

## U.S. NEWS

## The Data That Goes Into Judging the Judges

Since 1953, the American Bar Association has made judging judges its business.

That year, the ABA began rating potential federal judges at the request of President Dwight D. Eisenhower, who wanted to make sure he stocked the bench with qualified justices.

**THE NUMBERS**  
**JO CRAVEN**  
**MCGINITY**

After all, federal judges are appointed for life. Their salaries can never be reduced. And the only mechanism for removal is impeachment.

The most recent to be vetted (the process is under way) is Neil Gorsuch, the nominee to succeed the late Supreme Court Justice Antonin Scalia. But there are over 100 lower court vacancies whose potential nominees will also be scrutinized.

Prospects are evaluated by the ABA's Standing Committee on the Federal Judiciary, a 15-member panel of lawyers that rates candidates as well qualified, qualified or not qualified based on professional competence, integrity and judicial temperament.

A decade ago, Mr. Gorsuch was rated well qualified when he was appointed to the Tenth Circuit Court of Appeals.

Members of the ABA's standing committee are appointed by the association's president for staggered three-year terms. None serves more than two terms, and once appointed, the committee works independently, without conferring with the ABA's elected officers. "If it weren't for the fact that there is a publicly known Supreme Court nominee, I wouldn't know what they are doing," said ABA President Linda Klein.

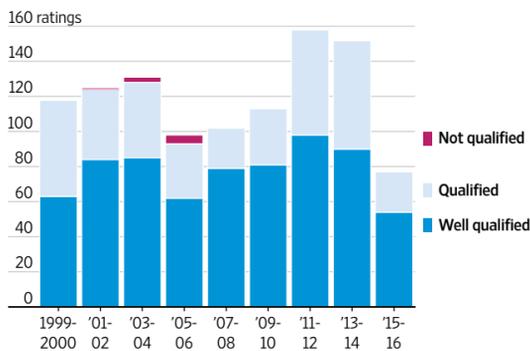
Typically, before nominating someone to fill a lower court seat, the White House shares the names of candidates with the committee, which assesses them all.

But the group only evaluates potential Supreme Court justices after the president has nominated someone for the job. Those nominees receive the most rigorous attention, with the standing committee conducting hundreds of confidential interviews nationwide to assess their credentials. Among those who may be interviewed, according to a spokesman for

## Judicial Inquiries

A committee of the American Bar Association uses an elaborate process to evaluate (and ultimately rate) judges who have been nominated to the federal courts.

## Ratings of nominees to the federal bench, including the Supreme Court



Note: A 'well-qualified' candidate is someone deemed a preeminent member of the profession with outstanding legal ability and exceptional experience; a 'qualified' candidate is one considered fully equipped to serve; and an 'unqualified' candidate is one who falls short in one or more areas (legal ability, for example).  
Source: American Bar Association

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the ABA, are federal, state and administrative judges before whom the nominee has appeared; lawyers who have been co-counsel or opposing counsel in cases handled by the candidate; and, if the candidate is a former or sitting judge, other judges who have served with the nominee.

Interviews also may be conducted with law-school

professors and deans; legal services and public interest lawyers; representatives of professional legal organizations; and community leaders and others.

In addition, two reading groups, one with law professors, the other with practitioners, examine the nominee's legal writings for quality, clarity, analytical ability and knowledge of law.

The panel rates those it considers pre-eminent members of the profession with outstanding legal ability and exceptional experience as well qualified. It rates those it considers fully equipped to serve as qualified. And those who fall short in one or more areas as not qualified. Since 1999, the group has rated 1,074 nominees, concluding that nine weren't qualified, 369 were qualified and 696 were well qualified.

Nearly all of the 25 Supreme Court nominees who have been evaluated received the highest rating.

"Most are rated well qualified, not because the ABA is a pushover, but because most are high caliber professionals to begin with," said Jordan Singer, a law professor at New England School of Law in Boston.

The chairman of the standing committee submits ratings, along with a written explanation, to the White House, the Justice Department and the Senate Judiciary Committee.

There has been one exception to the ABA's traditional rule. President George W. Bush, who appointed Mr. Gorsuch to the bench in 2006, nominated lower-court

judges without seeking the ABA's input ahead of time. The ABA completed its evaluations after the nominees were named.

In a letter to the ABA, Alberto R. Gonzales, counsel to the president at the time, said the White House wouldn't entertain the ABA's advance assessments because the organization takes public positions on divisive political, legal and social issues.

There also had been some feeling, according to Malia Reddick, who manages the Quality Judges Initiative for the Institute for the Advancement of the American Legal System, that Republican nominees were less likely to be rated well qualified.

