

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Abdul Karim Kallon

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Northern District of Alabama

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Bradley Arant Boult Cummings
One Federal Place
1819 Fifth Avenue North
Birmingham, AL 35203

4. **Birthplace**: State year and place of birth.

1969; Freetown, Sierra Leone

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

August 1990 to May 1993, University of Pennsylvania Law School; J.D., May 17, 1993

September 1986 to June 1990, Dartmouth College; A.B., June 10, 1990

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

October 4, 1994 to Present
Bradley Arant Boult Cummings
Partner (2001 – present)
Associate (1994 – 2000)

August 1993 to August 1994
United States District Court for the Northern District of Alabama
Law clerk to Honorable U. W. Clemon

1991 -1993
University of Pennsylvania
W.E.B. DuBoise College House
Graduate fellow

May – July 1992
Thompson & Knight
1722 Routh Street, Suite 1500
Dallas, TX 75201
Law clerk

May – July 1991
Squire Sanders & Dempsey
4900 Key Tower, 127 Public Square
Cleveland, OH 44114
Law clerk

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have never served in the military. I registered with the selective service when I turned 18 in 1987.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Listed in Best Lawyers in America – Labor and Employment 2007 and 2008

Listed in Chambers USA America's Leading Lawyers for Businesses – Labor and Employment 2006 – 2009

Dartmouth College – Casque and Gauntlet Senior Society, Palaeopitus Senior Society, and Gary Love Prize

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Birmingham Bar Association – Diversity Task Force (2007); Grievance Committee (2008 – present)

Alabama Bar Association – Unauthorized Practice of Law Committee (2003 - 2005); Allied Professionals Task Force (2007 – Present; co-chair); Mentoring Program (2008 – Present)

Alabama Lawyers Association – Past Parliamentarian and Northern District Representative

Magic City Bar Association – President (2002) and Board of Directors (2003 – 2006)

National Bar Association

American Bar Association

Committee on the Re-Appointment of U. S. Magistrate Michael Putnam (August – September 2002)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Pennsylvania – May 16, 1994. Took inactive status when I decided to stay in Alabama

Alabama – April 28, 1995. No lapses in membership

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States District Court for the Northern District of Alabama – 1995

United States District Court for the Middle District of Alabama – 1995

United States District Court for the Southern District of Alabama – 2007

United States Court of Appeals for the Eleventh Circuit – 1995

There have been no lapses in membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

I am currently serving or have served on the board of the following non-profit organizations:

Legal Aid Society of Birmingham Board of Directors – 2006-2008 (President-2008)

Children’s Village Board of Directors – 2004-Present (President since 2008)

Big Brothers Big Sisters – Young Advisory Board (2000 - 2003) and Board of Directors (2003-2007)

Girls Inc. Board of Directors – 2007-Present

Sister Cities of Birmingham – 2000-Present (Vice-Chair since 2007)

Alabama Center for Law and Civic Education Board – 2007-Present

Bethel Baptist Historic Renovation Board of Directors – 2007 – Present

Ethics, Legal and Social Issues Sub-Committee Member of the Project Among African Americans to Explore Risks for Schizophrenia – approximately 2003 - 2007

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

I am a member of Alpha Phi Alpha Fraternity which restricts its membership to men, although I was last active in college. The fraternity’s community programs are open to all. However, like most fraternities and sororities, actual membership is restricted to a specific gender. I have not taken any action to change this practice.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I wrote an article in 1995 or 1996 for the Birmingham Bar Association Magazine on The Uniformed Services Employment and Reemployment Rights Act.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

In 2003, I was one of seven Technical Advisors for Governor Bob Riley's Commission on Education Spending. The actual Commission had 34 members. As a Technical Advisor, I was assigned to provide support and advice to the subcommittee on Education Trust Fund Accountability and Education-Related Spending, which was tasked with looking at how the state allocated and spent education trust fund dollars. At the end of the project, the entire Commission issued a report to the Governor.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

"Recent Developments in Employment Law" seminar presentation in 1999

"Maintenance of Personnel Records and Other Documentation" seminar presentation for the Council on Education in Management in April 2000

“Recent Significant Developments in the Law of Harassment in the Eleventh Circuit” presentation at the annual Alabama State Bar meeting in July 2001

“Dealing With Problem Employees” presentation for Lorman Education Services in October 2001

“The Changing Landscape: Electronic Discovery and Technology Issues in the Workplace” presentation to suppliers of Honda Manufacturing of Alabama in Canton, Georgia in October 2007

“Recent Developments in Labor and Employment Law” presentation to the Magic City Bar Association on December 5, 2008.

