



AABANY's Hugh Mo: A Trailblazer For Asian Americans and the Community at Large

By Melerie Shih

Advocate Special Correspondent, Law Student Intern



Photo Courtesy of Hugh Mo

Unless you've been living under a rock, you know that Jeremy Lin of the New York Knicks has won not only the hearts of basketball fans everywhere but also thousands of adoring fans who never watched a game before. Long before Linsanity was trailblazing his way through the NBA, AABANY had the benefit of its own trailblazer, Hugh Mo. 2012 marks the twenty-third year AABANY has represented and promoted the interests of Asian Americans in the New York legal community, thanks largely to the efforts of its founders like Hugh Mo'. For over thirty years, Mr. Mo created and defined the role of Asian Americans practicing law in New York. There's no denying that Jeremy Lin's impact transcends basketball and he serves as a role model for us all; and in a similar vein, Mr. Mo's impact transcends the Asian-American legal community and he serves as a role model for all involved in the practice of law and the preservation of justice.

Hugh Mo was born in Shanghai but raised in New York where he demonstrated his academic drive by attending

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Prudential Senior Vice President and General Counsel Susan L. Blount.

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Photo Courtesy of Yang Chen

AABANY Annual Meeting — On January 24, 2012 at the offices of First American Title Insurance Co., AABANY held its annual meeting and elected a new slate of officers and directors for 2012. At the annual meeting, AABANY named the 2011-founded IP Committee as the Outstanding Committee of the Year. Pictured are Yang Chen and Linda Lin presenting IP Committee co-chairs Jane Chuang and Karen Lim with the award. Thanks to Margaret Ling for providing the space for our meeting and providing food and refreshments for all attending AABANY members.

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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, Grand Central Station, P.O. Box 3656, New York, NY 10163-3656 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" - \$25.00; 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 William Wang at 212-336-2204 or e-mail wwang@pbwt.com.

Incoming AABANY President's Message



President Jean Lee

Dear Members and Honored Guests:

AABANY has seen another tremendous year of growth in 2011 under the creative and energetic leadership of Linda Lin. In 2011, we gave out more than 60 CLEs credits and established new committees, including an Academic Committee to meet the needs of growing number of APA law professors, launched a formal mentorship program, and set the groundwork for a lawyer referral service in several different Asian languages, to

name just a few of the major initiatives in 2011.

I am excited about the year ahead of us. In 2012, we leap into the year with our Annual Dinner at Cipriani Wall Street on February 29, 2012, our principal fundraiser. We will be honoring Susan L. Blount, Senior Vice President and General Counsel of Prudential Financial, Inc., with the Corporate Counsel Leadership Award; Saru Jayaraman, Co-Founder and Co-Director of Restaurant Opportunities Centers United, with the Emerging Leader Award; and Samuel M. Reeves, Senior Vice President and General Counsel of Walmart – US, with the Diversity Leadership Award.

With the help of our Board of Directors and Committee Chairs, which includes some new officers, directors and chairs, we hope to continue the momentum from 2011 by building on our signature AABANY events such as the Wine Tasting and Fall Conference and collaborate on new programs with our community partners (Asian American Arts Alliance (a4) and MinKwon Center). We will work harder to build a stronger community by working together on programs that are relevant to you. And, as we provide more relevant programs to you, we hope you will see the benefits of membership and join us. With more of you joining as members, we will inevitably have a stronger voice within the larger community to accomplish AABANY's mission - to ensure the fair administration of justice for all. The end result, we hope, will be a united community of APA lawyers who will help one another leap into new heights in their careers and in life.

I look forward to working with you all in building a better AABANY and ultimately the strongest community of APA lawyers.

Warmest regards for a prosperous year!
Jean Lee ♦

Outgoing AABANY President's Message

Dear AABANY Members and Guests:



Immediate Past President Linda Lin

2011 has been a tremendous year for AABANY. AABANY's theme for 2011 was "Get Connected @ AABANY." AABANY tweeted, blogged, posted, uploaded, commented, friended, linked, liked and was liked throughout 2011. AABANY debuted its blog, which posted and invited comments on various issues affecting the APA community and created another vehicle to reach out to its subscribers and the legal community at large. AABANY also now has a presence on Facebook, Twitter, LinkedIn, and YouTube, increasing AABANY's prominence in the legal community. In fact, our Executive Director, Yang Chen, spoke at the New York State Conference of Bar Leaders Fall 2011 Workshop: "Leading Lawyers," in the program on "Social Networking Part IV - Digging Deeper."

