

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 20-12003-B

KELVIN LEON JONES,
BONNIE RAYSOR,
DIANE SHERRILL,
Individually and on behalf of others similarly
situated,
JEFF GRUVER,
EMORY MARQUIS MITCHELL,
MARQ, et al.,

Plaintiffs - Appellees,

ROSEMARY MCCOY,
SHEILA SINGLETON,

Plaintiffs - Appellees - Cross - Appellants,

versus

GOVERNOR OF FLORIDA,
FLORIDA SECRETARY OF STATE,

Defendants - Appellants - Cross Appellees,

On Appeal from the United States
District Court for the Northern District of Florida

ORDER:

Before the Court is “Appellees’ Motion to Disqualify Judges Robert Luck, Barbara Lagoa, and Andrew Brasher.” With respect to the request to disqualify the undersigned only, the motion is DENIED AS MOOT.

I joined this court only hours before the poll on whether to hear this expedited case en banc, and I did not participate in the poll for that reason. Over the last few weeks, I have had time to establish a working office, hire additional staff, and implement recusal and conflict policies.

Before joining the bench last year as a district judge, I worked as a lawyer at the State of Alabama Attorney General's Office. Upon being nominated and confirmed to the position of district judge, I conferred with staff at the Committee on Codes of Conduct for the Judicial Conference of the United States about recusal-related issues. They recommended that I adopt a general policy of recusing from cases in which lawyers from the Alabama Attorney General's Office represent a party for about two years. This policy would avoid any appearance of partiality by allowing a reasonable time period between when I worked with these lawyers as a colleague and when I might rule in one of their cases as a judge.

Other judges may reasonably choose different policies or different time periods. Some judges may not feel the need for a blanket recusal policy at all. But I thought the suggestion was a good idea, it was consistent with the recusal policies of other members of the district court on which I served, and I adopted the policy as a district judge.

I intend to continue following this recusal policy as a member of this court. In this case, lawyers from the Alabama Attorney General's Office filed an amicus brief. Whether and how a judge's recusal policies should apply to amicus participation is an unsettled area. But, with some exceptions that do not apply here, my policies apply to amici in the same way they apply to parties. For that reason, I am recusing myself from this matter.

Because this decision is based on a generally applicable policy that is unrelated to this case, my recusal in no way suggests that Appellees' motion has merit. That motion is moot.

/s/ ANDREW L. BRASHER
UNITED STATES CIRCUIT JUDGE