



AABANY ADVOCATE

Asian American Bar Association of New York

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Issue I

Breaking Barriers: Kin Ng, First APA to Lead Major Trial Bureau in a NYC Prosecutors' Office

By Jason Cheung, AABANY Intern
and Albert W. Suh, Esq., AABANY Member

On February 1, 2017, Kin W. Ng was promoted to Bureau Chief of the Red Zone Trial Bureau at the Kings County District Attorney's Office. He is the first Asian Pacific American (APA) to serve as Bureau Chief of a trial bureau in New York City's prosecutorial offices.



Kin Ng, Co-Chair and founder of AABANY's Prosecutor's Committee, is Chief of the Red Zone Trial Bureau in the Kings County District Attorney's Office

In his new role, Kin will be supervising more than 40 Assistant District Attorneys (ADAs) in prosecuting crimes ranging from minor violations to burglaries and attempted murder. He will also be responsible for closely coordinating with local pre-

cincts and community leaders to better serve the people of Brooklyn.

Kin has served for 25 years as a criminal prosecutor, rising through the ranks from his time as a Criminal Court ADA through to his most recent position as Chief of the Immigrant Fraud Unit. Through it all, Kin has also dedicated himself to being a mentor to younger attorneys and a role model to the young members of New York's Asian community.

Though his success and stature within the legal community might suggest otherwise, Kin did not always dream of being an attorney. As an undergraduate, Kin majored in Finance at New York University's Stern School of Business. He took the LSAT almost on a whim at the suggestion of a friend. Even while he was attending law school

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2017 AABANY Law Firm Diversity Award

WHITE & CASE

AABANY is proud to announce White & Case LLP as the recipient of the 2017 AABANY Law Firm Diversity Award. Since 2014, AABANY has annually given this award to one law firm for its extraordinary efforts in improving the diversity of the legal profession.

This year, AABANY recognizes White & Case for its exceptional commitment to increasing diversity and inclusion, success in the recruitment and retention of women and diverse attorneys, and demonstration of commitment to increase diversity outside of the law firm, as demonstrated by the firm's:

- High levels of recruitment, retention, and promotion of minority lawyers. For example, APA

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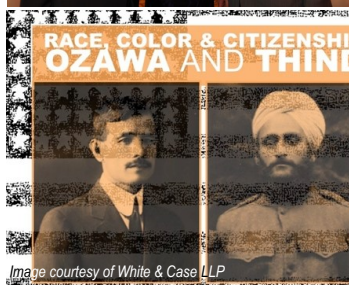


Image courtesy of White & Case LLP



White & Case LLP is a Platinum Level sponsor and long-time AABANY supporter. Clockwise from top left: White & Case LLP at AABANY's 2012 Annual Dinner; in May, 2015, the firm hosted the New York premiere of Kicking Glass, a video co-produced with AABANY's Women's Committee about APA women in the legal profession; in June, 2016, the NYCLA Asia Practice Committee awarded Partner Of Counsel Sylvia Chin with its Certificate of Recognition; in May, 2016, the firm hosted an AABANY trial reenactment of *Ozawa v. United States* and *United States v. Thind*, which concerned issues of race, color, and citizenship.

Letter from the Outgoing President



AABANY Outgoing President
Susan L. Shin

Dear AABANY Members, Supporters and Friends,

On behalf of the Board and AABANY's leadership, we are so pleased and grateful for your continued support of this organization. This has been a remarkable and defining year for AABANY.

The 2016 theme, "Speak Up, Rise Up, Lift Up," coincided with a tumultuous political climate that challenged AABANY to live out these words and think hard about our place and purpose in the legal and APA communities and how to effectively speak out as a minority bar association on important issues that affect us all.

In this regard, AABANY, among many other things:

- (1) spoke out against the President's recent Executive Order suspending entry of all individuals, including those with lawful documentation, from seven Muslim-majority countries and of refugees from all countries;
- (2) had a Letter to the Editor published in the *New York Times* concerning racism against APAs;
- (3) co-sponsored with SABANY and MuBANY a panel discussion on moving forward post-election;
- (4) co-signed an amicus brief for *People v. Bridgforth* supporting the position that *Batson v. Kentucky's* prohibition against racial discrimination during jury selection extends to skin color-based discrimination;
- (5) spoke out and supported Judge Doris Ling-Cohan when she was treated improperly by the New York County Democratic screening panel; and
- (6) wrote to New York State Bar Association (NYSBA) President Claire Gutekunst reaffirming our strong support for a diversity, inclusion and anti-bias CLE requirement in New York.