In addition to the six seminars above, I have also made the following presentations for which I cannot find the presentation materials:

March 20, 2003 presentation to the National Association of African Americans in Human Resources on employment law developments;

2001 and 2003 presentations to law students at the University of Alabama and Cumberland law schools about employment law from a management perspective, as part of the outreach program of the Labor and Employment Section of the American Bar Association

June 15, 2007 - I was one of seven panelists for the topic “Prostate Cancer Screening and Treatment: Ethical, Legal and Social Implications” at the Alabama Comprehensive Cancer Control Coalition’s Prostate Cancer Call to Action Summit 2007.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

In July 1999, I was interviewed by a *New York Times* reporter for a story on the NAACP. The story ran on July 11, 1999.

In April 2002, I did a radio interview to promote a “Know Your Rights” Law Day program by the Magic City Bar Association (“MCBA”). I was president that year and in the interview I talked about the MCBA, our mission, and the upcoming Know Your Rights program.

On December 19, 2003, the *Birmingham News* ran a story covering the settlement fairness hearing in a class action case I handled. The article referenced some of the statements I made in the hearing.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

i. Of these, approximately what percent were:

jury trials? ___%; bench trials ___% [total 100%]

civil proceedings? ___%; criminal proceedings? ___% [total 100%]

b. Provide citations for all opinions you have written, including concurrences and dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

e. Provide a list of all cases in which certiorari was requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not held a judicial office.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I have not served as a judge.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

None

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I served as a law clerk for Judge U. W. Clemon, Northern District of Alabama, from August 1993 to August 1994.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1994 – Present
Bradley Arant Boult Cummings
One Federal Place
1819 Fifth Avenue North
Birmingham, AL 35203
Partner (2001 – present)
Associate (1994 – 2000)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

Corporate civil defense at both the district and appellate court levels involving labor and employment law, general contract matters and some product liability matters. In my first three years of practice, I divided my practice equally between labor and employment and general litigation matters. However, at the end of my third year, I decided to focus primarily on labor and employment law. Since then, approximately 90 percent of my practice has involved some aspect of labor and employment law on behalf of businesses.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

For-profit and non-profit entities primarily in labor and employment matters, with some general litigation work periodically.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

My practice is primarily litigation based and, as such, I spend the bulk of my time representing my clients in state and federal courts. I estimate that litigation accounts for approximately 75 – 85 percent of my practice, with the remaining being general advice and counseling on non-litigation matters.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 97%
- 2. state courts of record: 2%
- 3. other courts: 0.5%
- 4. administrative agencies 0.5%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 100%
- 2. criminal proceedings.

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried eight cases to a jury verdict, judgment or final decision. I was lead counsel in two, was one of two lawyers in five, and was one of seven lawyers in another.

- i. What percentage of these trials were:

- 1. jury: 100%
- 2. non-jury.

