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*A Dive Into
Judicial Diversity*

AAPI STATE SUPREME
COURT JUDGES

**THE FACCES
OF JUSTICE**

VOL. 2

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Building a Diverse Judiciary for All.

Welcome to **The Faces of Justice** report, a series that will explore the professional and personal diversity of our state courts by uplifting state court judges of various personal and professional backgrounds. Each report belongs to the Faces of Justice series, but is meant to serve as a standalone report that will examine the representation of the community it features. We hope these reports will be used as tools to advocate for greater diversity and representation on our state supreme courts.

95% of all lawsuits in the United States are filed in state courts. These courts have a powerful effect on the interpretation and enforcement of our laws and civil rights, and members of these courts must represent a diverse array of backgrounds and lived experiences to ensure that our state courts deliver justice for all residents of the United States.

This report highlights the presence of Asian American and Pacific Islander (AAPI) justices on nine state supreme court benches across the nation, exploring the backgrounds of the AAPI justices who serve or have served on each of these state supreme courts. The report also addresses the 41 state supreme courts that have never had an AAPI justice serve on its highest court, including several states with the highest populations of AAPI people.

Because AAPI people were excluded from American society – and from the legal profession – for much of the 19th and 20th centuries, they remain underrepresented in the legal profession today, particularly in government positions and amongst the state and federal judiciaries. This gap in representation ensures that the centuries-old history of disparity faced by this community remains entrenched into our legal system. Promoting diversity on our state court benches will ensure that the lived experiences of all communities are represented in our justice system and will advance our nation toward a justice system that is truly fair for all.



The History of AAPI People in the Law

The use of the law as a tool to exclude people with Asian and Pacific Island heritage from full participation in American society is baked into the founding of the United States. The Naturalization Act of 1790 decreed that citizenship was only available to free people of white European ancestry, excluding all people of color – including immigrants from Asia – as “aliens ineligible for citizenship” in the newly-formed United States of America. As formal trade relations brought more immigrants from East Asia to the West Coast, legal mechanisms were increasingly used to relegate Asian immigrants to the margins of American society.

Immigrants from Asian countries were paid less for their labor than white settlers, and the resulting labor competition caused white settlers to target Asians immigrants with threats and violence. Perpetrators were rarely held accountable in a legal system that afforded few protections to immigrants and people of color, with the California Supreme Court deciding in a 1954 decision that a California criminal statute forbidding any person of color from giving testimony against a white citizen extended to Chinese and other Asian immigrants. The state’s legislature enacted a tax on the labor of Asians employed in mines and most businesses in an explicit effort to protect white labor from competition with Asian immigrant labor.

The U.S. signed treaties with China to supply low-wage Chinese immigrant labor that was crucial to the development and completion of the U.S. Transcontinental Railroad, but provided no expansions to the legal status of Chinese immigrants. The 1870 Naturalization Act limited the naturalization protections provided by the Fourteenth Amendment – which had granted birthright citizenship to every person born on U.S. soil – to extend only to “aliens of African nativity and to persons of African descent”, denying naturalization rights to all immigrants from Asia and their descendants. Congress also enacted the first immigration law targeting a specific ethnic group in 1875 by effectively banning the entry of most Chinese women, and later expanded the ban to all Chinese immigrants. Violence against Asian immigrants continued to increase during this period, with white mobs waging terror campaigns against Asian-American communities in major cities on the West Coast. Entire city blocks were burned as Asian Americans were driven from their homes, forcibly loaded onto trains bound for other states or ships bound for China, or killed.

In addition to the discrimination and violence waged against Asian Americans, the exclusionary laws enacted to keep them from entering the country also prevented Asian Americans from fully integrating into American life. In 1890, the California Supreme Court cited the Chinese Exclusion Act to deny a law

license to the first Chinese American to earn a law degree, ruling it could not grant a law license to Hong Yen Chang because the Chinese Exclusion Act made Chinese Americans ineligible for citizenship, a requirement to hold a law license. Several western states also enacted alien land laws that prevented Asian Americans from owning real property.

Bans on immigration from East and South Asia expanded during and after World War I, and had become total by the time the U.S. entered World War II. In response to racist panic that people with Japanese heritage could infiltrate American society and undermine war efforts, 120,000 Japanese Americans were forced to relocate to internment camps. Naturalization privileges were extended to Asian-Americans veterans of World War II and the Korean War, as well as to some of their family members, but anti-Asian sentiment continued until immigration reforms eliminated openly discriminatory intent from the U.S. immigration code in the last half of the 20th century. The national origins quota system was abolished, and preferences for skilled immigrants and those with family ties to legal U.S. residents were strengthened, further expanding immigration opportunities for Asians and Pacific Islanders.

In 2015, the California Supreme Court issued an unsigned opinion acknowledging that its 1890 ruling that had denied a law license to Hong Yen Chang based on his national origin was deeply rooted in racist discrimination, overturning its 1890 ruling and posthumously granting him a law license. Today there are 11 AAPI People state supreme court justices currently serving on seven state supreme courts, with a total of 33 AAPI Peoples having served on nine state supreme courts since 1959.

Who are America's AAPI State Supreme Court Justices?

70%

of AAPI justices previously served as lower court judges before they joined their state's highest court (23 justices).



24%

previously worked as movement lawyers (that is, lawyers who have dedicated their work to the common good).