Thanks to the hard work and dedication of our staff and volunteer board, officers, committee chairs, members and sponsors, AABANY experienced continued maturity and growth. Our membership—now over 1,100 members—and financial health are at their strongest, and our activities, ranging from CLEs and trial reenactments, to networking events and partnerships with other bar and community associations, are as robust as they have ever been.

Finally, I am very proud that AABANY recently received the NYSBA 2016 Bar Leaders Innovation Award in recognition of our 7th Annual Fall Conference "Speak Up, Rise Up, Lift Up," which attracted over 400 attendees and offered 19 separate CLE and non-CLE programs, the second annual Diversity Career Fair & Expo, Pitch Sessions, Judiciary Bootcamp and Group Mentoring.

It has been an incredible honor and privilege to serve as your President this past year, and I am truly excited to see what lies ahead for AABANY under the judicious leadership of President-Elect Dwight Yoo. While we have so much to celebrate, we have a long way to go and new challenges ahead. Asian Americans in the legal field remain dramatically underrepresented in the judiciary, high government offices, law firm partnerships, and in-house counsel boardrooms. I encourage all of you to join Dwight and AABANY in our endeavor to Take Charge, Lead Change in 2017.

Yours truly,

Susan L. Shin
AABANY President

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*These Officers and Directors will take office on April 1, 2017

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Letter from the Incoming President



AABANY Incoming
President Dwight S. Yoo

Dear AABANY Members and Friends,

Thank you for your support.

As one of the largest and most active minority state bar associations, AABANY can reflect proudly on the significant progress it has achieved over the past year. AABANY has become more outspoken, more focused on bringing about tangible results, and continued to make a meaningful impact on the community.

And yet there is still so much more to be done. Asian Americans continue to be disproportionately underrepresented in executive-level positions, law firm partnerships, the judiciary and high political office. Members of the Asian American community have been adversely affected by recent immigration actions and policies, misperceptions of Asian Americans as a homogeneously successful group, and the absence of a unified voice advocating on their behalf. At AABANY, we seek to represent and promote all Asian Americans, regardless of ethnicity,

political affiliation, socioeconomic status, gender, or other differentiating factors.

At our Annual Dinner on February 22, 2017, we celebrated and honored three remarkable individuals: Lee Cheng, Chief Operating Officer of Gibson Brands, with the Corporate Leadership Award; the Honorable Marilyn D. Go, Magistrate Judge for the Eastern District of New York, with the Impact Leadership Award; and New York State Attorney General Eric Schneiderman with the Public Service Leadership Award. Each individual has made a lasting impact through his or her actions, demonstrated courage in taking positions in which he or she believes, whether or not popular, and advocated successfully for the Asian American community.

I would like to thank Susan Shin on her exceptional leadership as AABANY President this past year and the dedicated and talented AABANY officers, directors, staff, committee chairs, members and volunteers for their outstanding work.

We look forward to partnering with you this year to *Take Charge and Lead Change*.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dwight Yoo', followed by a stylized flourish.

Dwight Yoo
AABANY President-Elect



Outgoing and incoming AABANY Officers and Directors gather for a photo at the 2017 Annual Meeting of the Members, held on February 15, 2017 at Arnold & Porter Kaye Scholer LLP.

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at Boston University, Kin was uncertain of his career trajectory.

It was not until his internship with the U.S. Attorney's Office of the Southern District of New York that he discovered his passion for public interest work and prosecution. There, as part of the Criminal Division, Kin was first exposed to the high-intensity trial work of a prosecutor. "From then on, I was hooked," said Kin, who vividly recounts attending the trial of a drug dealer and being "forced to advocate at a whole other level." Thereafter, Kin followed his passion for public interest law and prosecution and joined the Kings County District Attorney's Office, where he has pursued his calling for the past 25 years.

However, Kin's journey was a challenging one, and he describes the first few years of his time at the DA's office as one of the most difficult periods of his career.

"At one point, I felt like quitting," said Kin. "Technically, I was very competent and put in as much time as everyone else. However, when it came to socializing with my colleagues and integrating into the culture of the office, I faced seemingly insurmountable challenges." Kin remembers how several of his initial supervisors were unable to appraise his strengths, which meant that he was often the last to be chosen for substantive and challenging assignments. "This is why diversity in the legal



In June, 2016, the Prosecutors' Committee, of which Kin Ng (fifth from left) was a founding member, held its 8th Anniversary Reception, which started as a casual dinner and has grown to an annual marquee event that fills the room to capacity, drawing attendees and distinguished speakers from across the state.

profession is so crucial, for it ensures that a more diverse range of skills and qualities do not go unappreciated. Nowadays, whenever I interview Asian American candidates, I always look for specific qualities that would have otherwise gone unnoticed had I just stuck to one criteria."

