



The APABA Reporter

Newsletter of the Asian Pacific American Bar Association of Los Angeles County

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www.apabala.org

APABA Opposes Abolishing APIA Commission

Recommendation would actually create more cost and bureaucracy, result in less accountability

The following is an abridged version of APABA President Teri T. Pham's letter to Governor Arnold Schwarzenegger. The letter may be downloaded in its entirety by visiting www.apabala.org

On behalf of the Asian Pacific American Bar Association of Los Angeles County ("APABA"), I'm writing to strongly urge you to reject the California Performance Review's ("CPR") recommendation to abolish the much-needed Commission on Asian and Pacific Islander American ("APIA") Affairs. APABA is a nonprofit association of legal professionals, including lawyers and judges, which seeks to provide a vehicle and forum for the unified expression of opinions and positions upon current social, political, economic, legal or other matters or events of concern to the APIA communities. APABA is the only pan-Asian association of legal professionals in Los Angeles County, and its membership reflects the ethnic and cultural diversity of the APIA community in the greater Los Angeles area.

According to the 2000 Census data, Asians and Pacific Islanders were the fastest growing racial/ethnic group in Los Angeles County in the last decade, increasing by 35%. APIAs also grew by more than 50% across the state and 75% nationally. More than one third of all APIAs in the nation live in the State of California. The APIA population in Los Angeles County alone is larger than that of any state in the nation, including New York or Hawaii. The APIA Commission was established in 2002 to address issues in the growing APIA communities regarding culture, language, well-being and history, which were not being adequately represented in California's regulatory and legislative processes. The APIA Commission consists of 13 members appointed by the Governor and Legislature, and is charged with advising the Governor, Legislature, state agencies, departments, and commissions on issues relating to the social and economic development, and the rights and interests of California's APIA communities. The APIA Commission serves as a statewide voice to bring forward concerns and issues in the APIA community directly to the policy makers.

One of the CPR's stated goals is to increase government's accountability and responsiveness to the residents of the State of California. The CPR's recommendation to eliminate the APIA Commission and transfer its responsibilities to a newly formed Governor's Office of Community Affairs would greatly undermine that goal. According to the CPR, the new Office of Community Affairs would purportedly replace at least five distinct and diverse commissions and task forces, and would be "directly accountable to the Governor for the success or failure of the programs operated by these separate agencies." However, the APIA Commission does not administer any state programs. It serves as an independent advisory body to the Governor, Legislature, and other state entities. The APIA Commission's function is to bring together API leaders from different vocations, backgrounds, and regions of the State to give an impartial assessment of the needs of the community. The commissioners provide the Governor and the Legislature unfiltered feedback about community needs that might otherwise never reach Sacramento.

The CPR's proposal to abolish the APIA Commission further offers no value or fiscal benefit to the State. The APIA Commission receives no state funding and is supported entirely by private sources. The creation of an Office of Community Affairs, on the other hand, would require a significant number of staff to adequately serve the many diverse communities, greatly outweighing the cost of the existing APIA Commission. While the establishment of a Governor's Office of Community Affairs to create a focal point for access is a positive concept that could increase access for the State's many diverse communities, the Office should compliment, not replace a commission whose role is to independently advise the Governor and Legislature.

The APIA community worked hard to establish the Commission on APIA Affairs so that our voice could be better heard in Sacramento. Please help us make California government more accountable to our community. I urge you to reject the CPR's proposal to eliminate the APIA Commission.

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STOP!

Did you remember to renew your APABA membership for 2004?

If not, get your membership application form from Teri Pham at tpp@rnlaw.com

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sidebar

A message from APABA President Teri T. Pham



It often amazes me how often law students and young lawyers overlook the importance of networking and getting involved with bar associations. As law students, we are taught to put our heads to the grind and keep our noses in the law books. As attorneys, the reality of working and billing often makes it difficult to find time to get out and get involved. However, being the top student or the top biller may not necessarily get you to where you want to be, and for those of us who are not these things, getting involved with a bar association or other professional group can provide an extra boost in your career, as well as provide you with a broader perspective on what it means to be a lawyer and a member of the community.

