


YOU & the LAW



NEAL & DAVIS, PLLC

Attorneys and Counselors at Law

931 Main Street

Post Office Box 40

Shelbyville, Kentucky 40066-0040

502/633-6002 • Louisville 502/589-9888

Email: gregg@nealanddavislaw.com

taylor@nealanddavislaw.com

matt@nealanddavislaw.com

www.nealanddavislaw.com

How the United States selects federal judges

The highest court in our nation is the U. S. Supreme Court, established by Article III of the Constitution. Federal judges who serve on the Supreme Court are called justices. There are nine justices on the Supreme Court — one chief justice and eight associate justices.

In addition, there are 94 district trial courts across the country and 13 appellate courts that hear appeals of cases decided in the district court. The president of the United States appoints and the U.S. Senate confirms all judges serving on these courts, as well as the nine Supreme Court justices.

When there is a vacancy in a federal judgeship, the president nominates someone to fill that spot. Recommendations can come from members of Congress, other judges, and lawyers and other people or groups supportive of a particular candidate.

Once the president considers prospective nominations and makes a decision on appointment, that individual's name is forwarded to the Senate Judiciary Committee.

The committee gathers information about the nominee's qualifications, including previous judicial decisions



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if the nominee was a judge on another court. The FBI also does a background check.

The American Bar Association Standing Committee on the Judiciary evaluates all prospective nominees for judicial appointment and reports to the president and the Senate Judiciary Committee on the candidate's professional qualifications of integrity, professional competence and judicial temperament.

If the Senate Judiciary Committee decides to move the nomination forward, it holds a hearing. Witnesses can present testimony and committee members question the nominee. Following the hearing, the committee votes on whether to move the nomination to a vote by the full Senate.

The committee can report the nomination favorably, unfavorably or without a recommendation. The committee can also refuse to hold a hearing on a nominee or refuse to move the nomination forward following a hearing.

After the committee reports a nomination, it goes to the full Senate for debate. Once debate ends, the Senate votes on the nomination. If the Senate votes to approve the nomination, that person is confirmed and becomes a federal judge.

Federal judges are appointed for life and most judges serve for many years. As a result, the judges and Supreme Court justices serving today include many people who were appointed by former presidents from both political parties.

The Constitution does not require that a justice be a lawyer or a law school graduate, but all justices have been trained in the law. When there were fewer law schools and lawyers could train by studying with an experienced lawyer, a few lawyers went on to become Supreme Court justices, but since 1941 all those appointed to the Supreme Court have been law school graduates.