AMERICAN BAR ASSOCIATION
ADOPTED BY THE HOUSE OF DELEGATES
AUGUST 8-9, 2016
RESOLUTION

RESOLVED, That the American Bar Association urges the President of the United States and United States Senators to emphasize the importance of racial, ethnic, disability, sexual orientation, gender identity and gender diversity in the selection process for United States Circuit Judges and United States District Judges and to employ strategies to expand the diversity of the pool of qualified applicants, nominees and appointees to the U.S. District Court and U.S. Circuit Court of Appeals, including without limitation, the use of diverse merit selection panels.

FURTHER RESOLVED, That the American Bar Association urges the United States Circuit Courts of Appeals and the Circuit Judicial Councils to emphasize the importance of racial, ethnic, disability, sexual orientation, gender identity and gender diversity in the selection process for United States Bankruptcy Judges and to employ strategies to expand the diversity of the pool of qualified applicants, nominees and appointees to the Bankruptcy Court, including without limitation, the use of diverse merit selection panels.

FURTHER RESOLVED, That the American Bar Association urges the United States District Courts to emphasize the importance of racial, ethnic, disability, sexual orientation, gender identity and gender diversity in the selection process for United States Magistrate Judges and to employ strategies to expand the diversity of the pool of qualified applicants, nominees and appointees to United States Magistrate Judge positions, including without limitation, the use of diverse merit selection panels.

FURTHER RESOLVED, That the American Bar Association urges the Judicial Conference of the United States, federal courts, defender organizations, and the court support agencies to recognize the importance of racial, ethnic, disability, sexual orientation, gender identity and gender diversity in the hiring process and to expand the diversity of the pool of qualified employees in the Judicial Branch of the United States.

FURTHER RESOLVED, That the American Bar Association urges its members to facilitate the selection of judges reflecting racial, ethnic, disability, sexual orientation, gender identity and gender diversity by identifying, encouraging, assisting, and mentoring qualified diverse candidates to seek selection as judges.
REPORT

Introduction

Diversity of both the profession and the bench is critical to ensuring public trust and confidence in our system of justice. In her recent opinion to *The Washington Post*, Stanford Professor Deborah L. Rhode writes, “From the outside, the legal profession seems to be growing ever more diverse. Three women are now on the Supreme Court. Loretta Lynch is the second African American to hold the position of attorney general. The president and first lady are lawyers of color. Yet according to Bureau of Labor statistics, law is one of the least racially diverse professions in the nation. Eighty-eight percent of lawyers are white…”¹ Thus, the diversity, or lack thereof, of the legal profession is an issue that cannot be ignored. This Report will specifically focus on the diversity of the federal judiciary.

Federal judges fall into two basic groups: Article III judges who are appointed by the President upon confirmation by the Senate, and Article I judges, some of whom also come to the bench by way of Presidential appointment and Senate confirmation, and others who are appointed by other federal judges. The first category, Article III judges, includes federal district and circuit judges who are appointed for life terms. The second group, Article I judges, includes magistrate judges who are appointed by district judges for eight year renewable terms and bankruptcy judges who are appointed by circuit judges for fourteen year renewable terms.² It is important to closely examine both groups’ diversity patterns. Some suggest that the diversity of the federal judiciary, indeed the diversity of the profession, should be measured against the diversity of the American people.³ While progress has been discernible, for these measurements to be on par, there is a long road ahead.

Definition of Diversity

The definition of diversity includes: “racial, ethnic, disability, sexual orientation, gender identity and gender diversity.” The ABA has a longstanding and unwavering commitment to increasing the appointment of diverse persons to the federal judiciary. Judicial diversity helps ensure that officials representing the judiciary reflect those whom the system serves, thus helping to promote public confidence in the decisions rendered. While the Administrative Office of the United States Courts (AO) collects data on racial, ethnic and gender diversity, it does not provide any information with regard to disability, sexual orientation, or gender identity of the bench. Reporting data on the demographics of the federal judiciary provides a very important tool in ensuring judicial diversity. There have been very few openly gay members of the District and Circuit courts. Recently, President Barack Obama has successfully nominated a number of members of the LGBT community; however, the number of judges is not confirmed by the AO,

