

CHIEF JUDGE WILLIAM H. PRYOR JR.: THE MAN, THE  
MENTOR, THE MENSCH

*Hon. Kevin C. Newsom and Hon. Corey L. Maze*

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### INTRODUCTION

Chief Judge Pryor has written many things worth reading, and as this issue proves, he has done many things worth writing about. Perhaps his most enduring accomplishment—and certainly the one these authors appreciate—is hiring and mentoring the next generation of judges. Presently, one of Chief Judge Pryor’s former clerks sits on the Eleventh Circuit;<sup>1</sup> three sit as district judges;<sup>2</sup> and two serve as justices on state supreme courts.<sup>3</sup>

Then there’s the two of us; two young lawyers that then-Attorney General Pryor took a chance on in 2003. Below, we describe how then-AG Pryor’s decision to trust us started our path to the federal bench—and a lasting relationship with our Chief.

### JUDGE KEVIN C. NEWSOM, ELEVENTH CIRCUIT COURT OF APPEALS

Consider this an ode to my one-time boss, my current colleague, and my longtime friend, Chief Judge William H. Pryor Jr. Warning: It’s personal.

I’ve known the Chief—“Bill,” to me—for more than twenty years now. And in many respects, I owe my career—or at least its particular trajectory—to him. Here’s why I say that: I met Bill—then, Attorney General Pryor—in 2001. It wasn’t quite a chance encounter, but it wasn’t far from that. In the summer of that year, I was winding up a clerkship for U.S. Supreme Court Justice David Souter. One afternoon, I got a call at the Court from now-Sixth Circuit Chief Judge (and then-private practitioner) Jeff Sutton. Jeff was making his obligatory round of calls to the outgoing Supreme Court clerks, urging them—me—to

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\* Judge Kevin C. Newsom, Eleventh Circuit Court of Appeals; Judge Corey L. Maze, Northern District of Alabama.

1. See *Hon. Andrew L. Brasher*, U.S. CT. OF APPEALS FOR THE ELEVENTH CIR., <https://www.ca11.uscourts.gov/hon-andrew-l-brasher> [<https://perma.cc/AC4V-74JK>].

2. See *Kathryn Kimball Mizelle*, U.S. DIST. CT. FOR THE M.D. OF FLA., <https://www.flmd.uscourts.gov/judges/kathryn-kimball-mizelle> [<https://perma.cc/7F8B-GCPE>]; *Judge Anna M. Manasco*, U.S. DIST. CT. FOR THE N.D. ALA., <https://www.alnd.uscourts.gov/content/judge-anna-m-manasco> [<https://perma.cc/X7UP-J2JD>]; *Judge John F. Kness*, U.S. DIST. CT. FOR THE N.D. OF ILL., <https://www.ilnd.uscourts.gov/judge-info.aspx?lu9/vqz23r5X7AkWx/nLtg==> [<https://perma.cc/9HBK-FD7Z>].

3. See *Sarah K. Campbell*, TENN. CTS., <https://www.tncourts.gov/courts/supreme-court/judges/sarah-k-campbell> [<https://perma.cc/SJ3A-Y7CL>]; *Presiding Justice Nels S.D. Peterson*, SUP. CT. OF GA., <https://www.gasupreme.us/court-information/biographies/justice-nels-s-d-peterson/> [<https://perma.cc/62E3-U2VJ>].

consider signing up with his law firm, Jones Day. I told Jeff—I'm assuming I called him "Mr. Sutton"—that while I genuinely appreciated his interest, I had decided to head back to my old stomping grounds at Covington & Burling, where I'd spent a couple of years between my circuit court and Supreme Court clerkships. Jeff was unfailingly gracious—no surprise to those who know him. He gushed about the people he knew at Covington, wished me well, and then added, just before letting me go, "Hey, I gather from your resume that you're from Alabama—do you know my buddy Bill Pryor?" Bill, as I said, was then Alabama's attorney general, and he and Jeff had worked together on several high-profile cases at the Supreme Court.<sup>4</sup> When I responded that I didn't, Jeff urged me to reach out: "You should get in touch with him. You just never know when your paths might cross, or how he might be able to help you down the road."

Needless to say, I was intrigued. But I was also more than a little intimidated. "Whoa," I said to Jeff, "I'm not sure I should just cold-call the attorney general of Alabama." Why, I was thinking, would my home state's top lawyer have any interest in some 28-year-old nobody at the very inception of his legal career? "No, no," Jeff insisted, "he's a cool guy"—those, I'm pretty sure, were his exact words, "cool guy"—"and I'm sure he'd love to hear from you."

