Overcoming Barriers: Being Flexible and Creative

Hon. Frances Muñoz†

Well I’m here by accident. And why did it take so long to have a woman appointed to a judicial position in California?

When I became a judge it was something that I didn’t even dream of, not even in my wildest dreams. I was raised in the barrio. My parents were immigrants from Mexico, who didn’t speak English and we were 11 children. My biggest challenge was trying to get through high school. I was the first one from our family to graduate from high school — and I thought that was a great accomplishment. While I was in high school, I appreciated and became obsessed with education. One thing was very important: that my brothers and sisters were going to have a high school education and a college education.

I went to work immediately after graduation to make this happen. I grew up in a small town where there are no colleges in the small town. It’s a process, as Justice Sotomayor said. Six years after graduating from high school I said to myself, “This is nice, but when do I go to college?” You have to be creative, you have to be flexible, and you have to persevere.

I realized that I could work, I could help my family and I could get an education if I moved to Los Angeles. I had to convince my father and my mother that it was okay. In a Hispanic family, for a woman to leave the home, unmarried, to live in a big city, was unimaginable. But I convinced them. I went to Los Angeles and I worked days and went to school nights — my undergraduate work was all at night. I went to Los Angeles City College and then I transferred to the UCLA-Extension. I wanted to be a child psychologist. However, after 90 units, UCLA told me that I had to have 30 units of day classes to graduate. That was impossible: I could not work nights and go to school days. I had to attend school at night.

By this time my younger brother had become an attorney. I met with him about attending law school and asked him, “Do you think I could do it?” And he said, “Of course.” I looked for the college that would accept me with 90 units and offered night courses. I found one. It took me 11 years to complete the educational process and get a bar card.

So, you have to be flexible and you have to be creative, if you’re a woman.

† Judge Muñoz was appointed to the bench in 1978, becoming the first Latina to serve in the California judiciary. A first generation Mexican-American, she earned her law degree from Southwestern University School of Law. After law school, she worked for six years in the Office of the Orange County Public Defender. Judge Muñoz serves on the boards of a number of community groups. She received the Outstanding Judge of the Year Award from the Orange County Women Lawyers in 1990.
A barrier that women have to face is the *cultural barrier*. My parents didn’t believe women should go to college. And for some of you, there is also the poverty barrier – you have to overcome the economic barrier.

There is also the barrier of discrimination. I went to a segregated school. The whole town was segregated. The swimming pool was segregated, as were the parks and the theaters. One developed this sort of “psychological problem” that “maybe you’re not as good as the others.” But my dad corrected that, every time he thought we were discriminated against he would say, “Esos pendejos, qué saben!” (Cruz Reynoso added, “Politely translated, that means ‘What do those people know!’”).

The next big problem was trying to find a job; a Chicana attorney trying to get a job in this society. When I graduated from South Western Law School, I was still working at a furniture store in Los Angeles. I went to the District Attorney’s office in Los Angeles and they said, “What does a nice young lady like you want to do in an office like this?” This was the sort of attitude I encountered.

At that time, my younger brother was an attorney in Orange County and he suggested I apply with the Public Defender’s office. I placed my application there and I got a call – they wanted to interview me.

I went to the interview with several other attorneys, all males, and they asked, “Do you belong to the Brown Berets?”
I said, “No, I never had time to do that.”
Then: “When the judges become very difficult are you going to cry?”
And I responded, “I don’t think so, I don’t cry easily.”
Then: “Can you represent the white defendants?”
And I said, “Well who represents the Latinos, the Hispanics who are charged with crimes – who represents them?”

I went home rather depressed after the interview. But when I got home, the phone was ringing. They wanted to interview me again. Now I had to interview with the boss.

He hired me and I was the first Hispanic hired by the Public Defender’s office in Orange County. And I worked very hard. But, the judges were not quite ready to deal with women, it was one of the challenges of getting through the system.

I was in the Public Defender’s office for about 4½ years, when Governor Brown’s reputation began to be known. He was looking for women, he was looking for diversity. My office came to me and encouraged me to apply for a judicial position. However, I didn’t have five years experience yet, so I had to decline. The minute I had five years experience, my office had the application for me. And Governor Brown was indeed looking for diversity, my being a public defender was not a problem for him. I was appointed in 1978.

Why did it take so long to have women appointed to the bench back then?
One of the reasons was the cultural problem – there were not too many of us who were encouraged to go to law school. The economic problem – I think it still persists, we still have that problem. Also, the political problem – but for Governor Jerry Brown, I would not be on the bench.

I could hardly wait to get on the bench.

I’d been on the bench a few days, when I had to make a phone call. This was the first time I was going to use the title (Judge Muñoz). I made the call.
And on the other end, they say, “Who’s calling please?”
“Judge Muñoz.”
“What did you say your name was?”
“Judge Muñoz.”
“And how do you spell your first name?”

I remember a dinner I attended right after being appointed at which the Governor was in attendance. Someone from the Latino community was congratulating him for my appointment and he said, “I can appoint them but can they stay on the bench?” That rang true at that time. Governor Brown appointed four Hispanic judges to Orange County; all of us were challenged the first time around. I was challenged by a District Attorney who was a Republican and I was in Orange County. Luckily I had plenty of support, and so I survived; one of our judges did not.

The things you need to know if you are going to be in these kinds of positions in five years, is that you have to be prepared for the long run, you have to reserve your energy because you are going to have to survive and go through the process and you have to dodge the bullets. Be prepared to do so and to win.

Let’s have a show of hands. How many of you have these kinds of barriers? Economic barriers? Political barriers? Cultural barriers?

See, it hasn’t changed. It has not changed.

So, you need to be flexible.

You need to be creative.

And you have to be prepared for the long run.

Work hard. Your reputation is very important. Never compromise your reputation. Work hard, and pace yourself – because it’s a process and sometimes it can be a very lonely process.

Congratulations to all.

I think it’s wonderful to see you all here. You have a wonderful future before you. Being Latinos, Latinas graduating from this law school places you way ahead of where I started. I will look forward to seeing you as pioneers in many, many areas. Congratulations!