

# The APABA Reporter

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

## Sidebar

By Rita Gunasekaran, APABA President 2001-2002



APABA is a symbol of hope. It was born of the belief that we of Asian ethnicity can look beyond our superficial differences to unite for our common good. APABA's tremendous accomplishments, through its committees and through its members, bear testament to the soundness of that belief. Among these, I am particularly proud of the fellowship we award each year to an outstanding law student who helps the underserved segments of the Asian Pacific American community; of the funding we provide to the Asian Pacific American Legal Center's Cambodian interpreter; and the many invaluable continuing legal education programs and judicial and other receptions that we sponsor throughout the year.

We Americans of Asian ethnicity share a common heritage. We feel a certain empathy for each other because of our shared values and experiences – not the least of which is our continued identification by others as "outsiders." Since it is invariably strangers and not our friends who harbor this distorted view, does it matter? Unfortunately, yes, because it has an im-

pact on our lives and those of our loved ones in explicit and in subtle ways.

The more significant question, however, is: *should* others' perception of us matter? The answer, of course, is *absolutely not*. We are law abiding, tax paying, citizens of a country that promises us, and usually delivers, liberty, justice, and the equal protection of its laws. America affords us unparalleled opportunities.

So let us not worry about random doors that may be slammed in our faces, but let us focus instead upon the door to the executive suite that is waiting to open for those of us who are willing to make the effort. Just in this past year, many APABA members have distinguished themselves enormously and have been justly recognized. These include: the appointment of Jacqueline Nguyen, Tammy Chung Ryu, and Vince Okamoto as judges of the Los Angeles Superior Court; Robert Kawahara and Melissa Widdifield as commissioners; the Daily Journal's recognition of Morgan Chu, Justice Elwood Lui (Ret.), Mike Yamamoto, and Debra Yang

Reception honoring Judges Nguyen and Ryu



among the hundred most influential attorneys in California; Mona Patel-Sikora as one of the twenty best attorneys under 40 in California; and the L.A. County Bar Criminal Justice Section's selection of Mike Yamamoto as L.A.'s outstanding criminal defense lawyer of 2002.

I requested the members of APABA's Board and advisory committee to write about their experiences as Asian-Americans – their euphoria, their angst, and anything in between. Many members generously gave of their time to respond to my request, and I hope that you find their articles as heartwarming and delightful as I do.

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## Allegiance

By Paula Daniels, APABA President-Elect 2001-2002

If you were to ask me where I'm "from," I would tell you quickly, that I am "from" Hawaii. But that is not really a complete answer. I was born in Hawaii, a toddler in Colorado, pre-school in Germany, elementary school in Georgia, Nebraska, Hawaii; high school in Virginia...my youth in these scattered places was punctuated by long days in transoceanic boats or transcontinental Chryslers. There is a slow rhythm to the unfolding of this country from its shrugging Appalachians to the lap of the Pacific. I have seen it, mile by mile, from a car window: rows of peach trees, miles of cornfields, waves of wheat, fields of sugarcane. All the dust and snow and heat and ocean that this great land provides, I've kicked around in it. My father was a career officer in the United States Army.

On an Army base, you didn't need to wear a watch to know what time it was, because the bugle calls which blasted from the very thorough sound system would most clearly provide that

advice. From Reveille at 0600 hours to Taps at 2300 hours, every significant event of the day would be heralded by a particular call which dictated the activity: rise, work, eat, work, eat, sleep. And so we did.

As school children, we were exempt from most of the bugle calls, save one. Toward sunset, the day cooling, we would be outdoors after school, playing in some riotous way; but when we heard those first baleful notes of Retreat, we knew that the American flag was being lowered, and that we were to pay our respect. We would immediately stop whatever we were doing (throw down our bikes, hop out of tree swings, drop marbles or jump ropes). Every activity on base would come to a halt; traffic would stop, people would get out of their cars, everyone everywhere stood at attention. As quick as a hush, a reverent quiet would fall, and we would all turn to where we knew the American flag had been flying all day, a place we knew as well as where home was. We

placed our hands on our hearts. As the last note of the bugle trailed away with the light of the sun, a perfect stillness would rise, like the moment before a heart beats, again.

