subject to change, particularly as your career progresses to the stage where you may be primed for a federal judgeship.

- **American Constitution Society** [www.acslaw.org](http://www.acslaw.org)
- **Hispanic National Bar Association** [www.hnba.com](http://www.hnba.com)
- **Justice at Stake** [www.justiceatstake.org](http://www.justiceatstake.org)
- **National Asian Pacific American Bar Association** [www.napaba.org](http://www.napaba.org)
- **National Association of Women Judges** [www.nawj.org](http://www.nawj.org)
- **National Bar Association** [www.nationalbar.org](http://www.nationalbar.org)
- **National Congress of American Indians** [www.ncai.org](http://www.ncai.org)
- **National LGBT Bar Association** [www.lgbtbar.org](http://www.lgbtbar.org)

*January 1, 2013*

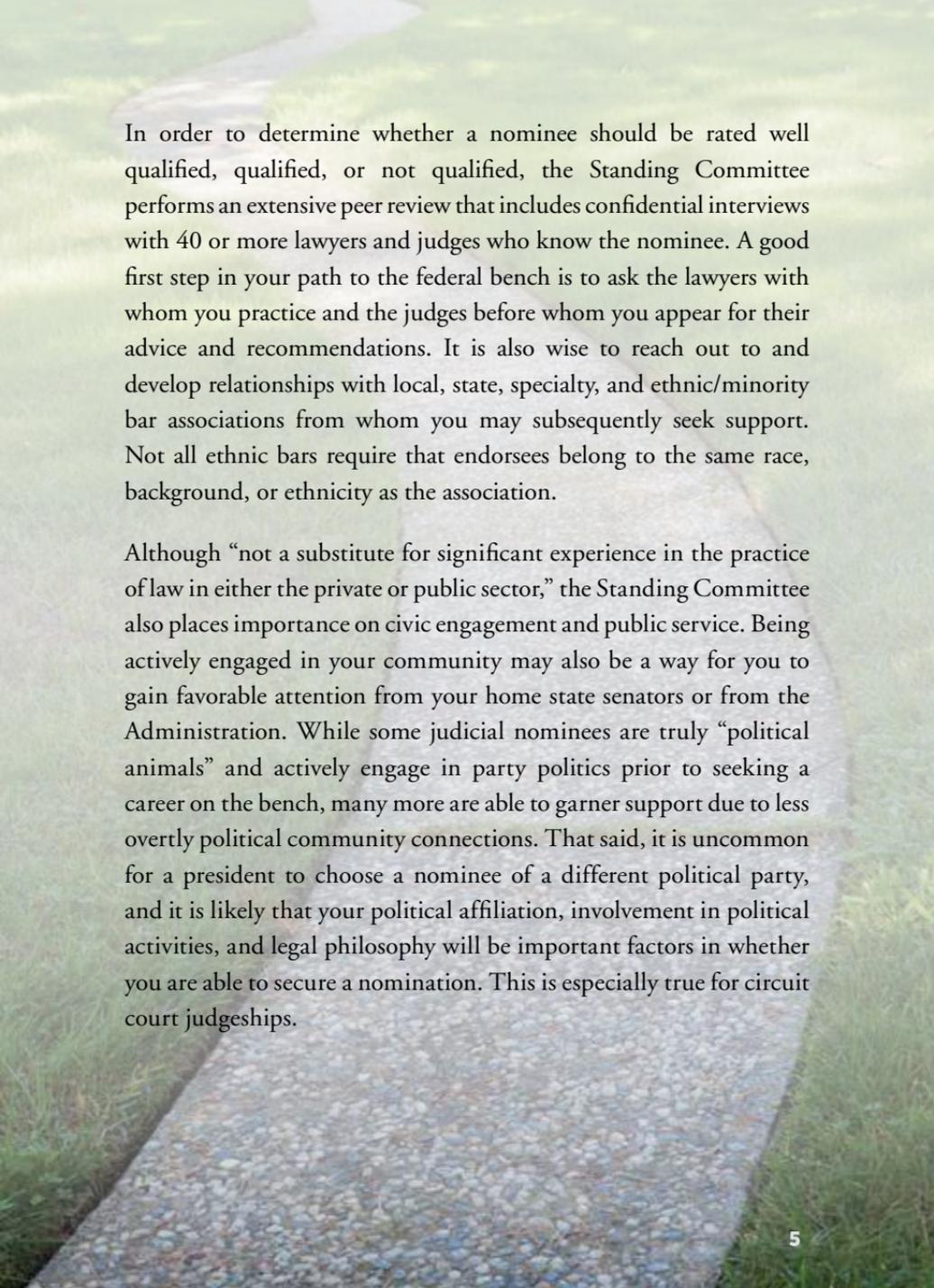
# ASSESSING YOUR CANDIDACY

Although many state courts have minimum length of practice and age requirements for becoming a judge, the United States Constitution is silent on federal judgeship qualifications. Indeed, the Constitution does not even require that federal judges have law degrees, although, as a practical matter in the modern era, one should consider this to be a minimum requirement. The president and the senators who recommend particular candidates largely use their discretion in determining federal judgeship qualifications. However, a starting point for determining whether you possess the basic qualifications for a federal judgeship are the standards the American Bar Association's Standing Committee on the Federal Judiciary uses to evaluate judicial nominees. See [http://www.abanet.org/scfedjud/federal\\_judiciary09.pdf](http://www.abanet.org/scfedjud/federal_judiciary09.pdf).

