

[back to Newsletter](#)

**MLLS Summer CLE**  
**Thursday, August 20th**  
**by Sarah Peterson**

### **Diversifying the Judiciary and Justice Sonia Sotomayor's Appointment to the U.S. Supreme Court**

MLLS hosted a lunchtime CLE panel discussion at the State of Oregon Law Library in Salem on August 20 titled "Diversifying the Judiciary: Perspectives on Justice Sonia Sotomayor and Her Appointment to the U.S. Supreme Court." The panel comprised **Oregon Court of Appeals judges Rick Haselton and Darleen Ortega, attorney Beth Allen, and Willamette law professor Jeffrey Dobbins. Heather Van Meter, co-president of OWLS, moderated the panel discussion.**

Opening the event was Judge Haselton, a law school colleague of Justice Sotomayor. The two met their first year when they were assigned to the same small writing group and learned that they share a love of baseball and Perry Mason. He commented that the nominee testifying during the confirmation hearings is the same thoughtful, principled, and--yes--empathetic person he remembers from law school.

Professor Dobbins then gave an overview of the confirmation process for U.S. Supreme Court nominees. He also described the role that identity politics has come to play in that process.

The remainder of the event was devoted to a lively panel discussion that centered on four questions:

*What should we make of the response to then-Judge Sotomayor's remark about the quality of judicial decision-making by a "wise Latina woman"?* The panelists agreed that the response to that remark illustrates the tension between valuing diversity and the neutrality of judging, and that the core of the debate was the extent to which a judge might be influenced by personal life experience in a way that we deem to be improper. That Justice Sotomayor's particular life experience was treated as suspect, one panelist observed, demonstrates that the privileged white male perspective remains the accepted norm of "objectivity" in the law and that a different perspective must still be defended and legitimized.

*Is judicial decision-making ever free of the influence of the judge's background?* In some areas, the law is malleable and requires a judgment call that is susceptible to influence by a judge's life experience. Because no person is immune to that influence, one panelist remarked, judging with integrity means acknowledging biases and being aware of the effect that personal experience has on the decision-making process, for good or for ill.

*Is "empathy" part of judging?* "Empathy" means many different things and, the panelists seemed to agree, is a positive quality for a judge to possess. For example, an empathetic judge appreciates that a judicial decision has ripple effects. An empathetic judge also attempts to stand in another's shoes and understand that person's perspective.

*Is Justice Sotomayor's appointment a historic one?* Unfortunately, the panelists agreed, yes. Each panelist expressed hope that, one day, such an appointment will be utterly unremarkable because the Court already reflects the diversity of the U.S. population.

More than 60 people attended the event. Attendees who are active members of the Oregon State Bar are eligible for one hour of Access to Justice CLE credit.

MLLS thanks our panelists and moderator for their thought-provoking comments and insights.