So I mustered whatever courage I could and reached out. But because I could only muster so much, I did so (1) via a faceless, voiceless email (2) to Bill's executive assistant. I don't recall specifically, but I'm guessing my message said some version of the following: "Hello, my name is Kevin Newsom, and I'm an Alabama native practicing law in Washington, D.C. Attorney General Pryor's buddy Jeff Sutton said that it'd be alright if I reached out to try to arrange a meeting with the General next time he was up this way. Please let me know if you think that might work." Jeff was right. Bill *was* a "cool guy." He got back to me promptly, told me he'd be in D.C. in November, and asked if I wanted to grab breakfast. Sure, I thought, what's to lose? Little did I know how that meeting would change things.

Over breakfast—I can't remember what or where—Bill got right to the point with his (I now know characteristic) bluntness: "I've recently created a new position inside the Office of the Attorney General. The 'solicitor general' will be the state's chief courtroom lawyer, handling our most important cases in the U.S. Supreme Court, the federal circuit courts, and the state supreme court. I've just hired my first SG—a superb lawyer named Nate Forrester—but I suspect the job will be a revolving door of sorts. If Nate ever decides to shove off, perhaps in a couple of years, is that the kind of thing you'd be interested

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4. See, e.g., *Bd. of Trustees of Univ. of Ala. v. Garrett*, 531 U.S. 356 (2001) (Sutton argued the case for the petitioners and was joined on the brief by then-Attorney General Pryor); *Alexander v. Sandoval*, 532 U.S. 275 (2001) (same).

in?” “Thank you,” I said calmly, “I’d certainly be interested.” What I was thinking on the inside was more like, “Are you kidding me—representing my home state in the biggest cases in the highest courts in the land? I’d kill for a job like that.”

Flash forward a couple of years. It’s November 2003, and I’ve been plying my trade as a young associate at Covington. I loved my job, I loved the people I worked with, and my wife and I loved our lives in Washington. I was up at the firm late one night, finalizing a brief for filing in the Third Circuit. (It’s funny, the details you remember.) I returned to my office from a conference room, and I had a series of several voicemails from . . . Bill Pryor: “I need to talk to you at your earliest convenience.” I returned the call. “Nate told me today he’s leaving to go back to private practice,” Bill said. “If you want the job, it’s yours.” I told him I was flattered, that of course I wanted it, but that I’d need to talk it over with my wife. “Sure,” he said, “that’s fine, but I need to know fairly soon because you—or someone representing Alabama—has an argument lined up in the U.S. Supreme Court in February.” Holy cow, I thought—this is real.

So, I talked it over with my wife. I’ll be honest, she wasn’t thrilled about the idea of leaving Washington—our neighborhood, our friends, etc.—for Montgomery. (No, um, *particular* offense to Montgomery . . .) But like the trooper she’s always been—she’d followed me to Massachusetts for law school, and then to Oregon for a clerkship, and then to D.C. for a firm job and another clerkship—she said yes. So we sold our house in Washington, bought one in Montgomery, packed up our then-one-year-old son, and set out for Alabama.

That move changed *everything*. I spent three and a half wonderful years as Alabama’s SG. (To be clear, Bill stuck around only for a few months—but that’s a whole other story. The short version is that President Bush offered him a recess appointment to the Eleventh Circuit, and he—very happily for everyone except his brand new SG—accepted it.<sup>5</sup>) During my tenure in that job, I was fortunate to argue several cases in the U.S. Supreme Court and at least a dozen more in the federal circuit and state supreme courts. Weirdly, it was only by moving away from the nation’s capital and back home to Alabama that I was able to develop a national profile as an appellate lawyer. And I owe that opportunity—and all that followed from it—to Bill.

When my time as SG came to a close, my wife and I wrestled with whether we should move back to Washington or, instead, settle in my hometown of Birmingham. Having had another child in the meantime, and seeking a place where we could maximize both our work and home lives, we opted to stay in Alabama. I signed on as a partner at Bradley Arant and enjoyed a very satisfying

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5. *President Bush Installs Pryor on Appeals Court*, PBS NEWS HOUR (Feb. 20, 2004, 6:00 PM), [https://www.pbs.org/newshour/politics/law-jan-june04-pryor\\_02-20](https://www.pbs.org/newshour/politics/law-jan-june04-pryor_02-20) [<https://perma.cc/3CXQ-ST7H>].

decade of practice there—working with interesting people and handling interesting cases for interesting clients all over the country.

