

July 20, 2021



SUPPORT THE CONFIRMATION OF JUDGE GUSTAVO GELPÍ TO THE U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 220 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, we write to express our strong support for the confirmation of Judge Gustavo Gelpí to the U.S. Court of Appeals for the First Circuit.

Judge Gelpí is eminently qualified for this position and his experience would be a tremendous asset to the First Circuit. He currently serves as chief judge for the U.S. District Court for the District of Puerto Rico. The Senate unanimously confirmed him as a district judge in 2006¹ after spending five years as a magistrate judge for the same court. Before becoming a jurist, Judge Gelpí served as special counsel to the attorney general, assistant attorney general, and solicitor general at the Puerto Rico Department of Justice. He began his legal career as an assistant federal public defender at the office of the Federal Public Defender for the District of Puerto Rico, helping to ensure access to justice for people who could not afford an attorney. Judge Gelpí has also trained future lawyers across the country, teaching at law schools in Hawaii, Massachusetts, New Hampshire, Puerto Rico, and Texas. After graduating from Brandeis University and Suffolk University Law School, Judge Gelpí clerked for Judge Juan M. Pérez-Giménez of the U.S. District Court for the District of Puerto Rico. His professional affiliations include decades of serving on committees and on the board of the Federal Bar Association, as well as his longstanding membership in the Hispanic National Bar Association. Judge Gelpí is well qualified to serve as a federal appellate judge.

Judge Gelpí's work as a federal public defender and his experience litigating and adjudicating issues impacting Puerto Ricans are especially notable, as judges with these kinds of legal experiences are broadly underrepresented on the federal bench.² If confirmed, he would be the first former public defender ever to serve on the First Circuit.³ Public defenders play an essential role in our criminal-legal system by ensuring that the constitutional rights of people accused of crimes are protected. He has presided over issues of significant consequence to the civil and human rights of Puerto Ricans, including

¹ [PN1454 - Nomination of Gustavo Antonio Gelpi for The Judiciary](#), 109th Congress. July 20, 2006.

² See Buchanan, Maggie Jo. "[The Startling Lack of Professional Diversity Among Federal Judges](#)." *Center for American Progress*. June 17, 2020; "[Broadening the Bench: Professional Diversity and Judicial Nominations](#)." *Alliance for Justice*. February 6, 2014.

³ "[Biographical Directory of Article III Federal Judges, 1789-present](#)." *Federal Judicial Center*. Accessed July 2021. Search includes all First Circuit judges who listed "public defender" or "federal defender" as non-volunteer work experience.

police accountability,⁴ free exercise of religion,⁵ marriage equality,⁶ and disability rights.⁷ It is vital that our judiciary reflects the diversity of the legal profession, and Judge Gelpí would bring this needed professional diversity, as well as significant legal and judicial experience in Puerto Rico, to the First Circuit.

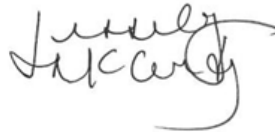
In addition to his notable qualifications, Judge Gelpí's lived experience would bring important perspectives to the appellate bench. If confirmed, he would be the only Latino serving on the First Circuit and just the second Latino to ever serve on this court.⁸ The First Circuit is home to more than 4.2 million Hispanic or Latino/a individuals.⁹ It is necessary to have judges who share experiences and characteristics with the people their decisions impact. The legitimacy of courts and the decisions they make relies on public trust, and this trust and judicial decision-making are both improved by courts that reflect the communities they serve.¹⁰ A diverse judiciary also helps ensure that rulings reflect a wide variety of viewpoints, especially from perspectives and communities that have historically been excluded from the judiciary.¹¹

We strongly urge the Senate to confirm Judge Gustavo Gelpí to the First Circuit. If you would like to discuss this matter further, please contact Lena Zwarensteyn, Senior Director of the Fair Courts Campaign, at (202) 466-3311. Thank you for your consideration.

Sincerely,



Wade Henderson
Interim President & CEO



Jesselyn McCurdy
Interim Executive Vice President of Government Affairs

⁴ *United States v. Commonwealth of Puerto Rico*, 460 F. Supp. 3d 159 (D.P.R. 2020).

⁵ *Watchtower Bible Tract Soc. of NY., Inc. v. Mun. of Ponce*, 197 F. Supp. 3d 340 (D.P.R. 2016).

⁶ *Conde Vidal v. García Padilla*, Civil No. 14-1253 (D.P.R. 2016) (order declaring unconstitutionality of Puerto Rico same-sex marriage ban).

⁷ *United States v. Commonwealth of Puerto Rico*, 2020 WL 7024358 (D.P.R. 2020).

⁸ "[Biographical Directory of Article III Federal Judges, 1789-present](#)." *Federal Judicial Center*. Accessed July 2021. Search includes all judges for the First Circuit whose race or ethnicity includes Hispanic.

⁹ "[2019 American Community Survey 1-Year Estimates](#)." *United States Census Bureau*. Accessed July 2021. Search includes populations of Massachusetts, Maine, New Hampshire, Puerto Rico, and Rhode Island whose race or ethnicity includes Hispanic or Latino.

¹⁰ Sen, Maya. "[Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time](#)." 2017 *Wis. L. Rev.* 367 (2017).

¹¹ *Id.*