

September 23, 2020

United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Graham, Ranking Member Feinstein, and Committee Members:

The National Council of Jewish Women (NCJW) writes to express its strong opposition to the nomination of Kathryn Kimball Mizelle to the US District Court for the Middle District of Florida. Mizelle's overwhelming inexperience and troubling background makes her unfit for a lifetime appointment on the federal bench.

Having graduated law school a mere eight years ago, Mizelle lacks the proper experience, or any meaningful experience, for a lifetime appointment. She has been a practicing attorney for four years, having tried only two cases to verdict — neither of which were at the senior level. She served as co-council on one case and associate council on the other. Mizelle completed one expert cross examination. Indeed, the American Bar Association found her "Not Qualified" for a lifetime appointment, directly citing her lack of experience.

Supporting this, law firm Jones Day where Mizelle is currently employed, requires a minimum of nine and a half years of experience before even being eligible to be considered for partner — a minimum requirement that Mizelle is far from reaching in her current junior position. In fact, her current employer doesn't trust her with many significant responsibilities at all — including appearing before a jury, defending or taking witness depositions, arguing motions or appeals at any level, selecting a jury, or trying a case. The list of common tasks a judge would be expected to oversee that Mizelle has not yet been trusted to complete is astounding.

Along with her troubling lack of experience, Mizelle has deep ties to some of the nation's most conservative legal voices. In the four years immediately following her 2012 graduation from law school, Mizelle clerked for some of the nation's most conservative judges, including William Pryor, Greg Katsas (opposed by NCJW), and Clarence Thomas (opposed by NCJW). She served in the Trump Justice Department in 2017-2018, dismantling many critical civil rights protections from rescinding Title IX guidance that had provided critical legal protections for transgender students to filing a brief with the Supreme Court arguing that businesses have a right to discriminate against LGBTQ customers to arguing in court that the Affordable Care Act's protections for people with pre-existing conditions are unconstitutional, and so much more. Her lack of humanity is simply stunning.

In addition, Mizelle is a longtime member of the Federalist Society, an ultraconservative legal group, and spent three years on their DC Young Lawyers Chapter Steering Committee. She also completed a 2017 fellowship at the right wing Claremont Institute, an organization whose president believes that "multiculturalism and its politics of identity pose an existential threat to the American political order."

The Talmud (Avodah Zara 52a) asserts that appointing a judge who is biased or ill-prepared for the role is considered so bad that it is considered akin to one of the greatest sins in the Jewish

tradition. It teaches in the name of the sage Reish Lakish, “Anyone who appoints a judge who is unfit [for the position, due to his lack of knowledge or wickedness, is considered] as though he plants idolatry among the Jewish people.” Guided by our tradition and the facts before us — Mizelle’s inexperience, involvement in civil rights rollbacks, and ties to ultraconservative organizations — it is clear that Mizelle is neither fair, independent, or qualified, criteria by which NCJW considers federal judicial nominees.

Without hesitation, NCJW urges you to oppose Kathryn Kimball Mizelle for a lifetime appointment to the federal bench.

Sincerely,



Jody Rabhan
Chief Policy Officer
National Council of Jewish Women