The Standing Committee bases its ratings on its determination of a nominee's integrity, professional competence and judicial temperament. Additionally, the Committee considers the length of a nominee's practice, which ordinarily is at least twelve years of

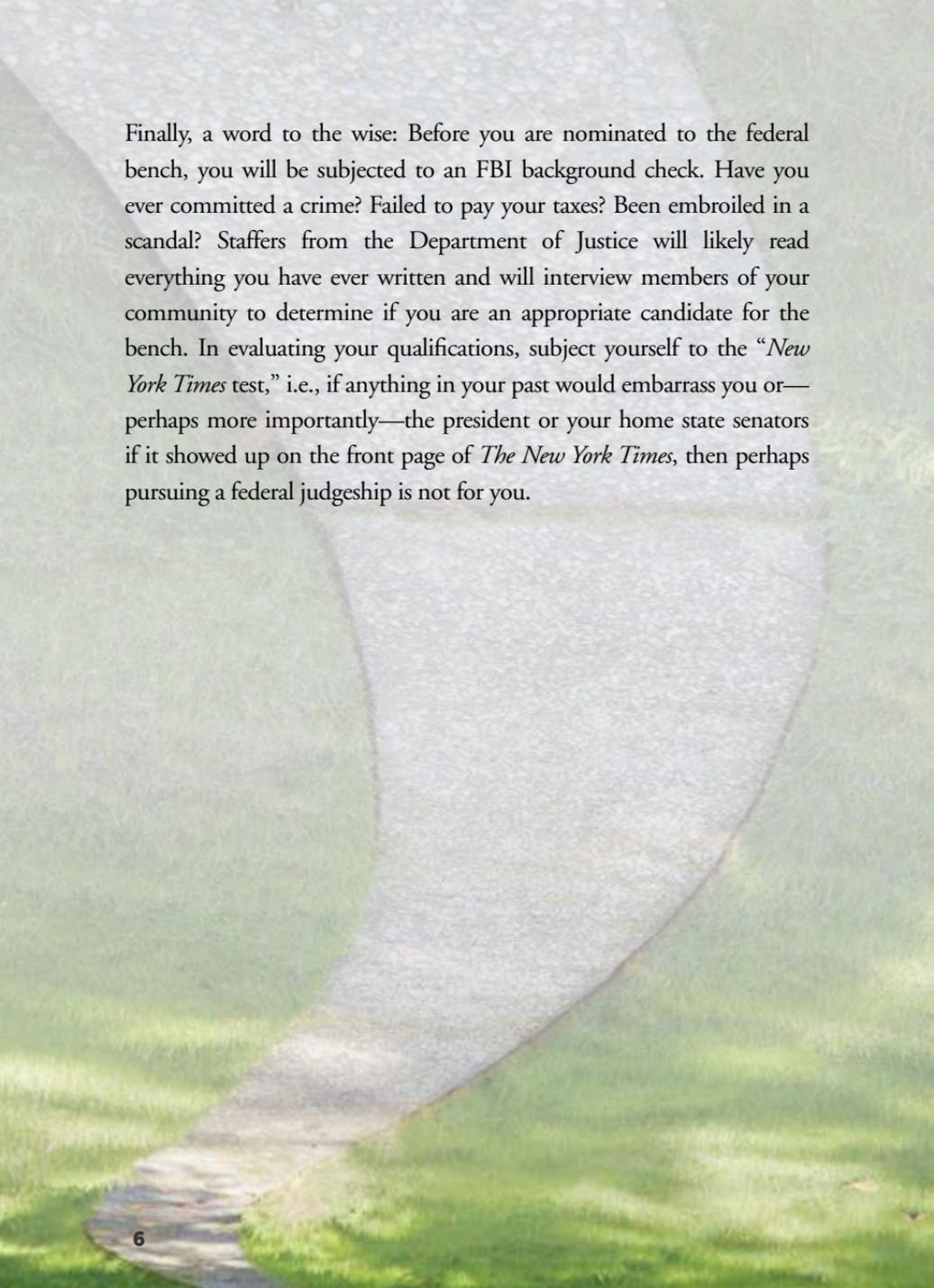
experience practicing law. Although a few notable exceptions to this rule exist, it is best to consider twelve years in practice the minimum length of time necessary to be considered for a federal judgeship. The Standing Committee also considers “substantial” courtroom experience as a judge or litigator necessary for a federal judicial nominee, although “distinguished accomplishments” in the law may sometimes compensate for a lack of substantial courtroom experience. If you want to be a federal trial judge, you should gain substantial litigation experience or distinguish yourself in other areas, such as academia. The Standing Committee puts less emphasis on litigation experience for circuit court nominees, but believes that nominees to the circuit court “should possess an especially high degree of legal scholarship, academic talent, analytical and writing abilities, and overall excellence.”

In evaluating a nominee’s integrity, the Standing Committee “considers the prospective nominee’s character and general reputation in the legal community, as well as the prospective nominee’s industry and diligence.” The evaluation of a nominee’s professional competence “encompasses such qualities as intellectual capacity, judgment, writing and analytical abilities, knowledge of the law, and breadth of professional experience.” And in order to evaluate a nominee’s judicial temperament, the Standing Committee “considers the prospective nominee’s compassion, decisiveness, open-mindedness, courtesy, patience, freedom from bias, and commitment to equal justice under the law.”

A stone path leads through a grassy field. The path is made of grey and blue stones and curves slightly to the right. The grass is green and appears soft and out of focus. The overall scene is bright and natural.

In order to determine whether a nominee should be rated well qualified, qualified, or not qualified, the Standing Committee performs an extensive peer review that includes confidential interviews with 40 or more lawyers and judges who know the nominee. A good first step in your path to the federal bench is to ask the lawyers with whom you practice and the judges before whom you appear for their advice and recommendations. It is also wise to reach out to and develop relationships with local, state, specialty, and ethnic/minority bar associations from whom you may subsequently seek support. Not all ethnic bars require that endorsees belong to the same race, background, or ethnicity as the association.

Although “not a substitute for significant experience in the practice of law in either the private or public sector,” the Standing Committee also places importance on civic engagement and public service. Being actively engaged in your community may also be a way for you to gain favorable attention from your home state senators or from the Administration. While some judicial nominees are truly “political animals” and actively engage in party politics prior to seeking a career on the bench, many more are able to garner support due to less overtly political community connections. That said, it is uncommon for a president to choose a nominee of a different political party, and it is likely that your political affiliation, involvement in political activities, and legal philosophy will be important factors in whether you are able to secure a nomination. This is especially true for circuit court judgeships.



