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Standing Committee on
the Federal Judiciary

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September 8, 2020

Via Email

The Honorable Lindsey Graham
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Via Email

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

*Re: Nomination of Kathryn Kimball Mizelle to the United States
District Court for the Middle District of Florida*

Dear Chairman Graham and Ranking Member Feinstein:

The ABA Standing Committee on the Federal Judiciary has reviewed a full report evaluating the professional qualifications of Kathryn Kimball Mizelle to serve as a district court judge for the United States District Court for the Middle District of Florida and a supplemental report by a second reviewer. In conducting its evaluation of this and every nominee, the Standing Committee focuses strictly on professional qualifications: integrity, professional competence and judicial temperament. A substantial majority of the Standing Committee has determined that Ms. Mizelle is “Not Qualified,” and a minority of the Standing Committee is of the opinion that she is “Qualified” to serve on the United States District Court for the Middle District of Florida.

Our rating is based on the Standing Committee’s criteria as set forth in the *Backgrounder*. The *Backgrounder* provides that “a nominee to the federal bench ordinarily should have at least 12 years’ experience in the practice of law.” The *Backgrounder* further provides that “in evaluating the professional qualifications of a nominee, the Standing Committee recognizes that substantial courtroom and trial experience as a lawyer or trial judge is important.”

The nominee was admitted to practice law in Florida on September 27, 2012. This represents a rather marked departure from the 12 year minimum. A nominee’s limited experience may be offset by the breadth and depth of the nominee’s experience over the course of her or his career. Nominees with fewer than 12 years but with substantial trial or courtroom experience and/or compensating accomplishments in the field of law, can be and have been found qualified by our Committee.

Since her admission to the bar Ms. Mizelle has not tried a case, civil or criminal, as lead or co-counsel. Of her four distinguished federal clerkships, one

clerkship was in the trial court. That year, plus her 10 months at a reputable law firm and approximately three years in government practice translates into 5 years of experience in the trial courts. We have taken into account the nominee's experience in federal grand jury proceedings, which are non-adversarial and do not take place before a judge. In each instance those proceedings resulted in the defendant's agreement to a plea of guilty with no trial. We also are aware that as a law school student the nominee participated as co-counsel with her supervising law professor in two one-day state court trials as part of her curriculum.

In view of the importance of substantial courtroom and trial experience as it relates to professional competence to serve as a lifetime Article III judge, the Standing Committee accordingly has concluded - after a thorough peer review evaluation and careful deliberation - that the nominee presently does not meet the requisite minimum standard of experience necessary to perform the responsibilities required by the high office of a federal trial judge.

Ms. Mizelle has a very keen intellect, a strong work ethic and an impressive resume. She presents as a delightful person and she has many friends who support her nomination. Her integrity and demeanor are not in question. These attributes however simply do not compensate for the short time she has actually practiced law and her lack of meaningful trial experience.

Respectfully,



Randall D. Noel
*Chair, Standing Committee
On the Federal Judiciary*

cc: Pat A. Cipollone, White House Counsel (*via email*)
Lola A. Kingo, Chief Nominations Counsel, Office of Legal Policy,
U.S. Department of Justice (*via email*)
Kathryn Kimball Mizelle (*via email*)
ABA Standing Committee on the Federal Judiciary (*via email*)
Denise A. Cardman, ABA Standing Committee on the Federal Judiciary,
Staff Counsel (*via email*)