³ Fair Employment Practices Officer, the Office of Fair Employment Practices of the Administrative Office of the U.S. Courts Briefing at ABA Roundtable on Diversity of Article I Federal Judges (July 29, 2015) [hereafter referred to as “ABA Roundtable”].
nor is there any information regarding magistrate, bankruptcy judges or staff. Likewise, information with regard to disabilities is unavailable. Although the discussion below focuses on those areas for which there is data, the accompanying Resolution still encourages the appointing authority to consider all forms of diversity in the appointive process. It is the intention of the proponents of this Resolution to work with the AO and other entities to provide this diversity information in the future.

Background: Advances in the Diversity of the Federal Bench

Federal courts, both Article III and Article I, have become measurably more diverse in recent years. Indeed, the federal bench was over 80% male in 2000, but by 2014, that number had decreased to 68%. Gender diversity achievements in the magistrate and bankruptcy courts have been impressive: between 2000 and 2014 the magistrate judge and bankruptcy judge benches have increased female representation by over 10%. As to ethnicity, in 2000 only 12% of the federal bench was non-Caucasian whereas that percentage was over 16% in 2014. The data is clear that the Article III benches have diversified more quickly than their magistrate and bankruptcy court colleagues. Non-Caucasian Article III judges made up over 23% of the federal bench in 2014, while the equivalent number for magistrate judges was 14.6% and 5.6% for bankruptcy judges. Still, progress has been made on the Article I benches: nearly 90% of magistrate judges and 95% of bankruptcy judges were Caucasian in 2000. While reliable data is not readily available, anecdotal evidence suggests that these magistrate and bankruptcy benches have further diversified in the past eighteen to twenty-four months, but that data is not reflected in the most recent reports from the AO.

Plainly, overall ethnicity of the bar affects the pool of candidates from which appointments to any federal bench can be made. As noted above, 88% of lawyers nationwide identify themselves as Caucasian. Certain states have attempted to keep track of ethnicity. In 2011, consistent with national numbers, almost 87% of the members of the New York State Bar Association identified themselves as Caucasian. In Illinois, a similar survey in 2008 revealed that nearly 83% of the bar identified as Caucasian. In California, over 20% of the members of the bar identified themselves as ethnic minorities in 2014. Thus, while the “color of the bar” is slowly changing, the legal profession remains significantly non-diverse and is not yet reflective of the general population.

5 Id.
6 Id.
7 Id.
8 Id.
population. Therefore, the pool of diverse candidates from which federal judges can be selected is small. Measured against the ethnicity of the bar, diversity in the overall federal judiciary has been impressive. But, more needs to be done if the federal benches are to reflect the population as a whole.

**Encouraging Diversity in the Selection of United States Circuit and District Court Judges**

This Resolution urges the President of the United States and United States senators to recognize the importance of racial, ethnic, disability, sexual orientation, gender identity and gender diversity in the selection process for United States circuit judges and United States district judges and to expand the diversity of the pool of qualified applicants, nominees and appointees to these benches, as well as the diversity of merit selection panels where used.\(^\text{12}\)

2013 census data can be used to compare the racial and ethnic makeup of the general population with the makeup of the federal judiciary, presented by state and broken down by ethnicity.\(^\text{13}\) According to the U.S. Census Summary, as of 2013, the estimated general population was 73% Caucasian; 13% African-American; 16% Hispanic; 5% Asian American; 9% Native American/Alaskan; and .2% Pacific Islander/Hawaiian. 51% of the general population was estimated as female, and 49% male.\(^\text{14}\) The Article III Bench was 75.6% Caucasian; 12% African American; 9% Hispanic; 2.5% Asian American; 0.3% Native American; 0.4% Pacific Islander; and .3% unreported.\(^\text{15}\) Moreover, just about a third of appellate judges (31.5%) and district judges (31.2%) were female; and this percentage of disparity appears to be decreasing.\(^\text{16}\) To demonstrate some minor changes, in 2014, the Article III Bench was 72.3% Caucasian; 11.6% African American; 9% Hispanic; 2.4% Asian American; and .4% Pacific Islander; 0% Native American; and 4.3% were unreported. 32.3% of Article III judges were female.\(^\text{17}\)

