

Could Biden Decision to Appoint Public Defenders as Judges Remedy Court Imbalance?

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The Senate confirmation of Eunice Lee, a former public defender and federal defense attorney, to a judgeship on the U.S. Second Circuit Court of Appeals is a single, but important, effort to confront the imbalance in the current judicial landscape that is completely unrepresentative of the legal profession where judges with backgrounds as prosecutors overwhelmingly outnumber those with backgrounds as public defenders, reports Chris Geidner in an op-ed for MSNBC.

That experience imbalance, in turn, leads to those judges all too often interpreting the law in a way that ultimately makes it a stranger to many of the people whose lives it controls.

Geidner says that while attention to demographic diversity in the judiciary has been considered important, that same attention has not been given to professional, or experiential, diversity.

A recent study of federal judges by the conservative Cato Institute found that former prosecutors outnumber former defense lawyers by a ratio of four to one, with those representing government in criminal or civil proceedings outnumbering those litigating against the government by a ratio of seven to one. The Biden administration appears to be placing a priority on chipping away at this imbalance.

Lee was Biden's second appellate nominee with significant public defender experience to be confirmed by the Senate; another is awaiting a final Senate vote. Lee is the first federal defender to serve on the Second Circuit.