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6 Americans Advancing Justice, Asian Pacific  
American Bar Association of Los Angeles County,  
7 Asian Pacific American Women Lawyers Alliance,  
The Iranian American Bar Association, Korean  
8 American Bar Association of Southern California,  
Mexican American Bar Association of Los Angeles  
9 County, National Asian Pacific American Bar  
Association, Philippine American Bar Association,  
10 South Asian Bar Association of Northern  
California, South Asian Bar Association of  
11 Southern California, Southern California Chinese  
Lawyers Association, and Thai American Bar  
12 Association

13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA  
15

16 AFSANEH ASHLEY TABADDOR,

17 Plaintiff,

18 vs.

19 ERIC H. HOLDER, JR., Attorney  
20 General of the United States, United  
States Department of Justice;  
21 JEFFREY A. ROSENBLUM; General  
Counsel, Executive Office for  
22 Immigration Review; THOMAS Y.K.  
FONG, Assistant Chief Immigration  
23 Judge, Executive Office for  
Immigration Review; MARLENE M.  
24 WAHOWIAK, Associate General  
Counsel, Office of the General  
25 Counsel, Executive Office for  
Immigration Review; UNITED  
26 STATES DEPARTMENT OF  
JUSTICE; EXECUTIVE OFFICE FOR  
27 IMMIGRATION REVIEW, UNITED  
28 STATES DEPARTMENT OF  
JUSTICE; OFFICE OF THE

No. 14-cv-06309 GW (cw)

**EX PARTE APPLICATION FOR  
LEAVE TO FILE BRIEF OF AMICI  
CURIAE**

Date: April 23, 2015  
Time: 8:30 a.m.  
Place: Courtroom of the Honorable  
George Wu

1 GENERAL COUNSEL, EXECUTIVE  
2 OFFICE FOR IMMIGRATION  
3 REVIEW; OFFICE OF THE CHIEF  
4 IMMIGRATION JUDGE,  
5 EXECUTIVE OFFICE FOR  
6 IMMIGRATION REVIEW,

Defendants.

7 *Amici Curiae* Arab American Lawyers Association of Southern  
8 California, Asian Americans Advancing Justice, Asian Pacific American Bar  
9 Association of Los Angeles County, Asian Pacific American Women Lawyers  
10 Alliance, The Iranian American Bar Association, Korean American Bar Association  
11 of Southern California, Mexican American Bar Association of Los Angeles County,  
12 National Asian Pacific American Bar Association, Philippine American Bar  
13 Association, South Asian Bar Association of Northern California, South Asian Bar  
14 Association of Southern California, Southern California Chinese Lawyers  
15 Association, and Thai American Bar Association (“Amici”) apply to the Court for  
16 leave to file an Amicus Curiae brief, in support of the Plaintiff’s Opposition to the  
17 Motion of the Defendants to dismiss the First Amended Complaint herein. Amici  
18 have conferred with counsel for the Plaintiff and counsel for the Defendants.  
19 Counsel for the Plaintiff is Allison M. Rego, Cooley, LLP, 4401 Eastgate Mall, San  
20 Diego, California 92121, Telephone: (858) 550-6000, Email: [arego@cooley.com](mailto:arego@cooley.com).  
21 Counsel for Defendants is Benjamin L. Berwick, U.S. Department of Justice, Civil  
22 Division, Federal Programs Branch, 20 Massachusetts Ave., NW, Washington,  
23 D.C. 20530, Telephone: (202) 305-8573, Email: [Benjamin.L.Berwick@usdoj.gov](mailto:Benjamin.L.Berwick@usdoj.gov).  
24 Plaintiff does not oppose this application. Defendants take no position.

I.

**STANDARD FOR LEAVE TO FILE AMICUS CURIAE BRIEF**

25 “District courts frequently welcome Amicus briefs from non-parties  
26 concerning legal issues that have potential ramifications beyond the parties directly  
27  
28

1 involved or if the Amicus has unique information or perspective that can help the  
2 Court beyond the help that the lawyers for the parties are able to provide.” *Sonoma*  
3 *Falls Devs., LLC v. Nevada Gold & Casinos, Inc.*, 272 F. Supp. 2d 919, 925 (N. D.  
4 California 2003). Amicus briefs are frequently filed in this District, both by public  
5 interest organizations (*Hawkins v. Comparet-Cassani*, 33 F. Supp. 2d 1244 (C.D.  
6 California 1999), reversed in part on other grounds 251 F. 3d 1230 (9<sup>th</sup> Cir. 2001);  
7 *Bella Lewitzky Dance Foundation v. Frohnmeyer*, 754 F. Supp. 774 (C.D.  
8 California 1991)), as well as by the United States itself (*Nathan Kimmel, Inc. v.*  
9 *Dowelanco*, 64 F. Supp. 2d 939 (C.D. California 1999); *AT&T Management*  
10 *Pension Plan v. Tucker*, 902 F. Supp 1161 (C.D. California 1995)). As set forth in  
11 the attached proposed Brief, that standard is met here. The actions of the  
12 Defendants in this case, as alleged in the First Amended Complaint, will have far  
13 reaching impact beyond the Plaintiff not only on judges of particular ethnic  
14 background everywhere, but also on attorneys who are members of any affinity  
15 groups. Those actions, if allowed to stand unredressed, would threaten the careers  
16 of present, future and aspiring judges who are members of any affinity group,  
17 whether racial, ethnic, religious, LGBTQ, or otherwise. Particularly for lawyers  
18 aspiring to be judges, Defendants’ recusal policy discourages their involvement in  
19 affinity groups such as ethnic bar associations, where they can develop the  
20 prominence necessary to be considered for a place on the bench. This may  
21 potentially result in a judiciary that is less reflective of the increasing diverse  
22 population it serves. Amici can present a unique prospective on this issue.

## 23 II.

### 24 IDENTITY AND INTEREST OF AMICI

25 The Statements of Interest of Amici are set forth on Appendix 1  
26 hereto. Because of the importance of this case to the communities which they serve  
27 and the groups that they work closely with, Amici seek to file the attached Amicus  
28

1 Curiae brief, so that the views of the affected community can be considered by the  
2 Court.

3 **III.**

4 **CONCLUSION**

5 For the foregoing reasons, Amici request leave to file an Amicus  
6 Curiae brief, a copy of which is attached hereto as Exhibit A.

