

Dear Senator,

On behalf of Alliance for Justice (AFJ), a national alliance representing 130 groups committed to justice and civil rights, I write to oppose the confirmation of Jonathan Kobes to the United States Court of Appeals for the Eighth Circuit.

The American Bar Association (ABA) rated Kobes Not Qualified. Indeed, his lack of legal experience for a nominee to the U.S. Court of Appeals is noteworthy. He has served as lead counsel in just two trials that led to a verdict. He has just one appellate oral argument. He has argued no cases before the Supreme Court. In addition, he has no notable legal scholarship, authored no law review articles, nor made any public pronouncements on legal issues (his only substantive public statements, in a Dutch newspaper, relate to politics and Donald Trump). His career of late has been primarily as a political aide to Senator Mike Rounds.

As the ABA wrote in explaining its Not Qualified rating:

Mr. Kobes has neither the requisite experience nor evidence of his ability to fulfill the scholarly writing required of a United States Circuit Court Judge...[H]e was unable to provide sufficient writing samples of the caliber required to satisfy Committee members that he was capable of doing the work of a United States Circuit Court Judge.

The ABA added, “[n]one of the writing that we received is reflective of complex legal analysis, knowledge of the law, or ability to write about complex matters in a clear and cogent manner.”

In the absence of extensive trial, appellate or academic accomplishments, the most notable aspects of his record are his closeness to South Dakota’s junior senator and his personal political views. For example, he has fought reproductive rights, working pro bono on behalf of a group of fake women’s health centers seeking to uphold a South Dakota law that required physicians to read a predetermined script to women seeking an abortion. He has expressed skepticism about LGBTQ rights. He defended President Trump’s attacks on federal judges, and he has been a member of the Federalist Society and National Rifle Association, both of which espouse extreme positions on a range of issues. Little in his record suggests he will be a fair-minded judge who will properly apply critical rights and legal protections.

Given all these concerns, and as detailed in our report on his nomination issued prior to his hearing, which can be found at the following link, <https://www.afj.org/blog/afj-opposes-judicial-nominee-kobes>, the Senate should reject Jonathan Kobes for the Eighth Circuit Court of Appeals.

Sincerely,



Nan Aron