Further in 2011, AABANY had a record year in programming and achievements. AABANY offered more than 60 CLE hours, and sponsored, co-sponsored and/or actively participated in more than 90 events for law students, practicing attorneys and the APA community. AABANY held its annual Fall Conference at the offices of Skadden, Arps, Slate, Meagher & Flom LLP. The fall conference included a full-day of CLE programs on a wide range of topics, such as diversity and pathways to the judiciary, APAs in academia, social media and e-discovery, nuts and bolts of small firm practice, real estate mortgage fraud, and many others.

AABANY looks forward to launching its lawyer referral service for both private practitioners and pro bono attorneys. At the annual dinner, AABANY also launched our first scholarly publication – the AABANY Law Review. This journal will provide comprehensive analyses of law and commentary on groundbreaking cases and legislation that impact the APA community, and serve as an effective research tool for practicing attorneys and law students. Please pick up your copy today.

Finally, AABANY's work would not be possible without the tireless efforts of its committee chairs and board. With my deepest gratitude, I want to recognize the tremendous assistance and hard work of my fellow board members, officers and committee chairs. It has been truly an honor to serve as the President of AABANY.

I leave my presidency with much still to do, but with confidence that AABANY is in excellent hands under the leadership of President Jean Lee. Here's to an even better 2012!

Linda Lin ♦



1982 New York District Attorney's Office — Hugh Mo seated in first row second from left. Justice Sonia Sotomayor seated in the second row fourth from left.

Hugh Mo Profile
(Continued from page 1)

Stuyvesant High School and New York University. He studied law at Boston University School of Law, and returned to Manhattan as an Assistant District Attorney. Eight years later, in 1984, Mo served as Deputy Commissioner in Charge of Trials in the New York City Police Department, the highest ranking Asian-American in NYC government at the time. However, he never forgot his family's heritage and, at his swearing-in ceremony as Deputy Commissioner, he gave tribute to his mother for singlehandedly instilling in her children "the value of education and the importance of making a lasting contribution to society in one's lifetime."

Throughout his career, Mo gained extensive investigative and jury trial experience after trying over fifty felony and civil jury trials to verdict. In fact, Mo tried cases with Sonia Sotomayor, a colleague in the Manhattan DA's office.² Mo (as pictured above) connected with Justice Sotomayor when they were both young assistant district attorneys in Manhattan. Mo

guns blazing. Maddicks was convicted and sentenced to a 62 1/2 years to life sentence in state prison.

Mo also presided as Chief Administrative Judge over 300 administrative trials in the NYPD. After faithfully serving the City, Mo became Partner-In-Charge of the China Practice Group at Whitman & Ransom (now Winston & Strawn). Then in 1994, Mo established The Law Firm of Hugh H. Mo, P.C., which represents Pacific Rim and Chinese clients in a wide multitude of practice areas. The Firm handles complex litigations and transactions, and also serves as General Counsel to The Permanent Mission of the People's Republic of China to the United Nations as well as many other corporate and foreign entities.

Continuing his service to the City of New York, Mo remains involved in politics and served as an "outside validator" at the request of the White House during the 2009 confirmation hearing of Supreme Court Associate Justice Sonia Sotomayor. He also serves on various government policy committees and is a former Board President of the Chinese American Planning Council (the "CPC"). Mo also finds time to serve as a Referee for the New York State Commission on Judicial Conduct and as a legal television commentator. Finally, Mo is an active member of the Association of the Bar of the City of New York, serving on the Judiciary Committee. In taking on these significant roles, Mo engages in a diverse slate of work and community service, demonstrating qualities of leadership others in the community may emulate.

On June 30, 2011, the AABANY Prosecutors' Committee held its third anniversary celebration, where Mo was honored by his peers as an Asian-American trailblazer. Lawyers, judges, city officials, family and friends enjoyed hearing Mo recall the days when being "an Asian-American prosecutor in New York was an oxymoron," and how he overcame substantial obstacles to open doors for future generations. In his acceptance speech, Mo stated, "Inasmuch as I am being honored tonight as a pioneer and trailblazer, I firmly believe that each of you also deserves this honor...[I] salute and honor you for being role models in our Asian-American community." Through his vast experiences, Mo demonstrates how working

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Prosecutors Committee L to R: Hugh Mo, Hon. Richard Brown, District Attorney for Queens County, Hon. Cyrus Vance, District Attorney for NY County.

was assigned to assist Sotomayor in her first murder trial in the office. The case tried by Mo and Sotomayor was *People v. Maddicks* and involved a 37 count indictment charging murder, burglary, assault, and other crimes. This case was known at the time as the "Tarzan burglar" because Maddicks swung from rooftops on ropes and crashed into apartment homes with