7 Dated: February 23, 2015

8 RESPECTFULLY SUBMITTED,  
9 MANATT, PHELPS & PHILLIPS, LLP

10 By: /s/ Carl Grumer

11 Carl L. Grumer  
12 Attorneys for *Amici Curiae* Arab  
13 American Lawyers Association of  
14 Southern California, Asian Americans  
15 Advancing Justice, Asian Pacific  
16 American Bar Association of Los  
17 Angeles County, Asian Pacific  
18 American Women Lawyers Alliance,  
19 The Iranian American Bar  
20 Association, Korean American Bar  
21 Association of Southern California,  
22 Mexican American Bar Association  
23 of Los Angeles County, National  
24 Asian Pacific American Bar  
25 Association, Philippine American Bar  
26 Association, South Asian Bar  
27 Association of Northern California,  
28 South Asian Bar Association of  
Southern California, Southern  
California Chinese Lawyers  
Association, and Thai American Bar  
Association

# **APPENDIX 1**

1 APPENDIX 1

2  
3 Arab American Lawyers Association Of Southern California

4 The Arab American Lawyers Association of Southern California  
5 ("AALASC") is the bar organization for Southern California legal professionals  
6 interested in Arab American Civil Rights and Culture. Formed three decades ago,  
7 AALASC firmly supports the independence of the judiciary, the right of lawyers to  
8 practice their profession without interference, and the protection of human rights.  
9 This issue at the heart of Tabaddor v. Holder et al. is of a vital importance to  
10 AALASC as it directly concerns the legal profession and could discourage lawyers  
11 of diverse backgrounds from seeking judicial or administrative offices. Consistent  
12 with its mission and purpose, AALASC respectfully submits its Statement of  
13 Interest in support of the Brief filed by Amicus Curiae Asian Americans Advancing  
14 Justice in the matter of Tabaddor v. Holder et. al., Case No.14-cv 06309 GW.

15  
16 Asian Americans Advancing Justice

17 Asian Americans Advancing Justice ("Advancing Justice") is a national  
18 affiliation of five independent nonprofit, nonpartisan organizations: Asian  
19 Americans Advancing Justice | AAJC (formerly known as Asian American Justice  
20 Center) from Washington, D.C., Asian Americans Advancing Justice | Asian Law  
21 Caucus (formerly known as Asian Law Caucus) from San Francisco, Asian  
22 Americans Advancing Justice | Chicago (formerly known as Asian American  
23 Institute), Asian Americans Advancing Justice | Los Angeles (formerly known as  
24 Asian Pacific American Legal Center) ("AAAJ-LA"), and Asian Americans  
25 Advancing Justice | Atlanta (formerly known as Asian American Legal Advocacy  
26 Center). Through litigation, direct legal services, policy advocacy, community  
27 outreach and education, and organizing, Advancing Justice seeks to promote a fair  
28 and equitable society for all by working for civil and human rights and empowering

1 Asian Americans and Pacific Islanders and other underserved communities.  
2 Members of Advancing Justice believe that our public and private institutions  
3 should be free of discrimination and reflect the racial and ethnic diversity in our  
4 larger society, and we support efforts to ensure these goals, including in the judicial  
5 system. AAAJ-LA represented the Plaintiff briefly in connection with this matter  
6 prior to the filing of this action, but joins in this brief in its capacity as set forth  
7 above.

8  
9 **Asian Pacific American Bar Association Of Los Angeles County**

10 The Asian Pacific American Bar Association of Los Angeles County  
11 (“APABA-LA”) is a membership organization comprised of over 700 attorneys,  
12 judges and law students. Since its formation in 1998, APABA-LA has advocated on  
13 issues that impact the APA community and has demonstrated a commitment to civil  
14 rights, racial justice, and equal opportunity. APABA-LA has, and continues to,  
15 oppose actions designed to deprive immigrants, people of color, and other  
16 minorities of their civil rights, including orders that discriminate on the basis of  
17 race and national origin or which may discourage potential judicial candidates of  
18 diverse backgrounds from seeking appointment and being active in their respective  
19 communities. APABA-LA strives to advance diversity in the legal profession and  
20 believes that active participation and commitment to one's cultural and ethnic  
21 communities is conduct that should be encouraged, not curtailed.

22  
23 **Asian Pacific American Women Lawyers Alliance**

24 Asian Pacific American Women Lawyers Alliance (“APAWLA”) is an  
25 organization that promotes inclusion, empowerment and advancement of Asian  
26 Pacific American women in the legal profession. APAWLA’s members include  
27 lawyers, judges, and law students throughout California, who work in solo  
28 practices, law firms, state and federal courts; are prosecutors, defenders and civil

1 practitioners; and work for non-profits and government agencies. APAWLA  
2 members share a common goal of protecting and promoting the rights of  
3 individuals and communities that have traditionally been underrepresented and  
4 marginalized. To that end, APAWLA supports efforts to broaden the racial, ethnic,  
5 gender and sexual orientation diversity of the legal profession, and in particular, the  
6 judiciary. APAWLA joins this amicus brief because it opposes any discriminatory  
7 efforts that limit and discourage diversity in the legal profession.

8  
9 **The Iranian American Bar Association**

10 The Iranian American Bar Association (“IABA”) is a is a nonprofit  
11 corporation consisting of hundreds of attorneys, judges and law students  
12 nationwide. IABA seeks to inform the Iranian-American community about legal  
13 issues of interest, and to advance those interests. IABA has an express goal and  
14 demonstrated history of commitment to diversity, civil rights, and equal  
15 opportunity, and opposes any discriminatory actions that deprive individuals of  
16 their rights and privileges based on classifications such as race and national origin.  
17 Consistent with its goal, IABA believes that diversity only serves to enhance the  
18 legal profession and it thus committed to a diverse and independent judicial bench.  
19 IABA opposes any policies or actions that threaten the diversity or independence of  
20 the judicial bench, especially on the basis of members’ commitment to or  
21 participation in their ethnic or cultural heritage.

22  
23 **Korean American Bar Association Of Southern California**

24 The Korean American Bar Association of Southern California (“KABA”) is a  
25 nonprofit corporation organized under the laws of the State of California that is  
26 comprised of licensed attorneys and law students dedicated to advocating civil  
27 rights, providing legal services and education, and building coalitions to positively  
28 influence, impact and advance the interests of Korean Americans, people of Korean



1 descent and the communities in which they work, reside and visit. Since its  
2 founding in 1980, KABA has worked towards achieving an integrated, equitable,  
3 harmonious and just society. Such efforts have been directed towards creating a  
4 racially diversified and balanced judicial bench in Southern California through  
5 means such as the endorsements of candidates and garnering support for the judges  
6 appointed and elected to their positions.

