BALANCING THE BENCH:

Examining the Representation of **Latinas** and **Latinos** in the Judiciary of California

UCLA Latino Policy & Politics Institute

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Gabriella Noemi Carmona, MURP, Aimee Benitez, and Rodrigo Dominguez Villegas, PhD

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The UCLA Latino Policy and Politics Institute (LPPI) acknowledges the Gabrielino Tongva peoples as the traditional land caretakers of Tovaangar (the Los Angeles basin and So. Channel Islands). As a land grant institution, we pay our respects to the Honuukvetam (Ancestors), 'Ahiihirom (Elders), and 'Eyoohiinkem (our relatives nations) past, present, and emerging.

About UCLA LPPI

The UCLA LPPI addresses the most critical domestic policy challenges facing Latinos and other communities of color through research, advocacy, mobilization, and leadership development to expand genuine opportunities for all Americans.

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For More Information

Contact: Gabriella Carmona,
GabriellaCarmona@Luskin.ucla.edu

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EXECUTIVE SUMMARY

The California Supreme Court and the California District Courts of Appeal are responsible for all constitutional deliberations within the California state court system. This report examines the diversity of California's two highest courts to quantify Latino[1] representation in these institutions. Our examination of the judicial bench is intersectional and investigates the representation of racial and ethnic identities, gender, age, and career pathways among our current justices.

Ensuring that the judicial bench mirrors the diversity of California holds a dual imperative: it signifies a dedication to inclusivity and diversity, and it can enhance the fairness of judicial outcomes through the diverse perspectives and experiences justices bring to decision-making processes. Representation plays a vital role in building public trust in governing institutions, fostering civic participation,[2] and improving government responsiveness to the needs of its diverse constituents.[3] Many studies also suggest that diversity on the bench may improve judicial decisions, given that justices bring their identities[4] and personal experiences[5] to bear on their decisions and those of their colleagues.[6] Therefore, fostering a more inclusive and representative judiciary that reflects the spectrum of diverse experiences and perspectives within the legal profession is essential.

The findings of this report enrich existing demographic reporting by the State government. As part of Government Code section 12011.5(n), the Judicial Council of California publishes yearly demographic profiles on the gender, race/ethnicity, sexual orientation and gender identity, and veteran and disability status of California's court justices.[7] These yearly publications have helped to bring Latino underrepresentation on the bench to light. However, this report supplements these findings through a more intersectional analysis of the race, gender, and professional trajectories of justices across the State's highest courts, as of August 30, 2024.

Key Findings:

1. **Latinos are the only major racial/ethnic group that has never had more than one justice on the California Supreme Court at any given time.**
   - In its first 127 years (from 1849 to 1976), the Supreme Court consisted of only white male justices. In 1977, the governor appointed the Supreme Court's first Black[8] male and white female justices. The first Latino justice was appointed in 1982, and the first Asian American or Pacific Islander (AAPI) justice was appointed in 1989.
   - Since the 1980s, there have been four instances in which two or more AAPI and Black justices have sat on the bench simultaneously. However, the Supreme Court has never had more than one Latino justice on the bench at any given time.

2. **Latinos are the most underrepresented racial/ethnic group on the State's District Courts of Appeal.**

- Despite making up 39.7% of the State's population, Latinos comprise only 12.3% of justices on the Courts of Appeal, a 27.4 percentage point gap in Latino representation. In comparison, the District Courts of Appeal is 57.5% white, 10.4% AAPI, and 10.4% Black. There are no Native American or Alaskan Native justices on the District Courts of Appeal.
- The most prominent Latino representation gap is within the Fifth District. In this district, over 55.3% of its constituency is Latino, but they only make up 20% of the bench – a 35.3 percentage point gap in Latino representation. Moreover, the Sixth District notably has no Latino justices, even though 32.4% of the population under its jurisdiction is Latino.
- The Third District has the lowest gap in Latino representation: 9.1% of its justices are Latino, and its constituency is 25.5% Latino (16.4 percentage point gap in representation).

3. **Among women represented on the bench, Latinas are the only ones completely unrepresented in four out of the six District Courts of Appeal.**
   - Only two out of the 106 District Courts of Appeal justices are Latina despite making up 19.6% of the State's population. In comparison, non-Hispanic white women make up 26.4% of the Courts of Appeal, AAPI women make up 7.5%, and Black women 5.7%.
   - The First, Fourth, Fifth, and Sixth Districts lack a Latina justice. In comparison, Black women lack representation on the Sixth and Fifth Districts, and AAPI women are missing from the Fifth District.

4. **Racial and ethnic diversity is poor among men on the District Courts of Appeal.**
   - Latino justices are missing in two districts (Sixth and Third).
   - The Third, Fourth, Fifth, and Sixth Districts lack AAPI men on the bench, whereas the Third District has no Black men.
   - The Third District lacks justices who are men of color.[9]

5. **Justices of color tend to be the youngest justices on the Supreme Court and District Courts of Appeal.**
   - The average white justice on the courts today is 68 years old, whereas Latino, Black, and AAPI justices average 59 years of age.
   - White justices hold 57.9% of the courts' 19 Presiding and Chief Justice positions. In comparison, only 15.8% are held by Latinos, 15.8% by AAPI, and 5.3% by Black justices.[10]

6. **Governor Jerry Brown appointed most of today's judicial bench (39%), but Governor Gavin Newsom has made significant strides in diversifying the court.**
   - As of August 30, 2024, 39% of seated justices on the Supreme Court and District Courts of Appeal were appointed by Governor Brown, who served as California's governor from 2011 to 2019.

- Governor Newsom has appointed a third of seated justices on the Supreme Court and District Courts of Appeal, 53% of which were justices of color.
- Additionally, Governor Newsom has appointed 57% of Latino justices and 50% of Black justices on the Supreme Court and District Courts of Appeal today.

7. **The top two most common professional experiences shared among justices on the District Courts of Appeal are 1) serving as a justice on another court (86%) and 2) working as a private attorney (80%).**
   - Serving as a justice on another court was popular among all Courts of Appeal justices, regardless of race/ethnicity. All Latinas, Black women, and AAPI men justices have this experience. However, experience serving in another court is less prevalent among Black men; only 40% served in another court before their appointment.
   - Private industry experience was comparatively lower among Latinas. Only 50% of Latina justices have worked in a private firm or practice, compared to 100% of AAPI men, 82.1% of white women, and 78.8% of white men.
   - Only 11% of District Courts of Appeal justices have experience in public defense roles. Among District Courts of Appeal justices, AAPI women (37.5%) were most likely to have experience in public defense roles, followed by Black men (20%). All other racial and ethnic groups have minimal or no experience in public defense.

8. **Supreme Court justices' most common professional experiences include private law, government law, prosecution, and academia.**
   - 85.7% of Supreme Court justices previously held legal roles in private firms and companies.
   - 71.4% of Supreme Court justices previously held positions in academic institutions, serving as adjunct professors or visiting lecturers/scholars.
   - 71.4% of Supreme Court justices previously worked in government law. Justices with experience in government law were split between working for the U.S. Department of Justice non-criminal divisions and serving within the California governor's executive cabinet.

Policy Recommendations:

1. **The California State Legislature or the governor should establish a Diversity Compliance Task Force** to monitor and enhance diversity in judicial appointments.
2. **The California State Legislature should strengthen and clarify its commitment to representation in the judiciary** by amending California Government Code § 12011.5 to explicitly set a goal of "proportional representation" on the bench.
3. **Bar associations and community stakeholders should be more proactive in endorsing and recruiting well-qualified candidates from diverse**

backgrounds through the appointment process. This should include demystifying the endorsement process, strengthening coordination among bar associations, and expanding endorsements at the Superior Court level.

4. **The California State Legislature and the governor should reduce variability in the State's regional Judicial Selection Advisory Committees (JSACs) appointment process** by collaborating on an amendment to Government Code § 12011.5, which would formalize the function, make up, and requirements for JSAC evaluations.

5. **The California State Legislature should improve the transparency and integrity of the Commission on Judicial Nominee Evaluation (JNE)** by amending Government Code § 1201.5 (n)(1) to expand requirements for statewide demographic data on judicial applicants and mandate that the State Bar establish a permanent task force to oversee funding allocations and procedural amendments to JNE.

6. **The governor should ask the county bars to publicize and standardize their evaluation committee and procedures.**

7. **Educational institutions and philanthropy should invest in improving pathways to high-quality legal education for Latinos and other underrepresented communities** by replicating existing State work programs, expanding financial support, and diversifying alumni associations.

8. **The California State Legislature and philanthropy should invest in clerkship programs and court experience for underrepresented law students** by creating new and targeted post-legal judicial clerkships and expanding judiciary experience for underrepresented students.

9. **The California State Legislature should expand the California Judicial Mentor Program** by funding its efforts and amending California Government Code § 12011.5 to require the program to establish and report success metrics.

10. **The Judicial Council should increase equitable access to Pro Tempore positions on the District Courts of Appeal** by establishing a formalized application process for assigning sitting pro tempore positions.

11. **The California State Legislature should ensure that judicial salaries are commensurate with the skills and experience of qualified legal professionals,** by commissioning a comprehensive study of judicial salaries that assesses judicial pay levels relative to the average salaries of senior associates and legal professionals in comparable regional contexts.

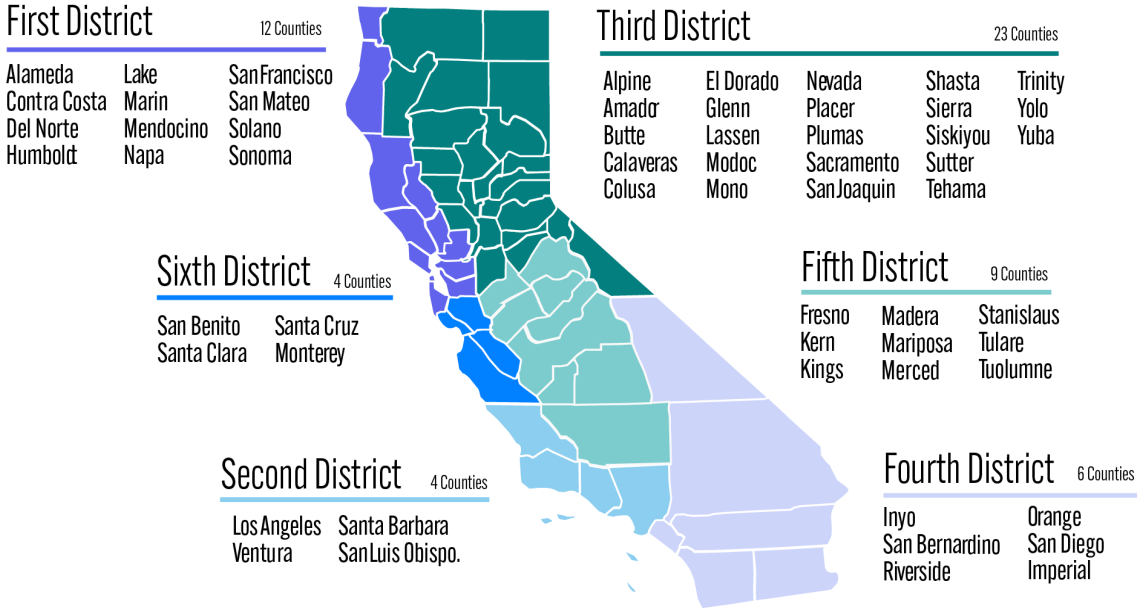
INTRODUCTION

The state courts of California profoundly influence the lives of residents, from addressing minor infractions like traffic tickets to safeguarding fundamental freedoms such as the right to free speech. These courts grapple daily with cases that advance our understanding of justice and reinforce the protection of individual rights, setting legal precedents that resonate for decades. In fact, 95% of all cases in the U.S. are heard and decided in State courts.[11] The California court system is one of the nation's largest and most consequential benches. It serves more than 39 million people, oversees 5 million cases yearly,[12] and makes transformative decisions with generational implications for the entire country—from pioneering the path to legalizing same-sex marriage[13] to spearheading the fight against oil companies' use of fossil fuels.[14]

Over 1,800 appointed justices serve across three judicial bodies in California: a state Supreme Court, six districts of the Court of Appeal, and 58 county-level Superior Courts (see Table 1).[15] The California Supreme Court—the highest court in the State—comprises seven judges and is responsible for maintaining the uniform implementation of State law and reviewing the constitutionality of decisions[16] made by the District Courts of Appeal and Superior Courts. The six District Courts of Appeal have 106 judges with jurisdiction over their respective geographic districts (see Figure 1). Collectively, the District Courts of Appeal oversee the intermediary review of superior court decisions or, in other words, hear appeals of legal decisions, made in the lower courts. Lastly, the 58 Superior Courts—one per county—have an estimated 1,755 judges and are responsible for most of the State's legal disputes. These include civil and criminal cases, including juvenile, family, probate, mental health, and traffic handled through special court departments.[17]

This research report focuses on the demographic characteristics of justices seated on the State's two highest

FIGURE 1: MAP OF THE CALIFORNIA DISTRICT COURTS OF APPEAL



Source: Created by report authors using information provided by the California Courts of Appeal, "California Appellate Courts," accessed on April 25, 2024, available online.

courts—the Supreme Court of California and the District Courts of Appeal—to explore representation in the institutions responsible for all constitutional deliberations. However, it should be noted that Superior Courts play a vital role in the California justice system and have been the courts with the most significant gains in diversity in the court system over the last decade (see Appendix Figure A for more details).

Nominating and Appointing Justices to California's Highest Courts

California's justices on the District Courts of Appeal or the State Supreme Court are seated on the judicial bench by gubernatorial appointment and undergo an extensive vetting process to verify their qualifications.[23] While the process is indeed thorough and generally regarded as robust compared to those in other states,[24] it is also inherently political, with decisions shaped by the interplay of diverse stakeholders and competing interests. Governors, with the support of their judicial appointments team, nominate and appoint qualified candidates to fill a vacancy on any state court.[25] However, the process heavily

TABLE 1: BREAKDOWN OF THE CALIFORNIA STATE COURT SYSTEM

	The Supreme Court	**District Courts of Appeal**	**Superior Courts**
Geographic Jurisdiction	Statewide	District	County
Purview	Reviewing the constitutionality of decisions made by the District Courts of Appeal and Superior Courts.	Overseeing the intermediary review of Superior Court decisions.	Deciding most of the state's legal disputes, from civil to criminal law cases.
Official Judicial Qualifications	Candidates must have been a member of the State Bar or served as a judge of a court of record in the state for a minimum of 10 years preceding selection.		
Court Size	7 justices	106 justices	1,755 judges
Term Limits	12 years	12 years	6 years
Example of a Typical Case	The Supreme Court Case heard the In re Marriage Cases on May 15, 2008, which ruled that it is unconstitutional for the state to ban same-sex couples from civil marriage.[18] The Court held that a statute restricting marriage to opposite-sex couples violates the right to privacy and constitutes discrimination based on the suspect classification of sexual orientation. The state electorate overturned the marriage portion of the decision that same year through the passage of Proposition 8, a ballot proposition that sought a state constitutional amendment to ban same-sex marriage.[19] Proposition 8 was ultimately ruled unconstitutional by a federal court in 2010.[20]	California's First District Court of Appeal is set to hear the case Visalia Unified School Dist. v. Pub. Employment Relations Board, which challenges the school district for wrongfully terminating an employee's contract in retaliation for her participation in union activities.[21]	In the Superior Courts, a judge, and potentially a jury, hears testimony and evidence of a wide variety of cases, from traffic tickets for running a red light to child custody disputes.[22]

Swearing of Honorable Patricia Guerro to California Supreme Court. Photo Credit: Office of Governor Gavin Newsom

relies on private conversations and informal deliberations on candidate qualifications, which means evaluations and vetting occur behind closed doors. This confidentiality is intended to shield the process from outside pressures and influences; however, the lack of transparency raises concerns about the risk of systemic discrimination and implicit bias, even if unintended.