Finally, a word to the wise: Before you are nominated to the federal bench, you will be subjected to an FBI background check. Have you ever committed a crime? Failed to pay your taxes? Been embroiled in a scandal? Staffers from the Department of Justice will likely read everything you have ever written and will interview members of your community to determine if you are an appropriate candidate for the bench. In evaluating your qualifications, subject yourself to the “*New York Times* test,” i.e., if anything in your past would embarrass you or—perhaps more importantly—the president or your home state senators if it showed up on the front page of *The New York Times*, then perhaps pursuing a federal judgeship is not for you.

# THE NOMINATION PROCESS

## **Seeking a Nomination**

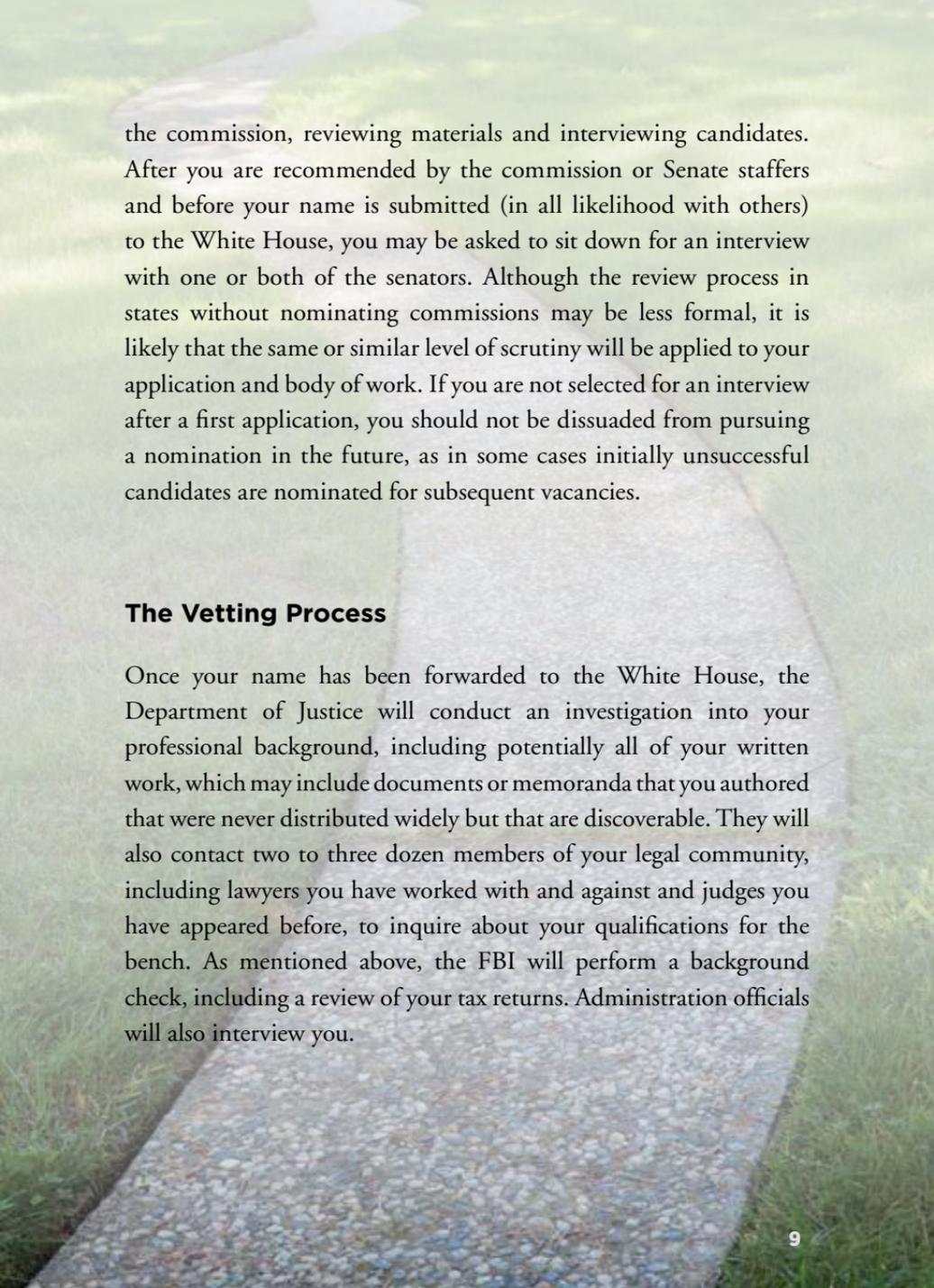
If you believe that you possess the necessary experience and expertise to attempt to secure a federal judgeship, you will first want to research whether any judicial vacancies exist in the relevant geographical area (your district or circuit, keeping in mind that circuit court nominations are slotted for particular states within the circuit). Sometimes these vacancies, as well as senators' announcements soliciting applications, are publicized on senators' websites and in local bar journals or other legal publications; others may be discovered by monitoring the federal courts in your area carefully or by utilizing relationships with court staff or local bar association officials. If and when an appropriate vacancy arises, you should indicate an interest in the position and submit an application, which typically consists of a questionnaire or application form, a resume, and a list of references. Don't hesitate to call your senators' offices for more detailed information on how to apply.

The selection process differs for federal district court and appellate court positions. The selection process for a district court vacancy is typically handled by your state's U.S. senators, with the involvement of local members of the House of Representatives in some instances. However, since circuit court judgeships are seats on appellate courts,

are far fewer in number, have broader geographical reach, and nominations for them are traditionally more closely scrutinized, the selection process for those positions is handled primarily by the White House, with input from the relevant U.S. senators. For district court vacancies, if either of your state's U.S. senators has established a judicial nominating commission to assist them in identifying qualified candidates, you should submit application materials to that commission or, if no such commission exists, directly to the senator's national or local office. (For a discussion of federal judicial screening commissions, including a listing of which senators currently use them, see "Options for Federal Judicial Screening Committees" by Rebecca Love Kourlis and Russell Wheeler, but bear in mind that this information is not static and may change at any time.) In rare cases, a senator may inquire whether you are interested in a federal judicial vacancy even if you have not submitted an application. However, it is best to be proactive about your candidacy rather than to wait to be approached.

