

AMERICAN BAR ASSOCIATION

Standing Committee on
the Federal Judiciary

CHAIR
Pamela A. Bresnahan
9th Floor
1909 K Street, NW
Washington, D.C. 20006-1115

FIRST CIRCUIT
Peter Bennett
Suite 300
121 Middle Street
Portland, ME 04101-7123

SECOND CIRCUIT
Joseph M. Drayton
1114 Avenue of the Americas
New York, NY 10036-7798

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

FOURTH CIRCUIT
Timothy W. Bouch
P.O. Box 59
Charleston, SC 29402-0059

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

SIXTH CIRCUIT
John R. Tarpley
Suite 2500
424 Church Street
Nashville, TN 37219-8615

SEVENTH CIRCUIT
Tiffany M. Ferguson
Suite 879
1507 E. 53rd Street
Chicago, IL 60615-4573

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
Shannon L. Edwards
3400 South Air Depot Boulevard
Edmond, OK 73013-9029

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

D.C. CIRCUIT
Robert P. Trout
Suite 300
1350 Connecticut Avenue, NW
Washington, D.C. 20036-1728

FEDERAL CIRCUIT
Marylee Jenkins
1675 Broadway
New York, NY 10019-5820

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

Please respond to:
Pamela A. Bresnahan
Vorys, Sater, Seymour and Pease LLP
1909 K Street, N.W.
9th Floor
Washington, D.C. 20006
E-mail: pabresnahan@vorys.com

November 7, 2017

VIA E-MAIL ONLY

The Honorable Charles E. Grassley
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 Brett Joseph Talley to the United States
District Court for the Middle District of Alabama**

Dear Chairman Grassley and Ranking Member Feinstein:

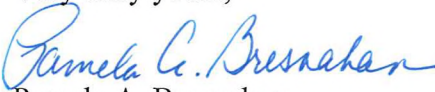
I write the following correspondence in support of the American Bar Association's Standing Committee on the Federal Judiciary's **Not Qualified** Rating for Mr. Talley. As I have discussed with Senate staff members, the ABA's rating is based on the ABA Standing Committee's criteria as set forth in the Backgrounder. The Committee believes that Mr. Talley does not presently have the requisite trial experience or its equivalent. I would also like to point out, based on its peer review, that the Committee did not have any questions about Mr. Talley's integrity or temperament. There were no issues raised by any of his peers with respect to these two criteria. In sum, although Mr. Talley does not, at this point, have the requisite experience, the Committee believes that, given the passage of time and the appropriate experience, Mr. Talley has great potential to serve as a federal judge.

On a separate note, I am also writing to express our disappointment that we were not able to coordinate the timing of Mr. Talley's hearing so the process would go more smoothly. I would hope that, in the future, we are able to testify on the day of the nominee's hearing. Here, as I told both Mr. Davis and Ms. Herwig, I thought the Committee's reasoning was straight forward and did not, under these particular circumstances, think a hearing was necessary. Obviously, that will not always be true. Therefore, I would respectfully ask that the Senate Judiciary Committee let me or Denise Cardman know when nominees will be scheduled for a hearing so that we can do both a thorough evaluation and then testify on the day of the nominee's hearing, depending on the rating.

November 7, 2017
Page 2 of 2

Thank you for the opportunity to present the ABA Standing Committee on the Federal Judiciary's views on Mr. Talley.

Very truly yours,



Pamela A. Bresnahan

PAB/tjs

cc: Brett J. Talley, Esquire (via e-mail)
Donald F. McGahn, II, Esquire (via e-mail only)
Lola A. Kingo, Senior Nominations Counsel, Office of Legal Policy, Department of
Justice, Office of Legal Policy (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)