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

- (1) *Holsombeck, et al. v. First Transit, et al*, Northern District of Alabama, Judge Karon Bowdre, 2:01-CV-01811-KOB – class action ADA lawsuit alleging inadequate compliance with the ADA in the paratransit bus service provided to disabled riders. I was lead counsel for First Transit and successfully negotiated the consent decree that resolved the case in December 2003. Rick Meelheim, P.O. Box 991, Gulf Breeze, FL 32562, (850) 932-1771, and Tam Yelling, Constangy Brooks, 900 One Federal Place, 1819 5th Avenue North, Birmingham, AL 35203, (205) 226-5471, represented the plaintiffs.
- (2) *Harold Matthews v. Jim Walter Resources*, Northern District of Alabama, Judge U. W. Clemon, 7:94-CV-2240-UWC – ADA case involving whether employers must disregard the seniority provisions of a collective bargaining agreement to accommodate a disability. This was one of the earliest cases to address this issue and was also my first trial. Plaintiff worked underground in a coal mine and developed a hearing condition. He asked that the employer accommodate his disability by giving him a job above ground – all of which were held by employees with more seniority than the plaintiff. The case tried in 1995 and we obtained a directed verdict for our client Jim Walter Resources. My former partner Jay St. Clair, who is now at Littler Mendelson, 420 20th Street North, Suite 2730, Birmingham, AL 35203, (205) 421-4700, was lead counsel. J. Paul Whitehurst, Whitehurst & Whitehurst, 1955 22nd Street, Northport, AL 35476 (205) 339-5151 and James A. Hall, Jr., 611 28th Avenue, Tuscaloosa, AL 35401 (205) 758-7202, represented Matthews.
- (3) *Morgan et al v. Family Dollar*, Northern District of Alabama, Judge U.W. Clemon, and Eleventh Circuit Court of Appeals., 7:01-CV-0303-UWC. I have worked on this case since 2004. Nationwide Fair Labor Standards Act collective action by 2500 store managers contending they were improperly classified as exempt executives and paid a salary even though they were not “in charge” of their stores and performed “non-managerial” duties instead. We tried the case a second time after a hung jury in the first trial. Jury verdict for the plaintiffs in the second trial, which the Eleventh Circuit affirmed in December 2008. We filed our certiorari petition with the Supreme Court on April 15, 2009. I was one of the trial lawyers for Family Dollar, did the closing

argument in the first trial, the opening and closing arguments in the second trial, and also did the direct and cross examinations of several witnesses and plaintiffs in both trials. My partner Matt Miller (205-521-8243), former partners Jay St. Clair (now with Littler Mendelson, 420 20th Street North, Suite 2730, Birmingham, AL 35203, (205) 421-4700), Jim May (also now with Littler Mendelson), and Arnold Umbach (now with Starnes & Atchison, P. O. Box 598512, Birmingham, AL 35259, (205) 868-6072), and Ron Kent (2790 Saddlecreek Trail, Birmingham, AL 35242, (205) 218-5073), also a former colleague, tried the case with me. J. Mark White and Augusta Dowd of the White Dowd & Arnold firm (2025 Third Avenue North, Suite 500, Birmingham, AL 35203, (205) 323-1888) were co-counsel. Robert Wiggins, Robert Childs, Michael Quinn, Rocco Calamusa, Greg Wiggins, Herman Johnson, all with the Wiggins Childs Quinn & Pantazis firm (The Kress Building, 301 19th Street North, Birmingham, AL 35203, (205) 314-0500) and J. Allen Schreiber and Mark Petro of the Schreiber & Petro firm (301 19th Street North, Suite 580, Birmingham, AL 35203, (205) 871-5080), represented the plaintiffs.

- (4) *Jan Tyner v. JWR*, Northern District of Alabama, initially with Judge Sam Pointer and then with Judge U. W. Clemon, CV-97-P-2411-W – sexual harassment case over the alleged conduct of a supervisor, the company’s alleged failure to train the supervisor in question, alleged failure to respond to the plaintiff’s complaints, and involving application of the *Faragher/ Ellerth* defenses. We tried the case to a jury in 2000 and obtained a verdict for our client. I was co-counsel with my former partner, Jim Alexander, who is now with Littler Mendelson, 420 20th Street North, Suite 2730, Birmingham, AL 35203, (205) 421-4700. James Wooten, 2001 Park Place, Suite 910, Birmingham, AL 35203, (205) 322-7707, represented Tyner.
- (5) *Carmen Strong, et al. v. U. S. Pipe* – Northern District of Alabama, Judge U. W. Clemon, CV-00-C-3686 – race and gender class action alleging nationwide discrimination in promotions and employment practices. Successfully negotiated a consent decree that, among other things, implemented a posting procedure for promotion opportunities so that all interested employees could compete for the vacancies. My former partner, Jim Alexander, who is now with Littler Mendelson, 420 20th Street North, Suite 2730, Birmingham, AL 35203, (205) 421-4700, was co-counsel. Jon Goldfarb, Wiggins Childs Quinn & Pantazis firm, The Kress Building, 301 19th Street North, Birmingham, AL 35203, (205) 314-0548, represented the plaintiffs.
- (6) *Elliott Evans v. Pemco Aeroplex, Inc.*, – Northern District of Alabama, Judge Lynwood Smith, CV-96-S-2801-S, 1998 WL 1048470 (N.D.Ala. Feb. 23, 1998) – race and disability discrimination case that addressed the issue of when a disabling condition actually rises to an ADA disability. Plaintiff worked as a maintenance worker on aircrafts. He subsequently developed a climbing restriction and was hampered in his ability to climb and work on certain sections of the aircrafts. We obtained summary judgment for our client. My former colleague, David Lawson, Source Medical Solutions, Inc., 100 Grandview Place, Suite 400, Birmingham, AL 35243, (205) 969-4681, was co-counsel. Cynthia Wilkinson, Wilkinson Law Firm,

