



Federal Bar Association

Southern District of New York Chapter

August 4, 2021

VIA EMAIL

Ms. Bettina Plevan
Chair
Magistrate Judge Merit Selection Panel
Southern District of New York
bplevan@proskauer.com

Dear Ms. Plevan:

I am the president of the Federal Bar Association, Southern District of New York (“SDNY”) chapter and, my colleague, Meredith R. Miller, is the immediate past president of the Network of Bar Leaders (“NoBL”). Earlier this year we wrote on behalf of our respective associations to former Chief Judge Colleen McMahon regarding the troubling lack of diversity among magistrate judges in the SDNY.

Now that the application process for the two magistrate judgeship vacancies in the SDNY has concluded and deliberations are underway, with Eve Guillergan, the current president of NoBL, we thought the time was right to revisit our concerns directly with the Merit Selection Panel (the “Panel”).

A review of the SDNY’s history shows that there have only been **four** individuals of color appointed to be magistrate judges since 1971, when magistrate judges were appointed throughout the federal judiciary.

Indeed, there has not been an African American magistrate judge appointed in the SDNY since October 2, 1997, when the Honorable Kevin Nathaniel Fox was appointed, and there has never been a person of Latinx background appointed to the SDNY magistrate bench. With the impending retirement of Judge Fox this October, the SDNY will have only one person of color serving as a magistrate judge (Hon. Ona T. Wang), and no one who identifies as black, Latinx or indigenous. By comparison, one-third of the current magistrate judges in the Eastern District of New York are persons of color.

In addition to the lack of racial and ethnic diversity, we further express our desire to see more magistrate judges who reflect professional diversity – more public defenders, civil rights lawyers, or attorneys from agencies other than the United States Attorney’s offices (including state agencies). This is in line with President Biden’s publicly stated commitment to have a diverse bench of judges appointed during his administration.

As leaders in the selection process, we know that the Panel shares our view that, in addition to being qualified adjudicators, the next generation of magistrate judges should be persons who espouse qualities reflective of society’s highest ideals. As our nation struggles to recover and move beyond the deep polarization, there is an urgent need for racial and ethnic diversity in every facet of government, including our judiciary.



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Given the lasting impact of judicial appointments, these issues are of paramount importance, and we hope that the Panel will see this as an opportunity to meaningfully address these long-standing disparities.

Very truly yours,

Nancy Morisseau, President
Federal Bar Association, SDNY

Eve Guillergan, President
Network of Bar Leaders

Meredith R. Miller, Immediate Past President
Network of Bar Leaders