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THE FACCES OF JUSTICE

*A Dive Into
Judicial Diversity*

LGBTQ+ STATE SUPREME
COURT JUSTICES

VOL. 3

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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 members of the LGBTQ+ community on 12 state supreme court benches across the nation, exploring the backgrounds of the LGBTQ+ justices who serve or have served on each of these state supreme courts. The report also addresses the 38 state supreme courts that have never had an LGBTQ+ justice. Due to the ostracization of the LGBTQ+ community from American society for much of the nation's history, we must acknowledge that this report can only highlight members of the community who were or are able to live and openly identify as LGBTQ+. Thus, there is a high likelihood that many other LGBTQ+ justices have served on state supreme court benches throughout history but were not able to publicly identify as members of the community.

Because members of the LGBTQ+ community were formally excluded from much of American society until the last quarter of the 20th century, 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 the LGBTQ+ Community and the Law

The law has been used as a tool to discriminate against members of the LGBTQ+ community in the United States since at least the seventeenth century, when colonial New England laws and resolutions banned sodomy and "obscenities", including same-sex relationships. In some places, the law allowed people found guilty of committing sodomy to be punished by death. Anti-sodomy laws remained on the books in many states until the 20th century, as public displays of homosexuality were criminalized and rejected by society. Congress explicitly discriminated against the LGBTQ+ community for the first time in 1950 when it ordered the Civil Service Commission to investigate and fire thousands of federal government employees who were found to belong to the LGBTQ+ community. In 1952, President Dwight Eisenhower (R) signed an executive order that banned members of the LGBTQ+ community from holding jobs in the federal government. These moral panic campaigns were part of what has been called the Lavender Scare.

Despite explicit discrimination against the community at the federal level, LGBTQ+ rights began to be recognized in various states in the mid-1900s. Illinois abolished its anti-sodomy laws in 1961, becoming the first state to effectively decriminalize homosexuality. The Stonewall Riots occurred over the course of several days in June of 1969 in New York City in response to police raids of bars and clubs that were known to be frequented by members of the LGBTQ+ community. With the LGBTQ+ community becoming more recognized and accepted, the U.S. Civil Service Commission lifted its ban on LGBTQ+ Americans working in the federal civil service in 1975 and ended its policy of barring members of the LGBTQ+ community from working in the Foreign Service in 1977. In 1993, the Department of Defense prohibited the military from inquiring about applicants' sexual orientation, a policy that came to be known as "Don't Ask, Don't Tell." While this was considered progress at the time, it only served to reinforce discriminatory policies, as the military was still permitted to discharge service members who were found to belong to the LGBTQ+ community.

During the last quarter of the 20th century, states increasingly began to recognize that their constitutions prohibited discrimination against the LGBTQ+ community. The New York Supreme Court, the state's trial court, ruled in *Richards v. United States Tennis Association* in 1977 that the United States Tennis Association's policy requiring women to undergo a DNA test to participate in the tournament to be in violation of the New York Human Rights Law. Wisconsin became the first state to ban discrimination based on sexual orientation in 1982. These advances also contributed to the evolution of the federal government's stance on equality for the LGBTQ+ community, with the U.S. Supreme Court

deciding in 1996 in *Romer v. Evans* that an amendment to Colorado's constitution barring local governments from recognizing the LGBTQ+ community as a protected class violated the U.S. Constitution's Equal Protection Clause. Several states submitted persuasive amici briefs that urged the Court to hold that Colorado's amendment violated the Constitution.

The acceptance of the LGBTQ+ community in society accelerated through the beginning of the 21st century. Relying on its reasoning in *Romer v. Evans*, the U.S. Supreme Court held in *Lawrence v. Texas* in 2003 that anti-sodomy laws are unconstitutional, effectively decriminalizing same-sex relations across the United States. Advocates then set their sights on the issue of marriage, a right which had long been held out of reach to the LGBTQ+ community. Turning again to the states, advocates sought to prove that state constitutions could recognize their right to marry where the federal government would not. As a result of this advocacy, states began to change their stance that marriage could only be recognized as between one man and one woman. Washington, D.C. allowed same-sex couples to register as domestic partners in 1992, affording some of the rights of marriage to these couples. Also in 1993, the Hawaii Supreme Court ruled in *Baehr v. Lewin* that the state's ban on gay marriage most likely violated its constitution. But in 1996, Congress passed the Defense of Marriage Act, which extended the federal government's rejection of marriage recognition for same-sex couples by explicitly prohibiting the federal government from extending any federal marriage benefits to same-sex couples.

