

May 19, 2021

Senator Dick Durbin
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Senator Chuck Grassley
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (“LDF”), I write to express the support of LDF for the nomination of Candace Jackson-Akiwumi, to serve as a judge on the Court of Appeals for the Seventh Circuit. Ms. Jackson-Akiwumi’s range of work and experience as a lawyer, her reputation for professionalism and integrity, and her record of leadership demonstrates her clear qualification for service on the federal appellate bench.

LDF is the country’s first and foremost civil rights law firm. The NAACP Legal Defense & Educational Fund, Inc. (LDF) was founded in 1940 by Thurgood Marshall. It has been an entirely separate organization from the NAACP since 1957. Through litigation, advocacy, and public education, LDF seeks structural changes to expand democracy, eliminate disparities, and achieve racial justice in a society that fulfills the promise of equality for all Americans. LDF’s mission has always been transformative: to achieve racial justice, equality, and an inclusive society. LDF has been a pioneering force in our nation’s quest for greater equality and will continue to advocate on behalf of African Americans, both in and outside of the courts, until equal justice for all Americans is attained.

Professional Experience

After graduating from Princeton University and Yale Law School, Ms. Jackson-Akiwumi clerked for the U.S. District Court for the Northern District of Illinois and the Court of Appeals for the Fourth Circuit.¹ From 2007 to 2010, she was an associate at the Chicago office of Skadden, Arps, Slate, Meagher & Flom LLP where she litigated complex civil cases related to contracts, tax, privacy, securities, and patent infringement. From 2010 to 2020, Ms. Jackson-Akiwumi worked as a staff attorney at the federal defender program in the Northern District of Illinois, which she recounts as a transformative experience.²

¹ Candace Jackson-Akiwumi, *Questionnaire from Judicial Nominee*, Senate Judiciary Committee (last visited Apr. 26, 2021), <https://www.judiciary.senate.gov/imo/media/doc/Jackson-Akiwumi%20Senate%20Judiciary%20Questionnaire1.pdf>.

² *Candace Jackson-Akiwumi '05, Staff Attorney, Federal Defender Program*, Yale Law School Alumni and Student Profiles (last visited Apr. 26, 2021), <https://law.yale.edu/studying-law-yale/alumni-student-profiles/candace-jackson-akiwumi-05>.

Ms. Jackson-Akiwumi is currently a partner at Zuckerman Spaeder where her practice focuses on complex civil litigation, white collar criminal defense, and investigations. Not only does Ms. Jackson-Akiwumi's professional record demonstrate a breadth and depth of experience, including clerkships, private practice, civil and criminal law and public defender practice, it also reveals a deep and welcomed connection to the state of Illinois.

Record as a Public Defender

For ten years, as a federal public defender, Ms. Jackson-Akiwumi represented hundreds of clients accused of federal crimes ranging from bank and bankruptcy fraud to credit card fraud, identity theft and social security fraud, wire and mail fraud, theft of government funds and bank robbery, immigration offenses, child pornography and other sex offenses, the sale or possession of guns, and the sale or attempted sale of narcotics. Ms. Jackson-Akiwumi represented over 400 clients accused of federal crimes at every stage of the legal process, from arrest to investigation to trial, sentencing, and appeal, including petitions for writ of certiorari to the U.S. Supreme Court.³ Her record of excellence and professionalism is impeccable.

As a public defender, Ms. Jackson-Akiwumi gained extensive courtroom experience in all facets of litigation. She successfully advised grand jury appearances, negotiated pleas, achieved reduced sentences, and other favorable results for clients and communities. She tried a number of federal jury trials and argued at least a half dozen appeals in the Court of Appeals for the Seventh Circuit, including in cases related to immigration, sentencing, and the Fourth Amendment.⁴

Notable Cases

Notably, as a public defender, Ms. Jackson-Akiwumi successfully argued that Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") was conducting stings that were unfairly targeting racial minorities.⁵ Ms. Jackson-Akiwumi represented a client charged with conspiracy to rob a fictitious drug stash house. In 2013, Ms. Jackson-Akiwumi began challenging the pattern of the ATF in bringing these cases largely against African American and Latino defendants, including in secretly recording suspects in an enclosed police van after their arrest but failing to provide Miranda warnings.⁶ The evidence presented by Ms. Jackson-Akiwumi and co-counsel was groundbreaking. With the assistance of the University of Chicago's Federal Criminal Justice Clinic, Ms. Jackson-Akiwumi and co-counsel secured favorable plea offers for all defendants and a sentence to time served for Ms. Jackson-Akiwumi's client.⁷ Moreover, the court's decision compelled the U.S. Attorney's Office for the Northern District of Illinois to refrain from charging fictitious stash house cases.

³ *Questionnaire from Judicial Nominee, supra* note 9 at 18

⁴ *Questionnaire from Judicial Nominee, supra* note 9 at 20.

⁵ *United States v. Brown*, No. 12 CR 632-1, 2018 WL 1278577 (N.D. Ill. Mar. 12, 2018).

