



AABA Newsletter

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MARCH 2010



Garner Weng

President's Column

Let the Good Times Roll

My term as AABA's 33rd President is coming to a close. I'm not one for long good-byes, but I am a believer in reflection and introspection. For me, it's paradoxically both encouraging and discouraging when I look back one year. I see how much has changed—and how much is exactly the same.

Just over a year ago, I was frantically trying to pull together the AABA Annual Dinner and trying to raise sponsorship money at possibly the worst time to raise money in most anyone's memory—with more than a few days during which I wondered how long we might be able to run AABA on my credit cards. But our community rallied and supported AABA, and we had a great event, just as we have had every year for the last 32 years. Those were signs of hope, and that was a time of hope.

President Obama had just taken office a month earlier. He was facing some economic issues too, but let's be fair—he has had some advantages over me. He had access to the U.S. Treasury, through which one can literally print money; and he had the ability to engineer a \$787 billion stimulus package. He is also reputed to be smarter, taller, better-looking, and have a better hoops game than I—but I question whether this last point can ever truly be confirmed. All I'm saying is, who's ever going to give a hard foul to the President? Give me a roster of Secret Service agents in dark suits and sunglasses and carrying handguns to patrol the sidelines, and I bet I can get into the lane any time I want, too.

Layoffs (and nonexistent hiring) were hitting the legal profession—and many in our AABA community—hard.

And at that time, there were no APA Article III judges in the Northern District of California, and at the Annual Dinner, every single one of the incoming officers and directors publicly stated their desire to see that rectified in the year to come.

Flash forward to the present.

Incoming President Billy Chan is presumably frantically trying to pull together the AABA Annual Dinner. The economic climate is probably not as bad as last year, but plenty of the organizations in our community have suffered and must continue to tighten their belts; and many past sponsors have not been able to continue their support. But our community continues to rally and support AABA. Billy tells me he's money—and he also tells me he's smarter, taller, better-looking, and has a better hoops game than I.

It's still a tough job market, but there are little cracks of light showing—and I've been impressed by the resilience of our AABA lawyers and law students who continue to seek jobs.

There are still no APA Article III judges in the Northern District of California—or the Ninth Circuit. But historic nominations of Magistrate Judge Ed Chen and Superior Court Judge Lucy Koh to the Northern District of California and Professor Goodwin Liu to the Ninth Circuit are positive steps. Very positive steps.

And though I will soon be put out to pasture, I am excited to see our AABA community continue to grow—and see the great ideas and enthusiasm our incoming officers, directors, committee chairs, and committee members are bringing to 2010.

These are signs of hope. This is a time of hope.

Garner Weng is AABA's 33rd President. He is a partner at Hanson Bridgett LLP, where his law practice concentrates on technology and intellectual property. Garner's term as AABA President expires on March 19, 2010, at the AABA Annual Dinner, at which time Billy Chan will be installed as President, and Garner will turn into a pumpkin.

AABA THANKS THE FOLLOWING SUSTAINING MEMBERS OF 2009!

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AABA SPONSOR ATTORNEY PROFILE

Quyen Ta
Keker & Van Nest LLP

Quyen is a senior associate at Keker & Van Nest LLP, where her main practice is litigation—particularly complex civil litigation. Her practice has included intellectual property, securities, legal malpractice, and complex business disputes. In the last two years, she has been a member of three trial teams. She second-chaired a plaintiff-side breach of contract lawsuit that resulted in a verdict for plaintiff (Tjian v. Westamerica Bancorporation, Superior Court in the County of Solano); she was also part of a trial team that obtained a defense verdict following a jury trial for Orrick, Herrington & Sutcliffe and one of its retired partners (Benesch v. Tandler, et al., Superior Court in the County of San Francisco); and recently, she was a member of a trial team that obtained a liability verdict in a nine-figure international patent and trade-secret dispute, and which ultimately resulted in a favorable settlement for her client (TSMC v. SMIC, Superior Court in the County of Alameda). Quyen has been an active AABA member since 2006, after she returned from the Bay Area from her clerkship.

