



Interview with Senior District Judge Consuelo B. Marshall



Judge Consuelo B. Marshall is a senior district judge for the Central District of California. She served as chair of the Fairness Committee from 1999 to 2005, returned in 2017, and continues to serve on the committee.

Background

Judge Marshall was born in Knoxville, Tennessee, and grew up in a time that was still segregated. In her church, civil rights leaders, including lawyers, were engaged in civil rights work trying to desegregate schools and other public places. In junior high school, she decided that law sounded interesting and was a way to give back, help others, and make much needed changes.

During high school, Judge Marshall's family moved to California, and she graduated from Los Angeles High. During her graduation year, she met two graduates of Howard University Law School who became her mentors and recommended that she major in business during undergrad. She attended Howard Law School and was one of only four women in her class (only three graduated).

Role models

One of Judge Marshall's role models was Constance Baker Motley. She was the first female African American appointed to the federal bench in 1966. While Judge Marshall was familiar with Judge Motley's

career and her litigation experience with Thurgood Marshall and other civil rights lawyers, they did not meet until Judge Marshall was appointed to the federal bench. They met at an antitrust seminar sponsored by the Federal Judicial Center. Other judges of color, some recent appointees, were also in attendance. These judges decided that one way to exchange views, ideas and become better acquainted was to attend more seminars. She met Ninth Circuit Judge Jerome Farris at one of these seminars.

Justice Thurgood Marshall was also a role model. He attended Howard University School of Law. After graduation, he practiced with the NAACP Legal Defense Fund and continued to be involved with students at the law school. He and other civil rights lawyers requested law students to assist with cite



Author: Magistrate Judge Sheila K. Oberto, CAE, is co-chair of the Fairness Committee.



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checking briefs before they were filed. Many students attended the United States Supreme Court arguments being made by Justice Marshall and other civil rights litigators.

Pre-Judicial Career

After graduating from Howard's law school, Judge Marshall applied to law firms in Los Angeles. An older Black gentleman elevator operator told her, "They are not going to hire you." She had difficulty even getting an interview and was often told that the interviewer was not available. If she was interviewed, she did not receive a call back. Interestingly, Judge Marshall felt she encountered greater discrimination because of her gender rather than her race.

Upon passing the bar exam, she accepted a position with the Los Angeles City Attorney's Office. She recalls that upon entering the office, she was interviewed by an attorney who told her they did not hire women lawyers. Judge Marshall spoke with several lawyers that afternoon who advised her to speak with the city attorney—who would explain why they did not hire women. When they met, the city attorney explained that it was not a job for a woman. He even showed her a pornographic book from a case that was currently being prosecuted and said that women should not be exposed to that. By the time she got home, however, she received a phone call with a job offer. Judge Marshall was the first woman hired as a deputy city attorney, assigned to the criminal division.

Judge Marshall also worked at the law firm of Cochran & Atkins. She had known Johnny Cochran since high school and attended the same church. Since she had the first of her two children and needed flexibility, she appreciated Mr. Cochran allowing her to set her own hours. During her time at the Cochran law firm, she also worked as a juvenile court referee one Friday a month.

Judicial Career

Judge Marshall was appointed to the Los Angeles Municipal Court and Superior Court. She was usually interviewed by all-male panels for various positions which she held. On one occasion, she was asked who would care for "your young children if you are appointed to this position"—again a gender, not a race issue. One gentleman on one of the panels interjected

and said, "I'm sure she has figured it out or she wouldn't be applying for this position."

Judge Marshall spoke with the presiding judge, whom she considered to be a mentor, and requested to take Fridays off to attend a "Mommy and Me" class. She was given permission to do so without pay.

In 1980, Judge Marshall was appointed to the federal bench by President Jimmy Carter. She served as the chief judge of the Central District from 2001 to 2005, assuming senior status in October 2005.

Judge Marshall believes that listening skills and patience are important qualities for a judge, especially in light of increased filings by self-represented litigants. In November 2021, she spoke about access to justice for pro se litigants and emphasized the need for them to be familiar with court rules.



Service on Ninth Circuit Committees

Judge Marshall has served on the Fairness Committee and the Pacific Islands Committee. She especially enjoyed having the opportunity to travel to all the islands, share her knowledge and meet wonderful people.

Overall, she felt everyone was very welcoming and she tried to be respectful of the local cultures. She really enjoyed being exposed to the diverse cultures – understanding the people and the different legal systems.



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Law Clerk Diversity

Since the beginning of her tenure with the Fairness Committee in 1999, law clerk diversity was one of her passions.

To help ensure diversity among her law clerks, Judge Marshall would comb through the applications and look for things that would help create diversity—i.e., fluency in different languages, family from other countries, other interests, etc.

