



Speak Up, Rise Up, Lift Up

By Davit Lat
Founder and Managing Editor, Above the Law

On Wednesday night, I dusted off the old tuxedo (which thankfully still fit) and headed down to Cipriani Wall Street for the 27th annual dinner of the Asian American Bar Association of New York (AABANY). I greatly enjoyed last year's banquet, so I was looking forward to this year's festivities (which sold out weeks in advance).

After welcoming remarks from the dashing emcee, Richard Lui of MSNBC, outgoing president William Wang conducted a year in review for AABANY. He mentioned the successful 2015 Fall Conference, featuring a Diversity Career Fair, and the valuable work of the Judiciary Committee, which helped several candidates attain judicial office. But there's still work to be done on that front: Wang identified the goal of having the first Asian-American Supreme Court justice (before an audience that included a few possibilities, including Judge Denny Chin of the Second Circuit and Judge Pamela Chen of the Eastern District of New York (who would also be the first openly LGBT

justice)).

The first honor of the evening, AABANY's Women's Leadership Award, went to Michelle K. Lee, the first woman to ever serve as director of the U.S. Patent and Trademark Office. In her acceptance speech, Lee praised and thanked Ray Ocampo, former general counsel of Oracle, who inspired her as a young lawyer by demanding diverse



Photo by Karen Zhou

From L to R: Ivan K. Fong, Senior VP, Legal Affairs & General Counsel at 3M Co. and recipient of the Corporate Counsel Leadership Award; Susan Shin, Partner at Arnold & Porter LLP and AABANY President; Michelle K. Lee, Under Secretary of Commerce for IP & Director of the U.S. Patent and Trademark Office and recipient of the Women's Leadership Award.

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SPONSOR SPOTLIGHT

The Advocate regularly spotlights AABANY's corporate sponsors and gives our sponsors an opportunity to showcase how their work aligns with AABANY's mission and contributes to the legal community at large.

CADWALADER

Cadwalader's renewed commitment to diversity and inclusion is creating a more productive, effective, and dynamic work environment within the Firm and forging stronger ties with the communities where our offices are located.

Two years ago, Cadwalader launched the Cadwalader Center for Diversity & Inclusion (CCDI) as a central resource for the Firm's affinity networks, diversity programs, initiatives and policies and formed an Oversight Committee of partners, chaired by the Firm's Managing Partner, to keep the Firm's efforts on track. At the same time, Cadwalader re-launched its affinity networks with the goal of weaving these diverse groups more directly into the fabric of the Firm. The Cadwalader Asian Pacific American Attorney Resource Group (CAPAA) is one of these attorney-driven affinity networks



In May, 2015, AABANY members participated in a reenactment of "Justice Denied: Wards Cove Packing Co. v. Atonio," at Cadwalader, Wickersham & Taft LLP (pictured above). In January, 2014, the firm hosted the reenactment team's performance of "22 Lewd Chinese Women: Chy Lung v. Freeman."

which provide opportunities for attorneys to receive professional development support, to develop leadership skills, expand their professional networks both internally and externally, and work with Firm leaders to help the Firm better leverage the talents and diversity of all its attorneys. The net-

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Ensuring Rights of Non- and Limited-English Speakers

By Susan Shin
AABANY President



AABANY President
Susan Shin

The Constitutional rights embodied in the *Miranda* warnings are quite familiar to most living in the United States. To non-English speaking suspects, however, the *Miranda* warnings mean nothing, absent a plainly worded and accurate translation in the suspect's native language. Even to suspects that have some English proficiency or are given a translation in the suspect's native language, *Miranda* warnings could still lack meaning, if they hail from countries in which the *Miranda* rights are completely foreign or that have cultures of unquestioned deference to authorities. Indeed, there are many cultures, like the one in which I was raised, where education and English proficiency are highly valued and shame is associated with admitting to not having understood seemingly basic English words. But the words in a *Miranda* warning are far from basic; they have significant and complicated meanings that are rooted in American culture. Even I, a native English speaker, found the terms difficult to understand before becoming a lawyer. How much more difficult is it for a non-native English speaker who does not understand legal concepts and implications of, for example, the "right to remain silent," "waiver," and "consent"? Still, many respond in the affirmative when asked if they understand and consent to questioning and waive their rights, even if they failed to comprehend the words being communicated to them.

The Constitutional rights set forth in *Miranda* warnings necessarily must be conveyed in "clear and unequivocal language." *Miranda v. Arizona*, 384 U.S. 436, 466 (1966). Federal Law requires that law enforcement departments address language barriers and provide services to suspects with limited English proficiency.¹ But policies and practices of police departments regarding non- or limited-English speaking suspects and translation services vary depending on a variety of factors, including the communities they serve, fre-

quency of contacts with individuals with limited English proficiency, and resources available them.²

There are obvious costs and practical challenges associated with making translation services available in every language possible. But given the importance of *Miranda* rights, law enforcement should endeavor to make accurate *Miranda* translations available in every language, including dialects, represented in the communities they serve. One way to ensure *Miranda* rights are understood by more non- or limited-English speaking suspects is to have each state or district create and maintain a database of certified translations of *Miranda* rights in all relevant languages that is accessible to every police precinct. Most if not all precincts have the ability to download, print, and display the translations to a foreign language-speaking suspect. This is a simple and cost-effective solution, and while it would not address illiteracy or the language barrier in any ensuing interrogation once rights are voluntarily waived, more non- or limited-English speaking suspects would receive meaningful communication of these fundamental Constitutional rights.

The criminal justice system must constantly strive to protect and preserve the Constitutional rights of non- or limited-English speaking individuals, as much as the native English-speaking majority. We all must bear the burden—law enforcement, prosecutors, the defense bar and courts alike—of ensuring that the important protections of *Miranda* are not merely futile and empty procedural formalities to this country's growing non- or limited-English speaking population.

