

*Pan Asian Lawyers of San Diego*

*proudly presents:*

**WARDS COVE PACKING CO**

**v.**

**ATONIO**



*A Tale of Injustice*



**WED, MARCH 25, 2015**

**5:30-7:00 P.M.**

**U.S. DISTRICT COURT JURY LOUNGE  
333 W. BROADWAY  
SAN DIEGO**



## ABOUT WARDS COVE PACKING CO V. ATONIO

The important roles that Asian Americans have played in legal history and civil rights struggles in the United States are often ignored or forgotten. To address this issue, for the last eight years, the Honorable Denny Chin of the United States Court of Appeals for the Second Circuit and Kathy Hirata Chin have led attorneys from the Asian American Bar Association of New York to write reenactments of trials concerning Asian Americans. In addition to reviewing trial transcripts, testimony, and briefs, they gather historic photographs to bring the story to life. The Asian American Bar Association of New York has generously shared their work for use in this evening's reenactment.

You will witness a reenactment of *Wards Cove Packing Co v. Atonio*. In the 1970s, Filipino American activists and other minority workers filed three class action lawsuits to protest the segregated working and living conditions in Alaskan salmon canneries. After a lengthy trial and multiple proceedings before the Ninth Circuit, *Wards Cove Packing Co v. Atonio* reached the United States Supreme Court in 1989.

Pan Asian Lawyers of San Diego and the co-sponsoring organizations thank you for joining us this evening. We are honored to bring together a distinguished group of attorneys and judges to present the reenactment. We hope it will encourage discussions about our shared past and what we want for our future.



## ABOUT PAN ASIAN LAWYERS OF SAN DIEGO

Since 1978, Pan Asian Lawyers of San Diego (PALSD) has been dedicated to the advancement of Asian American attorneys in the profession and assisting Asian Pacific American communities and the wider San Diego community. It is an affiliate of the National Asian Pacific American Bar Association (NAPABA). In October 2015, PALSD is hosting the Regional Rounds of NAPABA's Thomas Tang Moot Court Competition for law students. In November 2016, San Diego is hosting the annual NAPABA Convention, which will bring up to 2,000 Asian Pacific American attorneys and judges from around the country to San Diego. Visit [www.palsd.org](http://www.palsd.org) to become a member. And "Like" our Facebook page for up-to-date information about our activities.

# PALSD

PAN ASIAN LAWYERS OF SAN DIEGO

P.O. BOX 82784 · SAN DIEGO · CALIFORNIA · 92138-2784  
EMAIL: [PALSD@HOTMAIL.COM](mailto:PALSD@HOTMAIL.COM) · WEBSITE: [WWW.PALSD.ORG](http://WWW.PALSD.ORG)



# WARDS COVE REENACTMENT



## (CAST IN ORDER OF APPEARANCE)

NARRATOR 1 ..... JUDGE DANA MAKOTO SABRAW  
 NARRATOR 2 ..... ARLENE YANG  
 GENE VIERNES ..... KOMAL JAIN  
 GOVERNMENT OFFICIAL..... AMY HSIAO  
 EDMUND SMITH..... MARTY LORENZO  
 ABRAHAM A. ARDITI.....JUDGE MARGIE G. WOODS  
 JUDGE JUSTIN L. QUACKENBUSH.....JUDGE PATRICIA COWETT (RET.)  
 DOUGLAS M. FRYER .....JONAH TOLENO  
 FRANK PETERS (AKA ATONIO).....RODRIGO GUEVARA  
 RICHARD PHILIPS.....JERRILYN MALANA  
 CLARKE KIDO ..... STACY PARK  
 DAVID DELLA..... KOMAL JAIN  
 ALEXANDER WINN BRINDLE..... ERIKA HIRAMATSU  
 ALBERT REES.....ARY CHANG  
 LISE SAARI ..... SHALINI KEDIA  
 JUDGE THOMAS TANG .....JUDGE KAREN CRAWFORD  
 JUSTICE JOHN PAUL STEVENS ..... KOMAL JAIN  
 JUSTICE HARRY BLACKMUN..... AMY HSIAO  
 JUSTICE BYRON WHITE ..... MARTY LORENZO  
 GLORIA CAOILE..... MARTY LORENZO  
 NATIONAL LAW JOURNAL WRITER ..... KOMAL JAIN  
 HUMAN RIGHTS COMMISSION CHAIRPERSON..... NATALIE WILHELM  
 SENATOR MURKOWSKI ..... NATALIE WILHELM  
 TERRI MAST..... AMY HSIAO  
 JIM MCDERMOTT ..... NATALIE WILHELM