⁶ *Questionnaire from Judicial Nominee, supra* note 9.

⁷ *Id.*

Diversity on Bench

If confirmed, Ms. Jackson-Akiwumi would be only the second Black woman or person of color to ever serve on the Court of Appeals for the Seventh Circuit. The first Black person, or person of color, to ever serve on the Court of Appeals for the Seventh Circuit was Judge Ann Claire Williams, appointed by President Clinton in 1999. Since the establishment of the judiciary, there has only ever been eight Black women to serve on the federal appellate bench.⁸ Today there are only four active Black female federal appellate judges, and none on the Court of Appeals for the Seventh Circuit.⁹ Notably, the Court of Appeals for the Seventh Circuit has jurisdiction over the states of Illinois, Wisconsin, and Indiana—in which African Americans account for roughly 11 percent of the population.¹⁰

Moreover, Ms. Jackson-Akiwumi would be the first public defender to ever serve on the Court of Appeals for the Seventh Circuit.¹¹ The federal judiciary needs more judges who, like Ms. Jackson-Akiwumi, have experience as public defenders, have represented the most vulnerable members of our society, and have demonstrated a deep commitment to the preservation of civil rights for all. Only two sitting appellate judges, Eighth Circuit Judge Jane Kelly, and D.C. Circuit Judge Robert Wilkins, have more public defender experience than Ms. Jackson-Akiwumi.¹²

Public defenders provide an invaluable service to the nation. The central mission of a public defender is to provide the Constitutional right to counsel, to provide quality legal representation to people who would not be able to afford it. The work of the nation's public defenders is vital to ensuring that our legal system can fulfill the right to counsel for defendants guaranteed by the Sixth Amendment to the Constitution. As such, the work of public defenders is critical to the integrity of our system. Their

⁸ They are: Janice Rogers Brown, Bernice Bouie Donald, Allyson Kay Duncan, Amalya Lyle Kearse, Johnnie B. Rawlinson, Judith Ann Wilson Rogers, Ojetta Rogeriee Thompson, and Ann Claire Williams. *Advanced Search--Biographical Directory of Article III Federal Judges, 1789-present*, Federal Judicial Center (last visited Apr. 26, 2021), <https://www.fjc.gov/history/judges/search/advanced-search>.

⁹ Bernice Bouie Donald of the Sixth Circuit Court of Appeals; Johnnie B. Rawlinson, of the Ninth Circuit Court of Appeals; Judith Ann Wilson Rogers, of the D.C. Circuit Court of Appeals; and Ojetta Rogeriee Thompson, of the First Circuit Court of Appeals. *Advanced Search--Biographical Directory of Article III Federal Judges, 1789-present*, Federal Judicial Center (last visited Apr. 26, 2021), <https://www.fjc.gov/history/judges/search/advanced-search>.

¹⁰ U.S. Census Bureau American FactFinder, *Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States: April 1, 2010 to July 1, 2018*. <https://www.census.gov/data/tables/time-series/demo/popest/2010s-national-detail.html>.

¹¹ Jason Neisner & Megan Crepeau, *Biden's first wave of judicial nominees would put only Black woman on Chicago appeals court*, Chicago Tribune (March 30, 2021), <https://www.chicagotribune.com/news/criminal-justice/ct-new-seventh-circuit-judge-jackson-akiwumi-20210330-15mlssql3ner5l5wabhzxwpoqa-story.html>.

¹² *Advanced Search--Biographical Directory of Article III Federal Judges, 1789-present*, Federal Judicial Center (last visited Apr. 26, 2021), <https://www.fjc.gov/history/judges/search/advanced-search>.

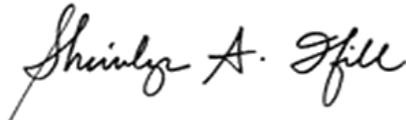
experience, perspective as lawyers is critical ensuring the impartiality – in both appearance and fact – of the judiciary.

Currently, the federal judiciary is disproportionately comprised of former prosecutors, especially at the appellate level. Such disparities undermine the legitimacy and integrity of the judicial system which is more just when it is more representative of the diversity of the nation. Diversity of professional and lived experiences serve to make our federal judicial system more just and are critical to sustaining the legitimacy of the federal judiciary. As a career public defender of impeccable reputation and professionalism, we believe that Ms. Jackson will make important contributions to judging cases, and to the work of the federal judiciary.

Conclusion

Ms. Jackson-Akiwumi’s record of public service and skilled advocacy in both criminal and civil cases, and at both state and federal levels makes her well-suited to serve on the Court of Appeals for the Seventh Circuit. The American Bar Association rated Ms. Jackson-Akiwumi *Well Qualified*, by a substantial majority, to serve as a judge on the Court of Appeals for the Seventh Circuit based on her professional experience, competence, and integrity. Her nomination will bring much needed professional and demographic diversity to the Court of Appeals for the Seventh Circuit. We urge the Senate Judiciary Committee to advance her nomination without delay.

Sincerely,



Sherrilyn Ifill