What Every Litigator Needs to Know About the New Removal and Venue Provisions in Federal Courts

By Theodore K. Cheng

Co-Chair AABANY Judiciary Committee

On December 7, 2011, President Obama signed into law the little publicized Federal Courts Jurisdiction and Venue Clarification Act of 2011, which significantly amends the removal jurisdiction and venue provisions governing the federal courts. According to the House Judiciary Committee Report, the legislation is intended to “bring[] more clarity to the operation of Federal jurisdictional statutes and facilitate[] the identification of the appropriate State or Federal court where actions should be brought. Judges believe the current rules force them to waste time determining jurisdictional issues at the expense of adjudicating the underlying litigation.” Towards that end, the Act contains “jurisdictional improvements” that alter the bases for determining citizenship of resident aliens, corporations, and insurers for purposes of diversity jurisdiction and modify the procedures for removing cases to federal court, as well as “venue and transfer improvements” that alter the determination of proper venue and give courts discretion to allow for an agreed-upon transfer to a particular forum. By clarifying the rules affecting, among others, the timing of removal and the determinations of the amount in controversy, Congress addressed several unsettled areas of interpretation amongst the federal courts. The full text of the Act is available at www.gpo.gov/fdsys/pkg/BILLS-112hr394enr/pdf/BILLS-112hr394enr.pdf. It applies to any case commenced in federal court or removed to federal court and “commenced,” as determined under state law, on or after January 6, 2012. This article will summarize some of the key provisions for both state and federal practitioners.

[T]he full impact of these changes are yet to be determined as courts wrestle with interpreting the Act's new provisions.

mits a defendant to avoid that time bar by demonstrating “that the plaintiff has acted in bad faith in order to prevent a defendant from removing the action.” Under the new statute, one example of bad faith is when “the district court finds that the plaintiff deliberately failed to disclose the actual amount in controversy to prevent removal.”

Third, relatedly, the Act sets forth new procedures for establishing the amount in controversy necessary to support diversity jurisdiction. New § 1446(c) provides that “the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy,” unless the plaintiff seeks non-monetary relief or the defendant can prove, by a preponderance of the evidence, that the plaintiff seeks – and state law permits – the recovery of more damages. The Act also permits the use of information collected during discovery in the state court proceedings to support removal, even if removal did not

appear to be appropriate, in the first instance, based upon the initial pleading.

Finally, the Act eliminates a federal court's discretion to hear state law claims asserted in a case removed solely on the basis of federal question jurisdiction where those state law claims are not within the court's supplemental jurisdiction, i.e., an “otherwise non-removable” state law claim. Under new § 1441(c), while such a case may still be removed, upon removal, the district court “shall sever from the action all [state law] claims . . . and shall remand the severed claims to the State court from which the action was removed.”

Citizenship Provisions.

The Act also clarifies the treatment of resident aliens under diversity jurisdiction, as well as the determination of citizenship for corporations and insurance companies. First, resident aliens are now deemed to be citizens of the state in which they reside, potentially limiting the types of cases that previously might have qualified for diversity jurisdiction. Under new 28 U.S.C. § 1332(a)(2), while federal courts retain jurisdiction over state law claims between a citizen of a State and citizens of a foreign state, federal courts may no longer exercise jurisdiction over such claims if they are asserted between “citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the same State.”

Second, with regard to corporations and insurance companies, under new § 1332(c)(1), the Act clarifies that such entities will be considered citizens of both the state under which they are incorporated and any other state, including any

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Removal and Remand Procedures.

The most significant changes are the amendments to 28 U.S.C. §§ 1441 and 1446, which govern the procedures for removing cases to federal court. Aside from reorganizing certain sections and creating a new § 1455 to address the removal of criminal cases, the Act sets forth four fundamental changes in the way removal is effectuated in civil cases. First, the Act clarifies a timing issue over when the statutory 30-day period runs for removal in multi-defendant cases. New § 1446(b)(2)(A) permits each defendant a full 30 days following service on that defendant to file a notice of removal. Although earlier-served defendants must still join in the removal (thereby requiring all defendants to consent to removal under the so-called “rule of unanimity”), the later-served defendant's deadline to remove is not tied to service on the other defendants.

Second, while retaining the requirement that a case based upon diversity jurisdiction cannot be removed more than one year after the action was commenced, new § 1446(c) per-

Real Estate Committee Update

By Margaret Ling

AABANY Real Estate Committee Chair

AABANY's Real Estate Committee continues to provide insightful and innovative programming for its members and the legal community.

