

January 19, 2022

The Honorable Dick Durbin
Chairperson
Committee on the Judiciary
United States Senate
711 Hart Senate Building
Washington, D.C. 20510

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

RE: Disability Organizations Support for Nomination of Nancy G. Abudu to the
United States Court of Appeals for the Eleventh Circuit

Dear Chairperson Durbin and Ranking Member Grassley:

The undersigned disability rights organizations write to support Nancy Abudu's nomination to the U.S. Court of Appeals for the Eleventh Circuit. Throughout her career as a civil rights attorney and voting rights expert, Ms. Abudu has demonstrated excellence, professionalism, and a commitment to justice and fairness, including for people with disabilities.

In her advocacy, Ms. Abudu has taken affirmative steps to protect the rights and needs of disabled people, including during the COVID-19 pandemic. She has worked in close coalition with the disability community on voting rights. As Deputy Legal Director of the Southern Poverty Law Center, Ms. Abudu has brought numerous cases to advance the voting rights of people with disabilities, and supervises a project with the Alabama Disabilities Advocacy Program (ADAP) focused on the intersection of voting and disability. She has a deep understanding of the ways that government interference with fundamental rights such as voting can harm diverse communities.

For example, in *People First v. Merrill*, No. 2:20-cv-00619-AKK (N.D. Ala.), Ms. Abudu brought claims under the Americans with Disabilities Act¹ on behalf of People First of Alabama, an organization of people with developmental disabilities living in Alabama. Individuals with developmental and intellectual disabilities are several times more likely to die from COVID-19 than other people. She also represented several individuals with other disabilities who were at high risk for severe outcomes from COVID-19 due to their disabilities. The disabled plaintiffs sought to exercise their fundamental right to vote during the pandemic by voting curbside or by

¹ As this Committee well knows, the ADA of 1990 and the ADA Amendments Act of 2008 were enacted by bipartisan majorities of Congress and signed by President George H.W. Bush and President George W. Bush, respectively.

absentee ballot, in order to avoid the person-to-person contact that spreads the virus. The legal team secured two preliminary injunctions from the federal trial court; the remedy of preliminary injunction requires an extensive and persuasive showing by counsel, and is only rarely granted. Although the orders were subsequently stayed by appellate courts, that they were granted at all shows the skill and commitment of Ms. Abudu and her team.

Similarly, in *Sixth District of the AME Church v. Kemp*, 1:21-cv-01284-JPB (N.D. Ga.), Ms. Abudu represents The Arc of the United States, Georgia ADAPT, and the Georgia Advocacy Office in litigation against the state of Georgia for its restrictive law imposing unnecessary barriers to voting that make it harder for people with disabilities to vote. Disabled voters often need assistance to vote, and rely heavily on early and absentee voting. In 2016, 68.2 percent of disabled voters in Georgia either voted by mail or voted early. Many voters with disabilities cannot withstand long lines to vote – particularly if those lines lack food, water, seating, or shade. The litigation recognizes the impact of the restrictive law on the disability community, and seeks to block the harmful barriers.

Further, in *Harriet Tubman Freedom Fighters, Corp. v. Lee*, 4:21-cv-00242-MW-MAF (N.D. Fla.), Ms. Abudu represents the Florida chapters of Paralyzed Veterans of America as well as two disabled individuals including a veteran with quadriplegia. The litigation seeks to protect the rights of disabled voters who live in Florida and who wish to vote with assistance from a non-family member, such as a caregiver or social worker. The case challenges a Florida law that interferes with the ability of disabled voters to access help in registering to vote or voting, despite a federal law expressly permitting this kind of assistance.

Ms. Abudu brings critical professional and demographic diversity to the bench. The Biden Administration has expressed its commitment to “nominating individuals whose legal experience have been historically underrepresented on the federal bench, including those who are public defenders, civil rights and legal aid attorneys, and those who represent Americans in every walk of life.” Ms. Abudu is a Black woman who has spent the last nearly twenty years as a public interest attorney defending voting rights, including for people with disabilities. She has additional experience in private practice and working for the Eleventh Circuit Court of Appeals itself (as a staff attorney). Ms. Abudu possesses a critical perspective as a public interest lawyer which is largely absent on the federal bench. These perspectives and experience are much needed and will benefit decision-making on the Eleventh Circuit.

Currently, there are only a small handful of judges on the federal bench who have any background in disability rights, despite the fact that people with disabilities represent more than one fifth of the U.S. population. It is essential that the federal bench include judges with an understanding of the perspectives of people with disabilities and of disability law. Ms. Abudu’s body of work reflects an unqualified commitment to ensuring that every individual has a meaningful opportunity to vindicate their rights in court against unjust and discriminatory treatment.

Honorable Dick Durbin, Chair
Honorable Chuck Grassley, Ranking Member
January 19, 2022
Page 3

We urge the Committee on the Judiciary to confirm the nomination of Nancy G. Abudu to the Eleventh Circuit Court of Appeals.

Sincerely,

Alabama Disabilities Advocacy Program (ADAP)

American Association of People with Disabilities (AAPD)

Association of People Supporting Employment First (APSE)

Autistic Self Advocacy Network (ASAN)

Bazelon Center for Mental Health Law

Civil Rights Education and Enforcement Center (CREEC)

The Coelho Center for Disability Law, Policy & Innovation

The Honorable Tony Coelho

Disability Rights Advocates (DRA)

Disability Rights Education & Defense Fund (DREDF)

Disability Rights Florida (DRF)

Georgia Advocacy Office (GAO)

National Association for Rights Protection and Advocacy (NARPA)

National Association of the Deaf (NAD)

National Council on Independent Living (NCIL)

National Disability Rights Network (NDRN)

National Federation of the Blind (NFB)

cc:

Senator Patrick Leahy (D-VT)

Honorable Dick Durbin, Chair
Honorable Chuck Grassley, Ranking Member
January 19, 2022
Page 4

Senator Dianne Feinstein (D-CA)
Senator Sheldon Whitehouse (D-RI)
Senator Amy Klobuchar (D-MN)
Senator Chris Coons (D-DE)
Senator Richard Blumenthal (D-CT)
Senator Mazie Hirono (D-HI)
Senator Cory Booker (D-NJ)
Senator Alex Padilla (D-CA)
Senator Jon Ossoff (D-GA)
Senator Lindsey Graham (R-SC)
Senator John Cornyn (R-TX)
Senator Mike Lee (R-UT)
Senator Ted Cruz (R-TX)
Senator Ben Sasse (R-NE)
Senator Josh Hawley (R-MO)
Senator Tom Cotton (R-AR)
Senator John Kennedy (R-LA)
Senator Thom Tillis (R-NC)
Senator Marsha Blackburn (R-TN)