March 27, 2013

Assembly Member Bob Wieckowski  Assembly Member Donald P. Wagner
Chair, Committee on Judiciary  Vice Chair, Committee on Judiciary
California State Assembly  California State Assembly
Capitol Office, Room 4016  Capitol Office, Room 2158
P.O. Box 942849  P.O. Box 942849
Sacramento, CA 94249-0025  Sacramento, CA 94249-0025

Dear Chairman Wieckowski and Vice Chairman Wagner:

I am writing on behalf of the American Bar Association (ABA), which has nearly 400,000 members nationwide and over 39,000 in California, to support requiring the collection of demographic data on disability status provided by applicants seeking judicial office. Currently, CAL. GOVT. CODE §12011.5 mandates the collection of such data relative to ethnicity, race, gender, gender identity, and sexual orientation to be provided by all judicial applicants. Assembly Member Luis Alejo has introduced legislation in the California Assembly (AB 1005) to incorporate disability and veterans’ status into the list of demographic data that is collected.

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. In recognition of the need for data collection to determine progress in attaining diversity, the ABA House of Delegates in 1991 adopted a policy calling for “studies of the existence, if any, of bias in the federal judicial system, including bias based on race, ethnicity, gender, age, sexual orientation and disability.” Based on this policy, we believe that it is appropriate to provide for the collection of demographic data relative to disability status as a way to ensure that there are no barriers that would in any way inhibit qualified individuals of diverse backgrounds – including those with disabilities – to receive consideration for judicial positions.

While we strongly oppose all forms of employment discrimination, including specifically discrimination against veterans, the ABA does not have a policy with regard to veterans’ preference in the appointment of federal judges, and thus we are not in a position either to support or oppose the inclusion of data collection for veterans in the legislation under consideration. Thank you for considering these views.

Sincerely,

Thomas M. Susman