## **After You Submit Your Application**

If either or both of your senators has established a judicial nominating commission, the commission will screen materials submitted by all applicants and select several candidates to interview, after which it will recommend nominees to the senator. In states without nominating commissions, Senate staffers often play a similar role to that of

A stone path winds through a grassy field, leading the eye from the bottom center towards the top left. The path is composed of irregularly shaped, light-colored stones. The grass is a vibrant green, and the background is slightly blurred, suggesting a natural outdoor setting.

the commission, reviewing materials and interviewing candidates. After you are recommended by the commission or Senate staffers and before your name is submitted (in all likelihood with others) to the White House, you may be asked to sit down for an interview with one or both of the senators. Although the review process in states without nominating commissions may be less formal, it is likely that the same or similar level of scrutiny will be applied to your application and body of work. If you are not selected for an interview after a first application, you should not be dissuaded from pursuing a nomination in the future, as in some cases initially unsuccessful candidates are nominated for subsequent vacancies.

## **The Vetting Process**

Once your name has been forwarded to the White House, the Department of Justice will conduct an investigation into your professional background, including potentially all of your written work, which may include documents or memoranda that you authored that were never distributed widely but that are discoverable. They will also contact two to three dozen members of your legal community, including lawyers you have worked with and against and judges you have appeared before, to inquire about your qualifications for the bench. As mentioned above, the FBI will perform a background check, including a review of your tax returns. Administration officials will also interview you.

Customarily—although at the discretion of the White House—the American Bar Association’s Standing Committee on the Federal Judiciary will conduct an evaluation of your professional qualifications, including your integrity, professional competence, and judicial temperament. This has been discussed above in the context of assessing your candidacy, but we hope here to give you an overview of the process.

The Committee will require you to fill out a lengthy questionnaire about your experience and work. The review process will also entail interviews with you, many of your colleagues and peers, and often judges before whom you have appeared, along with a review of all of your written work. If you are a sitting judge, you can expect that attorneys who have appeared before you in court might be interviewed. After a report of this information is compiled, each of the Standing Committee’s fifteen members will give you an individual rating, and then based on the aggregate of those individual ratings, the Committee will issue you an overall rating of “Well Qualified,” “Qualified,” or “Not Qualified,” and will provide that rating to the White House. Split rankings (e.g., “Majority Qualified, Minority Not Qualified”) are possible.

After all this information is assembled, the White House will make the final decision on whether to nominate you. For U.S. district court vacancies, unless something significant turns up in your background check or the ABA’s Standing Committee issues you a rating of “Not

Qualified,” the White House is likely to accede to your senator’s choice and nominate you for the position. This is due to the unwritten tradition of “senatorial courtesy” where deference is paid to the preferences of home state senators on judicial nominations. However, because of the more complex and high-profile nature of appointments to circuit courts of appeals, this courtesy carries less force for federal appellate candidates.

### **Tips to Bear in Mind BEFORE the Nomination Process**

- **Keep track of your publications** and presentations early in your career. It can be difficult to recreate a record at a later date.
- **Cultivate positive references** and, if possible, develop familiarity or relationships with relevant decision-makers (such as your home state senators and their respective staffs), trade and bar associations.
- **Obtain a sufficient amount of courtroom experience** or its equivalent. While this isn’t a hard-and-fast requirement, the ABA has expressed a preference for it, and it also is the best way to develop relationships with sitting judges, who can be invaluable references during the nomination process. If you want to be a court of appeals judge, you should also develop a significant body of legal scholarship.

- **Avoid illegal drug use,** even sporadic use. While this advice is obvious for any illegal activity, illegal drug use after becoming a member of the bar is an automatic disqualifier. Illegal drug use prior to that time often is disqualifying as well, but various factors are weighed.
- **Be financially responsible.** While student loans are often a necessary and understandable debt, unpaid bills or very high credit card debt can raise questions about whether you are responsible, generally, and whether you might be susceptible to financial pressures as a judge.
- **Pay your taxes.** Always file and pay your taxes on time.
- **Know and follow the law regarding household help.** Determine what your responsibilities are (e.g., taxes, Social Security, unemployment insurance, workman's comp) for any household help, such as nannies, babysitters, housecleaners, and gardeners, you might hire and fulfill them.
- **Be mindful of your online presence.** Facebook postings and comments on blogs, even those you think are anonymous, could come back to haunt you during the nomination process.

# THE CONFIRMATION PROCESS

After you have been vetted and approved, the president will submit your nomination to the Senate, and it will then be forwarded to the Senate Committee on the Judiciary for a hearing. At this point, you will be asked to submit responses to the “Questionnaire for Judicial Nominees.” As a customary matter, both your home state senators must return “blue slips” (see discussion below) to the Committee before it will schedule a hearing on your nomination. In order for your nomination to proceed past the hearing stage, a majority of Judiciary Committee members must vote to support it. If that happens, it will then be reported to the full Senate for a floor vote, which the Majority Leader must schedule.

## **Questionnaire for Judicial Nominees**

The Questionnaire consists of 26 questions that are intended to provide a complete picture of the nominee. When filling out the questionnaire, you should think, “If I have done it, they will want to know about it.” It is far preferable to disclose fully from the

beginning than to supplement responses later. For a complete list of questions asked and examples of questionnaire responses, visit the Senate Judiciary Committee's website: <http://judiciary.senate.gov/nominations/judicial.cfm>.

