Meet Hon. Randall T. Eng, Recipient of 2017 Norman Lau Kee Trailblazer Award

By: Rena Malik
Secretary, Judiciary Committee

I had the honor and pleasure of sitting down with the Honorable Randall T. Eng, Presiding Justice of the New York State Supreme Court, Appellate Division, Second Department, recipient of AABANY’s 2017 Norman Lau Kee Trailblazer Award, which honors leaders in the legal profession who have carved a path for others to follow, served the community as a mentor and role model, and made a lasting impact on the APA community through his or her dedication and commitment.

Justice Eng is a true trailblazer in every sense of the word. Not only has he held many distinguished roles and positions within the legal profession, but in many cases, was the first Asian Pacific American (APA) to do so. His excellence in those roles has broken down barriers that APAs after him may have otherwise faced in obtaining such prestigious leadership positions. Justice Eng’s hard work and dedication to the law and the APA community serves as a reminder to us all about what we can achieve together as APA lawyers.

AABANY: What does the Trailblazer Award mean to you?
Hon. Eng: The award is very significant to me because I was involved with AABANY and its founders at its very early stages. I’ve seen it grow from a very small group of persons to a very large and very vibrant organization; so to be recognized by my peers and by persons who have succeeded me, to speak, in the formation and development of the organization is particularly meaningful.

(Continued on page 8)

In the mid-1900s, Russell Baker, then an attorney providing legal services to Mexican nationals, shared a chance cab ride with John McKenzie, a reputable US-based litigator. Within just a year, the law firm Baker McKenzie LLP was formed. Now, forty years later, the firm has grown from its four initial lawyers to more than a thousand attorneys. Throughout this growth since its founding in 1949, Baker McKenzie has consistently demonstrated a firm commitment to diversity and inclusion initiatives as well as to broad corporate social responsibility, encouraging creativity, and increasing the firm’s ability to serve its clients.

(Continued on page 10)

Baker McKenzie has generously hosted the AALFNY/AABANY summer reception for the last two years, helping to promote diversity in the legal profession and recognizing rising APA legal talent.
Welcome to AABANY’s 8th Annual Fall Conference: “Take Charge. Lead Change.” We are excited to present a full day of CLE and non-CLE programs, pitch sessions, networking opportunities, initiatives to increase APA representation on the bench, and our third annual Diversity Career Fair and Expo.

This year marks an inflection point for the Fall Conference, which now attracts over 400 attendees with over 20 programs and sessions and has outgrown the hosting capacities of even the largest law firms which have hosted the conference in the past. For the first time, we are holding the Fall Conference at a law school, and we thank Fordham University School of Law for its hospitality and continuing commitment to diversity, inclusion, and the APA community.

We thank you—our members, supporters, volunteers, and practicing attorneys—for helping us make the Fall Conference the success it is today. We thank our panelists and moderators for giving their time on a Saturday to share their knowledge and expertise. In particular, we thank our sponsors, whose support is critical to AABANY. AABANY’s Annual Fall Conference is now widely recognized as one of the most successful events of its kind, having been honored with a 2016 Bar Leaders Innovation Award by the New York State Bar Association for last year’s conference.

AABANY celebrates the accomplishments of its members and supporters. Although the list is too long to enumerate here, I highlight a few recent accomplishments:

- Parkin Lee, Senior VP & Chief Legal Officer of the Rockefeller Group, was named a recipient of NAPABA’s Daniel K. Inouye Trailblazer Award.
- Hon. Sanket J. Bulsara was appointed as a U.S. Magistrate Judge of the U.S. District Court for the Eastern District of New York, becoming the first South Asian American to serve as a judge on the Second Circuit.
- Andrew T. Hahn, a partner at Duane Morris LLP, was named a 2017 Distinguished Leadership honoree by the New York Law Journal.
- Hon. Ona T. Wang was appointed as a U.S. Magistrate Judge of the U.S. District Court for the Southern District of New York, becoming the first APA to be appointed a magistrate judge in the Southern District of New York.
- Lawrence Wee, a partner at Paul, Weiss, Rifkind, Wharton & Garrison LLP and an AABANY board member, received a 2017 Outstanding 50 Asian Americans in Business award from the Asian American Business Development Center.
- Hon. Jeffrey Oing and Hon. Anil Singh were appointed to the Appellate Division, First Department of the Supreme Court of New York. With Hon. Peter Tom, this marks the first time the First Department has three APA sitting judges.
- Hon. Charles Y.J. Liu was appointed to the NYC Housing Court, Hon. Phyllis Chu to the NYC Criminal Court, and Hon. Frances Wang to the NYC Civil Court.
- Kin Ng was promoted to Chief of the Red Zone Trial Bureau in the Kings County D.A.’s Office. We believe Kin is the first APA to serve as Bureau Chief at a major trial bureau in a prosecutors’ office of NYC.
- Steve Chung, Chief Counsel, Disney-ABC Media Networks of The Walt Disney Company, and Sonia Low, General Counsel of The ONE Group, Inc., were honored as Council of Urban Professionals Catalysts Law Award recipients.

