



DIVERSITY on the BENCH COALITION

Message Box

Why Diversity on the Bench Matters

PURPOSE OF DIVERSITY ON THE BENCH

Recent events have highlighted the need for critical change in our system of justice. Barriers to diversity impede that change and must be dismantled. The CBA|CJI Diversity on the Bench Coalition exists to create an atmosphere for immediate and demonstrable change.

HISTORY

Of the three branches of government, people have the most direct contact with the judicial branch. In communities, judges are powerful role models. They symbolize to the citizenry that its members are welcome to a court where they will be fairly heard and treated with dignity as equals under the law. A community has confidence in a bench that reflects the appearance of the community itself. A diverse bench that reflects the face of the community is a structural safeguard against institutional bias and racism and the omnipresence of implicit or unconscious bias.

STATUS OF JUDICIAL DIVERSITY

In 1957, James Flanigan, an African American, became Colorado's first judge of color. In 1966, he was the first elected judge of color to any District Court in Colorado. Not until 1971 was Don Pacheco selected as the first Hispanic American judge to a District Court in Colorado. In 2020, 54 years after Judge Flanigan's initial appointment to the District Court, Colorado has only four African American judges of the 196 judges appointed by the governor from candidates submitted by commissioners of the 22 judicial districts. At one time in 2018 there was only one African American District Court judge statewide.

Of the 29 justices and judges of the Supreme Court and Court of Appeals, there are currently 5 Hispanic American judicial officers, 3 Asian American and 0 African Americans.

In the five counties in Colorado in which have the highest African American population, Adams and Pueblo have never had an African American County or District court judge in their judicial history.

On a statewide basis, of the approximate 340 district and county judges, there are only 29 Hispanic American judges, which is sorely out of proportion to the Hispanic American population in Colorado.

WE AS FACILITATORS OF CHANGE

Traditionally a lack of diversity begins with underrepresented communities within race/ethnicity/national origin, gender and LGBTQ identity. Underrepresentation begins with a lack of awareness of the community and failing to eliminate institutional barriers to meaningful diversity.

One of the charges of the Coalition is to eliminate those barriers and communicate the value and benefits of a diverse bench for the people of Colorado, which includes:

- Having members of the judiciary mirror the diversity in the community promotes confidence in those who come to the court to conduct their legal business.
- A diverse bench promotes confidence by reinforcing the commitment to not give a short shrift to the experiences and perspectives of minorities.
- Having a diverse bench ensures multiple perspectives are considered both in decision making and in judicial policy setting.
- By having the bench mirror the diversity within the bar, the legal community demonstrates its commitment to inclusion, where minority members of the bar are fully included in the judicial life of the community.
- A diverse bench – from the Municipal level all the way to the Supreme Court – assures members of the minority community that they are visible within the judicial structure and their concerns will be taken seriously by the powers that be.
- Diverse judges serve as role models – observable proof that it is possible for judges of diverse backgrounds to be appointed and serve their communities.
- The diversity of the judiciary, whether by gender, race and ethnicity, sexual orientation, geographic or other qualities enhances and strengthens the judicial experience for both the individual judge and the entire bench on which he/she serves.
- The first African American judge of the 18th Judicial District, Hon. Robert Russell, proudly states he experienced firsthand the positive difference his presence on the bench made for those who appeared before him on countless occasions. (Judge Russell retired in 2008 and has not been replaced by an African American judge.)

The appalling lack of diversity must be communicated by the Coalition leaders and partners to the individual judicial nominating commissioners, the governor, majority and specialty bars, law school faculty, staff and alumni associations, those educating our youth, federal, state, county bar associations, and the people of Colorado. Lawyers and judges must face these problems and have a responsibility to address the injustices.

The deficiency, which has remained intact for decades, will not change unless we all strive to impact this positive change for every resident of Colorado.