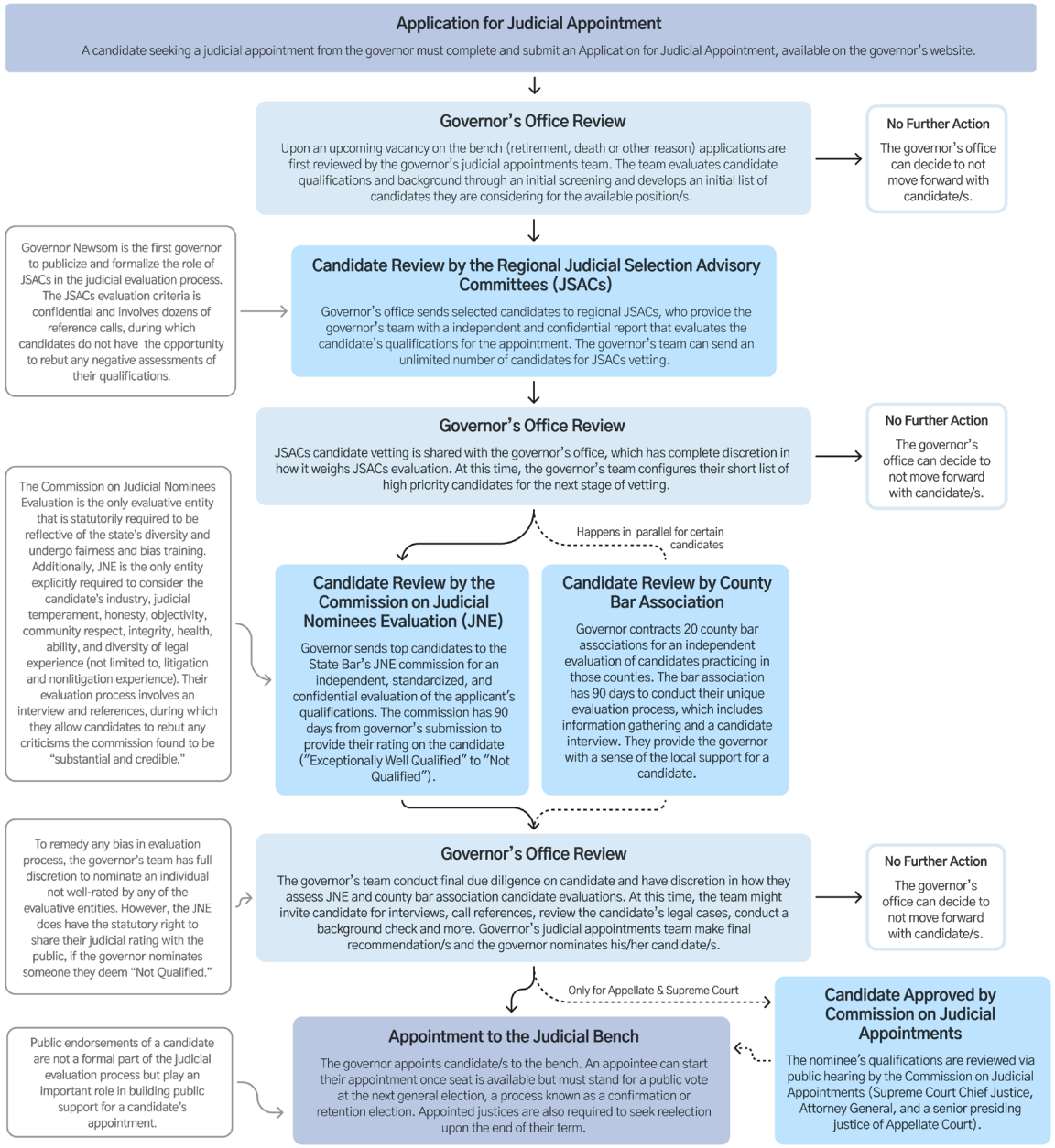
Any individual seeking a judicial appointment from the governor must submit an "Application for Judicial Appointment" and undergo a thorough initial screening by the California Governor's Judicial Appointment Unit (see Figure 2).[26] To qualify for any judicial appointment, a potential nominee must have been a member of the State Bar or served as a judge in a state court of record for a minimum of 10 years by the time of their nomination.[27] Additionally, the application requires candidates to describe the nature and extent of their community service, their most significant legal activities, and any notable personal, business, educational, and professional conduct. Top candidates undergo anywhere from two to three independent evaluations of their qualifications conducted by entities such as the Regional Judicial Selection Advisory Committees (JSACs), the State Bar's Commission on Judicial Nominee Evaluation (JNE), and participating County Bar Associations (see Figure 2).[28] To fill a vacancy, the governor submits their final nominee to the Commission on Judicial Appointments for confirmation.[29] Following their appointment, the retention of a justice's judicial seats is contingent upon a public vote at the next general election.[30] While this democratic mechanism ostensibly ensures public accountability, it can also open the door to politicized campaigns that may overshadow the nominee's qualifications, further complicating efforts to achieve an equitable judicial system.

All justices on the court today joined the judicial bench through the judicial nomination process. However, not all justices were appointed by current Governor Gavin Newsom. Justices have unlimited reappointments, so they can serve past their initial appointment if they win reelection at the end of each term. Elections are held every 12 years for Supreme Court and District Courts of Appeal justices and every six years for Superior Court justices.[31]

Benefits of Diversity in the Courts

Given the vital role that the courts play in our society, their constituents must trust and feel well-represented by the justices that make up the bench. Many studies have shown the significant role that representation and participation can play in building public trust in governing institutions, fostering civic participation,[32] and improving government responsiveness to the needs of its diverse constituents.[33] Increasing diversity on the State bench is an important component of maintaining the integrity and legitimacy of judicial decisions.[34]

FIGURE 2. PATHWAY FOR AN APPOINTMENT TO THE SUPREME, DISTRICT, OR SUPERIOR COURT IN CALIFORNIA



Diversity on the bench can be defined by its descriptive and substantive representation. Both are crucial in legitimizing the courts, serving as a symbol of commitment to diversity and inclusion in our democratic institutions,[35] and improving the public's perception of fair judicial outcomes.[36] Descriptive representation is measured by how effectively the bench mirrors the demographic contours of the country, including but not limited to the lived experience, racial/ethnic and socioeconomic backgrounds, education, cultural values, and distinctive professional trajectories represented on the bench.[37] Substantive representation, on the other hand, is defined by how well the opinions and actions of a justice reflect the wishes, needs, and interests of the people they represent.[38]

Many studies suggest that diversity has influenced and could improve judicial decision-making. Justices bring their identities, preferences, and lived experiences to bear on their decisions and interactions with their colleagues on the bench.[39] Additionally, studies have found racial identities shape the way justices rule—with Black judges in the Circuit

FIGURE 2
Source: Created by report authors through synthesis of various sources and qualitative interviews.

Court of Cook County in Illinois being less likely than their white peers to render incarceration sentences.[40] Moreover, personal characteristics can influence judicial outcomes; an analysis of federal appeals decisions found that justices with daughters voted more liberally on gender-related issues, regardless of their race, ethnicity, gender, or political affiliation.[41] Given that justices often deliberate on panels and rarely vote in a united front, the presence of diverse voices on the bench may also alter behavior.[42] With each ruling, justices grapple with a complex interplay of their own lived experiences and those of their peers, which shapes the information and considerations they rely upon when making decisions.[43] Prior studies have found that judicial panels with racial minorities had lower felony sentencing rates,[44] while federal appellate benches with female justices were more likely to rule in favor of plaintiffs in Title VII sexual harassment and sex discrimination cases.[45]

Research on Diversity in the Courts

Little existing scholarship provides a quantitative analysis of what descriptive representation in race/ethnicity, gender, and socioeconomic demographics looks like across California's government. Previous UCLA LPPI research analyzed how a lack of Latino representation in appointed positions within State governing boards, commissions, and departments correlated to an absence of central and southern California voices in these governing bodies.[46]

Existing judicial research suggests that Latino underrepresentation is also pronounced across judicial and legal professions. Statistics from the California State Bar reveal that Latinos constitute a mere 6% of all licensed attorneys in the State despite making up 39.7% of its population.[47] This disparity reverberates across the judiciary, where Latinos made up only 15.1% of judicial candidates vetted by the Commission on Judicial Nominees Evaluation (JNE) in 2023[48] and only 12.5% of the State's judicial bench that same year.[49]

Prior studies have explored the roots of the Latino representation gap in the judiciary, citing systemic and socioeconomic barriers that hinder most from entering the legal profession and qualified legal professionals from accessing the bench. These barriers include inadequate exposure to the legal field during high school and college,[50] limited financial support for law school applications and tuition,[51] and a lack of professional mentorship and guidance.[52] Furthermore, Latino lawyers often face challenges obtaining clerkships,[53] private practice experience,[54] and networking opportunities,[55] which are essential for building the political and professional networks necessary for judicial nomination.

This report examines Latino underrepresentation and presents it alongside socioeconomic characteristics and personal trajectories to illustrate the substantial variation in the generational perspectives and career pathways among justices across the State's highest courts.

METHODOLOGY

We tracked and collected publicly available information about all appointments made to the Supreme Court and the District Courts of Appeal as of August 30, 2024. While there are 113 appointed judicial positions across these two court systems, only 107 appointments were made at the time of our analysis.[56] We use the publicly available judicial rosters on the California Judicial Branch website to identify the names and composition of California's current judicial bench.[57] We also collected a historical roster of prior State Supreme Court justices (1849 to present) from the California Judicial Branch website.[58] We relied on publicly available information provided by Governor Gavin Newsom's newsroom, the California Judicial Branch website, and a content analysis of news for each appointed individual to identify appointment information. We tracked the personal information of every appointee, including their name, gender, race/ethnicity, age, and professional background. We also collected their appointment details, including the appointing governor, court designation, court-appointed title, appointment date, and end of term (see Appendix Table A for a thorough breakdown).

Racial and Ethnic Demographic Analysis

For this analysis, all judicial appointees were assigned a race/ethnic group defined by the U.S. Census Bureau's American Community Survey[59] through a multi-step identification process:

- **Self- and Third-Party Identification:** We prioritized self-identification with a racial or familial tie to a country to place each justice into a racial or ethnic group. Self-identification sources included biographies and public profiles. If an individual's biographies or profiles did not explicitly self-identify a race or ethnicity, we used news articles, features, awards, and other public-facing materials to identify the justice's racial/ethnic identity (e.g., an article featuring them as the first African American[60] to hold their position).
- **Census Surname Probability:** For all individuals, we used the U.S. Census Bureau Decennial Census Surname Files (2010) to impute the likelihood that an individual belongs to a particular racial/ethnic group based on their last name. The U.S. Census Bureau's surname table includes the probability that a surname is of a specified racial/ethnic group. A racial group was assigned to individuals if their surname had a 50% or greater likelihood of being a racial/ethnic group. This analysis was cross-referenced with the self-identification and third-party identification materials. Self-identification took precedence over the census's racial identification and overrode racial identification if they did not match its probabilities (See Appendix Table A).

Representation Analysis

To analyze the under- and over-representation of racial and ethnic groups in the judiciary, we compared the racial and ethnic shares of the justices to the racial and ethnic makeup of their constituencies. To determine whether the judicial bench reflected the demographic makeup of its respective constituency, we analyzed the proportionality of representation on the judicial bench at the state level for the entire court system and at the district level for the District Courts of Appeal. We identified the gap in Latino representation by subtracting the share of Latino justices from the total share of that court's Latino constituents; racial and ethnic population counts were

procured from the 2022 5-Year American Community Survey public use microdata provided by the U.S. Census Bureau.

This approach allows our report to set aspirational benchmarks that ensure Latinos have a voice in the systems that impact them through proportional representation. The California State Bar's Diversity Pipeline Task Force, Courts Working Group has made similar endorsements for state government demographic reporting, recommending that "county and state population, not state bar membership, should be used as the standard ... by which the pool of desired level of diversity of judicial applicants should be measured."[61] Similarly, we are committed to ensuring that underrepresentation in the legal profession today does not limit aspirations for representation on the bench in the future.

Other Demographic Analysis

We also identified each justice's professional trajectory in the court using publicly available data (e.g., judicial profiles, professional biographies, and media profiles). Justices' professional backgrounds reflect experiences across the government, the judiciary, the nonprofit sector, and private industry. We categorize these professional experiences into eight groups: 1) Prosecution, 2) Government Law, 3) Clerkships, 4) Judiciary, 5) Public Defense, 6) Nonprofit Industry, 7) Academia, and 8) Private Industry. These groups were shaped by our literature review—which highlighted key professional experiences that paved the path for the judiciary—and trends in our data, meaning the most common professional experiences among the California judiciary. For instance, a recent national report examined the importance of post-graduation clerkships for fostering mentorship and professional connections to serve in the judiciary.[62] Additionally, the literature underscored the significance and financial allure of private firm experience among law school graduates.[63] This analysis examines what attributes appear most pronounced among the study's sample of justices; further research can and should explore how specific characteristics in the judiciary might shape judicial decisions over time.

Photo Credit: Freeprik, pch.vector

KEY FINDINGS

For Latinos to be adequately represented on the judicial bench, California's court should look like the residents they serve and represent. Latinos comprise 39.7% of the state's population. However, our analysis finds that only one of the seven state Supreme Court justices (14.3%) and 13 of the 106 District Courts of Appeal justices (12.3%) are Latino. Our key findings highlight where disparities exist and how they align with gender, age, and professional demographics on the bench.

1. Latinos remain the only racial and ethnic group on the bench that has never had more than one representative on the Supreme Court simultaneously.

The size of the Supreme Court makes it difficult to set any definitive goals for proportional representation. Unlike the state's District Courts of Appeal, the Supreme Court consists of only seven justices and yet has jurisdiction over the entirety of the state. While minority representation is vital on this bench, it would be difficult (if not impossible) for seven justices to represent the entire spectrum of racial/ethnic and gender identities of its constituency. Calling for specific proportions of representation of one racial/ethnic group over the other in such a small but monumental court is a zero-sum game. Instead, when analyzing the Supreme Court, this report seeks to acknowledge the Court's current makeup and the historical absence of particular voices on the bench.

Despite recent gains in diversity, the Supreme Court has been historically exclusionary of racial and ethnic minorities, both intentionally through discriminatory policy[64] and unintentionally due to implicit bias in the judicial appointment process.[65] As shown in Figure 3, the first 127 years of the Supreme Court (from 1850 to 1997) consisted of only white male justices.[66] It was not until 1977 that the court sat its first Black and white women justices. Its first Latino justice was not appointed until 1982. Since the 1980s, the court has continued to diversify, an important and historic gain because people of color make up only 12.5% (15 out of 120) of all the justices to have ever sat on the Supreme Court.

