

Semiannual Guide to Expert Witnesses

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A Personal View of Diversity on the Bench

RECENTLY I WAS SURPRISED, yet honored, to be asked by the American Bar Association Standing Committee on Minorities in the Judiciary to give concluding remarks at the Diversity on the Bench reception during the ABA's midyear meeting in Los Angeles. I was the fifth and final speaker among several well-respected judges, including Judge James A. Wynn Jr., chair of the American Bar Association Judicial Division. A great deal has been written recently about diversity, both in the profession and on the bench. Diversity has become one of those noncontroversial issues that everyone favors—like recycling and protecting abused children. I worried about what I could add. I decided to address the one topic that I knew would not already have been discussed: my own thoughts on why a diverse judiciary was important and how I have personally benefitted from the diverse role models who sit on the bench.

When I was appointed a Superior Court referee in 2000, I struggled over what type of judicial officer I should be. Considering my gender and race, I felt so different from the typical judge. I thought that a good judge created fear in those that appeared before him and was intolerant, impatient, and heavy handed. I therefore purposefully sought to model my behavior contrary to the Asian woman stereotype.

My attitude changed dramatically in the fall of 2003 when I attended a program on diversity in the legal profession at the California State Bar Annual Meeting in Anaheim. Judge Erica Yew of Santa Clara County Superior Court, one of the panelists, spoke of her own journey, of being insecure as the first Asian woman to sit on the bench in Santa Clara County. But she looked at her resume and noted that hers was just as good, if not better, than that of other judges. After a time, she came to realize that due to her different life experiences, she brought something unique and special to the bench. Her words deeply resonated in me: You can be yourself and, at the same time, add something special to the bench.

Judge Yew was instrumental in my admission to the California Asian-Pacific American Judges Association (CAAJA), as well as to my eventual appointment to its governing board. Because of her efforts I became a member of the influential Court's Working Group of the State Bar's Pipeline Diversity Task Force. Judge Yew prodded me into putting in my papers for a Superior Court judgeship. A few weeks later a copy of the application she had submitted to the governor was delivered to me in the mail.

Judge Nho Nguyen of Orange County Superior Court, past president of CAAJA also has had an enduring influence on me. I met Judge Nguyen at the New Judges Orientation in 2002 in San Francisco. NJO is an intensive, heavily structured judge-training program. On the second night, Judge Nguyen extended a warm invitation to me to join him and his daughter, an attorney in San Francisco, for dinner. He expressed the same warmth and inclusiveness a few months later at

the Judges' College held on the UC Berkeley campus. Each time I see him, he greets me as warmly as if I were a long lost family member. He tells any judges sitting around us, "We need to get Cynthia appointed!"

Several additional women and minority judges have gone out of their way to mentor and support. These include Los Angeles Superior Court Judge Fumiko Wasserman, who, when awarded the Constitutional Rights Foundation Judge of the Year in September, managed to get my name in her acceptance speech; Judge Judith Chirlin, who has gone out of her way to speak at programs I arrange, who roots

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for me, and picks me up when I stumble; Judge Marcus Tucker, who offers suggestions on how to advance my career; Judge Lance Ito, who has provided enthusiastic mentorship and support for diversity programs; Judge Diana Wheatley, who has always treated me as an equal and a friend; and U.S. District Court Judge Consuelo Marshall, who approached me at a Southern California Chinese Lawyer event and told me, "You know Cynthia, I started out just like you, a juvenile court referee."

Because each speaker was limited to 10 minutes, I concentrated on describing—well, actually roasting—the influence that Judge Allen Webster has had on my career. I met Judge Webster, the assistant supervising judge of the Compton courthouse, about six years ago when I was assigned to the same building. Judge Webster had a habit of sending me frequent encouraging e-mails and letters. He has willingly participated in the mentoring lunches I have arranged, and has helped immeasurably with the development of several programs promoting diversity on the bench. He often prods me about my own application for a judgeship. His advice: "You won't get appointed if you don't apply."

Judge Webster has been so tireless in his efforts on behalf of diversity, that I felt he was the obvious choice to make the concluding remarks at the ABA reception. I later learned that, in fact, he was the one who suggested that I have that honor.

This is what motivates me to promote diversity on the bench: to be a Judge Webster, a Judge Chirlin, a Judge Nguyen; to be the type of judge who is able to see something in others that they do not see in themselves; to help draw someone out and assist them in achieving their potential. As a judge, one has a unique and special opportunity to do that. I hope to be in that position one day. ■

Cynthia Loo is a referee in the Los Angeles County Superior Court.