We are pleased to present the Hon. Randall T. Eng, Presiding Justice, Appellate Division, Second Department of the Supreme Court of New York, with the 2017 Norman Lau Kee Trailblazer Award.

Looking ahead, I am excited for the opportunity to see all of you at the 2017 NAPABA Convention in Washington, D.C. in November. We eagerly anticipate the rest of the AABANY year and our 2018 Annual Dinner on February 28, 2018 at Cipriani Wall Street. Save the date!

We have so much to celebrate, but APA’s in the legal field remain disproportionately underrepresented in the judiciary, high government offices, law firm partnerships, and in-house counsel executive positions. AABANY continues to strive to do all we can—together—to help each other to advance, be vocal in effecting change in our workplaces, and devote time to mentor and develop APA talent. Thank you all for getting involved. We look forward to continuing to work with you on future initiatives.

Respectfully,

Dwight S. Yoo
President

The AABANY newsletter endeavors to share in a non-partisan fashion information of concern to the Asian American legal community of New York. The officers and directors of AABANY do not necessarily share or endorse any particular view expressed in articles published in this newsletter. Statements published herein are those of persons concerned about the Asian American legal community and willing to share their concerns with their colleagues. Proposed articles or letters to the editor should be sent to AABANY Newsletter, Asian American Bar Association of New York, 45 Rockefeller Plaza, 20th Floor, New York, New York 10111 or e-mail: main@aabany.org; submissions may be excluded or edited by virtue of space or other reasons. Private individuals may publish notices and advertisements, which the editors feel are of interest to members on a space available basis at the following rates: 3.75” x 1” - $40.00; 3.75” x 4.5” (quarter page) - $70.00; half page - $120.00; full page - $220.00. For advertising information call AABANY at (718) 228-7206 or e-mail main@aabany.org.

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An Interview with Andrew T. Hahn, Sr., NYLJ 2017 Distinguished Leadership Honoree

By: Dohee Kim
AABANY Guest Writer

Andrew T. Hahn, Sr., a partner at Duane Morris LLP, former AABANY President (2004-2005), and long-time AABANY member and supporter, was named a 2017 Distinguished Leadership honoree by the New York Law Journal (the “NYLJ”) the most circulated legal periodical in the U.S. Part of the NYLJ’s Professional Excellence Awards event, this honor recognizes outstanding lawyers whose leadership skills have proved to be exceptional in their effectiveness and the inspiration to others.

AH: How did you first become interested in law?

AABANY: How did you first become interested in law?

AH: In middle school, I used to read a lot of biographies, and what I learned was that most Presidents and other leaders in this country and in the world are attorneys. I was the only minority in my elementary school, and I used to get picked on frequently. I believed that lawyers gain instant respect and that lawyers always fight for the weaker ones. This really appealed to me idealistically, and in middle school, I knew I wanted to become a lawyer.

What attracted you to your specific practice area?

This was fate. Because I was commissioned through the U.S. Army R.O.T.C. program, I served on active duty as a J.A.G. officer for four years after law school. During that time, I was assigned to a litigation role. When I started in the private sector, the law firm acknowledged my prior experience and placed me in the litigation department. It was fate in that regard. I never chose it. It chose me.

What makes for a successful lawyer?

Being fearless. You have to be an advocate for yourself and for your client. You cannot be afraid to articulate any argument, to argue, and to say—as respectfully and as persuasively as you can—“You’re wrong” to the client and sometimes to the judge. You have to get it all on the record; you cannot shy away from any fight.

What is the most satisfying aspect of being a lawyer?

Helping others. Either through pro bono work, community service, or mentoring younger attorneys, I have been fortunate enough to reach a level of position where I can use my influence to help and guide others, and that is the most satisfying aspect of being a lawyer for me.

What are qualities of a good leader and of a bad leader?

I think the show, “Game of Thrones,” provides an incisive analysis of leadership. To me, a bad leader is Cersei Lannister. She rules by fear, intimidation, and manipulation. She is narcissistic and lies every chance she gets. She is a classic example of a bad leader.

A strong leader, to me, is Jon Snow. He was a bastard son and had nothing handed to him. Nevertheless, his people chose him to be the “King of the North.” He was thrust into that position. One of his positive attributes as a leader is that he knows the people and his followers. He listens to them. He knows what they need, what they want, what makes them strong, and what makes them weak. He is good with people. To me, understanding your constituents or followers is a necessary quality for a good leader.

You have been practicing law for over 30 years. What is one of your most notable recollections from your early years in the legal field?

When I first came to practice in New York City, not many Asian Americans existed in high levels of positions like partners, judges, or general counsels. The legal field was occupied mostly by white males. That led me to embark on a crusade to work and try to get more Asian Americans elevated into positions of authority.

In addition, when I first started as a junior associate, I had very few role models. I did not know how to act in the law firm, how to navigate office politics, or how to interact with judges or clients. I had no idea what I was doing. I went by gut instinct and by observing my contemporaries who were awesome in using their “soft skills.” They are now general counsels of companies such as PWC, News Corp., and partners in many AmLaw 100 law firms.