Like any project or hobby, serious time commitment and energy are necessary to excel and elevate in a bar association, but for those of you who are simply looking for relief from the daily grind of work, bar associations can also provide a source of inspiration and gratification. Part of networking in a bar association helps develop important social and interpersonal skills to build friendships and relationships that will remain long after you have left your last job or current job. Many bar associations also provide opportunities for young lawyers and law students to participate in community events and to provide pro bono services to the less fortunate in our community. Becoming a contributing member of society in this manner can be a gratifying experience, and really does not take a whole lot of time.

APABA has a number of wonderful projects and programs for law students and attorneys of all levels, from educating grade school students about hate crimes, to advocating on behalf of the API community for or against certain issues. For those of you who are looking for less legal-related activities, there is always APABA's Annual Softball Tournament, which has taken place, or APABA's purely social happy hours. In addition, don't forget to sign up for our Mentor/Mentee program which will launch once again in September. Part of being a contributing member of the Asian legal community entails lending a guiding hand to our successors - in this case, the law students of the APALSAs and APILSAs of Southern California law schools.

So next time, instead of spending your nights surfing the internet or watching "Scrubs" and "Survivor" come join us for one of our receptions or mixers, or come for pizza at one of our board meetings. You might just learn something you did not know about your community, the practice of law, or yourself. You might get inspired, as I have. And if nothing else, you will meet some truly amazing people who you can call your friends.

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APABA Los Angeles is a member organization comprised of attorneys, judges, commissioners and law students throughout Los Angeles County. It is a voice for issues of concern to the Asian Pacific Islander community.

For more information about this newsletter, advertising inquiries or general membership questions, contact Richard Kudo at RKK007@aol.com

Will the Asian Vote Matter?

By Maggie Lee

With little more than a month left until Election Day 2004, Asian American community portal Yellowworld.org, the Legal Special Interest Group of the Asian Professional Exchange (APEX), 80-20 Initiative and other APA organizations across the nation have joined to launch an eleventh-hour web campaign targeting APAs who have not yet registered to vote.

The campaign, Asian Votes Matter (<http://areyouregistered.com>) seeks to use common Internet messaging and branding tools to reach pockets of still-unregistered Asian Americans online users. As the founder of Yellowworld.org, Elbert Oh, explained, "Our purpose is two-fold. Our first aim is to leverage real-time collaborative web tools to penetrate the heavy online presence of Asians. In turn, we convey a general message to local, state, and federal legislative officials that the Asian Pacific Islander community is rapidly-growing and can no longer be ignored."

Asian American Presence in Cyberspace

According to a recent study by the Pew Internet & American Life Project, approximately 70% of APAs across the country are online on a typical day. Comparatively, 58% of white Internet users go online on each day, along with 50% of Latino Americans and 43% of African Americans. Not only are APAs the most experienced group of Internet users in the United States, they are also one of the Internet's youngest groups online. While 41% of Internet users in the nation are between the ages of 18 and 34, nearly 63% of Asian Americans fall within this range. Further, APA Internet users are avid information gatherers, with 34% getting their daily news online; 20% viewing financial information; and 19% obtaining political news and commentary.

Asian Pacific American Political Participation

Historically and currently, APAs have not participated actively in the country's democratic process. A Current Population Survey says the voter registration rates of the APA population are the lowest of all ethnic groups: nationwide, only half of eligible Asian Americans (53%) are registered to vote. The APA community's failure to participate in politics stems from a number of factors, including ignorance of the political process and a distrust of government and politics carried over from their un-democratic home coun-



tries. Still other reasons may include the relatively recent official government response to the Korean American community during the Los Angeles riots -- viewed by many APAs as inadequate -- and the federal espionage investigation that singled out Los Alamos Labs scientist Wen Ho Lee in 2000. That so many APAs feel disempowered when it comes to political decision-making may reflect the marginalization of APAs by government institutions.

Minority Voters Could Decide Presidential Election

Against the backdrop of the Bush victory over Al Gore in 2000 by 271 to 267 electoral votes, experts believe that minority voters may have a bigger impact than ever in battleground states where a few thousand votes could tip the presidential election. "Clearly, the last presidential election showed us that small numbers can make a serious impact. Had APAs registered at the same rate as white citizens, the result would have been approximately 500,000 additional votes cast in 2000," said Kasie W. Lee, co-chair of the APEX Legal SIG, referring to a study conducted by the Urban Institute Immigration Studies Program.

