

EDITORIAL: Mariano-Florentino Cuéllar seems solid choice for California Supreme Court

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By the Editorial Board



Mariano-Florentino Cuéllar

AP

Gov. Jerry Brown's nomination Tuesday of Mariano-Florentino Cuéllar to serve on California's Supreme Court speaks to this state's diversity and its collective intellect, and to the governor's desire to leave a lasting mark on this state's highest court.

For the second time in this term, [Brown turned to academia rather](#) than the bench for a justice, drawing Cuéllar from Stanford University, where [he is a law professor](#) and where he received a doctorate in political science.

Brown's first appointment of his third term, Goodwin Liu, came from Boalt Hall, UC Berkeley's law school. Liu, 43, and Cuéllar, 41, could serve for decades, as Brown knows well.

Three-member panels confirm California justices, and the process almost always goes smoothly, unlike the federal confirmation process in the U.S. Senate. Cuéllar's name would appear on the November ballot, and he would have a 12-year term if voters ratify him. He would replace Justice Marvin Baxter, who is retiring after serving on the high court since 1991.

Like Liu, Cuéllar has an interest in education quality and equality, an issue playing out in the courts and in Democratic politics.

Last month, a Superior Court judge in the case [Vergara v. State of California](#) struck down portions of California law that all but guarantee teachers jobs for life, finding that last-hired, first-fired rules deprive poor students of educational opportunities.

The case, which challenges teachers unions, could end up before the state Supreme Court. It already is an issue in the race for superintendent of public instruction between incumbent Tom Torlakson, who is backed by the unions, and Marshall Tuck, who supports the students' claim in the Vergara case.

President Barack Obama's education secretary, Arne Duncan, who has [clashed with teachers unions](#), appointed Cuéllar to the administration's Equity and Excellence Commission in 2011. In an interview posted on Stanford Law School's website, Cuéllar spoke about "an achievement gap that's affecting a huge proportion of the population."

"So if we think about the goal being our ability to train the next generation, and have a country that has the capacity to lead in the world, that achievement gap is really what's getting in the way," Cuéllar was quoted as saying.

Cuéllar is a [director of the Constitution Project](#), a nonpartisan organization that seeks consensus on constitutional issues, some of which land before the state court.

It has [opined on a range of issues](#), questioning lengthy sentences for low-level drug crimes and the efficacy of drug "cocktails" used in lethal injection. The project also has called for the addition of an advocate on the Foreign Intelligence Surveillance Court who would represent the public's privacy interests.

It has become trite to describe stories as only-in-California. But there aren't many places where an individual with Cuéllar's beginnings could have attained such success. In a [Ted talk posted on You Tube](#), Cuéllar spoke about the significance of borders, saying that this country "is special because it can transcend borders."

Cuéllar spent his early years in Matamoros on the Mexican side of the border, and would walk across the border to attend school in Brownsville, Texas. Later, his family moved to the Imperial Valley. He graduated from Calexico High School, before going to Harvard University, Yale Law School, where Brown went to law school, and Stanford.

In his first go-round as governor, Brown set out to shake up the judiciary. He succeeded but also erred by selecting Rose Bird as chief justice. The backlash ended in her defeat in 1986, and brought down two of his other appointees. Brown seeks to shape the judiciary once more. This time, he seems to intent on

getting it right. So far, he appears to be succeeding.