You are very active in bar associations like KALAGNY and AABANY and have mentored many young attorneys each year. Why do you feel participation in those associations and those programs are so important?

Our parents brought us to the U.S. to study hard, get straight As, and to attend good schools. These are very individualistic qualities. And that is not the formula for success in this country. You cannot do it alone, especially in the field of law. It is very political and team-oriented, and you definitely need guidance.

I noticed early on that other groups help themselves by helping each other. Asian Americans were the slowest, but I think we finally started to understand that if we don’t help each other, no one else will. I wanted to help as much as I can in raising awareness of the importance of these efforts, especially for the young attorneys. Now, we have Asian American attorneys who have been practicing the law for few decades. They’ve seen it all, done it all, and they can help out when the young attorneys face issues. Again, I have been fortunate enough to be given a level of position where I can use my influence to help others. Being involved in these associations is an important part of that.

Could you share your views on diversity in leadership positions in both the public and private sectors?

Improvement in the statistics has been slow for the past 30 years, especially in the higher ranks, and it is very disheartening. We cannot quit, however, and we have to continue to persevere. I believe, in time, the situation will get better. The key fact is that Americans do not perceive Asians as good lawyers. I ask people to name a fictional character in TV shows or movies that is an
Practitioner Update: Changes to USCIS Procedures

By: Poonam Gupta, Esq.
Co-Chair, Immigration Committee

In the last month, USCIS has issued news releases announcing two changes that directly impact U.S. businesses. The first is a revision of Form I-9, which is mandated for employers to use to establish and confirm employment authorization in the United States. The second is the expansion of the in-person interview requirements for certain permanent residence applications.

Form I-9 revisions
Beginning on September 18, 2017, USCIS will require that all employers use its most recently published version of Form I-9 when verifying the employment authorization of new hires. The changes to Form I-9 are relatively minor:

- Form FS-240, Consular Report of Birth Abroad is listed as an acceptable List C document;
- All Certifications of Reports of Birth issued by the Department of State (Forms DS-1350, FS-545, and FS-240) are now listed as one option under List C documents for online versions;
- List C documents after the Social Security card have been reorganized;
- The Office of Special Counsel for Immigration-Related Unfair Employment Practices has been re-listed under the office’s new name, the Immigrant and Employee Rights Section;
- The instruction section has dropped “the end of” from the phrase “the first day of employment.”

The greatest change is the addition of the consular report of birth abroad as an acceptable document. The rationale behind the last change is yet unclear and there is no guidance from USCIS on the reason for the change. The other changes should have no impact on Form I-9 compliance, implementation, storage or retention.

In conjunction with the changes to the Form I-9, USCIS has also revised and issued a new M-274 Handbook for Employers: Guidance for Completing Form I-9. It is highly recommended that employers should use and refer to the latest versions of both the M-274 and the Form I-9 as soon as possible but no later than September 18, 2017.

The biggest impact will be in the processing times. Currently, the processing times for employment-based adjustments of status applications can be between 6-14 months. The addition of the in-person interviews will likely cause considerable increases in processing times as the interviews will entail not only scheduling issues but will also be constrained by officer and space availability as well as the transfer of the files to the local USCIS field offices.

Clarification is also still needed on whether the interview requirement will apply only to newly submitted applications after October 1, 2017 or will include the pending applications as of that date; and whether it will be applicable only to the principal applicant or the dependents as well.

The application of the proposed expansion of in-person interview may have some benefits in weeding out fraud but for the most part will impact professionals contributing positively to the U.S. economy and who have followed the legal requirements at every step. This interview requirement will also increase the cost for the U.S. employers sponsoring foreign nationals by forcing the employer to pay for the renewal of the employee’s underlying nonimmigrant status for years after filing of the adjustment of status applications. Employers should consult with immigration counsel to assess potential implications of slower processing on sponsored foreign national employees’ work authorization status.

About the Author: Poonam Gupta is Co-Chair of the AABANY Immigration 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.

Expansion of in-person interview requirements
On August 28, 2017 USCIS announced that they will begin requiring in-person interviews for employment-based adjustment of status applicants as well as for refugee/asylee relative petitions for beneficiaries who are in the U.S. and petitioning to join a principal applicant. This phase-in will begin on October 1, 2017. As of now, USCIS has only announced this new policy in fairly general terms without any specific details.

It is also unclear whether the interview will be required of nationals of certain countries or all countries. If the latter, then the processing times for Indian and Chinese nationals is expected to be the impacted the most with their already-extensive delays in processing.

By: Susan L. Shin
Immediate Past President of AABANY

In 2015, I reviewed the Third Edition of Robert Haig’s Business and Commercial Litigation in Federal Courts and in short, I was hooked from the start and it has been my secret weapon ever since. The beautiful 14 volume Fourth Edition of the treatise made its way to my new office at Arnold & Porter Kaye Scholer a couple of months ago and I have referred to it almost daily. It is better than ever. How any litigator practices without the benefit of this compendium of cutting edge litigation strategies and the issues that plague today’s modern litigator, I do not know.