**HON. DANA MAKOTO SABRAW, U.S. DISTRICT COURT JUDGE**

The Honorable Dana Makoto Sabraw is a judge in the United States District Court for the Southern District of California. He currently serves as Chair of the Court's Patent Advisory Committee, which is responsible for promulgating local rules of practice for patent cases before the Court. Judge Sabraw joined the Court in 2003 after being nominated by President George W. Bush and confirmed by Congress on a 95-0-5 vote. A native of California, Judge Sabraw graduated from San Diego State University with a bachelor's degree with distinction in 1980. He earned his Juris Doctorate degree with distinction from the University of the Pacific's McGeorge School of Law in 1985, where he graduated in the top 10% of his class and served on the Law Review. Prior to joining the bench, Judge Sabraw was a private attorney in California from 1985 to 1995, practicing with Baker and McKenzie. He was a Municipal Court Judge for the North County Municipal Court of California from 1995 to 1998, and a Superior Court Judge in the San Diego County Superior Court from 1998 to 2003.

**HON. KAREN CRAWFORD, U.S. MAGISTRATE JUDGE**

The Honorable Karen S. Crawford is a Magistrate Judge in the United States District Court for the Southern District of California. She joined the court on March 5, 2012 from Duane Morris LLP, where she served as the chair of the trial practice for their San Diego office. Before joining Duane Morris LLP, Judge Crawford was a partner with Buchanan Ingersoll and Rooney, in Pittsburgh, PA (1991-2001), and later in San Diego where she opened and managed the first West Coast office for the firm. Before entering private practice in 1991, Judge Crawford served as a Trial Attorney at the Department of Justice, Civil Division, Torts Branch from 1980-1983, and as an Assistant U.S. Attorney in the Civil Division of the U.S. Attorney's Office in San Diego from 1984-1991. Judge Crawford has been active with the American Inns of Court in both Pittsburgh, PA, and in San Diego. She is the President of the Louis M. Welsh Chapter and a Master and member of the Executive Committee for the J. Clifford Wallace Chapter. She previously served as a member of the Board of Trustees for the national American Inn of Court Foundation from 1995-2000, and as Secretary of the Board from 1996-2000. Judge Crawford is also an active member of the Lawyers Club of San Diego. She is a graduate of Boston University, and California Western School of Law, where she served as the Head Notes and Comments Editor.

**HON. MARGIE G. WOODS, SUPERIOR COURT JUDGE**

Judge Margie G. Woods of the San Diego County Superior Court of California presides over criminal cases. She also hears juvenile and family law cases. A 25-year veteran of her court, Judge Woods began her judicial career as a Juvenile Court Referee presiding over dependency and delinquency cases from 1987 to 1990. She then served as Municipal and Superior Court Commissioner from 1993 to 2001, when she was appointed a Judge of the Superior Court of California by Governor Gray Davis. Judge Woods is active in the legal community locally and served as Conference Co-Chair for the 36th Annual Conference of the National Association of Women Judges. She has been a volunteer for Meals-on-Wheels Greater San Diego for over 30 years where she serves on the Board of Trustees and delivers meals to home bound seniors. Judge Woods who was born in Jakarta, Indonesia, immigrated with her family to the United States from The Netherlands in 1960. She received her Juris Doctor at the University of San Diego School of Law in 1980.

**HON. PATRICIA COWETT, SUPERIOR COURT JUDGE (RET.)**

Judge Patricia Cowett (Ret.) of the San Diego Superior Court of California is a native Californian who served nearly 30 years on the bench. She first began her judicial career in 1979 after being appointed to the Municipal Court by then-Governor Jerry Brown and then succeeded to the Superior Court in 1998. Judge Cowett served as the second of only two women to be the Presiding Judge of the San Diego Municipal Court and helped establish the specialized criminal domestic violence court. Judge Cowett was named “Judge of the Year” by the San Diego County Bar Association in 2006. Prior to joining the bench, Judge Cowett worked as a litigation attorney with San Diego Gas & Electric (now Sempra Energy), the California Department of Transportation, and the criminal division of the City of San Diego. Judge Cowett received her law degree from the University of California Davis School of Law. Judge Cowett continues with her involvement with local legal groups, including the San Diego Inn of Court, Lawyers Club, and the Pan Asian Lawyers of San Diego. Judge Cowett was recently chosen as the City of Coronado’s representative to the San Diego Port District’s Public Arts Committee. Judge Cowett provides mediation and arbitration services through ADR Services, Inc. and the American Arbitration Association.

**AMY HSIAO, HSIAO LAW**

**PRESIDENT, SAN DIEGO CHINESE ATTORNEYS ASSOCIATION**

Amy Hsiao is an estate planning and business planning attorney. She helps families protect their loved ones and business owners grow their assets. Ms. Hsiao is the 2015 President of the San Diego Chinese Attorneys Association. She is also a member of the Pan Asian Lawyers of San Diego Board of Directors.