Did you always aspire to be an attorney?

No, not at all. I thought I was going to be an English professor, but as I was working on my honors thesis in college I realized that I didn't enjoy the isolation of research. At the same time that I was working on this thesis, I was volunteering at a legal organization as a crisis hotline operator. That experience made me realize that I wanted to work in a field where I would have the opportunity to work with real people, on real issues. That led me to change the course of my career, to take a year off, and to work at the Asian Law Caucus (ALC). ALC and the attorneys I worked with inspired me to become an attorney.

If you were not an attorney, what would you be?

If I were not an attorney, I would probably run a business of some sort or become a makeup artist.

What are some of your favorite non-work, non-AABA activities?

I enjoy reading, exercise, gardening, pop culture and celebrity gossip.

continued on next page

QUYEN TA *continued from page 4*

Who are your heroes?

My parents are my heroes, without a doubt. They've made tremendous sacrifices so my brother and I can be where we are. My mom also has a very strong will, which I think she passed on to me.

If you could change one thing about yourself it would be...?

I would probably be less compulsive and try to relax more (isn't that what every attorney wishes?!)

I am a huge fan of...

Thoughtful people, Mary J. Blige, cooking, and anything written by Jhumpa Lahiri or Alice Munro.

What one experience do you want to have before you die?

I would like to be a parent, own a business, and throw a party for 100 people where I cook all the food myself (I guess that's three experiences)....

How do you make your favorite drink?

I like to drink bay breezes. Just mix vodka, pineapple juice, and cranberry juice.

What do you wish you knew in law school or as a new lawyer that you know now?

I wish I knew that law school exams have little correlation to what type of lawyer I might become. While good grades in law school may open certain doors, they shouldn't define who you are. I've learned that being a good

lawyer isn't about being able to spot issues on a superficial level and then performing a miraculous brain dump in a period of two hours. Being a good lawyer is about being thoughtful, not giving short shrift to legal issues, and learning how to articulate an issue in a way that resonates with the audience.

What is the most important lesson you've learned on the job?

One important lesson I've learned is that it is important to do good work at all times, and to go the extra mile to make a good first impression. It takes a lot of work, and a lot of time, to overcome a bad impression.

What was the first AABA event you attended?

When I was a paralegal at the Asian Law Caucus (in '99-00), I attended AABA's summer associate mixer and thought it was super fun!

What was the most memorable AABA event you have attended to date?

I always enjoy attending AABA's Annual Holiday Party.

Pick three words that you believe your clients would use to describe you.

Organized, Responsive, Smart

Pick three words that you believe your colleagues would use to describe you.

Organized, Energetic, Helpful

Each year, we recognize our Platinum and higher-level sponsors of our Annual Dinner by featuring profiles of their attorneys. Please join us in thanking these attorneys and their organizations for their support of AABA. The answers in the profiles are provided directly by the attorneys based on questions originally developed by Past President Edwin Prather and since built upon by Annie Tsai and Garner Weng.

AABA SPONSOR ATTORNEY PROFILE



Kathy Huibonhoa

Paul, Hastings, Janofsky & Walker LLP

Kathy is a partner at Paul Hastings, where her main area of practice is employment and labor law. Although her practice covers the spectrum of employment and labor law, her first and greatest interest remains equal employment opportunity law—discrimination, harassment, and the like. She also does a significant amount of employment counseling and appellate work.

Did you always aspire to be an attorney?

Of course! Just kidding. It's something I often thought about, but for a long time I aspired to be a journalist or philosopher...

If you were not an attorney, what would you be?

Now I'd be a professional traveler and eater—an Asian female Anthony Bourdain?—not sure I'd want to host a TV show though.

I am a huge fan of...

Ned Isokawa! He introduced me to AABA and has provided immeasurable guidance and support to me.

What do you wish you knew in law school or as a new lawyer that you know now?

It's your career and professional life – make sure you enjoy what you do and how it's shaping you. Mentors are important.