The Fourth Edition boasts 25 brand new and relevant chapters reflecting the rapidly changing legal landscape, including: Civil Justice Reform; Cross-Border Litigation; Declaratory Judgments; Effective Trial Performance; Negotiations; Mediation; Arbitration; Social Media; Marketing to Potential Business Clients; Teaching Litigation Skills; Securitization and Structured Finance; Regulatory Litigation; Health Care Institutions; Telephone Consumer Protection Act; Mass Torts; Aviation; Joint Ventures; Fiduciary Duty Litigation; Advertising; Media and Publishing; Fraud; International Trade; Civil Rights; Public Utility; and Fashion and Retail.

The new chapter on Regulatory Litigation (Chapter 78) is a terrific and informative addition to the treatise, complementing the chapter on Regulatory Litigation with the SEC. The new chapter covers civil litigation involving federal regulatory agencies, which involves a completely different set of dynamics from litigation among private parties. The discussion ranges from the importance of cooperation and how it is evaluated by the regulatory agency to ethical issues involving joint representation of entities and individuals. The chapter also delves into how to avoid pitfalls, penalties and remedies, handling parallel proceedings by multiple agencies with overlapping jurisdiction, negotiated resolutions, as well as discovery and trials against regulatory agencies.

The new chapter on Securitization and Structured Finance (Chapter 77) may be the most comprehensive discussion I have seen in one place to date. The chapter provides a good overview of basic substantive, procedural and practical litigation issues arising from residential mortgage-backed securitizations (RMBS), which have been the subject of the most litigation of all structured products since the financial crisis nearly 10 years ago. The chapter does a good job of demystifying the complex nature of these products with a basic primer on the mechanics, participants, and key documents involved in securitization transactions. It covers the various types of litigation and actions against various categories of defendants that were tested in federal courts, citing key decisions including RMBS cases I had been involved in litigating and trying. Memories. It also provides strategic special considerations drawn from the collective experience of RMBS litigators, from both plaintiff and defense bars, as well as the body of case law produced from RMBS litigation.

The new chapter on Social Media (Chapter 67) is particularly useful, indeed critical, to the modern commercial litigator and trial lawyer. The chapter notes the revolution in the manner in which Americans communicate and the massive consumer base of Facebook, Twitter, Instagram and Snapchat. The chapter delves into governing the use of social media in various stages of litigation, including discovery of social media content, privacy concerns, admissibility of social media content at trial, and ethical issues such as implications of social media use by jurors and courts at trial. The chapter is a reminder that social media is impacting how litigators approach every facet of commercial litigation and it cannot be ignored.

In my book review of the Third Edition, I lauded the editor’s thoughtful recognition of the practical realities of litigation outside the courtroom and the growing number of litigators who practice in-house, which was reflected in his choice to include chapters such as Litigation Avoidance and Prevention, Techniques for Expediting and Streamlining Litigation, Litigation Management by Law Firms, and Litigation Management by Corporations.

This chapter discusses the importance of and effective tools for experienced litigators teaching fundamental litigation skills — oral advocacy, written advocacy, mastering and distilling facts. But a surprising level of attention is paid to how to teach young lawyers to develop soft skills, arguably just as important to a litigator’s success, such as emotional and social intelligence with discussions devoted to teaching self-awareness, self-regulation, empathy with clients and the jury, as well as social, interpersonal, and non-verbal communication skills. In addition, a section is devoted to teaching how to build credibility, with an excellent, pragmatic discussion on viewing professional codes and legal ethics as a minimum standard. There is also a section on truly good mentoring, which includes calling out bad behavior, reinforcing good behavior, and encouraging young lawyers to observe the best in the art of lawyering.

Thankfully, despite the considerable growth in size and substance, the treatise remains a concise, cohesive, and practical compilation of the experiences and insights of 296 of our country’s most distinguished practitioners and judges who bring a tremendous amount of real-world experience and practical insights to their 153 chapters of substantive law and procedure. Each of the authors provides step-by-step guidance, not only on the most up-to-date procedure and substantive law, but also on strategic and tactical considerations. It still includes numerous checklists for procedure and practice, essential allegations and defenses, sources of proof of allegations and defenses, as well as useful time-saving litigation forms. It is designed for the busy practical lawyer. Litigators of all levels of experience will find this compilation invaluable in its readability, practicality, and usefulness.

It is certainly worth the investment.

About the Author: Susan L. Shin is AABANY’s Immediate Past President and a partner at Arnold & Porter Kaye Scholer, where she is a trial lawyer and complex business litigator.
The second quarter began with Asian Pacific American Heritage Month in May, during which we hosted and co-sponsored many events in celebration of this important occasion. For example, the Judiciary Committee hosted the Judges’ Reception, honoring both new and retired APA judges and reflecting upon the state of the APA community. AABANY co-sponsored a photo exhibition of the work of Corky Lee, which celebrated the Asian American experience. The Government Service and Public Interest Committee co-sponsored For the Public Good, a discussion with three Asian American pioneers in the federal government. In addition to these APA Heritage Month events, AABANY presented and hosted many programs and activities for the benefit of its members and the community.