Then, a single round of canon fire, and we would know the ceremony was complete. We would resume, to bustle about, to play.

What grows from a pledged silence? A wish from a prayer; opportunity from effort; freedom from vigilance. I pledged allegiance to our flag because we put men on the moon and Patsy Mink in Congress.

I pledge allegiance to the flag because a hamburger stand in Santa Monica serves Teriyaki Tacos. I pledge allegiance to the flag because I am allowed to burn it and therefore, I never would.

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*"I pledge allegiance to the flag because I am allowed to burn it and therefore, I never would."*

## SAN Receives 2002 John Anson Ford Human Relations Award

October 23, 2002

The South Asian Network (SAN) was honored by the Los Angeles County Board of Supervisors and the Los Angeles Human Relations Commission with the John Anson Ford Human Relations Award for 2002. The award recognizes an outstanding body of work that promotes racial harmony. Our hearty congratulations to SAN!

For further information on SAN and its programs visit the website: [www.southasiannetwork.org](http://www.southasiannetwork.org), call (562) 403-0488, or contact Kripa Upadhyau: [kripa@southasiannetwork.org](mailto:kripa@southasiannetwork.org)

## To Be or Nor To Be American...That's Silly! I am American!

By Belle H. Hsu

I am an American . . . because I said so! I can't recall how many times growing up in the Northeast that I was asked what I was. If I responded American, I was always asked, with eyes squinting, like I was a frog to be dissected, "No, where are you really from?" Apparently, it wasn't good enough that I was from America, with parents originally from Taiwan.

Of course, after moving to California when I started high school, life in this regard has been moving along much more smoothly. Here, non-Asian Americans actually may know how to spell "Hsu" and that it can be pronounced "Sue" and "Shoe," instead of "Who" or "Ha-su"). But I can't help but giggle when judges insist on calling me Ms. [Shoe] instead of [Sue] after I have corrected them once. And about the only ones

who haven't figured it out are telemarketers (and that provides a great way to screen calls anyways).

But I would never change who I am and what I became. Because I truly have had the all-American experience and am living an American dream. I was born in Connecticut, the daughter of a graduate student father born to a poor farming family and a young mother who finished college and came to join my father. My mom had to survive almost a two hour trip to the hospital in the snow to give birth to me. My mom raised me after my father passed away when I was young. I had the greatest friends in high school and due to the mentorship of my Mock Trial attorney coach, the Honorable Gregg Prickett, I decided to go to law school, and not become a science major like my father. I

went to two amazing colleges – Berkeley and Pomona College (the small liberal arts college) – and had some unforgettable experiences, both good and bad. After law school, I have discovered an area of law in which I deal with "people" issues daily and that constantly challenges and fascinates me – labor and employment law.

Along the way, I have met some of the kindest and inspiring people I've ever known. Some have been non-American, but most have been American. This is a nation made up of truly great people. And I am not just saying that because I am American.

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*"No, where are you really from?"  
Apparently, it  
wasn't good enough  
that I was from  
America..."*

## What it Means to be an American

By David Halm

Being "American" is participating in an ethnically and culturally diverse citizenry and enjoying and respecting each other's differences. Almost ten years ago, the Honorable Ronald S. W. Lew presided over a naturalization proceeding involving more than 200 Korean immigrants, the largest number of Koreans granted United States Citizenship at one time. At the

time, I served as one of Judge Lew's judicial externs. I attended the ceremony and sat next to Mayor (then City Attorney) James Hahn. Mayor Hahn asked me when and from where my ancestors immigrated. I told him my great grandparents immigrated from Korea and Japan to Hawaii and California in the early 1900s. Mayor Hahn told me that he was a sec-

ond generation Canadian American. Also in attendance were my fellow externs, Michael Williams, a Lebanese American, and Melanie Murakami, a Japanese American. Soon there were more than 200 new Korean American citizens.

