



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. We have a long way to go until our judiciary lives up to its promise of equal justice, but the Biden administration has made progress that we must build upon to make our courts more fair and more inclusive.

Article III Judicial Nominations in the Biden Administration: By the Numbers⁵

- **28** confirmed judges - **9** circuit court, **19** district court
 - Includes **21** women, **15** women of color including Native American women
 - Includes **12** public defenders, **7** civil rights lawyers
 - Fastest pace of judicial confirmations since the Nixon administration
- **33** pending nominees - **7** circuit court, **26** district court
 - Includes **24** women, **11** women of color
 - Includes **5** public defenders, **7** civil rights lawyers

Confirmed Judges: Milestones and Historic Firsts

- **Judge Zahid Quraishi** (District of New Jersey), first Muslim Article III judge
- **Judge Tiffany Cunningham** (Federal Circuit), first Black judge on Federal Circuit
- **Judge Lauren King** (Western District of Washington), first Native American federal judge in Washington state
- **Judge Florence Pan** (District of D.C.), first AAPI woman to serve on D.C. district court
- **Judge Regina Rodriguez** (District of Colorado), first AAPI judge on Colorado district court
- **Judge Lydia Griggsby** (District of Maryland), first woman of color judge on Maryland district court
- **Judge Gustavo Gelpí** (First Circuit), first former public defender on First Circuit

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 November 23, 2021.

Exceptional Nominations and Confirmations

President Biden has nominated exceptional lawyers from diverse backgrounds who will help bring equal justice to the federal judiciary. For example:

A fair-minded jurist on the U.S. District Court for the District of D.C. and former federal public defender, **Judge Ketanji Brown Jackson** was elevated to the U.S. Court of Appeals for the D.C. Circuit. She has a robust record of upholding the rights of immigrants, people with disabilities, and working people. Until Judge Jackson's confirmation on June 14, 2021, it had been nearly 10 years since a Black woman was confirmed to a federal appellate court.

Judge Candace Jackson-Akiwumi was confirmed as a judge on the U.S. Court of Appeals for the Seventh Circuit. Previously, she was a public defender, representing more than 400 clients who could not afford counsel. She is the first judge on the Seventh Circuit to spend most of her career as a public defender and the second judge of color ever to serve on this court.

Public defender **Judge Eunice Lee** was confirmed to serve on the U.S. Court of Appeals for the Second Circuit. She served at the Office of the Federal Defender in New York City, and is now the only judge on this court with experience as a lawyer ensuring that the constitutional rights of those accused of crimes are protected. Judge Lee is the second Black woman ever to serve on this court.

Judge Myrna Pérez, also confirmed to the U.S. Court of Appeals for the Second Circuit, has dedicated her career to defending the freedom to vote and safeguarding our democracy at the Brennan Center for Justice at New York University School of Law. A daughter of Mexican immigrants, Judge Pérez is the first Latina to serve on this court since Associate Justice Sonia Sotomayor was elevated to the U.S. Supreme Court in 2009.

Already a highly respected judge on the U.S. District Court for the Northern District of California, **Judge Lucy Koh** was nominated to the U.S. Court of Appeals for the Ninth Circuit. She has repeatedly protected the integrity of the census, which impacts our voting rights and access to government services. Judge Koh would be the first Korean American woman and only the third AAPI woman to serve on any federal appellate court.

Jennifer Sung, nominated to the U.S. Court of Appeals for the Ninth Circuit, has fought for fair wages and safe working conditions and served as an even-handed adjudicator on the Oregon Employment Relations Board. Ms. Sung would be the first Asian American from Oregon to serve on the Ninth Circuit, and only the third AAPI woman to serve on any federal circuit court.

Judge Beth Robinson, confirmed to the U.S. Court of Appeals for the Second Circuit, has devoted her career to protecting the rights of all people. Prior to serving on the Vermont Supreme Court, she successfully argued that the state's exclusion of same-sex couples from marriage rights was unconstitutional, and her advocacy helped Vermont become the first state to recognize marriage equality. Judge Robinson is the first openly lesbian judge on any federal appellate court.

A fair-minded jurist on the Los Angeles County Superior Court, **Judge Holly Thomas** is nominated to the U.S. Court of Appeals for the Ninth Circuit. She has worked on criminal and juvenile justice and educational equity at the NAACP Legal Defense and Educational Fund, Inc., and protected and defended civil rights at the U.S. Department of Justice, the New York State Attorney General's Office of the Solicitor General, and the California Department of Fair Employment and Housing. Judge Thomas would be the first Black woman from California to serve on this court.

As director of the voting rights program at the ACLU, nominee to the U.S. District Court for the Southern District of New York **Dale Ho** has protected civil rights by defending the freedom to vote. Mr. Ho has successfully challenged the Trump administration's efforts to add a citizenship question to the census and opposed its efforts to exclude unauthorized immigrants from calculations used to determine representation in Congress.

Judge Hernán Vera, nominee to the U.S. District Court for the Central District of California, has dedicated his career to equal justice. Before serving as a judge on the Los Angeles County Superior Court, Judge Vera served for 12 years at Public Counsel, the largest pro bono law firm in the nation, where he created an impact litigation department for economic injustice. Judge Vera also served as an attorney at the Mexican American Legal Defense and Educational Fund.

Nominee to the U.S. District Court for the District of Colorado **Charlotte Sweeney** has fought for public and private sector employees in discrimination and wrongful termination cases. She represented working people who were discriminated against because of their race, gender, sexual orientation, and disability status. If confirmed, Ms. Sweeney would be the first openly lesbian federal judge in any state west of the Mississippi River.

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. We call on the Senate and the Biden administration to make diversity a continued priority and support more diverse nominees, including more Latino and Latina nominees, Native American nominees, LGBTQ nominees, and nominees with disabilities. Appellate courts like the 4th Circuit, 5th Circuit, and 11th Circuit frequently hear cases that impact civil rights, including the freedom to vote and reproductive freedom. 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. 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.

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