



October 18, 2021

**SUPPORT THE CONFIRMATION OF JUDGE HOLLY THOMAS  
TO THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT**

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 Holly Thomas to the U.S. Court of Appeals for the Ninth Circuit.

Judge Thomas has an impressive civil rights background and significant experience as a fair-minded judge, and she would be an excellent addition to the Ninth Circuit. Since 2018, she has served as a judge on the Los Angeles Superior Court. Prior to this, she was the deputy director of executive programs at the California Department of Fair Employment and Housing, special counsel to the solicitor general in the New York State Attorney General's Office of the Solicitor General, senior attorney at the U.S. Department of Justice Civil Rights Division, and assistant counsel at the NAACP Legal Defense and Educational Fund, Inc. (LDF). Following graduation from both Stanford University and Yale Law School, Judge Thomas served as a law clerk for Judge Kim McLane Wardlaw of the U.S. Court of Appeals for the Ninth Circuit. She is eminently qualified to serve on the Ninth Circuit.

Judge Thomas has a deep understanding of and commitment to civil and human rights and would bring much needed professional diversity to the bench. Her background in state and federal civil rights law is especially notable, as judges who have practiced civil rights law are broadly underrepresented on the federal bench.<sup>1</sup> She started her legal career at LDF, where she worked on critical issues related to the criminal and juvenile legal systems, as well as educational equity. At LDF, she also participated in civil rights litigation<sup>2</sup> and researched and authored reports.<sup>3</sup> While at the Civil Rights Division at the Justice Department, she worked on a number of crucial civil rights matters, including protecting the freedom to vote,<sup>4</sup> ensuring school districts remain desegregated,<sup>5</sup> holding police accountable for misconduct,<sup>6</sup> and

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<sup>1</sup> 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).

<sup>2</sup> See, e.g., *Horne v. Flores*, 557 U.S. 433 (2009) (brief for LDF, et al, as amicus curiae); *Allen v. Williams*, 556 U.S. 1253 (2009) (Respondent's brief in opposition); *Hightower v. Terry*, 550 U.S. 952 (2007) (brief for LDF, as amicus curiae).

<sup>3</sup> See e.g., *No Chance To Make It Right: Juveniles Sentenced To Life Without Parole In Mississippi*, NAACP LEGAL DEF. & EDUC. FUND, INC., (2008); *Education Interrupted: The Growing Use Of Suspensions In New York City's Public Schools*, N.Y. CIV. LIBS. UNION & STUDENT SAFETY COAL. (2011).

<sup>4</sup> See *League of Women Voters of NC v. North Carolina*, 769 F.3d 224 (4th Cir. 2014), cert. denied, 135 S. Ct. 1735 (2015).

<sup>5</sup> See *Fisher v. Tucson*, 652 F.3d 1131 (9th Cir. 2011).

<sup>6</sup> See *United States v. McRae*, 702 F.3d 806 (5th Cir. 2012).



implementing the Supreme Court's decision in *U.S. v. Windsor* by ensuring same-sex couples could access federal rights and protections.<sup>7</sup> In her roles in the Office of the Solicitor General in New York as well as in the California Department of Fair Employment and Housing, she was responsible for protecting, implementing, and enforcing various civil rights laws and protections. Her dedication to public service and experience in civil rights law make her an excellent choice to serve on the Ninth Circuit.

In addition to the important professional experience she would bring to the Ninth Circuit, Judge Thomas would bring other vital representation to the federal bench. Judge Thomas would be the first Black woman from California to ever serve on the Ninth Circuit and only the second Black woman to ever serve on the court.<sup>8</sup> The Ninth Circuit is home to more than 4 million Black people, yet there have only been four Black judges in the court's history.<sup>9</sup> Public trust in the judiciary is crucial to its function, and this trust is bolstered when the bench better reflects the communities it serves.<sup>10</sup> Additionally, this diversity of professional and lived experiences improves judicial decision-making.<sup>11</sup>

Judge Thomas is exceptionally qualified and we strongly urge the Senate to confirm her to the Ninth Circuit. 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,

Wade Henderson  
Interim President & CEO

Jesselyn McCurdy  
Executive Vice President of Government Affairs

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<sup>7</sup> Press Release, *Attorney General Holder Recognizes Department Employees and Others for Their Service at Annual Awards Ceremony* (October 15, 2014) <https://www.justice.gov/opa/pr/attorney-general-holder-recognizes-department-employees-and-others-their-service-annual-1>.

<sup>8</sup> See [Biographical Directory of Article III Federal Judges, 1789-present](#), FEDERAL JUDICIAL CENTER.

<sup>9</sup> *Id.*

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

<sup>11</sup> Berry, Kate, [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).