

January 28, 2022



**SUPPORT THE CONFIRMATION OF NANCY ABUDU  
TO THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 230 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, we write to express our strong support for the confirmation of Nancy Abudu to the U.S. Court of Appeals for the Eleventh Circuit.

Ms. Abudu's distinguished career advancing equal justice makes her extremely well qualified and an ideal person for this seat on the Eleventh Circuit. Since 2019, she has worked at the Southern Poverty Law Center (SPLC) where she currently serves as the director of strategic litigation. Previously, she worked as the legal director for the American Civil Liberties Union (ACLU) of Florida, as senior staff counsel and staff attorney for the ACLU Voting Rights Project, and as a Skadden extern at the Legal Aid Society of New York. Moreover, Ms. Abudu served as a staff attorney with the Eleventh Circuit. She also spent time in private practice at The Partners Group and Skadden, Arps, Slate, Meagher & Flom LLP. She is a graduate of Columbia University and Tulane University School of Law. Ms. Abudu possesses vast and complex experience protecting the rights of all people and is an exceptional choice to serve on the Eleventh Circuit.

Ms. Abudu has dedicated much of her impressive career to defending and protecting civil and human rights. This experience is especially important given the types of cases the Eleventh Circuit hears and the underrepresentation of civil rights lawyers on the federal bench.<sup>1</sup> In particular, she has significant experience in protecting the fundamental freedom to vote. She joined SPLC to help establish its Voting Rights Practice Group, after having spent years litigating on behalf of clients seeking equal access to the ballot box with the ACLU's Voting Rights Project and the ACLU of Florida. Ms. Abudu's extensive legal experience includes work on several cases to protect the right to vote for many marginalized communities. For example, she helped restore the right to vote for people who have completed their felony sentences,<sup>2</sup> challenged an unconstitutional poll tax that targeted people without wealth,<sup>3</sup> and advocated for the voting rights of a pre-trial detainee.<sup>4</sup> Ms. Abudu has also worked in many other areas of voting rights, including — but not limited to — challenging a discriminatory voter ID law,<sup>5</sup> an

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<sup>1</sup> See Buchanan, Maggie Jo, *The Startling Lack of Professional Diversity Among Federal Judges*, CENTER FOR AMERICAN PROGRESS (June 17, 2020); *Broadening the Bench: Professional Diversity and Judicial Nominations*, ALLIANCE FOR JUSTICE (February 6, 2014).

<sup>2</sup> See *Coronado v. Napolitano*, No. 08-17567 (9th Cir. 2010).

<sup>3</sup> *McCoy v. DeSantis*, 15 F.4th 1062 (11th Cir. 2021).

<sup>4</sup> *Swann v. Ga. Sec'y of State*, 668 F.3d 1285 (11th Cir. 2012).

<sup>5</sup> *South Carolina v. United States*, 898 F. Supp. 2d 30 (D.D.C. 2012).



unconstitutional gerrymander,<sup>6</sup> a state ban on curbside voting during the COVID-19 pandemic,<sup>7</sup> and other barriers that infringed on the rights of voters with disabilities.<sup>8</sup> Ms. Abudu has vast experience in civil and human rights law as well, including a challenge to ensure marriage equality,<sup>9</sup> protection of the free exercise of religion,<sup>10</sup> pursuit of adequate health care for a transgender person who is incarcerated,<sup>11</sup> and defense of reproductive rights.<sup>12</sup> This breadth and depth of litigation experience, together with her commitment to equal justice, would make her a tremendous addition to the federal judiciary.

In addition to the important professional experience she would bring to the Eleventh Circuit, it is also notable that Ms. Abudu would be the first Black woman to ever serve on the Eleventh Circuit as well as the first Black person ever to serve in a Georgia seat on the Eleventh Circuit.<sup>13</sup> The Eleventh Circuit — which encompasses Alabama, Florida, and Georgia — is home to nearly 8 million Black people,<sup>14</sup> yet Ms. Abudu would be only the third Black judge in the court's history.<sup>15</sup> Public trust in the judiciary is crucial to its function, and is bolstered when the bench better reflects the communities it serves.<sup>16</sup> Additionally, this diversity of professional and lived experiences also improves judicial decision-making.<sup>17</sup> Ms. Abudu would bring vital and much-needed lived and professional experiences to the federal bench.

Ms. Abudu is well qualified to serve on the federal bench and we strongly urge the Senate to confirm her to the Eleventh Circuit. If you would like to discuss this matter further, please contact Lena Zwarensteyn, Senior Director of the Fair Courts Program, at (202) 466-3311. Thank you for your consideration.

Sincerely,

Wade Henderson  
Interim President & CEO

Jesselyn McCurdy  
Executive Vice President of Government Affairs

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<sup>6</sup> *Calvin v. Jefferson Co. Ed of Comm 'rs*, 172 F. Supp. 3d 1292 (N.D. Fla. 2016).

<sup>7</sup> *Merrill v. People First of Ala.*, 141 S. Ct. 190 (2020).

<sup>8</sup> See Complaint at 12, *Sixth District of the AME Church v. Kemp*, 1:21-cv-01284-JPB (N.D. Ga. 2021); Amended Complaint at 8, *Harriet Tubman Freedom Fighters, Corp. v. Lee*, 4:21-cv-00242-MW-MAF (N.D. Fla. 2021).

<sup>9</sup> *Brenner v. Scott*, No. 4:14-cv-107 (N.D. Fla. 2016); *Grimsley v. Scott*, No. 4:14-cv-00138 (N.D. Fla. 2016).

<sup>10</sup> See *CAIR Fla., Inc. v. Miami-Dade County*, No. 1:15-cv-23324 (S.D. Fla. 2015).

<sup>11</sup> *Keohane v. Fla. Dep't of Corr. Sec'y*, 952 F.3d 1257 (11th Cir. 2020).

<sup>12</sup> See *Gainesville Woman Care, LLC v. State*, 210 So. 3d 1243 (Fla. 2017); *Reverend Bryan G. Fulwider, et al., v. Justin Senior, et al.*, 2016 WL 9710965 (N.D. Fla. 2017).

<sup>13</sup> See *Biographical Directory of Article III Federal Judges, 1789-present*, Federal Judicial Center (accessed on Jan. 25, 2021).

<sup>14</sup> *Quick Facts: Georgia, Florida, Alabama*, The U.S. Census Bureau (accessed on Jan. 25, 2021).

<sup>15</sup> *Id.*

<sup>16</sup> See Sen, Maya, *Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time*, 2017 Wis. L. Rev. 367 (2017).

<sup>17</sup> Berry, Kate, *Building a Diverse Bench: Selecting Federal Magistrate and Bankruptcy Judges*, BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW AND AMERICAN BAR ASSOCIATION JUDICIAL DIVISION (2017).