## I am an American

By Eileen Kurahashi, APABA Advisory Board Member

After working 21 years as a lawyer, I have recently taken on a new challenge – joining the Japanese American National Museum to develop a new, related institution called The National Center for the Preservation of Democracy. The mission of the Museum is to promote appreciation for America's diversity by sharing the Japanese American story. The mission of the National Center is to promote principles of democracy and civic involvement. The Museum presents the Japanese American experience in the context of American history. The National Center will provide the opportunity to include many additional voices in a public dialogue about what it means to be an American. Therefore, an essay exploring my assertion that "I Am an American" is timely.

The importance of people of color saying and saying often, "I am an American", is brought home to me almost everyday in my new position. Just the other day, a group of academics and educators in Southern California from Europe for an international conference on "democratization" toured the Museum. One of the core stories the Museum presents is the experience of Japanese Americans during World War II, which includes the painful story of the forced removal and incarceration into

camp of 120,000 Japanese Americans in violation of the United States Constitution. One of our guests asked, with a certain emotion in his voice, why the Museum does not tell the story of Japan during World War II. He implied by his inquiry that the injustices to Japanese Americans in this country during WWII needed to be offset by the story of the wartime excesses of Japan during the same period. The visitor did not make the distinction between Japan and Japanese and Americans of Japanese descent. He failed to understand that as Americans, we look to American institutions that promise certain protections without regard to race, religion, and ethnicity, etc. It was brought home to me again that no matter how many generations Japanese and other Asian Americans live and work in the United States, we encounter those who will conclude we are "foreign" and that we are insufficiently "American."

After the devastation of September 11, 2001, one of the early media images designed to evoke patriotism was the bombing of Pearl Harbor in 1941. The prospect of war and the desire for revenge was palpable. When news began to surface that some lashed out violently against Arab and Muslim Americans or those mistaken as such, Japanese Americans knew that ours was a cautionary tale about what could happen if fear, hysteria and racism were allowed to shape public policy. Therefore, we felt a special responsibility to

our Arab and Muslim American communities and to our country to exercise some leadership - to assert quickly and often that what happened to Japanese Americans during World War II should not happen again to others and to provide opportunities for reasoned debate.

So, for me, making the statement "I Am an American" evokes a long and complicated personal history. I know my history includes reenacting the First Thanksgiving when I was a child dressed as a Pilgrim and believing in the good will it represented. I was born in a camp, Poston, Arizona, and have studied snapshots of my mother holding me in front of a barrack, our home, wearing the latest clothes of the period. I have been inspired by our Constitution and our constitutional democracy, and aspire to the public good. However, too, I have been shattered by the contradictions that our society and our institutions have played out in my lifetime. I am and will continue to be optimistic in promoting democratic institutions, educating our people and playing a small part in shaping our future.

## APABA's Hate Crimes Prevention Project

Hate crimes, particularly against members of the South Asian, Arab and other middle eastern communities, have increased dramatically in the aftermath of 9/11. APABA has formed a sub-committee to address this problem. This sub-committee has already disseminated information at Sikh temples about hate crimes and government offices and agencies to contact if victimized by hate crimes and

plans to develop and implement a program to educate and raise awareness among junior high and high school students about hate crimes, including prevention, reporting and consequences, and tolerance education. Please contact Sandeep Baweja, Burke, Williams & Sorensen, 611 West Sixth Street, Suite 2500, Los Angeles, CA 90017, (213) 236-0600 fax (213) 236-2700, [sandeepbaweja@yahoo.com](mailto:sandeepbaweja@yahoo.com) or

David G. Halm, Fainsbert Mase & Snyder, LLP, 11835 West Olympic Blvd., Suite 1100, Los Angeles, CA 90064, (310) 473-6400 fax (310) 473-8702, [dhalm@fms-law.com](mailto:dhalm@fms-law.com) if you would like to assist APABA's effort to combat and prevent hate crimes.