On November, 30, 2011, the Real Estate Committee presented a CLE breakfast seminar entitled "Commercial Condominiums/Cooperatives: a discussion on their differences; purchasing vs. renting; financing options; and financial advantages for the developers." The CLE provided an introduction to EB-5

visas and understanding title insurance in connection with commercial condominiums and cooperatives. The event was sponsored by Winoker Realty Company, The New York Business Development Corporation, Herrick Feinstein, and First American Title Insurance Company-National Commercial Services.



Photo Courtesy of Margaret Ling

Jonata Dayan of Winoker Realty, Margaret Ling and Yang Chen.

On January 11, 2012, the Real Estate Committee co-partnered with the Young Lawyers Committee and Solo/Small Firm Practice Committees with Wells Fargo Bank on an event entitled "Financial Services for Young Lawyers and Solo and Small Firms." Wells Fargo presented information on their banking products and provided the AABANY attorneys with information on such matters as business banking; IOLA escrow accounts for their solo practices and small firms; individual private wealth management and how to plan for the future as a young attorney.

On February 28, 2012, AABANY partnered with Chase; The Asian Real Estate Association of America, The National Association of Hispanic Real Estate Professionals, Snitkin and Vital, LLP, and First American Title Insurance Company-National Commercial Services for a CLE Dinner Seminar entitled "Short Sales and Title Insurance, Basic Foreclosure Procedure, and Foreclosure Defenses in New York". Margaret Ling, and Kelly Snitkin, Esq., Partner at Snitkin and Vital, LLP presented this important topic.

The committee is planning several exciting events for 2012. One of the well-known hallmarks of real estate committee events is the excellent free food that is always available. Please feel free to contact Margaret Ling, Chair of the AABANY Real Estate Committee with any questions regarding upcoming events at: Margaret.ling@aabany.org. ♦



About the Author: Margaret Ling is the chair of AABANY's Real Estate Committee, an AABANY Director, and Account Executive/Counsel at First American Title Insurance Co.

AABANY Speaks Chinglish

By William Wang

Advocate Editor-in-Chief

On January 20, 2012, members of AABANY visited the Longacre Theater to watch David Henry Hwang's hilarious Broadway hit show, *Chinglish*. Prior to the performance, members of AABANY enjoyed pre-show drinks with members of the National Association of Asian American Professionals (NAAAP).



Photo Courtesy of Yang Chen

Francis Chin and playwright David Henry Hwang.

The event was co-coordinated by Yang Chen, Julie Huang and one of *Chinglish*'s co-producers Lily Fan.

The show began with an American businessman, Dan Cavanaugh, from Cleveland, who travels to Guiyang, China in an attempt to save his family's sign making business, which is on the brink of collapse. There, he enlists the help of a British consultant, to not only translate but to also help him understand the nuances of Chinese culture so that he is able to enter into business with the Guiyang province. Through a series of misunderstandings and hilarious translations, Cavanaugh not only falls in love with the Deputy Minister of Guiyang, but he also gains a better understanding of the subtleties of Chinese culture.



Photo Courtesy of Francis Chin

Yang Chen and Chinglish co-producer Lily Fan.

After the show, writer David Henry Hwang and cast members graciously hosted an illuminating talkback for members of AABANY and NAAAP. During the talkback, cast members and Hwang discussed the future of the show and potential new destinations for *Chinglish*. Hwang discussed his own misadventures in China as a non-native Chinese speaker. After the talkback, participants went next door to Hurley's to continue with post-show drinks and conversation with the cast. ♦



About the Author: William Wang is the Editor-in-Chief of the AABANY Advocate, an AABANY Director, co-chair of the Litigation and Communications Committees, a Litigation Associate at Patterson Belknap Webb & Tyler LLP, and a Jeremy Lin fan.

NYSBA Presents Outstanding Young Lawyer of 2012 Award to Karen I. Wu

Courtesy of NYSBA



Photo Courtesy of Yang Chen

Karen I. Wu accepts the NYSBA award.

Karen I. Wu, an attorney at the New York City law firm of Perlman & Perlman, was named the recipient of the 2012 State Bar Association's Outstanding Young Lawyer Award. The award honors young attorneys who have a distinguished record of service within the legal profession and the community.

specializes in finance, contracts, marketing, trademark/copyrights and regulatory matters on behalf of the firm's non-profit and for-profit clients. In the community, she puts her skills and knowledge to use helping members of her community with legal advice.

Among her many community activities is Open Hands Legal Services, of which she is a founding member, officer and active volunteer. Open Hands provides legal services and counseling to the poor and indigent in New York City. As a volunteer at Open Hands, Wu often sits at the table on the second



Photo Courtesy of Yang Chen

Yang Chen, Karen Wu and Richard Tsai at the award ceremony.

floor of the soup kitchen and food pantry of the Father's Heart Ministries, dispensing legal advice to the indigent on such matters as evictions, post-prison assistance, employment and personal injury.

