



July 9, 2020

Governor Gavin Newsom
California State Capitol
Sacramento, CA 95814

RE: Impending Appointment to the California Supreme Court

Dear Governor Newsom,

We are writing on behalf of every LGBTQ+ Bar Association in California, representing hundreds of attorneys, judges, law students, and legal workers across the state. We appreciate that your focus recently has been on keeping Californians safe during an unprecedented pandemic, coupled with unrest arising from deeply rooted systemic racism. We are grateful for your leadership in this time of crisis. In light of the impending retirement of California Supreme Court Justice Ming Chin, we urge you to fill his vacancy with an LGBTQ+ individual, a person of color, or, preferably, an LGBTQ+ person of color.

The importance of diversity on California's Supreme Court cannot be overstated. As you have said, "California doesn't succeed in spite of our diversity — our state succeeds because of it." This is especially true in the judiciary. A diverse judiciary is vital to a healthy democratic government. It improves the quality of California's justice system by reflecting a broad range of life experiences and the diversity of our state. It promotes public confidence in the legitimacy of our courts when the bench reflects the population. And it acknowledges the dignity and value of all our citizens. We encourage you to appoint a California Supreme Court justice who reflects the diversity of our state.

The latest statistics gathered by the Judicial Council reveal that only 62 out of 1,743 judicial officers in California identify as gay, lesbian, bisexual, or transgender. (<https://www.courts.ca.gov/documents/2020-JO-Demographic-Data.pdf>) No openly LGBTQ+ justice has ever been appointed to the California Supreme Court. We recognize the work you have done to fight for the dignity of LGBTQ+ Californians. From issuing marriage licenses in 2004 to announcing an LGBTQ+ focused clemency initiative in 2020, your actions highlight the value of recognizing the important role LGBTQ+ individuals play in our communities. We urge you to continue that work in making judicial appointments.

The path to the bench for people of color is even more difficult. The Judicial Council's report reveals that more than 65% of California's judges are white, compared to 41% of California's population. Our current Supreme Court includes only one black justice and one Latinx justice. As of 2019, judges in 21 of California's 58 county superior courts were exclusively white; judges in 12 counties were exclusively male; and judges in 10 counties were exclusively white, heterosexual, able-bodied males. (<https://www.courts.ca.gov/documents/BTB25-4L-01.pdf>)

These disparities are true despite the richness and diversity of California's legal community; LGBTQ+ individuals and people of color serve as appellate justices, superior court judges, legislators, academics, and attorneys in public and private practice. Many of them are highly qualified to fill this and other judicial positions.

We know you will consider many highly qualified candidates, and we hope that process will culminate in the appointment of California's first openly LGBTQ+ justice, a justice of color, or an LGBTQ+ justice of color. We would be glad to be an additional resource in this process, and in the search for other qualified candidates for future judicial appointments, particularly from our LGBTQ+ communities.

Sincerely,

Andi Mudryk, Ashley Harvey

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cc: Judicial Appointments Secretary Martin Jenkins