

THESE TIMES, THEY ARE A CHANGING... A JUDICIAL PROFILE

HON. TODD D. IRBY, PLACER COUNTY SUPERIOR COURT

By Kathleen E. Finnerty, Finnerty Law Offices, Inc.
February 25, 2021



Judge Todd D. Irby

Placer County celebrated its first black judicial officer in February 2017 when Todd D. Irby was appointed as Court Commissioner. He was soon elected to serve as a judge by the citizens of Placer County in June 2018. Governor Brown then appointed him to the bench slightly ahead of schedule due to the retirement of Judge Frances Kearney. Judge Irby was the ideal candidate to ascend to this role. He is erudite, thoughtful and kind, with the patience needed for the job.

Even for those who live in Placer County, it is surprising to learn that the Black population in our county is only 1.8%, while the Asian population constitutes 8.33% and the White population is 79% as of 2021. Many citizens recognize the lack of racial diversity in Placer County, and thus the election of a Black man to a judicial office is remarkable.

Background

Yet, the election is not as remarkable as the man. While Judge Irby was raised in Youngstown, Ohio by a family proudly ensconced in its African-American heritage, he



was not lacking for many White family friends and extended family members. Judge Irby's grandmother, Grace Beasley Irby, was a co-founder of an evangelical church in South Carolina in the 1920s. Judge Irby's father, Clarence "Bum" Irby, was a funeral director in Ohio in the 1950's and 1960's. Impressively, Judge Irby's mother Winifred "Wini" Irby worked as a chemist in various hospital laboratories throughout Ohio, including Youngstown. Her education, like Judge Irby's own, was the result of the family's proud heritage and unceasing pursuit of academic excellence. Judge Irby shared the following story:

When my mother was in high school, she wanted to study Math, Chemistry and other science courses. On the first day of her Math class, her White male teacher, who was also the football coach, asked the young Wini why she was in his class since "he knew she would never make the grade". The next day my grandparents marched right down to the school and admonished the teacher that their daughter was dedicated to studying Math and

science and would remain in his class. She was a spectacular student and became one of the first women of color to work as a chemist in the laboratory of various Ohio hospitals, at a time when very few women held jobs in science, and even fewer women of color were permitted to work in laboratories.

Judge Irby's parents' marriage sadly ended after his father's business pursuits failed. Although his father died while Todd was still a pre-teen, his Mother's resolve to have him properly educated in school and in life prevailed, which resulted in Judge Irby attending Nazareth Hall Military School near Toledo, Ohio for two years before returning home to Youngstown Ohio in the seventh grade to learn, as his mother said, "to be Black." Very few of us have ever encountered such a call to come home.

What his mother meant was simply that young Todd Irby needed to experience what it meant to be a Black person in America in mid-1970s. Judge Irby graciously shares these experiences and recognizes the struggles he and his family members faced. Growing up in Youngstown he was well studied, well-mannered and enjoyed many white male and female friends. Yet, despite his ethics and good upbringing, there were certain barriers that were not to be crossed, including dating outside of one's race. Although his feelings were sometimes hurt by this reality, he harbors no ill will toward those who maintained such antiquated thoughts.

In high school, and beyond, Judge Irby has always been motivated by the maxim "Excellence is the Best Revenge."

College, Law School and Prior Experience

Judge Irby's education progressed earning his Bachelor of Arts Degree from Ohio State University and his Juris Doctorate from Pepperdine University School of Law in 1983. He was admitted to the State Bar of California in 1991, and practiced civil law from 1991 to 2007. Todd served for five years as a Deputy Attorney General in the California Department of Justice. In 2012, Todd was appointed to serve as Deputy Secretary/Chief Counsel of the California Department of Veterans Affairs, a position he held in particularly high esteem as a veteran of the United States Air Force. He has been actively engaged in serving the legal profession, having served in various roles on the State Bar's Commission on Judicial Nominees Evaluation for 10 years, including one year as Chair. He has been a member of the Anthony M. Kennedy Inn of Court for several years.

Judicial Philosophy

Judge Irby's judicial philosophy is clear. He is committed to protecting the rights of all who appear before him, dedicated to assuring that due process is maintained, and preserving the rule of law.

He is an avowed advocate of fairness, bringing the best version of himself into the courtroom day in and day out, remaining impartial and powered by reason.

Extracurricular

In his free time, Judge Irby enjoys spending time cooking, reading, traveling and watching his son participate in competitive swimming. He resides with his beloved wife of nearly 30 years, Tina, their teenage son Christian, and their spoiled “fur child,” Sasha.

Conclusion

The takeaway from the wonderful time I spent with Judge Irby to prepare this profile is simply that Heritage matters. His story is punctuated by the incredible values his family honored, despite often facing invidious discrimination. The pride in education, family values and human kindness carried him through as a kind human being. His Heritage is strong, maternally driven, and deep – to be honored, along with the hundreds of thousands of other Black Americans who thrived despite the institutional and social barriers erected by racial prejudice, which we can pray continues to recede with every generation, every day.

Judge Irby is worthy of the challenge of serving on the bench in a significantly non-Black community. Race is not an issue for him on the bench. Only after extensive questioning did he acknowledge that very few litigants or lawyers that appear before him are people of color. Upon reflection, he acknowledges, regrettably, that he sees more Black individuals on his criminal calendar than as civil litigants or lawyers appearing before him. As of this writing, he has had very few lawyers who are women of color appear before him in his courtroom.

That said, it is important to note that race does not play a part in his decision-making as a jurist. Judge Irby possesses a remarkable ability to see humans as just that. His listening skills are first level. He is kind, considerate, and harbors the values of all judicial officers who strive to make the world a better place within their roles as jurists. The Placer County Judicial Bench is indeed better for having Judge Irby on the team.