The Supreme Court has had four instances in which two or more AAPI and Black justices sat on the bench simultaneously. For example, the Supreme Court had four sitting AAPI justices from 2012 to 2014 and three judges from 2014 to 2020. Similarly, the Supreme Court has had two Black justices starting in 2021, which grew to three in 2023. However, the Supreme Court has never had more than one Latino justice on the bench at any given time.

Today's California Supreme Court is the most diverse it has ever been. As shown in Figure 4, its justices represent four of the five racial and ethnic groups analyzed

in this report. There is one Latina justice (14.3% of the court), three Black justices (42.9%), one AAPI justice (14.3%), and two white justices (28.6%) as of August 30, 2024. Moreover, today's Supreme Court has celebrated historic firsts in representation history. This includes the 2020 appointment of Justice Martin Jenkins – who became the first gay, Black man confirmed to a state Supreme Court in U.S. history[67] – and the 2022 confirmation of Chief Justice Patricia Guerrero, the first-ever Latina to sit on and lead California's highest court.[68] However, the Supreme Court still lacks a Native American or Alaskan Native Supreme Court justice.

FIGURE 3.
Note: From 1849 to 1862, the Supreme Court consisted of only three justices. The Supreme Court later expanded to five seats in 1862 and seven in 1876. In this timeline, judicial appointments allocated to each seat were estimated based on terms and does not indicate judicial succession.

Source: Judicial demographic data comes from UCLA LPPI analysis of the demographic composition of the 120 justices that sit or have ever sat on the California Supreme Court as of August 30, 2024.

FIGURE 4.
Source: Judicial demographic data comes from UCLA LPPI analysis of the demographic composition of the seven judicial appointed positions on the California Supreme Court as of August 30, 2024. California population demographics come from 2022 5-Year American Community Survey public use microdata.

FIGURE 3. JUSTICES ON THE CALIFORNIA SUPREME COURT FROM 1850 TO 2024, BY RACE/ETHNICITY AND GENDER

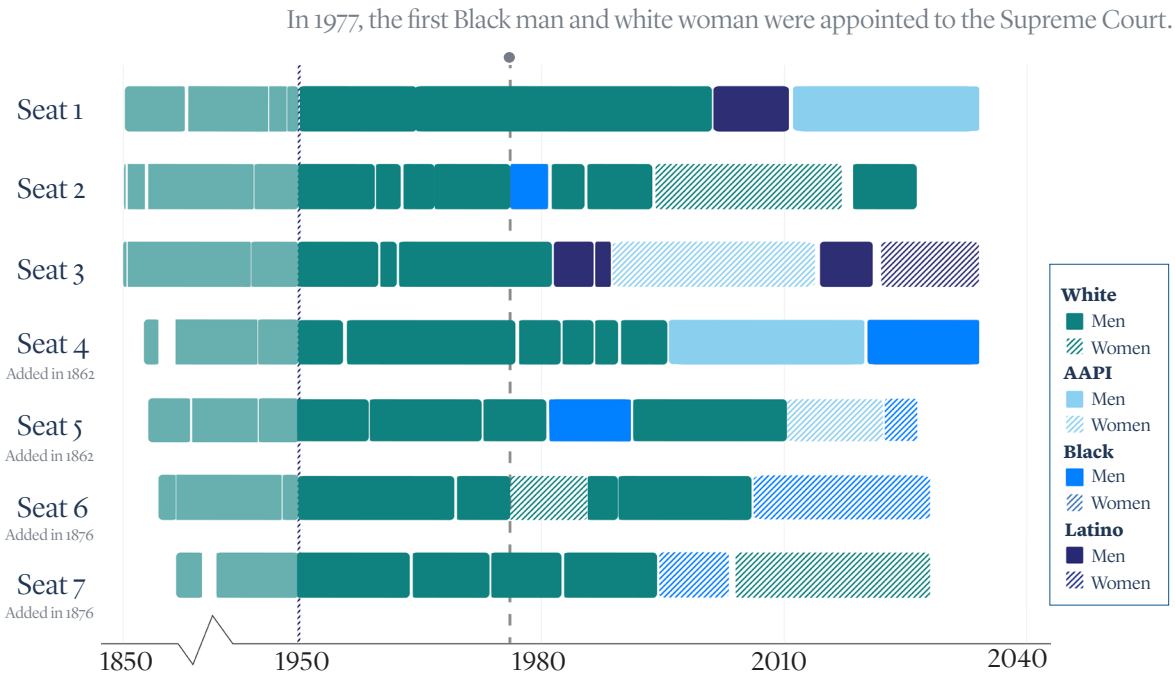
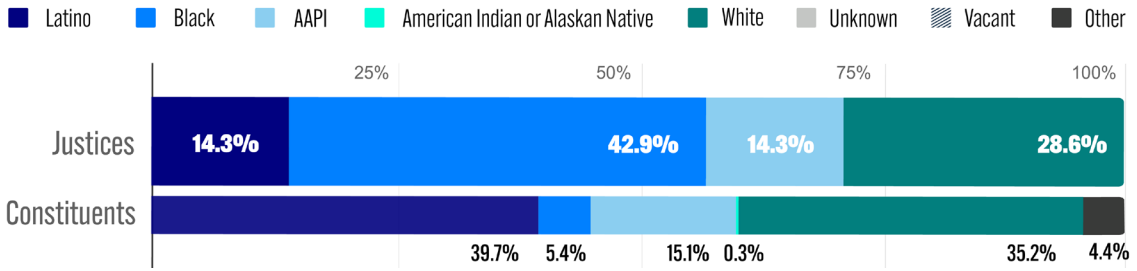


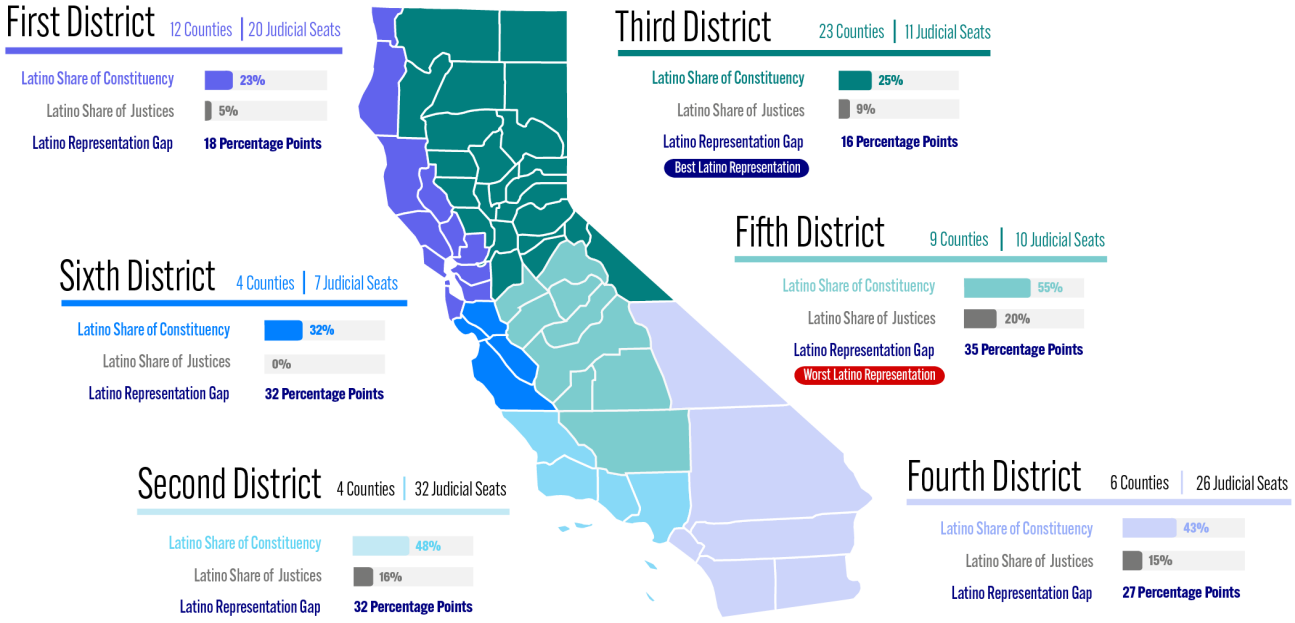
FIGURE 4. REPRESENTATION ON THE CALIFORNIA SUPREME COURT COMPARED TO STATE CONSTITUENCY, 2024



2. Latinos (women and men) are the most underrepresented race/ethnic group on the state's District Courts of Appeal.

Latinos are represented across five of the six District Courts of Appeal analyzed, and their representation varies across each court. Figure 5 spotlights the share of Latino justices, the share of the court's respective Latino constituents, and the Latino representation gap, or in other words, how well the courts reflect the size of their Latino constituencies. In terms of court-wide representation, Latinos are underrepresented by 27.4 percentage points. They comprise 39.7% of the state's population but only 12.3% of the bench. Latinos remain underrepresented in every court analyzed and are absent from the Sixth District's bench, even though 32.4% of the population under its jurisdiction is Latino. However, the most prominent Latino representation gap is in the Fifth District – 55.3% of its constituency is Latino, but Latinos make up 20% of the bench (a 35.3 Latino representation gap). In

FIGURE 5. PERCENTAGE POINT GAP IN PROPORTIONAL REPRESENTATION OF LATINO CONSTITUENCIES ON CALIFORNIA DISTRICT COURTS OF APPEAL, 2024



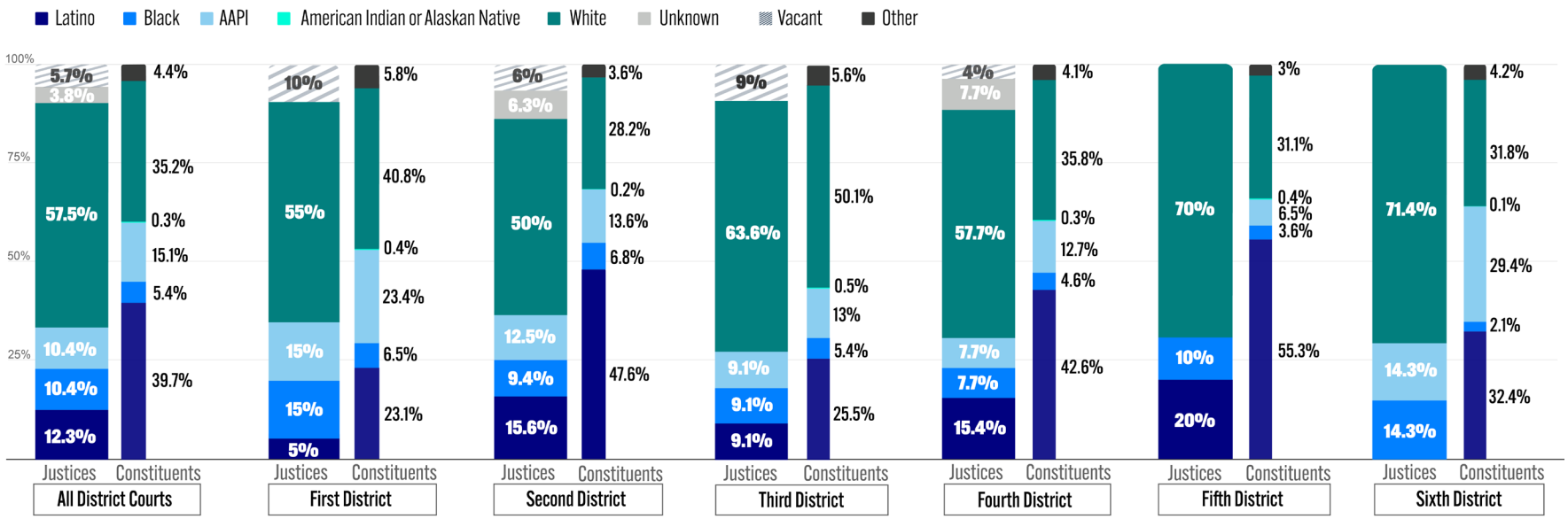
Note: Latino representation gap refers to how well the courts reflect the size of their Latino constituencies. The gap in Latino representation is calculated by subtracting the share of Latino justices from the total share of that court's Latino constituents.

Source: Judicial demographic data comes from UCLA LPPI analysis of the demographic composition of the 100 judicial officers positions appointed in California Court of Appeal Districts as of August 30, 2024. There are a total of 106 judicial positions on these benches, but six were vacant at the time of our analysis. California population demographics come from the American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B03002, "Hispanic or Latino Origin by Race," accessed on August 6, 2024.

comparison, the Third District has the best Latino representation but still has a 16.4 percentage point gap in representation.

Moreover, when compared to other racial and ethnic groups, Latinos remain the most underrepresented due to their plurality in the state. Figure 6 provides a direct comparison of the racial and ethnic makeup of each court to that of the racial and ethnic makeup of its constituency. It shows that Native American or Alaskan Natives are also underrepresented court-wide, making up 0.3% of the population but lacking a single representative in any court. Yet, due to their smaller population size, their representation gap is smaller than that of Latinos. In comparison, white justices remain overrepresented in the District Courts of Appeal, comprising 35.2% of the population yet 57.5% of justices. However, rates of representation among racial/ethnic groups vary by each District Court of Appeal. For instance, despite achieving near proportional representation court-wide, AAPI justices are absent from the Fifth District.

FIGURE 6. JUSTICES ON CALIFORNIA DISTRICT COURTS OF APPEAL AND CONSTITUENTS BY RACE/ETHNICITY, 2024



Note: Justices are marked as "Unknown" if UCLA LPPI analysis could not confirm their race/ethnicity. California population marked as "Other" are residents identified as multi-racial or a racial group other than white, Black, Latino, AAPI, or American Indian or Alaskan Native.

Source: Judicial demographic data comes from UCLA LPPI analysis of the demographic composition of the 100 judicial officer positions appointed in California Court of Appeal Districts as of August 30, 2024. There are a total of 106 judicial positions on these benches, but six were vacant at the time of our analysis. California population demographics come from the American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B03002, "Hispanic or Latino Origin by Race," accessed on August 6, 2024.

