



**Asian American  
Bar Association  
of New York**

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January 12, 2017

President Claire Gutekunst  
New York State Bar Association  
1 Elk Street  
Albany, New York 12207

Dear President Gutekunst:

On September 14, 2016, the Asian American Bar Association of New York (AABANY) submitted the attached letter to the Hon. Betty Weinberg Ellerin to express its support of a separate diversity, inclusion and anti-bias continuing legal education (“D&I CLE”) requirement. This letter is attached hereto for your reference. For the reasons stated below, AABANY remains steadfast in its support of this requirement and urges the swift adoption and implementation of the D&I CLE requirement.

Hong Yen Chang was the first Chinese American admitted to the bar in New York in 1888. Six years earlier, the United States Congress passed the Chinese Exclusion Act, making all Chinese ineligible for United States citizenship, in a public climate laden with racism and xenophobia. New York State required that applicants for bar admission to be citizens. Mr. Chang was admitted only after a special legislative exception was made by the New York state legislature. Two years later, he moved to California and applied to be admitted to the bar there -- but he was denied due to the Chinese Exclusion Act.

For six decades after, Hong Yen Chang’s admission to the New York State bar was a singular occurrence, as Congress and state legislatures continued passing laws designed to prevent persons of Asian ancestry from attaining citizenship and receiving the benefits enjoyed by citizens, such as the right to own land. The Chinese Exclusion Act was not repealed until 1942. To this day, Chinese Americans remain the only group singled out for exclusion based on race through Congressional action.

The antipathy displayed against Chinese Americans affected other Asian Americans, including Japanese Americans, who were held in internment camps during World War II in disregard of their rights as American citizens. Families and lives were destroyed as a result, affecting countless Japanese Americans, many of whom were born in the United States and had lived and worked here for several generations. This unjust and devastating action was upheld in cases such as *Korematsu v. United States*, decided in 1944 by the United States Supreme Court. This case has never been overturned.

All racially-based barriers to citizenship were not lifted until 1952. Barriers to immigration from Asian countries were not lifted for another thirteen years, in 1965. The children of the post-1965 immigrants have been entering the profession in larger numbers in the last 25 years or so, finally starting to be hired by firms that a generation before had refused to hire Asian Americans because of racism and bias. This current generation of lawyers faces seemingly intractable barriers to advancement in the profession, as numerous statistics show year after year, despite what the Model Minority Myth might misleadingly cause the general public to believe.



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The foregoing state of affairs highlights the prevailing reality that although the very first Asian American lawyer in New York State was admitted 129 years ago, the legacy of exclusion, discrimination and bias continues to preserve a Bamboo Ceiling in 21st century America.

AABANY believe that for the legal profession and the larger community to make meaningful progress on issues of race, discrimination, social justice, civil rights and human rights, education is critical, now more than ever. As noted in our first letter, law is among the least diverse professions in today's America. For a profession that represents long-honored ideals of equality, fairness and justice, the continuing legal education of New York attorneys must embrace and uphold diversity, inclusion and anti-bias as essential values of the highest priority.

AABANY maintains that New York should forthwith adopt and implement a D&I CLE requirement and urges the New York State Bar Association House of Delegates to vote in support thereof.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'Susan Shin', with a stylized flourish at the end.

Susan Shin  
President, AABANY

Att.