The same study indicated that APA voting could be decisive in swing-states Minnesota, Nevada, and Washington, where APAs comprise about 5% of the residents in each state. If white American voters are split in those states, a heavy minority vote in those areas could easily swing the election for either candidate.

Nonetheless, mainstream institutions have not engaged in such mass mobilization efforts aimed at APAs in the past, leaving organizations like those behind 'Asian Votes Matter' compelled to take up the challenge of reaching eligible voters through both traditional and creatively non-traditional means. Elbert Oh is confident of the Internet's power to mobilize the community: "Like many of our other online advocacy campaigns, we are constrained by time, lack of resources, and geography. Still, the power and effectiveness of

• **Asian Votes Matter** (Continued on page 10)

MIKE SUZUKI BEHIND THE BAMBOO CURTAIN II

Finding a deeper meaning in the law

I have had the privilege of being selected by International Bridges to Justice (IBJ) to train attorneys on criminal trial skills in China and Vietnam. After meeting Legal Aid (Public Defender) attorneys in Hefei, Lu Ahn and Qian Shan, IBJ chose to select these three offices as model centers for support and training.

On March 25th and 26th, I conducted a training for the attorneys from these three offices in Anhui Province, China on case preparation, criminal procedure, motions practice, and trial advocacy. China recently instituted an adversarial process to their criminal justice system. As such, their attorneys have anticipated motions work and direct and cross examination. The initial half of the training was basic: client interview, developing a theory of the case, case preparation and investigation and strategies for trial. Despite being handicapped by a lack of resources to prepare and investigate cases, these attorneys did an admirable job of spotting issues and focuses for case strategy. Their needs included additional training, peer networking and technological support. There are no computers available; the attorneys handwrite all legal documents! We discussed the feasibility of creating a computer network linking the three offices so that information and research could be obtained via the internet and a data bank created to share among the model centers. On the 2nd day, all participated in developing hypos and conducting opening statements, direct and cross examination. The attorneys once again successfully showed their previously untested advocacy skills. As usual, we concluded with a incredible banquet. In the future it is hoped that these attorneys will become the trainers for other offices in Anhui Province. Coincidentally, IBJ just received a grant from Dell Computers to develop a computer network for the model centers.

My last weekend in Hefei was spent with more banquets and tours around the city. Before I left, I was showered with so

many plaques and mementoes that my baggage was seriously overweight when I checked in at the airport.

Hanoi is a vibrant enchanting city of historic French Colonial buildings and thousands of people on motorcycles. It was warm and humid when I arrived. I was greeted by Dang Linh Chi, an attorney who spoke fluent English due to her LLM studies at University of San Francisco a couple of years ago. Arrangements had been made for a suite at a boutique hotel that looked straight out of Paris. I met the board of the Hanoi Bar Association and was treated to a banquet and tour on a ship on one of the many lakes there. Among the other wonderful meals aside from the incredible Vietnamese cuisine were some of the best French, Italian and Brazilian food I've had. I also enjoyed sitting in a café by a lake having an espresso and pastries.

After a leisurely weekend, the rest of the IBJ delegation arrived in Hanoi. Karen Tse, the director of IBJ, had assembled a brilliant team of trainers. Tony Natale, a federal public defender out of Miami, was an experienced trainer in litigation advocacy. Kenneth Cain was an international law specialist and veteran in helping advance the legal systems of over 60 developing countries in the past 15 years. Tai Van Ta, a Harvard Law professor, was returning to Vietnam after leaving Saigon in 1975.

On April 5th through the 7th, this multi-talented group conducted a training for 250 lawyers. The National Assembly had enacted radical reforms to the criminal justice system in November, 2003. A quantum shift from an inquisitorial to adversarial process to these changes included the right to counsel at the earliest stage of proceedings (prior to this, defendants were held incommunicado during the detention and investigative stage, lasting as long as several months), the institution of the adversarial process, and right to appointed counsel. These dramatic reforms are to take place in July, 2004; therefore, these attorneys were eager for this training. And

this training was the first criminal skills seminar given by foreigners since the war. I was thoroughly impressed with the skills these attorneys already possessed in issue spotting, case preparation and investigation, and advocacy. These attorneys demonstrated that are the cream of the crop amongst the 2000 attorneys in the entire country.