She is also active in the Taiwan Mission Foundation, the New York Christian Legal Society, the American Cancer Society's Asian Initiatives Division and the Asian American Bar Association of New York. Though she is a native of Queens, her parents came from Taiwan. During her high school and college years, Wu was a nationally recognized table tennis champion. She was one of 12 women around the country who participated in the 1996 and 2000 U.S. Olympic Table Tennis team trials. She was the Under-16 girls table tennis champion twice. And in 1999, she was the national collegiate women's singles table tennis champion of the Association of College Unions International (ACUI).

The 33-year-old mother of two young children, she

credits the discipline, rigorous training and focus required to succeed in competitive table tennis for helping her reach her goals in other areas of her life, including the law. "Being a competitive table tennis player growing up has certainly honed my discipline in all aspects of my life, which has enabled me to simultaneously manage my career, family, and volunteer commitments effectively," she said. "It also may have developed my instinct to advocate zealously for the best interests of my clients."

Seth Perlman, a senior partner at Perlman & Perlman, called Wu "the future of our firm." "I do not make these praises lightly," Perlman said. "She is truly an extraordinary woman. Besides working hard hours here at the firm, she also spends considerable time on outside activities and worthy causes, in addition to remaining very involved with her two young children."

James Barnes (Burke & Casserly), chairman of the section that sanctions the Outstanding Young Lawyer award, said Wu embodies the ideals of service to the profession and the public. "Her accomplishments as a practitioner, service to the profession, and volunteer work in the community make her a deserving recipient of this award," he said. "The dedication she has shown as an attorney and concerned citizen provides a shining example to young professionals." ♦



Photo Courtesy of Yang Chen

NYSBA President Vincent Doyle presents the award.

in the public sector can lead to bigger opportunities, and encourages young lawyers to apply for government positions or clerkships.

Even after 35 years of practice, Mo continues to rise to challenges and overcome seemingly impossible odds. Most recently, he handled a highly contentious case, *America Orient Group, Inc. and Seven Corners Apartments, LLC v. Hong Zhao*, in Virginia state court. Mo's client, Hong Zhao, was sued by subsidiaries of China Orient Group (COG), a Chinese conglomerate led by Zhang Hongwei (recognized as one of China's top 50 billionaires and a political figure in China's Chinese People's Political Consultative Conference, CPPCC). COG claimed Zhao committed defalcation or misappropriated \$20 million on theories of actual or constructive fraud, unjust enrichment, or conversion. Mo's defense theory was one of entitlement and authorization, a complex theory arguing that the companies were illegitimately capitalized, and therefore not actual subsidiaries of COG. Eventually, after two plus days of deliberations, a jury returned a verdict in Zhao's favor, releasing him from \$20 million in claims and potential liability. Mo recognized the trial as one of the most challenging in his lengthy career, dealing with political heavy hitters from China and Zhang Hongwei's vast resources. Despite these considerable hurdles, Mo's client prevailed and the case adds to a long list of career victories.

Fearless and driven, charismatic and tireless; these are only a few words that can describe Hugh Mo. One only has to look at how far Asian-Americans have come not only in the field of law, but in the police force and government sectors, to see the substantial influence of leaders like Mo. His message to law students and young lawyers is to "be involved and create your own opportunities. The law requires you to interact sincerely with people and to be creative. Also, be eternally optimistic. Many things in life may not go your way, but if you find you have missed the boat: walk or bike or find a train! I'm a believer in that you have to rise to the occasion in order to succeed." He hopes to inspire other Asian-Americans to find success and happiness in law, like his daughter, Liz, who recently joined the New York County District Attorney's Office as an Assistant District Attorney, after graduating from Boston University School of Law.

AABANY is fortunate to count Hugh Mo among its distinguished trailblazers who serves as a prominent role model and guide to all future generations of lawyers.

The Law Firm of Hugh H. Mo, P.C. is located at 225 Broadway, Suite 2702, New York, NY 10007. For more information, call (212) 385-1500.

1. Mo was at the 1989 meeting at NYU Law that launched AABANY – see <http://www.aabany.org/displaycommon.cfm?an=1>
2. See op-ed piece on politico.com written by Hugh Mo which discusses this case: http://www.politico.com/news/stories/0609/23203_Page2.html



About the Author: Melerie Shih is a second year law student at Cardozo Law School and AABANY's first ever legal intern. This past summer, she interned at Hess Corporation researching corporate law and energy trading issues.

foreign state, where they maintain their principal place of business. These modifications will also limit diversity jurisdiction by expanding the number of states of which corporations and insurers are considered citizens.