By reallocating the population data out of state boundaries and into federal judicial districts and then accumulating the data into judicial circuits, the ethnic breakdown in each district and circuit can be identified.\(^\text{18}\) Further, ethnic breakdown of federal judges is available from the AOUSC.\(^\text{19}\) With this information, the ethnic makeup of the general populations in the judicial districts and circuits (rather than by state boundaries) can be compared to the ethnic makeup of the benches in those locations. Implications from this data are clear: overall, the judicial officer population does not yet appear to reflect the general population that those officers serve.\(^\text{20}\) Clearly one of the largest impediments to the diversity of the bench is the diversity of the bar. Although 73% of the population is Caucasian, 88% of the legal profession is.\(^\text{21}\) This restricts the pool of diverse candidates. Therefore, those selecting judges have to work harder to encourage qualified, diverse candidates to apply. To a degree, those selecting judges have done so; in most circuits,

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\(^\text{12}\) This Resolution takes no position regarding the use of merit selection panels.
\(^\text{13}\) Frank J. Bailey, U.S. Bankruptcy Court for the District of Mass., ABA Roundtable; see also Bailey, supra note 2.
\(^\text{14}\) U.S. Census Summary, found at http://www.census.gov/2010census/.
\(^\text{15}\) Fair Employment Practices Officer, supra note 3.
\(^\text{16}\) Id.
\(^\text{17}\) ADMIN. OFFICE OF THE U.S. COURTS, supra note 4.
\(^\text{18}\) For a further breakdown of the specific data referred to herein, please refer to Bailey, supra note 2.
\(^\text{19}\) Id.; see also http://www.fjc.gov/history/home.nsf/page/judges_diversity.html
\(^\text{20}\) Bailey, supra note 2.
\(^\text{21}\) Rhode, supra note 1.
the bench is more diverse than the profession. However, more can be done. Greater diversity on
the bench may also encourage greater diversity within the profession.

A more diverse bench promotes the public’s confidence in the judiciary. As Judge Frank J.
Bailey of the United States Bankruptcy Court for the District of Massachusetts explains, “when
the entire bench in a district is Caucasian the litigant from an ethnic minority may feel an implied
bias. When the entire bench in a certain court is Caucasian, an ethnic minority lawyer may not
feel that it is possible to achieve an appointment to the bench on that court. …”22 Moreover,
“[w]hen judges do not look like the defendants or litigants in court, or if there is a perception that
people of color are treated with bias, communities of color will have a more difficult time
turning to the courts and trusting their decisions.... When entire communities lose faith in an
essential component of our system of government, we all lose.”23 The data is clear: while
discrepancy in diversity is not as broad as with the bankruptcy and magistrate courts, more effort
must be made to ensure greater diversity of the Article III bench.

Encouraging Diversity in the Selection of United States Bankruptcy and Magistrate Court
Judges

This Resolution further urges the U.S. Circuit Courts of Appeals and the Circuit Judicial
Councils to continue to recognize the importance of racial, ethnic, disability, sexual orientation,
gender identity and gender diversity in the selection process for federal bankruptcy judges, and
for the U.S. District Courts to continue to do the same in the selection process for magistrate
judges, and to expand the diversity of the pool of qualified applicants, nominees and appointees
to the magistrate and bankruptcy court benches, including the use of diverse merit selection
panels.

