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. Yet, for far too long, those selecting and confirming federal judges have not made this a priority.

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. 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. 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.

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

63 confirmed judges - 1 Supreme Court, 15 circuit court, 47 district court
- Includes 48 women, 29 women of color including Native American women
- Includes 18 public defenders, 13 civil rights lawyers
- Fastest pace of judicial confirmations since the Reagan administration

30 pending nominees - 9 circuit court, 21 district court
- Includes 21 women, 13 women of color including Native American women
- Includes 6 public defenders, 9 civil rights lawyers

Pending Nominees: Highlights

As director of the voting rights project 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.

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5 Data as of May 19, 2022.
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.

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. She comes to the Supreme Court with impeccable qualifications, including nearly ten years of experience as a fair-minded jurist and service on the U.S. Sentencing Commission. Judge MYRNA PÉREZ (U.S. Court of Appeals for the Second Circuit) is a daughter of Mexican immigrants who spent her career at the Brennan Center for Justice at New York University School of Law, defending our freedom to vote. Judge JENNIFER SUNG (U.S. Court of Appeals for the Ninth Circuit) fought for fair wages and safe working conditions and is the first Asian American from Oregon to serve on this court. Judge BETH ROBINSON (U.S. Court of Appeals for the Second Circuit) has served with distinction on the Vermont Supreme Court and devoted her career to protecting the rights of all people. She is the first openly lesbian judge on any federal appellate court. Judge HOLLY THOMAS (U.S. Court of Appeals for the Ninth Circuit) was a civil rights lawyer at the NAACP Legal Defense and Educational Fund, Inc. and the U.S. Department of Justice, and is the first Black woman from California to serve on this court. These are just a few of the many exceptional judges confirmed by the Senate during the Biden administration.

Confirmed Judges: Milestones and Historic Firsts

- Judge VICTORIA CALVERT (Northern District of Georgia), first former public defender on Northern District of Georgia
- Judge TIFFANY CUNNINGHAM (Federal Circuit), first Black judge on Federal Circuit
- Judge GUSTAVO GELPI (First Circuit), first former public defender on First Circuit
- Judge LYDIA GRIGGSBY (District of Maryland), first woman of color judge on Maryland district court
- Judge CANDACE JACKSON-AKIWUMI (Seventh Circuit), first former public defender and second judge of color on Seventh Circuit
- Judge LAUREN KING (Western District of Washington), first Native American federal judge in Washington state
- Judge SHALINA KUMAR (Eastern District of Michigan), first South Asian judge on Michigan district court
- Judge SARALA NAGALA (District of Connecticut), first South Asian judge on Connecticut district court
- Judge ALISON NATHAN (Second Circuit), second openly LGBTQ woman on any federal appellate court
- Judge JINSOOK OHTA (Southern District of California), first AAPI woman judge on Southern District of California
- Judge FLORENCE PAN (District of D.C.), first AAPI woman to serve on D.C. district court
- Judge ZAHID QURAISHI (District of New Jersey), first Muslim Article III judge
- Judge REGINA RODRIGUEZ (District of Colorado), first AAPI judge on Colorado district court
- Judge DAVID RUIZ (Northern District of Ohio), first Latino judge on any Ohio district court
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 that are pending. We also 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/courts or contact Samantha Cyrulnik-Dercher at cyrulnikdercher@civilrights.org.