The Questionnaire, which is subject to change, covers basic categories such as education, military service, honors and awards, bar association memberships, bar and court admissions, membership in civic and other organizations, any judicial experience, and sources of income. More specifically, you will be asked to provide the following information in some detail:

- (a) Employment Record.
- (b) Organizational Memberships. In particular, you will need to indicate whether any organization to which you currently belong or previously belonged discriminates or has discriminated on the basis of race, sex, religion, gender, or national origin.
- (c) Published Writings and Public Statements. These include articles, letters to the editor, law firm materials, and organizational policy statements that you either prepared or to which you contributed. You will also need to provide transcripts for all public statements, including testimony, speeches (including panel presentations), interviews, and official statements on matters of public policy or legal interpretation.
- (d) Public Office, Political Activities, and Affiliations. You will need to identify all memberships/offices held in and/or services

rendered to a political party or election committee. If you've been involved in a political campaign, you will need to describe the role you played.

- (e) Legal Career. You will need to describe your legal practice and experience since law school graduation, including the general character of your practice and the details of your litigation experience. Specifically, you will need to describe in detail the 10 most significant litigation matters on which you were personally involved. You will also need to provide a description of the most significant legal activities pursued, whether it was litigation that did not proceed to trial or non-litigation related matters, and any lobbying activities performed for an organization.
- (f) Sources of Income, Deferred Income, Future Benefits. You will need to provide a full accounting of all income earned for the year preceding your nomination and the current calendar year, as well as any arrangements of deferred income from previous business relationships and any future financial compensation arrangements.
- (g) Potential Conflicts of Interest. You will need to identify any possible conflicts of interest that may arise as a result of family members, relationships with other persons, or previous or ongoing litigation. You will also have to explain how you will manage these conflicts.
- (h) Selection Process. You will need to explain the process by which you were nominated for the judicial vacancy and identify the dates of communication between White House staff and the Department of Justice regarding your nomination.

## **Blue Slips**

The Blue Slip process is an informal procedure by which the Judiciary Committee determines whether a nominee's home state senators approve or disapprove of holding a hearing on the nomination. This initial indication is not a commitment by the senators to support or oppose the nominee if the individual receives a vote on the Senate floor. Rather, it essentially allows home state senators to veto a nominee by simply not returning the blue slip. Typically, the Committee will not hold a hearing on the nominee unless both home state senators return blue slips. The deference given to approval or disapproval by a home state senator is determined by the Judiciary Committee Chairman.

## **What to Expect at a Senate Judiciary Committee Hearing**

The Committee hearing is intended to be a question and answer session between the nominee and the Committee members. Depending on the Senate's calendar, not all members of the Senate Judiciary Committee will attend the hearing. If a senator does not attend, it is likely that his or her staff will, and will report back to the senator. The questions posed typically address the individual's qualifications, understanding of how to interpret and apply the law, previous experiences in court, judicial temperament, and the role of

judges. However, the Committee members are not limited to these topics and may ask about anything contained in the Committee Questionnaire. In essence, the nominee should be prepared to speak to the entirety of his/her legal career, writings, and speaking engagements. It may be helpful to view hearings online at the Senate Judiciary Committee's website (<http://judiciary.senate.gov/>) to get a feel for what to expect.

After the hearing, a nominee may receive written follow-up questions from a Committee member. The written follow up will likely address questions the Committee member was unable to ask during the hearing due to time constraints, or it may address specific issues that arose during further examination of the nominee's disclosures.