Despite this setback, progress at the state level continued. California extended domestic partnership benefits to same-sex couples in 1999. That same year, the Vermont Supreme Court held in *Baker v. State* that the state's law banning marriage between same-sex couples violated the state's constitution. This decision led to the passage of the state's civil unions law. The Massachusetts Supreme Judicial Court held in *Goodridge v. Department of Health* in 2003 that the state's constitution could not bar same-sex couples from marrying, and the first same-sex marriages in Massachusetts took place in 2004. The 2008 California Supreme Court holding in *In re Marriage Cases* held that same-sex couples had the right to marry in the state, but voters soon passed a referendum known as Proposition 8 to amend the state's constitution to bar same-sex marriages once again. Also in 2008, the Connecticut Supreme Court held in *Kerrigan v. Commissioner of Public Health* that same-sex couples must be allowed to marry. In 2009, the Iowa Supreme Court ruled unanimously in *Varnum v. Brien* that marriage rights extended to same-sex couples in the state. Recognizing the shifting tide toward recognition that the Constitution could not be

interpreted to support restricting benefits from same-sex couples that it afforded to opposite-sex couples, the U.S. Supreme Court held in 2013 that the federal Defense of Marriage Act was unconstitutional in *U.S. v. Windsor*. Two years later, the Court held in 2015 in *Obergefell v. Hodges* that bans against same-sex marriage and adoption violate the Constitution's equal protection and due process clauses. This landmark decision finally ushered in marriage equality nationwide, prohibiting all states from refusing to recognize marriages between same-sex couples.

Despite the incredible progress the LGBTQ+ has made toward full equality, obstacles remain in the way of full integration into American society. The military lifted its ban on transgender people serving in the military at the end of the second term of President Barack Obama (D) in 2016, but reinstated the ban in 2017 during the term of President Donald Trump (R). The ban was repealed once again by President Joe Biden (D) in 2021. Many states still do not prohibit discrimination against members of the LGBTQ+ community in employment, housing, and access to medical care. Despite anti-sodomy laws being invalidated by the U.S. Supreme Court's ruling in *Lawrence v. Texas*, 12 states never formally repealed their anti-sodomy laws. Several states have also recently enacted new laws that discriminate against transgender children, from regulating which bathrooms they may use at school and whether they can participate in school-sponsored athletics teams that correspond with their gender identity, to placing restrictions on access to gender-affirming medical care for trans youth and weaponizing state child protective services organizations against their parents. Some states are also enacting "religious liberty" laws, which allow businesses to deny service to LGBTQ+ individuals due to the business owner's purported religious beliefs. Though significant advancements have been made toward achieving full equality for the LGBTQ+ community in the last century, the community remains under threat from people who seek to undo much of this progress.



Who are America's LGBTQ+ State Supreme Court Justices?

Twenty members of the LGBTQ+ community have served on 12 state supreme courts since Rives Kistler, the first openly gay justice to join any state supreme court, who was appointed to the Oregon Supreme Court in 2003. Thirteen LGBTQ+ justices are currently serving on 10 state supreme courts, but these numbers will decrease to 12 justices on nine state supreme courts when Margaret Chutich retires from the Minnesota Supreme Court on July 31, 2024.

85%

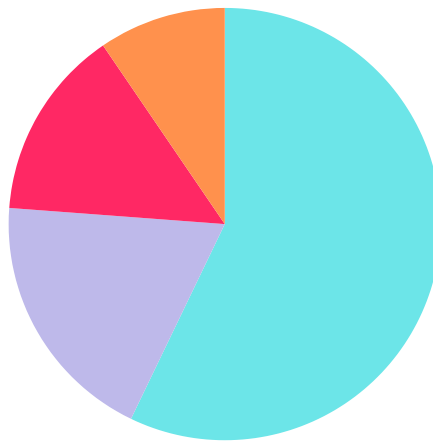
of LGBTQ+ justices previously served as lower court judges before they joined their state's highest court. (17 justices)



30%

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

Race



White	60%	AAPI	20%
Black	15%	Hispanic	10%

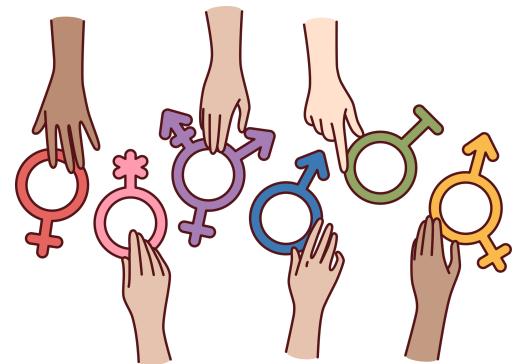
**Note: These numbers do not total 100% because some justices identify as more than one race.*

10%

of LGBTQ+ state supreme court justices served as federal judges before or after their state supreme court judgeship.