The training went well beyond anyone's expectations. It was a blend of the scholarly, historical, theoretical and practical. These attorneys were excited and enthusiastic in role playing on direct and cross examinations, opening and closing statements. We play acted recalcitrant witnesses and were cut down by their cross. We provided practical tools such as client interview forms and issue spotting guides and suggestions for potential motions. We spoke on the unlimited potential that these lawyers have in shaping this brave new criminal justice world. Karen Tse, attorney and ordained minister, inspired and motivated them to create and speak about their visions of the future.

The delegation met over the next two days with representatives of the Ministry of Justice and Hanoi Bar Association. IBJ promoted their suggestions on a Criminal Defense Manual, an advisement of rights poster to be posted at all police stations and the establishment of a Public Defenders Office.

I didn't want to leave despite being away from my home, dogs and work responsibilities for 6 weeks. It has been truly intoxicating experience that I was warned by knowledgeable friends before I left that this experience would change my life. I didn't know what to expect on this trip and I now have a greater appreciation for the practice of law and now realize the common struggles and triumphs here in the states and in Asia. IBJ's work has only begun in China and Vietnam. IBJ continues to seek those attorneys with the passion and enthusiasm to take up this work. I was privileged to be apart of this and I emphatically encourage others to participate in this once in a lifetime journey. I can't wait to return.

APABA Mid-Year Meeting

Bringing together delicious food with great company

APABA recently held its mid-year meeting at Zip Fusion restaurant, located in Little Tokyo. The event served as an opportunity for new and old APABA members to meet the 2003-2004 officers, board of governors, committee chairs, and advisory board members. Sushi and Korean BBQ highlighted the first part of the evening as attorneys, judges, and law students all took advantage of the relaxed environment to enjoy great food and wonderful conversation.

The evening continued with Teri Pham, current APABA president, who provided a summary of this year's past events, including the recent APA Hate Crimes panel discussion held at the Japanese American Theatre in late May. Sitting in a quaint outdoor setting, members also got a chance to learn more about APABA's upcoming activities such as the inter-bar association softball tournament and the mentor/mentee student program. Thank you to everyone who was able to come out, and we look forward to seeing all of you at our future events!



Joint Bar Association Mixer

Eight APA bar associations partner with APABA to host the 6th annual summer event

By Jenny Wang

On Thursday, July 29, 2004, from 6:00 - 8:30 p.m., nine Asian Pacific American (APA) bar associations, along with LexisNexis, hosted the 6th Annual Summer Associate Mixer.

Participants included the Asian Pacific American Bar Association, the Korean American Bar Association, the Southern California Chinese Lawyer's Association, the South Asian Bar Association, the Japanese American Bar Association, the Asian Professional Exchange Special Interest Group, and more.

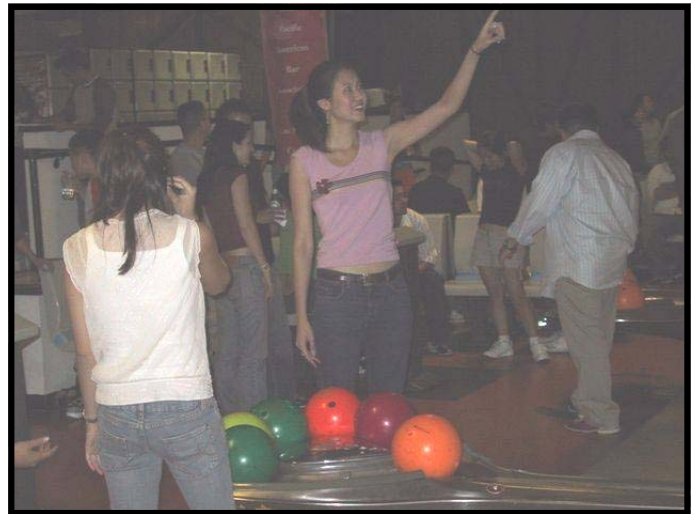
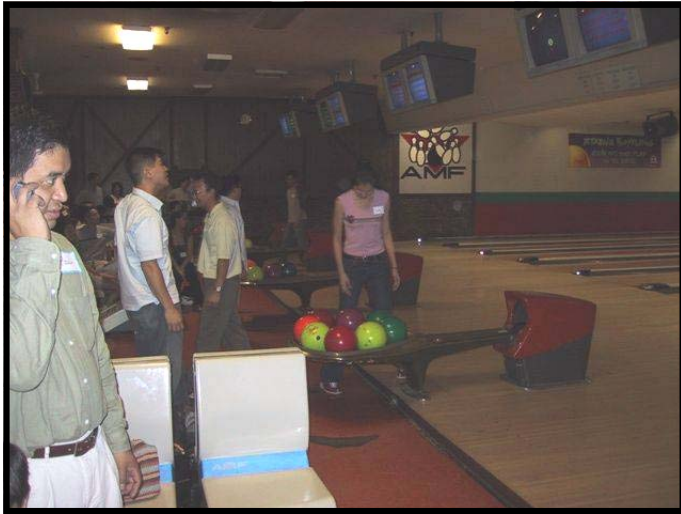
The event was held on the pool deck of the Westin Bonaventure Hotel, with catering by the Bonaventure Brewing Company. This annual event brought together young Asian Pacific America lawyers and lawyers-to-be with accomplished APA attorneys, over half a dozen APA bar presidents, APA judges,