What is the most important lesson you've learned on the job?

Being a good lawyer will get you most, but not all, of the way.

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**ASIAN AMERICAN BAR ASSOCIATION OF THE
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Going Solo: John Hamasaki

By Soyeun D. Choi, AABA Newsletter Co-Chair

In response to the rising number of attorneys starting their own practices, Soyeun Choi interviews some of AABA's own to discover the joys and challenges in making such a move. This month, we kick off the series with John Hamasaki, a criminal defense attorney practicing in San Francisco.

Q: Thanks for agreeing to be interviewed. First of all, like many AABA readers, you grew up out of state: how was that experience?

A: I was born and raised in a part of South Miami that, at the time, was predominately Caucasian. So I learned at an early age to that sometimes you have to stand and fight if you want to get treated as an equal. It got better once I got to high school, which while there still weren't many Asians, was significantly more diverse.

Also my father's side of the family is from Hawaii, so we spent our summers out there while I was growing up. Hawaii was always a nice respite where I was surrounded by faces like mine, and got to better know my Asian culture and heritage.

Q: So what drove you to attend law school, and ultimately become a criminal defense lawyer?

I think a lot of it goes back to my experiences growing up. In my senior year of high school, the police mistakenly identified and arrested me for a battery. The charge was dismissed after the victim declared I wasn't the assailant but I began to notice how most of the kids who ended up in the system looked a lot like me. This simple misidentification almost landed a completely innocent person in jail.

Then, as an undergraduate at Clark University in Massachusetts, I found myself again on the wrong side of the criminal justice system. One

night at an off campus party I intervened to stop a racially motivated assault on a Pakistani classmate by a local man. When I left the party later that night, the man and his two friends were waiting for me and came at me shouting racial epithets and swinging a club. After a brief tussle, the police arrived and the man ran into a nearby house. I pointed out the location of the individual and asked the police to report the incident. The police refused, saying that I should just go home and be thankful I wasn't hurt. I persisted in asking the police to report the attack but they refused, and instead placed me under arrest.

Q: So these experiences must have contributed to your interest in criminal law.

A: Absolutely. The charges were eventually dropped, but the episode changed how I viewed the criminal justice system. I entered law school with the singular goal of one day working as a criminal defense attorney and protecting the rights of those accused of crimes.

Q: What was your background prior to going solo?

A: I did a stint at the San Francisco Office of the Public Defender as a volunteer attorney. I worked a full misdemeanor caseload with a diverse array of clients facing charges from DUI's to drug charges to persons charged with crimes of a violent nature. I experienced the hectic pace of the public defender, working long days and weekends and taking four cases to jury trial back-to-back.

continued on next page

JOHN HAMASAKI *continued from page 8*

Q: What are some of the factors that contributed to your decision to go solo?

A: After finishing up my stint at the Public Defender's Office, I looked around and found that there was little to no public defender hiring taking place in the Bay Area.

So I had two choices: work for a criminal defense attorney or go out on my own. I fell into a great opportunity early on when an office became available in a suite with other talented criminal defense lawyers, including AABA members Jonah Chew and Richard Tamor. The atmosphere is very collegial and supportive and the ideal situation for me to start my solo practice.

Q: What makes you well suited to having your own office?

A: One of the biggest surprises of this whole process has been how natural it feels. I never thought of myself as a business person: that I would one day have to consider marketing, bookkeeping, and managing an office. I like criminal law because there is something new to learn each day. Similarly, running an office brings a new challenge and lessons daily.

Also, I am fairly disciplined and have a strong work ethic. Most importantly, I just enjoy the work so I don't mind putting in 60-70 hours a week. I'm also lucky in that I have lived and worked in the Bay Area for 15 years now. I used to work as a bartender, so I know people in the service industry who have already referred me to potential clients. And there are also a lot of really good people who I have met over the years that have helped and supported me as I start out.

Q: What are some particular challenges that your particular practice area pose in starting your own office?