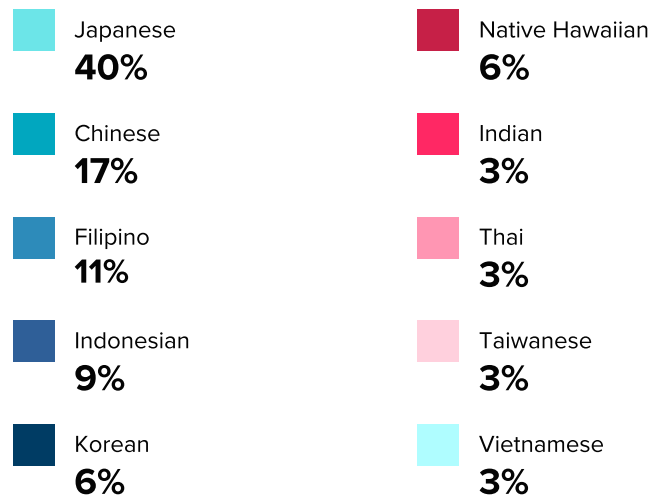
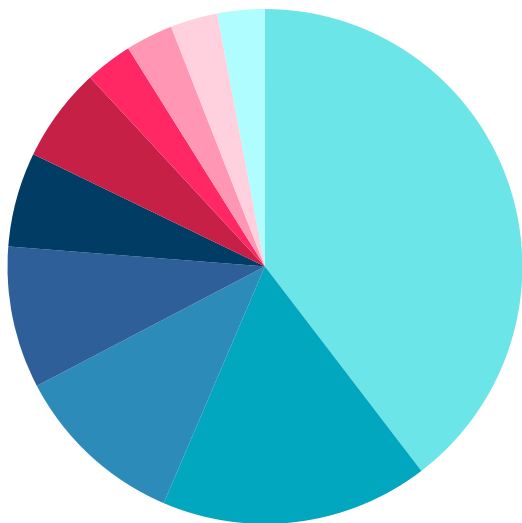
12%

of AAPI state supreme court justices previously served in their state's legislature.



Heritage of AAPI State Supreme Court Justices

Of the 33 AAPI state supreme court justices, 40% are of Japanese descent; 17% are of Chinese descent; 11% are of Filipino descent; 9% are of Indonesian descent; 6% are of Korean descent; 6% are of Native Hawaiian descent; 3% are of Indian descent; 3% are of Thai descent; 3% are of Taiwanese descent; and 3% are of Vietnamese descent.



State Breakdowns

Only nine states (18%) have had an AAPI justice on their state's supreme court (HI, CA, MA, WA, OR, IA, GA, VT, NV), while 41 states (82%) have never had an AAPI justice serve on their supreme court bench. The Supreme Court of Hawaii has had 20 AAPI justices. Four AAPI justices have served on the California Supreme Court, and three have served on the Oregon Supreme Court. Massachusetts, Washington, Iowa, Georgia, Vermont, and Nevada have each had one AAPI justice serve on their state supreme court. Hawaii (4) and California (1) are the only states to have an AAPI chief justice.

How AAPI Justices Have Gotten to the Supreme Courts

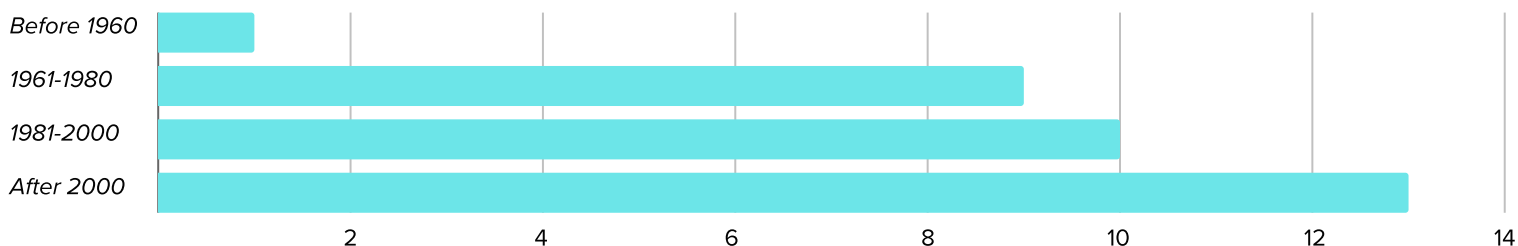
Every AAPI justice to join a state supreme court has been appointed to the court. 73% (24 justices) were appointed by Democratic governors of six states (HI, CA, MA, WA, OR, NV); 27% (9 justices) were appointed by Republican governors of five states (HI, CA, IA, GA, VT). Hawaii's judicial nominating commission has the authority to retain its justices. Justices in Vermont are retained by a vote of the state legislature, and Massachusetts has no retention method. Supreme court justices in California and Iowa face retention elections, and justices in Georgia, Nevada, Oregon, and Washington face nonpartisan elections at the end of each term. Every AAPI justice to serve on a state supreme court has been retained by their state's retention method until their retirement from the court. Fourteen of the 33 AAPI justices have served longer than 10 years, and four have served longer than 20 years. Of the 10 that served or have served fewer than five years, eight are currently serving (Fernande Duffly, MA and Lynn Nakamoto, OR retired after five years of service.) Of these eight currently serving justices, six are serving terms that will last at least four more years. The terms of the remaining two justices, Aruna Masih of Oregon and Patricia Lee of Nevada, will expire in 2024; both are running for reelection unopposed, so each is presumed to remain on her respective court for at least one full six-year term.

