

Building an Equal Justice Judiciary: Progress During the Biden Administration

To build a federal judiciary that delivers equal justice, we need judges who will protect the rights of all people, no matter their race or background. This requires federal judges with different perspectives on the law — judges who have worked as civil rights attorneys, public defenders, and public interest lawyers. Our diverse nation also needs judges who reflect and represent all of us. Research shows that demographic and professional diversity on our courts increases public trust in the judiciary and improves judicial decisionmaking.¹ Yet, for far too long, those selecting and confirming federal judges have not made this a priority.²

The Leadership Conference on Civil and Human Rights and its Fair Courts Task Force have long advocated for the White House and the Senate to prioritize this diversity and to set the expectation that all judicial nominees possess a demonstrated commitment to civil and human rights.³ At the start of the Biden administration, the White House Counsel's office joined this effort, requesting that senators recommend diverse nominees with experience as public defenders and civil rights lawyers.⁴ Senate Judiciary Committee Chairman Dick Durbin (D-IL) and Senate Majority Leader Chuck Schumer (D-NY) have prioritized the consideration of nominees in committee and the confirmation of nominees on the Senate floor. And on April 7, 2022, the Senate confirmed Judge Ketanji Brown Jackson to be an associate justice of the U.S. Supreme Court — the first Black woman and first former public defender ever to serve on our nation's highest court. We must build upon this progress in order to make our courts live up to the promise of equal justice for all.

Lifetime Judicial Nominations in the Biden Administration: By the Numbers⁵

143 confirmed judges - **1** Supreme Court, **36** circuit court, **106** district court

→ Includes **95** women, **95** people of color including Native Americans

→ Includes **34** public defenders, **33** civil rights lawyers

35 pending nominees - **4** circuit court, **31** district court

→ Includes **18** women, **20** people of color including Native Americans

→ Includes **7** public defenders, **3** civil rights lawyers

Exceptional Pending Nominees: Circuit Courts

Judge **ANA DE ALBA**, nominated to the U.S. Court of Appeals for the Ninth Circuit, has impressive judicial and civil rights experience. Her career has been steeped in defending the rights of working people, having litigated numerous complex cases on workplace harassment and discrimination. In addition to her full caseload while in private practice, Judge de Alba established and ran a Workers' Rights Clinic, which provided free legal services to workers unable to afford an attorney. When she was confirmed in 2022 to serve on the U.S. District Court for the Eastern District of California, she became the first Latina lifetime judge on that court.

¹ Sen. Maya. "[Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time](#)." 2017 Wis. L. Rev. 367 (2017).

² The Leadership Conference on Civil and Human Rights. "[Damage to the Federal Judiciary During the Trump Administration](#)." December 2020.

³ The Leadership Conference on Civil and Human Rights. "[Transition Priorities](#)." November 24, 2020. Pg. 8-9.

⁴ Remus, Dana. "[Letter to U.S. Senate](#)." December 22, 2020.

⁵ Data as of September 19, 2023.

Exceptional Pending Nominees: District Courts

Nominee to the U.S. District Court for the Eastern District of Michigan [**SUSAN DECLERCQ**](#) has significant experience enforcing critical civil rights laws. She spent 18 years with the U.S. Attorney's Office for the Eastern District of Michigan, holding numerous positions including assistant U.S. attorney for the civil rights unit and the defensive litigation unit, civil rights unit chief, and civil division chief. In particular, she has worked extensively for those who have been discriminated against based on their disability. When confirmed, Ms. DeClercq will become the first East Asian lifetime judge, and only the second AAPI woman lifetime judge, in Michigan.

Judge [**TODD EDELMAN**](#), nominated to the U.S. District Court for the District of Columbia, is an eminently qualified and fair-minded jurist who has devoted his career to equal justice for all. Before joining the Superior Court of D.C., he worked in private practice defending the rights of workers and unions and, through his pro bono work, helped exonerate people who had been wrongfully convicted. Judge Edelman also spent eight years as a public defender, representing clients who could not afford an attorney and ensuring they had access to justice.

Nominee to the U.S. District Court for the Southern District of New York [**MARGARET GARNETT**](#) has significant experience holding those in positions of power accountable for their actions. In addition to her 15 years of service with the U.S. Attorney's Office for the Southern District of New York, she served as commissioner of the New York City Department of Investigation (DOI), the oversight agency charged with rooting out fraud. In this role, Ms. Garnett oversaw investigations of complaints against city employees, including the investigation into the New York Police Department's shameful handling of the protests in the wake of the murder of George Floyd.