¹ Department of Justice, "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibitions Against National Origin Discrimination Affecting Limited English Proficient Persons," 67 Fed. Reg. 117 (2002).

² See http://www.lep.gov/Law_Enforcement_Planning_Tool.htm

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Meet Manisha Sheth, the New Executive Deputy A.G.

By Anna Chen
AABANY Intern

Please join us in congratulating AABANY Board Member Manisha Sheth on her appointment as the new Executive Deputy Attorney General for Economic Justice for the State of New York. This appointment marks a return to public service for Manisha, who began her career in the private sector as an associate at Davis Polk & Wardwell LLP, before joining the U.S. Attorney's Office for the Eastern District of Pennsylvania, followed by a return to the private sector at Quinn Emanuel Urquhart & Sullivan, LLP, where she ultimately became a Partner. AABANY had the opportunity to pick Manisha's brain as she prepared for this next exciting transition in her career.

ADVOCATE: After working as a litigation associate at Davis Polk for four years, what made you want to work as a federal prosecutor?

MS: I knew I wanted to be a prosecutor since law school when I took a course on white collar crime. The idea of pursuing justice for those who have been wronged has always appealed to me. I also found the dual role of a prosecutor, both representing the people and being an advocate for the government, to be both challenging and rewarding.

What was the biggest challenge transitioning from BigLaw to the U.S. Attorney's Office?

There were two main challenges. First, I had to learn more about criminal procedure and practice. While at Davis Polk, I had mostly worked on civil defense litigation. Second, I had to transition from being a defense lawyer to being a plaintiff's lawyer in that I had to learn how to investigate and build a case. I enjoy those two components of a plaintiff's side practice.

What advice do you have for attorneys who seek to transition from civil practice to criminal practice or vice versa?

Read as much as you can and talk to as many people as you can. Read the rules of civil and criminal procedure, depending on the transition. There's also no reason to reinvent the wheel. So a lot of times it's better to talk to someone who has practiced in those fields. Talk to them to get an overview rather than learn something from scratch. Get their advice and get their knowledge.

What are you looking forward to the most in your new role at the AG's Office as Executive Deputy General for Economic Justice?

I am looking forward to returning to public service. I have been fortunate at Quinn Emanuel in that I had the opportunity to represent the federal government and obtain over \$20 billion in recoveries for the American taxpayers as a result of various misrepresentations by the banks in the offering documents for residential mortgage backed securities purchased by Fannie Mae and Freddie Mac. When I join the A.G.'s Office, I would like to investigate any conduct or practice that provides one group with an unfair advantage over everyone else, and take measures

to ensure that such conduct or practices stop so that we have a level playing field for everyone.

Why did you choose to become a litigator? Did you ever consider doing corporate work?

I never considered doing corporate work. I always wanted to be a litigator. I was part of the debate team in high school and thoroughly enjoyed developing the most persuasive arguments on a particular issue and then determining how to convey those arguments orally in the most convincing manner. I also enjoyed the adversarial process of debating both sides of an issue. These skills are a natural fit for litigation. I have always enjoyed the adversarial process, the courtroom, and being on my feet in front of a judge or jury.

There is a perception that litigators have, or must have, an aggressive personality in order to be successful. As not only a litigator, but an Asian female litigator, what are your thoughts on this perception?

There was a point in time when that perception was common—that all litigators should be aggressive, loud, and bullies. But over time, I think it has changed. You need different styles for different contexts. Being aggressive and loud might be useful in some contexts and litigations but counterproductive in others. For example, when you represent a client in a white collar matter and your adversary is the government, in that context, being too aggressive can backfire. In such circumstances, it may be more productive to have a more respectful and cooperative approach, while vigorously advocating on behalf of your client.

Within the first ten seconds that I walk into a room, people who haven't met me before might attribute some stereotypes to me when they see that I'm both Asian and female. But in that initial period of contact, I find that I can quickly dispel people of such stereotypes based on how I carry and present myself.

My general approach is to be courteous and civil no matter what my adversary is doing. It is critically important for litigants to be civil to each other. You can be firm and assertive without being rude or hostile.

Women and Asian Americans have historically faced difficulty reaching the ranks of law firm partner or general counsel. Do you think the tides are starting to change for these groups?

The tides are certainly starting to change for both groups. For example, at Quinn Emanuel, we are the only Am Law 100 firm that contains a woman's name in our firm's name. Back in 2010, our firm's name was changed to Quinn Emanuel Urquhart & Sullivan to include Kathleen Sullivan. In addition, we have fourteen practice areas that are headed by women. Six of our branch offices are managed by women. 43 out of the 230 partners are women. 26 out of the 230 partners are minorities.

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And my firm is just one example. We're seeing more and more women and minorities in positions of power at law firms, in high-level in house positions at Fortune 500 companies, in the government, including the judiciary, the legislature, and various regulatory and enforcement agencies. Although there are still challenges remaining, the tide is certainly changing and much progress has been made.

Are there ways in which being a female or a person of color could be used to one's advantage in this profession?

What immediately comes to mind is jury trials. If you look at jury pools, they are becoming more and more reflective of the community, and that's how it should be. Twenty years ago, you would see trial teams comprised generally of white males, who were trying cases to a very diverse jury. But nowadays, you see trial teams comprised of men, women, and people of color. Today you see trial teams that reflect the diversity of the jury. And that is certainly beneficial when you are trying to persuade a jury to find in favor of your client.

How can Asian Americans, as individuals and as a community, help increase diversity in the legal profession?

About twenty years ago, when you looked at the partners at law firms or the senior lawyers in the government, there wasn't much diversity in terms of women or minorities. That is no longer the case. In virtually every law firm, every industry, and every branch of the government, it is increasingly common to see women and minorities in such positions. When younger lawyers see that someone from their same background has succeeded, they feel empowered to believe that they too can succeed.