7  
8 **Mexican American Bar Association Of Los Angeles County**

9 The Mexican American Bar Association of Los Angeles County (“MABA”)  
10 is a voluntary California bar association whose members include attorneys, judges,  
11 elected officials, law school students and business people of Latina/o and other  
12 ethnic backgrounds. MABA’s members have a vested interest in seeing that no  
13 policy is implemented that would threaten the careers of present, future, and  
14 aspiring judges who are members of any affinity group, whether racial, ethnic,  
15 religious, or otherwise. Many MABA members are immigration attorneys or  
16 judges, and MABA works to strive to see more Latino attorneys and judges on the  
17 bench, including immigration attorneys and immigration judges. Because MABA  
18 represents a significant number of Latina/o immigration attorney and judge  
19 members, including, perhaps, some that may have been foreign-born and have a  
20 similar experience to that of Judge Tabaddor, MABA offers a unique perspective on  
21 the harms resulting from a policy requiring de facto recusal of a foreign born judge  
22 based upon ethnicity of a party appearing before her. MABA has been in existence  
23 since the late 1950's and is the largest Latina/o voluntary local bar association in the  
24 State of California. For decades, it has represented the interests of the Latina/o  
25 community, promoted the administration of justice, and maintained the honor and  
26 dignity of the legal profession. MABA filed an amicus brief in support of admitting  
27 Sergio C. Garcia to the State Bar of California, and argued that the State’s interests  
28 are best served by an attorney admissions policy that does not exclude applicants on

1 the basis of immigration status. MABA is committed to the advancement of the  
2 legal profession, including the rights of immigrant judges, attorneys, and the  
3 community, whether Latina/o or non-Latina/o.

4 **National Asian Pacific American Bar Association**

5 The National Asian Pacific American Bar Association (“NAPABA”) is the  
6 national association of Asian Pacific American attorneys, judges, law professors,  
7 and law students, representing the interests of over 40,000 attorneys and more than  
8 70 national, state, and local Asian Pacific American bar associations, who work  
9 variously in solo practices, large firms, corporations, legal services organizations,  
10 non-profit organizations, law schools, and government agencies. Since its inception  
11 in 1988, NAPABA has served as the national voice for Asian Pacific Americans in  
12 the legal profession and has promoted justice, equity, and opportunity for Asian  
13 Pacific Americans and people of color. One of the core tenets of NAPABA’s  
14 mission is to promote diversity and inclusion in all aspects of the legal profession,  
15 including the judiciary. NAPABA joins this amicus brief because of the larger  
16 policy issues implicated in Judge Tabaddor ‘s case, and the possible unfair chilling  
17 effect blanket recusal orders given to judges with certain backgrounds or interests  
18 might have on communities of color and the bench generally.

19  
20 **Philippine American Bar Association**

21 The Philippine American Bar Association (“PABA”) is an organization  
22 comprised of judges, lawyers, public servants, and law students in Southern  
23 California. PABA, one of the largest Filipino American bar associations in the  
24 country, was formed in response to the legal issues confronting the Filipino-  
25 American community and the professional concerns of Filipino-American lawyers  
26 and students seeking to enter our profession. As part of its mission, PABA strives  
27 to be a leading advocate on matters affecting Filipino-Americans and to increase  
28 Filipino-American participation and representation in the legal profession.

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**South Asian Bar Association Of Northern California**

The South Asian Bar Association of Northern California (“SABA-NC”) was founded in 1993 to, inter alia, advocate for the South Asian community and support those who value diversity in the legal profession. SABA-NC opposes discriminatory treatment of attorneys, judicial officers, and individuals appearing before our judicial system on the basis of their race, national origin, or religion.

**South Asian Bar Association Of Southern California**

The South Asian Bar Association of Southern California (“SABA-SC”) is one of the oldest and largest South Asian bar associations in the country. It is dedicated to the advancement and development of South Asian attorneys as well as attorneys interested in issues affecting the South Asian community. As part of its mission, SABA actively supports the fair treatment of all individuals and has participated in programs and made other efforts to encourage diverse viewpoints and opposes discriminatory treatment of members of the bar, judiciary and judicial candidates on the basis of race, national origin, religion, sex or gender, among others.

**Southern California Chinese Lawyers Association**

Formed in 1975, the Southern California Chinese Lawyers Association (“SCCLA”) is one of the oldest Asian Pacific American (“APA”) bar associations in the United States. By promoting the interests and opportunities of APA and other ethnic minority legal professionals, SCCLA has developed a vast membership base of lawyers, judges, law students, and elected and appointed officials. Since its inception, SCCLA has supported racial equality, civil rights, justice, and access to justice, especially for the low-income and immigrant communities. SCCLA believes that diversity on the bench is a key component to achieving justice for

1 underprivileged communities. SCCLA opposes discrimination based upon race,  
2 national origin, gender, and gender preference. Governmental orders based upon  
3 race, national origin, or interaction with certain minority groups will discourage  
4 diverse legal professionals from seeking appointment to the bench.

5 **Thai American Bar Association**

6 The Thai American Bar Association (“TABA”) is a membership organization  
7 established in late 2012 to reflect the interests and needs of the Thai and Thai-  
8 American community in Southern California. TABA's objectives include  
9 coordinating services to the greater Thai community (including immigration  
10 services), fostering relationships with other legal organizations and the legal  
11 community at large, and facilitating the professional development of the  
12 association’s members. TABA opposes initiatives designed to deprive minorities of  
13 their civil and constitutional rights, including initiatives that discriminate based  
14 upon ethnicity and curtail an individual’s exercise of their First Amendment rights,  
15 and supports initiatives that encourage diversity and community engagement in the  
16 legal profession.

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# **EXHIBIT A**

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American Bar Association of Los Angeles County,  
7 Asian Pacific American Women Lawyers Alliance,  
The Iranian American Bar Association, Korean  
8 American Bar Association of Southern California,  
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12 Association

13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA  
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16 AFSANEH ASHLEY TABADDOR,

17 Plaintiff,

18 vs.