A: The competition is tremendous. The criminal defense bar in the Bay Area is absolutely packed with some really talented trial lawyers, both public defenders and private lawyers. But having such highly skilled peers is a benefit overall. Whenever I have some downtime, I walk over to the courthouse and go from courtroom to courtroom to observe lawyers in action. I pay attention and take notes. It's like having a trial skills seminar going on all the time.

The economy naturally affects the private criminal defense lawyer as well. Local public defenders pick up the slack where people can no longer afford attorneys. This affects private lawyers, who end up working a lot longer for a lot less money. If you are not in this for the love of the game, then it's going to be tough on you.

Q. What are some of the best perks to running your own office?

A: I wish I could say sleeping in, but the reality is that I get up earlier than ever so I can get started with my day. I think having control over your time and your caseload is nice. You do get the opportunity to really spend the time to produce a high quality of work.

It's also nice to have the opportunity to weigh out each situation as it comes. I have to remain cognizant that I am running a business so I can't take on every pro bono case that comes to me without going into bankruptcy. But there are times where I can reduce or even waive fees when the facts are compelling enough. I have recently been doing pro bono work representing some of the student protesters from Berkeley as they deal with their criminal charges.

Q: What's one important lesson you learned most recently?

A: I actually enjoy networking. I hate to call it "networking" so let's just say I enjoy meeting and getting to know people. The word has a bit of a negative connotation, as if the only point of the interaction was to further some career or political goal. I just like to get out and chat with folks, learn a bit about them, learn a bit from them and share a bit of myself. I don't care who you meet-- a first year law student, the lawyer you most admire, the bartender pouring your drinks--you can learn something from everyone.

Q: Where do you see your practice in three years?

A: While I never planned for private practice, I have to say that I am really enjoying this path. In the next few years I look forward to building a thriving criminal defense practice here in the Bay Area, working with other talented lawyers, and helping people through difficult times.

The AABA Newsletter Needs You!

If you are one of those brave attorneys who kicked off 2010 by leaving your firm to start your own practice, we want to hear from you. We will run a short press release regarding your firm and a small photo or logo.

Please submit your submissions via e-mail to newsletter@aaba-bay.com to the AABA Newsletter Committee.

AABA / LARC Law Day on April 10, 2010

AABA will work with the Volunteer Legal Services Program's (VLSP) Legal Advice and Referral Clinic (LARC) on Saturday, April 10, 2010, from 10 a.m. to 2:30 p.m. at UC Hastings (198 McAllister Street, Louise B. Mayer Lounge) to provide legal services to low-income client clients in varies areas of the law.

We are looking for experienced attorneys (attorneys with 5+ years of experience in an area) in the following areas: Bankruptcy, Business/Contracts, Civil, Collection Defense, Criminal, Employment/Labor, Family, General Consumer, Immigration, Landlord Tenant, Personal Injury, Probate, Real Estate, SSI, and/or Workers Comp. We are also looking for up to 5 non-attorneys to conduct intake interviews and 2 interpreters each for Spanish, Cantonese, and Mandarin.

Please contact Hung Chang at hungchangesq@gmail.com if you wish to volunteer for this event or if you have additional questions regarding the event. If you have less than 5 years in the specific area or are new to the area, but are still interested in volunteering, please contact us at your convenience so we can make a case-by-case assessment about your eligibility. Space is limited, so please let us know as soon as you can commit to the date.

Calendar of Upcoming Events

MARCH

33rd Annual AABA Dinner. **Mar. 19.**
6:00 pm. New Asia Restaurant, 772
Pacific Ave., SF. For sponsorship or
ticket info: aabadinner@gmail.com

AABA Law Firm Partners Lunch. Mar.
31. 12:00 - 1:30 pm. Paul, Hastings,
Janofsky & Walker LLP, 55 Second
Street, 24th Floor, SF.

JUNE

AABA Law Firm Partners Lunch. **Jun.**
15. 12:00 - 1:30 pm. Lunch Provided.
Trucker Huss, 100 Montgomery St.,
23rd Floor, SF, CA 94104



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