



# AFL-CIO

AMERICA'S UNIONS

**American Federation  
of Labor and  
Congress of Industrial  
Organizations**

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November 17, 2020

Dear Senator:

The AFL-CIO urges you to oppose the nomination of Kathryn Kimball Mizelle to serve as a judge on the U.S. District Court for the Middle District of Florida.

Ms. Mizelle is currently a junior attorney at Jones Day and is woefully lacking in any substantial trial experience. She is just 8 years out of law school, serving half of that time in judicial clerkships rather than in practice. Indeed, a substantial majority of the ABA Standing Committee on the Federal Judiciary has concluded that she is “Not Qualified” for this lifetime appointment because she has neither the recommended 12 years in practice nor substantial courtroom and trial experience—she has never once tried a case as lead or co-counsel; she has only once conducted direct examination of an expert witness, and only twice has she tried a case to verdict.

Her current law firm lists her sole accomplishment as being the last author on an amicus brief filed on behalf of business groups opposing the AFL-CIO’s mandamus petition seeking OSHA’s issuance of an emergency temporary standard to protect working people from COVID19.

Since this nomination clearly is not based on Ms. Mizelle’s professional experience, we can only conclude that she belongs in the long line of candidates picked out by this administration solely because of their conservative ideology. Here Ms. Mizelle checks all the boxes: she is a long and active member of the Federalist Society, serving for three years on its DC Young Lawyers Chapter Steering Committee; in 2017 and 2018, she served in the Department of Justice as Counsel to the Associate Attorney General, supervising litigation handled by the Department’s Civil Rights Division and Civil Division, during which time the Department took actions to roll back numerous civil rights protections.

Ms. Mizelle’s record includes no suggestion whatsoever that she will be an unbiased open-minded judge. At this critical moment in our nation’s history, the Senate should be focused on addressing the health, economic, and justice challenges that face our nation rather than on processing judicial nominees with a singular right-wing agenda.

For these reasons, we strongly oppose this nomination.

Sincerely,

William Samuel, Director  
Government Affairs

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