19 ERIC H. HOLDER, JR., Attorney  
20 General of the United States, United  
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21 JEFFREY A. ROSENBLUM, General  
Counsel, Executive Office for  
22 Immigration Review; THOMAS Y.K.  
FONG, Assistant Chief Immigration  
23 Judge, Executive Office for  
Immigration Review; MARLENE M.  
24 WAHOWIAK, Associate General  
Counsel, Office of the General  
25 Counsel, Executive Office for  
Immigration Review; UNITED  
26 STATES DEPARTMENT OF  
JUSTICE; EXECUTIVE OFFICE FOR  
27 IMMIGRATION REVIEW, UNITED  
28 STATES DEPARTMENT OF  
JUSTICE; OFFICE OF THE

No. 14-cv-06309 GW (cw)

BRIEF OF AMICI CURIAE IN  
OPPOSITION TO MOTION TO  
DISMISS

Date: April 23, 2015  
Time: 8:30 a.m.  
Place: Courtroom of the Honorable  
George Wu

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GENERAL COUNSEL, EXECUTIVE  
OFFICE FOR IMMIGRATION  
REVIEW; OFFICE OF THE CHIEF  
IMMIGRATION JUDGE,  
EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW,  
  
Defendants.

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1 Amici Curiae Arab American Lawyers Association of Southern  
2 California, Asian Americans Advancing Justice, Asian Pacific American Bar  
3 Association of Los Angeles County, Asian Pacific American Women Lawyers  
4 Alliance, The Iranian American Bar Association, Korean American Bar Association  
5 of Southern California, Mexican American Bar Association of Los Angeles County,  
6 National Asian Pacific American Bar Association, Philippine American Bar  
7 Association, South Asian Bar Association of Northern California, South Asian Bar  
8 Association of Southern California, Southern California Chinese Lawyers  
9 Association, and Thai American Bar Association respectfully request the Court to  
10 consider the following Brief in Opposition to the Motion of the Defendants to  
11 Dismiss the First Amended Complaint herein:

12 **STATEMENT OF INTEREST**

13 The Statements of Interest of Amici are set forth in Appendix 1 hereto.  
14 Because of the importance of this case to the communities they serve and the  
15 groups they work closely with, Amici submit the following Amicus Curiae Brief, so  
16 that the views of the affected community can be considered by the Court.<sup>1</sup>

17 **INTRODUCTION**

18 Amici submit this brief because the outcome of this case will have far-  
19 reaching impact not only on judges of particular ethnic backgrounds everywhere,  
20 but also on attorneys who are members of any affinity group who may aspire to  
21 become judges. The actions of the defendants as alleged in the Amended  
22 Complaint, if allowed to stand unredressed, would threaten the careers of present,  
23 future, and aspiring judges who are members of any affinity group, whether racial,  
24 ethnic, religious, LGBTQ or otherwise. Particularly for lawyers aspiring to be  
25 judges, defendants' recusal policy discourages their involvement in affinity groups

26 \_\_\_\_\_  
27 <sup>1</sup> The majority of the issues raised in the Motion to Dismiss do not raise issues which are appropriately addressed by  
28 Amici (e.g., failure to exhaust administrative remedies, scope of the Civil Service Reform Act). While Amici do not  
concede the merits of those issues, they will not be addressed here, and discussion is left up to the parties. This Brief  
will rather focus on the issues of specific relevance to the Amici.

1 such as ethnic bar associations, where they can develop the prominence necessary  
2 to be considered for a place on the bench. That policy is a big step backwards  
3 towards efforts to diversify the bench, potentially resulting in a judiciary that is less  
4 reflective of the increasingly diverse population it serves. The practices alleged  
5 here, resulting in the *de facto* recusal of an Iranian-American judge based upon her  
6 ethnicity, have been uniformly rejected when attempted by private litigants. The  
7 fact that this appears to be the implementation of a policy by a federal agency only  
8 serves to cause greater alarm.

9 Amici submit this Brief in support of the plaintiff, and in opposition to  
10 the defendants' pending Motion to Dismiss. As shown below, the Amended  
11 Complaint does state valid claims for relief. The actions of the defendants were  
12 entirely unjustified and clearly constitute not only unlawful discrimination, but also  
13 an unconstitutional infringement upon the plaintiff's First Amendment rights of  
14 freedom of speech and association. This infringement would not have occurred but  
15 for her ethnic background.

16 These considerations are directly relevant to the complaint at issue  
17 here. The First Amended Complaint includes claims for injunctive relief. Under  
18 controlling Supreme Court authority, one of the factors in determining whether to  
19 grant injunctive relief is whether the requested injunction would be in the public  
20 interest. *Ebay, Inc. v. Mercexchange, LLC* 547 U.S. 388, 126 S.Ct. 1837, 164  
21 L.Ed. 2d 641 (2006). For the reasons discussed below, the public interest would  
22 clearly be served by the requested injunctions.

### 23 **STATEMENT OF FACTS RELEVANT TO THIS BRIEF**

24 Since this is a Motion to Dismiss, the universe of relevant facts is  
25 contained in the Amended Complaint. The following facts as alleged therein are  
26 relevant to the position asserted by Amici in support of the plaintiff. All references  
27 below are to the Amended Complaint, filed herein on October 3, 2014 (Docket No.  
28 45).

1 Plaintiff is an immigration judge with the United States Department of  
2 Justice, Executive Office for Immigration Review. ¶1. Plaintiff was born in the  
3 country of Iran and is a first generation Iranian American. ¶21. After having sat  
4 without incident as an immigration judge for seven years, in 2012 plaintiff was  
5 ordered by defendants to recuse herself from all pending cases before her involving  
6 individuals from Iran. ¶42. Defendants’ stated basis for that order was plaintiff’s  
7 involvement in the Iranian-American community, including speaking engagements,  
8 presentations, and “advocacy,” and because she was a prominent figure in the  
9 Iranian-American community and was an “advocate/activist” for that group. ¶¶35  
10 and 51. There are no allegations of actual bias or any specific improper conduct on  
11 the part of the plaintiff. ¶36. No litigant sought to disqualify her for bias.

12 Defendants’ recusal order was a categorical recusal, not on a case by  
13 case basis or with regard to the specific facts or circumstances of a particular case.  
14 ¶¶42-43. Since that time, plaintiff has remained disqualified from presiding over  
15 any cases involving Iranian nationals and to this day has not been assigned a single  
16 such case. ¶44.

17 Based upon these facts, it is clear that plaintiff has been disqualified  
18 from handling cases involving Iranian nationals based solely upon her ethnicity and  
19 involvement in the Iranian-American community. Such discrimination based upon  
20 national origin and the exercise of First Amendment rights does not comport with  
21 federal anti-discrimination laws and the United States constitution and should not  
22 be allowed to stand. The existence of such policies and practices by a  
23 governmental agency impacts not only the plaintiff herself, but others who are or  
24 will be similarly situated, and threatens to chill the exercise of First Amendment  
25 rights by a wide swath of judges and lawyers. The government’s attempt to justify  
26 and legitimize those practices is plainly wrong, and plaintiff has stated appropriate  
27 claims for relief from such unlawful conduct. The Motion to Dismiss should be  
28 denied.