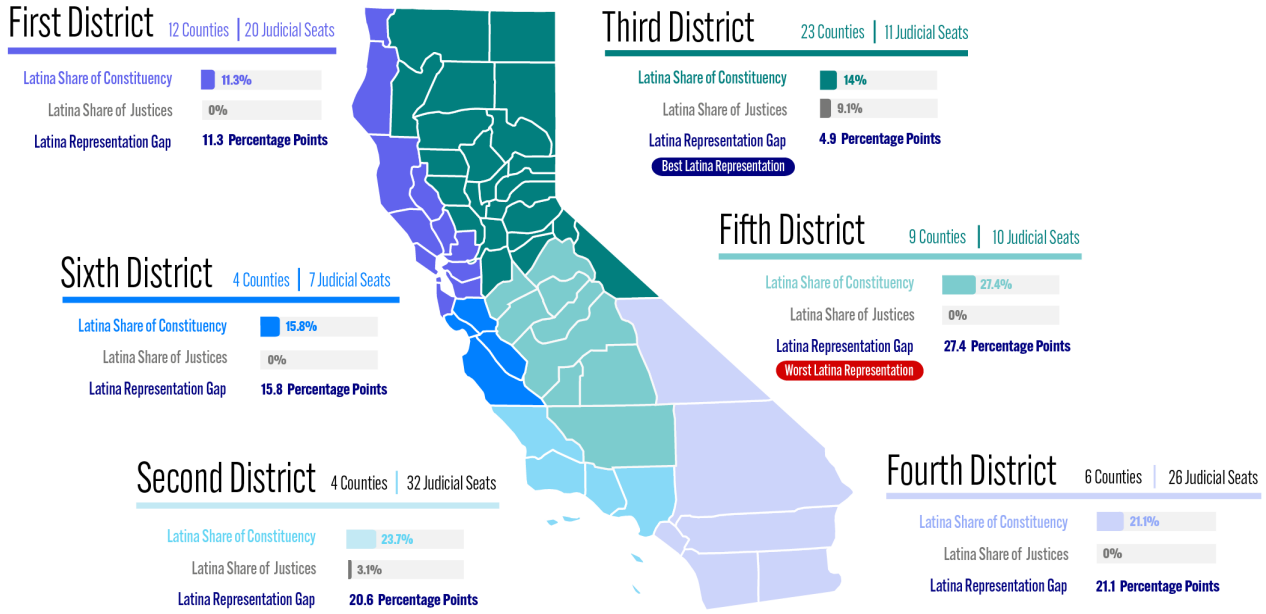
3. Among women represented on the bench, Latinas are the only ones completely unrepresented in four out of the six District Courts of Appeal.

Latinas are underrepresented across the court system and absent from four District Courts of Appeal. Latinas have a 17.7 percentage point gap in representation, representing 19.6% of the state's population but only 1.9% of the bench. As shown in Figure 7, Latinas are absent from the First, Fourth, Fifth, and Sixth Districts. The Fifth District Court of Appeal has the most significant Latina representation gap (27.4 percentage points).

Women overall are underrepresented on the bench, regardless of race/ethnicity.

Photo Credit: iStock Images, VioletaStoimenova

FIGURE 7. LATINA REPRESENTATION GAPS ON CALIFORNIA DISTRICT COURTS OF APPEAL, 2024



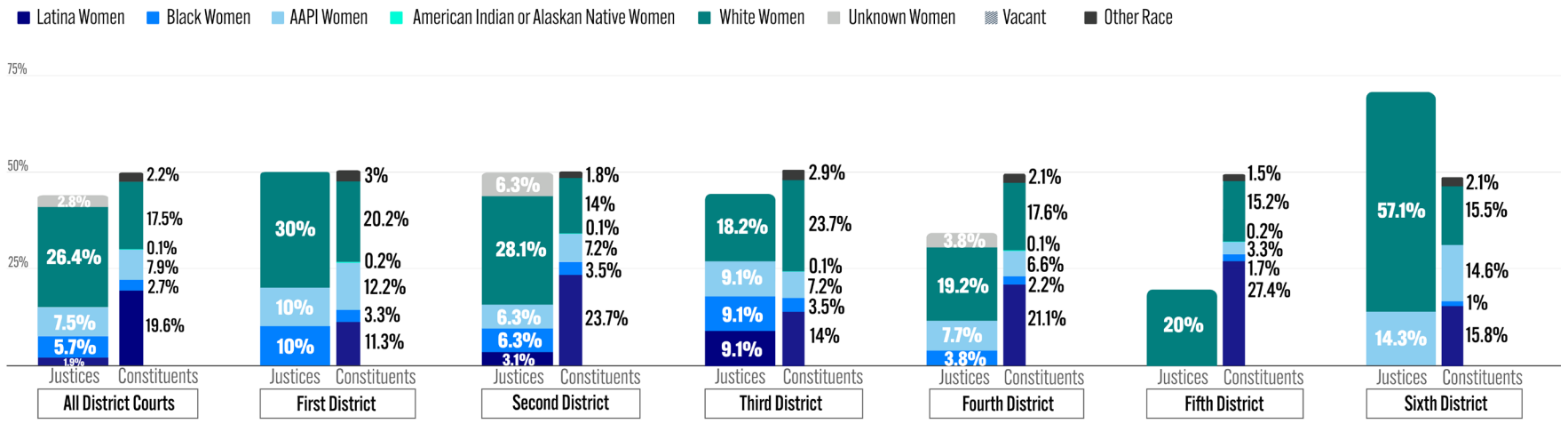
Note: The Latina representation gap refers to how well the courts reflect the size of their Latino constituencies. The gap in Latino representation is calculated by subtracting the share of Latino justices from the total share of that court's Latino constituents. Due to sample size issues, some District constituent estimates lack county-level data disaggregated by gender, race, and ethnicity. The First District is missing population counts for Del Norte (estimated 2,742 people); the Fourth District is missing population counts for Inyo (estimated 18,829 people); and the Fifith District is missing population counts for Mariposa County (estimated 17,130 people) and Tuolumne County (estimated 54,993 people).

Source: Judicial demographic data come from UCLA LPPI analysis of the demographic composition of the 47 women appointed judicial officers on the District Courts of Appeal as of August 30, 2024. California population demographics come from the 2022 5-Year American Community Survey public use microdata.

Figure 8 highlights the racial and ethnic share of women across each District Court of Appeal and shows that despite comprising 49.9% of the state, women comprise 44.3% of the bench. Women are most underrepresented in the Fourth and Fifth Districts. In both, women make up nearly 50% of the constituency but no more than 34.6% of the justices (Fourth District) and as low as 20% of the bench (Fifth District).

The Fifth District is the most underrepresented bench for women of color (see Figure 8). The only women represented in this court are white women, who make up 20% of its bench. The Fifth District also has the highest share of Latina residents in its constituency, who make up 27.4% of the population.

FIGURE 8. WOMEN ON CALIFORNIA DISTRICT COURTS OF APPEAL AND WOMEN IN CONSTITUENCY BY RACE/ETHNICITY, 2024



Note: Bars in the figure do not add up to 100 percent because the percentages of each bar add up to the share of women relative to men. Women Justices were also marked as "Unknown" if the UCLA LPPI analysis could not confirm their race/ethnicity. California population marked as "Other" are residents identified as multi-racial or a racial group other than white, Black, Latino, AAPI, or American Indian or Alaskan Native. Additionally, due to sample size issues, some District constituent estimates lack county-level data disaggregated by gender, race, and ethnicity. The First District is missing population counts for Del Norte (estimated 2,742 people); the Fourth District is missing population counts for Inyo (estimated 18,829 people); and the Fifth District is missing population counts for Mariposa County (estimated 17,130 people) and Tuolumne County (estimated 54,993 people).

Source: Judicial demographic data come from UCLA LPPI analysis of the demographic composition of 47 women appointed judicial officers on the District Courts of Appeal as of August 30, 2024. California population demographics come from the 2022 5-Year American Community Survey public use microdata.

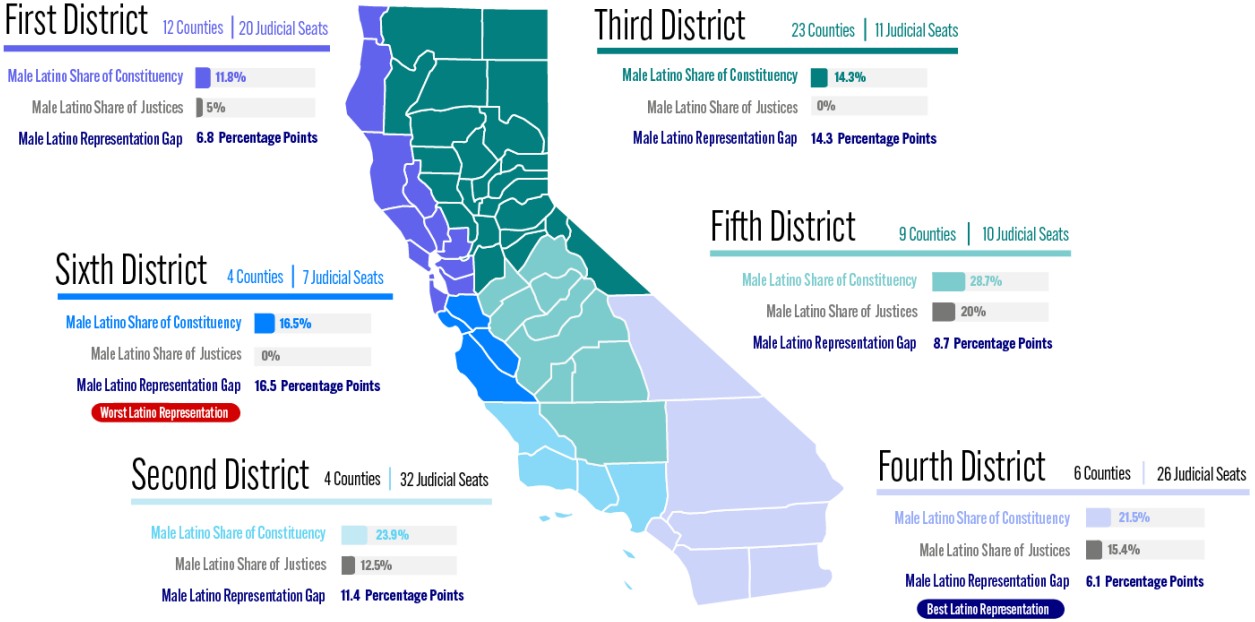
4. Racial/ethnic diversity is particularly poor among male justices.

Across the courts, Latino men are underrepresented on all six of the District Courts of Appeal. As shown in Figure 9, Latino men have a representation gap of 9.7 percentage points across the court system, representing 20.1% of the state's population but only 10.4% of the bench.

This Latino representational gap is more significant in three of the courts, with the most significant gap in the Sixth District, where Latino men are underrepresented by 16.5 percentage points. In contrast, the Fourth District has the best representation of Latino men, with a 6.1 Latino representation gap. As of August 30, 2024, the Sixth and Third Districts lack a Latino man on the bench.

Source: iStock Images, FangXiaNuo

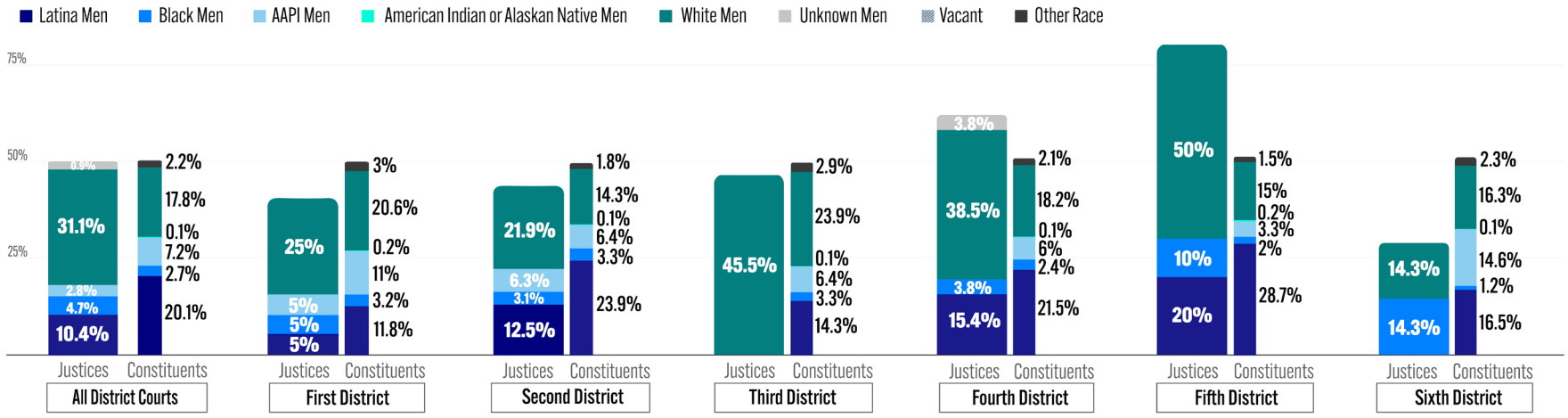
FIGURE 9. LATINO REPRESENTATION GAPS ON CALIFORNIA DISTRICT COURTS OF APPEAL, 2024



Note: The Latino representation gap refers to how well the courts reflect the size of their Latino constituencies. The gap in Latino representation is calculated by subtracting the share of Latino justices from the total share of that court's Latino constituents. Due to sample size issues, some District constituent estimates lack county-level data disaggregated by gender, race, and ethnicity. The First District is missing population counts for Del Norte (estimated 2,742 people); the Fourth District is missing population counts for Inyo (estimated 18,829 people); and the Fifth District is missing population counts for Mariposa County (estimated 17,130 people) and Tuolumne County (estimated 54,993 people).

Source: Judicial demographic data come from UCLA LPPI analysis of the demographic composition of the 53 male appointed judicial officers on the District Courts of Appeal as of August 30, 2024. California population demographics come from the 2022 5-Year American Community Survey public use microdata.

FIGURE 10. MEN ON CALIFORNIA DISTRICT COURTS OF APPEAL AND MEN IN CONSTITUENCY BY RACE/ETHNICITY, 2024



Note: Bars in the figure do not add up to 100 percent because the percentages of each bar add up to the share of men relative to women. Male justices were marked as "Unknown" if UCLA LPPI analysis could not confirm their race/ethnicity. California population marked as "Other" are residents identified as multi-racial or a racial group other than white, Black, Latino, AAPI, or American Indian or Alaskan Native. Additionally, due to sample size issues, some District constituent estimates lack county-level data disaggregated by gender, race, and ethnicity. The First District is missing population counts for Del Norte (estimated 2,742 people); the Fourth District is missing population counts for Inyo (estimated 18,829 people); and the Fifth District is missing population counts for Mariposa County (estimated 17,130 people) and Tuolumne County (estimated 54,993 people).

Source: Judicial demographic data come from UCLA LPPI analysis of the demographic composition of 53 male appointed judicial officers in the District Courts of Appeal as of August 30, 2024. California population demographics come from the 2022 5-Year American Community Survey public use microdata.

Men are slightly overrepresented in the state's District Courts of Appeal, but their presence varies significantly by court. Men comprise 50% of District Courts of Appeal justices and 50.1% of the state's constituency (see Figure 10). They are more overrepresented in the Fourth and Fifth Districts, making up 61.5% of the Fourth and 80% of the Fifth Districts, despite comprising about 50% of each constituency. Comparatively, men are most underrepresented in the Sixth District, where they are only 28.6% of its bench but 51% of its constituency.

Men of color are underrepresented across select District Courts of Appeal. Additionally, the courts are also severely lacking Black and AAPI men. The Third, Fourth, Fifth, and Sixth Districts lack AAPI men on the bench, whereas the Third District has no Black men. The district where men of color are most underrepresented is the Third District, where 45.5% of justices are men; all were identified as white.

5. Justices of color tend to be the youngest on the Supreme and Appellate Courts.

Figure 11 shows the estimated ages of seated justices in the California judiciary by race/ethnicity. Across these courts, justices are, on average, 64 years old, with the youngest justice about 45 and the oldest an estimated 86 years of age. However, Latino justices (men and women) tend to be younger, with an average age of 59. In contrast, white justices tend to be the most senior justices on the bench – averaging 68 years of age.