Then, in late 2016—not quite out of the blue but, again, not far from that—lightning struck when I was asked whether I’d be interested in being considered for a spot on the Eleventh Circuit. The rest, I suppose, is history. I was lucky (and I do mean *lucky*) to be nominated by the President and confirmed by the Senate—by what these days qualifies as a landslide vote of 66–31.<sup>6</sup> And I’ve been living my professional dream ever since.

To be clear, though, this isn’t my story—or at least just mine. It’s Bill Pryor’s story, too. Had Bill not shown the kindness to respond to my outreach, and then the courage to take a chance on an unproven thirty-one-year-old kid, the entire trajectory of my career—my life—would have been different. Of course, it wouldn’t have been a bad life—I’m sure it would have been lovely. (Maybe I’d be making gobs of money as a fat-cat partner in a D.C. firm!) But it wouldn’t be *this* life. I likely wouldn’t have returned home to Alabama. I wouldn’t have built the career I did at Bradley. I wouldn’t have forged relationships with so many people here who are so dear to me. And I darn sure wouldn’t be a judge on the United States Court of Appeals for the Eleventh Circuit. All of that, in some roundabout way, I owe to Bill.

Along the way, Bill has been many things to me. Initially, of course, he was my boss—the attorney general to my solicitor general. And in “AG Land,” Bill was one of a kind. I’ve always said that while many state AGs are politicians who happen to have a law licenses, Bill was a lawyer who happened to run for office. He put the “attorney” into “attorney general.” Bill personally edited important motions and briefs. Heck, he personally argued important appeals, including one in the U.S. Supreme Court.<sup>7</sup> Very few state AGs had (or have) his dedication to real-world lawyering.

For the last seven years, since I’ve been on the Eleventh Circuit, Bill has been a close colleague. (And I mean “close” not only in the personal sense, but also the spatial: We share the ninth floor of our building, and there’s even a semi-secret passageway that connects our two offices.) When I came on board, he showed me the ropes—told me what to expect, warned me about potential pitfalls, and even lent me his chambers manual. Without his wise counsel, it would have been infinitely more difficult for me to get up and running. On the law, oftentimes Bill and I agree. But sometimes we don’t—sometimes, we tangle. That, of course, is just as it should be. No matter how similar their dispositions and judicial philosophies, no two people will see eye to eye all the time. And despite our history—and our relationship—he has always given me the “space” I need to do the job my way. Most importantly, Bill sets a standard

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6. See PN372—Kevin Christopher Newson—The Judiciary, CONGRESS.GOV, <https://www.congress.gov/nomination/115th-congress/372> [<https://perma.cc/E67D-SNPK>].

7. See *Alabama v. Shelton*, 535 U.S. 654 (2002).

on our court for principled decision-making, intellectual rigor, and efficiency. He thinks deeply about the cases, and he strives to get them right—one at a time. And not only does he think deeply, he thinks—and writes—quickly. No one—and I mean *no one*—is more on top of his docket than Bill. He exemplifies good judging for the rest of us.

Most importantly, for more than twenty years now, Bill has been a friend—and a good one. We’ve shared many a memory. Before he got all fancy and built a home gym, we worked out together. In fact, my wife—the real fitness fanatic in our family—was Bill’s spin instructor for years. Bill’s daughters babysat our sons when they were young. I remember telling Bill that I hated to impinge on his girls’ social lives by asking them to watch our boys. He responded that they—like all teenagers—had “material needs” that the babysitting gigs helped them to meet.

Let me close with what is perhaps our most poignant—if painful—time together. About a decade ago now, Bill came into four tickets to the Iron Bowl, and he asked me if my boys and I would like to join him. Tide fans all, we eagerly accepted. Remember, though, I said this was “[a]bout a decade ago now”—so you likely know where this is headed. With the score tied and one second on the clock, Alabama attempted a 57-yard field goal that fell just short, only to be returned 109 yards for a walk-off Auburn win.<sup>8</sup> A knife right through our hearts. But most especially Bill’s. I’m an Alabama fan—Bill is a bona fide zealot. He was . . . gutted. So we walked back to the car—in silence. We drove away from the stadium—in silence. We started down the highway—in silence. Eventually, not wanting to miss an opportunity to teach my young sons the value of optimism and good cheer, I spoke up: “Boys,” I said, “that really s[tunk]—I can’t imagine a worse way to lose a game.” “But,” I pivoted, “that’ll go down as one of the most historic plays in sports history, and you were there to witness it, and that’s pretty cool.” Bill looked at me, incredulous—like I had killed his dog: “What the he[ck] are you talking about? There was nothing ‘cool’ about that—*nothing*.”

