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June 3, 2024

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
U.S. Senate
711 Hart Senate Building
Washington, DC 20510

The Honorable Lindsey Graham
Ranking Member
Committee on the Judiciary
U.S. Senate
211 Russell Senate Building
Washington, DC 20510

Dear Chairman Durbin and Ranking Member Graham:

We write to express our enthusiastic support for Embry Kidd, who has been nominated to serve as a judge on the United States Court of Appeals for the Eleventh Circuit.

We are partners and senior counsel at Williams & Connolly LLP. This letter is from those of us at Williams & Connolly who knew Embry, and in many cases worked with him, during his tenure at the firm from 2009 through 2014, when he chose to leave the firm to pursue public service with the Department of Justice. Most of us have also served as law clerks at different levels of the federal judiciary and many of us have appeared before or clerked for the Eleventh Circuit and district courts within the Circuit. To put it mildly, we have a diverse range of political viewpoints; the undersigned group includes former officials in both Republican and Democratic administrations. Yet we are in unanimous agreement on one thing: Embry will be a superb member of the federal judiciary.

At Williams & Connolly, we pride ourselves on giving younger attorneys significant practice opportunities early in their careers, and Embry was no exception. He was asked to take substantial early responsibility for work on a wide variety of matters. Among other things, he assisted in the successful defense of civil claims against a senior government official and participated in the resolution of a number of multi-million-dollar commercial disputes and government enforcement actions, some of which went to trials in which Embry participated. He was also instrumental in an administrative trial of a long-serving foreign policy expert, which restored our client's security clearance after a wrongful revocation. Embry also participated in our Firm's pro bono programs including defending two individuals referred by local public defenders in criminal cases. He also worked with others on a court-appointed case which ended with a landmark ruling – a position affirmed in 2020 by the Supreme Court – allowing damages against a prison official for violating the Religious Freedom Restoration Act.

In all of his work here, we and others who worked with Embry found him to be smart, very capable, hard-working, and exceptionally collegial. He thought deeply about how best to solve problems

for our clients, taking into consideration the clients' goals, the options provided in the law, conflicting law or cases, and any divergent views of others on how best to proceed. He modeled what it means to represent clients zealously and ethically. Even early in his career, he showed talents that are essential to success as an appellate judge: he is intelligent, fair, digs deeply into the law, and considers divergent viewpoints before making decisions.

In summary, we are confident that Embry will serve the federal judiciary with integrity, intelligence, and fairness. We respectfully submit that he is exceptionally qualified to serve as an appellate court judge, and we unanimously support his confirmation to the U.S. Court of Appeals for the Eleventh Circuit.

Yours sincerely,

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