The racial differences in the age of justices also correlate to their tenure on the court, with white justices more likely than their Black and Latino peers to hold seniority. On average, current justices have spent 10.4 years in court, with the longest-serving justice serving for 42 years (see Figure 12). The shortest tenure for most justices is less than one year, reflecting recent appointments to the bench. Across the courts, Black and Latino justices have the shortest tenure, averaging 6.8 and 8.1 years, respectively. The longest-seated Black justice has sat on the bench for about 14 years. White justices, on the other hand, have sat on the court for the longest of all other racial groups. They average about 12 years on the court, nearly double the average tenure of Black justices. White seniority in the court has downstream repercussions in court leadership, evidenced by the fact that today, white justices make up 57.9% of the courts' 19 seated Presiding and Chief Justices.[69] In comparison, only 15.8% of court leadership positions are held by Latino, 15.8% by AAPI, and 5.3% by Black justices (see Appendix Table B).

FIGURE 11. ESTIMATED CURRENT AGES OF SEATED JUSTICES IN THE SUPREME COURT & DISTRICT COURTS OF APPEAL BY RACE/ETHNICITY, 2024

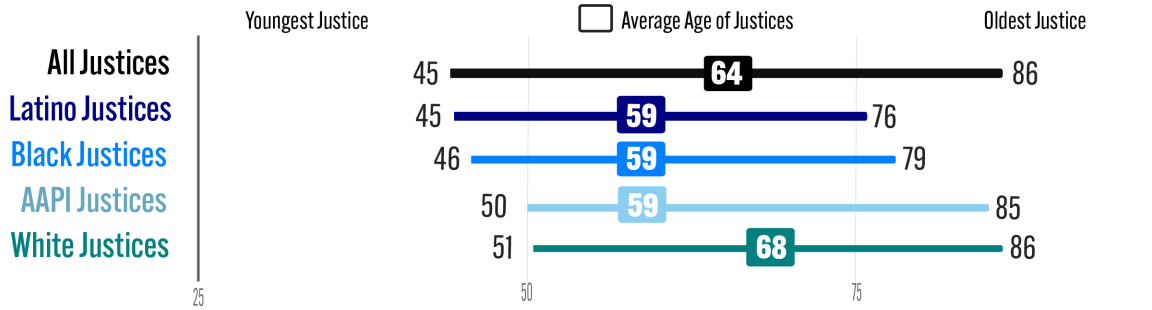


FIGURE 12. ESTIMATED TENURES OF SEATED JUSTICES IN THE SUPREME COURT AND DISTRICT COURTS OF APPEAL BY RACE/ETHNICITY, 2024

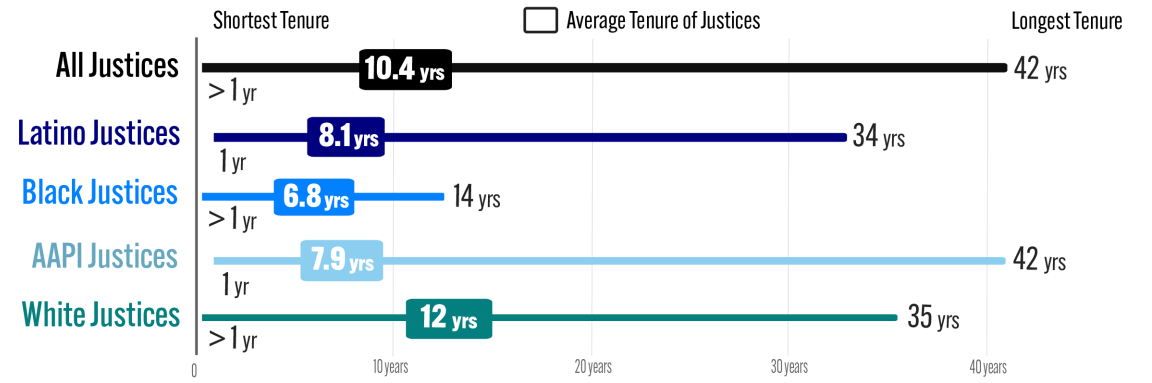


FIGURE 11 & 12

Note: All justices include data from all racial groups presented in the chart, and four justices whose race/ethnicity could not be confirmed were identified as "Unknown."Five justices whose age could not be confirmed for this analysis (four white and one Latino justice) were removed from this analysis.

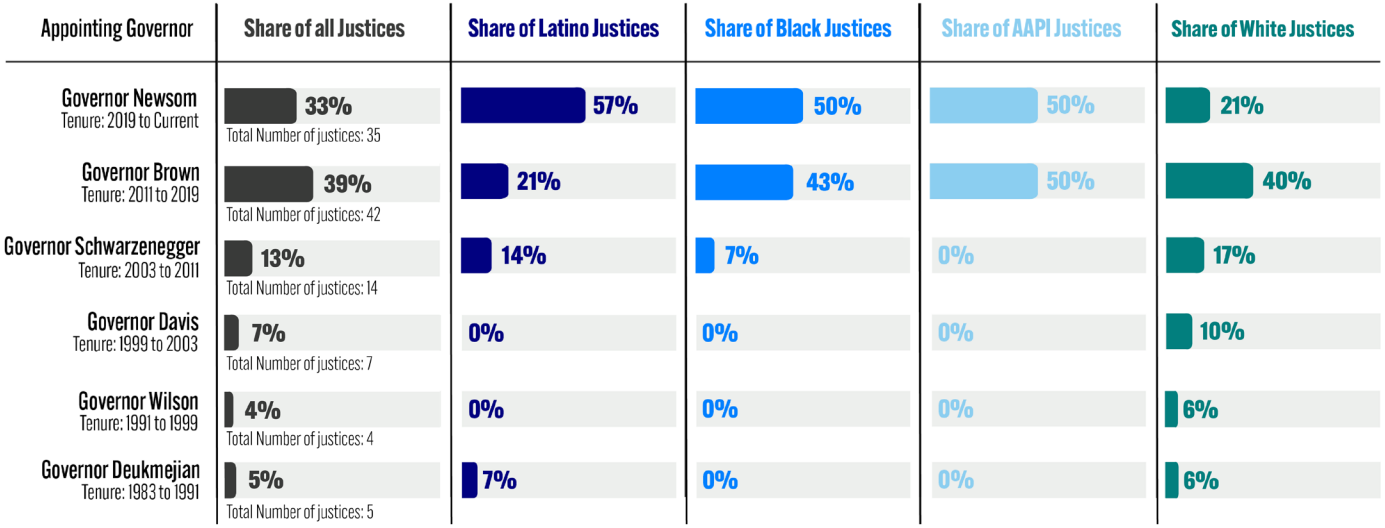
Source: Judicial demographic data come from UCLA LPPI analysis of the demographic composition of the 107 appointed judicial officers in California Supreme Court and District Courts of Appeal Districts as of August 30, 2024.

6. Governor Jerry Brown appointed nearly 40% of today's current judicial bench, but Governor Gavin Newsom has made significant strides in diversifying California's Supreme Court and Courts of Appeal.

Governors Brown and Newsom are most responsible for the current makeup of the Supreme Court and District Courts of Appeal. Most of the justices analyzed in this report were appointed by Governor Brown (39%), who served as California's governor from 2011 to 2019, followed by Governor Newsom (2019 to present), with 33% of the justices (see Figure 13). Collectively, these governors appointed all the seated AAPI justices (100%) and nearly all the Black justices seated today (93%). However, Governor Brown is also disproportionately responsible for appointing 40% of the white justices seated today, while Governor Newsom has appointed 21% of white justices.

Governor Newsom has made historic strides in diversifying the California judiciary system. He has appointed 57% of the Latino justices and 53% of the justices of color currently on the bench, including Justice Patricia Guerrero, the first-ever Latina to sit on and lead California's highest court,[70] and Judge Teri L. Jackson (2021 to present), the first African-American woman confirmed to the First District.[71] Moreover, Governor Newsom's efforts include launching a statewide Judicial Mentor Program to streamline inclusivity in the judiciary that reflects California's diversity.[72]

FIGURE 13. APPOINTING GOVERNORS OF CURRENTLY SEATED CALIFORNIA JUSTICES ON THE SUPREME COURT AND DISTRICT COURT OF APPEAL BY RACE/ETHNICITY, 2024



Note: Share of all justices includes all racial groups and the four justices whose race/ethnicity could not be confirmed and were identified as "Unknown."

Source: Judicial demographic data come from UCLA LPPI analysis of the demographic composition of 103 out of the 107 appointed judicial officers in California Supreme Court and District Courts of Appeal as of August 30, 2024.

7. The two most common professional experiences among justices on the California District Courts of Appeal, regardless of race/ethnicity, are serving as a Superior Court judge and working as a private attorney.

We analyzed the professional experiences of justices before their appointment to the bench to understand their pathways to the court and the barriers different groups face. Although professional experiences shape a justice's legal philosophy, judicial decision-making, and expertise, they do not inherently define the qualifications that best prepare a candidate for the judicial bench.[73] Instead, the prominence of particular educational and professional trajectories reflects the pathways traditionally followed by white men, who have historically constituted the majority on the bench. In fact, in 2007, the State Bar of California's Diversity Pipeline Task Force, Courts Working Group found that criminal jury trial experience was a preferred quality for applicants seeking appointment to the bench, potentially disadvantaging members of underrepresented groups who were more likely to have legal practices where jury trials were not common (e.g., civil, family, juvenile, probate, and mediation).[74]

For this analysis, we categorized the professional experiences of the justices before their appointment into eight groups: 1) Prosecution, 2) Government Law, 3) Clerkships, 4) Judiciary, 5) Public Defense, 6) Nonprofit Industry, 7) Academia, and 8) Private Industry. Table 2 defines each category and the types of industries and positions they encompass.

TABLE 2. PROFESSIONAL EXPERIENCE CATEGORIES ANALYZED FOR ALL JUSTICES ACROSS THE SUPREME COURT AND DISTRICT COURTS OF APPEAL

Professional Experience Category	Definition
Prosecution	Professional experience in conducting legal proceedings with respect to criminal litigation. This includes working in the District Attorney's Office, as well as for the California or United States Department of Justice's Criminal Division.
Government Law	Professional experience in the public sector, excluding any form of criminal litigation. This could include working within local, state, or federal government, such as the Department of Justice's non-criminal law divisions, the California governor's cabinet, and supportive staff in the judicial branch.
Clerkship	Professional experience providing direct staffing support to a judge on a state or federal bench. This usually involves performing a wide range of tasks, including legal research, drafting of memoranda, and court opinions.
Judiciary	Professional experience on the judicial bench as a justice. This includes serving as a justice in the federal circuit or state courts (e.g., Superior Court or Courts of Appeal) and a Court Commissioner on a Superior Court. Court Commissioners are appointed by the court judges and act as temporary judges in their respective courts.
Public Defense	Professional experience as a local or federal public defender, a defense attorney appointed by the court to represent a criminal defendant or appellant.
Nonprofit Industry	Professional experience working in a nonprofit organization, including charitable organizations, advocacy groups, and educational institutions.
Academia	Professional experience as a professor, full-time lecturer, or scholar at an educational institution.
Private Industry	Professional experience within a private firm or company. This includes serving as an associate or partner and owning and managing a private practice in firms. In private companies, this entails serving as dedicated counsel.

On average, District Courts of Appeal justices had experience in three out of eight of these categories throughout their career. Among appellate justices, notable differences emerged in the breadth and variety of professional experiences across race, ethnicity, and gender. For example, Latina justices on the bench at the time of our analysis had experience in only three of the eight professional categories analyzed, while white women collectively had experience across all eight categories (Appendix Table C). This disparity suggests that the state's appointment process may not be effectively reaching or supporting Latinas in fields such as Government Law, Academia, Public Defense, and Nonprofits. As a result, these Latina professionals may not view the courts as a viable or accessible career path for themselves.

In contrast, Supreme Court justices had an average of four of these professional experiences before their appointment. Given the higher threshold of professional qualifications required for Supreme Court appointments, we anticipated differences in the professional backgrounds of Supreme Court and District Courts of Appeal justices. Therefore, we separated the professional backgrounds of Supreme Court and District Courts of Appeal justices throughout this analysis.

Judiciary

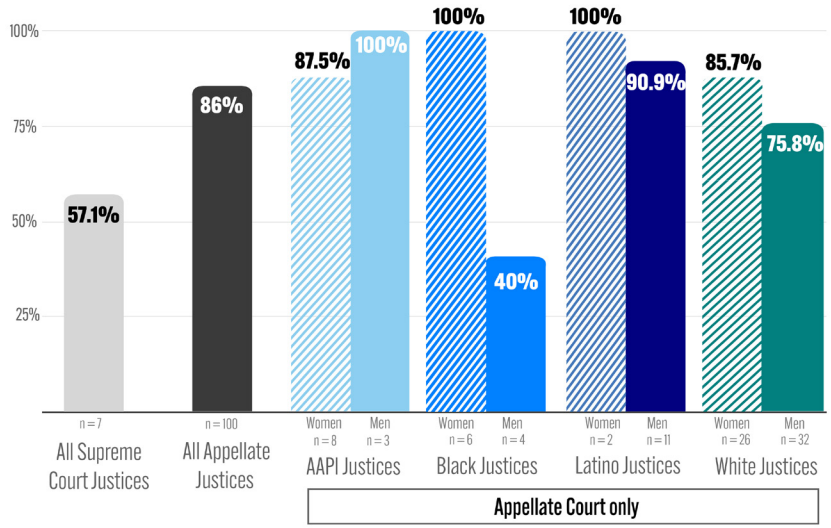
Many of today's California state court justices began their judicial careers on a lower bench. Serving in lower courts can be a pivotal stepping stone for gaining judicial experience and cultivating networks for higher appointments. Figure 14 illustrates that 86% of justices on the District Courts of Appeal, regardless of race/ethnicity, had previously served in the judiciary. Notably, most of these justices transitioned directly from the Superior Court to their current appointment.

This trend is particularly evident among Latinas, Black women, and AAPI men District Courts of Appeal justices, who had all previously served in lower courts. In contrast, prior judicial experience appears less prevalent among today's Supreme Court justices, with only 57.1% having a previous judicial appointment in the District Courts of Appeal and Superior Courts of California (see Appendix Table D for additional details).

Private Industry

Serving as a private attorney was a notable step in the professional journeys of many

FIGURE 14. SHARE OF JUSTICES WITH PRIOR JUDICIARY EXPERIENCE



Note: "Share of all justices" includes all racial groups and the four justices whose race/ethnicity could not be confirmed and were identified as "Unknown."