Gender, Identity, and Orientation

75% women of LGBTQ+ state supreme court justices are women, while 25% are men. All of these justices identify as lesbian women or gay men - **no openly bisexual or transgender people have ever served on a state supreme court.**

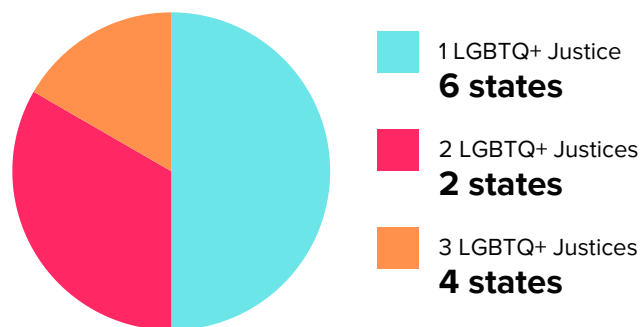


10%

have openly advocated for LGBTQ+ equality.

State Breakdowns

Only 12 states (24%) have had an LGBTQ+ justice on their state’s supreme court (Oregon, Colorado, Massachusetts, Vermont, Hawaii, Connecticut, Washington, Minnesota, Nevada, New York, New Mexico, and California), while 38 states (76%) have never had an LGBTQ+ justice serve on their supreme court bench. Of the 12 states that have had an LGBTQ+ justice serve on their supreme court, half have only had one LGBTQ+ justice (Colorado, Vermont, Connecticut, Minnesota, Nevada, and New Mexico). Four states have had two LGBTQ+ justices (Hawaii, Washington, New York, and California), and two states have had three LGBTQ+ justices (Oregon and Massachusetts). No state has had more than three LGBTQ+ justices serve on its state supreme court.



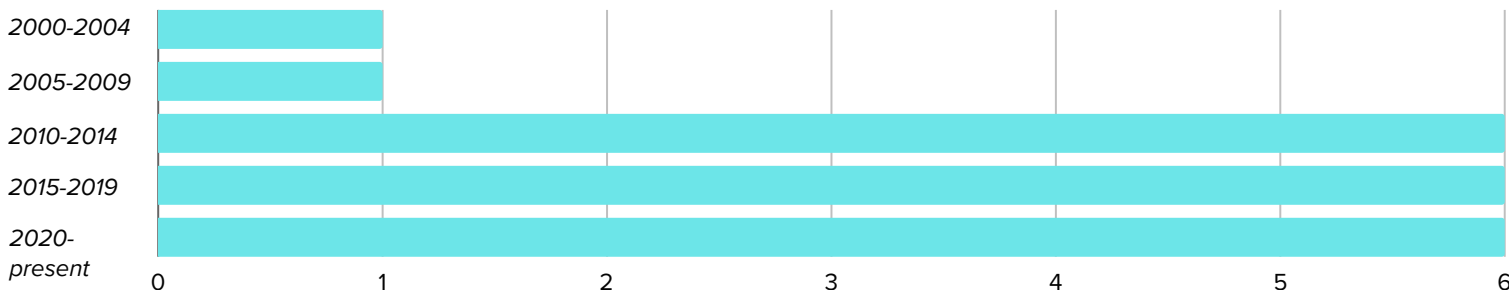
How LGBTQ+ Justices Have Gotten to the Supreme Courts

Nineteen of the 20 LGBTQ+ justices to join a state supreme court were appointed to the court by their state’s governor (95%). Despite five of these states using direct elections as the primary method of selecting their state supreme court justices (Oregon, Washington, Minnesota, New Mexico, and Nevada), only one justice (Virginia Linder of the Oregon Supreme Court) was directly elected to her court. 85% (17 justices) were appointed by 14 Democratic governors of 11 states (Oregon, Colorado, Massachusetts, Vermont, Hawaii, Connecticut, Washington, Minnesota, New York, New Mexico, and California). Three Democratic governors (Jay Inslee of Washington, Andrew Cuomo of New York, and Gavin Newsom of California) have appointed more than one LGBTQ+ justice to their state’s highest court. 10% of LGBTQ+ state supreme court justices (two justices) were appointed to their state’s supreme court by two Republican governors of two states (Massachusetts and Nevada).