Realizing the critical importance of relationship-building in legal practice, Kin began to seek ways in which he could become an asset to the DA's office in addition to excelling as a prosecutor.

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His first big break came in the early 2000s, when he was asked to assist with outreach efforts to Brooklyn's Asian community. Through his efforts, Kin began to take note of the unmet needs of Brooklyn's Asian community and took it upon himself to pioneer new initiatives and projects to address those wants.

"At that time, APA representation in the DA's office was still quite low, which proved problematic. As an active participant in community events, I knew that in order to ensure cooperation and collaboration between the DA's office and the Asian community, there had to be a familiar face to look up to—someone to show APAs that one of their own is up there defending their interests," said Kin.

Those experiences are part of why Kin believes that APA presence in the legal profession is so important. Under the leadership of the late District Attorney Ken Thompson, steps were taken to increase diversity in the Brooklyn DA's Office, but there was still much to be done. "It made sense to enhance diversity since it meant a better pool of candidates and skills to choose from," explained Kin. When DA Thompson began looking for a leader to spearhead diversity efforts to promote APA representation in the DA's Office, Kin was immediately chosen

as the man for the job.

Within AABANY, one of Kin's first and most enduring initiatives was to help found the AABANY Diversity Career Fair (DCF), which he believed would help increase APA representation in all DA's offices in New York by creating a direct pipeline from talented APA candidates to job opportunities across the city. Helmed by the AABANY Career Placement Committee,

the DCF launched in 2015 and features employers from across the public sector, corporate sector, and law firms who host informational sessions, meet and greet interested applicants, and, in some instances, conduct first round on-site interviews. Not only does the DCF provide job-search opportunities, it also gives seasoned APA attorneys, like Kin, the opportunity to provide effective feedback to APA students and attorneys through the interview process.

Kin has also worked tirelessly to promote the interests of currently active APA prosecutors.

He was a founding member of AABANY's Prosecutors' Com-

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"This is why diversity in the legal profession is so crucial, for it ensures that a more diverse range of skills and qualities do not go unappreciated."

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Practicing Immigration Law in the Age of Trump

By Tsui H. Yee, Esq.

Immigration and Nationality Law Committee Member

Immigration laws bear a “striking resemblance ...[to] King Minos’s labyrinth in ancient Crete. The Tax Laws and the Immigration and Nationality Acts are examples we have cited of Congress’s ingenuity in passing statutes certain to accelerate the aging process of judges.” *Lok v. INS*, 548 F.2d 37, 38 (2d Cir. 1977).

Immigration attorneys are all too familiar with the above quote, which captures the complex and convoluted nature of this practice. However, since President Trump announced his executive orders on immigration on January 27, 2017, the day-to-day lives and practices of immigration attorneys were radically altered. Seemingly overnight, I was inundated with telephone calls, emails, and texts from frightened clients. The level of fear, anxiety and uncertainty among my clients and among the immigrant community is unprecedented.

Several of my clients are citizens of the seven countries that are listed in the travel ban (Iran, Iraq, Somalia, Yemen, Sudan, Syria and Libya). A greater number still do not have any legal status, usually because they entered the United States “without inspection” (without a valid travel document), or did enter with a valid visa, but subsequently overstayed. While fortu-



Photo by Tsui Yee

On the heels of President Trump’s controversial executive order banning immigration from seven Muslim countries, a coalition of volunteer lawyers, including Tsui Yee, founder and former co-chair of the AABANY Immigration & Nationality Law Committee, worked quickly to set up offices at JFK to assist those impacted by the order.

nately none of my clients was abroad at the time that the travel ban was announced, these clients are nonetheless trapped in the United States, for fear that if they travel abroad to visit

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Enhancing Public Safety in the Interior of the U.S. Executive Order: What it Means for the Crimmigration Lawyer

By Corey Forman, Esq.

Immigration and Nationality Law Committee Member

The President’s Executive Order suspending the U.S. refugee relocation program and prohibiting the admission of nationals from seven countries has received a tremendous amount of national and international media attention. But it is another immigration related order that will most certainly have the greatest impact on the day-to-day practice of criminal and immigration attorneys representing non-citizens with criminal backgrounds.