According to the ABA, since the beginning of the Kennedy administration, 33 nominees, all for the lower courts, have been rated not qualified. Twenty-three were nominated by Democrats.

But the ratings are released publicly only after a nomination is submitted, and no one knows how many candidates were passed over because of a poor evaluation.

Faced with a potential pick's poor rating, the president could choose someone else. Or the candidate could withdraw before the evaluation becomes public.

## U.S. WATCH

## KANSAS

## Murder Charge for Man in Bar Shooting

A 51-year-old man was charged with first-degree murder and attempted murder in a triple shooting at a suburban Kansas City bar that killed an Indian national and injured two other men.

The Federal Bureau of Investigation is helping investigate the case but hasn't determined whether it considers the shooting a hate crime, officials said.

Adam Purinton, the suspect, is being held in a Missouri jail on \$2 million bail. Johnson County District Attorney Steve Howe said. Police said he opened fire at a bar in Olathe, Kan., killing Srinivas Kuchibhotla, 32. Two others, Alok Madasani and Ian Grillo, were injured and are in stable condition, police said.

A lawyer for Mr. Purinton couldn't be reached for comment.

—Shibani Mahtani

## CALIFORNIA

## Brown Seeks Funds To Fix Infrastructure

Gov. Jerry Brown called for tens of billions of dollars to overhaul California's aging network of dams, highways and other infrastructure after rains and snow that nearly collapsed a spillway at Lake Oroville and buckled roads and bridges in recent weeks.

Mr. Brown said California has \$187 billion in unmet infrastructure needs, including \$50 billion in flood-control work.

Mr. Brown said he hoped the federal government would provide as much as \$12 billion a year in the needed funding.

White House officials didn't return a call for comment.

Some Republican lawmakers in California said they support the governor's infrastructure plan but added that they want the local funding to come from existing sources, not new taxes, as has been proposed in some bills in the Democrat-led Legislature.

—Jim Carlton

## ECONOMY

## Consumer Sentiment Remains Elevated

A gauge of consumer sentiment fell slightly in February but remained near a decadelong high as self-identified Republicans and Independents remain confident in the economy after the election of GOP President Donald Trump.

Still, self-identified Democrats expect a recession, while Republicans expect robust growth.

The University of Michigan said its final reading of consumer sentiment was 96.3 in February, up from its preliminary reading of 95.7 but down from January's final reading of 98.5. It was up 5% from February 2016.

The index's three-month average is at the highest it has been for nearly 13 years.

—Austen Hufford

## Spring Is in the Air for Baseball Fans



**BATTER UP:** Fans arrived for a spring training baseball game between the New York Yankees and the Philadelphia Phillies on Friday in Tampa, Fla.

## CHINA

*Continued from Page One* whom see the country as full of prospective buyers willing to pay high premiums for flashy Hollywood holdings.

The economic-policy changes in China come amid mounting protectionist rhetoric in the U.S. from the administration of President Donald Trump.

"We've heard from both [private-equity] firms and investment banks that China investment activity around [Hollywood] assets started to wane just prior to the election and is almost nonexistent now," said Chris Fenton, a trustee of the U.S.-Asia Institute, which organizes congressional delegations to China, and president of DMG Entertainment, a media company headquartered in Beverly Hills and Beijing.

An MGM spokeswoman said: "MGM is in the strongest position ever and is not for sale."

Once known for producing classics of Hollywood's Golden Age such as "The Wizard of Oz" and "Singin' in the Rain," MGM is now much smaller, owned by private-equity firms and long considered a likely takeover target. The studio's most valuable asset is its film library.

Interest in MGM from China heated up last year when Viacom Inc.'s Paramount Pictures considered a rich acquisition offer from Wanda, according to a person familiar with the matter.

MGM wasn't the subject of a formal auction process, according to a different person familiar with the matter, and has indicated to potential business partners that it may pursue a public stock offering in the next couple of years.

Chinese companies last year announced a record \$225 billion in international purchases. Beijing keeps tight controls on

money flowing out of the nation, concerned such capital flight could shake confidence in its economy and potentially weaken the yuan. That has led to greater scrutiny of overseas acquisitions to ensure they aren't being made to evade capital controls.

Chinese companies that want to invest internationally typically submit applications to at least two regulators: the Ministry of Commerce and the National Development and Reform Commission, the country's top economic planner. Once those applications are approved, the decision moves to a third regulator, the State Administration of Foreign Exchange.

Regulators are still accepting applications, a person involved

*China has become a go-to source of capital for Hollywood in recent years.*

in Chinese outbound media deals said, but some applications appear to be in limbo and haven't received a formal response, which has ground deals to a virtual halt.

