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The New York County Lawyers emphatically rejects baseless, unseemly, inappropriate and un-American attacks on Judge Curiel’s integrity and on the integrity of the judicial system.

Over the last week, we have witnessed the presumptive nominee of a major political party accuse a distinguished federal judge of judicial bias, based solely on the judge’s purported ethnic origins and membership in an affinity bar association. The attacks on Judge Gonzalo P. Curiel assumed that he could not be objective solely because of his parents’ national origins. They illustrate a profound ignorance of the federal judicial system.

All federal judges take an oath of office to “administer justice without respect to person, and do equal right to the poor and to the rich” and to “faithfully and impartially discharge” all judicial duties. 28 U.S.C. §453. Additionally, the Code of Conduct for United States Judges (www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges) requires federal judges to “uphold the integrity and independence of the judiciary” and to “avoid impropriety and the appearance of impropriety.” [Canons 1 and 2] The Code of Conduct also prevents Judge Curiel from addressing these attacks.

When a judge acts with actual bias or otherwise acts inappropriately, there are procedures to have the judge removed from a case. However, “[c]ourts have repeatedly held that matters such as race or ethnicity are improper bases for challenging a judge's impartiality.”¹ Significantly, the lawyers in the case before Judge Curiel have not sought to have him removed.

The rule of law is the foundation of our Constitution, our culture and our society. Among other things, the rule of law is based on public confidence in the ability of the judiciary to administer justice fairly and impartially. Making unfounded allegations of bias against any sitting judge based on race, national origins, religion, gender, or sexual orientation undermines public confidence in our system of justice and, indirectly, the rule of law.

The New York County Lawyers Association was founded in 1908 by, among others, Benjamin Cardozo, Alton B. Parker, John Dillon and Augustus N. Hand, all distinguished jurists, to ensure selection of judges based on merit, not politics, ethnicity, race, gender, religion or national origins, and to ensure that, once selected, the judges were free from pernicious influences. NYCLA stands for the rule of law, the impartial administration of justice, and the independence of the judiciary. We emphatically reject these baseless, unseemly, inappropriate and un-American attacks on Judge Curiel’s integrity and on the integrity of the judicial system.

1. McDraw v. CIT Equip. Financing, 138 F.3d 53 (2d Cir. 1998) (Citing numerous cases).