How do State Supreme Courts Compare to the AAPI Population in Their State?

Hawaii has an AAPI population of 56% and has had at least one AAPI justice on its high court since 1956. Since its statehood was enacted, the Supreme Court of Hawaii has had 30 justices, and 20, or 67%, have been AAPI. With an Asian population of 17.4%, California's first AAPI justice joined the court in 1989, and the court has had at least one AAPI justice on its court every year since. Massachusetts has the ninth highest Asian population of all states with 7.7%; the only AAPI justice of the Massachusetts Supreme Judicial Court served from 2011 to 2016. Oregon's Asian population is 6.1%, and the first AAPI justice to serve on Oregon's supreme court was appointed in 2016 and retired in 2021. The second AAPI justice joined the court in 2022, and the third in 2023. The only AAPI justices to serve on the supreme courts of Washington, Iowa, Georgia, Vermont, and Nevada are currently serving. Washington's Asian population is 10.9% (3rd); Iowa's Asian population is 3% (31st); Georgia's Asian population is 4.6% (17th); Vermont's Asian population is 2.3% (37th); and Nevada's Asian population is 10% (5th). Among other top 10 states for Asian population are New Jersey, with an Asian population of 10.18% (4th); New York, with an Asian population of 9.68% (6th); Alaska, with an Asian population of 8.82% (7th); Virginia, with an Asian population of 7.90% (8th); and Maryland, with an Asian population of 7.48% (10th); none of these states have ever seated a justice of AAPI descent.

AAPI Justices on State Supreme Courts Through the Decades

Before 1960, only one state (Hawaii) had had an AAPI state supreme court justice. Hawaii was the only state to appoint any AAPI justices to its bench between 1961 and 1980, appointing nine more AAPI justices to its bench. Eight AAPI justices joined the Hawaiian bench between 1981 and 2000; California appointed its first AAPI justice in 1989 and its second in 1996. The first AAPI justices to join the courts of Massachusetts, Washington, Oregon, Iowa, Georgia, Vermont, and Nevada were all appointed after 2010.



THE HISTORY OF THE Hawaii Supreme Court

Hawaii's first high court was established when the Kingdom of Hawaii became a constitutional monarchy with the signing of its first constitution in 1840. Kamehameha III, the third king of the Kingdom of Hawaii, and Kuhina Nui Kekāuluohi, a high-ranking noblewoman, served as the supreme court's first two justices. In 1842, they were joined by Zorobabela Ka'auwai, Abner Pākī, Charles Kana'ina, and Jonah Kapenaby; four chiefs who were elected by the representative body to join the court. Other early Native Hawaiian members of this court were Keoni Ana, Joshua Kaeo, and John Papa ʻĪʻĪ. Kamehameha III's leadership of the court saw the creation of Hawaii's first formal legal system, including its courts and land titles systems. The kingdom transitioned to a Western-based common law system as land ownership was redistributed between the king, the government, and nobles and citizens. The court system was unified to have jurisdiction over both Native Hawaiians and white settlers, who were increasingly appointed to the supreme court alongside native Hawaiians. ʻĪʻĪ left the court in 1864 and was the last Native Hawaiian to serve on the court until William Richardson was appointed over 100 years later.



Later amendments to this constitution furthered the democratization of the Hawaiian government and heavily influenced the framing of the Republic of Hawaii's first constitution after the kingdom was overthrown in 1893. Hawaii was a republic until 1898, when it became a territory of the United States in 1898 and the high court was renamed the Supreme Court of the Territory of Hawaii. Hawaii became a U.S. state in 1959 and the court was renamed once more to the Supreme Court of the State of Hawaii. The court has continued to preserve and uphold the ancient customs and traditions practiced by Native Hawaiians for thousands of years, even as the population of Hawaii has grown and changed. Its jurisprudence shows a commitment to the preservation of these customary Native Hawaiian rights, which protect public access and ownership of the state's natural resources; the right to subsistence, including to cross private property to access publicly owned natural resources; and the right to gather in public spaces for the practice of cultural and religious purposes. The court's commitment to upholding the customs practiced throughout the Hawaiian Islands for thousands of years has been furthered by the continued presence of justices with Native Hawaiian heritage on its bench.

THE FIRST AAPI JUSTICE OF THE HAWAI'I SUPREME COURT



Masaji Marumoto

Associate Justice (1956-1960; 1967-1973)

Masaji Marumoto was appointed to Hawaii's highest court in 1956 by President Dwight D. Eisenhower when the court was the Supreme Court of the Territory of Hawaii. He was the first Japanese-American justice to serve on the Supreme Court of Hawaii or on any supreme court in the United States. He was born in 1906 in Honolulu to parents who immigrated from Hiroshima, Japan, and was the first Japanese American to graduate from Harvard Law School. Prior to joining the court, he was the first Japanese American to serve as president of the Hawaii Bar Association. He was a member of the court when Hawaii became a U.S. state and the court became the Supreme Court of the State of Hawaii in August 1959. He left the court in 1960 but returned in 1967 and served until 1973. He died in 1995.