Every LGBTQ+ justice to serve on a state supreme court has been retained by their state’s retention method until their retirement from the court. 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 by gubernatorial renomination and legislative confirmation in Connecticut and New York. Massachusetts has no retention method; rather, justices serve until they reach retirement age. Supreme court justices in Colorado, New Mexico, and California face retention elections, and justices in Oregon, Washington, Minnesota, and Nevada face nonpartisan elections at the end of each term. Six of the 20 LGBTQ+ justices have served more than 10 years, and seven have served more than five years but less than 10 years. Of the seven justices that served or have served fewer than five years, six are currently serving (Paul Feinman of New York died after four years of service). Of these six currently serving justices, five are serving terms that will last at least four more years. The term of Kelli Evans of the California Supreme Court will expire in 2027, and she will be eligible to run in a retention election for a full 12 years on the court in 2026.

LGBTQ+ Justices on State Supreme Courts Through the Decades

Before 2004, only one state (Oregon) had an LGBTQ+ state supreme court justice. Between 2005 and 2009, another LGBTQ+ justice joined the Oregon Supreme Court. Six LGBTQ+ justices were appointed to the supreme courts of six states (Colorado, Massachusetts, Vermont, Hawaii, Connecticut, and Washington) between 2010 and 2014; six LGBTQ+ justices joined the supreme courts of six states (Oregon, Minnesota, Nevada, New York, Massachusetts, and New Mexico) between 2015 and 2019; and six justices have been appointed to supreme courts of five states (Washington, California, New York, Massachusetts, and Hawaii) since 2020.



THE FIRST LGBTQ+ JUSTICE OF THE OREGON SUPREME COURT



Rives Kistler

Associate Justice (2003-2018)

Rives Kistler was appointed to the Oregon Supreme Court by Gov. Ted Kulongostki (D) in 2003, becoming the first openly gay person to be appointed to any state supreme court. He faced discrimination due to his sexual orientation when he ran for election to a full term on the court in 2004, with his opponent asserting that Kistler was unqualified for his seat because he did not have a traditional family and conservative religious groups arguing his sexual orientation made him morally unfit to be a judge. Despite these attacks, Kistler won his election by nearly 20 points. Before joining the bench, he worked in the appellate division of the Oregon Department of Justice, where he helped write the state's amicus brief in *Romer v. Evans*. He retired from the court in 2018.

SINCE JUSTICE KISTLER



Virginia Linder

Associate Justice (2007-2016)

Virginia Linder was elected to the Oregon Supreme Court in 2006, becoming the first openly lesbian member of any state supreme court, the first member of the LGBTQ+ community to be elected as a non-incumbent to any state supreme court, and the first woman elected to the Oregon Supreme Court without first being appointed to fill a vacancy. She ran for reelection unopposed in 2012. Prior to joining the court, she was a judge of the Oregon Court of Appeals. She worked in the appellate division of the Oregon Department of Justice before becoming a judge, serving as an assistant attorney general, an assistant solicitor general, and as the first woman solicitor general of Oregon. While solicitor general, she helped write the state's amicus brief in *Romer v. Evans*. She was also a professor at the Willamette University College of Law. She retired from the court in 2015.



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.

Today, there are currently no LGBTQ+ justices on the Oregon Supreme Court.

THE HISTORY OF THE Colorado Supreme Court

THE FIRST LGBTQ+ JUSTICE OF THE COLORADO SUPREME COURT



Monica Márquez

Associate Justice (2010-present)

Term Ends: 2025

Monica Márquez was appointed to the Colorado Supreme Court in 2010 by Gov. Bill Ritter (D). She is the first lesbian and the first Latina to serve on the Colorado Supreme Court. She was elected to a full term in a statewide retention election in 2014. Prior to joining the court, she worked in the office of the Colorado Attorney General, serving as an assistant attorney general, an assistant solicitor general, and later representing executive branch agencies and statewide elected officials. She practiced business litigation and employment law before entering public service. Her current term expires in 2025, and she must stand for retention election in 2024 to remain on the bench.

CASE HIGHLIGHT

Justice Márquez wrote the Colorado Supreme Court's opinion in *People in Interest of TB* (2021), which held that the state's law requiring juveniles who had been adjudicated in multiple sexual misconduct cases to enter the state's sex offender registry for the remainder of their natural life was a violation of the Eighth Amendment's prohibition against cruel and unusual punishment.