and other distinguished members of the legal profession. This year, the mixer drew approximately 200 attendees, an 85% increase from previous years. Recent past president of the California State Bar, Karen Nobumoto, delivered a brief keynote speech about her experiences as president, particularly her push for the unauthorized practice of law legislation reform. She concluded her speech with a call for young legal professionals to engage in and value the importance of networking.



Faces



...and places

A CLOSER LOOK

Legalized Kidnapping: The Story of Jack and Casey He

By Bonnie Cheung and Kim Chen

Factual Background

Jack and Casey He, parents of now 5-year-old Anna Mae, were new immigrants residing in Memphis, TN. Prior to Anna Mae's birth, the family's financial state had taken a turn for the worse when Jack was falsely accused of sexual assault. A candidate for a doctorate at the University of Memphis, this incident led to the revocation of his full scholarship and research assistant stipend without due process, fully depriving him of his income and F-1 Student visa. For four years, Jack took odd jobs at Chinese restaurants until a court finally acquitted him for lack of evidence.

During Casey's pregnancy, then, Jack recognized their family's financial situation and sought assistance at Juvenile Court. There, he was informed that a family could take care of their daughter-to-be while Jack and Casey gained stability. Jack and Casey understood this to be a temporary solution. A private adoption and foster care agency, Mid-South Christian Services, subsequently introduced Jack and Casey to foster parents Jerry and Louise Baker in or about November of 1998.

The Hes and the Bakers soon entered an agreement for the Bakers to provide foster care to Anna Mae over a period of 90 days. This went into effect immediately when young Anna Mae was born. During this time, the Bakers were kind enough to allow Jack and Casey to visit Anna Mae and take photographs of her regularly. The Hes also requested the Bakers to arrange for Anna Mae's passport photo, because they intended to send Anna Mae to China to live with her relatives at the close of the 90-day period. To their horror, they learned at the 90-day mark that the burden rested on them to obtain the Baker's blessing and a judge's consent in order to regain custody of Anna Mae.

At that point, the Bakers asked the Hes to enter another temporary custody agreement to continue their previous agreement. One attorney, Kevin Weaver, advised both parties during this process. Testimony later revealed, however, that Mr. Weaver omitted to explain two important legal points to the Hes: 1) that the failure to visit for four months would constitute legal abandonment and, 2) the consequences of failing to pay child support. Months into this new agreement, the Bakers began refusing visits.

In November of 1999, Jack He thanked Mr. Baker for Anna's care, offered to financially reimburse the Bakers for the related costs, and requested his daughter back. Mr. Baker refused. He also warned Jack not to repeat the requests to Mrs. Baker because she was pregnant at the time and that the stress may cause a miscarriage. In consideration of Mrs. Baker, Jack waited until the Baker's child was born.

In May of 2000, the Hes filed a petition in court for the return



of Anna Mae, but their efforts earned only a 10 minute hearing, one which lacked interpreters accommodating Casey's inability to speak English. The judge dismissed the case.

On January 28, 2001, the Hes once again attempted to visit Anna Mae, and the Bakers called the police. The police told the Hes to stay away from the Baker's house or risk arrest. The Chinese couple was intimidated and left, unaware that their lack of visits for four months would be later interpreted as abandonment. Shortly thereafter, the Bakers went to Chancery Court to permanently terminate the Hes parental rights based on the theory of abandonment.