Venue Procedures.

The Act also makes a series of changes to the venue provisions found in Title 28. The Act creates a new § 1390 that clarifies existing law by providing a general definition of "venue," including distinguishing it from subject matter jurisdiction, and making clear that the venue provisions immediately following that section do not apply to admiralty, maritime, and prize cases (§ 1333) and also do not modify the rules for determining proper venue in cases removed to federal court.

Next, the Act amends § 1391, the general venue provision, in several ways. Among the more notable changes is a provision that describes in some detail the method for determining residency for purposes of venue. In new § 1391(c), the Act defines residency for (1) natural persons; (2) entities, whether or not incorporated; and (3) defendants who do not reside in the United States. These changes largely clarify existing law, but also resolve certain ambiguities regarding the rules applicable to determining residency when establishing venue for natural persons and unincorporated associations.

Additionally, new § 1391(d) no longer defines a corporation as a resident of any judicial district in which it is subject to personal jurisdiction. Rather, corporations are now defined as residents only of those districts where they would be subject to personal jurisdiction if that district were itself a separate state. For example, in a state like New York where there are multiple judicial districts, an action against a corporation subject to personal jurisdiction only in the Southern District of New York (if that district were considered a separate state) would be deemed a resident only of that district, and, thus, venue would be improper in the Western District of New York based upon the corporation's residency.

Finally, the Act also amends 28 U.S.C. § 1404 to allow for transfer of an action "to any district or division to which all parties have consented." This new procedure would permit transfer of the case to a district chosen by the parties even if venue would otherwise be improper in that district.

* * *

As the preceding summary shows, the changes to the jurisdictional and venue provisions of Title 28 are substantial and significantly alter both established practice and procedure in the state and federal courts, as well as the considerations underlying the legal advice concerning possible removal that attorneys will provide their clients in the future. "Clarification" might be a bit of a misnomer because the full impact of these changes are yet to be determined as courts wrestle with interpreting the Act's new provisions. ♦



About the Author: Theodore K. Cheng is a commercial litigation partner at the law firm of Yoon & Kim LLP, where he focuses on intellectual property matters. Theo is also co-chair of the AABANY Judiciary Committee.

Prudential Sponsor Spotlight

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Our Law, Compliance & Business Ethics Department (LCBE) holds this commitment as a core value. Consistent with that commitment, we follow a multi-faceted approach to building and maintaining diversity in our professions and within our work place. To this end, LCBE maintains active involvement in the major national diverse bar associations through its “relationship manager” program, influences the legal profession by tying its expenditures on law firms to concrete diversity goals, creates a talent pipeline to provide opportunities for diverse students and recent law school graduates, and nurtures an inclusive atmosphere within the Department by supporting a nationally recognized Diversity Council.

We expect our law firms to share our commitment to diversity and to build and maintain diversity within their businesses. We monitor the diversity of our law firms against industry benchmarks and track the make-up of the teams assigned to Prudential’s work. In most cases, large law firms seeking new business from Prudential are expected to employ a diverse mix of attorneys made up of at least 45 percent women, ethnic minorities, lesbian, gay, bisexual, transgender, and persons with disabilities.

Prudential is a founding member of the Inclusion Initiative, a collaborative effort by corporate law departments at Fortune 500 companies representing a wide cross-section of industries.

Participating companies commit to multi-million dollar annual goals for legal spend with minority and women owned (MWBE) law firms. Companies participating in the Inclusion Initiative set an aggregate goal of \$70 million for 2011 and exceeded that goal, ultimately spending about \$967.87 million on MWBE firms for the year. The Inclusion Initiative was launched in 2010 with a goal of \$30 million, and actual expenditures of \$42.6 million. In the first two years of the program, total expenditures by the participating law departments on MWBE law firms exceeded reached nearly \$140 million. The Inclusion Initiative goal for 2012 is \$1158 million.

To help build a diverse pipeline of lawyers and compliance professionals, each year Prudential hires a large class of first year law students from diverse backgrounds into a summer intern program that provides them with attorney mentors, relevant training and work experience, including projects from various legal specialties. The program draws students nationwide by working closely with AABANY and the National Asian Pacific American Bar Association and with similar diverse professional associations. Prudential also hires students from the Minority Student Program at Rutgers University School of Law, located in Prudential’s hometown of Newark. Prudential also works with various diversity organizations within Rutgers University, Seton Hall University and New York University to hire college student interns to spend a summer with Prudential’s compliance professionals.