## Tougher Penalties for Unauthorized Practice of Law—SB1459

By Frank W. Chen

As former president of the Southern California Chinese Lawyers Association (SCCLA), as well as a current Trustee of the Los Angeles County Bar Association (LACBA), I am very pleased to announce that Senate Bill 1459, which cracks down on the Unauthorized Practice of Law (UPL) passed unanimously in the California State Senate and was signed into law by Governor Gray Davis on September 8, 2002. This bill, which was authored by Senator Gloria Romero, D-Los Angeles, passed the California State Assembly during the third week in August with a vote of 77 to 0. The new law will take effect in January 2003. Senator Romero represents the 24th Senate District which includes Alhambra, Azusa, Baldwin Park, Bassett, Belvedere, City Terrace, East Los Angeles, El Monte, El Sereno, Hacienda Heights, Industry, Irwindale, La Puente, Monterey Park, Rosemead, San Gabriel, South San Gabriel, Valinda, and portions of North Whittier, South El Monte, Temple City, West Covina and Glendora. A previous Romero bill, SB 1194, which addressed the damages and relief victims of such fraud are entitled to, passed in March 2001.

A multitude of minority bar associations throughout Los Angeles County, including SCCLA, MABA and the Los Angeles County Bar Association (with over 23,000 active members), as well as the State Bar of California, supported Senate Bill 1459. This new law carries greater penalties against non-lawyers for the Unauthorized Practice of Law.

Many uninformed persons in the immigrant communities are the

victims of individuals who are not lawyers and who promise the unwary victims legal services that are either shoddy or not delivered at all. The new law is a deterrent because many people in the immigrant communities are unaware of what recourse they have once they have been victimized.

The new law makes a misdemeanor conviction of practicing law without a license punishable by up to a year in county jail and a \$1,000.00 fine, or both. It also creates a minimum punishment of 90 days in jail for subsequent convictions. A sentencing court would have to explain any variation from these standards on the record. The theory behind this new law which imposes mandatory jail time for repeat violations is that UPL practitioners will no longer be able to "just pay a fine," analogizing the payment of a fine to the payment of an advertising fee.

Under existing law, a disbarred or suspended lawyer who practiced law could be charged with a felony. A non-lawyer could only be charged with a misdemeanor. When introduced, SB 1459 attempted to address the discrepancy between the two charges by creating a "wobbler," a crime that could be charged as a felony or misdemeanor, for non-lawyers convicted more than once of claiming to be licensed to practice law. As amended, SB 1459 no longer creates a felony charge (due to concerns of the effect of the Three Strikes Law), but increases the maximum sentence for the misdemeanor from six months to one year and creates a minimum sentence of 90 days in county jail for repeat violators of the law. Romero's office said the bill would allow harsher penalties against individuals who targeted minority com-

munities and people with a limited knowledge of the English language and American laws posing as immigration consultants or legal advisors.

The bill also closes a loophole that allowed disbarred or suspended lawyers to continue acting as a lawyer, if they did not imply that they were licensed. It emphasizes that practicing law without a license includes the attempt to practice law or offer legal advice even without claiming to be a licensed lawyer.

Anyone who suspects UPL activity may call the State Bar hotline at 800-843-9053.

California State Bar President Karen Nobumoto, who encouraged and helped create the bill based on her prosecutor experience at the Los Angeles District Attorney's Office, made a formal announcement at a special ceremony during the State Bar Board of Governors meeting on Thursday, September 19, 2002. Los Angeles District Attorney Steve Cooley and Senators Gloria Romero and Sheila Kuhl also attended.

## Law Day 2002 A Success!

By Chirag Shah, APABA Board Member

APABA's Community Education/Pro Bono Services Committee held its annual Law Day seminar on May 14, 2002, at UCLA. At the seminar, APABA board members, Kathy Hirano and Hyacinth Leus, gave excellent presentations on criminal law and immigration. Thanks to the efforts of the United Cambodian Students and Meg Thornton from UCLA's Asian American Studies Center in publicizing the event, it was well attended, and there was a spirited exchange of ideas and information during the question and answer session.