SINCE JUSTICE MARUMOTO

Wilfred Tsukiyama

Chief Justice
(1959-1965)

Wilfred Tsukiyama was appointed to the Supreme Court of Hawaii to serve as its chief justice by Gov. William F. Quinn (R) in October 1959 and was the first Japanese-American chief justice of the court. He was born in Honolulu in 1897 to parents who immigrated from Japan. Prior to joining the court, he served in the Territorial Senate for five years, including as its president, and was an outspoken advocate for Hawaiian statehood. He also worked in private practice and as the attorney for the City and County of Honolulu before joining the legislature. He served as chief justice of the court until his retirement in 1965. He died in 1966.

Jack Mizuha

Associate Justice
(1961-1978)

Jack Mizuha was appointed to the Supreme Court of Hawaii by Gov. William F. Quinn (R) in 1961. He was born in 1913 in Waihee, Maui to parents who immigrated from Hiroshima, Japan. He worked as a public high school teacher and principal before obtaining his law degree and entering public service. Prior to joining the state's highest court, he was a judge of the Hawaii Circuit Court and served as Hawaii's first attorney general. He also served on the Kauai Board of Supervisors and as a delegate to the 1950 territorial constitutional convention. He advocated for civil rights, including citizenship rights for Japanese immigrants. He retired from the Supreme Court in 1978 and entered private practice. He died in 1986.

William S. Richardson

Chief Justice
(1966-1982)

William Richardson was appointed to serve as chief justice by Gov. John Burns (D) in 1966. He was the first Chinese-American chief justice of the Hawaii Supreme Court. He was born in Honolulu in 1919 and is of Chinese, Native Hawaiian, and European descent. Before joining the court, he served as Burns's lieutenant governor, chaired the Democratic Party of Hawaii, and was a captain in the Judge Advocate General Corps of the U.S. Army. During his tenure as chief justice, he lobbied the state legislature for the creation of the University of Hawaii's law school, which was founded in 1973. After he retired from the court in 1982, the law school was named in his honor. He died in 2010.

CASE HIGHLIGHT

In accordance with Hawaiian law requiring the state to **protect the exercise of traditional and customary Native Hawaiian rights, including gathering rights and access rights**, Chief Justice Richardson wrote a majority opinion for the court in *Palama v. Sheehan* (1968), which stated that an "ancient Hawaiian right of way" allows people to cross land owned or leased by others to access or leave their own land.

Kazuhiisa Abe

Associate Justice
(1967-1973)

Kazuhiisa Abe was appointed to the Supreme Court of Hawaii by Governor John Burns (D) in 1967. He was born in Pepeekeo, Hawaii in 1914 to Japanese immigrants and was a practicing Buddhist. Before joining the court, he was a member of the territorial and later the state Senate for 16 years, serving as chair of the Ways and Means Committee and the Judiciary Committee and as the Senate's president. He also maintained a private law practice during his time in the Senate. He served as a magistrate at the district court in Kohala for nine years before his time in the legislature. He retired from the court in 1973. He died in 1996.

CASE HIGHLIGHT

In a decision relying on Hawaiian tradition, the Hawaii Supreme Court held in *McBryde Sugar Co., Ltd. v. Robinson* (1973) that the state holds sovereign water rights to stream water. The case resolved a dispute between two plantations that had each claimed rights to the stream's water, with Justice Abe writing the majority's opinion.

Bert T. Kobayashi

Associate Justice
(1969-1978)

Bert Kobayashi was appointed to the Supreme Court of Hawaii by Gov. John Burns (D) in 1969. He was born in 1916 to parents who immigrated from Japan. He previously served as the attorney general of Hawaii, as a deputy city attorney and a deputy public prosecutor, and as an Oahu district magistrate. He also worked in private practice and served as president of the Hawaii Bar Association before joining the bench. He retired from the Supreme Court in 1978. He died in 2005.

Benjamin Menor
Associate Justice
(1974-1981)

Benjamin Menor was appointed to the Supreme Court of Hawaii by Gov. John Burns (D) and was the first person of Filipino ancestry to join any state's supreme court when he joined the Supreme Court of Hawaii in 1974. He was born in the Philippines and immigrated to Hawaii with his family as a child. He became a U.S. citizen after serving for the Philippines in the U.S. Army in World War II. He was previously a circuit court judge and a member of the state Senate. He retired from the court in 1981 and returned to private practice. He died in 1986.

Thomas Shoichi Ogata
Associate Justice
(1974-1981)

Thomas Shoichi Ogata was appointed to the Supreme Court of Hawaii in January 1974 by acting Gov. George Ariyoshi (D). He was born in Waiakoa, Maui, in 1917 to parents who emigrated from Japan. He was a circuit court judge prior to joining the state's highest court and served in the territorial Senate from 1958 to 1959 and in the state Senate from 1959 to 1964. He also served as a deputy city and county attorney for Honolulu and as deputy county attorney for Maui. He retired from the supreme court in late 1981 but continued to serve as a substitute justice on the court through 1982. He died in 1983.

CASE HIGHLIGHT

In a majority opinion written by Justice Ogata, the Hawaii Supreme Court held in *Ono v. Applegate* (1980) that despite Hawaii's lack of statutory dram shop regulations, bar owners who knowingly serve alcohol to inebriated patrons can be held liable for vehicular injuries or deaths their customers cause after driving away from the bar.