Mentoring is important. It's important for senior lawyers to look for opportunities to serve as mentors, both formally and informally, to younger lawyers and help them in determining the best path to accomplish their goals. It can be easy to get lost in the day-to-day aspect of being a lawyer. It is invaluable to have mentors and sponsors along the way to help younger lawyers find opportunities that help them achieve their goals.

Networking is important, too. We need to develop relationships in the legal and business community, which involves making contacts, getting to know people, and helping them. I recently read a book called *Give and Take* by Adam Grant. In his book, Professor Grant recognized that there are three networking styles-- givers, takers, and matchers. The "givers" and "takers" primarily do what their respective names imply. "Matchers," try to give and take equally; they do something for someone, and then receive a favor in return. Grant concluded that being a "giver" was the most successful networking style, which at first, I thought that was surprising but after reading the numerous examples in the book, it made perfect sense. So it's important to always ask yourself in each interaction, without any expectation of something in return, "How can I help the other person?"

What role have mentors played in your career?

My parents have played a huge role. I was born in London, but

my parents brought me to the United States when I was three years old. Both are doctors. They've instilled in me the value and importance of hard work and a good education. Those values have been with me ever since I was a kid and have followed me throughout my career. My parents have been hugely supportive of my career, especially during each of the transitions in my career. I owe my success in large part to my parents and the values they instilled in me.

I've also had many mentors at my jobs. When I clerked for Judge Pauley in the Southern District of New York, I was one of his first clerks and I met him early on in my legal career. I've known him for eighteen years now, and I still go to him for his thoughts and input whenever I make major career decisions. He's been a hugely valuable mentor to me.

While at Davis Polk, Bob Fisk, who was one of the senior partners at the time, took the time to mentor junior associates like myself. His advice was always very helpful. One piece of advice he gave me was that if I am ever asked to do something inappropriate or that I'm not comfortable with, I should be prepared to walk away from that job. Although thankfully that situation has never come up for me, I still find that principle to be extremely important. In terms of skills, to this day I still prepare my deposition outlines based off of his template. So he's been a great mentor both in terms of giving broader career advice and teaching day-to-day skills as a lawyer.

At the U.S. Attorney's Office, one mentor who comes to mind is now Judge Tim Rice, who was chief of the Criminal Division at the time I was an Assistant U.S. Attorney. He was an excellent mentor who was very supportive of the investigations and cases we pursued as line assistants. He always had an open door policy. We could always go to him to discuss the strengths and weaknesses of our cases.

At Quinn Emanuel, I routinely go to Peter Calamari, who is Managing Partner of the New York office, for questions about career development and my work and progress at the firm.

What advice do you have for young lawyers who are starting out in their careers?

First, take charge of your career and be proactive. If you want to work on intellectual property cases, talk to partners who work on those cases. Don't be passive and wait for things to come to you. Go out and find those opportunities.

Second, don't be chained to your desk day and night. Make sure you go out and do bar association activities and meet people. It is important to get to know people in the legal and business community. Get out there, get involved, and be part of a bigger community.

Third, step outside of your comfort zone. We all have things we are good at and things we are not so good at. It's important to do and try things you are not good at. The more you do it, the less fear you have of doing it. For example, if you are afraid of public speaking, go out and do more speeches so that you have less anxiety going forward.

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An Invaluable Practice Resource for Today's New York Commercial Litigator

By Susan Shin
AABANY President

I recently had the pleasure of reviewing Robert L. Haig's federal treatise, *Business and Commercial Litigation in Federal Courts*¹ ("Federal Treatise") and in that process, I became a big fan of Haig's work. So when the opportunity to review Haig's *Commercial Litigation in New York State Courts* (Fourth Edition Thomson Reuters, 2015) (the "NY Treatise") came along, I eagerly dove into the eight-volume treatise, this time without the anxiety that had initially flooded me when the 11-volume Federal Treatise first arrived in my office. But having since familiarized myself with Haig's work on the Federal Treatise, my expectations for his NY Treatise were quite high.

As expected, Haig's NY Treatise, now in its fourth edition, did not disappoint. The NY Treatise is a user-friendly, strategy-focused, and practical collection of the experiences and expertise of its distinguished practitioners (mostly law firm partners) and judges, all of whom provide invaluable insights to the procedural and substantive law governing commercial litigation in the New York courts, as well as issues that arise outside of the courtroom. Together, they fill 127 chapters of step-by-step, thoughtful and sophisticated guidance on nearly every facet of litigation, covering the case evaluation and preliminary investigation of a matter at the outset of a case, pleadings, discovery, motions, trial practice, appeals and judgment enforcement. In addition to the nuts and bolts of procedure, substantive law, and trial advocacy, the treatise also carefully lays out valuable strategic and tactical considerations for plaintiff and defense counsel. It even includes guidance and considerations for today's busy in-house counsel regarding effectively and efficiently managing, expediting and even avoiding costly litigation. The compilation is logically organized, and despite having numerous authors with diverse backgrounds, the NY Treatise somehow remains stylistically and substantively cohesive throughout the eight volumes—another impressive achievement by Haig, a thoughtful and gifted editor.

Each chapter includes a section on scope, in-depth strategy considerations and analyses, a detailed table of contents for easy reference, and extensive citations to authority and cross-references. Each chapter also includes practice aids and checklists, as well as essential, time-saving New York litigation forms and samples. These are the features that make the NY Treatise so accessible, and I must say this is what I love about it the most.

