

Eleventh Circuit welcomes Judge Kevin C. Newsom to his 'dream job'

By Lindsey C Boney IV

"I believe that the law is objective and coherent and, with enough hard work, it's discernable and capable of fair and even-handed application." Those were the words of the Hon. Kevin C. Newsom upon his installation as an Eleventh Circuit judge during an investiture ceremony held at the Hugo Black Courthouse in Birmingham, Alabama, on Oct. 20, 2017. Chief Judge Ed Carnes presided over the ceremony.



With his wife, Deborah, at his side, the Hon. Kevin C. Newsom is sworn in by Judge Diarmuid O'Scannlain as an Eleventh Circuit judge during an investiture ceremony in October 2017. (Eleventh Circuit Court of Appeals)

The proceedings began with Judge Newsom's youngest son, Chapman, leading the assembled gallery in the Pledge of Allegiance. Judge Newsom's aunt, Dr. Carol Newsom, delivered the invocation. Girod Cole, who is in Judge Newsom's Sunday school class at Dawson Memorial Baptist Church, then sang an a cappella rendition of "A Mighty Fortress Is Our God."

Chief Judge Carnes opened the proceedings by introducing Judge Newsom's family, including his wife (Deborah Wilgus Newsom), his two school-aged sons (Marshall James and Chapman), his mother (Susan Bethea), his father (Michael Newsom), his parents-in-law (Jim and Liz Wilgus) and his aunt (Dr. Carol Newsom). Chief Judge Carnes continued with some brief remarks about the significance of Judge Newsom's appointment: For the first time in seven years, the Eleventh Circuit would have a full complement of 12 active judges. "In fact," Chief Judge Carnes noted, "some people might say that we were without the twelfth judge for so long we would have welcomed anybody with a law degree and a pulse." But he added: In Judge Newsom, the Eleventh Circuit got "so much more than those two basic requirements," and he "was worth the wait."

Indeed. As Chief Judge Carnes walked through Judge Newsom's career achievements, it was clear that Judge Newsom has achieved what Chief Judge Carnes called "excellence throughout his legal career." After graduating at the top of his class from Samford University, he graduated *magna cum laude* from Harvard Law School. He then moved to Portland, Oregon, to clerk for Judge Diarmuid O'Scannlain of the Ninth Circuit Court of Appeals before serving as a law clerk to U.S. Supreme Court Justice David Souter.

Judge Newsom served as Alabama's solicitor general for four years, during which he argued four cases in the Supreme Court and four times won the award for outstanding brief in the Supreme Court, given by the National Association of Attorneys General. He also spent 12 years in private practice. During those years, he was elected as a fellow in the American Academy of Appellate Lawyers, and the chief justice of the United States appointed him as one of three private practitioners to serve on the Advisory Committee on Appellate Rules, on which he served for six years.

Chief Judge Carnes also highlighted Judge Newsom's bipartisan support in the U.S. Senate — where he advanced through the Judiciary Committee by an "astounding" 18-2 margin — and the speed with which he was confirmed (i.e., only 85 days after his nomination).

Following Chief Judge Carnes's introduction of Judge Newsom, his family and his legal career, all three of

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About the author

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Judge Newsom’s co-clerks from his clerkship with Judge O’Scannlain spoke. First up was Tom Ward, a deputy assistant attorney general in the Department of Justice Civil Division. Ward shared personal stories about their time in Portland, of Judge Newsom’s modesty, faith and loyal friendship that manifested during those years (and after) — and Deborah Newsom’s hospitality. Ward reminded Judge Newsom’s sons “what a special dad you have” — that he is “providing you a great model for how to be men when you grow up.” Judge Newsom, Ward closed, is “going to be a wonderful judge, and the United States is so lucky to have your service.”

Ward was followed by Jon Cohn, a partner at Sidley Austin in Washington, D.C., and a classmate of Judge Newsom’s at Harvard Law School. Cohn shared the perceptions that he formed in law school about Judge Newsom, whom he described as humble, organized, brilliant, principled and a lover of “Chick-fil-A and Dr Pepper.” And he recalled a story from their clerkship, when both of them were describing their “dream jobs” — and Judge Newsom relayed that his dream was to be a U.S. circuit court judge.

