



# Nancy G. Abudu

## Nominee for the United States Court of Appeals for the Eleventh Circuit

President Joe Biden nominated Nancy Gbana Abudu to the United States Court of Appeals for the Eleventh Circuit on [January 10, 2022](#), for the seat vacated by Judge Beverly Martin, who is taking senior status. Ms. Abudu's work as a civil rights litigator has touched every state in the Eleventh Circuit. If confirmed, she would be the first Black woman to sit on the Circuit and the first person of color from Georgia to serve on the court.

### **Biography**

Nancy Abudu was born in Alexandria, Virginia, in 1974 to parents who had immigrated from Ghana. She graduated from Columbia University with a B.A. in 1996 and from Tulane University with a J.D. in 1999. At Tulane, Ms. Abudu served as Managing Editor of the *Tulane Environmental Law Journal* and worked in the school's Environmental Law Clinic. There, she represented low-income Louisianians seeking to keep a toxic plastics plant out of their community. After graduation, Ms. Abudu joined Skadden, Arps, Slate, Meagher & Flom, LLP as an Associate where she practiced commercial litigation while also maintaining a robust pro bono practice representing survivors of domestic violence at the Legal Aid Society. For her work with the Legal Aid Society, she won the organization's Outstanding Pro Bono Representation Award in 2001. Ms. Abudu then served as a Staff Attorney at the U.S. Court of Appeals for the Eleventh Circuit for two years.

In 2005, Ms. Abudu joined the American Civil Liberties Union's (ACLU) Voting Rights Project located in Georgia, serving first as a Staff Attorney before being promoted to Senior Staff Counsel. At the ACLU's Voting Right Project, she argued cases to protect the fundamental right to vote before the U.S. Court of Appeals for the Fifth, Ninth, and Eleventh Circuits. In 2013, she was hired as Legal Director for the ACLU of Florida, where she managed litigation on a wide range of civil rights issues, including free speech, religious freedom, and employment discrimination. Ms. Abudu was hired in 2019 as Deputy Legal Director for the Southern Poverty Law Center, headquartered in Alabama. There, she spearheaded the creation of the Center's Voting Rights Practice Group and supervised litigation in the U.S. Court of Appeals for the Fifth and Eleventh Circuits. She also currently serves as the organization's Director for Strategic Litigation.

### **Legal Experience**

Ms. Abudu has led all aspects of complex litigation in both state and federal courts and is a leading civil rights litigator and voting rights expert. Ms. Abudu's robust appellate practice has included representation before the U.S. Supreme Court and numerous federal circuit courts of appeal. She has submitted more

than 80 briefs to the Supreme Court, including an [amicus curiae brief](#) in support of the Voting Rights Act in the 2021 case *Brnovich v. Democratic National Committee*.

## **CIVIL RIGHTS**

### Voting Rights

Ms. Abudu has worked tirelessly to protect the fundamental right to vote. A significant portion of her voting rights work has centered on ensuring persons with disabilities have access to the ballot box. In Florida she [represented](#) Steve Kirk, a quadriplegic veteran who, due to the loss of use of his hands in combat, needed assistance to vote; the lawsuit is ongoing, with plaintiffs [surviving](#) a motion for summary judgement in December 2021. In Georgia she [represented](#) disability rights groups challenging laws that would make it harder for persons with disabilities to gain voting assistance or receive food and water at the polls; the lawsuit [remains](#) active, with most of plaintiffs' claims surviving a motion to dismiss in December. In Alabama she [represented](#) Gregory Bentley, a presbyterian minister who sought to vote by absentee ballot because his daughter's pre-existing condition placed her at higher risk from COVID-19; while the District Court granted an injunction allowing voting accommodations such as absentee ballots and curbside voting, the U.S. Supreme Court [blocked](#) this ruling, putting thousands of persons with disabilities at grave risk of COVID-19 related sickness and death.