Edward Nakamura
Associate Justice
(1980-1989)

Edward Nakamura was appointed to the Supreme Court of Hawaii in 1980 by Gov. George Ariyoshi (D), the first Japanese-American person to serve as governor of any U.S. state. Nakamura was born in Honolulu in 1922 to parents who immigrated from Japan's Mie Prefecture. Prior to joining the court, he worked in private practice as an influential labor lawyer, lobbying the Hawaii legislature to enact pro-worker legislation on behalf of the International Longshoremen and Warehouse Union and representing injured workers in workers' compensation claims at a time when organized labor was under suspicion of "subversive activities" by the McCarthy-era U.S. Congress. Nakamura retired from the court in 1989 and continued to advocate for the interests of working Hawaiians. He died in 1997.

Herman T. F. Lum
Associate Justice
(1980-1983) | Chief Justice
(1983-1993)

Herman T. F. Lum was appointed to the Supreme Court of Hawaii in 1980 by Gov. George Ariyoshi (D) in 1980. He was elevated to chief justice of the court by Ariyoshi in 1983. He was born in 1926 in Honolulu to parents of Chinese descent. Prior to joining the state's highest court, he was a senior family court judge and a circuit court judge. He served as U.S. attorney, as an attorney for Hawaii's House of Representatives, and as an assistant public prosecutor before joining the bench. During his time on the Supreme Court, he advocated for dispute resolution through mediation and arbitration of civil cases, with Hawaii becoming the first state to create a civil dispute resolution program in 1985 under his leadership. He retired from the court in 1993. He died in 2005.

Yoshimi Hayashi
Associate Justice
(1982-1992)

Yoshimi Hayashi was appointed to the Supreme Court of Hawaii by Gov. George Ariyoshi (D) in 1982. He was born in Honolulu in 1923 to parents who immigrated from Japan and was the first Japanese American to serve as a federal prosecutor. He was also the first person to serve in all four levels of Hawaii's courts, serving as an appellate court judge, a circuit court judge, and a district court judge before his appointment to the Supreme Court. He worked in the Honolulu Corporation Counsel's Office and in private practice before becoming a U.S. attorney. He retired from the court in 1992. He died in 2006.

CASE HIGHLIGHT

Justice Hayashi wrote the majority’s opinion in *State v. Tanaka* (1985), when the court ruled that the Hawaii Constitution requires police to obtain a search warrant before searching property that is stored in plastic garbage bags.

James H. Wakatsuki
Associate Justice
(1983-1992)

James Hiroji Wakatsuki was appointed to the Supreme Court of Hawaii by Gov. George Ariyoshi (D) in 1983. He was born in 1929 in Honolulu to parents who immigrated from Japan and served in the U.S. Army while completing his undergraduate studies. He was elected to the Territorial House of Representatives in 1958. The body became the Hawaii House of Representatives when Hawaii’s statehood was enacted in 1959, and Wakatsuki was elected Speaker of the House in 1975. He maintained a private law practice until he was appointed to the court in 1983. He died in office in September 1992.

CASE HIGHLIGHT

Justice Wakatsuki wrote the majority opinion for the court in *Kaiser Hawaii Kai Development Co. v. City & County of Honolulu* (1989) that a ballot initiative organized by a group of citizens to downzone a tract of land in an effort to block a proposed housing development from being built on the land violated Hawaii law that required zoning to be done in accordance with “a long range, comprehensive general plan” to ensure the conservation and development of all of the state’s natural resources.

Ronald T. Y. Moon
Associate Justice
(1990-1993) | Chief Justice
(1993-2010)

Ronald T. Y. Moon was appointed to the Supreme Court of Hawaii as an associate justice in 1990 by Gov. John D. Waihee III (D) and was the first Korean American to become the chief justice of the Supreme Court of Hawaii and of any state’s supreme court. He was born in Wahiawa in 1929 and was a third-generation Korean American. He was previously a circuit court judge and worked in private practice and in the Office of the Prosecuting Attorney for the City and County of Honolulu before joining the court. Moon was elevated to chief justice of the court by Waihee in 1993. He continued serving as chief justice until he left the court in 2010 upon reaching the state’s mandatory retirement age of 70 in 2010. He died in 2022.

Robert G. Klein
Associate Justice
(1992-2000)

Robert Gordon Klein was appointed to the Supreme Court of Hawaii by Gov. John D. Waihee III (D) in 1992. He was born in 1947 and has Native Hawaiian ancestry. He served as a circuit court judge and a district court judge prior to joining the state’s highest court and was a deputy attorney general and a complaint officer for multiple state regulatory agencies before becoming a judge. He retired from the Supreme Court in 2000 and returned to private practice.

CASE HIGHLIGHT

In a landmark decision, the Hawaii Supreme Court held in *Public Access Shoreline Hawaii v. Hawaii’s County Planning Commission* (1995) that landowners do not have absolute private property rights and the unique access and gathering rights of the Hawaiian public to share in the state’s natural resources must be considered when deciding whether to approve shoreline developments, with Justice Klein writing the majority opinion.

Mario R. Ramil
Associate Justice
(1993-2002)

Mario Ramil was appointed to the Supreme Court of Hawaii in 1993 by Gov. John D. Waihee III (D). He was born in Quezon City, Philippines and immigrated with his family to California’s San Francisco Bay area at the age of 10. He moved to Hawaii after completing his education to work in the state’s attorney general’s office and served as the insurance commissioner and as the director of the labor department before joining the Supreme Court. He retired from the court in 2002 to enter private practice. He died in 2017.

