

June 15, 2016



Abdul Karim Kallon
Nominee to the United States Court of Appeals for the Eleventh Circuit

President Obama nominated Judge Abdul Karim Kallon to the United States Court of Appeals for the Eleventh Circuit on February 11, 2016.¹ If confirmed, Kallon will be the first African American from Alabama to serve on the Eleventh Circuit and would fill a seat designated as a judicial emergency.² Judge Kallon currently serves as a judge on the United States District Court for the Northern District of Alabama, to which he was unanimously confirmed in November 2009. Before serving on the bench, Judge Kallon practiced at the law firm Bradley Arant Boult Cummings, LLP, where he focused on labor and employment law. Upon his nomination, President Barack Obama praised Judge Kallon’s “long and impressive record of service” and “history of handing down fair and judicious decisions.”³

Biography

Abdul Kallon was born in 1969 in Freetown, Sierra Leone. After moving to the United States as a child, Kallon received his A.B. from Dartmouth College in 1990 and his J.D. from the University of Pennsylvania Law School in 1993.

Judge Kallon began his legal career as a law clerk for the Honorable U.W. Clemon, District Judge for the Northern District of Alabama. Judge Kallon went on to replace Judge Clemon—the first African American federal judge in Alabama⁴—almost two decades later.⁵ Prior to his judicial service, Judge Kallon spent most of his career litigating employment disputes at Bradley Arant.

¹ *Pending Judicial Nominations*, ALLIANCE FOR JUSTICE (accessed Jun. 8, 2016), available at <http://www.afj.org/wp-content/uploads/2014/11/ReportPendingNominees.pdf>.

² Jacob Gershman, *Judge Abdul K. Kallon: From Sierra Leone to a Shot at the 11th Circuit*, THE WALL STREET JOURNAL (Feb. 16, 2016), <http://blogs.wsj.com/law/2016/02/12/judge-abdul-k-kallon-from-sierra-leone-to-the-11th-circuit/>.

³ Mary Troyan, *Obama Appoints Judge Abdul Kallon to the 11th Circuit*, MONTGOMERY ADVISOR (Feb. 16, 2016), <http://www.montgomeryadvertiser.com/story/news/2016/02/11/obama-appoints-judge-abdul-kallon-11th-circuit/80253358/>.

⁴ Kelly Carroll, *U.W. Clemon: The Equalizer*, COLUMBIA LAW SCHOOL MAGAZINE (2014), <http://www.law.columbia.edu/magazine/622899/u-w-clemon>.

⁵ *Abdul Kallon, Biographical Directory of Federal Judges*, FEDERAL JUDICIAL CENTER (accessed Feb. 16, 2016), <http://www.fjc.gov/servlet/nGetInfo?jid=3225>.

Legal Experience and Expertise

On the bench, Judge Kallon has ruled on a wide range of civil and criminal cases. One case that garnered media attention addressed the use of pepper spray by “student resource officers” against Birmingham high school students. Judge Kallon issued a 120-page opinion that criticized the “cavalier attitude” displayed by the officers who routinely used pepper spray for minor non-violent incidents such as back-talking, despite the fact that pepper spray is known to cause severe pain.⁶ Judge Kallon agreed with the Southern Poverty Law Center, which represented the students, that the use of pepper spray in non-violent situations violated students’ constitutional rights.⁷ Judge Kallon also ordered the student resource officers to develop new procedures and training to ensure that pepper spray is only used when appropriate.⁸

Judge Kallon also oversaw proceedings in a case between the Securities and Exchange Commission and two J.P. Morgan bankers who allegedly channeled \$8 million to friends of county officials in order to get the county’s business. Judge Kallon ordered the case to mediation which resulted in a settlement, eliminating the need for a costly trial.⁹

Judge Kallon’s record demonstrates his commitment to an impartial judiciary, and to allowing all Americans to vindicate their rights in court.¹⁰ As an attorney, Kallon represented Birmingham Health Care, a health center focused on serving the poor and homeless. When a case came before Judge Kallon that involved Birmingham Health Care, he properly recused himself and the case was reassigned.¹¹ In a case in which a police officer was charged with repeatedly shooting and paralyzing a civilian, Kallon declined to grant a police officer’s request for qualified immunity and instead ruled that the officer’s immunity and culpability were questions for the jury to decide.¹²

Other courts outside Alabama have relied on Judge Kallon’s sound judicial reasoning.¹³ For example, Judge Kallon presided over a case involving significant financial losses a company incurred due to a dishonest employee who stole from relatives’ brokerage accounts. Judge Kallon found that the company’s loss was not recoverable under its professional liability insurance

⁶ *J.W. v. Birmingham Bd. of Educ.*, No. 2:10-cv-03314-AKK, 2015 U.S. Dist. LEXIS 153196 at *5 (N.D. Ala. Sep. 30, 2015).

⁷ *Id.* at *66-68.

⁸ *Id.* at *155.

⁹ Kent Faulk, *Former J.P. Morgan bankers to pay JeffCo \$326K to settle \$8.2 million-bribery lawsuit*, AL.COM (Dec. 1, 2015) available at, http://www.al.com/news/birmingham/index.ssf/2015/12/former_jp_morgan_bankers_to_pa.html.

¹⁰ United States Senate Committee on the Judiciary Questionnaire for Judicial Nominees, Abdul Karim Kallon, <http://www.judiciary.senate.gov/download/kallon-senate-questionnaire-final> (noting that he has recused himself in every case involving his former law firm, close friends, mentors, his wife or businesses or companies in which either he or his wife own stocks).

¹¹ Mike Oliver, *Federal judge removes self from health care fraud case where he did business with company now under investigation*, AL.COM (Nov. 6, 2014), http://www.al.com/news/index.ssf/2014/11/federal_judge_removes_self_fro.html.

¹² *Morton v. Kirkwood*, 707 F.3d 1276, 1277 (11th Cir. 2013).

¹³ *Prof'l Asset Strategies v. Cont'l Casualty Co.*, No. 2:09-cv-1238-AKK (N.D. Ala. Aug. 27, 2010).

policy.¹⁴ The Eleventh Circuit affirmed Judge Kallon's decision,¹⁵ and a year later the Fourth Circuit relied on Kallon's interpretation of the insurance policy language in a similar case of professional insurance claims.¹⁶

Professional and Community Activities

Throughout his professional life, Judge Kallon has been an active member of the Birmingham community, serving children and minority populations. He is a long-time volunteer for Big Brothers Big Sisters of Greater Birmingham and Children's Village Birmingham.¹⁷ As a young law firm associate, he worked closely with the Southern Poverty Law Center in a matter against a nationwide mutual insurance company that was discriminating against African Americans.¹⁸ Judge Kallon also worked directly with non-violent teen offenders in the Alabama Teen Court program which helped introduce and prepare teens for future legal careers.¹⁹ Since 2004, he has served on the board for a group home, Children's Village, which provides loving, longtime care for neglected and abused children.

¹⁴ *Id.*

¹⁵ *Prof'l Asset Strategies v. Cont'l Casualty Co.*, 447 Fed.Appx.97, (11th Cir. 2011).

¹⁶ *Bryan Bros. Inc. v. Cont'l Cas. Co.*, 419 Fed.Appx. 422, 426 (4th Cir. 2011).

¹⁷ United States Senate Committee on the Judiciary Questionnaire for Judicial Nominees, Abdul Karim Kallon, <http://www.judiciary.senate.gov/download/kallon-senate-questionnaire-final>.

¹⁸ *Id.*

¹⁹ *Id.*