

Judiciary no mirror of state's diversity

REPORT SAYS WHITE MEN STILL DOMINATE BENCH

By Howard Mintz and Brandon Bailey

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California's judiciary remains an overwhelmingly white, male-dominated bastion, including in Santa Clara County, says a report released Thursday by the state's court system.

The report on the gender and ethnicity of the state's judges shows that nearly 73 percent of California judges are men and about 70 percent of the judiciary is white. It does not provide a complete account because 159 judges out of nearly 1,600 statewide did not respond to the survey.

Santa Clara County's bench is mostly consistent with the trend. However, the local judiciary has a better record in terms of Latinos. More than 10 percent of local Superior Court judges are Latino, the highest percentage among the large urban courts in California, compared with 6.3 percent statewide.

Santa Clara County has a slightly lower percentage of Asian and African-American judges than courts statewide. Fewer than 3 percent of the county's judges are Asian and fewer than 3 percent are black, while each group makes up 4.4 percent of judges statewide.

San Francisco has by far the highest percentage of women judges -- half its bench is made up of women. The Santa Clara County bench is 29 percent female.

The report follows last year's controversy over Gov. Arnold Schwarzenegger's record of appointing women and minorities. Democrats temporarily held up a deal to create 50 new judgeships, demanding that the governor try harder to recruit minority candidates.

Eventually, the Legislature approved the new judgeships, but asked the state Judicial Council to provide an annual report on the demographic makeup of the state's judiciary.

The results underscore the need for more minority and women appointments, said Gary Farwell, a Los Angeles attorney and president of the California Association of Black Lawyers.

“It's important in order to give people confidence in the system,” Farwell said. “If you believe that someone like you could be on the bench, then it will give you more faith in the judgments that are rendered.”

That sentiment was echoed by Ronald George, California's chief justice and head of the state Judicial Council.

Having judges who reflect the state's diversity “helps reinforce the important message that ours is a system open to all -- and that individuals drawn from any segment of society can preside fairly and objectively over all claims involving Californians from every background,” George said in a statement.

Schwarzenegger has defended his record on judicial appointments. He notes that he has appointed a higher percentage of minority judges than the percentage of minority lawyers in the state Bar.

In fact, the percentage of Latino judges in the state is higher than the percentage of Latino lawyers, today's report shows. The same is true of African-American judges. But the percentage of women judges and Asian judges is lower than the available pool of women and Asian lawyers, according to state figures.

Critics say Schwarzenegger is using the wrong standard.

“I think the governor may be setting his sights a little too low, in trying to mirror the population of the bar, rather than the general population,” said Jessica Valenzuela Santamaria, president of La Raza Lawyers of Santa Clara County, an association of Latino attorneys. “The bench doesn't just serve the bar, they serve the public.”

California's population is about 45 percent white, 35 percent Latino, 12 percent Asian and 6 percent black, according to state Department of Finance figures.

Diversity advocates were pleased when Schwarzenegger recently named Sharon Majors-Lewis his judicial appointments secretary, the first African-American woman to hold the post. In remarks earlier this week, she said, “While more work remains to be done, I am confident we can ensure that not only do the best judicial minds serve our courts, but that they also reflect the diversity of the people.”

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Contact Howard Mintz at hmintz@mercurynews.com or (408) 286-0236.