215 Richard Arrington Jr. Blvd North, Suite 811, Birmingham, AL 35203, (205) 250-7866, represented Evans.

- (7) *Urban Construction v. Gaston Thacker, et al.*, Southern District of Florida, Judge Michael Moore, 1:95-CV-02326-KMM – construction breach of contract matter in which Urban alleged that Gaston-Thacker, as general contractor, caused them to delay the start of their work on the project. The principals of Urban were prominent individuals in the Haitian American community in Miami and the case had some political undertones over the Dade County School Board's decision to hire an out-of-town company as the general contractor for a \$54 million project. My partner Mabry Rogers, (205) 521-8225, and I tried the case on behalf of Gaston-Thacker. Bruce King, Carlton Fields, 4000 International Place, 100 S.E. Second Street, Miami, FL 33131, (305) 539-7244, represented Urban Construction. Herman Braude, Braude Margulies, 1200 Potomac Street N.W., Washington, D.C. 20007, (202) 471-5400, represented the surety USF&G.
- (8) *Ernest McAboy v. Chemical Waste Management*, Northern District of Alabama, Judge William Acker, CV-95-AR-1193-S – Title VII race discrimination case challenging a discharge tried to a jury after the plaintiff refused to settle the case for less than a million dollars even though the case was under Title VII's \$300,000 cap. At the start of trial, we asked and Judge Acker advised the plaintiffs of the caps and delayed starting the trial that first day to allow the plaintiff to talk to his lawyers. Despite advice from his lawyers and from his wife to settle and an offer on the table, the plaintiff still refused to counter with a number below the \$300,000 statutory cap. Instead, he continued to insist on millions and, ultimately, the jury found for the company. My former partner Jim May, who is now Littler Mendelson, 420 20th Street North, Suite 2730, Birmingham, AL 35203, (205) 421-4700, tried the case with me on behalf of Chem Waste. Jeffrey Bennett, 121 Edenton Street, Birmingham, AL 35242, (205) 408-7240, and Robyn Bennett, 121 Edenton Street, Birmingham, AL 35242, (205) 995-2200, represented McAboy.
- (9) *Linda McGhee v. United Parcel Service*, Northern District of Alabama, Judge Buttram, CV-95-BU-1570-S – McGhee alleged that an hourly co-worker and four supervisory employees sexually harassed her, that UPS retaliated against her when she complained, and that UPS paid her less than similarly-situated male employees. In discovery, she showed up with tape recordings and a detailed diary which purportedly chronicled the alleged harassment. We were able to discredit the bulk of her evidence and eventually resolved the matter favorably. Marvin Stewart of the then Stewart Law group represented McGhee. Mr. Stewart has since been disbarred and there is no contact information for him on the state bar website.
- (10) *Kenney Edwards v. The John Deere Company, et al.*, Northern District of Alabama, Judge Scott Coogler, CV-03-CO-3451-W – Edwards worked for John Deere for over 20 years and headed up one of their divisions. After his retirement, he tried to purchase a Deere dealership in Tuscaloosa and claimed that he was denied approval because of his race. Byron Perkins, The Cochran Firm, 505 North 20th Street, Suite 825, Birmingham, AL 35203, (205) 244-1115, represented Edwards and used media

outlets (Tom Joyner, Tavis Smiley, Black Enterprise) and other national officials on Edwards' behalf to mount a negative publicity campaign against Deere. We resolved the case at mediation. Eric Bossett, Covington & Burling, 1201 Pennsylvania Avenue, N.W., Washington, D.C. 20004, (202) 662-5606, was lead counsel for Deere.