Paula A. Nakayama
Associate Justice
(1993-2023)

Paula Aiko Nakayama was appointed to the Supreme Court of Hawaii in 1993 by Gov. John D. Waihee III (D). She was the first Asian-American woman to serve as a state supreme court justice in the United States. Born in 1953 in Honolulu to second-generation Japanese Americans, Nakayama was raised in San Jose, California. She returned to Honolulu after completing her education to work as a deputy prosecutor for the City of Honolulu. She left the prosecutor’s office to enter private practice. She became a circuit court judge in 1992 and was elevated to the Supreme Court in 1993. The state’s Judicial Selection Commission retained her for second and third terms in 2003 and 2013. She retired from the court in 2023 shortly before her 70th birthday.

CASE HIGHLIGHT

In *In re Water Use Permit Applications* (2000), Justice Nakayama wrote the majority opinion for the court, which invalidated part of a landmark decision by the state’s water commission, which had allowed two private companies to divert water from a stream. The decision reaffirmed decades of Hawaii jurisprudence holding that the **state is responsible for protecting its water resources** to the benefit of all Hawaiians.

Simeon R. Acoba Jr.
Associate Justice
(2000-2014)

Simeon Rivera Acoba Jr. was appointed to the Supreme Court of Hawaii in 2000 by Gov. Ben Cayetano (D). He was previously an appeals court judge, a circuit court judge, and a district court judge. He was born in 1944 in Honolulu to parents who immigrated from the Philippines, and worked as a special deputy attorney general in public utilities and occupational safety and health and as an attorney for the Hawaii House of Representatives before becoming a judge. After joining the Supreme Court in 2000, he was retained by the Judicial Selection Commission in 2010. He left the court upon reaching the state’s mandatory retirement age of 70 in 2014.

TODAY



Sabrina McKenna
Associate Justice (2011-present)

Term Ends: 2031

Sabrina Shizue McKenna was appointed to the Supreme Court of Hawaii by Gov. Neil Abercrombie (D) in 2011. She was born in 1957 in Tokyo, Japan to an American father and a Japanese mother. She completed her education in Hawaii and began her legal career as a civil litigator and corporate counsel in Honolulu before serving as a district court and circuit court judge. She was nominated to the state’s highest court in January 2011 and confirmed by the Senate the next month despite encountering opposition to her nomination due to her sexual orientation. She became the first openly gay justice to serve on the Hawaii Supreme Court upon her confirmation. She was confirmed in 2021 to a second term that will end in 2031, but she must retire from the court before reaching the state’s mandatory retirement age of 70 in 2027.

TODAY (CONTINUED)



Vladimir Devens

Associate Justice (2024-present)

Term Ends: 2032

Vladimir Devens was appointed to the Supreme Court of Hawaii in 2024 by Gov. Josh Green (D). Prior to his appointment, Justice Devens worked in private practice in Honolulu with a focus on land use and labor relations, including serving as counsel to the State of Hawaii Organization of Police Officers and the Hawaii State Teachers Association. He was also a police officer with the Honolulu Police Department for six years. He was born in Honolulu in 1962 to a father from Gary, Indiana, and a mother from Kyoto, Japan. His term will expire in 2034, but he must retire from the court before reaching the state's mandatory retirement age of 70 in 2032.



Lisa Ginoza

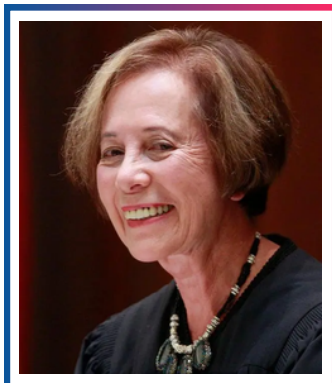
Associate Justice (2024-present)

Term Ends: 2034

Lisa Miyoko Ginoza was appointed to the Supreme Court of Hawaii by Gov. Josh Green (D) in 2024 and confirmed by the Hawaii Senate to a 10-year term on the court. She was previously chief judge of the Hawaii Intermediate Court of Appeals and a deputy Hawaii attorney general. She also worked as a civil litigator in private practice. She was born in 1964 in Honolulu to parents of Japanese descent. Her current term will expire in January 2034, and she will reach the state's mandatory retirement age of 70 in October 2034.

THE HISTORY OF THE California Supreme Court

THE FIRST AAPI JUSTICE OF THE CALIFORNIA SUPREME COURT



Joyce Kennard

Associate Justice (1989-2014)

Joyce Kennard was appointed to the California Supreme Court by Gov. George Deukmejian (R) in 1989. She was the second woman and the first Asian American to join the state's highest court. Kennard was born in West Java, Indonesia in 1941. Her father was of Indonesian, Dutch, and German ancestry, and her mother was of Chinese, Indonesian, Dutch, and Belgian descent. She was raised in the Netherlands and immigrated to the United States, where she worked until she was able to pay for college. After earning her law degree, she became a deputy attorney general with the California Department of Justice. Between 1986 and 1989, she was appointed to the municipal and then the superior courts of Los Angeles, to California's appeals court, and finally to the California Supreme Court. She was retained by voters in 1994 and 2004. She retired from the court in 2014.

