



HISPANIC BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA

P.O. Box 1011 | Washington, D.C. 20013-1011
www.hbadc.org

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Via Electronic Mail to eom@dc.gov, john.falcicchio@dc.gov, and beverly.perry@dc.gov, and
U.S. Mail

The Honorable Muriel Bowser, Mayor of DC
John Falcicchio, Acting Deputy Mayor
Beverly Perry, Senior Advisor to Mayor Muriel Bowser
Executive Office of the Mayor
John A. Wilson Building
1350 Pennsylvania, Ave., NW
Washington, DC 20004

Re: Vacancy on DC Judicial Nomination Commission

Dear Mayor Bowser, Mr. Falcicchio, and Ms. Perry:

On behalf of the Hispanic Bar Association of the District of Columbia (“HBA-DC”), I write to encourage your consideration of a Hispanic member of the DC community for the recent vacancy on the DC Judicial Nomination Commission (“Commission”). Founded in 1977, HBA-DC is a non-profit organization dedicated to the professional development of its membership and supporting the Hispanic community in the Washington, DC area. HBA-DC is committed to access to justice for underserved populations and promoting Hispanics in the law. I write to emphasize the importance of including a member of the Hispanic community on the Commission and the valuable insight such a member could bring.

Judges serve an important civic function. They not only create law, but they play central and powerful roles in the community. As a result, judges’ backgrounds have “important implications for the work of courts and the degree to which the public has confidence in their decisions.”¹ The Commission vacancy presents a unique opportunity to begin to address, and close, the gap between the courts and the people whom they serve. This is especially true for the Hispanic community who, as of 2018, made up about 11% of the population in DC.² Yet, there are only 4

¹ The American Constitution Society for Law and Policy, *The Gavel Gap*, found at <https://gavelgap.org/> (last visited Mar. 9, 2020).

² See United States Census Bureau, *Hispanic or Latino Origin by Race* (Washington, DC), found at https://data.census.gov/cedsci/table?q=&tid=ACSDT1Y2018.B03002&lastDisplayedRow=20&hidePreview=true&vintage=2018&layer=county&cid=B03002_001E&g=0400000US11 (last visited Mar. 9, 2020).

sitting Hispanic associate judges out of a total of 62 in DC Superior Court and 3 magistrate judges from a total of 24.

In comparing sitting judges with the overall population in DC, the numbers indicate that judges on DC state courts do not reflect the city's population. For example, 35% of the city's population are women of color, yet only 25% of sitting judges in DC state courts are. And despite the population of men of color sitting at 32%, only 29% of sitting judges in DC state courts identify as such.³ Comparatively, DC's population of 18% white women are reflected in the 18% of white women on the bench, and DC's population of 16% white men are overrepresented with 28% on the bench.⁴ Unfortunately, DC's numbers mirror a national trend where Hispanics continue to be underrepresented on the bench. In fact, while Hispanics represent approximately 18% of the national population, and growing, Hispanic judges account for merely 9% of all federal judges.⁵

These numbers demonstrate the discrepancy that exists between judges and those who appear before them. This only feeds a growing concern that, while courts are supposed to be representative of the population in which they serve, many in the population lack faith in the legitimacy of the courts. Indeed, according to a Pew Research study, just under half (49%) of Hispanics feel that they would be treated fairly in court.⁶ Based on these concerns, many in the Hispanic community may not view courts as a welcoming place where justice is actually served. An integral function of our democratic process is ensuring faith in our institutions, especially our courts and judicial system. Something must be done to address these growing apprehensions, and the Commission vacancy offers the rare chance to do so.

HBA-DC understands that the Commission does not appoint judges. But, this vacancy provides the critical occasion to ensure that the Hispanic community has a seat at the table in making crucial decisions about who should sit in DC state courts. This will ensure that the Hispanic community is heard and included in citywide decisions of such monumental importance.

We welcome the opportunity to discuss any of the issues in this letter. Thank you for your consideration.

Respectfully Yours,



Ruben F. Reyna
President
Hispanic Bar Association of the District of Columbia

cc: The Honorable Emmet G. Sullivan

³ See <https://gavelgap.org/>.

⁴ *Id.*

⁵ The American Constitution Society, *Diversity of the Federal Bench*, found at <https://www.acslaw.org/judicial-nominations/diversity-of-the-federal-bench/> (last visited Mar. 10, 2020).

⁶ See Lopez, Mark Hugo & Livingston, Gretchen, *Hispanics and the Criminal Justice System, Law Confidence, High Exposure*, (Apr. 7, 2009), found at <https://www.pewresearch.org/hispanic/2009/04/07/hispanics-and-the-criminal-justice-system/> (last visited Mar. 9, 2020).