On January 25, 2017, President Trump signed the “Enhancing Public Safety in the Interior of the United States” Executive Order, which reshapes the enforcement guidelines utilized by Immigration Officers in apprehending removable non-citizens. The order moves away from a tier-based priority system in

The [“Public Safety”] order moves away from a tier-based priority system in favor of one that, in essence, makes any individual subject to removal from the U.S. a top priority.

favor of one that, in essence, makes any individual subject to removal from the United States a top priority. Therefore, those living in the country as lawful permanent residents or here on temporary legal status, but convicted of minor removable offenses will be treated with the same level of priority as those convicted of the most serious violent felonies. Additionally, any individual without legal status, whether they entered unlawfully or overstayed the terms of a visa, will also be an enforcement priority as long as the government believes they have engaged in conduct that constitutes a crime, regardless of whether they have been charged.

The order also revives the Secured

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Immigration Executive Orders Signed in January 2017

By Poonam Gupta, Esq.

Co-Chair, Immigration and Nationality Law Committee

This note provides a summary of the various immigration executive orders (EOs) signed as of January 27, 2017 as well as important litigation updates since then.

A quick bullet-point summary of the EOs is below; italicized are some of the more critical sections with potential for expansive impact:

1. Secure the southern border of the U.S. by immediate construction of a physical wall to prevent illegal immigration, drug and human trafficking, and acts of terrorism
2. Detention facilities at or near land border with Mexico
3. *Continued detention for anyone apprehended and end of “catch and release”*
4. Hire additional 5,000 border patrol agents
5. *Empower state and local law enforcement agencies to act as immigration officers*
6. *Immigration enforcement the highest priority at all levels;*
7. Prompt deportation
8. *Prioritize removal for anyone who commits a crime or any act that could be a crime*
9. *Assessment and collection of fines and penalties from aliens unlawfully present and those who facilitate their presence in the U.S.*
10. Hire additional 10,000 immigration officers for enforcement
11. *Sanctuary cities not eligible for federal funding*
12. *Weekly reports on comprehensive list of criminal actions committed by aliens*
13. *Terminate the enforcement priorities memo of November 11, 2014*
14. Revive Secure Communities program
15. *Remove Privacy Act protections for personally identifiable information for non-U.S. Citizens or non-Lawful Permanent Residents*
16. Review to determine information available to establish identity of individuals applying for a visa from any country
 - a. Report within 30 days
 - b. *Suspension of entry for 90 days of anyone from Iraq, Syria, Iran, Libya, Yemen, Sudan or Somalia as detrimental to the U.S.*
 - c. Additional countries recommended for inclusion if countries do not provide information until compliance
 - d. Additional countries can be recommended at any time
17. Development of a uniform screening standard and procedure

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The Day-to-Day Immigration Practice Under Trump

By Amanda J. Bernardo Esq.

Co-Chair, Immigration and Nationality Law Committee

It has been less than one month since Trump issued the first set of executive orders on immigration, and phone calls seem to be flooding the offices of immigration lawyers across New York City. There is no doubt that there is an increased demand for immigration law services.

One nonprofit attorney who chose to remain anonymous reports that about twice the number of people show up at the organization’s weekly intake days to have first-time consultations with immigration attorneys as they did before Trump issued the orders. The order to increase internal immigration enforcement so drastically is forcing many of the city’s immigrants to come forward to seek consultations about their documentation issues. Whether there is anything an immigration attorney can actually do for them is a different story.

As Corey Forman’s article maintains, Trump’s executive orders have had particular impact on “crimmigration” lawyers. [See page 6 for Forman’s article.] One such attorney says that each and every one of his clients with pending cases has called him to ask what the executive orders mean for his particular case. He says that as a result, he’s had to take an inventory of his immigration clients with criminal issues, analyze their situa-

tion under the new enforcement priorities, and prepare them—when appropriate—for the possibility of future detention. The attorney wonders whether the Immigration & Customs Enforcement (ICE) will revisit any of its prior determinations to release aliens from its custody if that alien has been charged with or convicted of a crime.

In Immigration Court, where aliens are in removal (“deportation”) proceedings, Trump’s enforcement priorities have changed the way some practitioners have their clients plead to the charges ICE makes against them. It is often acceptable for a removal defense attorney to admit to ICE’s allegations of fraud or criminal activity in the interest of judicial economy. “At times we were more likely to let the Government cut corners and just admit the allegations in order to move the case along and get the client the relief they’re seeking” one nonprofit attorney explains. Now, he and other removal defense practitioners are more likely to deny the charges, thereby holding ICE to its burden to prove them by clear and convincing evidence.

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their loved ones, etc., they may not be able to reenter the U.S. Worse yet, they could face deportation if deemed deportable by U.S. Customs and Border Protection.

While the travel ban has received the most publicity, there is actually another order whose effects are far more pernicious, devastating, and wide-ranging. Trump's Executive Order 13768, Enhancing Public Safety in the Interior of the United States, specifically targets any individuals who entered the United States without documentation, or who overstayed or violated the terms of their visas. It is estimated that **8 million** individuals in the United States would be considered priorities for deportation under this executive order.

