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

Very truly yours,

[Signature]

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)