



Judge Holly Thomas

Nominee for the United States Court
of Appeals for the Ninth Circuit

President Biden nominated Judge Holly Thomas to the United States Court of Appeals for the Ninth Circuit on September 20, 2021, for the seat being vacated by Judge William Fletcher, who will take senior status upon confirmation of his successor. Judge Thomas is the first Black woman to be nominated to the Ninth Circuit in California.

Few judicial nominees can claim the breadth of experience that Judge Holly Thomas will bring to the Circuit: a civil rights attorney and a prosecutor, a litigator and an administrator, a state law practitioner and a federal law practitioner, and both a criminal law attorney and a civil law attorney. At the same time, her appellate litigation experience is substantial, having argued cases before the First, Second, Fourth, Fifth, and Ninth Circuit Courts and been the counsel of record on multiple Supreme Court cases. Judge Thomas has spent time as a civil rights attorney with the NAACP Legal Defense and Educational Fund, Inc. (LDF) and in public service with the U.S. Department of Justice's Civil Rights Division, where she received different awards and commendations for exceptional performance, including the Attorney General's Award for Distinguished Service and the John Marshall Award for Providing Legal Advice. More recently, she has served as a Judge on the Los Angeles County Superior Court, where she has presided over thousands of hearings, including hundreds of cases that have gone to verdict or judgement.

Moreover, few nominees have the breadth of substantive experience with some of our nation's most important constitutional rights and legal protections, including the right to vote; the right to marry, equal employment, housing, and educational opportunities, protections for pregnant people and advocating on behalf of service members.

Biography

Judge Holly Thomas was born and raised in San Diego, California, the daughter of a bookkeeper and a school custodian. Judge Thomas was interested in the law from an early age, recalling that her mother used to take her to the local courthouse while growing up in San Diego because Thomas [“was interested in what \[was\] going on.”](#) While her parents had not graduated from college, her father went to night school on the weekends so he could earn his bachelor's

degree before Judge Thomas left for Stanford University. Judge Thomas went on to receive a B.A. with Honors and Distinction from Stanford in 2000 and a J.D. from Yale Law School in 2004. In law school, Judge Thomas was an Editor on the Yale Law Journal and an Arthur Liman Public Interest Fellow. After graduation, Judge Thomas served as a Law Clerk for Judge Kim McLane Wardlaw on the U.S. Court of Appeals for the Ninth Circuit.

If confirmed, Judge Thomas would be only the second Black woman to ever serve on the Ninth Circuit Court of Appeals, the largest federal court in the country, and the first Black woman from California.

Legal Experience

NAACP-LDF

After her clerkship, Thomas spent five years as a Liman Fellow and Assistant Counsel with the NAACP Legal Defense and Educational Fund, Inc. (LDF). While with the organization, Thomas helped write the organization's *amicus brief* opposing California's Proposition 8 ban on marriage equality for LGBTQ+ couples in the California Supreme Court case [Strauss v. Horton](#). Thomas also worked on the organization's successful advocacy on behalf of the University of Texas's admissions policy in the U.S. Supreme Court case [Fisher v. University of Texas](#). In [Williams v. Allen](#), Thomas represented an Alabama death row inmate who was sentenced to death despite the prosecution withholding potentially exculpatory evidence and striking prospective jury members because of their race. The Eleventh Circuit agreed with many of Thomas's arguments, ultimately leading to her client being removed from death row. In 2008, Thomas assisted in developing a new [settlement agreement](#) to enforce the Connecticut Supreme Court's 1996 [order](#) to desegregate Hartford, Connecticut's public schools.

As part of her work with LDF, Thomas also had a policy portfolio covering criminal justice, education, and juvenile justice that intersected with her litigation practice. She developed reports on the [New York school system's school-to-prison pipeline](#) and Mississippi's practice of sentencing juveniles to life without parole.

U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION

In 2010, Thomas became a senior attorney in the Appellate Section of the U.S. Department of Justice's Civil Rights Division. In this role, she represented the United States and federal agencies and worked to enforce the nation's civil rights laws across the country. At the Justice Department, Thomas engaged with multiple areas of civil rights law, including protecting pregnant people from employment discrimination, ensuring school desegregation, enforcing the nation's voting rights laws, advocating for women's equality in college athletics, and protecting servicemembers from discrimination. Illustrative of this work, Thomas [successfully petitioned](#) the Supreme Court to reinstate the case of Peggy Young, a woman who sued under the Pregnancy Discrimination Act after she requested accommodations for her pregnancy and was terminated from her job with the United Parcel Service (UPS).

Thomas represented the United States in suing a Tucson, Arizona school district for failing to adhere to a judicially imposed school desegregation order. In [Fisher v. Tucson United School District](#), the Ninth Circuit held that the school district had failed to meet its burden by demonstrating “good-faith compliance with the [desegregation order].”