**ARLENE YANG, BROWN LAW GROUP**

**PRESIDENT, PAN ASIAN LAWYERS OF SAN DIEGO**

Arlene Yang is Of Counsel at Brown Law Group, a boutique law firm specializing in employment law and litigation on behalf of large and small employers. She serves as the 2015 President of the Pan Asian Lawyers of San Diego and is an active member of the Lawyers Club. Ms. Yang worked in private practice and for federal agencies in New York City and Washington, D.C. before moving to San Diego in 2012. She loves live performance and worked as a development professional for non-profit theater companies in New York.

**ARY CHANG, FOLEY & LARDNER LLP**

Ary Chang is Senior Counsel and an intellectual property lawyer at Foley & Lardner LLP, where her practice encompasses all aspects of intellectual property litigation, with a special focus on patent disputes. Prior to beginning her legal career, she worked as an engineer, designing and evaluating air pollution control systems for various combustion systems. Ms. Chang is the immediate past co-president of the Pan Asian Lawyers of San Diego.

**ERIKA HIRAMATSU, OFFICE OF THE ATTORNEY GENERAL**

Erika Hiramatsu, a Deputy Attorney General in the State of California Department of Justice Bureau of Medi-Cal Fraud and Elder Abuse, prosecutes crimes involving Medi-Cal fraud and elder and dependent adult abuse. Her prior experience includes both prosecuting and defending adults in felony matters, practicing juvenile dependency at the trial and appellate levels, and litigating qui tam False Claims Act cases involving the Medi-Cal program. Ms. Hiramatsu is also a past president of Pan Asian Lawyers of San Diego.

**JERRILYN MALANA, LITTLER MENDELSON**

Jerrilyn Malana is an Employment Law attorney and Shareholder with Littler Mendelson. She is a past president of the San Diego County Bar Association, past president of Pan Asian Lawyers of San Diego, and past board member of Filipino American Lawyers of San Diego. Currently, she is President of the University of California San Diego (UCSD) Alumni Association, and serves as a trustee on the UCSD Foundation. Ms. Malana also serves in leadership positions with several other organizations. She is passionate about community service and “giving back.”

**JONAH TOLENO, SHUSTAK & PARTNERS, P.C.**

**PRESIDENT, FILIPINO AMERICAN LAWYERS OF SAN DIEGO**

Jonah Toleno is the 2015 President of the Filipino American Lawyers of San Diego (FALSD). She is a partner at Shustak & Partners, P.C., a boutique securities, financial services and business litigation firm with offices in San Diego, New York, Orange County, and San Francisco. Ms. Toleno acts as trial counsel for various individual and institutional clients and co-manages the firm’s financial, litigation and administrative departments. She is a member of the Lawyers Club of San Diego’s Diverse Women’s Committee and the San Diego County Bar Association. She, her husband and their two children reside in San Diego. Ms. Toleno is honored to represent FALSD and the Filipino American community in this significant and exciting reenactment.

**KOMAL JAIN, CALIFORNIA WESTERN SCHOOL OF LAW**

**SOUTH ASIAN BAR ASSOCIATION OF SAN DIEGO**

Komal Jain is in the final stage of her training as a civil litigator, as she is currently interning at Zeldes Haeggquist & Eck, and preparing to take the July 2015 Bar Examination after graduating from California Western School of Law (CWSL). At CWSL, Ms. Jain has been a Dean’s Diversity Scholar, she interned with two law firms, and clerked for Justice Frank Stock of the High Court of Hong Kong. Prior to law school, Ms. Jain attended the University of California, Irvine, and obtained her B.A. in Political Science and M.A. in Demographic and Social Analysis.

**MARTY LORENZO, MINTZ LEVIN**

**BOARD MEMBER, FILIPINO AMERICAN LAWYERS OF SAN DIEGO**

Marty Lorenzo is a Member at Mintz Levin where he focuses his practice on strategic business transactions, mergers and acquisitions, and corporate finance, often acting as outside general counsel for his companies. He brings over 27 years of experience gained from the legal, business, and military fields to his work. His unique skill set combines the sound judgment of a proven legal advisor, the business outlook of an entrepreneur, and the strategic vision and mission accomplishment of a senior military professional.

**NATALIE WILHELM, MULVANEY BARRY BEATTY LINN & MAYERS, LLP  
BOARD MEMBER, KOREAN AMERICAN BAR ASSOCIATION**

Natalie Wilhelm is a Partner with Mulvaney Barry Beatty Linn & Mayers, LLP. She assists the firm's business and institutional clients with both litigation and transactional matters, with an emphasis on the representation of financial institutions in both new and troubled financing transactions. Ms. Wilhelm is currently serving her second year as a member of the Board of Directors of the Korean American Bar Association of San Diego. She is also enjoying helping to establish a new youth volunteering organization this year and otherwise keeping up with her teenage boys.

