

March 16, 2021

Dear Senator:

We, the undersigned 30 organizations, write to ask you to commit to supporting President Biden's goal of nominating professionally diverse candidates for our federal district courts by fulfilling his request that you recommend public defenders, civil rights lawyers, and public interest lawyers when judicial vacancies occur in your state. If the American public is to maintain faith in our judicial system, it is critical that we restore balance to a bench where former corporate lawyers and prosecutors are so heavily overrepresented.

For too long, the vast majority of judges nominated by presidents of both parties have been former corporate lawyers and prosecutors--and startlingly few have been lawyers with experience as public defenders, civil rights lawyers, plaintiffs' lawyers, or union-side labor lawyers. Lawyers who have spent their careers developing an in-depth understanding of the legal needs of everyday people are systematically underrepresented on the bench; for example, according to the Center for American Progress, there is [no sitting federal appellate judge](#) who spent their career primarily at a non-profit civil rights organization. Judges from these underrepresented legal backgrounds are better equipped to understand the experiences of each litigant before them, to recognize the disparate burdens that laws often place on people who are living with low incomes or otherwise marginalized, and to render more informed decisions, including on civil and human rights, reproductive rights, and economic justice.

The overrepresentation of former corporate lawyers and prosecutors on the bench has made a tangible impact on how justice is served in this country. [New research](#), for example, shows that district judges nominated by President Obama who previously worked as corporate lawyers and prosecutors are substantially more likely to rule against workers in employment cases, compared to judges with other legal backgrounds. This compounds existing biases at all levels of our judiciary; since John Roberts became chief justice in 2005, the Court has sided with the Chamber of Commerce in [70 percent](#) of the cases in which it has filed briefs, substantially more often than during the preceding thirty-five years.

President Biden understands the urgency of this problem, and in a December letter to you, his White House Counsel Dana Remus committed to nominating judges who "reflect the best of America, and who look like America." She further emphasized:

"With respect to U.S. District Court positions, we are particularly focused on nominating individuals whose legal experiences have been historically underrepresented on the federal bench, including those who are public defenders, civil rights and legal aid attorneys, and those who represent Americans in every walk of life."

Of course, professional diversity is not the only kind of diversity badly needed on our federal courts. There are too few women, people of color, people with disabilities, and LGBTQ+ Americans on the bench. Fortunately, the goals of improving professional diversity and improving other types of diversity go hand and hand. Research [shows](#) that under President Obama, for example, corporate lawyers and prosecutors were more likely to be white and male compared to other types of lawyers nominated to the bench. We have no doubt that you will be able to find a truly diverse pool of highly qualified candidates who have spent their careers fighting for justice.

We ask that you respond by March 31 with a public commitment to following the Remus letter and to recommending lawyers for federal judicial vacancies in your state who satisfy the President's request for candidates with careers dedicated to Americans in every walk of life.

Former corporate lawyers and prosecutors have dominated the federal bench for too long, and in order to adequately address the resulting imbalance, we must promote attorneys whose experience breaks this mold.

We look forward to your response. If you have any questions, please contact Christopher Kang of Demand Justice (chris@demandjustice.org).

- American Association for Justice
- American Atheists
- American Family Voices
- Americans for Financial Reform
- Bazelon Center for Mental Health Law
- Center for Popular Democracy Action
- Demand Progress Education Fund
- Demand Justice
- Demos
- Federal Public and Community Defenders
- Free Speech for People
- Freedom From Religion Foundation
- Giffords
- Indivisible
- Lambda Legal
- Lawyers for Good Government (L4GG)
- NARAL Pro-Choice America
- National Association of Criminal Defense Lawyers (NACDL)
- National Consumer Law Center
- National Council of Jewish Women
- National Employment Law Project
- National Employment Lawyers Association
- National Equality Action Team (NEAT)
- National Health Law Program
- People's Parity Project
- Project Blueprint
- Revolving Door Project
- Service Employees International Union (SEIU)
- Stand Up America
- Working Families Party