THE HISTORY OF THE Massachusetts Supreme Judicial Court

THE FIRST LGBTQ+ JUSTICE OF THE MASSACHUSETTS SUPREME JUDICIAL COURT



Barbara Lenk

Associate Justice (2011-2020)

Barbara Lenk was nominated to the Massachusetts Supreme Judicial Court by Gov. Deval Patrick (D) in 2011. She was previously a justice of the Massachusetts Appeals Court and a judge of the Massachusetts Superior Court. She worked as a civil litigator with a specialty in the First Amendment before joining the bench. Because she held the most seniority of the court's associate justices, she became the acting chief justice following the death of Chief Justice Ralph Gants in September of 2020. She served in the role until she retired from the bench one day before her 70th birthday on December 1, 2020.

CASE HIGHLIGHT

In *Commonwealth v. Prunty*, Justice Lenk (2012) wrote the court's majority opinion, which held that a white man who was convicted in the killing of a Black man did not have the right to strike a Black person from his jury solely due to his race.

SINCE JUSTICE LENK

**Elsbeth Cypher**

Associate Justice (2017-2024)

Elsbeth Cypher was appointed to the Massachusetts Supreme Judicial Court by Gov. Charlie Baker (R) in 2017. She was previously a justice of the Massachusetts Appeals Court. Prior to joining the bench, she worked in the office of the Bristol County district attorney, later serving as chief of the office's appellate division. She was also an adjunct professor at Southern New England School of Law. She retired from the court in January of 2024.

CASE HIGHLIGHT

The Massachusetts Supreme Judicial Court issued a landmark opinion in *Commonwealth v. Dew* (2023), ordering a new trial for a Black Muslim man after it was revealed that his court-appointed public defender held deep-seated animus for people of his race and religion. Justice Cypher wrote separately to emphasize that defendants do not have to prove their attorney's bias materially prejudiced them, a departure from the U.S. Supreme Court's holding on this issue.

TODAY

**Gabrielle Wolohojian**

Associate Justice (2024-present)

Gabrielle R. Wolohojian was appointed to the Massachusetts Supreme Judicial Court in April 2024 by Gov. Maura Healey (D). Before joining the court, she was a justice of the Massachusetts Appeals Court. She previously worked in private practice with a focus on complex commercial litigation in state and federal courts. She left the firm temporarily in 1994 to serve as an associate independent counsel on the Whitewater investigation. She must retire from the court when she reaches the age of 70 in 2030.

Term Ends: 2030

THE HISTORY OF THE Vermont Supreme Court

THE FIRST LGBTQ+ JUSTICE OF THE VERMONT SUPREME COURT



Beth Robinson

Associate Justice (2011-2021)

Beth Robinson was appointed to the Vermont Supreme Court in 2011 by Gov. Peter Shumlin (D). She previously served as the general counsel to Shumlin's office. Before entering public service, she worked in private practice, litigating workers' compensation, personal injury, constitutional law, and LGBTQ+ rights claims. She was a prominent advocate for LGBTQ+ rights, serving as the chair of Vermont Freedom to Marry. She was co-counsel in the 1999 *Baker v. State* case, in which the Vermont Supreme Court ruled that the state's law that defined marriage as between one man and one woman violated the Vermont Constitution. Following the decision, she worked with Vermont's legislature to craft the state's Marriage Equality Act in 2009. She left the Vermont Supreme Court in 2021 when she was confirmed by the U.S. Senate to the U.S. Court of Appeals for the Second Circuit, becoming the first openly gay woman to serve on any federal circuit court.

CASE HIGHLIGHT

Justice Robinson wrote the majority opinion in *In re Snowstone LLC Stormwater Discharge Authorization* (2019), in which the Vermont Supreme Court ruled that neighboring property owners had standing to challenge the state Department of Environmental Conservation's approval of a mining company's application to discharge stormwater at a proposed stone extraction project site.

Today, there are currently no LGBTQ+ justices on the Vermont Supreme Court.

THE HISTORY OF THE Hawaii Supreme Court

THE FIRST LGBTQ+ JUSTICE OF THE HAWAII SUPREME COURT



Sabrina McKenna

Associate Justice (2011-present)

Term Ends: 2027

Sabrina McKenna was appointed to the Supreme Court of Hawaii by Gov. Neil Abercrombie (D) in 2011. 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 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 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.

CASE HIGHLIGHT

In *Gordon v. Maesaka-Hirata* (2018), Justice McKenna wrote for the Hawaii Supreme Court's majority, which ruled that housing pretrial detainees in solitary confinement violates the Eighth Amendment's prohibition against cruel and unusual punishment.

