



January 28, 2022

United States Senate  
Washington, DC 20510

**Re: Support for the Nomination of Nancy Abudu to the United States Court of Appeals for the Eleventh Circuit**

Dear Senator:

On behalf of the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee"), we urge you to support the nomination of Nancy Abudu to the United States Court of Appeals for the Eleventh Circuit. The Lawyers' Committee is one of the nation's leading nonprofit civil rights organizations, founded in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combating racial discrimination and in securing equal justice under law. For nearly sixty years, the Lawyers' Committee has been at the forefront of many of the most significant cases to advance racial equality and secure equal justice. Our mission and history make our organization uniquely qualified to comment on this nomination.

Nancy Abudu is a champion for equal justice and exceptionally well-qualified to serve as an appellate judge on the Eleventh Circuit. As the Deputy Legal Director at the Southern Poverty Law Center (SPLC), where she has spent the last three years of her career, she has led extensive voting rights litigation, research, and advocacy across the country to protect the fundamental right to vote and ensure equal justice under the law. Before assuming her role there, she boasted an impressive thirteen-year career with the American Civil Liberties Union (ACLU), serving as Senior Staff Counsel for the first seven years, and as Legal Director of the ACLU of Florida for the remaining six. Ms. Abudu is a graduate of Tulane University Law School and obtained her undergraduate degree in English from Columbia University. After law school, Ms. Abudu went on to work at Skadden, Arps, Slate, Meagher & Flom LLP as an Associate, at Amnesty International as a State Legislative Coordinator and, finally, at the Eleventh Circuit Court of Appeals as a Staff Attorney before starting her work with the ACLU and SPLC.

Ms. Abudu's extensive record and careful approach to the law make her preeminently qualified to serve on the United States Court of Appeals for the Eleventh Circuit. In addition to her exemplary litigation skills and expertise in voting rights, she is a recognized expert on voting rights and democracy, having testified before Congress and the United Nations Commission on Human Rights, and written extensively on these issues. Ms. Abudu was heavily involved in *People First of Alabama v. Merrill*, where she successfully challenged an omnibus Alabama law that would have established ID and witness requirements for mail-in voting.<sup>1</sup> These voting restrictions were found to be in

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<sup>1</sup> *People First of Alabama v. Merrill*, 491 F.Supp.3d 1076 (N.D. Ala. 2020).

violation of the Voting Rights Act and Americans with Disabilities Act as applied during the COVID-19 pandemic.<sup>2</sup> Ms. Abudu’s commitment to upholding the fundamental right to vote and equal justice is an essential duty of our federal judiciary, particularly for the United States Court of Appeals for the Eleventh Circuit, which decides many cases impacting the rights of people of color and low-income people.

We have had the pleasure of litigating cases side-by-side with Ms. Abudu as co-counsel during almost all of her tenure at the ACLU and SPLC, and have worked with her on numerous committees, participated with her on panels, and engaged in countless hours of discussion on issues pertaining to civil rights in general and voting rights in particular. Throughout her career, Ms. Abudu has exhibited both a deep knowledge of the law and a fidelity to the highest principles of our profession, as well as warmth, a spirit of collegiality, and mutual respect for everyone she encounters. Moreover, she has devoted her career to practicing in the Southern states within the jurisdiction of the Eleventh Circuit, including previously serving as a staff attorney with that Court.

As a civil rights attorney and daughter to Ghanaian immigrants, Ms. Abudu would bring much-needed diversity to the federal appellate bench. At the conclusion of the Trump administration, only 20 federal judges out of 661 total were former civil rights advocates.<sup>3</sup> Civil rights attorneys play an essential role in our legal system to ensure that all individuals’ fundamental rights are protected, especially the rights of people of color, women, people with disabilities, and LGBTQ+ people. The federal judiciary should reflect the diversity of the legal profession and include more judges who have experience representing and protecting the rights of people who have experienced discrimination in our society.

To ensure the federal courts remain impartial, committed to the rule of law and trusted by the American public, the Senate must confirm highly qualified judges from across the legal profession that represent the vast racial and ethnic diversity present in the United States. Currently, the federal judiciary lacks racial, ethnic, and gender diversity. People of color are forty percent of the population but are only twenty-eight percent of active federal judges.<sup>4</sup> Additionally, women make up roughly half of the population, but only thirty-five percent of active Article III judges.<sup>5</sup> On the Eleventh Circuit, these trends continue as seventy-three percent of the sitting judges are white and fifty-five percent are male.<sup>6</sup> If confirmed, Ms. Abudu would be the first and only Black woman serving on the Eleventh Circuit.

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<sup>2</sup> *Id.* at 1180.

<sup>3</sup> Clark Neily, *Are a Disproportionate Number of Federal Judges Former Government Advocates*, CATO INST. (May 27, 2021), <https://www.cato.org/study/are-disproportionate-number-federal-judges-former-government-advocates>.

<sup>4</sup> *Diversity on the Federal Bench*, AM. CONST. SOC’Y., <https://www.acslaw.org/judicial-nominations/diversity-of-the-federal-bench/> (last visited Jan. 28, 2022).

<sup>5</sup> *Id.*

<sup>6</sup> *Diversity on the Federal Bench*, AM. CONST. SOC’Y., <https://www.acslaw.org/judicial-nominations/diversity-of-the-federal-bench/> (click “Circuit Court Judges”; then click hyperlink “View our map for data about individual circuit courts”; then click “By Circuit” hyperlink and select the Eleventh Circuit from the map) (last visited Jan. 28, 2022).

Thank you for your consideration of our support of the nomination of Nancy Abudu to serve on the United States Court of Appeals for the Eleventh Circuit. We urge the Senate to swiftly confirm Ms. Abudu. We welcome the opportunity to discuss her nomination with your office further; if you have any questions or concerns, please contact Demelza Baer, Director of Public Policy, at [dbaer@lawyerscommittee.org](mailto:dbaer@lawyerscommittee.org).

Sincerely,



Damon T. Hewitt  
President & Executive Director  
Lawyers' Committee for Civil Rights Under Law



Demelza Baer  
Director of Public Policy  
Lawyers' Committee for Civil Rights Under Law