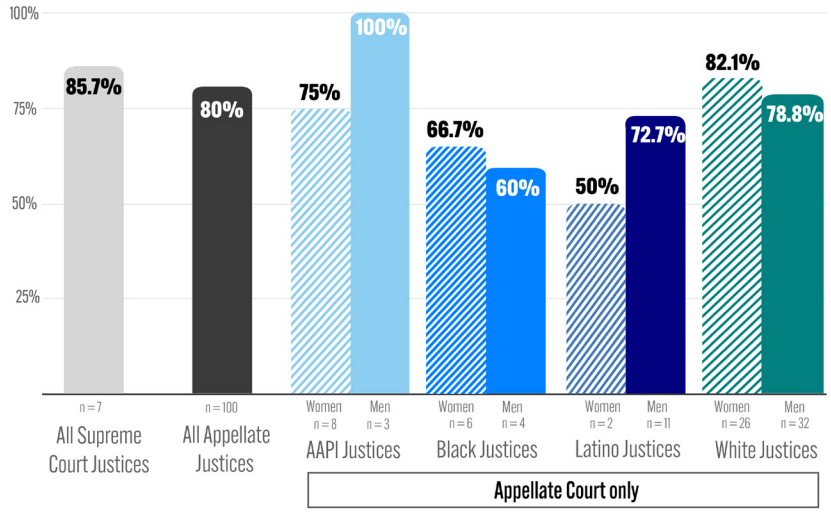
Source: Judicial demographic data comes from UCLA LPPI analysis of the demographic composition of the 107 appointed judicial officers in California Supreme Court and District Courts of Appeal as of October 2023.

current justices. Working in private industry could provide judges with a wealth of experience in various aspects of legal practice, including litigation, transactional work, and legal counseling. A significant majority (85.7% of Supreme Court justices and 80% of District Courts of Appeal justices held legal roles in firms and companies (see Figure 15). Among the District Courts of Appeal justices, private industry experience was comparatively lower among Latina justices (50%). This observation aligns with prior literature, which indicates that Latinos (men and women) are significantly underrepresented in large private law firms across the nation, constituting only 2.8% of associates.[75] Among District Courts of Appeal justices, 34% were partners at a firm before assuming their judicial positions. This trend was particularly pronounced among white (39.4%) and Latino men (45.5%) on the bench. Conversely, 66.7% of AAPI men on the District Courts of Appeal served as private attorneys within their own private practices (see Appendix Table E for additional details).

Prosecution

Serving as a prosecutor has historically been a prominent pathway into

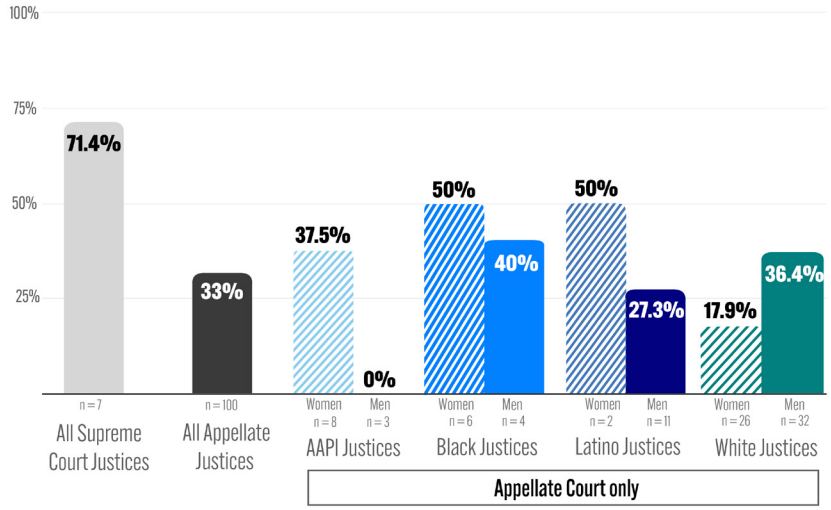
FIGURE 15. SHARE OF JUSTICES WITH PRIVATE INDUSTRY EXPERIENCE



Note: "Share of all justices" includes all racial groups and the four justices whose race/ethnicity could not be confirmed and were identified as "Unknown."

Source: Judicial demographic data comes from UCLA LPPI analysis of the demographic composition of the 107 appointed judicial officers in California Supreme Court and District Courts of Appeal as of October 2023.

FIGURE 16. SHARE OF JUSTICES WITH PROSECUTION EXPERIENCE



Note: "Share of all justices" includes all racial groups and the four justices whose race/ethnicity could not be confirmed and were identified as "Unknown."

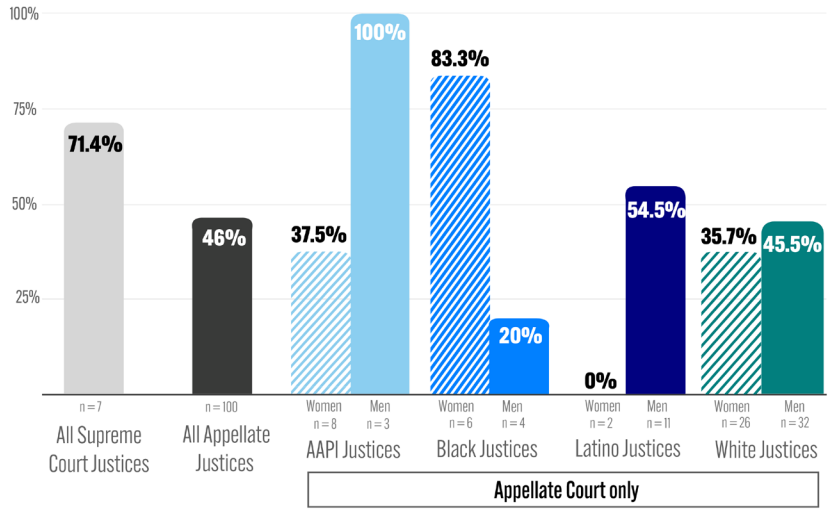
Source: Judicial demographic data comes from UCLA LPPI analysis of the demographic composition of the 107 appointed judicial officers in California Supreme Court and District Courts of Appeal as of October 2023.

the judiciary.[76] It provides a unique opportunity to see the practical realities of law enforcement and the impact of crime and prosecution on communities. National analysis reveals that over one-third of the country's highest court justices were formerly prosecutors, with 28% having worked for the Department of Justice.[77] Similarly, our examination of California justices indicates that 71.4% of Supreme Court justices and 33% of District Courts of Appeal justices had experience as prosecutors (see Figure 16). This encompassed roles within the criminal division of the U.S. or California Department of Justice and positions within local District Attorney's offices. Notably, among District Courts of Appeal justices, 50% of all Black women and Latinas had prosecutorial backgrounds.

Government Law

Working within the public sector in government law offers justices firsthand experience interpreting and applying laws and regulations. This experience can equip them with a deeper understanding of the complexities of governance and the relationship between law and public policy. As shown in Figure 17, 71.4% of Supreme Court justices and 46% of District Courts of Appeal justices worked in government law. Within government law, all justices had worked for the U.S. Department of Justice non-criminal divisions or served in the California governor's executive cabinet. Experience working in government law was particularly common among AAPI men (100%) and Black women (83.3%) in the District Courts of Appeal.

FIGURE 17. SHARE OF JUSTICES WITH GOVERNMENT LAW EXPERIENCE



Note: "Share of all justices" includes all racial groups and the four justices whose race/ethnicity could not be confirmed and were identified as "Unknown."

Source: Judicial demographic data comes from UCLA LPPI analysis of the demographic composition of the 107 appointed judicial officers in California Supreme Court and District Courts of Appeal as of October 2023.

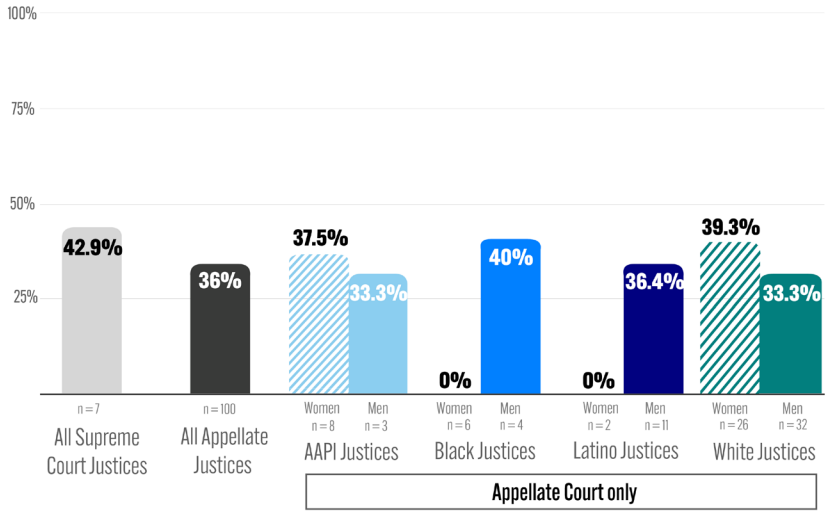
Court Clerkships

Some justices had clerkship experience, with 42.9% of Supreme Court justices and 36% of all District Courts of Appeal Court justices having served at least once as a court clerk (see Figure 18). These positions are highly sought after, offering individuals direct court exposure, involvement in court administration, and the opportunity to cultivate professional networks crucial for future employment.[78] Existing literature suggests that clerkships are an increasingly common credential among justices and are often facilitated by Ivy League schools.[79] However, studies also indicate that a lack of diversity in the judiciary replicates a lack of diversity among legal clerks.[80] Our analysis of the District Courts of Appeal reveals that clerkships are a prevalent experience among Black men and white women, with 40% and 39.3% respectively, having completed at least one court clerkship. However, they are notably less common among Black women and Latina justices, with none reported in our data as having had clerkships before serving as justices.

Academia

Working in academia can offer justices a more nuanced understanding of

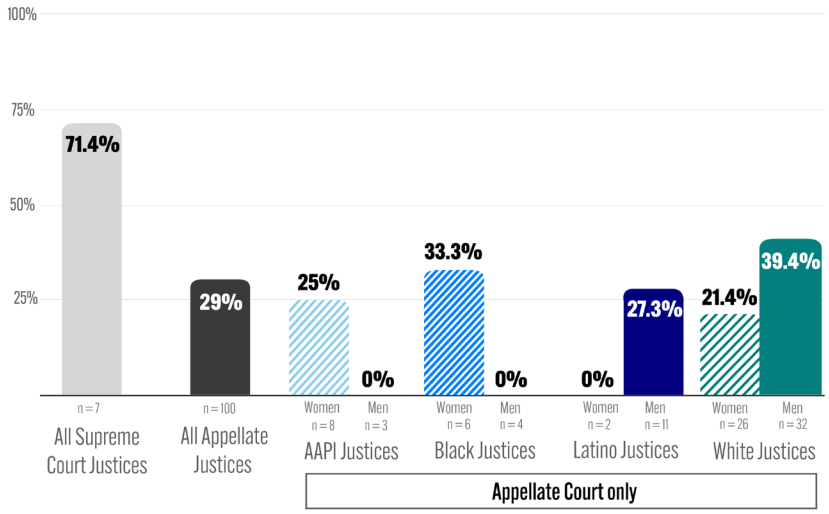
FIGURE 18. SHARE OF JUSTICES WITH COURT CLERKSHIP EXPERIENCE



Note: "Share of all justices" includes all racial groups and the four justices whose race/ethnicity could not be confirmed and were identified as "Unknown."

Source: Judicial demographic data comes from UCLA LPPI analysis of the demographic composition of the 107 appointed judicial officers in California Supreme Court and District Courts of Appeal as of October 2023.

FIGURE 19. SHARE OF JUSTICES WITH ACADEMIA EXPERIENCE



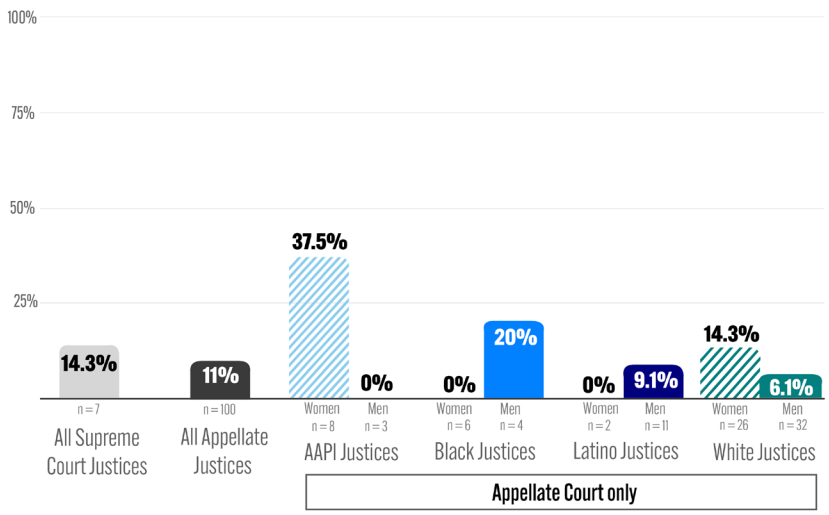
Note: "Share of all justices" includes all racial groups and the four justices whose race/ethnicity could not be confirmed and were identified as "Unknown."

Source: Judicial demographic data comes from UCLA LPPI analysis of the demographic composition of the 107 appointed judicial officers in California Supreme Court and District Courts of Appeal as of October 2023.

legal theory, jurisprudence, and the development of the law over time. This experience can enhance their ability to interpret legal principles, engage with complex legal issues, and contribute to the ongoing evolution of legal doctrine. Notably, 71.4% of Supreme Court justices have held positions in academic institutions, serving as adjunct professors or visiting lecturers/scholars, whereas only 29% of District Courts of Appeal justices have done so (see Figure 19). Among District Courts of Appeal justices, white men (39.4%) and Black women (33.3%) held academic roles. In contrast, this professional experience was least common among AAPI men, Black men, and Latinas, with no instances reported in our data.

The underrepresentation of Latino educators across California's leading universities underscores the broader issue of diversity within legal education.[81] Despite comprising nearly a quarter of all University of California (UC) undergraduate students, Latinos constitute less than 10% of its professors and lecturers.[82] Furthermore, Latinos are significantly underrepresented among law students nationwide, comprising only 13.2% of the country's law student population in 2021.[83] Increasing representation in the educational legal sphere could play a vital role in fostering greater diversity among Latino legal professionals and facilitating their entry into the judicial pipeline.

FIGURE 20. SHARE OF JUSTICES WITH PUBLIC DEFENSE EXPERIENCE



Note: "Share of all justices" includes all racial groups and the four justices whose race/ethnicity could not be confirmed and were identified as "Unknown."

Source: Judicial demographic data comes from UCLA LPPI analysis of the demographic composition of the 107 appointed judicial officers in California Supreme Court and District Courts of Appeal as of October 2023.

Public Defense

Experience as a public defender is notably scarce among current justices in the courts today. Serving as a public defender can offer unique insights into the criminal justice system, especially as it relates to constitutional rights and the fair administration of justice for marginalized communities.[84] However, a 2007 report by the California State Bar of California's Diversity Pipeline Task Force raised concerns about a bias against criminal defense practice, arguing that "[judicial] applicants who had extensive trial experience gained through representing criminal defendants (e.g., public defenders) were nonetheless perceived as less qualified to hold judicial office."[85]

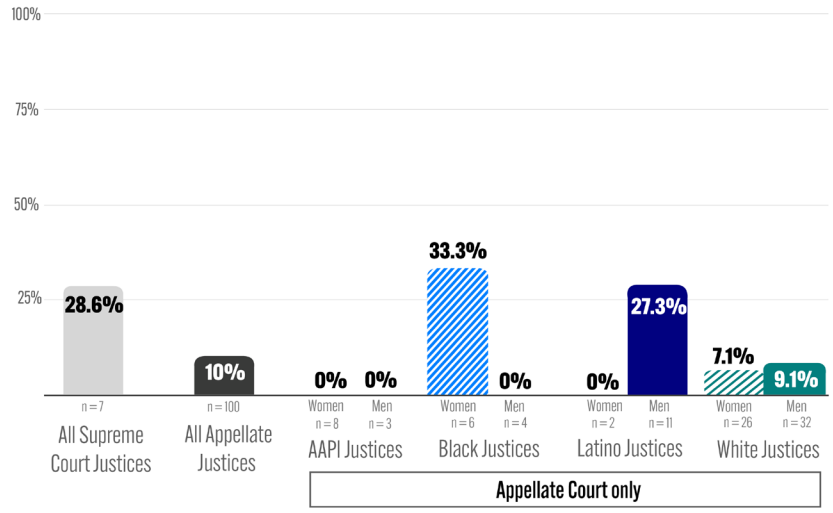
This bias is evident in the lack of public defenders on the bench today.[86] At the national level, only 7% of the federal

appellate bench had served as public defenders as of 2020. In California, Figure 20 shows that only 14.3% of current Supreme Court justices and 11% of District Courts of Appeal justices have experience in public defense roles. Among District Courts of Appeal justices, AAPI women (37.5%) exhibited the highest participation rates, followed by Black men (20%). In contrast, all justices of other racial/ethnic groups have minimal to no experience in public defense.

