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
BASF Issues Statement Regarding Donald Trump’s Comments About Judge Curiel (continued)

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

Signed,

Yolanda Jackson, Executive Director & General Counsel, BASF
Merri Baldwin, President-Elect, BASF
Malcom Heinricke, Treasurer, The Bar Association of San Francisco
Doris Cheng, Secretary, The Bar Association of San Francisco
Michael Traynor, President 1973, The Bar Association of San Francisco
e. bob wallach, President 1975, The Bar Association of San Francisco
James J. Brosnahan, President 1977, The Bar Association of San Francisco
Frank Farella, President 1978, The Bar Association of San Francisco
Stanley Friedman, President 1982, The Bar Association of San Francisco
Jerome B. Falk, Jr., President 1985, The Bar Association of San Francisco
David M. Balabanian, President 1986, The Bar Association of San Francisco
Edward Kallgren, President 1988, The Bar Association of San Francisco
Michael G.W. Lee, President 1990, The Bar Association of San Francisco
Steven Brick, President 1991, The Bar Association of San Francisco
James M. Seff, President 1992, The Bar Association of San Francisco
Karen D. Kadushin, President 1993, The Bar Association of San Francisco
Raymond C. Marshall, President 1994, The Bar Association of San Francisco
Mark Schickman, President 1996, The Bar Association of San Francisco
Douglas Young, President 2001, The Bar Association of San Francisco
Jeffrey L. Bleich, President 2003, The Bar Association of San Francisco
James M. Finberg, President 2005, The Bar Association of San Francisco
Joan Haratani, President 2006, The Bar Association of San Francisco
Nanci Clarence, President 2007, The Bar Association of San Francisco
Russell Roeca, President 2009, The Bar Association of San Francisco
Arturo J. González, President 2010, The Bar Association of San Francisco
Priya Sanger, President 2011, The Bar Association of San Francisco
Kelly M. Dermody, President 2012, The Bar Association of San Francisco
BASF Issues Statement Regarding Donald Trump’s Comments About Judge Curiel (continued)

Christopher Kearney, President 2013, The Bar Association of San Francisco
Stephanie Skaff, President 2014, The Bar Association of San Francisco
Timothy Moppin, President 2015, The Bar Association of San Francisco