By far, the largest number of cases filed in federal court are those filed in bankruptcy courts, and
most American citizens have their federal court experience in front of a bankruptcy judge.24
Moreover, magistrate judges handle the day to day work of thousands of federal cases, civil and
criminal, and often the first federal judge on the scene at an arraignment is a magistrate judge.
Thus, it matters a great deal that those who appear before bankruptcy and magistrate judges
perceive that they are being treated fairly.25

For magistrate judges, Judicial Conference rules require that a merit selection panel be
established by the district judges to select qualified candidates. Jud. Conf. Rules, 420.20.10.26
The merit selection panel must consist of at least seven members, including two non-lawyers,
and no district court judge or retired Article III judge may serve on the panel. The rules now
state as follows: “To further efforts to achieve diversity in all aspects of the magistrate judge
selection process, the court is encouraged to appoint a diverse selection panel.” Jud. Conf.

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22 Id.
23 Michele L. Jawando & Billy Corriher, CENTER FOR AMERICAN PROGRESS, More Money, More Problems: Fleeting
Victories for Diversity on the Bench at 5 (Oct. 2015), found at https://cdn.americanprogress.org/wp-
content/uploads/2015/10/26055523/JudicialDiversity-reportB.pdf
24 Andre Davis, U.S. Court of Appeals for the Fourth Circuit, ABA Roundtable.
25 Id.
26 Bailey, supra note 2.
Rules, 420.30.20. The merit selection panel has a duty to “make an affirmative effort to identify and give due consideration to all qualified applicants without regard to race, color, age (40 and over), gender, religion, national origin, or disability.” Jud. Conf. Rules 420.30.28 Even with the encouragement of the guidelines, the magistrate judge bench is less diverse than the overall Article III Bench. According to the statistics provided by the AO, as of 2013, the magistrate judge bench was 82% Caucasian; 6.4% African American; 4.4% Hispanic; 2.1% Asian American; .2% Native American; .2% Pacific Islander; and 4.7% unreported. Only about a third of magistrate judges were female, or 30.6%. In 2014, to show minor variation, the magistrate judge bench was 84.2% Caucasian; 6.2% African American, 3.8% Hispanic; 2.5% Asian American; .3% Native American; .2% Pacific Islander; and 2.8% were unreported. 34.8% of the magistrate judges were female.30

The bankruptcy bench is even less diverse. As of 2013, the bankruptcy bench was 92.6% Caucasian; 2.6% African American; 1.6% Hispanic; .8% Asian American; 0% Native American; 0% Pacific Islander; and 2.4% unreported. While advances have been made on gender diversity, still only about a third of bankruptcy judges were female, or 30.6%. In 2014, the bankruptcy bench was 90.9% Caucasian; 2.9% African American; 1.6% Hispanic; 1.1% Asian American; 0% Native American; 0% Pacific Islander; and 3.5% unreported. 30.6% of the bankruptcy judges were female.32

In 2013, the Institute for the Advancement of the American Legal System (the “IAALS”) at the University of Denver studied the selection, appointment and reappointment process for federal bankruptcy judges. The study involved interviews with circuit executives, circuit judges, bankruptcy judges, and merit selection panelists in all federal judicial circuits where there are regular vacancies for bankruptcy judges. Although the Judicial Conference of the United States has adopted guidance on the selection of bankruptcy judges, unlike with magistrate judges, the guidance is not mandatory. The judicial councils have adopted a wide range of approaches to the selection process. Most all circuits appoint a merit selection panel to coordinate the process, including advertising the vacancy, soliciting applicants, gathering the application materials, conducting interviews, checking references, and recommending a slate of qualified candidates to the circuit judges for appointment. Guidelines offer little detail relating to diversity, and though there is of course a requirement that the selection process be free of any discrimination, there is no affirmative guidance in the regulations. Thus, it is up to each circuit

27 Id.
28 Id.
29 Fair Employment Practices Officer, supra note 3.
31 Fair Employment Practices Officer, supra note 3.
34 Id.
35 Id.
36 Id.
37 Id.
court to adopt any requirements it might deem appropriate to ensure that diverse candidates apply and are given an opportunity for appointment.\textsuperscript{38}