In addition, it is hard not to appreciate the refreshingly modern, cutting-edge guidance on substantive and procedural issues that beguile today's New York commercial litigator. Like the Federal Treatise, the NY Treatise gives informative and instructive attention to areas of the law that seem to touch my cases in some way almost daily, including Internal Investigations (Chapter 5), Securities Litigation (Chapter 90), Mergers and Acquisitions

(Chapter 89), Securitization and Structured Finance (Chapter 91), Licensing (Chapter 107), Privacy and Security (Chapter 109), and Consumer Protection (Chapter 111), among 120 others. Because it is focused on New York law, the NY Treatise necessarily does a deeper and more comprehensive dive into the laws governing all the issues discussed in the 127 chapters and provides useful comparisons with federal law. Every chapter of this treatise provides insightful viewpoints and considerations that I had not considered before, having practiced primarily as corporate defense attorney the bulk of my legal career.

Specifically, I found the new chapter on Social Media (Chapter 113) particularly useful, indeed critical, to the modern commercial litigator and trial lawyer. The chapter delves into New York State law and rules governing the use of social media in various stages of litigation, including in conducting investigations prior to the commencement of an action, duties to preserve and produce social media content in discovery, and implications of social media use by jurors and courts at trial. The obvious take-away from this chapter is that social media is having a growing impact on every facet of commercial litigation that cannot be ignored, and someday, if not already, it will be deemed malpractice not to use and address social media in case preparation. In addition, particular attention is given to the impact of social media on legal ethics in litigating commercial cases.

Speaking of legal ethics, as a frequent speaker on the issue myself, I also found the chapter on Ethical Issues in Commercial Cases (Chapter 70), authored by my colleague, Stewart Aaron, to be particularly well done. It addresses some of the thorniest ethical issues facing those who primarily represent corporations and other commercial entities, including who is the client when representing an entity, when it is appropriate to also represent its corporate officers, directors and employees and a myriad of other challenging ethical issues.

The NY Treatise also gives thorough, thoughtful and pragmatic attention to law practice issues external to New York procedure, substantive law, and the courtroom, including Negotiations (Chapter 59), Mediation and Other Nonbinding ADR (Chapter 60), Arbitration (Chapters 61 and 62) and Settlements (Chapter 36). In a similar vein, the NY Treatise caters to a growing number of litigators practicing in-house at corporations whose job it is, among others, to manage litigation—an increasingly important component of doing business. For instance, a number of chapters are devoted to such practical strategies as Litigation Avoidance and Prevention (Chapter 63), Litigation Management by Corporations (Chapter 66), and Techniques for Expediting and Streamlining Litigation (Chapter 65), all of which explore the realities of and approaches to budgeting, managing and streamlining the ever-increasing costs of litigation.

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AABANY First Quarter 2016 Review

By Simone Nguyen
AABANY Program Associate

A AABANY's fiscal year 2016 was off to a strong start with a robust slate of programming. Below are just highlights from the special programming, panels, CLEs and networking events of the first quarter. Check out the complete report at www.aabany.org.

Special Events

February 9, 2016 At the Annual Meeting, we elected our 2016-2017 Board of Officers and Directors.

Officers:

- **President-Elect:** Dwight Yoo, Partner at Skadden, Arps, Slate, Meagher & Flom LLP
- **Vice President of Programs and Operations:** Marianne Chow, Counsel at Hearst Corporation
- **Vice President of Finance and Development:** William Ng, Associate at Littler Mendelson P.C.
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- **Membership Director:** Tristan Loanzon, Principal at Loanzon LLP

Directors:

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- Jung Choi, Senior Counsel at Bristol-Myers Squibb
- Suhana Han, Partner at Sullivan & Cromwell LLP
- Sapna Palla, Partner at Wiggan and Dana LLP
- Manisha Sheth, Executive Deputy Attorney General for Economic Justice for the State of New York
- Irene Tan, Associate Counsel at AIG
- Pauline Yeung-Ha, Partner at Grimaldi & Yeung LLP

A second Vice President of Programs and Operations position was also established. Naf Kwun, Associate at Lee Anav Chung White & Kim LLP, was nominated and appointed by the Board at its meeting on April 12, 2016.

The Judiciary Committee received the Committee of the Year Award. The Event of the Year Award went to the Prosecutors' Committee and the Career Placement Committee. The MVP Award went to Marianne Chow, VP of Programs and Operations.

Awards & Recognitions

AABANY recognizes and congratulates the many members of the community, achieving great success in different fields of law:

- **Manisha Sheth**, who was appointed Executive Deputy Attorney General for Economic Justice for the State of New York.
- **Sandra Leung, Lee Cheng, and Simone Wu**, who were each named by the *National Law Journal* as one of America's 50 Outstanding General Counsel.

- **Austin So**, who was named the Council of Urban Professional's Change Agent in Law; received the Community Service Leadership Award by the Korean American League for Civic Action; and named a Rising Star by the Minority Corporate Counsel Association.
- **Jean Lee**, who became CEO of the Minority Corporate Counsel Association.
- **Kenneth Lee**, of Levine Lee LLP, whose firm was recognized by the *National Law Journal* as part of the Litigation Boutique Hot List.
- **Yasuhiro Saito**, who was honored at St. John's APALSA Annual New Year Lunar Dinner.

February 26, 2016 **27th Annual Dinner: Speak Up | Rise Up | Lift Up** [please see page 1].

Panels and CLEs

February 18, 2016 The Real Estate, Solo & Small Firm Practice, and Asia Practice Committees held their Third Annual New Year Lunar CLE Dinner Event, **The Latest Real Estate Projects in Queens and Beyond**, which included a 10-course dinner and was attended by over 200 attorneys, realtors, and bankers. Co-sponsors included Chase Bank, Asian Real Estate Association - New York East Chapter, Westcor Title Insurance Company, and Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP.