Until about five years ago, Judge Marshall intentionally did not hire a career clerk to give more clerkship opportunities to younger term law clerks. She decided to hire a permanent clerk after getting an application from a “brilliant lawyer,” who worked at a big firm and wanted more flexibility and a long-term position. She has been with Judge Marshall ever since.

Judge Marshall has an externship program with two to three externs in fall, spring and summer. She sometimes hires law clerks who were former externs and also makes offers for future years—sometimes as far out as five years.

She is encouraged by the Fairness Committee’s work on law clerk diversity as well as the move to hire clerks at the end of their second year in law school.

One of the highlights of Judge Marshall’s judicial career has been learning about different people, their cultures and backgrounds, which she finds very helpful in her judicial decision making. She attributes this in great part to her diverse clerks. She has learned a lot from their interesting and diverse cultures.

Judge Marshall is encouraged by the nomination of one of her diverse former clerks to the district bench as well as other appointments of diverse candidates, noting: “That tells me that someone is paying attention.”

We asked some of Judge Marshall’s former law clerks to share their experiences working with her.

Victor Rodriguez: I was fortunate enough to clerk for Judge Consuelo B. Marshall in the U.S. District Court for the Central District of California from 2005 to 2006. That experience was formative – I learned so much by dint of her example. She demonstrated a deep passion and commitment not only to the rule of law, but to treating parties and counsel with respect and empathy,



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and to issues of access to justice, fairness and inclusion. She delighted in a robust extern program, loving the opportunity to work with law students, particularly those currently underrepresented in the legal field. And she was involved and supportive of efforts to reach even younger students – all out of a desire to mentor and inspire others. Indeed, I continue to regard her as a mentor and friend. As I've traveled my own path – onto the superior court and state court of appeal – I've answered many a difficult question by pausing to consider what Judge Marshall would do.

Eriko Matsumoto: I clerked for Judge Marshall from 1985 to 1987. Judge Consuelo Marshall has done more to advance and to promote inclusivity than anyone I know. No doubt because of Judge Marshall's background as a trailblazer breaking barriers of exclusivity as a woman of color in the Los Angeles City Attorney's Office, on the state court bench, and on the federal bench, ultimately becoming the first woman of color to become the chief judge of the United States District Court for the Central District of California, Judge Marshall's chambers is a beacon of inclusivity in every sense of the word. Every individual is welcome. Every individual is treated with respect and consideration. As an ideal place for clerks to begin their practice, no other legal working environment equals the inclusivity of her chambers. All those who have learned from Judge Marshall have endeavored to apply these standards to their own respective legal practices, whether in the practice of law, the teaching of law, the administration of justice, and other aspects of our lives. What Judge Marshall teaches by example is ingrained within us and carries us all forward as better lawyers.

Additionally, this fundamental concept of fairness is applied in Judge Marshall's courtroom. She is known for consideration and fairness to litigants appearing before her and treating pro se litigants and the most

experienced litigators with the same courtesy and respect. She may not be the only judge who receives holiday mail from past litigants. But how many receive valentine cards from a criminal defendant serving a sentence after losing an appeal? When justice is administered fairly and thoughtfully, there is respect for the judicial system and to those who administer it. Judge Marshall epitomizes this.

Purvi Patel: Although it was more than a decade ago, the year I clerked for Judge Marshall remains a highlight of my career. It goes without saying that I learned how to be a better lawyer as a result, but, more importantly, I saw firsthand what a genuine commitment to diversity and inclusion looks like. She modeled respect for all people, no matter their background, in the way she treated court staff, her law clerks, and the lawyers and litigants who appeared in her courtroom.

The impressions she made have certainly helped solidify my own values, and I return to the example she set often, particularly in my role as co-chair of my firm's diversity strategy committee. Judge Marshall was intentional about diversity, equity and inclusion well before those words became a regular part of our lexicon. She chose not to have a permanent law clerk so that there would be more opportunities to welcome women and attorneys of color into the federal law clerk family. She looked beyond traditional law students and hired externs and clerks who pursued the law as a second career or went to law school part time. As a result, her chambers reflected the diversity of the community and the juries who sat in her courtroom. 



Office of the Circuit Executive

Susan Y. Soong, Circuit Executive
P.O. Box 193939, San Francisco, CA 94119-3939
Ph: (415) 355-8900, Fax: (415) 355-8901
<https://www.ca9.uscourts.gov>

Fairness Committee Newsletter Staff:

Renée Lorda, Managing Editor, Assistant Circuit Executive for Public Information, Conference & Education
Amrita Mallik, Diversity, Equity and Inclusion Officer
Katherine M. Rodriguez, Communications Administrator, Public Information, Conference & Education
Alex Clausen, Audio and Visual Specialist, Public Information, Conference & Education

