

November 9, 2022



**SUPPORT THE CONFIRMATION OF JUDGE DANIEL CALABRETTA  
TO THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 230 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 Daniel Calabretta to the U.S. District Court for the Eastern District of California. The Leadership Conference intends to include your position on the confirmation of Judge Calabretta in our voting record for the 117th Congress.

Judge Calabretta's impressive legal career makes him a wonderful choice for the Eastern District of California. Currently, Judge Calabretta is the presiding judge of the juvenile court in the Superior Court of California for the County of Sacramento. Prior to this, he served as a superior court judge on this court. Before his appointment to the state bench, Judge Calabretta worked for the Office of the Governor as deputy legal affairs secretary and spent five years as deputy attorney general for the California Department of Justice. He also practiced law as an associate at Munger, Tolles & Olson LLP. A graduate of Princeton University and the University of Chicago School of Law, Judge Calabretta then clerked for Justice John Paul Stevens on the U.S. Supreme Court and Judge William Fletcher on the U.S. Court of Appeals for the Ninth Circuit. Judge Calabretta is actively involved with his local community, including serving on the board of directors of a local LGBTQ bar association (Bay Area Lawyers for Individual Freedom) and volunteering extensively with Equality California. The breadth and depth of his experience will make him an excellent addition to the court.

Judge Calabretta has dedicated much of his career to defending the civil and human rights of all people. During his time at the California Department of Justice, he helped author an amicus brief in *Hollingsworth v. Perry* in support of a district court's permanent injunction halting Proposition 8, a California ballot measure that passed and became a law banning marriage equality for same-sex couples.<sup>1</sup> After the U.S. Supreme Court upheld the injunction, Judge Calabretta litigated subsequent matters related to this case, ensuring that LGBTQ couples were afforded equal marriage rights.<sup>2</sup> Notably, much of his civil rights work was conducted pro bono. For example, he authored an amicus brief for *In re Marriage Cases* on behalf of the Bay Area Lawyers for Individual Freedom and other civil rights organizations

---

<sup>1</sup> Brief for the State of California as Amicus Curiae supporting respondents, [Hollingsworth v. Perry](#), 570 U.S. 693, 133 S. Ct. 2652, 186 L. Ed. 2d 768 (2013).

<sup>2</sup> See e.g. *Hollingsworth v. O'Connell*, No. S211990 (Cal. Sup. Ct. 2013) (alleging that the holding in *Hollingsworth v. Perry* only gave marriage rights to the named plaintiffs in the case, not all same-sex couple in California, summary judgment was granted for the state); *Perry v. Schwarzenegger*, No. C 09-02292 JW (N.D. CA, June 14, 2011) (denial of a motion to vacate judgment in *Hollingsworth v. Perry* because Judge Vaughn Walker, who authored the district court opinion granting a permanent injunction of Proposition 8, identifies as a gay man).



supporting marriage equality for LGBTQ Californians.<sup>3</sup> In 2007, he represented Equality California defending a law that would give registered domestic partners the same tax benefits usually only afforded to married spouses.<sup>4</sup> This significant experience, together with his commitment to public service, would make him a tremendous addition to the federal judiciary.

The confirmation of Judge Calabretta would also bring important lived experience to our federal judiciary. When he joined the Sacramento County Superior Court in 2019, he became the first openly gay man ever appointed to that court.<sup>5</sup> And if confirmed by the Senate, he would be the first openly LGBTQ person to ever serve on the Eastern District of California.<sup>6</sup> There are more than 11 million adults in the United States who identify as LGBTQ, with more than 1.6 million of them living in the state of California.<sup>7</sup> The importance of a judiciary that reflects the community it serves cannot be overstated. Public trust in the judiciary is vital and is strengthened when our courts reflect the rich diversity of our country.<sup>8</sup> Additionally, different lived experiences, especially from underrepresented communities, bring varied perspectives to our federal courts that improve judicial decision-making.<sup>9</sup> Indeed, Judge Calabretta's important lived and professional experiences would be an asset to the Eastern District of California.

Judge Calabretta is an excellent choice for this position, and we strongly urge the Senate to confirm his nomination. If you would like to discuss this matter further, please contact Lena Zwarenstejn, senior director of the fair courts program, at (202) 466-3311. Thank you for your consideration.

Sincerely,

Maya Wiley  
President & CEO

Jesselyn McCurdy  
Executive Vice President of Government Affairs

---

<sup>3</sup> Brief for the Bay Area Lawyers for Individual Freedom, *et al*, as Amicus Curiae supporting respondents, [\*In re Marriage Cases\*](#), 43 Cal. 4th 757, 183 P.3d 384 (2008).

<sup>4</sup> *Strong v. State Bd. of Equalization*, 155 Cal. App. 4th 1182, 66 Cal. Rptr. 3d 657 (2007).

<sup>5</sup> Summer Lin, [\*Biden Nominates three judges to federal courts in California\*](#), LOS ANGELES TIMES (July 29, 2022).

<sup>6</sup> Press Release, [\*Durbin Delivers Opening Statement During Hearing On Latest Circuit And District Court Nominations\*](#), U.S. Senator Dick Durbin, Illinois (October 12, 2022).

<sup>7</sup> See Kerith J. Conron & Shoshana K. Goldberg, [\*Adult LGBT Population in the United States\*](#), THE WILLIAMS INSTITUTE (July 2020).

<sup>8</sup> Kate Berry, [\*Building a Diverse Bench: Selecting Federal Magistrate and Bankruptcy Judges\*](#), BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW AND AMERICAN BAR ASSOCIATION JUDICIAL DIVISION (2017).

<sup>9</sup> Maya Sen, [\*Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time\*](#), 2017 WIS. L. REV. 367 (2017).