Asian Pacific American Heritage Month Events
May 9, 2017 AABANY co-sponsored a screening at Fried Frank Harris Shriver Jacobson LLP of the film “Kicking Glass: From the Courtroom to the Boardroom,” followed by a discussion on the themes and issues of the film with Hon. Doris Ling-Cohan and Judiciary Committee Co-Chair and Past President Linda Lin.

May 17, 2017 Hosted by the Judiciary Committee and sponsored by Hard IP, the APA Judges’ Reception honored newly inducted and retiring Asian-American judges. Presiding Justice Randall T. Eng of the Appellate Division Second Department reflected on the progress made by the APA community and work still to be done.

May 23, 2017 AABANY co-sponsored a Photography Exhibit and Conversation with Corky Lee at the offices of Cleary Gottlieb Steen & Hamilton LLP, as part of their celebration of APA Heritage Month. Renowned Chinese-American photojournalist Corky Lee’s photos chronicle the Asian American experience within the fabric of American history.

May 24, 2017 AABANY co-sponsored a movie screening of Abacus: Small Enough to Jail at the IFC Center and former AABANY President Andy Hahn moderated a Q&A session with the Sung family and one of the film’s producers.


May 31, 2017 AABANY performed its latest trial reenactment, “This Land Is Our Land: Oyama v. California” at Cadwalader, Wickersham & Taft LLP. The performance drew more than 300 RSVPs, and the audience included AABANY members, prominent members of the judiciary and other dignitaries.

Special Events
May 1, 2017 AABANY joined its sister bar associations in the memorial service for Judge Abdus-Salaam at the New York City Bar. Judge Abdus-Salaam was the first African-American woman to sit on the New York Court of Appeals, the highest court in New York, as an associate judge.

June 6, 2017 AABANY co-presented The War Against Chinese Restaurants, along with the Museum of Chinese in America, where the event was held. A teacher and scholar of immigration law, criminal procedure, and race and law, Gabriel “Jack” Chin discussed the struggles that Chinese restaurants faced during the turn of the last century.

June 22, 2017 The Prosecutors Committee hosted its 9th Annual Reception at the New York County Lawyers’ Association, where the committee honored Deputy Chief Ellen Chang of the NYPD and Judge Danny Chun of Kings County Supreme Court for their exemplary records of public service.

June 27, 2017, the 10th Annual Wine Tasting & Networking Reception for Law Firm Partners and Senior In-House Counsel, sponsored by the Corporate Law Committee and In-House Counsel Committee. During the evening, corporate attorneys and in-house counsel had the opportunity to connect over an array of fine wines and small dishes.
Perspectives on A Portrait of Asian Americans in the Law

By: August Gweon
AABANY Summer & Fall 2017 Intern

Hong Yen Chang took his first bar exam in 1886. Things were different then: embarged from citizenship by the Chinese Exclusion Act and rejected by the New York Supreme Court, Mr. Chang—the only Asian graduate of Columbia Law School's Class of 1886—was admitted to the bar only after special legislation passed specifically for him in the New York Legislature. The barriers would only worsen when he moved to California in 1890. There, the California Supreme Court denied Chang admission to the California State Bar entirely. The court stated that his “Mongolian nativity” made any grounds for naturalization, and bar admission, void. It wouldn’t be until 2015, five generations later, that Mr. Chang was granted posthumous admission by the California Supreme Court.

“Even if we cannot undo history, we can acknowledge it,” the court said in a statement made at the time of Mr. Chang's admission. “We need not be denied [Chang’s] example as a pioneer for a more inclusive legal profession.”

Yet, while history has rolled on, the path to an inclusive legal profession has been less than straightforward. “A Portrait of Asian Americans in the Law” (the “Portrait Project”), a foundational study published this summer by California Supreme Court Justice Goodwin Liu and a team of Yale law students, has made this more clear than ever. The product of two years of synthesized data, focus groups, and surveys, the portrait that Justice Liu and his team have painted is one of disturbing disparities that persist in spite of phenomenal growth.

In the past thirty years, the number of Asian Americans attending law schools has skyrocketed. Asian American lawyers have rapidly advanced in every sector of legal practice and have enjoyed growth in numbers unprecedented by any other minority group. Yet, despite burgeoning numbers in top-level law schools, the percentages of Asian Americans serving as state and federal law clerks haven’t budged in twenty years. Despite enjoying the lowest levels of debt and the highest average salaries out of all racial or ethnic groups, Asian American lawyers suffer from mental health challenges at higher rates than the entire profession. Despite having been the largest minority group practicing in major law firms for roughly two decades, Asian American lawyers also have the worst associate-to-partner ratio, with 3.7 associates for every partner.