In recent years, China has become a go-to source of capital for Hollywood. Studios have co-financed productions with Chinese firms and raked in billions in ticket sales in the country, now the world's No. 2 box-office market.

But to some extent any deal with China represents a roll of the dice, said one longtime Hollywood executive. In the U.S., it is relatively easy to predict what might trip up government regulators, but in China there is little transparency about the state's concerns.

"You have no way to assess what they might say about a

deal," the executive said.

In December, Chinese metals manufacturer Anhui Xinke New Materials Co. said it was canceling its roughly \$350 million acquisition of Voltage Pictures LLC, a Los Angeles film financing and production company best known for "The Hurt Locker" and "Dallas Buyers Club."

"They were really close to the end of the deal," said a person close to Voltage. "Suddenly, the deal's off and they never really got any clear communication from Xinke as to why."

Voltage is suing Xinke and the Chinese company's law firm for breach of contract, seeking more than \$300 million in damages. Xinke has said in regulatory filings to the Shanghai Stock Exchange that Voltage didn't provide additional information requested by that regulator. Xinke didn't return calls or an email seeking comment.

On Thursday, China-based Recon Holding announced it would pay \$100 million for a 51% stake in Millennium Films of Los Angeles, which produces "The Expendables" and "Olympus Has Fallen" franchises, and has a library of nearly 300 films. A person close to the deal said the crackdown made Recon more sensitive to regulatory concerns, adding that Chinese support for the transaction was helped by the fact that Millennium films have performed well in Chinese theaters.

Wanda's purchase of Dick Clark Productions, producer of the Golden Globes and other awards shows, was announced in November, but it is in limbo, according to people familiar with the matter. Dick Clark's current owner, Eldridge Industries, still expects the deal to close, according to a person close to the company.

—Shalini Ramachandran contributed to this article.

## FCC Chief Targets Rule on Privacy

By JOHN D. MCKINNON

WASHINGTON—The Federal Communications Commission said Chairman Ajit Pai would seek to roll back key portions of an Obama-era privacy rule that cable and wireless firms opposed as unfair.

The move marks the most significant step yet by the new FCC chairman to chip away at recently adopted agency rules of the road for the internet. Those include a related regulation aimed at enforcing so-called net neutrality—the principle that all internet traffic should be treated equally.

But Friday's statement on privacy likely will fuel a running conflict with supporters of the rules, including many consumer groups and congressional Democrats.

It also could foreshadow new court battles over the rollback efforts, even as industry legal challenges to the rules continue.

The FCC privacy rules were adopted last fall, when Democrats controlled the agency. The rules would have subjected internet service providers—generally, cable and wireless firms—to somewhat tougher standards than big internet firms such as Facebook Inc. or Google, a unit of Alphabet Inc., when it comes to handling of sensitive user data, critics said.

The rules say that marketing of web-browsing history

would require consumer opt-in. The Federal Trade Commission, which oversees non-provider internet firms such as Google and Facebook, requires customer opt-in only for certain sensitive categories of information, such as health or financial data.

Internet service providers complained the new rule would put them at a disadvantage against their huge rivals.

An FCC spokesman said Mr. Pai, a Republican, would seek a commission vote to stay parts of the privacy rule before they take effect March 2. If any other commissioners block that effort, then the agency will impose a stay, the spokesman said.

The provisions in question would impose new standards for customer data security. Other provisions that drew industry opposition go into effect in December.

"Chairman Pai believes that the best way to protect the online privacy of American consumers is through a comprehensive and uniform regulatory framework," the FCC spokesman said.

FCC Commissioner Mignon Clyburn and FTC Commissioner Terrell McSweeney, both Democrats, said in a joint statement: "Chairman Pai is determined to take action that leaves consumers without a cop on the beat protecting their personal information."

## CORRECTIONS &amp; AMPLIFICATIONS

**Devon Energy Corp.** believes a border-adjustment tax could benefit its business, but it hasn't formally endorsed such a tax. A Business & Finance article on Friday about how a border-adjustment tax could affect the energy sector incorrectly said the company favored the tax.

**Rep. Leonard Lance** of New Jersey won re-election last year by 11 percentage points. A Page One article on

Friday about newcomers to political activism incorrectly said the congressman won by 9 points.

**A penthouse apartment** at Sterling Mason in Manhattan, originally listed for \$20 million, is now offered at \$18.95 million. A photo caption with a Mansion article on Friday about a slowdown in sales of luxury homes incorrectly said the apartment was originally listed for \$22 million.

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