One of the primary challenges surrounding the selection of bankruptcy judges is that, when making judicial appointments, the merit selection panel may, logically, look for candidates with the most extensive bankruptcy experience. By emphasizing bankruptcy expertise, the goal of increased diversity may suffer very early in the hiring process. If candidates are drawn from what is generally regarded as a non-diverse bar, the diversity of the applicant pool may not be substantial. By the time the finalists are presented to the circuit court, there is little the court can do to find diverse candidates. Should bankruptcy expertise be the deciding factor in the appointment process, or should a highly talented, diverse candidate that lacks subject matter expertise be given the edge? Can the law be learned through exposure in the same way that many district judges, with little prior experience in either civil or criminal matters, can still successfully preside over such matters? It should also be noted that in certain circuits, the notices of vacancy for bankruptcy judges now de-emphasize the level of bankruptcy practice experience in favor of more generalized legal expertise and personal skills. The First Circuit, for example, recently sought applicants for a vacancy with “outstanding legal ability and competence as evidenced by substantial legal experience, ability to deal with complex legal problems, aptitude for legal scholarship and writing, and familiarity with courts and court processes.”\textsuperscript{39} They also encouraged applicants to “possess demeanor, character, and personality to indicate that they would exhibit judicial temperament . . ..” But, nowhere did the First Circuit’s application notice stress bankruptcy law experience, thus encouraging a broad range of applicants with high achievement in the legal profession.

Diversity on the bankruptcy bench is particularly important in relation to perceptions of justice.\textsuperscript{40} Studies have shown that when a merit selection panel is itself diverse, the likelihood of a diverse pool of applicants and a diverse appointee is increased, and when a merit selection panel consists only of bankruptcy practitioners (and judges), the applicants and appointees tend to be less diverse because they are regular participants in the practice, which is itself often non-diverse.\textsuperscript{41} One possible way to increase demographic diversity among bankruptcy judges without making diversity an explicit factor in the selection decision, could be demographic diversity of the merit selection panel itself. Research demonstrates that there is a link between the diversity of the panel’s membership and the diversity of applicants, nominees, and appointees.\textsuperscript{42} One solution may be to revise the Judicial Conference Rules for the appointment of bankruptcy judges so as to bring them in line with those for the appointment of magistrate judges.\textsuperscript{43}

“The pipeline method” is another important strategy, in which organizations reach out to youth directly, encouraging them to pursue a career in justice and present future career options in the federal judiciary.\textsuperscript{44} The diversity of the bench is not by any means the responsibility of the

\textsuperscript{38} Id.
\textsuperscript{39} United States Court of Appeals for the First Circuit website, http://www.ca1.uscourts.gov/news/vacancy-us-bankruptcy-judge
\textsuperscript{40} Id.
\textsuperscript{41} Id.
\textsuperscript{42} Id.
\textsuperscript{43} Bailey, supra note 2.
\textsuperscript{44} Fair Employment Practices Officer, supra note 3.
President and the judges alone. The American Bar Association, along with state, local and specialty bar associations, has an obligation to both develop and encourage the diversity of the profession. The legal profession is the least diverse among other professions, such as medical doctors or accountants. The broader bar is in the best position to take steps on multiple fronts to garner the interest of more minorities and women to pursue a career in law. Bar associations should develop programs to encourage those who demonstrate the necessary legal skill and moral character to become judges. Likewise, specialty bars, such as the bankruptcy bar, must take steps to be more inclusive and to offer training and courses to allow lawyers to expand and improve their expertise within the field. These actions will allow the court a deeper pool of diverse candidates from which to choose the most qualified individuals to sit on the bench.

Sitting federal judges can assist the cause of diversity by ensuring that their interns and law clerks represent diverse backgrounds. Increasing the pipeline of qualified candidates, however, is a long-term solution and may have little impact short term. Nominating committees and merit selection panels should acknowledge and address forcefully the existence of implicit bias so that the issue may be faced head-on.