Following a period of discovery, motion hearings, and an extensive trial, Judge Robert Childers of the Shelby County Circuit Court in Tennessee awarded custody of Anna Mae to the Bakers and terminated the parental rights of the Hes in May of 2004.

Cultural Analysis of Judge Childers Ruling

Judge Childers' ruling is rife with biased cultural interpretations that had no bearing on the criteria for determining whether Jack and Casey were capable of properly caring for Anna Mae.

For example, Casey's language capabilities were cited in connection to questioning not only her character and moral fiber but her ability to parent. In Judge Childers' own words:

"Although Mrs. He does not speak the English language fluently, she appears to speak and understand English better than she professes. For example, Mrs. He spoke English during some of the Hes' visits with AMH at the Bakers' home and when Mrs. He took the Hes' other children for medical treatment. She also spoke English during the incident when she was holding a sign outside of the Bakers' home, and the Bakers' neighbor, Rebecca Smith, asked Mrs. He to move her car, and she spoke English during the December 2003, incident at the Wal-Mart store. During the trial, in response to a question from attorney Linda Holmes, Mrs. He responded to the question by speaking in English, before the interpreter had be-

- **Legalized Kidnapping** (continued on page 10)

THE FOOD COURT RULING

Zip Fusion: LA's Downtown Arts District

By Mike Suzuki

It's a quarter to 12 and you just got finished trailing your case in Department 100. You've been at it since 8:00 in the morning. You've finished counseling your client, consoling his family, schmoozing the clerk, haggling with D.A. and posturing before the judge. As you walk out of the court, naturally the first, and perhaps the only, thing on your mind is "Where am I going to eat around here?"

Zip Fusion is located just east of Little Tokyo at Third and Traction, in Downtown's funky Arts District. The restaurant took over the space left by the old Traction Café, down by my old school, Maryknoll, and up the street from that strange store Crazy Gideon's. It's where APABA held its Annual Mid-Year Meeting this past July. This year old restaurant features a Korean influence applied to Japanese food favorites. Of the several times I've dined there for lunch, it is always crowded, but paradoxically I've never had to wait for a table. And although it is tucked away further east than most downtowners would venture, I seem to see someone I know each time I am there. This hideaway attracts an eclectic group of professionals and artists all lunching in a bright, airy contemporary dining room with a country style shaded patio in back. I enjoy the bento specials that are presented in a generous sized bento box with a choice of chicken or salmon teriyaki with a little sushi and tempura. The spicy tuna roll has a little more kick than the usual, perhaps due to the Korean influence. On hot days such as we have had recently, nothing beats the soba bento special, which features cold soba with green onions and wasabi.

Another great lunch feature is the unique salads Zip Fusion offers. These are large plates of greens combined with a uniquely Asian touch such as with wakame seaweed or with daikon sprouts. The spicy tuna salad mixes traditional salad greens with spicy marinated sashimi cubes (similar to Hawaiian poke), sliced cucumber and radishes and a sweet and spicy vinaigrette dressing. Other salads include a simple, but large sashimi salad, a large seared ahi salad, a crispy salmon skin salad and a seafood salad that combines crab, scallops, squid, octopus, mirugai and shrimp.

There is, of course, a proper sushi bar in the dining room. You can immediately tell the fish is fresh and of good quality. I also think vegetarians would be happy here as Zip Fusion also offers meatless selections of tofu, tempura, noodles, grilled veggie plates and salads.

One Friday evening I dropped in after a late meeting downtown. The dining room was candlelit and transformed into a small, but energized club. Instead of the usual jazz music wafting in the background, there was the thumping of a bass and drum. I had stumbled across one of Zip Fusion's featured DJ nights. The dining room was packed and hipsters were reclining on sofas in the adjoining lounge. I've been told that Zip Fusion's owner, Jason Ha, is also a big promoter of dance music and has bookings for top local D.J.'s on the weekends. Unfortunately, I looked very out of place in a suit and tie.

Another interesting time to go to Zip Fusion is during its Happy Hour. It is surprisingly tranquil during the early evening in the Arts District. A nice cold sake and edamame makes for a pleasant alternative to fighting the rush hour gridlock at that time of day. As a bonus, there are drink and appetizer specials and 30% off on food and sushi.