SINCE JUSTICE MCKENNA



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. 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

Connecticut Supreme Court

THE FIRST LGBTQ+ JUSTICE OF THE CONNECTICUT SUPREME COURT



Andrew J. McDonald

Associate Justice (2013-present)

Term Ends: 2036

Andrew McDonald was appointed to the Connecticut Supreme Court by Gov. Dan Malloy (D) in 2013 and confirmed by the state legislature. He served as the chief legal counsel to Gov. Malloy's office before joining the bench. He had previously been a member of the Connecticut state Senate since 2003, serving as chair of the Judiciary Committee and helping to pass Connecticut's law that allowed same-sex couples to marry. Before his election to the state Senate, he served the city of Stamford in various capacities, working as the city's director of legal affairs and sitting on the board of finance, the audit committee, and the Stamford Board of Representatives. He also worked as a litigator in private practice from 1991 to 2011. In 2017, Gov. Malloy nominated McDonald to serve as chief justice of the Connecticut Supreme Court. He would have become the first openly gay person to serve as chief justice of any state's supreme court, but his nomination was rejected by the Connecticut Senate. He must retire from the court before his 70th birthday in 2036.

CASE HIGHLIGHT

Justice McDonald wrote the court's majority opinion in *State v. Purcell* (2019), which ruled that after detainees have been advised of their Miranda rights, police officers must halt interrogations when detainees make vague or ambiguous invocations of their right to counsel and clarify whether the detainee wishes to have counsel present before continuing the interrogation.

THE HISTORY OF THE Washington Supreme Court

THE FIRST LGBTQ+ JUSTICE OF THE WASHINGTON SUPREME COURT



Mary Yu

Associate Justice (2014-present)

Term Ends: 2029

Mary Yu was appointed to fill a vacancy on the Washington Supreme Court by Gov. Jay Inslee (D) in 2014. She is the first Asian American, the first Latina, and the first openly gay justice to serve on the Washington Supreme Court. She ran unopposed 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 previously a judge of the King County Superior Court and worked in the office of the King County Prosecuting Attorney before joining the bench. She was an advocate for marriage equality and officiated the first same-sex marriages in the state of Washington. She was elected to a second full term on the court in 2022 that expires in January 2029.

SINCE JUSTICE YU



Helen Whitener

Associate Justice (2020-present)

Term Ends: 2028

Justice Helen Whitener is the second lesbian and the first Black woman to join the Washington Supreme Court. She was appointed to the court by Governor Jay Inslee (D) in 2020. She was elected to a full term in 2022 that will expire in 2028. She was previously a judge of the Pierce County Superior Court and the Board of Industrial Insurance Appeals. Before joining the bench, she worked as a public defender, a prosecutor, and as a private defense attorney.

CASE HIGHLIGHT

In an opinion written by Justice Whitener in *State v. Jackson* (2020), the Washington Supreme Court held that the systemic and routine shackling of defendants in criminal cases without assessing the need for restraints on an individualized basis violated their due process rights.

THE HISTORY OF THE Minnesota Supreme Judicial Court

THE FIRST LGBTQ+ JUSTICE OF THE MINNESOTA SUPREME JUDICIAL COURT



Margaret Chutich

Associate Justice (2016-present)

Term Ends: 2024

Margaret Chutich was appointed to the Minnesota Supreme court by Gov. Mark Dayton (D) in 2016. She was previously a judge of the Minnesota Court of Appeals. Before becoming a judge, she was an assistant U.S. attorney for the District of Minnesota and worked in the Office of the Minnesota Attorney General. She also served as assistant dean of the Humphrey School of Public Affairs at the University of Minnesota. She will retire from the court on July 31, 2024.

CASE HIGHLIGHT

After a landlord evicted a tenant for nonpayment of rent, the Minnesota Supreme Court, with Justice Chutich writing for the majority, held in *Ellis v. Doe* (2019) that the landlord had breached the covenant of habitability and that tenants asserting common-law habitability defenses are not required to follow the procedures for an action under Minnesota's rent-escrow statute.

THE HISTORY OF THE Nevada Supreme Court

THE FIRST LGBTQ+ JUSTICE OF THE NEVADA SUPREME COURT



Lidia S. Stiglich

Associate Justice (2016-2023; 2024-present)
Chief Justice (2023-2024)

Term Ends: 2025

Lidia Stiglich was appointed to the Nevada Supreme Court by Gov. Brian Sandoval (R) in 2016. She was elected to a full six-year term in 2018 and served as chief justice of the court from 2023 to 2024. She was previously a district and probate court judge and was co-founder and presiding judge of the Youth Offender Drug Court, an alternative sentencing and rehabilitation program. Before becoming a judge, she was the founder and managing partner of her own private practice and served as special counsel to Lieutenant Gov. Brian Krolicki. She also teaches at the National Judicial College and the University of Nevada, Reno. Her current term expires in January 2025, and she is running unopposed for a second six-year term in the November 2024 election.