“In earlier times, the influence of Asian Americans in the legal profession was largely constrained by their small numbers,” the study found. “Today, the constraints increasingly have to do with career pathways, incentives, and barriers to promotion.”

A supermajority of Asian American lawyers also report implicit racial discrimination in the workplace and many report being stereotypically perceived as uncreative, awkward, and passive. These perceptions are a persistent barrier—as real as any racially motivated 19th-century laws. Assumptions of foreignness and unsociability stymie rising Asian American lawyers from finding established non-Asian mentors and contacts early on, depriving them of essential networks that lead to access, insight, and future success.

“The stubborn persistence of implicit and explicit discrimination against APA attorneys in the workplace” was a compelling finding to Christine Kwon, a Yale Law School graduate and co-author of the study. “We see a significant influx of APAs entering the legal profession but then significant attrition and severe underrepresentation at the top ranks.”

“Our report is meant to start a conversation as to the status of APAs in the law,” Ms. Kwon said. “...APA lawyers seek and need more institutional support to help them navigate through the landscape of the legal profession.”

An important step forward may lie in encouraging more Asian Americans to approach government and public sector work with an open mind. “Greater penetration into these public leadership roles is critical if the increasing number of Asian American attorneys is to translate into increasing influence of Asian Americans in the legal profession and throughout society,” the study reported.

In the government sector, the gap between bar admittance and career advancement for Asian Americans widens into a chasm. There were 94 United States Attorneys in office in 2016, and Asian Americans made up 3 of them. There were 2,437 elected prosecutors in office in 2014—Asian Americans made up 4. Only a small fraction of Asian American law students report that government and politics was even in their top three motivations for law school. According to the study, Asian Americans prefer law firm jobs by a large majority. Unfortunately, they trade career satisfaction and mental health for high salaries in the process.

“A lot of Asian Americans are looking for high prestige and high pay after law school,” AABANY Issues Committee Co-Chair Chris M. Kwok said. “And if they didn’t start law school that way, they are like that by the end of it.”

“It should be one of their career choices,” Mr. Kwok, who works at the New York District Office of the Equal Employment Opportunity Commission, agreed. “It should not be ruled out early on […]”

More research is needed to fully understand the challenges Asian Americans face in the law today. Even so, the study is a clear indicator of where Asian Americans are in the field and where we must continue to develop. Stereotypes must be countered by examples of public leadership and ability. Notions of status and potential income ought to be counterbalanced with a stronger sense of political efficacy.

“I try to get a lot of kids I know who are Asian American to intern [at the EEOC] as a high schooler, intern here as a college kid,” Mr. Kwok said, “because then they can see what we do… and it tells them that this is a really great career choice.”

About the Author: August Gweon is a student at Columbia University studying history and sociology. He works for AABANY as an intern and writes as a staff writer for the Columbia Daily Spectator.
Do you have advice for those seeking to become judges? Yes, you have to have the right foundation. That is: courtroom experience, which is very, very valuable; writing, you should be able to show your writing ability in some fashion; and a good name and reputation. Judicial temperament is very important to judicial screening bodies. If you are intemperate with your adversaries, if you are intemperate with the bench, that is going to come out. So if you want to be a judge, you have to demonstrate that you have the correct temperament to exercise judicial office.

You've held many leadership positions, such as Inspector General at the New York City Corrections Department, Administrative Judge, and Presiding Justice. How would you describe your leadership style and how did you develop it? I've always tried to achieve consensus and collegiality. There are some people with more autocratic styles, but that's not me. You have to use the tools that you have and what comes naturally to you, and so I'm a consensus builder, and I'd like to think of myself as a good communicator. I've also drawn upon military experience. As you might know, I was in the New York Army National Guard for over thirty years; I did that as a parallel second career. I was a Judge Advocate Officer and, at the end of my career there, I was a State Judge Advocate, the senior legal officer, and I supervised twenty-seven military lawyers. In a military framework, you learn discipline, communication, and efficient leadership styles. I have to say that some of that probably transferred over to the leadership positions that I had in the courts and in the district attorney's office.

You have broken many barriers throughout your career. What do you envision as your legacy? I have probably advanced to leadership positions in just about everything that I have done because there's a bit of restlessness. I thought, “We can do better” or “This can be done differently”—I'm motivated by that. I've also been bothered in the past by the stereotype of APAs being good workers but not good managers or leaders, and that has always offended me. I've always encouraged APAs to seek leadership roles that they are qualified for, but to be interested in doing that as well. It's about overcoming a lot of inhibitions, perhaps on the part of some, who think “I don't want to be in the spotlight”—but sometimes you have to be. Whether in the public or private sector, if you're in a group in which leadership is needed, and if you're the best, the most qualified, you better step up. You have to step up. You can't duck it. I think it was personally important to me to dispel that—to dispel the myth of the good worker but the poor leader. And we still have to work on that.