Ms. Abudu has also worked extensively on the issue of felony disfranchisement. In 2020, Ms. Abudu represented people with felony convictions who were disenfranchised by a new Florida law that barred these individuals from voting if they had outstanding fines and fees. After winning in the district court, the decision was [reversed](#) by the Eleventh Circuit, effectively excluding many of the 1.2 million recently enfranchised people from participating in the 2020 elections. In [Janis v. Nelson](#), Ms. Abudu represented two Native American women who were told by local elected officials that they could not vote because they had felony convictions, even though they were on probation and were eligible to vote. Ms. Abudu negotiated a [settlement](#) that resulted in systemic changes to South Dakota elections, including poll worker trainings.

### Reproductive Rights + LGBTQ Rights

Ms. Abudu has also represented plaintiffs in reproductive rights and LGBTQ+ rights matters. In [Gainesville Woman Care v. Florida](#), Ms. Abudu successfully fought to ensure that Florida was following the existing Supreme Court precedent of *Roe v. Wade* and *Planned Parenthood v. Casey*. In that case, Ms. Abudu represented medical providers who challenged a law requiring at least 24 hours between a person's initial medical appointment and their abortion. The Florida Supreme Court upheld an injunction, blocking the law from going into effect, and the case is set to go to trial in April 2022. Start-

ing in 2014, Ms. Abudu also represented two same-sex couples challenging Florida's prohibition on same-sex marriage as a violation of the Fourteenth Amendment; the district court [granted](#) the plaintiff's motion for a preliminary injunction, finding that marriage is a fundamental right, and soon after the U.S. Supreme Court ruled the same in the landmark case *Obergefell v. Hodges*.

## **CRIMINAL JUSTICE & SIXTH AMENDMENT**

Ms. Abudu has worked to protect the rights of those accused and convicted in criminal court. In [Hurst v. Florida](#), she represented Timothy Hurst, an individual on death row in Florida. Ms. Abudu argued that Hurst's death penalty sentence violated the Sixth Amendment right to a jury trial because in his case the judge, not a jury, made factual findings of aggravating factors to impose the death penalty. In an 8-1 decision, the Supreme Court ruled in favor of the ACLU and Ms. Abudu, holding that Florida's capital sentencing scheme violated the Sixth Amendment.

## **FIRST AMENDMENT**

In [CAIR Fla. v. Miami-Dade County](#), a religious liberty case, Ms. Abudu represented incarcerated people in Miami who were denied food in accordance with their religious beliefs. Although people of Christian and Jewish faiths were given religious accommodations at meals, the Muslim plaintiffs were denied Halal food, violating the Free Exercise Clause. The case was ultimately settled so that the plaintiffs began receiving Halal meals and had accommodations for Ramadan. Ms. Abudu also [represented](#) Benjamin Newmark, a police officer who alleged he had been subjected to religious discrimination during his employment with the sheriff's office, in violation of Title VII. Mr. Newmark, a Hasidic Jew, alleged that his supervisors would frequently make fun of his attire, schedule him to work on the Sabbath, and try to pressure him into eating pork and other prohibited foods — even though they were aware that his faith prohibited him from doing these things. In [Wollschlaeger v. Governor of Florida](#), Ms. Abudu prevailed before the Eleventh Circuit in a case in which Florida doctors challenged a law that prevents them from discussing the safe storage of guns with their patients.

## ***Professional Accolades and Community***

Ms. Abudu is a leader both inside and outside the legal community. She was selected for the prestigious Wasserstein Fellowship at Harvard Law School, which brings leading public interest attorneys to the school to counsel students about public service. She served as an international election observer in Albania and is a member of the American Bar Association's Standing Committee on Election Law. Ms. Abudu has received numerous awards for her work in the community, including the Pillar of the Community Award from the Rugby Hills Neighborhood Association, a Certificate of Special Congressional Recognition from

Representative Hank Johnson, and accolades from Delta Sigma Theta Sorority. When she is not working or spending time with her two daughters, Ms. Abudu volunteers at local organizations benefiting the homeless, domestic violence survivors, and young people.