

October 3, 2023



**SUPPORT THE CONFIRMATION OF JUDGE MUSTAFA KASUBHAI
TO THE U.S. DISTRICT COURT FOR THE DISTRICT OF OREGON**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 240 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 Mustafa Kasubhai to the U.S. District Court for the District of Oregon. The Leadership Conference intends to include your position on the confirmation of Judge Kasubhai in our voting record for the 118th Congress.

Judge Kasubhai's distinguished career and commitment to equity and inclusion make him a wonderful choice for this position. Since 2018, Judge Kasubhai has served as a fair-minded U.S. magistrate judge with the U.S. District Court for the District of Oregon. Prior to this, he spent 11 years as a state circuit court judge with the Oregon Judicial Department. Before his appointment to the bench, he served as a board member on the Oregon Workers' Compensation Board. Judge Kasubhai spent a year as a commissioner of the City of Eugene Human Rights Commission and another year as a landlord-tenant mediation coordinator with Lane County Legal Aid. He spent time in private practice as an associate with Rasmussen, Tyler & Mundorff and as a partner with Kasubhai & Sanchez. He was also a solo practitioner at the Law Offices of Mustafa T. Kasubhai, PC. Judge Kasubhai has worked to train future lawyers as a lecturer at the University of Oregon School of Law. He is a graduate of the University of California, Berkeley and the University of Oregon School of Law. Additionally, Judge Kasubhai is also very involved in his community. For example, he — along with others — founded the South Asian Bar Association of Oregon and the Oregon Muslim Bar Association.¹ He also co-founded the Oregon Mediator Diversity Project, which mentors and trains diverse attorneys looking to become mediators.² Judge Kasubhai's experience makes him eminently qualified to serve as a district court judge.

Judge Kasubhai's career has been steeped in defending and protecting the rights of working people. While in private practice, he specialized in representing injured workers before the Oregon Workers' Compensation Board (WCB), often securing settlements for his clients. In 2003, Judge Kasubhai was nominated by Governor Theodore Kulongoski and confirmed by the Oregon Senate to serve as a board member on the WCB. In this role, Judge Kasubhai reviewed all workers' compensation claims that had been appealed from an administrative law judge. Judge Kasubhai's depth of experience has prepared him well for this role.

Further, his rulings as a magistrate judge have shown that he is a fair-minded jurist. For example, he presided over a settlement against the City of Springfield Police Department (SPD) for use of excessive

¹ [Board of Directors](#), South Asian Bar Association of Oregon (accessed September 2023).

² [About Us](#), Oregon Mediation Diversity Project (accessed September 2023).

force, which resulted in the largest monetary settlement of its kind in Oregon and a change to the SPD's use of force policy.³ In another case, he ruled in favor of a student who had been discriminated against by her college professors because of the student's former job as a sex worker.⁴ He also allowed a claim to move forward that was brought by a transgender woman who was incarcerated after the prison denied her access to gender-affirming care.⁵ These are only a handful of cases that demonstrate Judge Kasubhai's even-handed application of and commitment to the rule of law.

Importantly, Judge Kasubhai has already demonstrated that in his courtroom all litigants will be treated with respect. He introduced courtroom rules and practices, asking all who appear before him to identify their pronouns,⁶ and he and his staff include their own pronouns in their email signatures and electronic filings. Further, he developed a guide of best practices for judges — titled "Pronouns in the Courts" — about how to make courtrooms more inclusive.⁷ With the unprecedented number of anti-LGBTQ bills being introduced at all levels of government — with a particular emphasis on anti-transgender legislation — more cases involving LGBTQ litigants are being heard by our courts than ever before.⁸ By normalizing the simple practice of asking for people's pronouns, Judge Kasubhai is breaking down an important barrier by treating all litigants with dignity and respect. Our courts should be safe and accessible for all people, and Judge Kasubhai has shown that he is committed to making our judiciary more inclusive.

Judge Kasubhai has been breaking barriers for his entire judicial career, and his confirmation to the U.S. District Court for the District of Oregon would also mark a significant and overdue milestone. When he was appointed as a magistrate judge for the District of Oregon in 2018, he became the first Muslim judge to ever serve as a federal officer.⁹ If confirmed to this position, Judge Kasubhai would be the only Muslim Article III judge on this court and only the third in the entire country.¹⁰ Additionally, if confirmed to this position, he would be the only AAPI judge to ever serve a lifetime appointment on the District of Oregon.¹¹ Public trust in our judiciary is vital, and to further strengthen this trust our courts must reflect

³ *Estate of Stacy Kenny v. City of Springfield*, No. 6:19-cv-01519-AA (2020); see also Jayati Ramakrishnan, [City of Springfield pays \\$4.55 million to family of woman killed by police, in record settlement](#), THE OREGONIAN (July 17, 2020).

⁴ *Gilliland v. Sw. Or. Cmty. Coll. Dist.*, 6:19-cv-00283-MK (D. Or. Dec. 3, 2021)

⁵ *Lewis v. Ives*, No. 3:18-cv-00184-MK (S. Or. Feb. 12, 2020).

⁶ U.S. Magistrate Judge Mustafa T. Kasubhai, [Courtroom Rules](#), U.S. District Court, District of Oregon (accessed September 2023).

⁷ Judge Mustafa T. Kasubhai, *Pronouns in the Courts*, U.S. District Court, District of Oregon (October 13, 2022).

⁸ [Mapping Attacks on LGBTQ Rights in U.S. State Legislatures](#), American Civil Liberties Union (accessed September 2023).

⁹ Maxine Bernstein, [Biden nominates Magistrate Judge Mustafa Kasubhai to serve as federal district judge in Oregon](#), THE OREGONIAN (September 7, 2023); Julia Shumway, [Biden names Oregon magistrate to federal judge vacancy](#), OREGON CAPITAL CHRONICLE (September 7, 2023); Emily Rogers, [A Commitment to the Struggle](#), DAILY EMERALD (May 22, 2023).

¹⁰ See e.g., Azi Paybarah, [U.S. Senate Confirms First Muslim Federal District Judge](#), NEW YORK TIMES (June 11, 2021); Lola Fadulu, [First Muslim Woman to Be Federal Judge Confirmed by Senate](#), NEW YORK TIMES (June 16, 2023).

¹¹ See [Biographical Directory of Article III Federal Judges, 1789-present](#), FEDERAL JUDICIAL CENTER (accessed September 2023).



the diverse communities they serve.¹² Judicial decision-making is also improved by this personal and professional diversity.¹³ The confirmation of Judge Kasubhai would be an important step towards ensuring that our federal courts reflect and represent the diversity of our nation.

Judge Kasubhai is an excellent choice for this position, and we strongly urge the Senate to confirm him to the U.S. District Court for the District of Oregon. 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

¹² Maya Sen, [*Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time*](#), 2017 WIS. L. REV. 367 (2017).

¹³ 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).