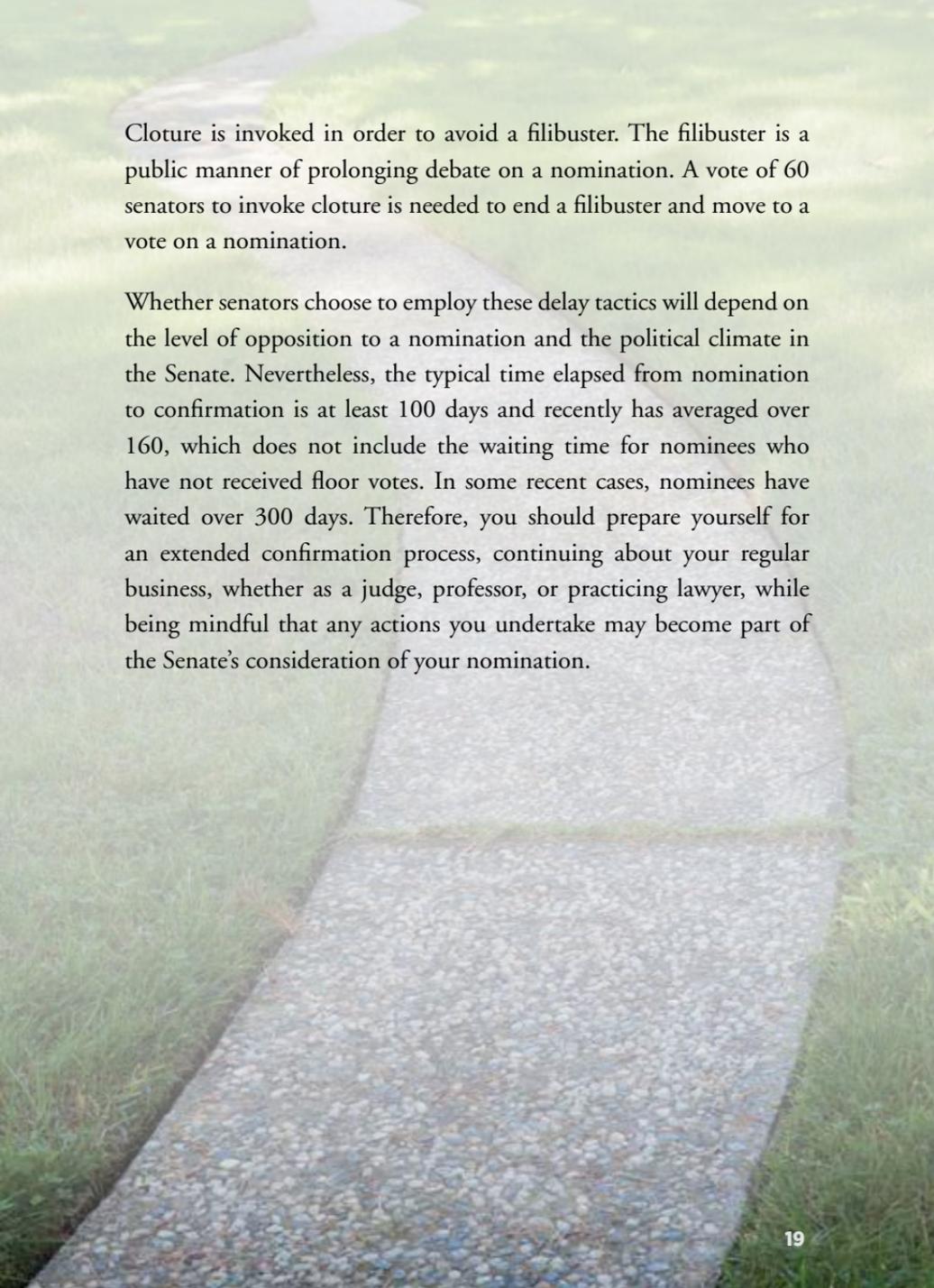
## **Senate Votes**

Following the hearing, the nominee begins the waiting process for two votes on his/her nomination: (1) a Senate Judiciary Committee vote to report the nominee to the Senate, and (2) a confirmation vote on the Senate floor. The Committee has three options: to report the nominee to the Senate favorably, unfavorably, or without recommendation. Alternatively, the Committee can choose to take no action on a nominee, in which case the nomination will be returned to the president. Once reported by the Committee, the nominee needs

to receive a majority vote in the Senate to be confirmed. Senate rules provide that any nomination pending when the Senate adjourns or recesses for more than 30 days is returned to the president, although this rule may be waived by the Senate.

The amount of time from nomination to confirmation varies for each candidate. Two Senate mechanisms, the hold and filibuster, may prolong the wait. A hold is a procedural device which enables a senator to prevent a nomination from moving forward by informing the appropriate party leadership that he/she wants to delay floor action on the matter in question. Holds that are placed anonymously by communicating with party leadership in private are known as “secret holds.” Senate rules require that a senator who places a secret hold on a nominee identify him or herself after six days. However, senators have evaded this rule by placing anonymous holds on the same nominee in tandem. The discretion to grant a hold request rests with party leaders.

Usually senators will come to an agreement to proceed to vote to confirm a series of nominees at once. However, if there is a hold on a nominee, and there is no consent from one party or another to proceed with the vote, as a next step, the Senate Majority leader may call for a cloture vote on one nominee at a time.

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Cloture is invoked in order to avoid a filibuster. The filibuster is a public manner of prolonging debate on a nomination. A vote of 60 senators to invoke cloture is needed to end a filibuster and move to a vote on a nomination.

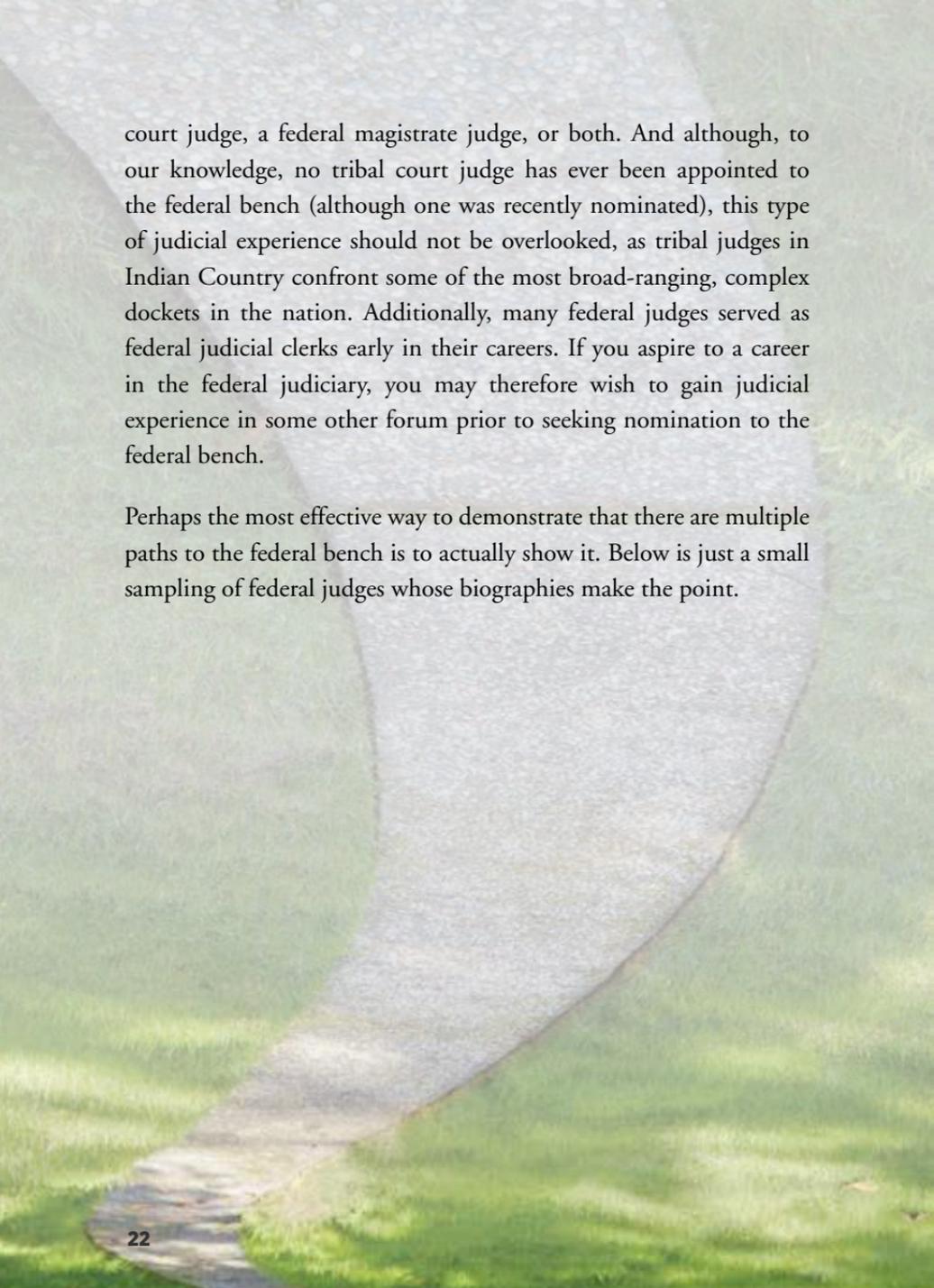
Whether senators choose to employ these delay tactics will depend on the level of opposition to a nomination and the political climate in the Senate. Nevertheless, the typical time elapsed from nomination to confirmation is at least 100 days and recently has averaged over 160, which does not include the waiting time for nominees who have not received floor votes. In some recent cases, nominees have waited over 300 days. Therefore, you should prepare yourself for an extended confirmation process, continuing about your regular business, whether as a judge, professor, or practicing lawyer, while being mindful that any actions you undertake may become part of the Senate's consideration of your nomination.



