



November 2, 2021

United States Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Grassley, and Committee Members:

On behalf of our 1.5 million members and supporters nationwide, People For the American Way urges confirmation of Judge Gabriel Sanchez to the Ninth Circuit Court of Appeals. He is an experienced and accomplished attorney whose record both on and off the bench shows that he will be an excellent addition to the federal appellate judiciary.

After graduating with honors from Yale University, Sanchez spent a year in Buenos Aires as a Fulbright scholar studying Argentina's presidential campaign politics. He continued his studies at England's Cambridge University, earning a Master's in Philosophy in European Studies. Returning to the U.S., he attended Yale Law School, graduated in 2005, and clerked on the Ninth Circuit for Judge Richard Paez.

He then joined the firm of Munger, Tolles & Olson, where he had a varied practice. In addition to representing clients in consumer class actions, products liability, fraud, and unfair competition claims, he also maintained a pro bono practice representing indigent individuals, tenants, undocumented students, and farm workers. He earned a Social Justice Award from the ACLU of Southern California for his pro bono representation of farm workers and the United Farm Workers over the state's failure to protect them from heat-related illness and death.<sup>i</sup> In another pro bono case, he represented undocumented non-citizen students at the University of California who argued that Congress had not preempted a state law enabling them to pay in-state tuition on the basis of their high school records.<sup>ii</sup>

In 2011, he transitioned from private practice to government service, developing substantial expertise on criminal justice and penal issues. As an attorney in the California Department of Justice's Correctional Law Section, he helped the state comply with its constitutional obligations in cases involving federal court oversight of mental health and medical care in the California prison system. The next year, he joined the administration of then-Gov. Jerry Brown as Deputy Legal Affairs Secretary. In this capacity, he managed prison class action cases and advised the governor on criminal justice policy reforms. He also helped draft and implement Proposition 57, a ballot initiative intended to ease some of California's unjust and overly harsh criminal laws and reduce the number of people incarcerated in the state. This gave him valuable real-world knowledge of how major criminal and prison systems function.


In 2018, Gov. Brown appointed him to his current position as a judge on the California Court of Appeal, First Appellate District. Since then, Judge Sanchez has filed or joined in about 500

opinions, split evenly between criminal and civil cases. His opinions reflect an understanding of the court’s role in ensuring that everyone’s legal rights are respected, which is especially important for members of society lacking the power to protect themselves otherwise. For instance, he has recognized the importance of protecting civil rights and consumer rights plaintiffs from inordinate pressure to accept unsatisfactory settlement offers. He authored a panel ruling reversing a lower court’s reduction of attorneys’ fees incurred after the purchaser of a defective car rejected a settlement offer that was less than the eventual amount awarded by the court. He wrote that categorically rejecting attorneys’ fees incurred after a rejected settlement would “place[] too large a settlement club in the court’s hands” and “undermine the prosecution of meritorious civil rights or public interest litigation.”<sup>iii</sup>

In a case interpreting the state’s Public Safety Officers Procedural Bill of Rights Act (POBRA), he reversed a lower court and ruled that when police officers are being investigated for civil rights violations by a civilian review agency, POBRA does not give them a right to see all confidential reports and complaints against them in advance of their interview with the review agency. In analyzing the law’s provisions, the unanimous opinion he authored stressed the importance of public faith in the integrity and effectiveness of investigations into police misconduct. It could frustrate an investigation to disclose confidential material to the police officers (such as interviews with witnesses and colleagues) before their questioning.<sup>iv</sup> In another case, he wrote a unanimous panel decision reversing a lower court’s decision not to consider evidence of ongoing domestic abuse occurring after an application for a restraining order had been filed. Sanchez’s panel had issued a tentative ruling reversing the lower court, but the abusive spouse passed away before the panel issued a final ruling, which could have made the case moot. However, Judge Sanchez and the panel exercised their option to have the opinion published anyway “in light of the important public matters raised in this appeal.”<sup>v</sup>

Judge Sanchez will serve ably on the Ninth Circuit, and we urge his swift confirmation.

Sincerely,



Marge Baker  
Executive Vice President

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<sup>i</sup> *Bautista v. State of California*, 201 Cal. App. 4th 716 (2011).

<sup>ii</sup> *Martinez v. Regents of the University of California*, 241 P.3d 855 (Cal. 2010).

<sup>iii</sup> *Reck v. FCA US LLC*, 64 Cal.App.5th 682 (2021).

<sup>iv</sup> *Oakland Police Officers Association v. City of Oakland*, 63 Cal.App.5th 503 (2021).

<sup>v</sup> *In re Marriage of F.M and M.M.*, 65 Cal.App.5th 106 (2021).