February 22, 2016

The Judiciary Committee held **Part 3 of Bootcamp: Road to the Bench—The Panel Interview** at the offices of Duane Morris. Speakers included Hon. William F. Kuntz



(EDNY); Hon. Lizbeth Gonzalez of the New York State Supreme Court, Bronx County; Hon. Donald Leo, of the Criminal Court of the City of New York; Jennifer Ching, Project Director, Queens Legal Services, Member, EDNY Magistrate Judge Merit Selection Panel; and Manisha M. Sheth (Moderator), then Partner at Quinn Emanuel Urquhart & Sullivan, LLP. The event was co-sponsored by: Hispanic National Bar Association (NY Region); Korean American Lawyers Association of Greater New York (KALAGNY); South Asian Bar Association of New York (SABANY); and Metropolitan Black Bar Association of New York (MBBA).

March 1, 2016 The Immigration and Nationality Law Committee and KALAGNY hosted Part 2 of its EB-5 CLE series entitled **Starting an EB-5 Practice** at the offices of Akerman LLP in

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Midtown Manhattan. Julia Yong-hee Park, the Managing Director of Advantage America EB-5 Group walked the attendees through the initial consultation for a prospective EB-5 client. Attendees reviewed the different types of investor "source of funds," a sample I-526 legal memorandum, PPM, Subscription Agreement and Operating Agreement of an EB-5 deal. Nearly 50 people attended the event, also covered a wide range of topics from how EB-5 fits into a real estate capital stack to Child Status Protection Act issues arising from the EB-5 visa backlog for Chinese nationals.

March 9, 2016 Attendees of **Voting Rights in an Election Year for Communities of Color** were treated to an engaging presentation about the challenges and issues creating barriers for communities of color to vote, as well as the work being done to protect and expand those rights. Song Kim, Issues Committee Co-Chair, introduced the panelists: Jerry Vattamala (AALDEF), Natasha Korgaonkar (NAACP LDF), and Joanna Cuevas-Ingram (Latino Justice). The discussion covered the effect of the Supreme Court's decision in *Shelby County v. Holder*. The event also shed light on additional voting issues from recent elections, including improperly translated ballots and voting material, diluting the minority vote through redistricting, and even poll-workers segregating voting lines.

March 14, 2016 AABANY co-sponsored FALA New York's CLE, **2015 FRCP Amendments: Everything You Need To**

Know. Anna Mercado Clark (Phillips Lytle LLP) and Rodrigo Tordecilla (Bryan Cave) discussed some of the most impactful amendments to the Federal Rules of Civil Procedure that recently took effect.

March 22, 2016 The Litigation Committee held an **Ethics CLE with Judge James Francis**, hosted by BakerHostetler. AABANY Director (now Membership Director) and former Litigation Committee Co-Chair Tristan Loanzon moderated the panel, featuring Judge James Francis and BakerHostetler Partner Karin Scholz Jenson, who discussed ethical issues in e-discovery, the recent changes to the FRCP and more specifically considerations in initial stages, duty to preserve, proportionality, and search methodology. The CLE offered 1.5 Credits in Ethics, and was attended by approximately 50 people.

March 29, 2016 The Real Estate and Asia Practice Committees co-sponsored with East West Bank a program on **Global Real Estate Development**, held at Mudan Banquet Hall in Flushing. Margaret Ling, Co-Chair of the Real Estate and Asia Practice Committees, moderated the panel discussion. Speakers included Derrick Do, First Vice President and Commercial Real Estate Director at East West Bank, and Alex Hao, Partner at Jun He law firm and Co-Chair of the Asia Practice Committee.

April 5, 2016 AABANY, Cardozo APALSA, the Heyman Center on Corporate Governance, Cardozo's Center for Career Advancement and Professionalism, and Cardozo BLSA presented a

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The image is a large graphic of a trophy cup. The trophy is yellow with a blue ribbon across the middle. The text on the trophy reads: "EXEGO[®] Review" at the top, "Legaltech News[®] The Recorder" below that, "INNOVATION AWARD" in large bold letters, and "2016 WINNER" on the blue ribbon. At the bottom of the trophy, there is a globe icon and the text "PLANET DATA[®] Discovery Management | Information Governance www.PlanetData.com". To the right of the trophy, there is contact information: "contact Adam Novick at ANovick@PlanetData.com or 914-406-6832".

Proud to be AABANY's 2016 exclusive eDiscovery Vendor Partner

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panel discussion at Cardozo Law School on **Finding Success as In-House Counsel**. Paula Edgar moderated. Panelists included: Blossom Kan, Assistant General Counsel at MetLife Insurance; Jeff Tang, Intellectual Property Attorney at IBM; Michael Yap, Chief Legal Officer of International Investments at Prudential; and David Wang, General Counsel at Starworks Group.

April 11, 2016 AABANY co-sponsored the Muslim Bar Association of New York's **Career Q&A with AUSAs from the Southern District of New York**. Speakers included Joon Kim, Deputy U.S. Attorney; Neil M. Corwin, Executive Assistant United States Attorney; Arastu Chaudhury, Civil Division; Rebecca Tinio, Civil Division; Sagar Ravi, Criminal Division; and Eun Young Choi, Criminal Division. For so many, being an AUSA is the dream job. The panelists dispelled common misconceptions and illuminated the application process. The overriding theme of the evening was do not count yourself out and apply anyway.

April 14, 2016 Veronica S. Jung led **[Re]-Claiming Your Executive Leadership in Work and in Life: Do NOT Follow the Leader** at Mayer Brown, sponsored by KALAGNY, AABANY, and QCWBA. Veronica advised that people be honest about the leadership failures in their organizations, step up to fill that need, and practice true empathy as a leader by really connecting with people in a way that is not patronizing or reductive.