Nominated to the U.S. District Court for the Southern District of California, Judge [**MARIAN GASTON**](#) has impressive experience protecting the rights of all people. Before joining the bench as a judge on the San Diego Superior Court in 2015, Judge Gaston spent nearly 20 years as a public defender, representing clients who could not afford an attorney and ensuring they had access to justice. As a judge, she presided over a special intervention court that provided alternatives to incarceration for youth on probation who are also survivors of human trafficking and other forms of sexual exploitation. When confirmed, Judge Gaston will be only the second former public defender to ever serve as a lifetime judge on this court.

Judge [**EUMI LEE**](#), nominated to the U.S. District Court for the Northern District of California, is an experienced jurist who has dedicated much of her career to rooting out disparities in our criminal-legal system. Since 2018, she has served as a fair-minded judge for the Alameda County Superior Court and is the court's first Korean American judge. Prior to this, Judge Lee held several positions at the University of California College of Law, San Francisco, including co-director of the Hastings Institute for Criminal Justice, ethics trainer, clinical professor, associate clinical professor, clinical attorney, and moot court, legal research & writing instructor. When confirmed, she will be the second AAPI woman and fourth AAPI person to become a lifetime judge on this court.

[**MÓNICA RAMÍREZ ALMADANI**](#), nominated to the U.S. District Court for the Central District of California, has displayed an outstanding commitment to equal justice throughout her career. Through her work at the ACLU, the Civil Rights Division of the U.S. Department of Justice, the University of California Irvine School of Law's Immigrant Rights Clinic, and pro bono legal services organization Public Counsel, she has steadfastly defended the rights of vulnerable communities, including immigrants and those facing discrimination. When confirmed, Ms. Ramírez Almadani will be the only Latina currently serving as a lifetime judge on this court.

Confirmed Judges: Highlights

President Biden has nominated exceptional lawyers from diverse backgrounds who are now serving on the bench. For example, Justice **KETANJI BROWN JACKSON** (U.S. Supreme Court) is the first Black woman and first former public defender to serve on our nation's highest court. Her impeccable qualifications include nearly 10 years of experience as a fair-minded jurist and service on the U.S. Sentencing Commission. Judge **NANCY ABUDU** (Eleventh Circuit) spent years as a civil rights litigator at the ACLU's Voting Rights Project and the ACLU of Florida, and she established the Southern Poverty Law Center's Voting Rights Practice Group. She is the first Black woman on the Eleventh Circuit and the first person of color ever to serve in a Georgia seat on this court. Judge **JULIE RIKELMAN** (First Circuit) possesses exceptional experience defending our right to bodily autonomy, including our right to access abortion, as the litigation director at the Center for Reproductive Rights. She is the first Jewish woman and first immigrant woman to serve on the First Circuit.

Judge **NUSRAT CHOUDHURY** (Eastern District of New York) has worked tirelessly challenging discriminatory policies that specifically target communities of color, including leading the ACLU's litigation strategy and efforts to end the practice of keeping those unable to pay court-imposed fines or fees imprisoned. She is the first Muslim woman ever to serve as a lifetime federal judge. As director of the Voting Rights Project at the ACLU, Judge **DALE HO** (Southern District of New York) has protected civil rights by defending the freedom to vote. He also successfully challenged the Trump administration's misguided efforts to add a citizenship question to the census. Judge **NATASHA MERLE** (Eastern District of New York) has critical civil rights experience as deputy director of litigation at the NAACP Legal Defense and Educational Fund, Inc. She has also fought bias in our criminal-legal system as a federal public defender. Judge **CASEY PITTS** (Northern District of California) has dedicated his career to protecting and defending the rights of working people by successfully challenging unfair labor practices across the country. He is the first openly LGBTQ lifetime judge at the time of his confirmation on this court. Judge **HERNÁN VERA** (Central District of California) brings to the court outstanding experience pursuing equal justice, including spending 12 years at Public Counsel, the largest pro bono law firm in the nation, where he created an impact litigation department for economic justice.

These are just a few of the many outstanding judges confirmed by the Senate during the Biden administration.

