

Resolution on Diversity in Trial Court Appointments

Whereas, in exercising discretionary judicial authority to appoint lawyers to various positions (e.g., lead counsel for plaintiff classes; special masters; receivers; trustees; hearing officers; referees; mediators and arbitrators; guardians; and counsel for indigent defendants), trial courts have not appointed women lawyers, minority lawyers and lawyers in small law firms to such positions in numbers commensurate with their representation in the legal profession;

Whereas, there are ample numbers of such diverse lawyers who are experienced and highly qualified for appointments by trial courts;

Whereas, the justice system as a whole has become increasingly diverse, including diverse judges, juries and litigants;

Whereas, research establishes that diversity enhances creativity and innovation, and leads to better decision-making and problem solving;

Whereas, a fundamental underlying goal of the justice system is to provide equal treatment and opportunity for everyone; and

Whereas, litigants and the justice system as a whole benefit from greater diversity in trial court appointments;

Now, therefore, be it resolved that, in exercising their appointment powers, our trial courts, both federal and state, should be mindful of the importance of diversity and should make appointments that are consistent with the diversity of our society and the justice system.