CASE HIGHLIGHT

In a landmark case, Justice Stiglich wrote the court's majority opinion in *Sisolak v. Polymer80* (2024), which held that a state law struck down by a lower court that had placed a statewide ban on the sale of "ghost guns" — components of firearms that have no serial numbers and allow buyers to assemble their own unregulated and untraceable firearms — is constitutional, reinstating the ban.

THE HISTORY OF THE New York State Court of Appeals

THE FIRST LGBTQ+ JUSTICE OF THE NEW YORK STATE COURT OF APPEALS



Paul Feinman

Associate Justice (2017-2021)

Paul Feinman was appointed to the New York Court of Appeals by Gov. Andrew Cuomo (D) in 2017. He was previously a judge of the state's trial court, the New York Supreme Court, and that court's Appellate Division. He began his judicial career on the New York City Civil Court and worked as a law clerk to a supreme court judge and as a public defender before becoming a judge. He was involved in the state's LGBT Bar Association and served as president of the International Association of LGBT Judges from 2008 to 2011. He retired from the court in March of 2021 and died of leukemia eight days later.

CASE HIGHLIGHT

In an opinion written by Justice Feinman in *People v. Balkman* (2020), the New York Court of Appeals ruled that police officers unlawfully stopped and detained a man they arrested and charged with felony gun possession after the mobile data terminal in the arresting officer's patrol car detected similarities between the man and a person with an outstanding warrant.

TODAY

**Anthony Cannataro****Term Ends: 2035**

Associate Justice (2021-present)

Anthony Cannataro was appointed to the New York Court of Appeals by Gov. Andrew Cuomo (D) in 2021 to fill the vacancy left by the retirement of Judge Paul Feinman. He was the acting chief judge of the court from 2022 to 2023 and was a finalist to fill the role permanently. He previously served as the chief administrative judge of the New York City Civil Court; he was a judge of that court from 2012 to 2017 and a supervising judge from 2016 to 2018. While serving as a civil court judge, he also served as a New York Family Court judge and an acting New York Supreme Court judge. He must retire from the court before December 31, 2035.

THE HISTORY OF THE

New Mexico Supreme Court**THE FIRST LGBTQ+ JUSTICE OF THE NEW MEXICO SUPREME COURT****C. Shannon Bacon****Term Ends: 2026**

Associate Justice (2019-2022; (2024-present)

Chief Justice (2022–2024)

C. Shannon Bacon was appointed to the New Mexico Supreme court in 2019 by Gov. Michelle Lujan Grisham (D). She was elected by voters to a full six-year term on the court in 2020. She was elected by her peers to serve as chief justice of the court from 2022 to 2024, becoming the first member of the LGBTQ+ community to serve as chief justice of any state supreme court. She was previously a district court judge and worked in private practice and as a law clerk before joining the bench. She currently serves as an adjunct professor at the University of New Mexico School of Law. Her current term will expire in 2026.

CASE HIGHLIGHT

Justice Bacon wrote the court's majority opinion in *Grisham v. Van Soelen* (2023), in which the New Mexico Supreme Court held that partisan gerrymander claims are justiciable under the state constitution's Equal Protection Clause, becoming the first state supreme court to adopt U.S. Supreme Court Justice Elena Kagan's framework for considering partisan gerrymander claims.

THE FIRST LGBTQ+ JUSTICE OF THE CALIFORNIA SUPREME COURT



Martin Jenkins

Associate Justice (2020-present)

Martin Jenkins was appointed to the California Supreme Court by Gov. Gavin Newsom (D) in 2020. Before joining the supreme court, Jenkins advised Gov. Newsom on judicial appointments. He was previously a judge of the California Court of Appeal and the United States District Court for the Northern District of California. He began his legal career as a prosecutor before working for the U.S. Department of Justice and as a private practitioner. His current term expires in 2034.

