

# Daily Journal

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PERSPECTIVE

## Growing need exists for South Asian federal judges

By Jolsna John and Paven Malhotra

The contributions of South Asians to American economic and political life — particularly here in the Bay Area — are undeniable. From 1995 to 2005, 15 percent of Silicon Valley startups were founded by South Asians — the largest of any immigrant group. Six percent of physicians in the United States are of South Asian origin. The CEOs of major Fortune 500 companies like Pepsico, Citigroup, and MasterCard are all South Asian. The state attorney general, as well as the governors of Louisiana and South Carolina, are all South Asian. Notwithstanding these strides, there is one area where South Asians do not yet have a presence: the federal judiciary. In fact, there is only one South Asian Article III U.S. District Court judge in the entire country. This is unacceptable.

President Barack Obama has made diversity a major goal of his administration and has pushed to make the judiciary more representative of the nation as whole. Nearly half of his nominees have been women, 21 percent are African-American; 11 percent are Hispanic; and 7 percent are Asian. President Obama has also nominated the first Hispanic U.S. Supreme Court Justice (Sonia Sotomayor); the first openly gay male federal judge (J. Paul Oetken); and the first Asian-American district court judge in the Northern District of California (Lucy Koh). He has also nominated current-U.S. District Judge Jacqueline Nguyen to be the first female Asian-American judge to sit on the federal appellate bench.

President Obama, however, has yet to nominate a single South Asian as a federal district court or appellate judge. In fact, the only South Asian judge — U.S. District Court Judge Amul Thapar in Kentucky — was nominated by President George W. Bush in 2007.

The absence of more South Asians on the federal judiciary is not for lack of a deep and qualified bench of potential nominees. South Asian attorneys have distinguished themselves in top law firms, government agencies, in-house legal departments, public interest organizations, and law schools as well. Indeed, a number of highly qualified South Asian attorneys have applied for judicial vacancies in the past. Each time, however, they have been overlooked.

There is one current and two impending vacancies for federal judge positions in the Bay Area, and President Obama should use this opportunity to nominate a South Asian, as qualified and easily confirmable South Asians have applied for these vacancies. The federal bench must reflect the communities it serves and the absence of South Asians judges, particularly in the Bay Area, is striking. South Asians are now the second largest group of Asians in the county. There are some 3 million South Asians living in the United States, with nearly one in six here in California. Indeed, the number of South Asians in California rose 46.4 percent from 360,392 in 2000 to 528,176 in 2010. Many of those South Asians are living here in the South Bay. According to the most recent census figures, four of the top 10 cities that have at least 10,000 South Asian residents are Cupertino, Fremont, Sunnyvale, and Santa Clara.

The federal bench must reflect the diversity of the communities in which it sits. President Obama should fill at least one of the three judicial vacancies in the Bay Area with a South Asian candidate.



Associated Press

President Barack Obama



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