

Legal Update Article

Senate Judiciary Committee Completes Confirmation Hearing on Supreme Court Nominee Jackson

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After four days of hearings, Judge Ketanji Brown Jackson's confirmation to the U.S. Supreme Court seems likely. While Judge Jackson emerged from the hearings with solid Democratic support across the ideological spectrum, the extent to which Judge Jackson can count on bipartisan support remains uncertain.

The confirmation hearings took place from March 21 to March 24, 2022. The questioning mainly fell along party lines. Republican senators focused on Judge Jackson's sentencing decisions in criminal cases, her views on critical race theory, and her representation of Guantanamo Bay detainees as an assistant public defender. Democratic senators questioned Judge Jackson regarding her view on expanding the size of the Supreme Court, her family's experience in law enforcement and public service, and the challenges she faced throughout her legal career.

On the final day of the hearings, Senators heard testimony from members of the American Bar Association who lauded Jackson's "extraordinary" background and mastery of the law.

On March 30, 2022, Sen. Susan Collins (R-Me.) announced she would vote to confirm Judge Jackson. In her statement, Collins explained, "After reviewing Judge Ketanji Brown Jackson's extensive record, watching much of her hearing testimony, and meeting with her twice in person, I have concluded that she possesses the experience, qualifications, and integrity to serve as an associate justice on the Supreme Court." Collins noted that her own inevitable disagreement with Judge Jackson's decisions would not warrant a "no" vote. Collins encouraged her colleagues on the Senate to "examine the experience, qualifications, and integrity of the nominee," rather than merely "assess[ing] whether a nominee reflects the ideology of an individual senator or would rule exactly as an individual senator would want."

Support from Sen. Collins may open the door to an express endorsement from Sen. Lisa Murkowski (R-Alaska), who supported confirmation of Judge Jackson to the D.C. Circuit. Although Sen. Lindsey Graham (R-S.C.) supported Judge Jackson's D.C. Circuit confirmation, he has since announced he will not support her confirmation to the Supreme Court. Sen. Mitt Romney (R-Utah) had previously said he was open to voting to confirm Judge Jackson, but he has not made any further comment on his decision.

While Judge Jackson can be confirmed with only Democratic support, Democrats are hopeful for a bipartisan vote. The Judiciary Committee is scheduled to vote on whether to advance Judge Jackson's nomination to the Senate floor on April 4, with a Senate vote on her confirmation soon after.

Justice Stephen Breyer's retirement will be effective at the end of the current U.S. Supreme Court term. If Judge Jackson is confirmed, she will take a seat on the Court beginning the next term.

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