# NO ONE PATH

As emphasized throughout this guide, there is no one path to the federal bench, but by far the most common path is to have previous judicial experience. This is particularly true at the circuit court level. Of the 30 current sitting circuit court judges nominated by President Obama, almost two-thirds had prior judicial experience, either as a district court judge (9 of the 30) or as a state court judge (10 of the 30). Similarly, well over half of the circuit court judges nominated by President George W. Bush had prior judicial experience. Of these, approximately one-third were federal district court judges, state appellate court judges or justices, or had served as state trial court judges or federal magistrate judges.

An increasingly large number of district court judges also have had prior experience in the judiciary. Since 1953, 42% of federal district judges have had prior judicial experience and in recent years, that number has climbed even higher: nearly half (49%) of the district court judges nominated by President Clinton and President George W. Bush previously served as a state court judge or as a federal magistrate or bankruptcy judge prior to being nominated to the federal bench. And over half of the 141 sitting district court judges nominated by President Obama had prior experience as a state

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court judge, a federal magistrate judge, or both. And although, to our knowledge, no tribal court judge has ever been appointed to the federal bench (although one was recently nominated), this type of judicial experience should not be overlooked, as tribal judges in Indian Country confront some of the most broad-ranging, complex dockets in the nation. Additionally, many federal judges served as federal judicial clerks early in their careers. If you aspire to a career in the federal judiciary, you may therefore wish to gain judicial experience in some other forum prior to seeking nomination to the federal bench.

Perhaps the most effective way to demonstrate that there are multiple paths to the federal bench is to actually show it. Below is just a small sampling of federal judges whose biographies make the point.

## The Honorable Deborah A. Batts

Deborah A. Batts has been a United States District Judge for the Southern District of New York since 1994. She graduated from Radcliffe College in 1969 and Harvard Law School in 1972. Upon graduation, she clerked for the Honorable Lawrence W. Pierce. In 1973, Judge Batts became an associate at Cravath, Swaine & Moore. In 1979, she became an Assistant United States Attorney in the Southern District of New York in the Criminal Division. In 1984, Judge Batts joined the faculty at Fordham University School of Law and was tenured in May, 1990. Judge Batts is a member of various bar associations including The New York City Bar, the Metropolitan Black Bar Association and the Lesbian and Gay Law Association of Greater New York (LeGal). From May 2004 until July 2006, Judge Batts was a Member of the Scientific Committee for the International Conference on LGBT Human Rights, which took place in Montreal, Canada in July, 2006. Judge Batts was Conference Chairperson of the Second Circuit Judicial Conference in 2007–2008. Judge Batts is a member of the Defender Services Committee of the Judicial Conference of the United States and the Second Circuit Judicial Counsel Committee on History, Commemorative Events and Civic Education. She is also currently on the Executive Committee of the Federal Judges Association.



## The Honorable Billy Michael Burrage



Judge Burrage was one of the first Native Americans to be appointed as a federal judge. Born in 1950 in Durant, Oklahoma, he received his bachelor of science in 1971 from Southeastern Oklahoma State University and, after continuing to law school, graduated from the University of Oklahoma College of Law in 1974. Judge Burrage dedicated a large part of his legal career to private practice in Antlers, Oklahoma. During more than twenty years of practice, he handled a wide range of litigation from court-appointed criminal cases to billion-dollar commercial litigation. He served as President of the Oklahoma Bar Association in 1990 and received that group's highest award for professionalism in 1991. Judge Burrage is a member of the Choctaw Nation and acted as a tribal counsel for three years. His dedication to the community also carried into his private practice, where he represented those affected by gambling issues on reservations. Judge Burrage applied for a position as a federal judge in 1979, but was passed over for the position. He was nominated for a district court judgeship by President Clinton on March 9, 1994 and served in a unique position, acting as a "roving" judge, splitting his time between the Western, Northern, and Eastern Districts of Oklahoma. This gave him jurisdiction in all three of Oklahoma's federal districts. In 2001, Judge Burrage left the federal bench to return to private practice.

## **The Honorable Ralph B. Guy, Jr.**

Ralph B. Guy, Jr., is a judge of the United States Court of Appeals for the Sixth Circuit, having been appointed to that court by President Ronald Reagan in 1985. Prior to serving on the Court of Appeals, Judge Guy was appointed to the United States District Court for the Eastern District of Michigan in 1976 by President Gerald Ford, and served as United States Attorney for the Eastern District of Michigan from 1970 to 1976. In 1998, Chief Justice Rehnquist appointed Judge Guy to the Foreign Intelligence Surveillance Court of Review, on which he served as presiding judge beginning in 2002. Before joining the Federal Government, Guy was Corporation Counsel for the City of Dearborn, Michigan, and a member of the Wayne County Board of Supervisors. Judge Guy, a graduate of the University of Michigan Law School, has devoted considerable time to teaching trial advocacy courses for the University of Michigan Law School, the National Institute for Trial Advocacy, the Institute for Continuing Legal Education, and the United States Attorney General's Advocacy Institute.