In 2014, Thomas [represented](#) the United States in a suit against North Carolina, arguing that the state’s recently enacted restrictive voting law violated section 2 of the Voting Rights Act by abridging the voting rights of racial minorities. The Fourth Circuit ultimately agreed with many of Thomas’s arguments and ordered the District Court to immediately enjoin the sections of the law that eliminated same day voter registration and barred votes cast out of precinct from ever being counted. Thomas, on behalf of the United States, also advocated for women athletes at Quinnipiac University after the university attempted to eliminate varsity women’s volleyball and replace it with competitive cheerleading, while also artificially inflating the number of athletes participating in women’s sports to achieve the appearance of Title IX compliance. The Second Circuit subsequently [held](#) that Quinnipiac had violated Title IX and blocked the university from making the proposed changes. In 2013, Thomas [fought to protect service members](#) from facing discrimination in employment when she filed a brief in support of Luis Rivera-Melendez, a servicemember who was deployed to active duty in Iraq and, upon his return to civilian life, discovered that his position at his job had been eliminated and that he had been effectively demoted due to his deployment.

While serving with the Department of Justice, Thomas also prosecuted federal criminal cases. In 2011, [she appeared before the Fifth Circuit](#), arguing to uphold the conviction of a Texas couple who was convicted of multiple crimes including forced labor. The couple had brought a Nigerian woman into the country without documentation to take care of their three children, in exchange for providing financial support to the woman and her family in Nigeria. The family refused to pay the woman for over eight years of work, failed to provide her with a room to sleep in, and the husband repeatedly sexually assaulted her. The Fifth Circuit agreed with Thomas and the government, holding that the evidence was sufficient to uphold the couple’s convictions. Thomas also [prosecuted](#) several members of the New Orleans Police Department who, in the aftermath of Hurricane Katrina, shot and killed a New Orleans resident and later lit a car with the deceased’s body inside on fire in an alleged effort to hide evidence of the killing. Thomas received a Special Commendation for Outstanding Service from the Department of Justice for her work on the case.

NEW YORK SOLICITOR GENERAL’S OFFICE

Thomas also spent two years as a special counsel in the New York Solicitor General’s Office. She represented the state of New York in appellate proceedings before the U.S. Court of Appeals for the Second Circuit and the New York state court system. This wide-ranging practice included cases involving commercial and insurance disputes, prisoner appeals, international

law, and employment discrimination. Illustrative of her work, in [Williams v. Priatno](#) Thomas defended two New York State correctional officers and the State of New York in a suit brought by a prisoner who claimed the officers had assaulted him. Thomas also [represented](#) the New York Office of Children and Family Services in an appeal involving complex issues of immigration law, international law, and family law. A New York couple sought to terminate the Russian adoption order after adopting two children from Russia who were later determined to have severe behavioral and psychiatric problems. A New York appellate court ultimately agreed with Thomas's argument that a State Family Court did not have jurisdiction to terminate a foreign adoption order.

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

In 2016, Thomas returned to her home state of California to serve as the Deputy Director of Executive Programs at the California Department of Fair Employment and Housing, the largest civil rights agency in the entire country. In this role, Thomas oversaw the external affairs of the office, including interfacing with federal offices such as the Equal Employment Opportunity Office (EEOC) and training state agencies on civil rights matters. She drafted state regulations concerning housing and employment and ensured that the Department was fairly and thoroughly reviewing all discrimination complaints brought before it.

LOS ANGELES COUNTY SUPERIOR COURT

In 2018, Governor Jerry Brown appointed Judge Thomas to the Los Angeles County Superior Court. Judge Thomas was elected to a full six-year term in 2020. Working principally in the Family Law Division of the Court, Judge Thomas has presided over hundreds of cases that have gone to verdict or judgment and oversaw thousands of hearings. In 2021, Judge Thomas was assigned by the Chief Justice of the California Supreme Court to serve as a Judge *pro tem* on the California Second District Court of Appeal. During her temporary appointment, Judge Thomas heard appeals from the Superior Court. These appellate decisions included upholding a restraining order against a plaintiff's ex-boyfriend for stalking and threatening the plaintiff ([Hennessey v. Rasmussen](#)); ordering the resentencing of a defendant for carjacking because of a change in California's sentencing laws ([The People v. Velarde](#)); resolving a discovery dispute in favor of Wells Fargo Bank after a trial court denied a plaintiff's motion to hold the bank in contempt and order monetary sanctions against it ([Dutton v. Marinescu](#)); and denying a resentencing request from a defendant convicted of a burglary, carjacking, and drug possession ([People v. James](#)).

Professional Activities

Judge Thomas has held leadership positions in many civic organizations. She currently serves on the board of [826LA](#), a Los Angeles-based non-profit "dedicated to supporting students ages 6 to 18 with their creative and

expository writing skills, and to helping teachers inspire their students to write.” Judge Thomas also served for three years on the Board of Directors of [Lambda Legal](#), one of the nation’s premier organizations fighting for the civil rights of all LGBTQ+ persons. As a Yale alumna, she has served on the Executive Committee of the Yale Law School Association.