He was, and is—in all things—a man of principle. Three cheers to my friend Bill Pryor—for his leadership, for his mentorship, and for his fundamental goodness.

JUDGE COREY L. MAZE, NORTHERN DISTRICT OF ALABAMA

My story shares many details with Judge Newsom’s. So let’s start with the differences. I never worked for a law firm. Nor did I clerk for a Supreme Court Justice—or any other judge for that matter. Rather, in 2003, I was a third-year law student facing graduation, followed by Air Force Officer Training School.

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8. See Chris Davis, *Auburn Stuns Bama with Final-Play FG Return*, ESPN (Dec. 1, 2013 1:38 PM), [https://www.espn.com/college-football/game/\\_/gameId/333340002](https://www.espn.com/college-football/game/_/gameId/333340002) [<https://perma.cc/D7RW-9VQ8>].

While I'm sure that path would have led to a productive and honorable career, I had a nagging feeling that it wasn't *my* path.

So like Judge Newsom, I cold-called Alabama's attorney general. Except Jeff Sutton didn't give me the attorney general's phone number. My call instead found its way to his chief deputy, Richard Allen. General Allen informed me that Attorney General Pryor would be in Washington, D.C. the next week, and I should have breakfast with him at his hotel. I should *not* be late.

I remember that breakfast well. I was not late. Nor was I particularly warm, thanks to the seventeen-degree temperature and strong winds. In fact, the only force blunter than the wind that morning was General Pryor. He cut straight to the point, which twenty years later, I can still quote with about 80% accuracy: "I don't have the time or resources to train you up. If you come work for me, I will throw you in the fire on day one."

I was sold.

My military career ended before it began, and I moved to Montgomery to serve in the furnace. As Judge Newsom mentioned, our time with "General Pryor" was short, as he left for the bench the next year.<sup>9</sup> But I remember the advice he gave me on his last day in office: Change divisions as soon as possible to ensure you get more time in court. Later that year, I did. And thanks in part to luck, and in part to the graciousness of my co-author, Solicitor General Newsom, a few months later I was a twenty-seven-year-old lawyer arguing before the Supreme Court of Alabama. Four years later, I would replace Kevin as Alabama's solicitor general.

The rest is history that I won't share here because this is not my story; it is Bill Pryor's. A bust of Ronald Reagan looms in his chambers. President Reagan said many great things, two of which sum up this Essay perhaps better than anything Judge Newsom and I can say:

"The greatest leader is not necessarily the one who does the greatest things. He is the one that gets the people to do the greatest things."<sup>10</sup>

"Surround yourself with the best people you can find, delegate authority, and don't interfere as long as the policy you've decided upon is being carried out."<sup>11</sup>

No one doubts Bill Pryor's policies and principles. And while I cannot say that I have or will ever achieve the "greatest things" in life or law, I can say that the leadership and opportunities that Bill Pryor gave Judge Newsom and me started

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9. See *President Bush Installs Pryor on Appeals Court*, *supra* note 5.

10. Tricia McDermott, *Ronald Reagan Remembered*, CBSNEWS: 60 MINUTES (June 6, 2004), <https://www.cbsnews.com/news/ronald-reagan-remembered/> [https://perma.cc/PPN8-WCUH].

11. See James P. Pfiffner, *The Paradox of President Reagan's Leadership*, 43 PRESIDENTIAL STUD. Q. 81, 87 (2013).

us on our paths to the bench. So using President Reagan's terms, Bill Pryor is the greatest leader.

Thankfully, the Chief's leadership did not end when I took the bench. Whenever I need help, he's only a phone call or a quick visit to the ninth floor away. During those visits, I see the same man of principle that I met on a cold morning twenty years ago. And his adherence to those principles is an example and a blessing, save one: Alabama football.

I close by challenging the "poignant—if painful" experience described by Judge Newsom. I too was present for the Kick Six. But I did not sit with the (accurately described) "zealot" Bill Pryor. Nor would I wish that fate on any fellow Auburn grad. So while I missed the two hours of anger and incredulity that Judge Newsom endured that night, I have suffered the aftereffects of the *decade* that followed. You see, Bill Pryor believes both that constitutional text has a fixed meaning *and* that Alabama has a fixed place above college football. In his eyes, it is immoral (and thus against the common good) for any judge to usurp the former, and for Auburn to usurp the latter.

So I join in full Judge Newsom's cheers for Bill Pryor's leadership and mentorship. But as for his "fundamental goodness," at least with respect to college football, I respectfully dissent.