After the economic downturn in 2008 reduced the number of jobs available for qualified new law school graduates, we launched the Prudential Law Fellows Program, in which the Law Department again partners with diverse associations and select schools to provide 18 month fellowships to two recent law school graduates from diverse backgrounds. The Fellows work in up to three specialty areas for approximately six months each.

The Prudential Law Department also maintains a strong relationship and commitment to the New Jersey Legal Education & Empowerment Program (NJ LEEP), an after school youth program that helps urban youth in northern New Jersey aspire to obtain a college education and a possible career in the law by building skills through law-related educational programs. Among other forms of support for the program, Prudential attorneys mentor NJ LEEP high school students for a one- to two-week period and conduct mock trials and similar projects.

To foster a sense of inclusion within our own work force, LCBE looks to its Diversity Council, drawn from employees at every level of the department who seek to make a difference

[W]e strive to make Prudential an employer of choice through initiatives that support, inform, develop, and increase the awareness and sensitivity of our current workforce.

in the lives of our associates by a variety of programs. The Council maintains an active mentoring program with broad participation throughout the Department, presents educational programming on topics of diversity and inclusion, organizes a popular annual Diversity Day Town Hall meeting, and engages in other activities to promote awareness and acceptance throughout the Department.

Overall, Prudential and LCBE have demonstrated a consistent and deep commitment to the Company’s diversity and inclusion mission, and to supporting diversity within the professions in which we participate. ♦



Prudential in-house counsel and AABANY member Michael Yap accepts an award at Rutgers Law School in 2011.

AABANY Events Photo Gallery



Photo Courtesy of Margaret Ling

Margaret Ling and Pauline Yeung-Ha (panelists) at January 11th AABANY Real Estate Committee CLE. Also pictured: William Ng, Ben Chan and Chris Chan.



Photo Courtesy of Yang Chen

(Left to Right) Jane Chuang, Margaret Ling, Pauline Yeung-Ha, and Don Liu at AABANY's Holiday Party held at Pranna Restaurant on December 9, 2011.



Photo Courtesy of Yang Chen

(Left to Right) Tony Lu, Nelson Mar, Karen Wu, Pauline Yeung-Ha, Yang Chen, and Peter Cheng (Executive Director of the Indochina Sino-American Community Center) at the December 10, 2011 event where AABANY co-sponsored a community workshop event.



Photo Courtesy of Yang Chen

Congratulations to NY's Best Under 40 honorees (L to R) Pauline Yeung-Ha, My Chi To and Bobby Liu, presented at the NAPABA Convention in November, 2011.



Photo Courtesy of Yang Chen

Stephen Jung and Elizabeth Mo at the AABANY Holiday Party at Pranna Restaurant held on December 9, 2011.



Photo Courtesy of Karen Zhou

(L to R) Bridgette Ahn, Kevin Hsi, Lauren Lee, Christopher Chin, Parkin Lee, PC Cheng, Yang Chen, Mike Huang and Vince Chang at the February 8th AALDEF Gala.

MEMBERSHIP APPLICATION

(visit our website www.AABANY.org
for more information or to register online)

The Asian American Bar Association of New York (AABANY)

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 or paralegals and law students. Today AABANY has over 1200 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.

AABANY Member Benefits and Activities

- Participate in free and low-cost continuing legal education classes for our members.
- Access AABANY's member only job data bank.
- Participate in numerous free and low-cost AABANY member events.
- Network with hundreds of attorneys in every type and size of practice.
- Actively participate in the public debate on issues affecting the lives of APA members of the bar and bench.
- Collaborate on a variety of projects through AABANY's committees:

Communications	Community Practice	In-House Counsel	Corporate Law
Government & Public Sector	Immigration & Nationality Law	Intellectual Property	Issues
Judiciary	Litigation	Membership	Pro Bono
Professional Development	Prosecutors	Real Estate	Student Outreach
Women's	Young Lawyers		

- Free membership in the National Asian Pacific American Bar Association (NAPABA) for Active Members.
- Receive member discounts and entertainment opportunities through the Working Advantage Program.

Membership Types

Active Member – Any attorney in good standing of the New York State Bar or any attorney in good standing of the Bar of any other state, Puerto Rico, DC that resides or practices in NY.

Associate Member – Any attorney in good standing of the Bar of a foreign jurisdiction or any law school graduate not admitted to practice law that resides or practices in NY. Associate members may not vote or hold office in AABANY.