I.

**THE FEDERAL COURTS HAVE REJECTED ATTEMPTS TO DISQUALIFY JUDGES BASED UPON SIMILAR GROUNDS. A FEDERAL AGENCY SHOULD NOT ACCOMPLISH BY EXECUTIVE FIAT WHAT THE COURTS HAVE UNIFORMLY PROHIBITED.**

The Court should heed the rationale of a long line of precedent in rejecting defendants’ attempt to impose the blanket recusal order at issue here. Over the years, litigants have tried and failed to recuse federal judges from presiding over cases involving issues relevant to a certain ethnic or affinity group, based upon the judge’s membership in that group.<sup>2</sup>

These cases hold not only that a judge’s mere inclusion within a particular ethnic or religious group does not disqualify that judge from ruling on issues of interest to that group, but also that a judge’s background, community involvement, etc. are also not *per se* disqualifying factors. *Commonwealth of Pennsylvania v. Local Union 542*, 388 F. Supp. 155 (E.D. Pennsylvania 1974); *United States v. Alabama* 828 F. 2d 1532 (11<sup>th</sup> Cir. 1987); *United States v. Nelson*, 2010 U.S. Dist. Lexis 63814 (E.D.N.Y. 2010) The fact that a judge while in prior practice handled civil rights cases does not disqualify that judge from presiding over civil rights cases upon taking the bench. *Paschall v. Mayone*, 454 F. Supp. 1289 (S.D.N.Y. 1978); *Blank v. Sullivan & Cromwell*, 48 F. Supp. 1 (S.D.N.Y. 1975).

Numerous cases are in accord. *See, e.g., Feminist Women’s Health Center v. Codispoti*, 69 F. 3d 399 (9<sup>th</sup> Cir. 1995) (Catholic Judge); *Bryce v. Episcopal Church in the Diocese of Colorado*, 289 F. 3d 648 (10<sup>th</sup> Cir. 2002) (Episcopalian Judge); *Menorah v. Illinois High School Association*, 527 F. Supp.

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<sup>2</sup> Defendants rely on 5 C.F.R. §2635.502(a) to recuse Plaintiff for an appearance of partiality. The standard for recusal of a district court judge is governed by 28 U.S.C. §§144 and 455. While there are wording differences between those two schemes, the standards are substantially similar, and cases relating to district judges are instructive in this context. In addition, the United States Constitution applies equally in both situations.

1 632 (N.D. Illinois 1981) (Jewish Judge); *Commonwealth of Pennsylvania v. Local*  
 2 *Union 542, supra* (African American Female Judge); *Blank v. Sullivan &*  
 3 *Cromwell, supra* (African American Judge); *Paschall v. Mayone, supra* (African  
 4 American Judge); *Perry v. Schwarzenegger*, 790 F. Supp. 2d 1119 (N.D. California  
 5 2011) (Gay Judge), affirmed, 671 F.3d 1052 (9<sup>th</sup> Cir. 2012), vacated on other  
 6 grounds, *Hollingsworth v. Perry*, \_\_\_ U.S. \_\_\_, 133 S.Ct. 2652, 186 L.Ed.2d 768  
 7 (2013); *United States v. El-Gabrowni*, 844 F. Supp. 955 (S.D.N.Y. 1994) (Jewish  
 8 Judge); *Idaho v. Freeman*, 507 F. Supp. 706 (D. Idaho 1981) (Mormon Judge);  
 9 *United States v. Nelson, supra* (Jewish Judge); *MacDraw, Inc. v. CIT Group*, 138 F.  
 10 3d 33 (2d Cir. 1998) (Asian-American Judge. Imposition of sanctions for frivolous  
 11 recusal motion upheld); *In re Evans*, 801 F. 2d 703 (4<sup>th</sup> Cir. 1986) (Jewish  
 12 Magistrate. Sanctions upheld); *United States v. Alabama, supra* (African-American  
 13 Judge); *Singer v. Talbot*, 745 F. 2d 606 (10<sup>th</sup> Cir. 1984) (Mormon Judge);  
 14 *Vietnamese Fisherman's Association v. Knight of the Ku Klux Klan*, 518 F. Supp.  
 15 1017 (S.D. Texas 1981) (African-American Judge).

16 Even where the grounds asserted to disqualify the judge are based  
 17 upon public remarks made by the judge, and not merely the judge's membership in  
 18 a particular ethnic group, the courts have rejected those efforts, as well. For  
 19 example, in *Commonwealth of Pennsylvania v. Local Union 542, supra*, the judge  
 20 presiding over a civil rights case refused to disqualify himself where the asserted  
 21 grounds for recusal were based upon public remarks made by the judge to an  
 22 organization said to be "a group composed of black historians" and the judge's  
 23 prominence in the black community. Accord: *United States v. Alabama, supra*;  
 24 *United States v. Nelson, supra*.

25 Here, the asserted grounds for disqualifying the plaintiff from  
 26 presiding over cases involving Iranian nationals did not even relate to specific  
 27 remarks that were made by the plaintiff or the content of any of her speeches, but  
 28 rather the mere fact that the plaintiff was invited to speak to various organizations

1 prominent in the Iranian-American community, and the allegation that she was “a  
2 prominent advocate for the Iranian-American community” (whatever that means).  
3 While the Department of Justice encourages community involvement by  
4 immigration judges (Amended Complaint at ¶8), the basis for the recusal order was  
5 that the community involvement on the part of the plaintiff was with regard to a  
6 particular ethnic community. That is what is particularly disturbing here.

7 Here, we have the spectacle of the United States government doing  
8 what private litigants are prohibited from doing. This only serves to put the federal  
9 agency stamp of approval on conduct that the federal courts do not allow. The  
10 language in *United States v. Nelson, supra*, is particularly apt here:

11 “If Congress had enacted a statute disqualifying judges  
12 from sitting on certain cases because of their religious  
13 beliefs or because one of their co-religionists had some  
14 involvement or interest in the outcome of the case, there  
15 is no doubt that such a statute would be struck down.  
16 The defendant’s effort to invoke an act of Congress to  
17 achieve such a result is equally unacceptable.” 2010 U.S.  
18 Dist. LEXIS at 63814\*7.

