HNBA

HISPANIC NATIONAL BAR ASSOCIATION

RESOLUTION IN SUPPORT OF DIVERSITY IN THE JUDICIARY

WHEREAS, the Hispanic National Bar Association (HNBA) represents the interests of over 78,000 Hispanic legal professionals, which includes attorneys, judges, law professors, legal assistants, law students in the United States and its territories;[i]

WHEREAS, the HNBA has advocated to diversify our judiciary since 1972;

WHEREAS, the federal judiciary makes important determinations on a range of issues critical to the Hispanic community every year;

WHEREAS, it is important to have a diverse set of judges who can bring a wide range of experiences and backgrounds to the court;

WHEREAS, there are a significant number of federal judicial vacancies which has led to: backlogs on caseloads for federal courts, disproportionately impacting Hispanic litigants and defendants, including impediments to access to justice; negative impacts on the Constitutional right to speedy trials; an increase in the number of guilty pleas taken by defendants to avoid longer detention; increased legal costs; slow resolution of all civil and criminal disputes, and interference with business growth;[ii]

WHEREAS, as of April 2023, there were 78 federal judicial vacancies, 65 of which were on the US District Courts and 9 were at the US Court of Appeals;[iii]

WHEREAS, of the 870 Article III judges, only 71 (9%) are identified as Hispanic, despite Hispanics consisting of over 18% of the U.S. population;[iv]

WHEREAS, diversity of the judiciary gives confidence to the public that their judicial system understands the multitude of issues and people who come before it;

WHEREAS, in heavily populated Hispanic circuits like the 5th and the 9th, which includes states like Arizona, California and Texas, Hispanics are underrepresented in terms of the overall composition of the population in those circuits;

WHEREAS, on the 10th circuit, which includes states like Colorado and New Mexico, there are no judges (other than Judge Lucero who has taken senior status) who are Hispanic;

WHEREAS, in 2019, a Center for American Progress study found that only 1 in 5 judges in the federal court were people of color;[v]

THEREFORE, IT BE RESOLVED, the HNBA encourages that:

- The U.S. Senators and the U.S. Senate Judiciary Committee work closely with the White House to nominate more Hispanic judges to the bench, specifically in Federal Districts and Circuit Courts where representation is lacking;
- The US Senate Judiciary Committee and the White House work more closely with the HNBA on developing a pipeline initiative that creates competitive candidates prepared to serve in the federal judiciary; and
- Each nominee be given as speedy as possible confirmation process.

Citations and Comments

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[i] No Author. HNBA, *About Us*. https://hnba.com/aboutus/#:~:text=The%20Hispanic%20National%20Bar%20Association,United%20States%20and%20its%20territories.

[ii] This resolution follows guidance of the US Census Bureau to refer to Hispanic origin as the heritage, nationality, lineage, or country of birth or the person's or ancestors before arriving in the United States." People who identify as Hispanic, Latino, or Spanish may be of any race." No Author. United States Census Bureau, *Hispanic Origin*. https://www.census.gov/topics/population/hispanic-origin.html.

[iii] The number of vacancies listed was from April 21, 2023. No Author. United States Courts, *Judicial Vacancies*. https://www.uscourts.gov/judges-judgeships/judicial-vacancies.

[iv] No author. American Constitution Society, *Diversity of the Federal Bench*. https://www.acslaw.org/judicial-nominations/diversity-of-the-federal-bench/. See also, No Author. United States Courts, *Judicial Vacancies*. https://www.uscourts.gov/judges-judgeships/judicial-vacancies. Vacancy numbers were taken from February 28, 2023.

[v] Rosado, Lourdes M., Bloomberg Law, *Addressing the Lack of Latinos on the Federal Bench*. https://news.bloomberglaw.com/us-law-week/addressing-the-lack-of-latinos-on-the-federal-bench.