Confirmed Judges: Milestones and Historic Firsts

U.S. Supreme Court

- Justice **KETANJI BROWN JACKSON** (U.S. Supreme Court; elevated from D.C. Circuit), first Black woman and first former public defender on U.S. Supreme Court

U.S. Circuit Courts of Appeals

- Judge **NANCY ABUDU** (Eleventh Circuit), first Black woman and first Black judge from Georgia on Eleventh Circuit
- Judge **DEANDREA BENJAMIN** (Fourth Circuit), first Black woman from South Carolina on Fourth Circuit
- Judge **CINDY CHUNG** (Third Circuit), first Asian American judge on Third Circuit
- Judge **TIFFANY CUNNINGHAM** (Federal Circuit), first Black judge on Federal Circuit
- Judge **STEPHANIE DAVIS** (Sixth Circuit), first Black woman from Michigan on Sixth Circuit
- Judge **ROOPALI DESAI** (Ninth Circuit), first South Asian judge on Ninth Circuit

- Judge **DANA DOUGLAS** (Fifth Circuit), first woman of color on Fifth Circuit
- Judge **ARIANNA FREEMAN** (Third Circuit), first woman of color on Third Circuit
- Judge **BRAD GARCIA** (D.C. Circuit), first Latino/a judge on D.C. Circuit
- Judge **GUSTAVO GELPÍ** (First Circuit), first former public defender on First Circuit
- Judge **CANDACE JACKSON-AKIWUMI** (Seventh Circuit), first former public defender and second judge of color on Seventh Circuit
- Judge **LUCY KOH** (Ninth Circuit), first Korean American woman on any federal appellate court
- Judge **JOHN LEE** (Seventh Circuit), first Asian American judge on Seventh Circuit
- Judge **ANDRE MATHIS** (Sixth Circuit), first Black man from Tennessee on Sixth Circuit
- Judge **SALVADOR MENDOZA** (Ninth Circuit), first Latino/a judge from Washington on Ninth Circuit
- Judge **TAMIKA MONTGOMERY-REEVES** (Third Circuit), first woman of color from Delaware on Third Circuit
- Judge **ALISON NATHAN** (Second Circuit), second openly LGBTQ woman on any federal appellate court
- Judge **FLORENCE PAN** (D.C. Circuit; elevated from District of D.C.), first AAPI woman to serve as lifetime judge on D.C. district court
- Judge **DORIS PRYOR** (Seventh Circuit), first Black judge from Indiana on Seventh Circuit
- Judge **JULIE RIKELMAN** (First Circuit), first Jewish woman and first immigrant woman on First Circuit
- Judge **BETH ROBINSON** (Second Circuit), first openly LGBTQ woman on any federal appellate court
- Judge **JENNIFER SUNG** (Ninth Circuit), first Asian American judge from Oregon on Ninth Circuit
- Judge **HOLLY THOMAS** (Ninth Circuit), first Black woman from California on Ninth Circuit

U.S. District Courts

- Judge **AMANDA BRAILSFORD** (District of Idaho), first woman to serve as lifetime judge on District of Idaho
- Judge **DANIEL CALABRETTA** (Eastern District of California), first openly LGBTQ lifetime judge on Eastern District of California
- Judge **VICTORIA CALVERT** (Northern District of Georgia), first former public defender to serve as lifetime judge on Northern District of Georgia
- Judge **NUSRAT CHOUDHURY** (Eastern District of New York), first Muslim woman and first Bangladeshi American to serve as lifetime judge on any federal court
- Judge **JOHN CHUN** (Western District of Washington), first Asian American man to serve as lifetime judge in Washington state
- Judge **ANA DE ALBA** (Eastern District of California), first Latina to serve as lifetime judge on Eastern District of California
- Judge **LYDIA GRIGGSBY** (District of Maryland), first woman of color to serve as lifetime judge on District of Maryland
- Judge **MARGARET GUZMAN** (District of Massachusetts), first Latina to serve as lifetime judge on District of Massachusetts
- Judge **MYOUNG JOUN** (District of Massachusetts), first Asian American man to serve as lifetime judge on any federal court in First Circuit