CASE HIGHLIGHT

Justice Kennard wrote for the majority in *Kasky v. Nike* (2003) that athletic brand Nike could not claim that its advertising practices were protected speech under the First Amendment. The case arose after a California resident brought a complaint alleging Nike was engaging in deceptive marketing practices surrounding its efforts to prevent information about working conditions in the overseas sweatshops where its products were manufactured from being made public.

SINCE JUSTICE KENNARD

Ming Chin

Associate Justice
(1996-2020)

Ming Chin was appointed to the California Supreme Court by Gov. Pete Wilson (R) in 1996. He is the first Chinese-American justice to join the California Supreme Court. He was born in Klamath Falls, Oregon to parents who immigrated from China and was raised in San Jose, California. After law school he was commissioned a captain in the U.S. Army and served in the Vietnam War. Following his discharge, he was a deputy district attorney for the Alameda County District Attorney's Office. He then entered private practice and became a prominent employment litigator. He joined the bench as a superior court judge and later as an appeals court judge and was elevated to the California Supreme Court in 1996. He was retained by voters in 1998 and 2010. He retired from the court in 2020.

Tani Cantil-Sakauye

Chief Justice
(2011-2023)

Tani Gorre Cantil-Sakauye was appointed to the California Supreme Court by Gov. Arnold Schwarzenegger (R) in 2011 and was the first Filipino American and the first woman of color to serve as the court's chief justice. She was born in Sacramento, California in 1959 to a Hawaiian-born father of Filipino and Portuguese ancestry and a mother of Filipino descent. She began her career in the Sacramento County District Attorney's Office and later served as a deputy secretary of legal and legislative affairs to Gov. George Deukmejian (R). She joined the bench as a municipal court judge and was elevated through the California courts as a superior court judge and an appellate court judge before her appointment as chief justice of the supreme court. She was retained by voters for a full 12-year term as chief justice in 2010. She retired from the court in January 2023.

CASE HIGHLIGHT

In accordance with Hawaiian law requiring the state to **protect the exercise of traditional and customary Native Hawaiian rights, including gathering rights and access rights**, Chief Justice Richardson wrote a majority opinion for the court in *Palama v. Sheehan* (1968), which stated that an **“ancient Hawaiian right of way”** allows people to cross land owned or leased by others to access or leave their own land.

TODAY

**Goodwin Liu**

Associate Justice (2011-present)

Term Ends: 2034

Goodwin Liu was appointed to the California Supreme Court by Gov. Jerry Brown (D) in 2011. He is the first Taiwanese American to serve on the California Supreme Court. He was born in Augusta, Georgia in 1970 to parents who immigrated from Taiwan. Prior to his appointment to the court, he was an associate dean and law professor at the University of California, Berkeley School of Law. He also worked as an appellate litigator and held staff positions in the U.S. Department of Education and AmeriCorps. He was retained by voters for a 12-year term on the court in November 2022.

CASE HIGHLIGHT

Justice Liu wrote a dissenting opinion in *California Attorneys for Criminal Justice v. Newsom* (2020) in which he criticized the majority's finding that it could not compel the state's governor and attorney general to implement a moratorium on the transfer of detainees to federal immigration facilities in the early weeks of the COVID-19 pandemic. In the dissent, Liu warned the governor and attorney general that their refusal to address the health conditions in California jails and prisons was an abuse of their discretion and a violation of the detainees' equal protection rights.

THE HISTORY OF THE

Massachusetts Supreme Court**THE FIRST AAPI JUSTICE OF THE MASSACHUSETTS SUPREME COURT****Fernande R. V. Duffly**

Associate Justice (2011-2016)

Fernande R. V. Duffly was appointed by Gov. Deval Patrick (D) in 2011 to the Massachusetts Supreme Judicial Court. Born in Indonesia in 1949, she is the first and only Asian American to serve on the court. She previously served as an appellate court judge and a probate and family court judge for nearly 20 years. She worked in private practice before joining the bench, providing pro bono representation to indigent clients and working to expand access to the courts through pro se representation. She retired from the court in 2016.

There have been no AAPI justices on the Massachusetts Supreme Court since Justice Duffly.

CASE HIGHLIGHT

Justice Duffly wrote the majority opinion for the court in *Commonwealth v. Pacheco* (2013), which held that a defendant's motion to suppress evidence must be granted because the arresting officer lacked probable cause to search the trunk of the defendant's car based on the smell of marijuana within the vehicle's cabin.

THE HISTORY OF THE Washington Supreme Court

THE FIRST AAPI JUSTICE OF THE WASHINGTON SUPREME COURT



Mary Yu

Associate Justice (2014-present)

Term Ends: 2029

Mary Yu was appointed to the Washington Supreme Court by Gov. Jay Inslee (D) in 2014. Born in 1957 in Chicago to a father who immigrated from China and a mother who immigrated from Mexico, she is the first Asian American, the first Latina American, and the first openly gay justice to serve on the Washington Supreme Court. She began her career working for the Roman Catholic Archdiocese of Chicago and moved to Washington to work as the deputy chief of staff to the King County Prosecuting Attorney after law school. She was appointed as a judge of the King County Superior Court, where she served for 14 years before her appointment to the Supreme Court. She was unopposed in her race to fill the remainder of the partial term in 2015 and was elected to a full six-year term on the court in 2016. She was elected to a second full term in 2022 that expires in January 2029.