Zip Fusion is out of the way, but close enough for anyone in the downtown area interested in a unique lunch or dinner. Parking is easily available on the street or by valet. It is open for lunch every weekday and for dinner Monday through Saturday until midnight.

Zip Fusion, 744 East 3rd Street, Downtown Los Angeles (at Traction, east of Alameda), (212) 680-3770.



- **Asian Votes Matter** *(continued from page 3)*

web communication accomplishes a focused effort with brevity and simplicity, a good example being our campaign to halt sales of the racially offensive 'Kung Fool' costume two years ago. In a single day, our campaign website amassed over 30,000 hits."

Beyond Election 2004

Beyond its focus of the 2004 election, 'Asian Votes Matter' plans to help make APA voter participation proportionate to its fast growing population. In 2000, APAs made up 4.2% of the population, but accounted for only 1.9% of the votes cast. By 2050, the Asian/Pacific Islander American population will jump to 10% (34.4 million). "For Asians, the main strategic opportunity to increase their presence in the electorate is increasing relatively low registration levels," said Jeffrey Passel of the Urban Institute of Immigration Studies Program.

The organizations behind 'Asian Votes Matter' additionally aim to unify, in the name of social change, the burgeoning various Asian ethnicities that share a history of conflict among the homelands of Asian immigrants, but no common language and little in cultural tradition. Indeed, a 2004 political survey on APAs by Pei-te Lien concluded that the future direction of APA voter participation hinges on the development of a pan-ethnic identity amongst the disparate individual ethnic-Asian communities. She posited that a supplanting pan-ethnic, or Asian American, community would result in higher political participation by a group unified in racial concerns and feelings of linked fate.

- **Legalized Kidnapping** *(continued from page 8)*

gun interpreting Ms. Holmes' question to Mrs. He. The evidence thus shows Mrs. He to be a person of questionable character and unstable. The evidence shows that she is dishonest and manipulative... Mrs. He has a history of acting in an unstable manner, as a person whose future conduct in relation to AMH is unpredictable..."

As anyone who has experienced learning a language knows, ability to utilize a new language is hardly consistent, depending largely on individual exposure to the vocabulary, one's learning curve, stress, fatigue and duration. It is incorrect to assume that one's use of a second language in stressful situations that requires negotiating careful and meaningful legal terminology consequently determining rights to your own child with such finality equates deception.

Further, Judge Childer refused to consider the testimony of the cultural expert provided by the Hes and instead relied on Louise Baker's testimony on her knowledge of the Chinese culture and adoption in China derived solely from a book titled *The Lost Daughters of China* by Karin Evans. Using one woman's personal memoir of international transracial adoption of Chinese girls in orphanages to determine the Hes' parental rights to their daughter while dismissing the Hes' qualified Chinese cultural expert is irresponsible and mystifying, further confirming that Judge Childer's ruling is unfounded and irrational and reeking of cultural superiority.

The cultural discrimination in this case echoes a sad period in American history when Native American children were thought to have been 'civilized' and prepared for better opportunity through involuntary placement and education in English speaking White Christian cultural environment. In retrospect, we acknowledge this horrible history and think of it as some misguided belief of a long ago America. But looking at how two parents rights to their child were terminated due in large part to their nation of permanent residence and origin, use of their native language in connection to their character, and ability to parent and provide for the one child in question, colonial history in America may yet have new entries to be written.

Anna Mae He's case is now pending appeal. For more information, please visit www.isthisamerica.com.

APABA Tidbits

APABA ANNOUNCEMENTS

1. PLEASE SAVE THE DATE! APABA'S Installation Dinner will be held on Thursday, November 18, 2004 at the Stadium Club of the Dodgers Stadium. We proudly announce that our keynote speaker will be Connie Rice.
2. ATTENTION STUDENTS! The Asian Pacific American Bar Association of Los Angeles County (APABA) is pleased to announce its Fellowship Award in the total amount of \$5,000 awarded to one deserving law student during the 2004-2005 Academic Year.

The APABA Fellowship will be awarded to an Asian Pacific American law student who demonstrates leadership potential, maturity and responsibility, as well as a commitment to making a contribution to the Asian Pacific American community. The law student must find a position in a nonprofit organization or governmental organization and work substantially in a unit that contributes to the Asian Pacific American community in Los Angeles County for at least a 10 week period during the summer. The recipient of the scholarship will be selected by the APABA Scholarship Committee and with the approval of the Board of Governors of APABA.