*It is estimated that
8 million individuals
in the United States
would be considered
priorities for deportation
under [Executive
Order 13768].*

Other individuals who are enforcement priorities under this less publicized order include those who "have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency" and those

who "have abused any program related to receipt of public benefits." For instance, the order expands the definition of whom U.S. Immigration and Customs Enforcement considers a criminal to include people who have used false Social Security information. On February 9, 2017, several news media outlets reported that the Trump administration deported the first individual under this new order: http://www.nbcnews.com/news/latino/arizona-woman-deported-possibly-first-under-trump-immigration-orders-n7l8986?cid=sm_npd_nn_fb_ma.

Aside from the widespread impact that they will have on the immigrant community, these orders also pose a daunting challenge to immigration attorneys. Due to the fact that the orders were drafted so poorly and executed so hastily, it has become exceedingly difficult if at times impossible to properly advise clients. The next four years will unquestionably prove to be trying times for immigration attorneys. Never before has the immigrant community needed zealous representation as now.♦



About the Author: **Tsui Yee** is a founding member and former co-chair of the AABANY Immigration and Nationality Law Committee. She is a partner at Guerrero Yee LLP, where she practices immigration law.

(Continued from page 6)

Communities Program, which enabled ICE to learn of the arrest of non-citizens by any state and local law enforcement agency through instantaneous sharing of fingerprint data. The data was used to lodge detainers that temporarily prevented the release of a non-citizen from a criminal jail once bail was posted or upon completion of their case and sentence. A few years after its implementation many jurisdictions refused to comply with the program due to questions over its legality and constitutionality, as well as local law enforcement concerns over the effect it had on immigrant community policing relations. Some cities, including New York, went so far as to enact legislation that prohibited its law enforcement groups and correctional facilities from complying.

In 2014, the program was cancelled and replaced by the Priority Enforcement Program ("PEP"), which significantly reduced the amount of immigration apprehensions at local jails. The revival of the program, along with the President's threat to pull federal funding from so-called "sanctuary cities," will likely result in a resumption of immigration enforcement through local law enforcement cooperation, as well as increased ICE activity at local jails throughout the country.

Criminal and immigration lawyers will have to revise some aspects of their practices with the ramifications of the President's order in mind. For instance, prior to advising a non-citizen client to post bail, criminal lawyers will need to reconsider

whether it is now more likely that a local criminal holding facility would continue to detain the individual after bail was posted for ICE to take custody; and, if so, whether the individual is a candidate to gain release from immigration custody. Meanwhile, immigration attorneys will have to reconsider prior advice to criminal attorneys concerning criminal conduct likely to gain ICE's attention, which would result in immediate apprehension and detention.

President Trump campaigned strong on law & order and immigration enforcement. The "Enhancing Public Safety in the Interior of the United States" Executive Order affirms his intent to see his campaign rhetoric become policy. For criminal attorneys representing non-citizens and immigration attorneys representing those with criminal histories the impact this policy will have on their day-to-day practices will be significant. Never has a strong foundation in understanding the intersection between these areas of law—referred to as "Crimmigration"—been more essential.♦



About the Author: **Corey Foreman** is a partner at Cohen Forman Barone, LLP. His practice areas include removal and deportation defense, post-conviction relief and appeals, criminal defense, and family-based immigration.

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18. Suspension of U.S. Refugee Admissions Program (USRAP) for 120 days
 - a. Prioritize refugee claims based on religious persecution where the religion is a minority religion in that country
 - b. Suspension of entry of Syrian refugees
 - c. Cap of 50,000 refugees in 2017 fiscal year
19. Complete and implement biometric entry-exit tracking system for all travelers to the U.S.
20. All visa applicants must appear for an in-person visa interview
21. Review reciprocity agreements with all countries to ensure true reciprocity for each visa classification

Of the EOs, the sanctuary city section of the initial EO was challenged in the District Court in Massachusetts on February 8, 2017. The travel ban EO, however, has been challenged in various courts across the country since it became effective on January 27, 2017. Below is a chronological summary of some of these challenges and important milestones:

January 28, 2017

- Washington District Court—stayed removal of two petitioners from the U.S. – *Doe v Trump*
- Virginia District Court—issued a Temporary Restraining Order (TRO) permitting Lawful Permanent Residents (LPRs) to have access to lawyers and government forbidden from removing them for seven days – *Aziz v Trump*
- Eastern District of New York—imminent danger of substantial/irreparable injury and enjoined the Government from removing anyone with approved refugee applications, valid visas and others legally allowed to enter the U.S. – *Darweesh v Trump*