For the past couple of years, as part of its ongoing program of community education, APABA members have conducted presentations on basic

legal rights to traditionally underserved Asian Pacific Islander groups such as the Cambodian and South Asian communities. We have found that, due to time conflicts and language interpretation difficulties, it is easier for us to present the basic information to college students who, in turn, are asked to share what they learn at Law Day with their families and friends. Using this approach, we have previously conducted presentations at Cal State Long Beach and UC Irvine. We also use Law Day as an opportunity to share insights with students about opportunities in the legal field--not just as lawyers, but also as paralegals, legal assistants, court interpreters, court reporters, and court personnel.

The topics for Law Day are chosen by the student organizations. This year, we presented basic information concerning criminal law and procedure and immigration law. In addition, the Committee distributed flyers and brochures covering basic legal rights in many areas, including employment rights, the Violence Against Women Act, small claims procedures, tenants rights, and immigration law. Due to the invaluable help of Tom Chan, Wonkoo Chang, and Sody Lay, who reviewed the translations, many of the flyers were made available in Asian languages.

## DIVERSITY GRANT OF THE LABOR & EMPLOYMENT LAW SECTION OF THE CALIFORNIA STATE BAR

The Labor & Employment Law Section (L&E Section) of the California State Bar is committed to diversity. In that spirit, it has established a \$70,000.00 grant to co-sponsor events with multi-cultural bar organizations to provide educational and networking opportunities in the area of labor and employment law. Each event will be funded up to \$5,000.00.

For the application and qualifications, please contact Toni Jaramilla, Chair of the Diversity Outreach Subcommittee for the L&E Section (310) 551-3020.

APPLICATION DEADLINE FOR THIS ROUND OF FUNDING IS NOVEMBER 10, 2002

## 1st Annual APABA Softball Tournament

By J. Alan Warfield

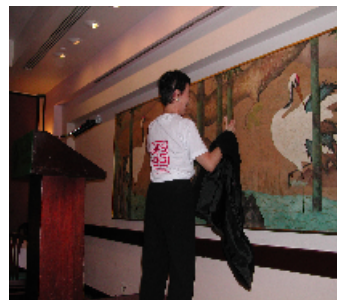
On Sunday, September 8, 2002, a perfect summer afternoon, APABA held its first annual Softball "tournament" featuring the attorneys against the judges, law students, and at least one professional player. While the children playing football just beyond the infield dirt never were in any danger of being hit by a fly ball, there were a surprisingly high number of hits and runs. Before and after the game, all in attendance enjoyed a delicious barbecue lunch under the shade, all at Will Rogers State Park in Pacific Palisades.



Antonio Estuar



Margaret & Marika Johnson



Justice Todd displaying her APABA t-shirt



Commissioner Widdifield and Justice Kathy Doi Todd-proud recipients of the tournament trophy

## Criminal Law

By Pauline A. Weaver, Alameda County Deputy

It's 2 a.m. Your sound sleep is shattered by a call from your biggest client, whose daughter has been arrested for drunk driving. "You've got to do something!" she pleads. As much as you might want to tell your client she's got the wrong number, that's not an option. For you, it could be time to step into a new area of the law. This can be intimidating, but knowing a few simple things can help you protect the daughter.

### Prepare

The best time to prepare for such a call, of course, is before it ever happens. Where can you go for help with criminal law issues? Ideally, you find a mentor, an agreeable friend in private criminal practice, or a public defender in your area willing to teach you the basics. Be careful of their time, but don't be afraid to ask questions – most people are flattered to be considered an expert and are more than willing to help.

So that your first foray into the criminal department isn't the day you represent your client's daughter, do some preparatory research on your own. Go to the courthouse and watch arraignments. See how experienced attorneys handle the process. If you have a question after watching the proceeding, ask the attorney who appeared for a bit of time to explain it – most will. Spend some time in pretrial and trial departments; you may never get this far in a criminal case, but you will have more information to give the client about the process. A supplement or alternative to this might be "shadowing" your mentor for a day – especially if court is scheduled. This is a great way to prepare.

