

EDITORIAL
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Judges don't do justice to California's diversity

The governor's judicial appointments may be as diverse as they can be, but not as diverse as they should be.

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Gov. ARNOLD Schwarzenegger's judicial appointments have hardly reflected California's ethnic diversity. Of his 209 appointments since taking office, only 15 have been Latino, while 15 have been Asian-American and nine African American. That's under 20% of his appointees, although California is a majority minority state.

Here's the rub: Schwarzenegger may be doing the best he can.

A governor's judicial appointments must come from his pool of applicants, and Schwarzenegger's remains overwhelmingly white. That's partly because most California lawyers are white — and a decade ago even more of them were white. (Anyone wanting to serve as a Superior Court judge must have logged at least 10 years as a member in good standing of the State Bar of California.) Last year, of the 328 judicial applicants to the governor's office, 13.4% were Latino, 10.4% were African American and 4.9% were Asian. (The figures are estimates because some applicants decline to state their race.)

These percentages look good when compared to similar percentages of members of the State Bar who are minorities. But the numbers remain far below what they would need to be to be representative of the state's population as a whole.

And that could be trouble. In a society based on the rule of law, it is crucial that judges, lawyers, litigants and criminal defendants have faith that courts can mete out justice impartially. That faith can be undermined by a court system in which successive generations of judges are disproportionately members of one ethnic group and litigants and defendants are overwhelmingly members of another.

Although Schwarzenegger can appoint only from the applicant pool, he can encourage more Latino, black and Asian lawyers to apply, as then-Gov. Jerry Brown did in the 1970s. Schwarzenegger's efforts have already helped to expand the minority applicant pool from under 20% to 29%. He is doing better than his predecessor, former Gov. Gray Davis.

Still, for a bench that better reflects the state's people, there must be an even more representative applicant pool — which in turn means more minority lawyers, more diverse law schools and, ultimately, schools that expand opportunity and encourage all students to excel.