Term Ends: 2034

SINCE JUSTICE JENKINS



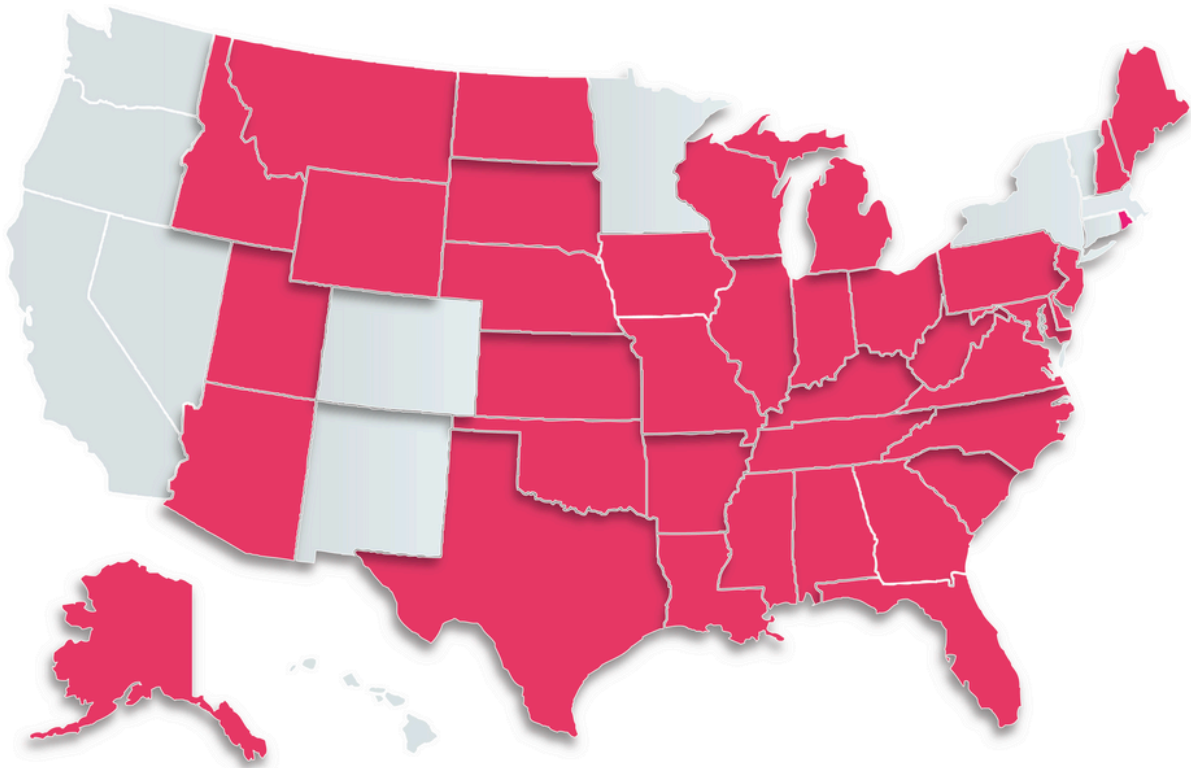
Kelli Evans

Associate Justice (2023-present)

Kelli Evans was appointed to the California Supreme Court in 2022 by Gov. Gavin Newsom (D). She was previously a judge of the Alameda County Superior Court. Before joining the bench, she was the chief deputy legal affairs secretary to Gov. Newsom and worked as a special assistant to the attorney general of California. Evans also worked in the Civil Rights Division of the U.S. Department of Justice, as director of the ACLU of Northern California, and in the Sacramento County Public Defender's Office. Her current term expires in 2027.

Term Ends: 2027

States that Have Never Had an LGBTQ+ State Supreme Court Justice



- Alabama Supreme Court
- Alaska Supreme Court
- Arizona Supreme Court
- Arkansas Supreme Court
- Delaware Supreme Court
- Florida Supreme Court
- Georgia Supreme Court
- Idaho Supreme Court
- Illinois Supreme Court
- Indiana Supreme Court
- Iowa Supreme Court
- Kansas Supreme Court
- Kentucky Supreme Court
- Louisiana Supreme Court
- Maine Supreme Court
- Maryland Supreme Court
- Michigan Supreme Court
- Mississippi Supreme Court
- Missouri Supreme Court
- Montana Supreme Court
- Nebraska Supreme Court
- New Hampshire Supreme Court
- New Jersey Supreme Court
- North Carolina Supreme Court
- North Dakota Supreme Court
- Ohio Supreme Court
- Oklahoma Supreme Court
- Oklahoma Court of Criminal Appeals
- Pennsylvania Supreme Court
- Rhode Island Supreme Court
- South Carolina Supreme Court
- South Dakota Supreme Court
- Tennessee Supreme Court
- Texas Supreme Court
- Texas Court of Criminal Appeals
- Utah Supreme Court
- Virginia Supreme Court
- West Virginia Supreme Court
- Wisconsin Supreme Court
- Wyoming Supreme Court

THE FACES OF JUSTICE: A DIVE INTO JUDICIAL DIVERSITY

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VOLUME 3:
LGBTQ+ STATE SUPREME
COURT JUDGES

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