UNFIT & UNQUALIFIED

BRAD KELLEY

ALLIANCE FOR JUSTICE

Bradford James Kelley, President Trump's nominee to a lifetime seat on the U.S. District Court for the Eastern District of Louisiana, wants to preside over trials in a federal courtroom, but he has never "tried any cases to verdict, judgment, or final decision as sole, chief, or associate counsel." Furthermore, most of his career has been focused on defending employers against the workers they hire, fire, and turn away. In his words, his clients "have principally been employers, including Fortune 500 companies, government contractors, trade associations, small and midsized businesses, and other private-sector organizations" (SJQ, pg. 39) With such thin legal experience, Kelley lacks both the basic qualifications and the independence this job demands. He is unfit and unqualified to serve as a federal judge for the Eastern District of Louisiana, and his nomination should not move forward.

LACK OF EXPERIENCE

Kelley has spent little of his career in a federal courtroom yet wishes to take on a lifetime appointment to preside over one. For four of his roughly 13 years as a lawyer, he held government policy roles, first in the Trump Labor Department, and then as chief counsel to a Trump-appointed EEOC commissioner, where he acknowledges he "did not regularly appear in court" (SJQ, pg. 40). His law practice has also been 99% civil, and he's never worked in criminal prosecution or defense. If confirmed as a federal judge, Kelley would need to preside over civil and criminal trials, consider guilty pleas, and hand down sentences that could take away a person's freedom for decades. As someone who has never done any criminal work as an attorney, if confirmed, Kelley would be learning how to do so for the first time as a federal judge in charge of an entire courtroom.

His ties to the Eastern District of Louisiana are also thin. Kelley grew up in the state but has worked and lived in the D.C. area for more than a decade. He let his Louisiana bar membership lapse for four years and was not even admitted to practice in the Eastern District of Louisiana until 2025, the same year he reached out to the office of Sen. Bill Cassidy (R-LA) about this seat.

PRO-MANAGEMENT BIAS, ANTI-DISPARATE IMPACT

When Kelley has practiced law, he has almost always represented management. Nine of the 10 cases he lists as the most significant of his career were on behalf of corporations, and six of them involved defending companies against workers or job applicants. His writing coaches employers on how to beat the people who bring claims against them. One called 5 Employer Defenses to Military Status Discrimination Claims walks companies through fighting service members who allege bias. Another called Defending Against Aggressive DOL Child Labor Enforcement casts the federal government's enforcement of child labor laws as "aggressive."

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That record extends to one of the most important tools workers have to prove discrimination. For more than 50 years, since the Supreme Court's decision in *Griggs v. Duke Power Co.*, federal law has recognized disparate impact liability: Policies that look neutral can still violate civil rights law if they unnecessarily harm people because of their race, sex, or other protected traits. Congress wrote that principle into Title VII in 1991. In April 2025, Trump ordered federal agencies to stop enforcing it.

Kelley counts among his 10 most significant cases his defense of the convenience store chain Sheetz in *U.S. Equal Employment Opportunity Commission v. Sheetz, Inc.* Sheetz refused to hire anyone who failed its criminal background check, regardless of the offense, how long ago it happened, or the job in question. Discriminatory policing and prosecution have fallen hardest on communities of color for generations, and so did this policy. According to the EEOC, it rejected 14.5% of Black applicants, 13% of Native American applicants, and 13.5% of multiracial applicants, compared with under 8% of white applicants. One of the people it hurt was Kenni Miller, a Black shift supervisor who was let go over an old conviction a month into the job.

After Trump's order, the EEOC moved to drop its own case and told workers the decision was "based solely on a Presidential directive." Miller asked the court to let him carry the case forward, as Title VII allows, and even the EEOC agreed he had that right. Sheetz fought him, arguing he "has no statutory right to intervene." Once the government walked away for political reasons, Sheetz cut off the last avenue of accountability available for its workers. In his SJQ, Kelley shares that he was responsible for "assisting in the development of the defense strategy concerning the EEOC-related and substantive employment law issues" (SJQ pg. 49).

It's telling that Kelley has chosen to highlight this case as one of the defining matters of his career and that he describes it in the administration's terms. He stresses that the EEOC "did not allege intentional discrimination," the same rationale Trump used to downplay disparate impact liability. Under the Trump EEOC, workers like Miller are now left to bring these types of claims on their own — before judges who may also have pro-management biases. The people of Louisiana deserve a judge who will give them a fair shot and apply settled civil rights law. Unfortunately, Kelley's actions reveal that he will not be fair or independent, and perhaps not even competent.