In order to apply for and be eligible for the APABA Scholarship, potential applicants must be enrolled and in good standing at a law school during the 2003-2004 academic year. All applicants must complete and return the APABA Scholarship Application Form to: APABA of Los Angeles County, Attn: Winston Lin, 12021 Wilshire Blvd. #603, Los Angeles, CA 90025

All materials must be received by January 31, 2005 for consideration. Finalists may be interviewed by one or more members of the APABA Scholarship Committee (if determined to be necessary). The Scholarship awards will be announced in March of 2005. Please send all inquiries to winstonl@usc.edu.

3. CONGRATULATIONS! APABA would like to congratulate Jean Song on the birth of her new baby boy, Marcus, on August 3, 2004. We look forward to meeting him at our future events.
4. APABA MENTOR/MENTEE IS COMING! Please remember to keep your eyes and ears open for future announcements concerning the APABA Mentor/Mentee Program events. For more information, please contact Kasie Lee at kasiekasem@yahoo.com.

EMPLOYMENT OPPORTUNITIES

Position: Staff Attorney, Asian Pacific Islander Health Policy & Community Outreach Organization: Los Angeles County Neighborhood Legal Services.
Send resume via e-mail to rhackendorf@nls-la.org or mail to Robert Hackendorf, Director of Human Resources, Neighborhood Legal Services of Los Angeles County, 1102 E. Chevy Chase Dr., Glendale, CA 91205

Position: Litigation Attorney Organization: The Western Law Center for Disability Rights
Send resume, cover letter and references to: Litigation Director, Western Law Center for Disability Rights, 919 South Albany St., Los Angeles, CA 90015; Fax: (213) 736-1428.

Experienced Legal Secretary/Executive Assistant offered by Margolis & Morin, LLP, Bilingual in Chinese strongly preferred. Please send resume to Office Manager at hcline@winlaw.com or fax to (213) 559-8349.

Position: Associate-- Business Law Location: San Francisco, CA
Law Firm: The San Francisco office of Holland & Knight is seeking to hire a business law associate with 2 to 4 years' experience. Solid transactional experience required; corporate finance and/or equipment leasing experience preferred, but not necessary. Excellent academic credentials and good writing skills required. Large law firm experience strongly preferred. Interested candidates please send a cover letter, resume and transcript to:
Catherine Atwell, Recruitment Coordinator, West Coast Offices Holland & Knight LLP
633 West Fifth Street, 21st Floor, Los Angeles, California 90071
213 896 2427 (voice) 213 896 2450 (fax) catherine.atwell@hklaw.com

Position: In-House Business Lawyer Location: Santa Ana, CA
Company: Advanced Medical Optics, Inc. [NYSE: AVO] is a global leader in the development, manufacturing and marketing of medical devices for the eye and contact lens care products seeking business lawyer to support transactional and commercial needs of global organization, primarily in the areas of sales and marketing (including distributor arrangements and support of international sales organizations), business transactions, securities matters, and corporate compliance. Japanese language skills preferred to support large, growing Japanese organization.
Compensation: The starting pay will be at least \$120,000 per year base pay, plus bonus potential and participation in equity plans, along with excellent retirement benefits. Please contact Tammy Zink at (714) 247-8230, or send your resume to resume@amo-inc.com.

THE APABA MISSION

In 1998, the **Asian Pacific American Bar Association (APABA)** was established and adopted the following multifaceted mission: 1) to establish a broad base of membership that is reflective of the ethnic and cultural diversity of the Asian/Pacific Islander American (APIA) community in the greater Los Angeles area; 2) to provide a vehicle and forum for the unified expression of opinions and positions by the Association upon current social, political, economic, legal or other matters or events of concern to its members; 3) to foster the exchange of ideas and information amongst and between Association members and other members of the legal profession, the judiciary and the community; 4) to encourage and promote the professional growth of the members of the Association; 5) to provide an opportunity for fellowship among the Association’s members; 6) to develop and encourage inter-cooperation with and between other bar organizations, especially other minority bar associations; and 7) to provide coordinated service to the community-at-large as well as the local APIA community.

The **APABA** Reporter

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