



American College of Trial Lawyers

FOR IMMEDIATE RELEASE

THE AMERICAN COLLEGE OF TRIAL LAWYERS ISSUES A CALL FOR THE UNITED STATES SENATE TO CONDUCT FAIR, OBJECTIVE AND CIVIL JUDICIAL CONFIRMATION PROCEEDINGS

NEWPORT BEACH, CALIFORNIA (March 29, 2024) - In September 2023, The American College of Trial Lawyers (“The College”) issued a white paper titled: [“Recommendations for a Senate Special Committee on Judicial Nominations.”](#) offering a framework of suggestions for the Senate to consider in reforming the confirmation process for judicial nominees. The white paper highlighted the fact that many Senators from both parties, including current incumbents, have acknowledged that for many years the Senate’s confirmation hearings have been deeply flawed and in acute need of repair. As Senator John Cornyn has observed, “[W]hat is sorely needed is a restoration of civility to the Senate’s broken judicial process.”

We write now to express our concern about the Senate’s hearings and deliberations regarding the nomination of Adeel Mangi to the U.S. Court of Appeals for the Third Circuit. The point of this statement is not to endorse Mr. Mangi or opine on his qualifications to be a judge, but to point out the troubling way the confirmation proceedings have deviated from the fair, objective and civil process that so many Senators have called for and which the College recommended in our white paper.

Among the College’s recommendations were the following:

1. Questioning at hearings generally should focus on the following attributes of the nominee: professional background and experience; intellectual capacity; temperament; integrity; collegiality; participation in civic life; and personal achievements, including (where applicable) overcoming disabilities and obstacles to achievement.
2. The extent and nature of a nominee’s adherence to the precepts of whatever religion [s]he practices should not be challenged and should never be a basis for criticism or disqualification, unless the nominee states, unequivocally, that he or she could not follow a specific law or precedent because of the tenets of the nominee’s religion.
3. Some . . . nominees have represented controversial or even nefarious clients when the nominees were practicing law. Every Senator should understand that it is the professional duty of a lawyer representing a client to promote or defend the client’s interest zealously, within the scope of applicable laws, ethical rules and court rules. Absent a nominee’s failure to comply with those rules, questioning about the prior representation should be limited to the facts of the case and the applicable law. Neither questioning or commentary by a Senator should expressly or impliedly attribute the client’s view or behavior to the nominee who previously represented the client.
4. To ensure that confirmation hearings are conducted both informatively and efficiently, the Judiciary Committee should in advance of the hearing provide to all members of the Committee



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and to the nominee, a copy, or at least a list, of all documents, communications and materials sent to or obtained by the Committee staff in preparation for the hearing. We recommend providing these materials no less than eight hours before the Committee convenes the hearing.

In contrast to these recommendations, the questioning of Mr. Mangi at his hearings in December ranged far from a focus on his professional qualifications. Instead, he has been condemned because of his legal representation of unpopular and controversial clients with the suggestion that he must share the views of those clients. He has been criticized for his service on the advisory boards of charitable organizations based on statements by individuals associated with those organizations, apparently brought to Mr. Mangi's attention for the first time at his confirmation hearing, and not statements made by Mr. Mangi himself. And, even more troubling, some questions posed to him such as whether he supports Palestinian jihad appear to be based on little more than the fact that he is a Muslim.

These lines of questioning follow recent Senate confirmation hearings for nominees to serve on the Supreme Court, during which nominees were criticized for their representation of certain clients, or questioned excessively about their personal religious beliefs. Questioning and focus on such matters veer far beyond any nominee's qualifications to be a judge or Justice. They are not only unfair to the nominee, but they serve to undermine the public's confidence in the independence of the judiciary by conveying that judges and Justices are selected in a purely partisan process. Such lines of unfair questioning also diminish the reputation and credibility of the Senate and the members of its Judiciary Committee. We urge Senators to focus on a judicial nominee's professional background and experience, intellectual capacity, temperament; integrity, collegiality, participation in civic life, and personal achievements in making their decisions whether to confirm a federal judge or Justice of the Supreme Court.

About the American College of Trial Lawyers

The American College of Trial Lawyers comprises the best of the trial bar from the United States, Canada and Puerto Rico and is widely considered to be the premier professional trial organization in North America. Founded in 1950, the College is an invitation only fellowship. The College thoroughly investigates each nominee for admission and selects only those who have demonstrated the very highest standards of trial advocacy, ethical conduct, integrity, professionalism and collegiality. The College maintains and seeks to improve the standards of trial practice, professionalism, ethics, and the administration of justice through education and public statements on important legal issues relating to its mission. The College strongly supports the independence of the judiciary, trial by jury, respect for the rule of law, access to justice, and fair and just representation of all parties to legal proceedings.

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