Nonprofit Industry

Experience working in nonprofits can provide justices with valuable insights into social justice issues and the challenges faced by vulnerable communities. Working within the nonprofit industry appeared more common among Supreme Court justices (28.6%) than District Courts of Appeal justices (10%) (see Figure 21). Among the District Courts of Appeal, working for a nonprofit was particularly popular among Black women (33.3%) and Latino men (27.3%).

FIGURE 21. SHARE OF JUSTICES WITH NONPROFIT EXPERIENCE



Note: "Share of all justices" includes all racial groups and the four justices whose race/ethnicity could not be confirmed and were identified as "Unknown."

Source: Judicial demographic data comes from UCLA LPPI analysis of the demographic composition of the 107 appointed judicial officers in California Supreme Court and District Courts of Appeal as of October 2023.

Photo Credit: iStock Images, FG Trade Latin

CONCLUSION

This analysis aimed to comprehensively understand the demographic contours of the justices that comprise California's Supreme Court and District Courts of Appeal. We found that Latinos are underrepresented on the state's highest courts relative to their share of the population. Previous UCLA LPPI analyses have found that Latinos are also underrepresented in other important public institutions, including California's appointed boards, commissions, and executive cabinet.[87]

Today's Supreme Court has representation from four out of the five racial and ethnic groups analyzed in this report – there is one Latina justice (14.3% of the court), three Black justices (42.9%), one AAPI justice (14.3%), and two white justices (28.6%). Furthermore, Latinos remain underrepresented in all District Courts of Appeal analyzed; women are also underrepresented in the court system overall, regardless of race/ethnicity. This underrepresentation is particularly pronounced for Latinas, who comprise over 19.6% of the population but only 1.9% of the state's District Courts of Appeal.

The political and social importance of addressing these disparities cannot be overstated. Courts are fundamental to ensuring justice and protecting civil rights, and a judiciary that reflects the state's population is crucial for maintaining public trust and legitimacy. The absence of diverse voices on the bench risks public perception of the legitimacy of our legal system and could undermine the judicial system's responsiveness to the needs of California's diverse communities.[88]

For instance, our findings suggest that the lack of racial and ethnic diversity contributes to disparities in age, career pathways, and professional experience. Racial and ethnic minorities, especially Black and Latino justices, tend to be younger. Additionally, our study reveals distinctive career pathways among different racial/ethnic groups, with justices of color more likely than their white counterparts to have prior experience as public defenders or in non-profit roles. This underrepresentation may have broader implications, potentially influencing the court's philosophical and ideological approach as prior research suggests that diversity of lived experiences enriches judicial perspectives. [89]

This report underscores the urgent need to confront the barriers that have historically excluded Latinos and other underrepresented groups from these important judicial positions. California can lead by example, demonstrating that a more representative judiciary can enhance government trust, justice, and equity.

POLICY RECOMMENDATIONS

To ensure that the state's judicial bench more accurately mirrors the diversity of California, we propose the following policy recommendations. Recommendations are broken up into two critical components of an individual's pathway to the bench: the appointment process and judicial career preparation. We make a series of recommendations for legislation, programs, and initiatives that could be adopted to disrupt the current obstacles to the bench for diverse legal professionals.

Judicial Appointment Process

The emphasis on confidentiality and discretion across the California judicial appointment process, while beneficial in some regards, poses challenges to achieving fairness, accountability, and inclusivity. Standardization and transparency gaps within key evaluative entities—the Governor's Judicial Selection Advisory Committees (JSAC), the Commission on Judicial Nominees Evaluation (JNE), and the County and Affinity Bar Associations—leave room for political influence and implicit bias, which could unintentionally hinder diversity efforts (see Figure 2 for full details on the judicial appointment process).

The following recommendations aim to address unfairness and bias, strengthen the judicial appointment process, and foster a more representative judiciary in California.

1. **Reccomendation: The California State Legislature or the governor should establish a Diversity Compliance Task Force to monitor and enhance diversity in judicial appointments.**

This task force should include one representative of the governor's judicial appointments team; one representative of JSAC; one representative of JNE; one or two members of County Bar Judicial Evaluation Committees; and one member of the public. This task force would ensure transparency, accountability, and equity across the appointment process. Key responsibilities could include:

- **Data Reporting:** Coordinate and publish an annual report on diversity at each stage of the judicial appointment process, including the demographics and outcomes of all applicants who enter the system, to support progress on diversity. Writing this report would require coordinating with all evaluative entities, standardizing and combining new comprehensive demographic reporting, and expanding on the existing statutory requirements for demographic reporting as outlined by California Government Code § 12011.5.
- **Equity Audits:** Formally monitor the appointment evaluation process. The task force should guide evaluators and applicants and serve as a resource when potential misconduct or irregularities arise in the process. Instead of relying on judicial candidates to advocate for themselves or evaluators to call out improper conduct, this task force would provide oversight, mediate concerns, and recommend amendments to evaluation procedures to ensure transparency and fairness throughout the process.

2. **Recommendation: The California State Legislature should amend California Government Code § 12011.5 to strengthen and clarify its commitment to representation in the judiciary.**

The current language, which states that "the Governor and members of judicial selection advisory committees are encouraged to give particular consideration to candidates from diverse backgrounds and cultures reflecting the demographics of California, including candidates with demographic characteristics underrepresented among existing judges and justices," should be updated to explicitly set the goal as "proportional representation." The term "diversity" can often be used to obscure ongoing disparities by highlighting incremental progress as sufficient while systemic inequities persist. Shifting the focus to equal representation acknowledges the barriers to achieving true parity and emphasizes the need for intentional efforts to address underrepresentation across all communities.

3. Recommendation: Bar associations and community stakeholders should be more proactive in endorsing and recruiting well-qualified candidates from diverse backgrounds through the appointment process.

The judicial appointment process is inherently political, requiring candidates to possess professional credentials, reputation, and public support to secure and retain their seats. Endorsements play a critical role in conveying public backing to the governor's administration and have been effectively leveraged by reputable bar associations to improve diversity on the bench. However, there are opportunities to enhance this process through the following targeted actions:

- **Demystifying the Endorsement Process:** County and affiliate bar associations should make their processes transparent by providing clear, accessible information on their websites about what candidates can expect and how to navigate the process. Endorsements play a key role in judicial appointments, yet candidates often lack clear guidance on how to secure them. This uncertainty can discourage some applicants from seeking out endorsements.
- **Strengthening Coordination Among Bar Associations:** Racial and ethnic bar associations across California should actively collaborate to coordinate endorsements for highly qualified candidates from diverse backgrounds. One promising model is the network of 15 Unity Bars,[90] which bring together members from racial and ethnic bar associations to recruit, endorse, and support candidates from underrepresented communities. This model can be expanded strategically to improve representation in the Fifth and Sixth District Courts of Appeal.
- **Fifth District:** Despite serving a constituency that is 23% Latino, our report found that Latinos make up only 5% of the bench. Additionally, the bench lacks AAPI and Black justices. Establishing a Unity Bar or fostering greater collaboration with existing Bay Area associations could help address this gap and support the application of more diverse candidates.
- **Sixth District:** The region serves a population that is about 32% Latino but has no Latino justices on the bench. Expanding Unity Bar's presence to Santa Cruz or Monterey County could support recruitment and mentorship efforts.

- **Expanding Endorsements at the Superior Court Level:** Increase diversity at the Superior Court level to help increase the candidate pool for Appellate and Supreme Court appointments. Our research shows that the Superior Court is a major pipeline for higher court appointments.

- **Engaging the California Latino Legislative Caucus:** The Latino Caucus could play a more active role in supporting candidates by issuing endorsements and providing letters of support for judicial appointments. Their involvement would amplify the visibility and qualifications of diverse candidates during the selection process.

SPOTLIGHT: RECOMMENDATIONS FOR JUDICIAL EVALUATIVE ENTITIES

Governor's Judicial Selection Advisory Committees (JSAC)

In 2019, Governor Newsom publicized the role and membership of eight regional JSACs in the appointment process, disclosing the makeup of an evaluative group that previous governors had long relied upon. JSACs play a pivotal role in the judicial appointment process, conducting the initial review of a broader pool of candidates. However, unlike the JNE, JSACs are not governed by legislative mandates outlined in California Government Code § 12011.5 and, therefore lack formal requirements for training, evaluation standards, and reporting (see Figure 2 for full details). While a 2015 amendment to § 12011.5(o) encourages JSACs and the governor to consider diversity, it falls short of outlining actionable steps.

4. **Recommendation: The California State Legislature should collaborate with the Governor to amend Government Code § 12011.5 to include statutory requirements for JSAC evaluations to reduce variability and increase transparency in candidate assessment for future administrations.**

These requirements should include:

- Publish a list of JSAC members on an annual basis.
- Require all JSAC members to complete a minimum of 60 minutes of training on fairness and implicit bias upon joining.
- Publish JSAC evaluation standards for how members determine a candidate's qualifications for judicial office, including criteria such as legal experience, community engagement, temperament, honesty, and integrity.
- Annually collect and publish anonymized statewide demographic data on judicial applicants sent to JSACs, categorized by race, ethnicity, gender, sexual orientation, and legal practice area, by March 1 of the following year.

The California State Bar's Commission on Judicial Nominees Evaluation (JNE)

The JNE plays a critical role in California's judicial appointment process through its independent evaluation of judicial candidates. JNE is the only evaluative entity in the judicial appointment process with statutory state mandates for its evaluations, procedures, and processes. Over the years, the legislature has introduced several measures to enhance transparency and reduce bias in the JNE evaluation process. These measures include amendments to Government Code § 12011.5 that require JNE to consider a candidate's diverse legal experience, mandate yearly bias training for commissioners, and expand demographic reporting on candidates to include sexual orientation, gender identity, disability, and veteran status. Legislation dictates JNE operating procedures, but the California State Bar has the power to amend JNE rules and annual fiscal budgets.

5. **Recommendation: While legislative amendments have significantly improved the transparency and integrity of JNE evaluations, additional measures are needed.**

The California State Legislature should:

- Amend Government Code § 12011.5 (n)(1)(B) to expand requirements for statewide demographic data on judicial applicants. Additional requirements should include intersectional breakdowns of ethnicity, race, and gender to increase transparency regarding the number of women of color JNE evaluates and their evaluation outcomes. Demographic collection efforts should also be expanded to include critical demographic data on existing jurists' educational training, career pathways, and socioeconomic status.
- Amend Government Code § 12011.5(n)(1) to mandate that the State Bar establish a permanent task force to oversee funding allocations and procedural amendments to JNE. This task force would include current and former JNE chairs and members, one representative of the Governor's Appointments Team, and one California Bar Board of Trustees member. Diversity on the bench depends on maintaining diversity among evaluators and safeguarding the integrity of evaluation procedures. In recent years, the State Bar Board of Trustees has proposed budget amendments impacting JNE operations, such as eliminating the mandate for in-person meetings[91] and limiting travel reimbursements.[92] To protect the integrity and accessibility of the evaluation process, any procedural changes must be guided by JNE members, ensuring the voluntary nature of participation remains feasible for everyone.

County Bar Associations

The governor collaborates with 20 county bar associations to evaluate judicial candidates practicing in those counties. County bar associations form judicial appointment evaluation committees, which play a critical role in offering the governor insights into local support for,

and perspectives on, candidates. However, like the JSAC, county bar association processes lack statutory mandates. Lack of statutory mandates results in practices that are not transparent and that are inconsistent across counties, which could result in inequities or biases.

6. **Recommendation: The governor should ask the county bars to publicize and standardize their evaluation committee and procedures.**

This should include:

- Require publication of the identities of committee members and committee evaluation rubrics, including candidate qualifications assessed.
- Mandate implicit bias training for county judicial evaluation committee members to minimize unconscious bias in evaluations.

Judicial Career Preparation

Preparing for the judicial workforce of the future involves supporting legal professionals in acquiring the credentials needed to become highly qualified candidates and broadening diversity within the legal profession. Prior studies highlight systemic and socioeconomic barriers that limit Latino representation in law and the judiciary. Although Latinos represent 39.7% of California's population, they comprised only 6% of licensed attorneys[93] and 15.1% of candidates evaluated by the JNE in 2023.[94] Among candidates who advanced to the JNE evaluation stage, just 25% of Latino candidates were rated "exceptionally well-qualified," compared to 44% of Black and 33% of AAPI candidates.[95] These ratings carry significant weight in the judicial appointment process, underscoring disparities in professional opportunities available to Latino lawyers. Limited access to clerkships,[96] private practice experience,[97] and networking[98] hinder their ability to build the qualifications and political acumen critical for advancing to the bench.

The following recommendations aim to address these challenges and support a more inclusive pathway to the judiciary.

7. **Recommendation: Educational institutions and philanthropy should invest in improving pathways to high-quality legal education for Latinos and other underrepresented communities.**

This should include:

- **Building from Existing State Work Programs:** Partner with local and specialty bar associations and law student associations (e.g., Latinx Law Student Association Chapters) to develop targeted mentorship programs for high school, community college, and 4-year university students in under-resourced and low-income areas. Current models include the Appellate Court Proceedings in High Schools,[99] the California LAW pathways,[100] the Just the Beginning Summer Legal Institute[101] based in San Diego, and the Hispanic National Bar Foundation's Future Latino Leaders Summer Law Institute.[102]
- **Expanding Financial Support:** Provide more financial support for racial-minority law school applicants, helping more students access legal education. Current models include Yale University's comprehensive

loan forgiveness program—the Career Options Assistance Program (COAP)[103]—which allows students making less than a certain amount to forgo payments toward their law school loans.

- **Diversifying Alumni Associations:** Make intentional commitments to diversifying California law school alumni associations will help ensure they better reflect the state's racial, ethnic, and socioeconomic diversity. These associations can play a more active role in increasing the recruitment and retention of diverse students.

8. Recommendation: The California State Legislature and philanthropist organization should invest in clerkship programs and court experience for underrepresented law students.

This should include:

- **Creating New and Targeted Post-Legal Judicial Clerkships:** Target programs to support law school graduates with an annual household income of less than $150,000 to help increase socioeconomic diversity in the District Courts of Appeal and Supreme Court.
- **Expanding Judiciary Experience for Underrepresented Students:** Invest in a pilot program with UCLA Law, UC Berkeley Law, UC Davis Law, UC San Francisco Law, and UC Irvine Law to provide summer fellowship opportunities for community college transfer students to increase graduates' paths to the judiciary. Current models include the American Bar Association's Judicial Intern Opportunity Program (JIOP)[104] and Business Law Section's Diversity Clerkship Program[105]– which provides support, mentorship, and business law clerkship placements for four qualified diverse first or second-year law students–the Mexican American Bar Association's Judicial Externship,[106] and ABA's Judicial Intern Opportunity Program (JIOP).