Encouraging Diversity of Employees of the Judicial Branch of the United States

Finally, this Resolution urges the Judicial Conference of the United States, federal courts, defender organizations, and the court support agencies to recognize the importance of racial, ethnic, disability, sexual orientation, gender identity and gender diversity in the development of hiring goals and in the hiring process and to expand the diversity of the pool of qualified employees in the Judicial Branch of the United States. It is not only important for the judiciary to reflect the general population in which it serves, but also those employees who work with the judges and assist in their decision making.

Conclusion

With the acknowledgment that there exists a lack of diversity in the federal judiciary, this Resolution is intended to highlight potential effective ways to address the issue, and to encourage the development of new practices that enhance diversity. There is reason to believe that both the Article III and Article I (bankruptcy and magistrate courts) benches have become more diverse since 2013. Nevertheless, turnover is slow among those with lifetime appointment as well as among those with terms of either eight or fourteen years. The principal reason cited for a lack of diversity on the federal bench is that the pipeline of diverse applicants for judicial openings is not robust. Qualified diverse candidates must be encouraged to apply and must be mentored to understand the standards that are required to obtain appointments as a federal judge. Pipeline recruitment is an effective strategy in targeting minority students and encouraging them to consider a career in the federal judicial branch. This, however, is a long term approach that will take years to have an impact. It is also essential to have a diverse merit selection panel, as this can engender more diverse nominations and, in turn, a more diverse pool of applicants from

45 Id.
46 Fair Employment Practices Officer, supra note 3.
47 Bailey, supra note 2.
48 Id.
which the courts of appeals (for bankruptcy judges) and the district courts (for magistrate judges) select. Selection committees need to widen their outreach to the legal community to build a wider pool of candidates. There is no doubt that “[d]iversity on the bench means more perspectives are brought to bear on complicated issues, and this leads to better decisions.”49 The diversity of the third branch has been improving over time, however the employment of these strategies and the continuation of this critical discussion will most quickly and efficiently allow for a more representative federal judiciary which better reflects, and thus serves, the American population.

To ensure the advancement of these ideas, the Judicial Division of the American Bar Association intends to report back to the House of Delegates, through the appropriate committee, the diversity of the appointments to these benches every five years after the approval of this resolution.

Respectfully submitted,
Hon. Nannette Baker, Chair
National Conference of Federal Trial Judges

Mr. Michael Bergmann, Chair
Judicial Division
August 2016

49 Michele L. Jawando & Billy Corriher, supra note 23, at 6.
GENERAL INFORMATION FORM

Submitting Entity: National Conference of Federal Trial Judges; Judicial Division

Submitted By: Judge Nannette Baker, Chair, National Conference of Federal Trial Judges
Mr. Michael Bergmann, Chair, Judicial Division

1. Summary of Resolution(s).

This Resolution urges the appropriate parties to recognize the importance of racial, ethnic, disability, sexual orientation, gender identity and gender diversity in the selection process for United States Circuit Judges and United States District Judges, United States Bankruptcy and Magistrate judges, and for other qualified employees in the Judicial Branch of the United States, and to expand the diversity of the pool of qualified applicants, nominees and appointees, including without limitation, the use of diverse merit selection panels.

2. Approval by Submitting Entity.

The National Conference of Federal Trial Judges voted by email to approve this Resolution and Report on March 24, 2016. The Lawyers Conference, National Conference of Specialized Court Judges, National Conference of State Trial Judges, Appellate Judges Conference and National Conference of Administrative Law Judiciary all voted by email to cosponsor the Resolution and Report on March 25, 2016 and March 28, 2016. The Judicial Division voted to co-sponsor the Resolution and Report on April 5, 2016, during its monthly Judicial Division Council conference call. Finally, the Tort Trial and Insurance Practice Section voted to co-sponsor and notified the Judicial Division on May 5, 2016. After additional input from Judicial Division conferences and outside supporting entities, the decision was made to include the word “disability” within the definition of diversity; each named cosponsor approved and voted to remain a cosponsor by email during the week of May 9, 2016.