Student & Community Outreach

February 2, 2016 AABANY hosted a **Road Show with the Columbia Law School APALSA**, explaining to the students the barriers to advancement and how AABANY helps to develop skills and contacts to overcome those barriers. Executive Director Yang Chen, then-Membership Secretary and Career Placement Committee Co-Chair Irene Tan, Membership Co-Chair Jack Chen, and Board Director and Corporate Law Committee Co-Chair Larry Wee made their best efforts to inject a healthy dose of reality (perhaps a little fear) into the hearts and minds of the students.

February 21, 2016 The Young Lawyers Committee held its **Winter Community Service Event** at the Xavier Mission on West 15th Street. Among the participants were Don Nguyen of the Bronx District Attorney's Office; Charles Chen, Deputy General Counsel at Hickies; and Hon. Kiyo Matsumoto (EDNY). Where else but AABANY can you serve hot meals to hungry New Yorkers on a Sunday afternoon alongside such great people?



February 27, 2016 AABANY co-sponsored the **5th Annual Columbia APALSA Conference: Not Your Model Minority – Where We're Really From and Where We're Going**. This year's conference featured many AABANY members and friends, including: Hon. Danny K. Chun, Kings County Supreme Court; Kyoko Lin and Ellen Ching, Partners at Davis Polk

& Wardwell LLP; Sylvia Chin, Partner at White & Case LLP; James Cho, Assistant U.S. Attorney (EDNY) and Former President of KALAGNY; Lawrence Wee, Partner at Paul, Weiss, Rifkind, Wharton & Garrison, LLP and AABANY Board Member; Steve Chung, Senior Vice President at NBCUniversal and then-AABANY Board Member; David Lat, Founder and Managing Editor of *Above the Law*; Clement Lee, Staff Attorney of the Detention Program at Immigration Equality; Eugene Chen, Equal Justice Works Fellow; John Vang, Senior Appellate Counsel at Center for Appellate Litigation; Connie Montoya, Co-Chair of the LGBT Network of NAPABA; Francis Chin, Senior Administrator at Brooklyn Law School and former AABANY Board Director; and Helen Wan, author of *The Partner Track*.

March 28, 2016 AABANY co-sponsored a **Forum to Discuss Race Relations and Collaboration between Asian American and African American Communities after the Peter Liang Case** at the House of the New York City Bar Association (NYCBA). Asian American Business Development Center and One Hundred Black Men organized the event, co-sponsored by AABANY, MBBA, NYCBA Committee to Enhance Diversity in the Profession and NYCBA Committee on Minorities in the Profession. L. Joy Williams of LJW Strategies moderated. Panelists spoke about the urgent need for African American and Asian American communities to come together and engage in dialogue in the wake of the Peter Liang case.

Networking

February 11, 2016 The Women's Committee and the Membership Committee co-hosted a **Lunar New Year Celebration and Shopping Event at Bloomingdale's** on 59th Street. A portion the proceeds from attendees' purchases went to support the work of the Asian American Law Fund of New York, the 501(c)(3) affiliate of AABANY.

February 18, 2016 The Intellectual Property Committee celebrated the **Lunar New Year at Congee Village**. Then Co-Chairs Jane Chuang, Stacy Wu, and Jenny Lee organized.

March 1, 2016 The Government Service and Public Interest (GSPI) Committee and the Pro Bono and Community Service (PBSC) Committee held a **Joint Meeting**. Many topics were discussed, including a possible merger or restructuring of the two committees, free public interest career transition and career advice through Justice Labs, the GSPI Committee directory, recruitment of volunteers for the PBCS Committee's monthly legal clinic and ideas for programs and panels in the new year.

March 2, 2016 The Membership Committee hosted a **Get-to-Know-AABANY Happy Hour** at District Social, with the GSPI, PBCS and Young Lawyers Committees. Our group had the entire basement space to ourselves, filled with lively conversation and good company.

March 23, 2016 The Membership Committee hosted another **Get-to-Know-AABANY Happy Hour**, this time at Stout in the Financial District and featuring the Commercial Bankruptcy and Restructuring, Labor and Employment Law and Career Placement Committees.

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Speak Up, Rise Up, Lift Up, cont'd

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legal teams from outside counsel during his many years as Oracle's chief legal officer. Ocampo helped create opportunities for minority lawyers—and Lee keeps his example in mind in her own efforts to promote equal opportunity in the law.

(I had the pleasure of having dinner with Ray Ocampo on my recent visit to the Bay Area for some book events. Ocampo's a fascinating individual — not just a successful lawyer, but also a former Olympic luge contestant and avid ballroom dancer.)

Last year, AABANY awarded two Don H. Liu scholarships to deserving law students; this year, it upped the number to three. Xerox general counsel Don Liu presented the first \$15,000 scholarship to Nora Boujida, who overcame homelessness as a youth on her way to graduating from college and matriculating at St. John's Law, where she's now a 1L. The second scholarship went to Manleen Singh, a 1L at Cardozo who has distinguished herself through developing youth education and mentoring programs. Jin Uk Kim, a 1L at Harvard, received the final scholarship; he was a leader in the Asian-American community as a Yale undergrad and founded an LGBT affinity group at his post-college workplace.

Cleary Gottlieb took home the Law Firm Diversity Award. Accepting the honor, partner Victor L. Hou jokingly expressed hope for a world in which “we are judged not by the color of our skin, our sexual orientation, or our gender, but by our willingness to work weekends.”

The Corporate Counsel Leadership Award went to Ivan Fong, former general counsel of the Department of Homeland Security and current general counsel of the 3M Company. The theme of Fong's remarks came from a Biblical quotation: “Don't hide your light under a bushel,” i.e., don't be too shy about discussing

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What is the best career advice you have received?