- Judge **LAUREN KING** (Western District of Washington), first Native American to serve as lifetime judge in Washington
- Judge **SHALINA KUMAR** (Eastern District of Michigan), first South Asian to serve as lifetime judge on any Michigan district court
- Judge **RITA LIN** (Northern District of California), first Chinese American woman to serve as lifetime judge on Northern District of California
- Judge **TANA LIN** (Western District of Washington), first Asian American to serve as lifetime judge in Washington
- Judge **NANCY MALDONADO** (Northern District of Illinois), first Latina to serve as lifetime judge in Illinois
- Judge **GINA MÉNDEZ-MIRÓ** (District of Puerto Rico), first openly LGBTQ lifetime judge on any federal court in First Circuit
- Judge **SARALA NAGALA** (District of Connecticut), first South Asian to serve as lifetime judge on District of Connecticut
- Judge **ADRIENNE NELSON** (District of Oregon), first woman of color to serve as lifetime judge on District of Oregon
- Judge **JINSOOK OHTA** (Southern District of California), first Asian American woman to serve as lifetime judge on Southern District of California
- Judge **MIA PEREZ** (Eastern District of Pennsylvania), first Asian American to serve as lifetime judge on Eastern District of Pennsylvania
- Judge **CASEY PITTS** (N.D. Cal.), first openly LGBTQ lifetime judge at time of confirmation on Northern District of California
- Judge **ZAHID QURAIHI** (District of New Jersey), first Muslim to serve as lifetime judge on any federal court
- Judge **ANA REYES** (District of D.C.), first Latina and first openly LGBTQ lifetime judge on District of D.C.
- Judge **REGINA RODRIGUEZ** (District of Colorado), first Asian American to serve as lifetime judge on Colorado district court
- Judge **DAVID RUIZ** (Northern District of Ohio), first Latino to serve as lifetime judge on any Ohio district court
- Judge **ARUN SUBRAMANIAN** (Southern District of New York), first South Asian to serve as lifetime judge on Southern District of New York
- Judge **CHARLOTTE SWEENEY** (District of Colorado), first openly LGBTQ woman to serve as lifetime judge on any federal court west of the Mississippi River
- Judge **SUNSHINE SYKES** (Central District of California), first Native American to serve as lifetime judge on any California district court
- Judge **JAMAR WALKER** (Eastern District of Virginia), first openly LGBTQ lifetime judge on any court in the Fourth Circuit

Opportunities Ahead

In order to build a judiciary dedicated to equal justice, we must ensure that all federal judicial vacancies are filled with qualified nominees committed to civil and human rights. The Senate must confirm the exceptional nominees who are pending. We also call on the Senate and the Biden administration to make diversity a continued priority and support additional diverse nominees, including more Latino and Latina nominees, Native American nominees, LGBTQ nominees, and nominees with disabilities. Additionally, we urge senators and the White House to select nominees who have significant experience in civil rights law, such as economic justice, reproductive rights, LGBTQ equality, disability rights, and voting rights.

There is much work to be done: To date, there are **59** known current or future lifetime judicial vacancies without nominees — **4** on circuit courts and **55** on district courts. Many of these vacancies are on important appellate courts like the Fourth and Sixth Circuits, as well as in states like Alabama, Texas, Florida, and Missouri where a significant number of civil and human rights cases are heard. Additionally, we may see more vacancies in the near future. Currently, **159** active judges (**43** circuit court judges, **116** district court judges) are eligible or will be eligible by December 31, 2024 to take senior status but have not yet announced plans to do so.⁶ Of these judges, **69** were appointed by Democratic presidents (**16** circuit court judges, **53** district court judges) and **91** were appointed by Republican presidents (**28** circuit court judges, **63** district court judges).⁷ We need fair-minded judges on every court — especially on courts making decisions that threaten our rights.

Additionally, we need to work to modernize our courts so that our federal judiciary can fairly and more efficiently administer justice. Congress must pass legislation that modernizes and reforms our courts, including legislation on ethics reforms, such as extension of the Code of Conduct for United States Judges to apply to Supreme Court justices, and further transparency measures and court structure reforms such as expanding the number of authorized judgeships for circuit and district courts. The last time Congress significantly increased lower court judgeships to keep up with population increases was more than 30 years ago. With many courts burdened by exceptionally high caseloads, delays are compromising access to justice for people across the country. It is necessary for Congress to authorize new circuit court and district court judgeships to meet our current needs. In addition, we urge Congress to consider other structural reforms to the Supreme Court.

For more information, please visit civilrights.org/courts or contact Samantha Cyrulnik-Dercher at cyrulnikdercher@civilrights.org.

⁶ Senior status is a form of semi-retirement that creates a vacancy on the court and allows the senior judge to hear a smaller caseload. These numbers are extrapolated from publicly available data provided by the [Federal Judicial Center](https://www.federaljudicialcenter.org/).

⁷ Judge Roger Gregory (4th Cir., Virginia) is counted as nominated by both parties. He was first nominated via recess appointment by President Bill Clinton (D) and then renominated by President George W. Bush (R).