

# Gabriel Sanchez

*On September 20, 2021, President Joe Biden [nominated](#) Justice Gabriel Sanchez to the United States Court of Appeals for the Ninth Circuit for the seat being vacated by Judge Marsha Berzon, who is retiring. Justice Sanchez was the [first male Latino justice](#) ever appointed to the California Court of Appeal, First Appellate District. If confirmed to the Ninth Circuit, he would bring varied legal experience, a demonstrated commitment to equal justice, and important demographic diversity to the federal bench.*

## Biography

Justice Sanchez was born in Los Angeles, California in 1976. He [earned](#) a Bachelor of Arts degree, *cum laude*, from Yale College in 1998, with distinction in two majors. The following year, he was a Fulbright Scholar in Buenos Aires, Argentina, where he surveyed and wrote on presidential electoral campaign politics. Justice Sanchez went on to receive a Master of Philosophy degree from the University of Cambridge in 2000 and a Juris Doctor degree from Yale Law School in 2005. During law school, Justice Sanchez served in the Jerome N. Frank Community Legal Services Clinic for three years, where he represented indigent clients in housing, divorce, public benefits, and immigration proceedings.

## Legal Experience

Justice Sanchez began his career as a clerk for the Honorable Richard A. Paez on the United States Court of Appeals for the Ninth Circuit. He went on to become an associate at Munger, Tolles & Olson LLP, where he litigated a wide range of civil matters at the trial and appellate levels. While at the firm from 2006 to 2011, he had an active pro bono practice and represented indigent individuals, tenants, undocumented students, and farmworkers. In [Bautista v. State of California](#), Justice Sanchez challenged the state of California for failing to live up to its constitutional and statutory duties to protect farmworkers after they were denied access to drinking water, rest breaks, and shade while working in extreme heat. Justice Sanchez's work ultimately led to strengthened heat-related safety standards for farmworkers. He also received the [ACLU's Social Justice Award](#) in recognition for his work.

Following his time in private practice, Justice Sanchez worked for seven years in state government, where he was charged with overseeing state compliance with constitutional prison obligations, as well as implementing sweeping changes to California's criminal justice system. From 2011 to 2012, he was a Deputy Attorney General in the Correctional Law Section of the California Attorney General's Office. Justice Sanchez was the primary attorney on several longstanding federal class actions involving federal court oversight of mental health and medical care in the California prison system.

From 2012 to 2018, Justice Sanchez served as Governor Edmund G. Brown's Deputy Legal Affairs Secretary and was a senior advisor on corrections and criminal justice matters. He was responsible for managing state and federal prison class actions, appeals, and other significant litigation. In [Brown v. Plata](#), a federal district court determined that the serious overcrowding in California's prisons violated the Eighth Amendment's ban on "cruel and unusual punishment"

and ordered the release of enough prisoners so the inmate population would come within 137.5% of the prisons' total design capacity within two years. The decision was [upheld](#) by the U.S. Supreme Court. Justice Sanchez played a central role in ensuring constitutional compliance and implementing the population reduction measures, which prioritized public safety, moved non-violent offenders out of state facilities, and shortened parole-revocation sentence terms. These efforts helped remedy the violation of the prisoners' constitutional rights, specifically the severe and unlawful mistreatment of prisoners through the inadequate provision of medical and mental health care.

Justice Sanchez also advised the administration on criminal justice reform legislation, executive appointments, and parole and clemency decisions, and was a principal author of the landmark [Public Safety and Rehabilitation Act of 2016](#) (Proposition 57). The legislation was overwhelmingly approved by California voters with 65% support and had three primary impacts: (1) changing the law to allow judges, not district attorneys, to decide if a juvenile should be tried as an adult, while emphasizing rehabilitation for minors in the juvenile system; (2) allowing parole consideration for persons convicted of non-violent felonies, upon completion of the term for their primary offense; (3) giving correctional professionals the ability to award credits to incarcerated persons for rehabilitation, good behavior, and educational achievements.

## **Judicial Experience**

On October 26, 2018, Governor Brown [appointed](#) Justice Sanchez as Associate Justice of the California Court of Appeal, First Appellate District. The Commission on Judicial Appointments [confirmed](#) his nomination on November 26, 2018. The First Appellate District has appellate jurisdiction over virtually all final judgments and appealable orders issued by the superior courts from 12 counties in northern California. The court also has original jurisdiction in other areas provided by statute, including habeas corpus, mandamus, certiorari, and prohibition proceedings.