19 **II.**

20 **THE GOVERNMENT’S CONDUCT IN THIS CASE ADVERSELY**  
21 **AFFECTS JUDGES FROM PARTICULAR ETHNIC AND RELIGIOUS**  
22 **GROUPS AND JUDGES FROM OTHER AFFINITY GROUPS, AS WELL**  
23 **AS THOSE ASPIRING TO BECOME JUDGES.**

24 Of course, judges have First Amendment rights just like anybody else.  
25 *Republican Party of Minnesota v. White*, 536 U.S. 765, 122 S. Ct. 2528, 153 L. Ed.  
26 2d 694 (2002). For the government to take adverse action against an immigration  
27 judge for exercising those constitutionally protected rights is troubling in itself.  
28 However, what is particularly egregious here is the use by a federal agency of an



1 immigration judge's involvement and speaking engagements in her own ethnic  
2 community to conclusively presume bias (or at least an appearance of bias) with  
3 regard to any litigant who may be of the same ethnic lineage. The ramifications of  
4 that policy are widespread and of great concern.

5 It is self-evident that such a policy would only impact members of  
6 ethnic or religious groups or other affinity groups. Members of the bar, as well as  
7 the judiciary, are with great frequency members of, and active in, various  
8 organizations oriented to those groups. In Southern California alone, we have bar  
9 associations oriented toward African Americans, Hispanic Americans, Irish  
10 Americans, Italian Americans, Asian Americans, Iranian Americans, Korean  
11 Americans, Japanese Americans, Lesbian and Gay Lawyers, Chinese Americans,  
12 Women Lawyers, Mexican Americans, Armenian Americans, Surfing Lawyers  
13 (true), Croatian Americans, Eastern Europeans, Arab Americans, Philippine  
14 Americans, Vietnamese Americans, and numerous others.

15 Those organizations are largely composed of members of those  
16 particular ethnic or affinity groups, including both attorneys and judges. Indeed,  
17 some of the more prominent members of those groups are the ones who go on to  
18 become judges. See *Murray v. Scott*, 253 F. 3d 1308, 1313, n.6 (11<sup>th</sup> Cir. 2001).  
19 (“We have previously recognized that ‘an inescapable part of our system of  
20 government [is] that judges are drawn primarily from lawyers who have  
21 participated in public and political affairs.’ ” [citation].) Accord: *United States v.*  
22 *Alabama*, *supra*, 828 F. 2d at 1543. See also, *Home Placement Service v.*  
23 *Providence Journal Co.*, 739 F. 2d 671, 675 (1<sup>st</sup> Cir. 1984): “It is common  
24 knowledge, or at least public knowledge, that the first step to the federal bench for  
25 most judges is either a history of active partisan politics or strong political  
26 connections or, as in the case of Judge Selya, both.”

27 If involvement or prominence in those groups were to become a  
28 disqualifying factor any time a particular judge was faced with a litigant of similar

1 background, the party opposing that litigant would have essential veto power over  
2 that judge and an invitation to forum shopping. As a consequence, those aspiring to  
3 become judges someday would be less attractive candidates for that office, if they  
4 were unable to preside over cases involving parties in that ethnic group. The  
5 tendency then would be for the more prominent members of that group to become  
6 less involved, for fear that they would be less attractive candidates as judges, or  
7 would encounter difficulties once appointed to the bench, as is the case here. The  
8 chilling effect on expressive and associational rights is evident.

9 And if left unchecked, this practice could affect not only immigration  
10 judges, but innumerable other federal administrative judges, as well. The federal  
11 system provides for a wide variety of administrative judges, for example, the  
12 United States Tax Court, Bankruptcy Court, Patent Trial and Appeal Board,  
13 Trademark Trial and Appeal Board, International Trade Commission, Federal  
14 Energy Regulatory Commission, and Social Security Administration. A number of  
15 these agencies could also be affected. For example, a case before the International  
16 Trade Commission involving contested imports from a particular country could not  
17 be presided over by a judge who was active in the local community of that  
18 country's expatriates.

19 The net effect of all of this would be a less prominent and less diverse  
20 bench. The principles which the government is advancing are harmful to the ethnic  
21 communities, and harmful to the integrity of the federal administrative courts. This  
22 policy should not be allowed to spread.

### 23 III.

#### 24 **PLAINTIFF HAS ALLEGED AN ADVERSE EMPLOYMENT ACTION.**

25 The government argues that the actions taken against the plaintiff as  
26 alleged in the First Amended Complaint do not constitute an adverse employment  
27 action. In fact, there is no question that it does.

28 The clear appearance created by the government's actions is that the

1 plaintiff has been accused – by the government itself – of bias or the appearance of  
2 bias in favor of Iranians. This strikes directly at the plaintiff’s qualifications to  
3 serve as a judge. As recognized by the Court in *MacDraw, Inc. v. CIT Group*,  
4 *supra*:

5 “A suggestion that a judge cannot administer the  
6 law fairly because of the judge’s racial and ethnic  
7 heritage is extremely serious and should not be  
8 made without a factual foundation going well  
9 beyond the judge’s membership in a particular  
10 racial or ethnic group. Such an accusation is a  
11 charge that the judge is racially or ethnically  
12 biased and is violating the judge’s oath of office.”

13 138 F. 3d at 37 (Emphasis added.);  
14 Accord: *United States v. Nelson, supra*, 2010 U.S.  
15 Dist. LEXIS 63814 at\*10.

16 Such an attack on the fitness of the plaintiff to serve as a judge is  
17 undoubtedly an adverse employment action. The government’s refusal to rescind  
18 its order, and its tenacious defense of that order, only serve to magnify its  
19 significance.

20 And the effect of the government’s action may not stop there. If the  
21 plaintiff has been pronounced by the government to be biased in favor of Iranians,  
22 this could lead to accusations of bias against her by immigration applicants from  
23 other countries who may have an historical or current adversity to Iran (*e.g.* Israelis,  
24 Iraqis). This could lead to further recusal requests by the applicants themselves,  
25 further impairing the plaintiff’s ability to do her job.

26 In its Motion to Dismiss, the government claims that this is a minor  
27 matter, and that the plaintiff has only had to disqualify herself from eight cases.  
28 This argument is misleading at best. To begin with, any amount of discrimination

1 is unlawful. But more importantly, the argument overlooks the fact that this  
2 situation is ongoing and has been in place for going on three years. Under the  
3 government's order, no cases involving Iranians are being assigned to the plaintiff.  
4 Amended Complaint at ¶ 44. The government's reference to the eight cases does  
5 not take into account the undetermined number of cases involving Iranian  
6 applicants that were never assigned to the plaintiff in the first place. And as time  
7 goes on, the situation will only worsen.