Bar associations in your area may offer continuing legal education courses in criminal law, and some public defender offices open their courses to private practitioners. Take advantage of these opportunities – you get a chance to talk

to defense counsel and pick their brains as well. Several national organizations specialize in criminal defense, most notably the National Association of Criminal Defense Lawyers ([nacdl.org](http://nacdl.org)) and the National Legal Aid and Defender Association ([nlada.org](http://nlada.org)). Consider joining one of these or the criminal law section of your local bar association, which can provide contacts, monthly publications, and updates on the law. Introductory texts can also help prep you on the basics of criminal law, so you at least know the questions to ask.

### Assess

But what do you do after you answer your client's call? Even if you think you ultimately will refer the case to someone more experienced, you can do a lot that can help avoid later problems.

First, find out whether the daughter is a juvenile or an adult. This will narrow the possibilities for the holding facility. Does the mother know where the daughter is being held? This will save you needless phone calls and much frustration, because many counties, for example, have detention facilities run by individual cities as well. Can the parents afford to post bail? Have they done so? If the daughter is still in custody, you may have to visit her at the jail, and you may be the first person she talks to since her arrest. Before you meet with the client, try to get the police reports on the incident.

When you meet with your new client:

- Reassure and calm her. Visits for anyone but attorneys will be limited to regular visiting hours, and adopting this "parental" role will no doubt be welcomed.
- Explain the forthcoming process. Tell her about the possibilities of bail or release on her own recognizance (OR, release without posting a bond). Get background information for an OR motion, such as length of

time in the area, job and educational history, prior criminal involvement, and contacts in the community.

- Tell the client not to discuss or write about the case with anyone. Emphasize that this includes family members, friendly police officers, friends, cellmates, and so on.

Having taken care of the basics, you next must decide whether you can comfortably handle the case. Is it a simple drunk driving, or does it involve an accident? Was another party injured? Is the charge a misdemeanor or a felony? If you conclude you're in over your head, refer the case out – it's far better to do so than to make a misstep that may cause permanent legal damage.

If you decide to take the case, be absolutely clear that the person who pays the piper does not get to call the tune. The mother may pay your fees, but this doesn't mean she's entitled to sit in on client interviews, hear client confidences, or dictate the course of the case. This is one of the hardest things to control, but control it you must. In many jurisdictions, the attorney-client privilege is waived if a third party is privy to protected conversations. You must be an advocate for your client, not for the person who pays your bill.

Finally, if at this point you're still undecided about taking the case, ask yourself the ultimate test question: If this were my son or daughter, would I want someone with my experience and skill to handle the matter through to its conclusion?

## APABA Reception for the Honorable Judges Nguyen and Ryu



Judge Jacqueline Nguyen



Judge Tammy Ryu



Judge Nguyen and Dolly Gee



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

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**APABA**  
12021 Wilshire Boulevard  
Number 603  
Los Angeles, California 90025

**STOP!!!!**

- Did you remember to renew your APABA membership for 2003? If not, get your membership application from Teri Pham at [ttp@rnlaw.com](mailto:ttp@rnlaw.com).

## APABA's Mission

In 1998, the Asian Pacific American Bar Association of Los Angeles County (APABA) was formed in order to: (1) 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) foster the exchange of ideas and information between the members of APABA and other members of the legal profession, the judiciary and the community; (3) encourage and promote the professional growth of

APABA members; (4) provide an opportunity for fellowship among the Association's members; (5) provide coordinated service to the community-at-large, as well as the local Asian community; (6) develop and encourage cooperation with and between other bar organizations, especially other minority bar associations; and (7) 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 the members of

the Association. During its first four years of existence, APABA has provided programming and services consistent with *its mission*. APABA's Board is dedicated to continue rendering yeoman service to the underserved segments of the Asian American community of Los Angeles.