January 30, 2017

- Virginia District Court—petitioners amended the habeas corpus petition to include others detained at Dulles Airport – *Aziz v. Trump*
- Western District of Washington—Class action challenging the January 27, 2017 EO on grounds that it violates the Constitution's Equal Protection clause as well as INA §202(a)(1) – *Ali, et al v Trump, et al*

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Some removal defense attorneys are not adopting such a hard-ball strategy, reasoning that ICE will treat the alien in removal proceedings in accordance with the enforcement priorities regardless of how he pleads. For example, ICE will be now less likely to agree to adjournments and other requests the alien might make to the Immigration Judge. Attorneys across the country report that their opposing ICE counsel is not currently considering requests to join in motions to reopen prior orders of removal and administratively close active proceedings in prosecutorial discretion. As a general matter, immigration attorneys who practice removal defense expect less cooperation than they enjoyed in the past from ICE counsel, especially in New York City, which has a reputation for being an immigrant-friendly office.

Immigration attorneys who specialize in affirmative applications

- Eastern District of Virginia—class action seeking declaration that the EO is unconstitutional—*Sarsour v Trump*
- Western District of Washington—State of Washington challenged EO on constitutional grounds and as violating the INA, the Foreign Affairs Reform and Restructuring Act, the Religious Freedoms Restoration Act and the Administrative Procedure Act. The state also sought a TRO – *State of Washington v Trump*

January 31, 2017

- Central District of California—TRO – enjoining the Government from removing, detaining or blocking entry of anyone from the seven countries with a valid immigrant visa – *Mohammed v Trump*

February 1, 2017

- Western District of Washington—State of Minnesota joined the State of Washington in its complaint – *State of Washington v Trump*

February 3, 2017

- Virginia District Court—extended TRO to 2/10/17, allowed Commonwealth of Virginia to intervene and defendants to provide Virginia with a list of all residents of Virginia denied entry or removed from U.S. since the EO – *Aziz v Trump*
- Western District of Washington – Nationwide TRO – *State of Washington v Trump*

February 4, 2017

- Western District of Washington—DOJ files emergency motion for administrative stay and motion for stay pending appeal; Court rejected the immediate administrative stay – *State of Washington v Trump*

February 7, 2017

- Western District of Washington—Three-judge panel of Ninth Circuit heard oral arguments – *State of Washington v Trump*

February 9, 2017

- Western District of Washington—Three-judge panel of Ninth Circuit denied government's emergency motion for stay pending appeal – *State of Washington v Trump**



About the Author: Poonam Gupta is Co-Chair of the AABANY Immigration & Nationality Law Committee. She heads the immigration team at White & Case LLP, where she advises on all aspects of business-related immigrant and non-immigrant visas and proceedings before the DHS, DOS, and DOL, as well as on family-based immigration matters.

and petitions have also had to reassess their practice under Trump's orders. There are many who decline to submit the applications they planned or respond to the U.S. Citizenship & Immigration Service's requests for further evidence because their client's immigration history or criminal record make them more likely to be picked up and taken into custody under the executive orders. Some are even reluctant to file cases with no criminal issues if those cases are weak or risk putting the client into removal proceedings down the line. "We're walking a tightrope and we don't know when it's going to get cut or when it's going to get shaken," a private practice attorney described. Ultimately, only time will tell how ICE and USCIS will implement Trump's executive orders in practice. For now, we can only proceed with an abundance of caution.*

About the Author: Amanda J. Bernardo is Co-Chair of the AABANY Immigration & Nationality Law Committee. She is an associate at Brandes & Associates, LLC, where she practices immigration law, focusing on removal defense and affirmative actions and petitions with criminal or fraud complications.



Kin also helped inspire AABANY's Diversity Career Fair & Expo (the "DCF"), which is fast becoming another hallmark AABANY program. Helmed by the Career Placement Committee, the DCF launched at the 2015 AABANY Fall Conference to great success.

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mittee, the first of its kind for APAs. Previously, there had been no official organizations for APA prosecutors to share their experiences and advice. Today, the Prosecutors' Committee is among AABANY's most robust and active committees, and hosts an annual reception that features prominent members of the bar and draws attendees from across the legal profession.

Kin went on to found the National Asian Pacific Islander Prosecutors' Association ("NAPIPA") in 2011. He now serves on NAPIPA's National Executive Board and as President of its New York Regional Chapter.