3. Has this or a similar resolution been submitted to the House or Board previously?

Yes. A related draft of the Resolution and Report was initially submitted for consideration of the House at the 2016 ABA Midyear Meeting, however, the item was withdrawn before the House agenda was even drafted. While the idea behind the policy has always had full support of all Judicial Division conferences, the Resolution and Report were revised after receiving additional input and commentary from each Judicial Division conference, in order to garner full support and cosponsorship of each Judicial Division conference.

4. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?

At the 1995 ABA Midyear Meeting, the ABA House of Delegates adopted “Recommendation 111,” calling for the President of the United States to appoint minority lawyers of racial and ethnic diversity to all levels of the federal judiciary, including the United States Supreme Court.
This Resolution is also fully in sync with Goal III of the ABA, to Eliminate Bias and Enhance Diversity through (1) the promotion of full and equal participation in the association, our profession and the justice system by all persons; and (2) elimination of bias in the legal profession and the justice system. This Resolution, if adopted, only enhances and supports existing ABA policy and goals.

5. **If this is a late report, what urgency exists which requires action at this meeting of the House?**

N/A

6. **Status of Legislation. (If applicable)**

N/A

7. **Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.**

The Judicial Division will work with judges and outside entities to increase the use, size, and diversity of merit selection panels. It will develop training materials on the issue of diversity. The Judicial Division will also reach out to various partners within the ABA and outside to work on long-term strategies to increase the diversity pool of qualified candidates.

8. **Cost to the Association. (Both direct and indirect costs)**

None.

9. **Disclosure of Interest. (If applicable)**

N/A

10. **Referrals.**

National Conference of State Trial Judges  
National Conference of the Administrative Law Judiciary  
National Conference of Specialized Court Judges  
Lawyers Conference  
Appellate Judges Conference  
Commission on Racial and Ethnic Diversity in the Profession  
Commission on Diversity and Inclusion 360  
Coalition on Racial and Ethnic Justice  
Council for Racial and Ethnic Diversity in the Educational Pipeline  
Section of Administrative Law and Regulatory Practice  
Section of Business Law  
Criminal Justice Section  
Government and Public Sector Lawyers Division
Section of Rights and Social Justice
Section of Labor and Employment Law
Section of Litigation
Tort Trial & Insurance Practice Section
Young Lawyers Division
Law Student Division
Section of State and Local Government Law
Standing Committee on the American Judicial System

11. Contact Name and Address Information. (Prior to the meeting. Please include name, address, telephone number and e-mail address)

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12. Contact Name and Address Information. (Who will present the report to the House? Please include name, address, telephone number, cell phone number and e-mail address.)

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EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution urges the appropriate parties to recognize the importance of racial, ethnic, disability, sexual orientation, gender identity and gender diversity in the selection process for United States Circuit Judges and United States District Judges, United States Bankruptcy and Magistrate Judges, and for other qualified employees in the Judicial Branch of the United States, and to expand the diversity of the pool of qualified applicants, nominees and appointees, including without limitation, the use of diverse merit selection panels.

2. Summary of the Issue that the Resolution Addresses

Diversity of both the profession and the bench is critical to ensuring public trust and confidence in our system of justice, yet law is one of the least diverse professions in the nation. This resolution specifically focuses on increasing the diversity of the federal judiciary, so that the diversity of the federal judiciary can be equally measured against the diversity of the American people. For these measurements to be on par, there is a long road ahead.

3. Please Explain How the Proposed Policy Position will address the issue

The proposed policy position addresses the lack of diversity in the federal judiciary by drawing attention to the problem, using data as factual evidence, and by encouraging those responsible to take action by using appropriate tools and techniques to expand the diversity of the pool of qualified applicants, nominees and appointees to the bench, including without limitation, the use of diverse merit selection panels. The accompanying Report also calls for the Judicial Division of the ABA report back to the House of Delegates, through the appropriate committee, the diversity of the appointments to these benches every five years. By tracking the progress, invested parties will continue to be aware of the problem and work towards a solution.

4. Summary of Minority Views

There are no minority views known at this time.