I remember going to Peter Calamari about a year or two after I made partner at Quinn Emanuel. I told him that now that I've made partner, here is a list of goals I want to accomplish in the next five years. And then I asked him, “What do I need to do between now and the next five years to reach those goals?” And his response to me was that you can't plan everything. Sometimes you have to be flexible and seize opportunities as they arise, even if they are unexpected. Frankly, at the time he gave me this advice, I remember thinking that I have planned every step of my career, why should now be any different. But as it turned out, Peter was right. I had not planned on leaving Quinn Emanuel. But when the opportunity to be considered for the position of the Executive Deputy Attorney General for the Economic Justice Division of the NY Attorney General's Office arose, it was unexpected and sounded like an opportunity that could not be passed up. It was a chance to continue to do exciting and innovative legal work while returning to public service to make a meaningful impact on the broader community and fight against economic injustices. This wasn't something I had planned for but was a great opportunity regardless.

your own accomplishments. All too often, Asian-American lawyers refrain from talking about themselves and what they've achieved. While humility is a value, there is a place for (appropriately and tastefully) making clear what you've contributed to a company or organization.

(Side note: Fong delivered an excellent speech, but I fear many attendees couldn't hear him due to the din in the room, caused in large part by conversation during his remarks. This was a recurring problem throughout the evening, despite Richard Lui's valiant and repeated efforts to quiet the room. The theme of this year's conference was “speak up, rise up, lift up”; perhaps “shut up” (when someone else is talking) should have been added.)

AABANY's incoming president, Arnold & Porter partner Susan Shin, closed the evening with some reflections on AABANY's mission: in a nutshell, “helping each other.” She noted that many Asian-American lawyers, often the children of first-generation immigrants, think the way to succeed is by walking a straight line, keeping one's head down, and doing good work. But while doing good work is important, working together — through organizations like AABANY — is also crucial.

“It's not a race,” Shin said. “We can all rise by lifting up one another.”

These are my somewhat blurry, amateur photos. For much nicer, professional photos, check out the AABANY Facebook page (which you might as well “like” while you're there). ♦

Reprinted with permission from the February 26, 2016 issue of *Above the Law*, available at <http://abovethelaw.com/2016/02/speak-up-rise-up-lift-up/?rf=1>.

About the Author: David Lat is the founder and managing editor of *Above the Law*. His writing has also appeared in the *New York Times*, the *Wall Street Journal*, and the *Washington Post*, among other publications. Previously, David worked as a federal prosecutor, litigation associate and law clerk. In December, 2014, David published his first novel, *Supreme Ambitions*.

If you could go back in time, what is one thing you would do differently in your career?

I didn't get involved in bar associations and the broader legal community as much as I should have when I was a young lawyer. If I could go back, I would say get more involved in such organizations.

What are some obstacles you have faced and how have you overcome them?

There haven't been many obstacles as much as there have been challenges. For example, transitioning from government to private practice, and transitioning from civil to criminal practice and then back to civil. But the way to overcome these challenges is to prepare. Preparation and getting outside of your comfort zone are key. I prepared by reading and talking to people. I did whatever I needed to do to get well versed with the given topic or practice area.

In addition, I'm generally a fairly introverted person. In many ways, in the legal profession, that can be a challenge. So one thing I've tried to do is get out there, network, and meet new people. It's fun now but it definitely took some time getting out of my comfort zone.

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Profile, cont'd: Manisha Sheth

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What are some of your hobbies outside of work?

I love being outside and doing outdoor activities such as hiking and rock climbing. I'm actually going rock climbing this coming weekend. I also enjoy kayaking and gardening.

If you had not pursued law, what other career path would you have taken?

I think I would have pursued something in the sciences. I love reading about science and medicine. A lot of the problems we face on a global scale today will have to be solved through science and technology. So if I hadn't pursued law, I would have pursued a career in the sciences because I firmly believe that science will be used to solve many of the global problems we are facing today. ♦



About the Author: *Anna Chen* is a 2L at St. John's University School of Law. She graduated in 2014 from the University of Florida, where she double majored in Criminology and International Studies and was heavily involved in the school's Asian American Student Union.

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March 23, 2016 The Tax Committee held its **Kick Off Dinner** at Alta, celebrating last year's successes and looking forward to the next year of engaging programming.

April 7 2016 The Litigation Committee held a **Happy Hour Sponsored by Esquire Solutions**. Members and non-members alike stopped in at McGettigan's on West 36th Street to meet, mingle and network over drinks and wings, sliders and quesadillas.

April 21, 2016 The Asia Practice and Real Estate Committees co-sponsored the NYCLA **Real Property Section Spring Cocktail Party** at Newman Ferrara LLP. Over 75 attorneys attended this successful evening of networking with a light buffet and bourbon tasting with soju cocktails. Other Sponsors included the NYCLA Asia Practice Committee, KALAGNY and the Caribbean Attorneys Network. ♦



About the Author: *Simone Nguyen* is AABANY's Program Associate. She is a graduate of Columbia University, where she studied English and Comparative Literature and East Asian Languages and Cultures.

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If you have gone entirely paperless or digital, a CD-ROM comes with the hardcover set and the entire compilation is available on Westlaw. Personally, though, nothing is more satisfying than finding exactly what you need quickly by flipping through the pages of the hardcover set and stumbling across key related issues that you might not have thought to search. (OK, I admit to being a bit of a geek, but trust me on this one.) Thus, I recommend getting your hands on the full hardcover compilation. Every New York practitioner should own it and will find it invaluable in its readability, practicality, and usefulness. ♦

¹ Business and Commercial Litigation in Federal Courts (Robert L. Haig ed., Thomson Reuters 3d ed. 2011-2015).



About the Author: *Susan L. Shin* is AABANY President and a Partner in the New York office of Arnold & Porter LLP. She practices complex business litigation on behalf of financial institutions and corporate clients in state and federal courts and arbitrations.