Despite all of his initiatives, accomplishments, and accolades, Kin remains humble and pragmatic. When asked how he measures career success, he said that, "As a young lawyer, my financial insecurities meant that money was obviously my first priority. But gradually I found out what I liked to do, which was trial work, and I began to measure career success in terms of the impact I was making on the lives of others." Nowadays, Kin sees his role as that of a mentor and educator, someone tasked with "bringing up the next generation of young APA ADAs."♦

About the Authors: **Jason Cheung** attends New York University, where he is majoring in economics and minoring in mathematics. He enjoys British Parliamentary affairs, English literature, and volunteering. He is AABANY's Spring intern, and hopes to become a corporate lawyer. **Albert W. Suh** is an Assistant District Attorney in the Kings County District Attorney's Office.

(Continued from page 1)

attorneys make up 16.05% of the firm's lawyers and the voluntary attrition rate for New York-based APA junior associates in 2015 stood at 2.3%; for New York-based APA mid-level associates, the figure stood at 1.4%. Both figures are far below the reported national average of 12%;

- #3 ranking on Law360's 2016 list of "Ten Best Law Firms for Asian American Attorneys"; and

- #1 ranking on AmLaw's Diversity Scorecard and Law360's Diversity Snapshot.

Such recognition is a result of White & Case's commitment to the promotion of diversity and inclusion through its numerous initiatives, such as:

- The Regional Section-based Gender Diversity Action Plan, which aims to promote gender diversity, with an emphasis on retention and promotion of high-performing female lawyers;
- A coaching program for women lawyers on career progression as part of the Global Women's Initiative; and
- The Asian Affinity Group, which has organized events such as the re-enactments of *Ozawa v. United States* and *United States v. Thind*, a reception and keynote address by Eduardo Palmer, and celebrations for Asian American Heritage Month.

With respect to increasing APA representation in the legal profession, White & Case has continued to foster ties with existing Asian American legal communities through the active efforts of distinguished individuals, including:

- Partner of Counsel Sylvia Chin, who serves as board member of the ABA Centre for Racial and Ethnic Diversity, President of Asian American Law Fund of New York (AABANY's affiliated non-profit organization), and Director of the NAPABA Law Foundation. Previously, she served as President of AABANY and Chair of the ABA Business Law Section Committee on Diversity and Inclusion, among many other roles. In 2016, Sylvia was awarded the AABANY Norman Lau Kee Trailblazer Award and the ABA Jean Allard Glass Cutter Award.
- Partner Bijal Vakil, an active member of NAPABA, who previously served on the Board as well as Executive Committee of NAPABA, on committees for the National South Asian Bar Association, as President of the Asian Pacific Bar Association of Silicon Valley, and as President of the Asian Law Alliance.

White & Case has also invested significantly in the training and inclusion of minority attorneys, as demonstrated by programs such as:

- The White & Case IL Diversity Fellowship, which every year invites two highly-qualified students with demonstrated commitments to promoting diversity and inclusion in their school communities to join the firm's New York and Washington, DC offices;
- Diversity Week in the US, which features events dedicated to the promotion of cultural tolerance and awareness; and
- The "Inclusive intelligence in Practice: Understanding and Interrupting Unconscious Biases in Feedback and Evaluation," which aims to provide diversity training to partners on implicit bias.

White & Case is and continues to serve as an example of how diversity and inclusion issues can be tackled, and how such issues can and should be brought to the forefront. AABANY proudly recognizes White & Case with the 2017 Law Firm Diversity Award.♦

AABANY • MEMBERSHIP APPLICATION



Asian American
Bar Association
of New York

Asian American Bar Association of New York

The Asian American Bar Association of New York was formed in 1989 as a not-for-profit corporation to represent the interests of New York Asian American attorneys, judges, law professors, legal professionals, legal assistants, paralegals and law students. Today AABANY has over 1100 members.

The mission of AABANY is to improve the study and practice of law, and the fair administration of justice for all by ensuring the meaningful participation of Asian Americans in the legal profession.

Member Benefits and Activities

- **LEARN**
Attend interesting and relevant Continuing Legal Education (“CLE”) accredited programs on a wide range of topics for free or at discounted rates.
- **NETWORK**
Connect with a diverse network of attorneys in every type and size of practice in a variety of networking settings, including social, community service, and physical wellness events.
- **COLLABORATE**
Get involved in the organization by joining one of AABANY’s 30 different committees, participating in AABANY’s Mentorship Program, or volunteering at one of our signature events.
- **ACCESS**
Access AABANY’s members-only career center database for legal job openings and consult with AABANY’s Career Placement Committee for targeted job advice/guidance.
- **CONNECT**
As an Active Member, get a free membership in the National Asian Pacific American Bar Association “NAPABA” and connect with a vast network of APA attorneys in North America, from coast to coast and in Canada.
- **GROW**
Take on a leadership role within a committee, highlight your practice by speaking on a panel, and raise your profile in the legal community.
- **SAVE**
Get discounted memberships at other bar associations and discounts on entertainment, travel, and shopping with the Working Advantage Program.

