CBAC 2018 RESOLUTION IN SUPPORT OF TIMELY CONFIRMATION OF DIVERSE JUDGES TO THE FEDERAL BENCH AND DIVERSE NOMINEES TO THE EXECUTIVE BRANCH

WHEREAS, the Coalition of Bar Associations of Color (CBAC), organized in 1992, is a coalition created to act as a collective voice for issues of common concern to its member organizations; and

WHEREAS, the member organizations of the CBAC are the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA); and

WHEREAS, the member organizations of the CBAC are the national voices of their respective legal communities in the United States and its territories and possessions; and

WHEREAS, there are currently approximately 147 judicial vacancies, of which 46 have been rated “judicial emergencies,” and these vacancies have caused extraordinary caseloads for federal courts;

WHEREAS, there are at least 27 future federal judicial vacancies that will continue to exacerbate the judicial emergency crisis; and

WHEREAS, the United States’ system of justice cannot function effectively without a fully staffed judiciary because these vacancies impede access to justice; cause delays in criminal defendants’ Constitutional right to speedy trials; increase the number of pleas taken by defendants to avoid longer detention; increase legal costs; slow resolution of all civil and criminal disputes; and interfere with business growth; and

WHEREAS, the federal appointments process should be an apolitical process involving the selection of the brightest legal minds reflecting the people and communities served by the federal courts, including diversity of gender, racial and ethnic background, law practice experience, educational background, socio-economic background and more to sustain the confidence of the people in the fairness and integrity of the justice system; and
WHEREAS, seventy-five percent of the current members of the federal judiciary are white and 45.6% are white males;

WHEREAS, ninety-two percent (55 of 60) of individuals that the current President of the United States has nominated for Article III judicial appointments are male, and 72% (43 of 60) are white males; and

WHEREAS, while CBAC recognizes that some progress has been made in diversifying the federal judiciary, it also believes that the President of the United States and the U.S. Senate can and must do more to accomplish the necessary goal of a judicial branch that adequately reflects the diverse composition of the population of the United States; and

WHEREAS, each member organization of the CBAC has a strict vetting and endorsements process available to any and all candidates for a position on the federal bench or the federal Executive Branch; and

WHEREAS, each member organization of the CBAC has worked vigorously to identify, vet, and endorse qualified judicial nominees to fill the numerous vacancies in the federal court system and has endorsed and provided the current administration and U.S. Senators with a number of endorsed diverse candidates for federal judicial vacancies, including at the Circuit Court level and in Florida, Minnesota, New Mexico, New York, and New Jersey – as examples; and

WHEREAS, that the CBAC supports the nomination and confirmation of the many highly-qualified, diverse judicial candidates endorsed by the CBAC, ABA, NAPABA, NBA, NNABA, and The National LGBT Bar Association, because the confirmation of these individuals as Article III judges would demonstrate respect for diverse individuals who reflect the changing demographics of our country and the rich tapestry of backgrounds, ethnicities, cultures, experiences and interests that characterize the American population, inspire the confidence of minority populations in our justice system; and

WHEREAS, including Asians, African Americans, Latinos, and Native Americans at all levels of the federal workforce enables our government to better execute policies that will effectively reach and serve Asian, African American, Latino, and Native American citizens.

NOW THEREFORE BE IT RESOLVED, that the CBAC will continue to seek out and promote talented Asian, African American, Latino, and Native American attorneys for positions on the federal bench and the federal Executive Branch and is committed to working with Senators and the Trump Administration in order to bring them a slate of talented Asian, African American, Latino, and Native American attorney candidates for judicial and executive branch appointments; and

NOW THEREFORE BE IT RESOLVED, that the CBAC calls on the President of the United States to timely identify and nominate a greater number of Latino, Asian, Native American and African American attorneys to fill judicial vacancies and for the U.S. Senate and the President of the United States to fully support the confirmation of Asian, African American, Latino, and Native American judicial candidates in a number that shows greater parity with the
total U.S. Asian, African American, Latino, and Native American populations, and

NOW THEREFORE BE IT RESOLVED, that the CBAC calls on the President of the United States to nominate in particular Native American attorneys to fill judicial vacancies and for the U.S. Senate and the President of the United States to fully support the confirmation of Native American judicial candidates because there is currently only one Native American federal judge (Judge Diane Humetewa, D. Arizona) and there is not and never has been a Native American federal appellate judge; and

NOW THEREFORE BE IT RESOLVED, that the CBAC stands ready to assist in identifying and supporting diverse candidates for the federal bench because a full complement of judges from diverse backgrounds insures both access to justice and citizen confidence in the justice system.

BE IT FURTHER RESOLVED that the CBAC authorizes its presidents, boards, and staff of each CBAC organization to communicate the content of this resolution to its members, affiliates, other bar associations, members of Congress, the Administration, the press, and others to take steps to implement this resolution, as they deem necessary; and

BE IT FURTHER RESOLVED that the CBAC supports this resolution as a policy priority until it is withdrawn or modified by subsequent resolution; and

BE IT FINALLY RESOLVED that this resolution shall be the legislative priority of the CBAC until it is withdrawn or modified by subsequent resolution.
CERTIFICATION

WE, the duly-elected Presidents of the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA), hereby certify that the foregoing Resolution was duly enacted by a duly noticed meeting of the Board of Directors.

Erica V. Mason
President, Hispanic National Bar Association

Pankit J. Doshi
President, National Asian Pacific American Bar Association

Juan R. Thomas
President, National Bar Association

Diandra Benally
President, National Native American Bar Association

2/26/18
Date