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Worked with the Southern Poverty Law Center in a matter against a nationwide mutual insurance company that provided access to various fraternal lodges it owned and maintained for its policy holders to use to socialize. Some of the lodges discriminated against African Americans. Richard Cohen of the Southern Poverty Law Center and my former partner, Robert Spotswood, (205) 986-3621, were the lead lawyers and negotiated a resolution. I was an associate at the time and was tasked with reviewing the quarterly progress reports to ascertain compliance with the settlement decree.

Worked with the Jefferson County, Alabama Teen Court program as a trainer, attorney coach and trial judge. Teen Court is an alternative sentencing program for first time non-violent offenders in which the lawyers and jurors are other teenagers. My role was to train the students to prepare them for their roles as prosecutors or defense lawyers and to work with them during the trials on those days when I was not serving as one of the judges.

Unfair labor practice charges by a union against a local company over its decision to outsource work in an effort to reduce costs. The company felt the outsourcing was essential to its survival and felt it had a right to do so under the collective bargaining agreement and prior interpretations of it by arbitrators. We lost one of the arbitrations and prevailed in the other. Ultimately, we worked out a resolution with the union.

Annual supervisory training sessions for a large number of my clients. This is an opportunity to have a forum with the individuals in the trenches to discuss problem areas and to make recommendations on how they can improve their employment practices to make the workplace more hospitable and fair to all.

Race harassment investigation involving a hangman's noose, the media, and tense moments navigating through the issues and finding a solution that included shutting down the plant for a day, retraining the employees, and creating a task force to deal with any ongoing issues.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe

briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not held a teaching position. However, I have guest lectured in a legal studies class at the University of Alabama – Birmingham (UAB) and in a history class on African Civilizations at UAB.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I do not have any deferred income arrangements. I expect however to continue to receive an annual distribution from the profits of Synergy Real Estate Holdings for my two percent ownership stake. In 2008, my distribution was \$1132. I am also in the process of finalizing plans to purchase a small interest in a funeral home which may also result in annual distributions.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

No.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I do not see any categories of litigation or family relationships that will pose a conflicts of interest issue. However, I do own individual shares in various stocks and have ownership interests in a business. I will disclose these entities and add them to the automatic recusal list.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

Since attorneys routinely see conflicts when none may exist, I will review any motion suggesting a conflict as an initial matter. If it appears even remotely to have any merit, I will refer it to a magistrate. Depending on the recommendation of the magistrate, I will either recuse myself or consult with the chief judge for additional guidance. For those motions to recuse that I believe lack merit, I will hold a hearing to allow the moving party to preserve the record and also to flush out the issues further to see if I may have overlooked something in my initial reading of the motion. In all cases, I will follow the Code of Conduct for United States Judges.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have represented Children's Village in a lawsuit (Lakisha Raby v. Children's Village, CV-02-B-2910-S, NDAL) and on EEOC charges (Darryl Gardner and Bertha Strickland). I have also handled matters pro bono for Alethia House, a drug rehabilitation facility, and for Bethel Baptist Church.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I submitted my application for this vacancy on January 26, 2009, to Congressman Artur Davis' Alabama Advisory Committee. The Advisory Committee interviewed me on February 14, 2009 and informed me three days later that I was their top choice for the position.

On April 27, 2009, I was contacted by staff from the Department of Justice regarding the nomination process and paperwork. I have had subsequent conversations with staff from the Department regarding that paperwork. On June 26, 2009, I interviewed with Thomas Perrelli, and staff from the Department of Justice, along with a representative of the White House Counsel's Office. I was asked about my experiences as a practitioner, the substantive areas of my practice, how I intend to learn new areas of the law if I am nominated and confirmed, and about my civic involvement. My nomination was submitted to the United States Senate on July 31, 2009.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, ABDUL KALLON, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

August 26, 2009
(DATE)

Abdul Kallon
(NAME)

Daniel L. Call
(NOTARY)

my commission expires 2/4/11