8 **CONCLUSION**

9 The actions of the government as alleged in the Amended Complaint  
10 cannot stand. Those actions threaten to undermine years of efforts to diversify the  
11 bench, by applying rules to judges of ethnic backgrounds that are not applicable to  
12 other judges. If the government truly believes that it can justify such a policy, it is  
13 free to attempt to do so in this action. But the Amended Complaint states  
14 cognizable claims for relief, including injunctive relief, and Plaintiff is entitled to  
15 have those claims heard. The Motion to Dismiss should be denied.

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1 Dated: February , 2015

RESPECTFULLY SUBMITTED,  
MANATT, PHELPS & PHILLIPS, LLP

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By: /s/ Carl Grumer  
Carl L. Grumer  
Attorneys for *Amici Curiae* Arab  
American Lawyers Association of  
Southern California, Asian Americans  
Advancing Justice, Asian Pacific  
American Bar Association of Los  
Angeles County, Asian Pacific  
American Women Lawyers Alliance,  
The Iranian American Bar  
Association, Korean American Bar  
Association of Southern California,  
Mexican American Bar Association  
of Los Angeles County, National  
Asian Pacific American Bar  
Association, Philippine American Bar  
Association, South Asian Bar  
Association of Northern California,  
South Asian Bar Association of  
Southern California, Southern  
California Chinese Lawyers  
Association, and Thai American Bar  
Association

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# **APPENDIX 1**

1 APPENDIX 1

2  
3 Arab American Lawyers Association Of Southern California

4 The Arab American Lawyers Association of Southern California  
5 ("AALASC") is the bar organization for Southern California legal professionals  
6 interested in Arab American Civil Rights and Culture. Formed three decades ago,  
7 AALASC firmly supports the independence of the judiciary, the right of lawyers to  
8 practice their profession without interference, and the protection of human rights.  
9 This issue at the heart of Tabaddor v. Holder et al. is of a vital importance to  
10 AALASC as it directly concerns the legal profession and could discourage lawyers  
11 of diverse backgrounds from seeking judicial or administrative offices. Consistent  
12 with its mission and purpose, AALASC respectfully submits its Statement of  
13 Interest in support of the Brief filed by Amicus Curiae Asian Americans Advancing  
14 Justice in the matter of Tabaddor v. Holder et. al., Case No.14-cv 06309 GW.

15  
16 Asian Americans Advancing Justice

17 Asian Americans Advancing Justice ("Advancing Justice") is a national  
18 affiliation of five independent nonprofit, nonpartisan organizations: Asian  
19 Americans Advancing Justice | AAJC (formerly known as Asian American Justice  
20 Center) from Washington, D.C., Asian Americans Advancing Justice | Asian Law  
21 Caucus (formerly known as Asian Law Caucus) from San Francisco, Asian  
22 Americans Advancing Justice | Chicago (formerly known as Asian American  
23 Institute), Asian Americans Advancing Justice | Los Angeles (formerly known as  
24 Asian Pacific American Legal Center) ("AAAJ-LA"), and Asian Americans  
25 Advancing Justice | Atlanta (formerly known as Asian American Legal Advocacy  
26 Center). Through litigation, direct legal services, policy advocacy, community  
27 outreach and education, and organizing, Advancing Justice seeks to promote a fair  
28 and equitable society for all by working for civil and human rights and empowering

1 Asian Americans and Pacific Islanders and other underserved communities.  
2 Members of Advancing Justice believe that our public and private institutions  
3 should be free of discrimination and reflect the racial and ethnic diversity in our  
4 larger society, and we support efforts to ensure these goals, including in the judicial  
5 system. AAAJ-LA represented the Plaintiff briefly in connection with this matter  
6 prior to the filing of this action, but joins in this brief in its capacity as set forth  
7 above.

8  
9 **Asian Pacific American Bar Association Of Los Angeles County**

10 The Asian Pacific American Bar Association of Los Angeles County  
11 (“APABA-LA”) is a membership organization comprised of over 700 attorneys,  
12 judges and law students. Since its formation in 1998, APABA-LA has advocated on  
13 issues that impact the APA community and has demonstrated a commitment to civil  
14 rights, racial justice, and equal opportunity. APABA-LA has, and continues to,  
15 oppose actions designed to deprive immigrants, people of color, and other  
16 minorities of their civil rights, including orders that discriminate on the basis of  
17 race and national origin or which may discourage potential judicial candidates of  
18 diverse backgrounds from seeking appointment and being active in their respective  
19 communities. APABA-LA strives to advance diversity in the legal profession and  
20 believes that active participation and commitment to one's cultural and ethnic  
21 communities is conduct that should be encouraged, not curtailed.

22  
23 **Asian Pacific American Women Lawyers Alliance**

24 Asian Pacific American Women Lawyers Alliance (“APAWLA”) is an  
25 organization that promotes inclusion, empowerment and advancement of Asian  
26 Pacific American women in the legal profession. APAWLA’s members include  
27 lawyers, judges, and law students throughout California, who work in solo  
28 practices, law firms, state and federal courts; are prosecutors, defenders and civil



1 practitioners; and work for non-profits and government agencies. APAWLA  
2 members share a common goal of protecting and promoting the rights of  
3 individuals and communities that have traditionally been underrepresented and  
4 marginalized. To that end, APAWLA supports efforts to broaden the racial, ethnic,  
5 gender and sexual orientation diversity of the legal profession, and in particular, the  
6 judiciary. APAWLA joins this amicus brief because it opposes any discriminatory  
7 efforts that limit and discourage diversity in the legal profession.  
8

9 **The Iranian American Bar Association**

10 The Iranian American Bar Association (“IABA”) is a is a nonprofit  
11 corporation consisting of hundreds of attorneys, judges and law students  
12 nationwide. IABA seeks to inform the Iranian-American community about legal  
13 issues of interest, and to advance those interests. IABA has an express goal and  
14 demonstrated history of commitment to diversity, civil rights, and equal  
15 opportunity, and opposes any discriminatory actions that deprive individuals of  
16 their rights and privileges based on classifications such as race and national origin.  
17 Consistent with its goal, IABA believes that diversity only serves to enhance the  
18 legal profession and it thus committed to a diverse and independent judicial bench.  
19 IABA opposes any policies or actions that threaten the diversity or independence of  
20 the judicial bench, especially on the basis of members’ commitment to or  
21 participation in their ethnic or cultural heritage.  
22

23 **Korean American Bar Association Of Southern California**

24 The Korean American Bar Association of Southern California (“KABA”) is a  
25 nonprofit corporation organized under the laws of the State of California that is  
26 comprised of licensed attorneys and law students dedicated to advocating civil  
27 rights, providing legal services and education, and building coalitions to positively  
28 influence, impact and advance the interests of Korean Americans, people of Korean

1 descent and the communities in which they work, reside and visit. Since its  
2 founding in 1980, KABA has worked towards achieving an integrated, equitable,  
3 harmonious and just society. Such efforts have been directed towards creating a  
4 racially diversified and balanced judicial bench in Southern California through  
5 means such as the endorsements of candidates and garnering support for the judges  
6 appointed and elected to their positions.