Sponsor Spotlight, cont'd: Cadwalader

(Continued from page 1)

works also develop and pursue business opportunities for the Firm and take a leading role in diversity recruitment efforts. Attorneys across all of the Firm's offices have the opportunity to join the affinity networks, which also include the Black & Latino Association, the LGBT Network, the Veteran's Affinity Network and the Women's Leadership Initiative.

The current goals of CAPAA are to promote the inclusion and professional development of APA attorneys at Cadwalader by providing training, resources and opportunities for our members so that they can become leaders within the Firm and the communities in which they practice; to assist the Firm in attracting, developing and retaining APA law students and attorneys; to pursue business development opportunities through engagement with similar client affinity groups; and to provide a forum for members to discuss and share information regarding issues that are important to the APA legal community and the APA community at large.

CAPAA and the CCDI host programs and events throughout the year that are designed to increase cultural competence, celebrate history and heritage and educate attorneys on how to work effectively on diverse teams. One of the signature events sponsored by CAPAA is the series of case reenactments involving Asian Americans that have been performed first at the annual National Asian Pacific American Bar Association convention and then at the Firm since 2012. The historical reenactments have each marked an important chapter in Asian American history but also touch upon legal issues that are relevant and timely for all Americans today. Last year, Cadwalader attorneys and members of AABANY, including the Honorable Denny Chin of the U.S. Court of Appeals for the Second Circuit, developed and presented a reenactment of *Wards Cove Packing Co. v. Atonio*, a landmark employment discrimination case. This year, on May 11, 2016, Cadwalader will host a reenactment of *The Vietnamese Fishermen vs. the Ku Klux Klan*.

The CCDI also supports a number of initiatives to promote the development and advancement of diverse attorneys at the firm. The Sponsorship Program was launched as a pilot program for high-performing senior women associates and special counsel in which these "protégés" were provided with coaching and the opportunity to work closely with "sponsors" selected from among the most powerful partners at the Firm. Several of these protégés have since become partners, and the program has been expanded to high-performing diverse associates and special counsel.

These programs and affinity networks help further Cadwalader's mission to enhance gender, racial/ethnic, and LGBT diversity and inclusion within the Firm to create an unrivalled environment that attracts, retains and promotes the best and brightest talent available to serve our clients. Cadwalader believes that our continued strength depends on accomplishing this mission, and we expect the Cadwalader, Wickersham & Taft LLP community will, with each passing year, more closely reflect the global community that we serve. ♦

Asian American Bar Association of New York

The Asian American Bar Association of New York was formed in 1989 as a not-for-profit corporation to represent the interests of New York Asian American attorneys, judges, law professors, legal professionals, legal assistants, paralegals and law students. Today AABANY has over 1100 members.

The mission of AABANY is to improve the study and practice of law, and the fair administration of justice for all by ensuring the meaningful participation of Asian Americans in the legal profession.

Member Benefits and Activities

- **LEARN**
Attend interesting and relevant Continuing Legal Education ("CLE") accredited programs on a wide range of topics for free or at discounted rates.
- **NETWORK**
Connect with a diverse network of attorneys in every type and size of practice in a variety of networking settings, including social, community service, and physical wellness events.
- **COLLABORATE**
Get involved in the organization by joining one of AABANY's 30 different committees, participating in AABANY's Mentorship Program, or volunteering at one of our signature events.
- **ACCESS**
Access AABANY's members-only career center database for legal job openings and consult with AABANY's Career Placement Committee for targeted job advice/guidance.
- **CONNECT**
As an Active Member, get a free membership in the National Asian Pacific American Bar Association "NAPABA" and connect with a vast network of APA attorneys in North America, from coast to coast and in Canada.
- **GROW**
Take on a leadership role within a committee, highlight your practice by speaking on a panel, and raise your profile in the legal community.
- **SAVE**
Get discounted memberships at other bar associations and discounts on entertainment, travel, and shopping with the Working Advantage Program.

Membership Types

- A Active Member** – Any attorney admitted in any state, territory or possession of the United States, the Commonwealth of Puerto Rico, the District of Columbia, or foreign country jurisdiction who works and/or resides in New York State.
Annual Fees: Private Sector (10 or less years since admission) – \$75
Private Sector (More than 10 years since admission) – \$125
Public Sector – \$40
- B Associate Member** – Any attorney admitted in any state, territory or possession of the United States, the Commonwealth of Puerto Rico, the District of Columbia, or foreign country jurisdiction who does not work or reside in New York State.
Annual Fee: \$30
- C Law Student Member** – Any individual enrolled at an American Bar Association accredited law school who resides or attends a law school in New York State or intends to sit for the New York State Bar Examination, or any graduate of an ABA-accredited law school who is pending admission to the New York State bar and works or resides in New York State.
Annual Fee: \$15
- D Affinity Member** – Any individual supporting the legal community who is not a licensed attorney, law school graduate, or law student.
Annual Fee: \$30

APPLICANT INFORMATION MEMBERSHIP APPLICATION



Asian American
Bar Association
of New York

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I WOULD LIKE TO: JOIN RENEW

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- Private Sector (More than 10 years since admission) - \$125
- Public Sector - \$40

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C Law Student Member - \$15

D Affinity Member - \$30

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Profile

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| <input type="checkbox"/> COMMERCIAL BANKRUPTCY & RESTRUCTURING | <input type="checkbox"/> INTS LECTURAL PROPERTY ISSUES | <input type="checkbox"/> MILITARY & VETERAN AFFAIRS | <input type="checkbox"/> STUDENT OUTREACH |
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| <input type="checkbox"/> CORPORATE LAW | | <input type="checkbox"/> NETWORKING | <input type="checkbox"/> WOMEN'S |
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