9. Recommendation: The California State Legislature should fund the California Judicial Mentor Program[107] and amend California Government Code § 12011.5 to require the program to establish and report success metrics.

Launched in 2021, the California Judicial Mentor Program seeks to demystify the appellate and trial court application process and support the development of a diverse and qualified judicial candidate pool. However, it lacks dedicated funding and publicly available data on its impact. Allocating an annual budget and mandating regular reporting would enhance the program's effectiveness. Reports should include data on mentor and mentee demographics, mentee application and appointment outcomes, and anonymized survey feedback to identify challenges and areas for program improvement.

10. Recommendation: The Judicial Council should establish a formalized application process for assigning sitting pro tempore positions on the District Courts of Appeal.

Currently, judges on the Superior Court are contacted individually and offered the opportunity to sit pro tempore, which can create inequities in access to this valuable experience. The Judicial Council should allow qualified Superior Court judges to apply to serve pro tempore. This approach could enhance the profile of diverse candidates by exposing them to high court procedures, fostering relationships with potential future colleagues, and increasing their interest in an eventual appointment to the appellate bench.

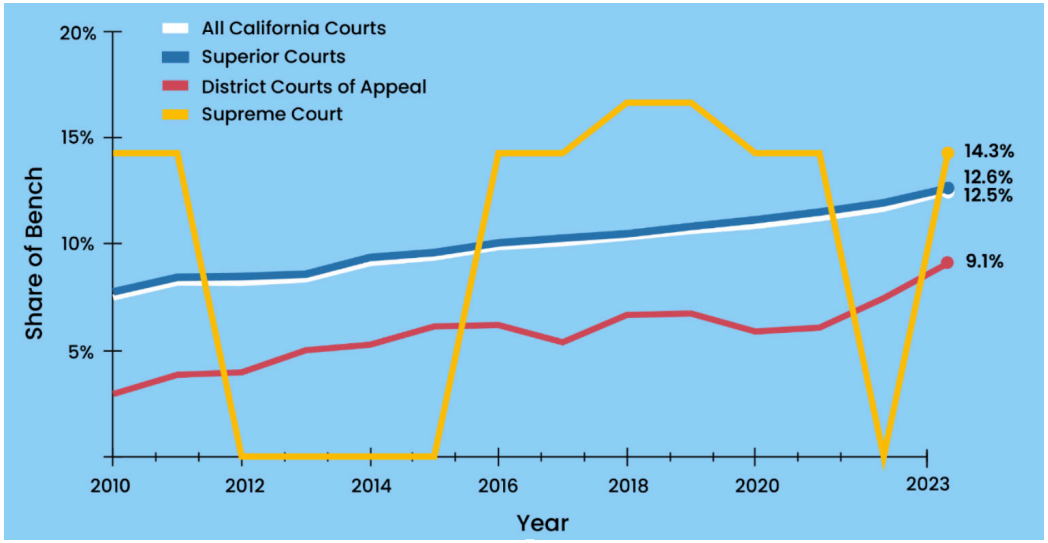
11. Recommendation: The California State Legislature should commission a comprehensive study of judicial salaries to ensure that positions on the bench are competitive with comparable legal professions in California.

As of June 2024, state judicial officers earn between $217,785 and $238,479 annually.[108] While these salaries are substantial, concerns about their competitiveness with private sector legal opportunities exist.[109] Additionally, although judicial raises are tied by statute to the average salary increases of other state employees,[110] a recent lawsuit has questioned the fairness and adequacy of these raises, alleging that the state's methodology may exclude relevant adjustments provided to other public employees.[111] A mandated study should evaluate the validity of these claims and assess judicial pay levels relative to the average salaries of senior associates and legal professionals in comparable regional contexts. A county or metro area-level standardized assessment would identify the gaps in compensation and provide a foundation for establishing fair and competitive salaries. This approach could ensure that judicial salaries are commensurate with the skills and experience of qualified legal professionals, thereby attracting and retaining a more diverse and highly qualified bench across the state.

Photo Credit: iStock Images, gorodenkoff

APPENDIX

FIGURE A: LATINO SHARE OF CALIFORNIA JUDICIAL BENCH



Source: Created by authors using The Judicial Branch of California, "Judicial Officer (JO) Demographic Data," accessed November 10, 2024, available online.

TABLE A: CHARACTERISTICS AND INFORMATION COLLECTED FOR ALL JUDICIAL APPOINTMENTS

Demographic Metric		Definition of Metric	Source/s	Number of Justices	Percentage of Justices
Appointee Information	**Name**	This metric identifies the first and last name of the judicial officer.	CA Judicial Branch website	107	100%
	Court	This metric tracks the justice's current court - the Supreme Court and Courts of Appeal.	CA Judicial Branch website	107	100%
	Court Title	This metric tracks the justice's title on the court; this includes: • **Presiding or Chief Justice:** A justice charged with directing the court, setting rules, encouraging public access, and making the best use of the court's resources. • **Associate Justice:** A justice in a panel of judicial officers who is not the chief justice.	CA Judicial Branch website	107	100%

Demographic Metric		Definition of Metric	Source/s	Number of Justices	Percentage of Justices
Appointee Information	**Gender**	This metric track identifies the gender of judicial officers - women, men, and non-binary.	CA Judicial Branch website	107	100%
	Race/Ethnicity	This metric tracks race/ethnicity using the Census definitions of the following race or ethnicity-identifiers: • **White:** A person originating from any of the original peoples of Europe, the Middle East, or North Africa. • **Black:** A person who originates in any of the Black racial groups of Africa. • **Latino**: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. • **American Indian and Alaska Native:** A person who has origins in any of the original peoples of North and South America (including Central America) and maintains tribal affiliation or community attachment. • **Asian or Native Hawaiian and Other Pacific Islander (AAPI)**: A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. All individuals whose racial or ethnic background was not determined were identified as **unknown**.	Self- and third-party identification	54	50.5%
			Census surname probability	45	42.1%
			Unknown (no source was able to identify race or ethnicity)	8	7.5%
	Professional Experience	This metric tracks information about the justice's professional trajectory before their current judicial appointment. The following are categories of group experiences: **Prosecution** · Municipal District Attorney Offices · State Department of Justice Offices (Criminal Division) · United States Department of Justice offices (Criminal Division) **Government Law** · State Department of Justice Offices (Non-Criminal Divisions) · United States Department of Justice offices (Non-Criminal Divisions) · California Governor's Executive Cabinet · United States Executive Staff · Local Government Executive Staff · Miscellaneous State Government Departments · Miscellaneous United States Departments · Miscellaneous Local Government Departments	CA Judicial Branch website or Media/news sources	107	100%

Demographic Metric		Definition of Metric	Source/s	Number of Justices	Percentage of Justices
Appointee Information	**Professional Experience**	**Judicial** · Judicial Clerkship · California Superior Court Commissioner · California Superior Court Justice · California Courts of Appeal Justice · Federal Court Justice **Private Industry** · Private Firm Staff · Private Firm Partner or Shareholder · Private Practice/ Solo practitioner **Academia** · University/Collegiate Faculty · Adjunct Professor · University Lecturer **Public Defense** **Nonprofit**	CA Judicial Branch website or Media/news sources	107	100%
Appointment Information	**Appointing Governor**	This metric tracks which governor appointed the justice to their current judicial position: · George Deukmejian (1983-1991) · Pete Wilson (1991-1999) · Gray Davis (1999-2003) · Arnold Schwarzenegger (2003-2011) · Jerry Brown (2011-2019) · Gavin Newsom (2019-2024)	Governor's Newsroom Media/news sources	107	100%
	Appointment Year	This metric tracks the year of the justice's appointment.	Governor's Newsroom Media/news sources	107	100%
	Age at the Time of Appointment	This metric tracks the age of the justice at the time of their appointment.	Governor's Newsroom Media/news sources	101	94.4%
	Estimated Age Today	This metric estimates the age of the justice as of 2024. We use the justice's age at the time of their appointment as a base age, to which we add the number of years since their appointment to estimate their age today.	UCLA LPPI estimation based on age at appointment	101	94.4%

TABLE B. PRESIDING JUSTICES OF DISTRICT COURTS OF APPEAL BY RACE/ETHNICITY AND GENDER

Title	Latino	Black	AAPI	AIAN	White	Unknown	Total
Presiding Justice	15.8%	5.3%	15.8%	0.0%	52.6%	10.5%	19
Associate Justice	12.5%	13.6%	10.2%	0.0%	56.8%	6.8%	88

Source: Judicial demographic data comes from UCLA LPPI analysis of the demographic composition of the 19 judicial leadership positions in the California Supreme Court and District Courts of Appeal as of August 30, 2024.

TABLE C. PROFESSIONAL CATEGORIES AND PATHWAYS OF DISTRICT COURT OF APPEAL JUSTICES ON THE BENCH BY RACE/ETHNICITY AND GENDER

	Latino Men	Latinas	Black Men	Black Women	AAPI Men	AAPI Women	White Men	White Women
Average Number of Professional Categories	3.5	2.0	2.8	3.2	3.3	3.4	3.3	3.0
Most Common Pathway (>70% of justices)	Judicial Private Industry	Judicial	Private Industry	Judicial Government Law	Judicial Government Law Private Industry	Judicial Private Industry	Private Industry Judicial	Judicial Private Industry
Least Common Pathway (<10% of justices)	Public Defense	Government Law Clerkship Academia Public Defense Nonprofit	Academia Nonprofit	Clerkship Public Defense	Prosecution Academia Public Defense Nonprofit	Nonprofit	Public Defense Nonprofit	Nonprofit

Source: Judicial demographic data comes from UCLA LPPI analysis of the demographic composition of 100 judicial positions in California Court of Appeal Districts as of August 30, 2024.

TABLE D. SHARE OF JUSTICES WITH JUDICIAL EXPERIENCE BY COURT TYPE

Justice Race/Ethnicity and Gender	Federal Court Justice	Superior Court Justice	Court Commissioner
AAPI Women	0.0%	87.5%	12.5%
AAPI Men	0.0%	100%	0.0%
Black Women	16.7%	83.3%	33.3%
Black Men	0.0%	50.0%	25.0%
Latinas	0.0%	100%	0.0%
Latinos	0.0%	90.9%	0.0%
White Women	0.0%	92.3%	3.8%
White men	0.0%	75.0%	0.0%
All Justices	1.0%	84.0%	5.0%

Source: Judicial demographic data comes from UCLA LPPI analysis of the demographic composition of the 107 judicial officer positions in the California Supreme Court and District Courts of Appeal as of August 30, 2024. Note: "Share of all justices" includes all racial groups and the eight justices whose race/ethnicity could not be confirmed and were identified as "Unknown."

TABLE E. SHARE OF JUSTICES WITH PRIVATE INDUSTRY EXPERIENCE BY EXPERIENCE TYPE

Justice Race/Ethnicity and Gender	Private Partner at Firm	Owned Private Practice	Worked for a Private Company
AAPI Women	25.0%	0.0%	0.0%
AAPI Men	0.0%	66.7%	0.0%
Black Women	16.7%	16.7%	0.0%
Black Men	25.0%	0.0%	0.0%
Latinas	0.0%	0.0%	0.0%
Latinos	45.5%	27.3%	9.1%
White Women	34.6%	15.4%	3.8%
White men	40.6%	18.8%	6.3%
All Justices	34.0%	16.0%	4.0%

Source: Judicial demographic data comes from UCLA LPPI analysis of the demographic composition of the 107 judicial officers positions in the California Supreme Court and District Courts of Appeal as of August 30, 2024. Note: "Share of all justices" includes all racial groups and the eight justices whose race/ethnicity could not be confirmed and were identified as "Unknown.

ENDNOTES

1 We use the term "Latino" to refer to the population that identifies as Hispanic and/or Latina/o/x/e/@ ethnically.

2 Ilain Docherty, Robina Goodlad, and Ronan Paddison, "Civic Culture, Community and Citizen Participation in Contrasting Neighbourhoods," Urban Studies 38, no. 12 (2001): 2225-2250.

3 Mark Bradbury and J. Edward Kellough, "Representative Bureaucracy: Accessing the Evidence on Active Representation," The American Review of Public Administration 41, no. 2 (2010).

4 Allison P. Harris, "Can Racial Diversity Among Judges Affect Sentencing Outcomes?," American Political Science Review 118, no. 2 (2024): 940-955.

5 Adam N. Glynn and Maya Sen, "Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women's Issue?," American Journal of Political Science 59, no. 1 (2015): 37-54.

6 Jennifer L. Peresie, "Female Judges Matter: Gender and Collegial Decisionmaking in the Federal Appellate Courts," The Yale Law Journal 114, no. 7 (2005): 1759-1790.; Jonathan P. Kastellec, "Race, Context, and Judging on the Court of Appeals: Race-Based Panel Effects in Death Penalty Cases," Justice System Journal 42, no. 3-4 (2020): 394-415.

7 California Government Code, AB 1005 GOV § 12011.5. (March 15, 2013).

8 For the purposes of this report, "Black" refers to the non-Hispanic/Latino Black population in the United States and "white" refers to the non-Hispanic white population in the U.S.

9 Justices of color include all justices identified as Latino, Black, AAPI, or Native American or Alaskan Native.

10 At the time of our analysis (August 30, 2024), there was no appointed presiding justice for the First District Court of Appeal Division 2. See appendix Table B for racial/ethnic breakdown of Chief Justice of the Supreme Court and Presiding Justices of the District Courts of Appeal.

11 American Bar Association, "How Courts Work," updated September 09, 2019, **available online**.

12 California Courts Newsroom: The Judicial Branch of California, "About Judicial Branch," accessed November 15, 2023, **available online**.

13 ACLU of Northern California, "In Re Marriage Cases: ACLU of Northern CA," updated May 15, 2008, **available online**.

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15 California Courts Newsroom: The Judicial Branch of California, "California Judicial Branch," accessed November 15, 2023, **available online**.

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17 California Courts Newsroom: The Judicial Branch of California, "About California Courts," accessed March 8, 2023, **available online**.

18 In re Marriage Cases, 43 Cal.4th 757, 76 Cal. Rptr. 3d 683, 183 P.3d 384 (Cal. 2008)

19 The Judicial Branch of California, "Proposition 8 Cases: Background," accessed on May 7, 2024, **available online**.

20 Hollingsworth v. Perry, 570 U. S. 693, 705 (2013).43Id

21 JUSTIA, "Visalia Unified School Dist. v. Pub. Employment Relations Bd," accessed January 16, 2023, **available online**.

22 The Superior Court of California: County of Santa Clara, "Overview of the State Court System," accessed November 17, 2023, **available online**.

23 Pursuant to Article VI of the California Constitution, Superior Court vacancies are also filled by gubernatorial appointment and subjected to the same evaluation and vetting process. However, unlike the Supreme Court and Courts of Appeal justices, Superior Court justices can be challenged for their seats in local elections by similarly qualified candidates. These candidates can run for a Superior Court seat without a gubernatorial appointment but are still subjected to the same vetting and judicial requirements. Judicial Section, California Constitution (2002), Art. 6, §15; CAEC §§13.5(a), 13.5(b)(5).

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