7  
8 **Mexican American Bar Association Of Los Angeles County**

9 The Mexican American Bar Association of Los Angeles County (“MABA”)  
10 is a voluntary California bar association whose members include attorneys, judges,  
11 elected officials, law school students and business people of Latina/o and other  
12 ethnic backgrounds. MABA’s members have a vested interest in seeing that no  
13 policy is implemented that would threaten the careers of present, future, and  
14 aspiring judges who are members of any affinity group, whether racial, ethnic,  
15 religious, or otherwise. Many MABA members are immigration attorneys or  
16 judges, and MABA works to strive to see more Latino attorneys and judges on the  
17 bench, including immigration attorneys and immigration judges. Because MABA  
18 represents a significant number of Latina/o immigration attorney and judge  
19 members, including, perhaps, some that may have been foreign-born and have a  
20 similar experience to that of Judge Tabaddor, MABA offers a unique perspective on  
21 the harms resulting from a policy requiring de facto recusal of a foreign born judge  
22 based upon ethnicity of a party appearing before her. MABA has been in existence  
23 since the late 1950's and is the largest Latina/o voluntary local bar association in the  
24 State of California. For decades, it has represented the interests of the Latina/o  
25 community, promoted the administration of justice, and maintained the honor and  
26 dignity of the legal profession. MABA filed an amicus brief in support of admitting  
27 Sergio C. Garcia to the State Bar of California, and argued that the State’s interests  
28 are best served by an attorney admissions policy that does not exclude applicants on

1 the basis of immigration status. MABA is committed to the advancement of the  
2 legal profession, including the rights of immigrant judges, attorneys, and the  
3 community, whether Latina/o or non-Latina/o.

4 **National Asian Pacific American Bar Association**

5 The National Asian Pacific American Bar Association (“NAPABA”) is the  
6 national association of Asian Pacific American attorneys, judges, law professors,  
7 and law students, representing the interests of over 40,000 attorneys and more than  
8 70 national, state, and local Asian Pacific American bar associations, who work  
9 variously in solo practices, large firms, corporations, legal services organizations,  
10 non-profit organizations, law schools, and government agencies. Since its inception  
11 in 1988, NAPABA has served as the national voice for Asian Pacific Americans in  
12 the legal profession and has promoted justice, equity, and opportunity for Asian  
13 Pacific Americans and people of color. One of the core tenets of NAPABA’s  
14 mission is to promote diversity and inclusion in all aspects of the legal profession,  
15 including the judiciary. NAPABA joins this amicus brief because of the larger  
16 policy issues implicated in Judge Tabaddor ‘s case, and the possible unfair chilling  
17 effect blanket recusal orders given to judges with certain backgrounds or interests  
18 might have on communities of color and the bench generally.

19  
20 **Philippine American Bar Association**

21 The Philippine American Bar Association (“PABA”) is an organization  
22 comprised of judges, lawyers, public servants, and law students in Southern  
23 California. PABA, one of the largest Filipino American bar associations in the  
24 country, was formed in response to the legal issues confronting the Filipino-  
25 American community and the professional concerns of Filipino-American lawyers  
26 and students seeking to enter our profession. As part of its mission, PABA strives  
27 to be a leading advocate on matters affecting Filipino-Americans and to increase  
28 Filipino-American participation and representation in the legal profession.

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**South Asian Bar Association Of Northern California**

The South Asian Bar Association of Northern California (“SABA-NC”) was founded in 1993 to, inter alia, advocate for the South Asian community and support those who value diversity in the legal profession. SABA-NC opposes discriminatory treatment of attorneys, judicial officers, and individuals appearing before our judicial system on the basis of their race, national origin, or religion.

**South Asian Bar Association Of Southern California**

The South Asian Bar Association of Southern California (“SABA-SC”) is one of the oldest and largest South Asian bar associations in the country. It is dedicated to the advancement and development of South Asian attorneys as well as attorneys interested in issues affecting the South Asian community. As part of its mission, SABA actively supports the fair treatment of all individuals and has participated in programs and made other efforts to encourage diverse viewpoints and opposes discriminatory treatment of members of the bar, judiciary and judicial candidates on the basis of race, national origin, religion, sex or gender, among others.

**Southern California Chinese Lawyers Association**

Formed in 1975, the Southern California Chinese Lawyers Association (“SCCLA”) is one of the oldest Asian Pacific American (“APA”) bar associations in the United States. By promoting the interests and opportunities of APA and other ethnic minority legal professionals, SCCLA has developed a vast membership base of lawyers, judges, law students, and elected and appointed officials. Since its inception, SCCLA has supported racial equality, civil rights, justice, and access to justice, especially for the low-income and immigrant communities. SCCLA believes that diversity on the bench is a key component to achieving justice for

1 underprivileged communities. SCCLA opposes discrimination based upon race,  
2 national origin, gender, and gender preference. Governmental orders based upon  
3 race, national origin, or interaction with certain minority groups will discourage  
4 diverse legal professionals from seeking appointment to the bench.

5 **Thai American Bar Association**

6 The Thai American Bar Association (“TABA”) is a membership organization  
7 established in late 2012 to reflect the interests and needs of the Thai and Thai-  
8 American community in Southern California. TABA's objectives include  
9 coordinating services to the greater Thai community (including immigration  
10 services), fostering relationships with other legal organizations and the legal  
11 community at large, and facilitating the professional development of the  
12 association’s members. TABA opposes initiatives designed to deprive minorities of  
13 their civil and constitutional rights, including initiatives that discriminate based  
14 upon ethnicity and curtail an individual’s exercise of their First Amendment rights,  
15 and supports initiatives that encourage diversity and community engagement in the  
16 legal profession.

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