

## **BASF Issues Statement Regarding Donald Trump's Comments About Judge Curiel**

**June 8, 2016 – San Francisco** -- The Bar Association of San Francisco (BASF), along with a certain number of its past presidents, released an op-ed in support of independence of the judiciary in response to Donald Trump's statements that U.S. District Judge Gonzalo Curiel, who is handling class actions against Trump University, has "an absolute conflict" in presiding over these actions and is a "total disgrace."

In issuing an op-ed, BASF and some of its past presidents stated, "Mr. Trump bases this on Judge Curiel's 'Mexican heritage,' which he apparently means that Judge Curiel's parents were Mexican immigrants (Judge Curiel was born in Indiana) and that the judge is a member of a Latino lawyers' association—while Trump proposes a wall to seal the border with Mexico. If Trump's view about judicial conflicts is right, any party dissatisfied with a judge's rulings could get rid of the judge by saying something about the judge's sex, race, ethnicity, religion, or political affiliation.

"This so-called 'absolute conflict' is not a conflict of interest at all under the U.S. judicial system. It is based upon the misguided belief that the race/ethnicity of a judge determines his or her ability to be impartial in a particular case. Specifically, the statement assumes that Judge Curiel's having parents who were Mexican immigrants disqualifies him in cases involving any party who might take positions that the Mexican government opposes. In fact, Judge Curiel was first appointed by a Republican Governor as a state judge, prior to being nominated by a Democratic President and confirmed by a Republican-controlled Senate based precisely on the conclusion that he was qualified, impartial, and would apply the law faithfully.

"The suggestion that a judge's past participation in a minority bar group is disqualifying, would effectively prevent any lawyer with judicial aspirations from freely associating with other lawyers. The proof that these organizations actually promote good judging is reflected in the number of senior jurists who have participated in educational, pro bono, and other community service programs through those organizations prior to being appointed. Applying the Trump criteria that membership in La Raza was disqualifying in cases involving litigants who have taken controversial positions about immigration, would have deprived the bench of many of the nation's most respected jurists.

Most concerning, Trump suggested that as President he would pursue personal vendettas against members of a separate branch of government. Specifically, 'They ought to look into Judge Curiel, because what Judge Curiel is doing is a total disgrace. Okay? But we will come back in November. Wouldn't that be wild if I am president and come back and do a civil case?' The founders established an independent judiciary to protect the courts from this sort of intimidation by representatives of the other branches."

Out of respect for the independence of the judiciary, The Bar Association of San Francisco calls on Donald Trump to

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withdraw his statements calling into question Judge Curiel's fitness to serve as a judge in this case based on his ethnic heritage.

Signed,

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Merri Baldwin, President-Elect, BASF  
Malcom Heinicke, Treasurer, The The Bar Association of San Francisco  
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e. bob wallach, President 1975, The The Bar Association of San Francisco  
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