



Asian American Judges in the Federal Judiciary

A Series of Fact Sheets on the Lack of Diversity on the Bench

By Danielle Root

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Federal judges wield immense power. Each day, they make decisions that affect people's livelihoods, well-being, and fundamental rights. However, a recent report from the Center for American Progress demonstrates that this power is largely held by individuals who do not reflect the diversity of American society.¹

Overall, 80 percent of all sitting federal judges in the nation are white, compared with a U.S. population that is only 60 percent white. In addition, 73 percent of all sitting judges are male, while men make up slightly less than half of the population. Strikingly, there are only two sitting American Indian judges and no Muslim judges on the federal courts.²

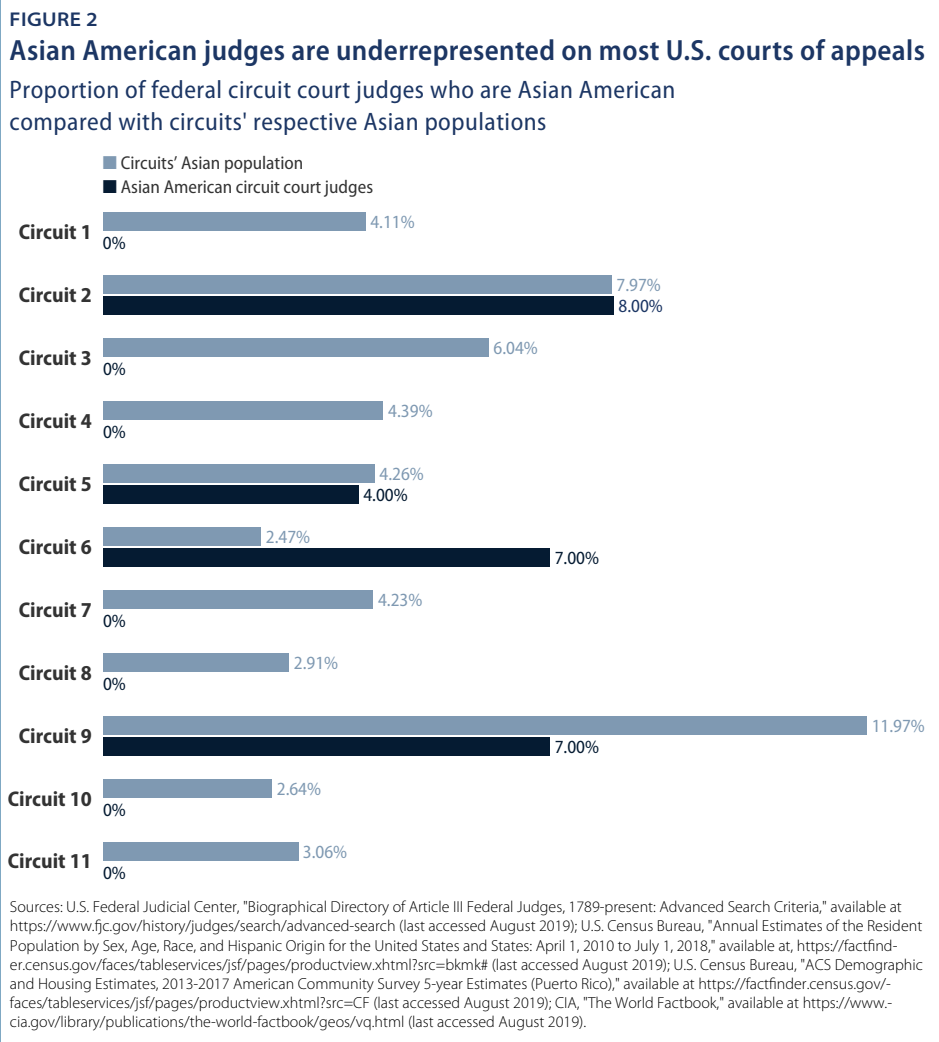
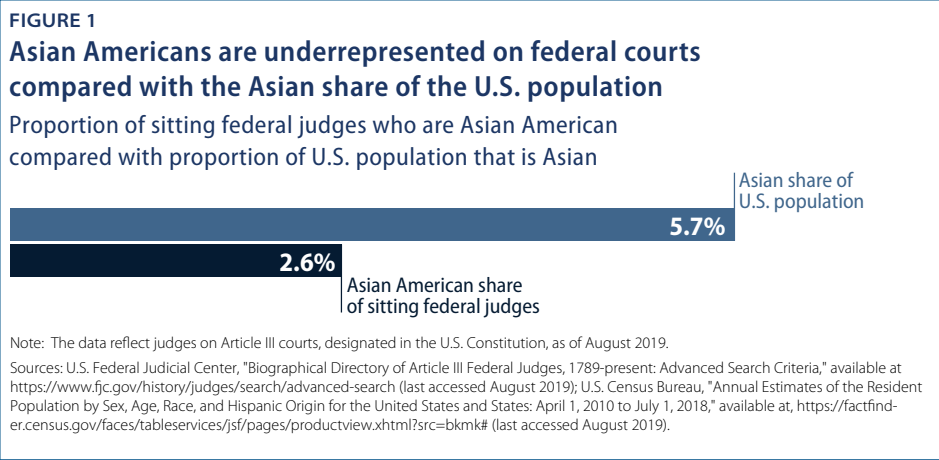
Asian American judges³ are also underrepresented on the bench. The report uncovered several startling findings:⁴