What challenges do APA attorneys still face, and do you have any advice for them? APA attorneys will always be part of what can only be described as a visible minority, and I think because of that, they're always going to have a greater degree of scrutiny, as with all visible minorities, because of the perceptions of society. People will see a visible minority before they engage with them as lawyers, so I think it's very important to be aware of that. It's not necessarily a negative. Sometimes you want to get attention. There are other lawyers who have an invisibility, so to speak, and have to do something extraordinary in their dress or in making their name unique to get that kind of attention. Once you get that attention, though, what you do with that and what follows, is something else.

What has motivated you to keep advancing in your career and taking on leadership positions? I have probably advanced to leadership positions in just about everything that I have done because there's a bit of restlessness. I thought, “We can do better” or “This can be done differently”—I'm motivated by that. I've also been bothered in the past by the stereotype of APAs being good workers but not good managers or leaders, and that has always offended me. I've always encouraged APAs to seek leadership roles that they are qualified for, but to be interested in doing that as well. It's about overcoming a lot of inhibitions, perhaps on the part of some, who think “I don't want to be in the spotlight”—but sometimes you have to be. Whether in the public or private sector, if you're in a group in which leadership is needed, and if you're the best, the most qualified, you better step up. You have to step up. You can't duck it. I think it was personally important to me to dispel that—to dispel the myth of the good worker but the poor leader. And we still have to work on that.

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What do you envision as your legacy? The law is a welcoming profession for APAs. It should be considered seriously and not just on a transient basis. I follow legal education; there was an upward trend of APA applications to law school and then in 2008, with the economic downturn, there was a big drop, and APAs were looking into other areas like finance and management, things like that. I'd like to direct students pursuing that career to stay the course. If it interests them, and motivates them, then do it. Just don't be affected by what is necessarily trendy now, or what seems to be the career path of the moment. If you have the skill sets, and if you have the inclination, then there's nothing wrong with a legal education.

*The full interview is available at blog.aabany.org. Check it out!

About the Author: Rena Malik is an Appellate Court Attorney for the New York State Unified Court System, Appellate Division, Second Department. She serves as Secretary of the AABANY Judiciary Committee.
Panels & CLEs
May 11, 2017 AABANY and the Filipino American Lawyers Association of New York jointly hosted a CLE on Caregivers Rights, held at Phillips Lytle, which explained the legal protections available for professional and primary caregivers of families and expectant parents.

June 1, 2017 In Immigration, What’s Old is New Again, sponsored by the Asian Affairs Committee of the New York City Bar Association, and co-sponsored by AABANY and several other organizations, three law professors discussed President Trump’s Executive Order in light of America’s past immigration policies towards Asian Americans.

June 8, 2017 AABANY along with the South Asian Bar Association of New York (SABANY) co-sponsored a CLE panel titled “Immigration and Family Law Options for South Asian Domestic Violence Survivors” at DLA Piper LLP. The panelists provided an overview of immigration and family law processes as they apply to South Asian immigrant survivors, along with the cultural considerations of working with South Asian clients.

June 22, 2017, June 27, 2017 The Asian American Vote, co-sponsored by AABANY and the Asian American Legal Defense and Education Fund (AALDEF), was held at Ropes & Gray LLP and Paul, Weiss, Rifkind, Wharton & Garrison LLP. The panels presented AALDEF’s multilingual exit poll in the 2016 Presidential and Congressional elections, and analyzed key electoral issues.

Community Outreach
May 10, 2017, June 14, 2017 & July 12, 2017 AABANY continued to provide legal assistance to members of the Chinatown community through the Pro Bono Monthly Clinic, held on the second Wednesday of every month.

Networking
June 6, 2017 The Young Lawyers Committee of AABANY participated in pub trivia along with 13 other New York bar associations at the Australian NYC in Midtown. They won third place.

June 16, 2017 AABANY fielded a team for the 2017 Trivia Bowl, organized by the Asian American Journalists Association of New York where they fought through five rounds of tough questions.

July 12th, 2017 The Get to Know AABANY Happy Hour, hosted by AABANY’s Membership, Litigation, Immigration, Labor & Employment, and Student Outreach Committees, provided a chance for AABANY members to connect.

July 13, 2017, AABANY’s Government Service & Public Interest, Labor & Employment Law, Bankruptcy and Young Lawyers Committees held a karaoke night at Karaoke City in Koreatown.

Committee Meetings and Events
May 1, 2017 The In-House Counsel Committee hosted its Kick-Off Meeting at Skadden, Arps, Slate, Meagher & Flom LLP.

May 31, 2017 The Tax Committee hosted a Tax Club dinner where they discussed international tax reform.

June 7, 2017 The Government Service & Public Interest and Pro Bono & Community Service Committees jointly held a meeting at Legal Services NYC to discuss expanding pro bono programs and other community outreach initiatives.

June 7, 2017 The Labor and Employment Law Committee hosted a dinner with EEOC Commissioner Jenny R. Yang and former National Labor Relations Board Member Kent Hirozawa.

June 26, 2017 The Immigration Committee held its Kick-Off Meeting and Housewarming at AABANY member Tsui Yee’s newly-opened immigration office.