During his time on the court, Justice Sanchez has authored or joined nearly 500 opinions involving a wide variety of legal issues. Of the approximately 150 decisions that he has authored, only two have been reversed by a reviewing court.

### *Criminal Cases*

During his time on the bench, Justice Sanchez has adjudicated a significant number of criminal cases where he impartially and fairly applied the law while protecting the rights of defendants under the U.S. and California Constitutions. Illustrative, Justice Sanchez wrote for a unanimous court in [Oakland Police Officers Association v. City of Oakland](#), which examined whether a California statute required the disclosure of reports and complaints to a police officer under investigation for misconduct. The court held that mandatory disclosure was inconsistent with the law and would undermine the integrity and effectiveness of officer misconduct investigations. It also ruled that requiring disclosure of some non-confidential materials while permitting an investigating agency to withhold confidential materials struck the proper balance between holding police accountable and protecting the rights of defendants.

In [\*People v. Fox\*](#), Justice Sanchez wrote a dissenting opinion, reasoning that the legislature broadly intended for its legislation—which gave trial courts the discretion to strike firearm enhancements at sentencing—to apply to all nonfinal convictions. Justice Sanchez would have remanded the case to allow the trial court to decide whether to strike the defendant’s firearm enhancement and to resentence the defendant accordingly. In [\*People v. Silas\*](#), Justice Sanchez joined a unanimous decision by the court ordering a retrial after a Black woman was eliminated from the jury pool after discussion of Black Lives Matter. The court determined that the woman was excluded for reasons “plainly tied to race,” which violated the defendants’ constitutional right to a trial by a jury drawn from a representative cross-section of the community.

### *Civil Cases*

Justice Sanchez has adjudicated civil cases involving a variety of litigants—from big corporations to low-income workers—and has demonstrated an abiding commitment to equal justice for all. In [\*Pacific Merchant Shipping Association v. Newsom\*](#), Justice Sanchez wrote the court’s decision allowing for an expedited environmental review for a mixed-use development project, which includes a new ballpark for the Oakland Athletics. Several groups sued California Governor Gavin Newsom, alleging his authority to certify the project had expired. After analyzing the statutory text and legislative history, the court found that the law did not impose a deadline for the project. Moreover, the court reasoned that the legislative purpose of the statute supported a streamlined review of the project, which would have significant economic and environmental impacts on the region.

In [\*Reck v. FCA US LLC\*](#), Justice Sanchez wrote for a unanimous court in a ruling that protected the rights of everyday people challenging corporate policies. A couple that sued under the California automobile lemon law settled with the automaker, with the couple obtaining a recovery that was more than a previously rejected settlement offer. The court ruled that it is erroneous for a trial court to reduce an attorney fee award when the ultimate recovery or judgment exceeds the pretrial settlement offer. Justice Sanchez explained that any other rule “would create inordinate pressure on plaintiffs” to take low offers and would “undermine the prosecution of meritorious civil rights or public interest litigation.”

### *Family Law*

Justice Sanchez’s family law opinions are even-handed, pragmatic, and demonstrate an understanding of childhood trauma and difficult circumstances. [\*In re William M.W.\*](#) involved a juvenile dependency proceeding where the parents argued they should be entitled to free discovery of records held by the Alameda County Social Services Agency as a matter of due process and equal protection. Justice Sanchez wrote for the court, which held that although the juvenile court is not statutorily required to order discovery, it has the discretion to do so where an indigent parent’s meaningful access to the judicial process would otherwise be impaired. In another family law case, [\*In re Marriage of F.M. and M.M.\*](#), the trial court denied a domestic violence restraining order application. Justice Sanchez wrote the unanimous opinion reversing

the trial court and holding that its refusal to hear evidence of abusive conduct committed after F.M. filed a domestic violence restraining order application was prejudicial error.

### **Professional Activities and Accolades**

At Yale Law School, Justice Sanchez was a member of the Yale Latino Law Students Association and served as co-chair of its public service committee. He is currently a member of the California Latino Judges Association, the Bar Association of San Francisco, and the California Judicial Mentor Program.