Finally, Mark Nomellini, a partner at Kirkland & Ellis in Chicago, shared two stories about Judge Newsom. The first story was that Judge Newsom was one of his first calls when he and his wife discovered that their daughter had been born with a severe congenital heart condition and that Judge Newsom had faithfully prayed for her. The second story was about Judge Newsom’s writing talent: a CEO friend reported that he still keeps in his office a brief that Judge Newsom, the lawyer, submitted to the court where he had earlier clerked.

Next came the show-stopper: Judge Newsom’s older son, Marshall James, spoke confidently about Judge Newsom, the dad. Marshall James spoke of his father’s commitment to both hard work and quality time with his sons, best evidenced by his early Saturday mornings to finish his work so that he can enjoy the rest of the day with his family.

Marshall James described his father as an encourager, with a positive outlook on life — so positive, in fact, that after witnessing the famed (or infamous, depending on your perspective) “Kick Six” football game between Auburn and Alabama in 2013, Judge Newsom, an avid Alabama fan, remarked, “That is probably the greatest ending to a football game you’ll ever see and we were there to witness it.” Marshall James was impressed, but he reported that their compatriot for the game — the Hon. William H. Pryor Jr. — was not. “Judge Pryor looked at my dad like he had a third eye and said, ‘What are you talking about?’ And once again, deafening silence.”

Marshall James told stories of family trips together, on which Judge Newsom joined his sons in daring exploits such as cliff diving in Croatia and swimming in the famous Bondi Icebergs pool in Australia. And he told of Judge Newsom’s love for challenging his boys in sports competitions ranging from the annual family 100-meter dash to pingpong. But Marshall James summed it up best in closing: “So, Dad, now it is my turn to say that I am proud of you.”

Greg Katsas, then of the White House Counsel’s Office (and now a judge on the U.S. Court of Appeals for the District of Columbia), had the unenviable task of following

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Marshall James, but he did so admirably by presenting Judge Newsom's commission on behalf of the president. Robert Luther, associate counsel to the president, then read a letter from the president, congratulating Judge Newsom on his confirmation.

Judge O'Scannlain then offered some brief remarks before administering the judicial oath. Judge O'Scannlain described how Judge Newsom was the first of his former law clerks to serve as a state solicitor general, the first of his former clerks to argue a case before the Supreme Court, the first of his former clerks to be appointed to the Appellate Rules Advisory Committee, and now the first of his clerks to be appointed as a U.S. circuit judge. Following the oath of office, Judge Newsom's wife, Deborah, and their sons presented Judge Newsom with his robe.

Finally, Judge Newsom spoke. He did not mince words: This is my "dream job," "I feel like I've hit the professional jackpot." Why? Because, he said, he loves the law. And the "surest evidence of that love is this: Among the first few cases that I've worked on during my tenure on the court have been a tax case, a bankruptcy case and an ERISA case, and if ever there was an unholy trinity, that's it." Laughter ensued. But then Judge Newsom went on to explain: "I believe that the law is objective and coherent and, with enough hard work, it's discernable and capable for fair and even-handed application. It's in striving to crack that code, to solve the puzzle, to find the right answer that I find the law's sacredness and selfishly one of the great joys of this job." He praised his chambers staff — his "little law firm up on the ninth floor, several of whom he plucked from his former law firm Bradley Arant. He also praised his colleagues on the court, who had unanimously in the days after his nomination — even before his confirmation — reached out to congratulate him and have exhibited the "collegiality [that] is a hallmark of this body."

And then — fittingly — Judge Newsom closed with personal thank-yous to his family: first to his wife, Deborah, for her willingness to sacrifice much for him to follow his dream, recognizing that it might not always have been her dream. And then to his boys, that this moment should "be a powerful visual reminder of the sermon that you have heard me preach a hundred times: 'Good old fashion hard work ... can cover over a multitude of intellectual shortcomings.' A lot of hard work mixed in with the occasional good break has netted me this day, my dream. So dream big, my boys, and work hard."

A reception followed in the atrium of the Robert Vance Building across the street. And a worthy celebration it was — at the good fortune of these United States, that we would nab such a great, worthy man as Judge Newsom into the country's service as a U.S. circuit judge for the Eleventh Circuit Court of Appeals.



Judge Newsom receives his robe from his sons, Marshall James and Chapman, and his wife, Deborah. (Eleventh Circuit Court of Appeals)



Judge Newsom said: "I feel like I've hit the professional jackpot." (Eleventh Circuit Court of Appeals)



Jonathan Cohn, Judge Diarmuid O'Scannlain, Judge Newsom and Thomas Ward. (Eleventh Circuit Court of Appeals)