June 21 and July 19, 2017 AABANY’s Women’s Committee held their Monthly Breakfast meetings.

July 19, 2017 The Career Placement Committee held its Kick-Off Meet-Up Event at Paul Hastings LLP.
Interview with Andrew T. Hahn, cont’d

Asian American attorney, and no one comes to mind. Many can name characters who are Asian American doctors. Many actors and actresses play the roles of IT professional or engineers, even gangsters, but never attorneys. We have a perception and stereotype issue. But I am optimistic that, as time progresses, we will have more people in high profiled legal positions, and the situation will get better.

What are some of the challenges you faced as you were climbing the ranks to become a partner?
The subconscious bias and the stereotypes were the key challenges. Especially as an Asian American litigator, you are not seen as aggressive or articulate or as a leader. One of the typical statements that many Americans say about Asian Americans is, “You speak with an accent.” So when they see someone who doesn’t, they are still somewhat surprised. There still exists a lot of hidden biases in the legal profession. Surprisingly, I have experiences with many judges who displayed such biases.

These biases are never really overt. They happen in a subtle manner. Also, as a junior associate, I received some of the worst assignments. But my attitude was always that the firm pays my salary, and I’ll do the best I can, improve myself, and hopefully I’ll get better assignments. And I eventually did. The ironic thing is that the bad assignments gave me some of the best experiences as a lawyer. I was doing bankruptcy trials by myself as a third year in a law firm. No one wanted to do bankruptcy law in early 90s, but I took on the assignments and gained great experience. You can always find a silver lining.

What does it mean to be recognized as one of the 2017 Honorees for Distinguished Leadership?
This is meaningful because, again, Asian Americans are not seen as leaders. One of the reasons that KALAGNY and I did this is that we did not want another award like this pass by without an Asian American being on the list of leaders. This is something to which we have to pay attention in order to show the people that we can be leaders, sit at the table, and be effective lawyers just like everyone else.

By what standards do you measure success?
To me, success is being passionate about what you are doing. If you are a lawyer, success means being passionate about the law. I think failure is getting up every morning and hating your job. If you have the passion for the law, you have done well for yourself.

Do you have any advice for young attorneys?
Tap that passion, be bold, take risks, and do not ever back down from a fight. I have been in fights in parking lots and on the basketball courts because someone called me racist names. I never backed down. Do not ever back away from a situation where you are given a chance to stand up for yourself. You have to have a lot of confidence to be able to pull that off. And that is what a lot of Asian American lawyers do not have. You really have to develop that confidence somehow. One of my heroes as a child was Hans Solo. He has that cockiness which I tried to emulate.

About the Author: Dohee Kim
is an associate at Lee Anav Chung White Kim Ruger & Richter LLP’s New York office. Ms. Kim’s primary practice areas are commercial litigation, banking and financial services, and corporate transactions.

Sponsor Spotlight: Baker McKenzie, cont’d

Only six years after opening its doors in Chicago, Baker McKenzie began its first international operation in Caracas, Venezuela. This global vision has persisted into the present, with offices in 77 cities across 47 countries and a global workforce of nearly 13,000 people speaking more than 80 different languages. Baker McKenzie’s 2016 US Summer Associates Class was nearly two-thirds women and 46% racial minorities – including the 17% of the New York associates who were Asian American. Furthermore, Baker McKenzie is a leader in promoting women into partnership through the Global Gender Initiative, with women making up 40% of newly named partners in 2016.

Baker McKenzie continues to pursue a wide range of initiatives and policies to continually promote diversity. The Leadership Council on Legal Diversity Fellows Program allows attorneys of diverse backgrounds to receive guidance on their paths to leadership roles in the organization. The Career Options Policy allows attorneys to develop a flexible professional schedule that meets their personal needs as necessary. Baker McKenzie also supports minority, women, and LGBT affinity groups, career fairs, and student groups, in addition to hosting a Diversity Fellowship Program to recognize excellence in law students of diverse backgrounds.

This spirit of inclusion and diversity is widely recognized. Baker McKenzie has been named a ‘Best Place to Work’ for LGBT individuals by the Human Rights Campaign and has earned a perfect score on the Human Rights Campaign Foundation’s Corporate Equality Index for seven consecutive years. In 2008, they were the first law firm to receive the Foreign Policy Association’s Corporate Social Responsibility Award and in 2016 they were honored at the Euromoney European Women in Business Law awards with seven accolades, among which was the Best International Firm for Women in Business Law. Most recently, Working Mother magazine, in collaboration with the ABA Journal, named Baker McKenzie one of the 50 best law firms for women for the seventh consecutive year.

During 2016-17, Baker McKenzie was the exclusive sponsor for the AABANY Mentorship Program and hosted receptions at the firm that provided opportunities for mentors and mentees to connect and catch up.

We are proud to have Baker McKenzie as a sponsor, and want to thank the firm for its commitment to promoting diversity amongst its attorneys, clients, and communities.
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 Fee:
  - 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
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