## The Honorable Marco A. Hernandez



Marco A. Hernandez is a federal judge on the U.S. District Court for the District of Oregon. Previously, he served as Circuit Court Judge in the Circuit Court of the State of Oregon for the County of Washington located in Hillsboro, Oregon. He was appointed to office by Oregon's Governor in 1995, and served two terms as Presiding Judge during his 14 years on the Court. Prior to becoming a judge, Judge Hernandez served for six years as deputy district attorney with the Washington County

District Attorney's Office. He also worked at Oregon Legal Services from 1986–1989. In 2007, Judge Hernandez started Washington County's Mental Health Court Program. Judge Hernandez was first nominated to serve on the U.S. District Court for the District of Oregon by President George W. Bush in 2008, and nominated again for the same bench in 2010 by President Barack Obama. After the conclusion of the Congressional Session in 2010, President Obama re-nominated Judge Hernandez in January 2011, and on February 7, 2011 Judge Hernandez was unanimously confirmed by the Senate. Hernandez was born in Nogales, AZ, moved to Oregon at 17 and worked his way through community college while working as a teacher's aide. Hernandez then moved on received a B.A. degree from Western Oregon State College (now known as Western Oregon University). He then earned his J.D. at the University of Washington School of Law.

## The Honorable A. Wallace “Wally” Tashima

Atsushi Wallace “Wally” Tashima is a judge on the Ninth Circuit Court of Appeals. Judge Tashima was nominated to the U.S. District Court for the Central District of California by President Carter on May 9, 1980. Judge Tashima was confirmed by the Senate on June 26, 1980. On April 6, 1995, Judge Tashima was nominated by President Clinton to the Ninth Circuit and was confirmed on January 4, 1996. He assumed senior status on June 30, 2004. Born in Santa Maria, California, Judge Tashima served in the U.S. Marine Corps from 1953 to 1956. He received his bachelor’s degree from UCLA in 1958 and his L.L.B. from Harvard in 1961. He was a Deputy State Attorney General for California from 1961 to 1967 before entering private practice. As a private sector attorney he worked at Spreckels Sugar Division of Amstar Corporation until 1972, followed by his service as general counsel and Vice President until 1977. He was a partner in the Litigation Department of Morrison & Foerster until 1980 when he was nominated by President Carter. During World War II, Judge Tashima was interned at the Poston War Relocation Center in Arizona, an internment camp for Japanese Americans.



## The Honorable Diane P. Wood



Diane P. Wood received her B.A. in 1971 and her J.D. in 1975 from the University of Texas at Austin. After graduation, she clerked for Judge Irving L. Goldberg of the Fifth Circuit and for Justice Harry A. Blackmun of the U.S. Supreme Court. She then worked briefly for the U.S. State Department on international investment, antitrust, and transfer of technology issues. Moving on to Covington & Burling, Judge Wood continued a more general antitrust and commercial litigation practice until June 1980.

In 1980–81, she was an assistant professor at the Georgetown University Law Center. In 1981, she joined the faculty of the University of Chicago Law School. She spent 1985–86 as a Visiting Professor at Cornell Law School, and during the fall of 1986 worked on the project to revise the Department of Justice Antitrust Guide for International Operations. She served as Associate Dean of the University of Chicago Law School from 1989 through 1992. From 1993 until 1995, she was deputy assistant general in the Antitrust Division of the U.S. Department of Justice with responsibility for the Division's International, Appellate, and Legal Policy matters. She was nominated to the Seventh Circuit by President Bill Clinton in March of 1995, was confirmed unanimously by the United States Senate, and received her commission on June 30, 1995.

## For More Information

While the judicial selection process is different for each candidate, it is our hope that this guide has alerted you to the intricacies of the process, potential pitfalls to avoid, and some advice for a successful candidacy. As a final recommendation, we urge those interested in a federal judgeship to seek out mentors and advisors early in their careers. Here are some other resources that, in addition to our organizations and websites, we think could prove useful:

- Administrative Office of the U.S. Courts:  
[http://www.uscourts.gov/JudgesAndJudgeships/  
FederalJudgeships.aspx](http://www.uscourts.gov/JudgesAndJudgeships/FederalJudgeships.aspx)
- American Bar Association Standing Committee on the Federal Judiciary: <http://www.abanet.org/scfedjud/>
- Biographical Directory of Federal Judges:  
<http://www.fjc.gov/history/home.nsf/page/judges.html>
- Senate Judiciary Committee: <http://judiciary.senate.gov/>
- Federal Judicial Screening Commissions:  
[http://www.brookings.edu/-/media/Files/rc/papers/2010/0702\\_  
federal\\_judicial\\_wheeler/0702\\_federal\\_judicial\\_wheeler.pdf](http://www.brookings.edu/-/media/Files/rc/papers/2010/0702_federal_judicial_wheeler/0702_federal_judicial_wheeler.pdf)
- Judicial Nominations and Confirmations:  
<http://judicialnominations.org>

***Good luck – and think ahead!***



**American Constitution Society**

[www.acslaw.org](http://www.acslaw.org)

**Hispanic National Bar Association**

[www.hnba.com](http://www.hnba.com)

**Justice at Stake**

[www.justiceatstake.org](http://www.justiceatstake.org)

**National Asian Pacific American Bar Association**

[www.napaba.org](http://www.napaba.org)

**National Association of Women Judges**

[www.nawj.org](http://www.nawj.org)

**National Bar Association**

[www.nationalbar.org](http://www.nationalbar.org)

**National Congress of American Indians**

[www.ncai.org](http://www.ncai.org)

**National LGBT Bar Association**

[www.lgbtbar.org](http://www.lgbtbar.org)

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