

March 27, 2014

Dear Senator:

As organizations committed to a federal judiciary that safeguards the rights of all Americans, we urge you to work toward filling judicial vacancies with judges who are not only exceptionally well-qualified, but who also reflect the full diversity of the legal profession.

Since taking office in 2009, President Obama has made unprecedented progress in the personal diversity of our federal judges. Working with home-state senators, he has appointed women, African Americans, Hispanics, Asian Americans, and openly gay judges to the federal bench at rates higher than any previous administration. Such diversity is invaluable in creating a judiciary that looks like America.

A truly diverse judiciary, however, is one that not only reflects the gender, ethnic, sexual orientation, disability, and racial diversity of the nation, but also includes judges who come from all corners of the legal profession—and particularly those who have worked in the public interest, representing those whose voices are otherwise rarely heard. This sort of professional diversity both enhances judicial decisionmaking and is essential to the public’s trust in our justice system.

Like all human beings, judges are the product of their background and experiences, including their professional lives before taking the bench. When a judge decides whether a claim is “plausible,” or whether a witness is “credible,” or whether police officers, when they stopped and searched a pedestrian, acted “reasonably,” her determination is necessarily influenced by the nature of her work as a lawyer up to that point. Thus, when judges have varied professional backgrounds, they are equipped to understand the views of each litigant before them, and to render more informed, thorough decisions.

In addition, when people walk through the courthouse doors with their fundamental rights hanging in the balance, they need to feel like they’ll get a fair shake—that their arguments will be seriously considered and understood, and their claims resolved without bias or favor. But if the judiciary is devoid of judges with prior experience representing civil plaintiffs or otherwise advocating for the public interest, it will appear as though the deck is stacked in advance, and public confidence in the courts—the belief that all litigants truly can have their day in court—will erode.

For there to be more professional diversity on the federal bench, it must be a priority at every point of the judicial nominations process. In particular, the professional diversity of the president’s district court nominees depends largely on the selection process of each home state senator, and the candidates they recommend to the White House for nomination.

As a U.S. Senator with the constitutional obligation to confirm judges, and the responsibility to recommend nominees for vacancies in your home state, you play a critical role in shaping the composition of our courts. The undersigned organizations urge you to:

- Actively recruit and encourage lawyers with professionally diverse backgrounds to apply for judicial vacancies in your home state;

- Consider whether a candidate’s experience would add needed professional diversity to the judiciary before making a recommendation to the president;
- Consider professional diversity when assembling judicial selection commissions, and select commissioners who themselves have public interest experience; and
- Support nominees both in your home state and in other states who have worked in the public interest and advocated for civil and human rights.

A judiciary composed of judges who truly represent and understand the issues faced by all Americans is critical to the functioning of our democracy. Thank you for your commitment to a fair, independent judiciary, and for your consideration of these requests.

Sincerely,

AFSCME
 Alliance for Justice
 American Association for Justice (AAJ)
 American Association of University Women (AAUW)
 Asian Americans Advancing Justice (AAJC)
 Asian Pacific American Labor Alliance
 Bazelon Center for Mental Health Law
 Brennan Center for Justice
 Center for Justice and Democracy
 Common Cause
 Communications Workers of America (CWA)
 Defenders of Wildlife
 Earthjustice
 EarthRights International
 Equal Justice Society
 Equal Rights Advocates
 The Feminist Majority
 Human Rights Campaign
 Justice at Stake
 Lawyers’ Committee for Civil Rights Under Law
 The Leadership Conference on Civil and Human Rights
 MALDEF
 National Association of Social Workers (NASW)
 National Black Justice Coalition (NBJC)
 National Council of Jewish Women (NCJW)
 National Education Association
 National Employment Lawyers Association (NELA)
 National Women’s Law Center
 People for the American Way Foundation
 Sikh American Legal Defense & Education Fund (SALDEF)
 The UAW
 Voices for Progress