CASE HIGHLIGHT

Justice Yu wrote the majority opinion in the court's ruling in *Barr v. Snohomish County Sheriff* (2009), ruling that sheriffs are not required by Washington law to issue concealed pistol licenses to people with felony convictions, even if they are under seal. The case was brought by a person whose application for a CPL was denied on the basis that his sealed juvenile record contained two class A felonies.

THE HISTORY OF THE Oregon Supreme Court

THE FIRST AAPI JUSTICE OF THE WASHINGTON SUPREME COURT



Lynn Nakamoto

Associate Justice (2016-2021)

Lynn R. Nakamoto was appointed to the Oregon Supreme Court by Gov. Kate Brown (D) in 2016. She was the first Asian American to join the Oregon Supreme Court. She was born in 1960 in Los Angeles, California to parents of Japanese descent. She was previously an appellate court judge and worked in private practice and as a legal aid attorney before joining the bench. She was the third openly gay justice to serve on the Oregon Supreme Court. She retired from the court in 2021.

CASE HIGHLIGHT

Justice Nakamoto wrote for the majority in *State v. Ross* (2021), in a decision that determined that while Oregon law requires a unanimous jury vote to deliver a guilty verdict, prosecutors may not instruct juries that not-guilty verdicts also require a unanimous vote; rather, the law permits a not-guilty verdict by a vote of eleven to one or a vote of ten to two.

TODAY



Roger DeHoog
Associate Justice (2022-present)

Term Ends: 2029

Roger DeHoog was appointed to the Oregon Supreme Court by Gov. Kate Brown (D) in January 2022. Born in Portland, Oregon in 1965 to parents who immigrated from Indonesia, he is the first Indonesian American to serve on the Oregon Supreme Court. He was previously a circuit court and an appellate court judge, and worked for the Oregon Department of Justice, in private practice, and as a public defender before joining the bench. He was retained by voters for a full six-year term on the court in November 2022. His current term expires in January 2029.



Aruna Masih
Associate Justice (2023-present)

Term Ends: 2024

Aruna Masih was appointed to the Oregon Supreme Court by Gov. Tina Kotek (D) in 2023. She was born in New York in 1971 to an Indian father and a British mother and is the first Indian American and South Asian to serve on the state’s highest court. Prior to joining the court, she worked in private practice for 25 years, specializing in public employee retirement systems and pension case law. She must stand for election to serve a full six-year term on the court in 2024.

THE HISTORY OF THE
Iowa Supreme Court

THE FIRST AAPI JUSTICE OF THE IOWA SUPREME COURT



Christopher McDonald
Associate Justice (2019-present)

Term Ends: 2028

Christopher McDonald was appointed to the Iowa Supreme Court by Gov. Kim Reynolds (R) in 2019. He is the first Asian American and the first person of color to sit on the court. He was born in 1974 in Bangkok, Thailand to a father who was an American service member and a mother of Vietnamese descent. He grew up on several international military bases before his family settled in Des Moines, Iowa. He spent his legal career as a civil litigator before becoming a district court judge and later an appeals court judge. He was elected to a full eight-year term on the court in 2020 that will expire in December 2028.

THE HISTORY OF THE **Georgia** Supreme Court

THE FIRST AAPI JUSTICE OF THE GEORGIA SUPREME COURT



Carla Wong McMillian

Associate Justice (2020-present)

Term Ends: 2029

Carla Wong McMillian was appointed to the Georgia Supreme Court by Gov. Brian Kemp (R) in 2020. Born in Augusta, Georgia in 1973 to parents who immigrated from China, she is the first Asian American to join the Georgia Supreme Court and the first to be appointed to a state high court in any southeastern state. She was previously an appellate court judge and a district court judge and worked in private practice before joining the bench. She was retained by voters for a full six-year term in May 2022 and her current term will expire in January 2029.

THE HISTORY OF THE **Vermont** Supreme Court

THE FIRST AAPI JUSTICE OF THE VERMONT SUPREME COURT



Nancy Waples

Associate Justice (2022-present)

Term Ends: 2029

Nancy Waples was appointed to the Vermont Supreme Court by Gov. Phil Scott (R) in February 2022. She is the first Chinese American, the first Asian American, and the first woman of color to join the Vermont Supreme Court. She was born in 1960 in Toronto, Ontario to parents who immigrated from China, and she became an American citizen when she was 17 years old. She began her legal career as a prosecutor in the Manhattan District Attorney's office and later served as an assistant U.S. attorney in the District of Vermont. She then joined a private firm where she practiced criminal defense. She was appointed to the Vermont Superior Court in 2014 and to the Vermont Supreme Court in 2022. She was retained by the Vermont General Assembly in March 2023 for a full six-year term that will expire in March 2029.

THE HISTORY OF THE **Nevada** Supreme Court

THE FIRST AAPI JUSTICE OF THE NEVADA SUPREME COURT



Patricia Lee

Associate Justice (2022-present)

Term Ends: 2025

Patricia Lee was appointed to the Nevada Supreme Court in 2022 by Gov. Steve Sisolak (D) and is the first Asian American and the first Black justice to join the Nevada Supreme Court. She was born in 1974 in Jeonju, South Korea to a Korean mother and a Black father who was serving in the U.S. military. She spent part of her childhood in Korea before moving with her family to California. After completing her education, she moved to Las Vegas and worked in private practice until her appointment to Nevada's highest court. Her current term ends in January 2025, and she will stand for election for a full six-year term on the court in November 2024.

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