Student Member/Paralegal Member – Student or paralegal members may not vote or hold office in AABANY

Fees: • Active Member - Private Sector:

- (1) \$75 per year for attorneys that have been admitted to the Bar for 10 or less years
- (2) \$125 per year for attorneys that have been admitted to the Bar for more than 10 years

• Active Member - Public Sector: \$40 per year

• Active Member - Life: \$500 one time fee; must have been an AABANY member for 20 or more years and above the age of 65 years

• Associate Member: \$30 per year

• Law Students: \$10 per year

• Paralegals or those not admitted to practice: \$30 per year

Membership expires one year from the date of membership origination or membership renewal. Membership fees are not tax deductible as a charitable contribution but may be deductible as a business expense. Consult your tax professional.

Grand Central Station, P.O. Box 3656, New York, NY 10163-3656
main@aabany.org | (718) 228-7206 | Join online at www.aabany.org



(Membership application on reverse)

MEMBERSHIP APPLICATION					
APPLICANT INFORMATION					
First		M.I.		Last	
Name: <input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr. <input type="checkbox"/> Hon.					
Current Address:				Phone:	
				Email:	
City:	State:	ZIP Code:	Fax:		
Username (required):*		*A password associated with this username will be assigned to you, which you can change and use to access your on-line profile.			
EMPLOYMENT INFORMATION (or attach business card)					
Firm or Company Name:					
Business address:				Phone:	
				Email:	
City:	State:	ZIP Code:	Fax:		
MEMBERSHIP TYPE					
I would like to: <input type="checkbox"/> Join <input type="checkbox"/> Renew <input type="checkbox"/> Update my information					
<input type="checkbox"/> Active Member – please select one of the following: <input type="checkbox"/> Private Sector (10 or less years since admission) \$75 <input type="checkbox"/> Private Sector (More than 10 years since admission) \$125 <input type="checkbox"/> Public Sector \$40 <input type="checkbox"/> Life (> 20 year member and above the age of 65) \$500 one-time <input type="checkbox"/> Law Student Member \$10 <input type="checkbox"/> Paralegal / Non-Lawyer \$30 <input type="checkbox"/> Associate Member \$30					
CONTACT PREFERENCES					
Send email to:		<input type="checkbox"/> Home	<input type="checkbox"/> Work	<input type="checkbox"/> Don't send email	
Send postal mail to:		<input type="checkbox"/> Home	<input type="checkbox"/> Work		
AABANY is the New York affiliate of NAPABA. Share info with NAPABA?				<input type="checkbox"/> Yes	<input type="checkbox"/> No
Provide contact information in the directory? (Check all that apply)				<input type="checkbox"/> Home	<input type="checkbox"/> Work <input type="checkbox"/> Do not list
PROFILE					
Law School:		Practice: <input type="checkbox"/> Firm <input type="checkbox"/> In-House <input type="checkbox"/> Government			
Program: <input type="checkbox"/> JD <input type="checkbox"/> LL.M. <input type="checkbox"/> SJD/Ph.D.		<input type="checkbox"/> Government <input type="checkbox"/> Judiciary <input type="checkbox"/> Student <input type="checkbox"/> Educator			
Graduation Year:		<input type="checkbox"/> Non-Profit/Public Interest <input type="checkbox"/> Other:			
State Bars Admitted: <input type="checkbox"/> NY <input type="checkbox"/> NJ <input type="checkbox"/> CT <input type="checkbox"/> Other <input type="checkbox"/> Pending		Practice Areas:			
Year First Admitted:	Non-English Languages:	<input type="checkbox"/> Read <input type="checkbox"/> Write <input type="checkbox"/> Speak	<input type="checkbox"/> Read <input type="checkbox"/> Write <input type="checkbox"/> Speak	<input type="checkbox"/> Read <input type="checkbox"/> Write <input type="checkbox"/> Speak	
COMMITTEE PARTICIPATION					
I would like to participate in (Circle all that apply):					
Communications Issues Professional Dev	Community Practice Intellectual Property Prosecutors	In-House Counsel Judiciary Real Estate	Corporate Law Litigation Student Outreach	Government/Public Sector Membership Women's	Immigration/Nat Pro Bono Young Lawyers
PAYMENT					
If paying by credit card, I agree to pay dues selected above according to my cardmember's agreement.					
<input type="checkbox"/> Check Enclosed (Make checks payable to Asian American Bar Association of New York)					
Please Charge My:		<input type="checkbox"/> Visa	<input type="checkbox"/> American Express	<input type="checkbox"/> Discover	<input type="checkbox"/> MasterCard
Credit Card Number:				Expiration: ____ / ____	
Signature of applicant:				Date:	



Asian American
Bar Association
of New York

Return this form to: AABANY, Grand Central Station, P.O. Box 3656, New York, NY 10163-3656 or fax to (718) 228-7206.
Join online securely at www.aabany.org.