- **Federal judiciary:** Asian Americans comprise just 2.6 percent of sitting judges and 4 percent of active judges on the federal bench.⁵ To put this in perspective, Asians comprise approximately 5.7 percent of the U.S. population.
- **Asian American women:** There are only 14 Asian American women sitting on the federal courts, comprising just 1 percent of all sitting federal judges.⁶ Among active federal judges, only 1.7 percent are Asian American women.
- **Federal courts of appeals:** There are only 11 Asian American judges sitting on U.S. courts of appeals, comprising just 3.8 percent of all sitting U.S. circuit judges. Among active federal judges, this number decreases to 10, amounting to just 5.7 percent of all active judges serving on U.S. courts of appeals.⁷
- **Federal district courts:** There are only 23 sitting Asian American judges serving on federal district courts, comprising just 2.2 percent of all sitting district court judges. Among active district court judges, this number decreases to 20, amounting to just 3.4 percent of all active U.S. district court judges.⁸
- **U.S. Supreme Court:** There has never been an Asian American justice on the U.S. Supreme Court.
- **Representation in the circuit:** There are currently no Asian American judges serving on the 1st, 3rd, 4th, 7th, 8th, 10th, and 11th U.S. circuit courts of appeals. To put this in perspective, in examining those seven circuits' jurisdictions, Asians comprise more than 27 percent of their combined general populations.



See also: ["Building a More Inclusive Federal Judiciary"](#) by Danielle Root, Jake Faleschini, and Grace Oyenubi

- **Presidential appointees:** As of August 2019, President Donald Trump had appointed 10 Asian American judges, comprising fewer than 7 percent of his appointees. In comparison, when former President Barack Obama was in office, 5.56 percent of his appointees were Asian American. Moreover, three of President Obama’s appointees were Asian American multiracial. Therefore, in all, Obama appointed 21 judges of Asian American descent, which accounted for approximately 6.5 percent of his judicial appointees.⁹



Diversity adds immense value to the judiciary. For parties to a case and the public at large, the court’s legitimacy is strengthened when many of the decision-makers look like or share similar characteristics to them. However, while previous presidential administrations have made concerted efforts to diversify the bench, President Trump has nominated and appointed the least racially and ethnically diverse group of federal judges since the 1980s.

CAP’s report on this lack of judicial diversity argues for a variety of reforms that would not only reverse this trend but also transform today’s whitewashed judiciary into one that reflects the viewpoints and experiences of the populace it serves.

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**Author’s note: While Asian Americans are often studied alongside Pacific Islanders under the Asian American and Pacific Islander (AAPI) umbrella, this fact sheet focuses on Asian Americans, the community for which more data are readily available and whose needs differ from those of Native Hawaiians and Pacific Islanders (NHPIs).*

Endnotes

1 Danielle Root, Jake Faleschini, and Grace Oyenubi, “Building a More Inclusive Federal Judiciary” (Washington: Center for American Progress, 2019), available at <https://www.americanprogress.org/issues/courts/reports/2019/10/03/475359/building-inclusive-federal-judiciary/>.

2 Ibid.

3 There is a real need for robust, disaggregated data on Asian American judges. Asian Americans speak dozens of languages, have roots in dozens of countries, and come from a wide range of socio-economic backgrounds. In addition to increasing the total number of Asian American judges, policymakers must also ensure sufficient intraracial diversity within this group.

4 Most data outlined in this fact sheet reflect findings from CAP’s recent report on judicial diversity, although some data points have been updated to reflect changes to the federal judiciary since August 2019. See Ibid.

5 Diversity in the federal judiciary can be measured by looking at “sitting” or “active” judges. The dataset for sitting judges includes those serving in senior status, which is a form of semi-retirement. Datasets for active judges, on the other hand, do not include senior status judges and only reflect judges who serve on the courts full time. Because judges in senior status can still hear cases, the authors have included them in this analysis. According to the federal courts’ official website, senior status judges “typically handle about 15 percent of the federal courts’ workload annually.” See Root, Faleschini, and Oyenubi, “Building a More Inclusive Federal Judiciary”; U.S. Courts, “FAQs: Federal Judges, 5. What is a senior judge?,” available at <https://www.uscourts.gov/faqs-federal-judges#faq-What-is-a-senior-judge?> (last accessed September 2019).

6 Federal Judicial Center, “Biographical Directory of Article III Federal Judges, 1789-Present,” available at <https://www.fjc.gov/history/judges/search/advanced-search> (last accessed October 2019).

7 Ibid.

8 Ibid.

9 Ibid.