Membership Types

- A Active Member** – Any attorney admitted in any state, territory or possession of the United States, the Commonwealth of Puerto Rico, the District of Columbia, or foreign country jurisdiction who works and/or resides in New York State.
- Annual Fees: Private Sector (10 or less years since admission) - \$75
Private Sector (More than 10 years since admission) - \$125
Public Sector - \$40
- B Associate Member** – Any attorney admitted in any state, territory or possession of the United States, the Commonwealth of Puerto Rico, the District of Columbia, or foreign country jurisdiction who does not work or reside in New York State.
- Annual Fee: \$50
- C Law Student Member** – Any individual enrolled at an American Bar Association accredited law school who resides or attends a law school in New York State or intends to sit for the New York State Bar Examination, or any graduate of an ABA-accredited law school who is pending admission to the New York State bar and works or resides in New York State.
- Annual Fee: \$15
- D Affinity Member** – Any individual supporting the legal community who is not a licensed attorney, law school graduate, or law student.
- Annual Fee: \$30

AABANY

45 ROCKEFELLER PLAZA, 20TH FLOOR, NEW YORK, NY 10111
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APPLICANT INFORMATION

MEMBERSHIP APPLICATION



Asian American
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☐ MR. ☐ MS. ☐ DR. ☐ HON.

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HOME ADDRESS PHONE FAX
CITY STATE ZIP CODE EMAIL

Employment Information

FIRM OR ORGANIZATION NAME
BUSINESS ADDRESS PHONE FAX
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Membership Type

I WOULD LIKE TO: ☐ JOIN ☐ RENEW

A Active Member Please select one of the following categories:
☐ Private Sector (10 or less years since admission) - \$75
☐ Private Sector (More than 10 years since admission) - \$125
☐ Public Sector - \$40

B Associate Member - \$50
C Law Student Member - \$15
D Affinity Member - \$30

Contact Preferences

SEND EMAIL TO: ☐ HOME ☐ WORK ☐ DON'T SEND EMAIL

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AABANY IS THE NEW YORK AFFILIATE OF NAPABA. SHARE INFO WITH NAPABA? ☐ YES ☐ NO

PROVIDE CONTACT INFORMATION IN THE DIRECTORY? (Check all that apply) ☐ HOME ☐ WORK ☐ DO NOT LIST

Profile

LAW SCHOOL: GRADUATION YEAR:
PROGRAM: ☐ JD ☐ LL.M. ☐ SJD/PH.D. STATE BARS ADMITTED: ☐ NY ☐ NJ ☐ CT ☐ OTHER ☐ PENDING YEAR FIRST ADMITTED:

☐ FIRM/SOLO PRACTICE ☐ IN-HOUSE ☐ GOVERNMENT ☐ JUDICIARY ☐ STUDENT ☐ EDUCATOR ☐ NON-PROFIT/PUBLIC INTEREST ☐ OTHER

PRACTICE AREA(S):

NON-ENGLISH LANGUAGES:

Committee Participation - I WOULD LIKE TO PARTICIPATE IN (CHECK ALL THAT APPLY)

☐ ACADEMIC	☐ FINANCE	☐ LABOR & EMPLOYMENT LAW	☐ PROFESSIONAL DEVELOPMENT
☐ AUDIT	☐ GOVERNMENT SERVICE & PUBLIC INTEREST	☐ LGBT	☐ PROSECUTORS
☐ AWARDS	☐ IMMIGRATION & NATIONALITY LAW	☐ LITIGATION	☐ REAL ESTATE
☐ CAREER PLACEMENT	☐ IN-HOUSE COUNSEL	☐ MEMBERSHIP	☐ SOLO & SMALL FIRM PRACTICE
☐ COMMERCIAL BANKRUPTCY & RESTRUCTURING	☐ INTELLECTUAL PROPERTY	☐ MILITARY & VETERAN AFFAIRS	☐ STUDENT OUTREACH
☐ COMPENSATION	☐ ISSUES	☐ NEWSLETTER	☐ TAX
☐ CORPORATE LAW	☐ JUDICIARY	☐ NOMINATIONS	☐ WOMEN'S
		☐ PRO BONO & COMMUNITY SERVICE	☐ YOUNG LAWYERS

☐ CHECK ENCLOSED (MAKE CHECKS PAYABLE TO ASIAN AMERICAN BAR ASSOCIATION OF NEW YORK)

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