**RODRIGO GUEVARA, GARCIA HERNANDEZ SAWHNEY & BERMUDEZ LLP  
PRESIDENT, SAN DIEGO LA RAZA LAWYERS ASSOCIATION**

Rodrigo Guevara is an associate with the San Diego office of Garcia Hernandez Sawhney & Bermudez LLP. He focuses his practice on employment litigation, complex business litigation, and corporate transactional matters and represents companies of all sizes, from Fortune 200 to start-up companies, in a variety of industries, including health care, retail and food service. Mr. Guevara is President of the San Diego La Raza Lawyers Association which works to advance the cause of equality, empowerment and justice for Latino attorneys and the Latino community in San Diego County.

**SHALINI KEDIA, KEDIA MEDIATION**

Shalini Kedia launched Kedia Mediation in 2012 following extensive experience in a wide range of complex litigation matters at firms located on the east and west coasts. She focuses her mediation practice on employment and general liability matters. A 1999 graduate of Hastings College of the Law, Ms. Kedia is extensively involved in the legal community. Currently, she serves on the Board of the Lawyers Club of San Diego and chairs the Association of Corporate Counsel and Lawyers Club Joint Task Force to develop an initiative to address the retention and promotion of women in the law firm arena, and co-chairs the Lawyers Club Annual Dinner.

**STACY PARK, PROCOPIO CORY HARGREAVES & SAVITCH LLP**

Stacy Park practices intellectual property litigation at Procopio Cory Hargreaves & Savitch LLP. A first-generation Korean immigrant, Stacy hopes to utilize her bilingual skills and cultural background to connect the immigrant and mainstream communities. Stacy was the President and founder of the Asian Pacific American Law Student Association at Willamette University College of Law and has previously served as the Vice President of the Korean American Bar Association of San Diego (2013-2014).

◆  ◆ TIMELINE ◆  ◆

- 1977            The district court holds in *Domingo* that New England Fish Company is liable for discrimination in housing and employment.
- 1980            The New England Fish Company files for bankruptcy.
- 1981            Viernes and Domingo are murdered.
- 1981            In *Carpenter*, the district court finds NEFCO-Fidalgo to have engaged in discrimination.
- 1982            In *Wards Cove*, the Ninth Circuit reverses the district court’s dismissal, on jurisdictional grounds, of the claims against defendant Wards Cove Packing Co. *Atonio v. Wards Cove Packing Co.*, 703 F.2d 329 (9th Cir. 1982).
- 1982            Trial commences in *Wards Cove*.
- 1983            The district court rules in favor of Wards Cove Packing Co., rejecting plaintiffs’ disparate treatment and disparate impact claims. *Atonio v. Wards Cove Packing Co.*, No. C-74-145-JLQ, 1983 WL 651, 34 Empl. Prac. Dec. ¶¶ 34,437 (W.D. Wash. Dec. 6, 1983).
- 1984            The Ninth Circuit affirms *Domingo*. *Domingo v. New England Fish Co.*, 727 F.2d 1429 (9th Cir.), *modified*, 742 F.2d 520 (9th Cir. 1984).
- 1985            The *Carpenter* case is settled, with monetary payments to the ten named plaintiffs and money is set aside for other members of the class.
- Aug. 16, 1985    The Ninth Circuit affirms the judgment of dismissal in *Wards Co. Atonio v. Wards Cove Packing Co.*, 768 F.2d 1120 (9th Cir. 1985).
- Nov. 19, 1985    The Ninth Circuit panel decision in *Wards Cove* is withdrawn, with the case to be reheard *en banc*. *Atonio v. Wards Cove Packing Co.*, 787 F.2d 462 (9th Cir. 1985).
- Feb. 18, 1986    The *Wards Cove* case is argued and submitted *en banc*.
- Feb. 23, 1987    With Judge Thomas Tang writing, the Ninth Circuit reverses in part, holding that disparate impact analysis can be applied to subjective hiring practices and that plaintiffs’ statistics made out a *prima facie* case of discrimination. The *en banc* court returns the case to the original panel for further proceedings. *Atonio v. Wards Cove Packing Co.*, 810 F.2d 1477 (9th Cir. 1987) (*en banc*).
- Sept. 21, 1987    With Judge Tang writing, the panel holds that plaintiffs established a *prima facie* case of disparate impact discrimination and remands to the district court for further proceedings. *Atonio v. Wards Cove Packing Co.*, 827 F.2d 439 (9th Cir. 1987).
- 1988            The Supreme Court grants *certiorari* in *Wards Cove*.

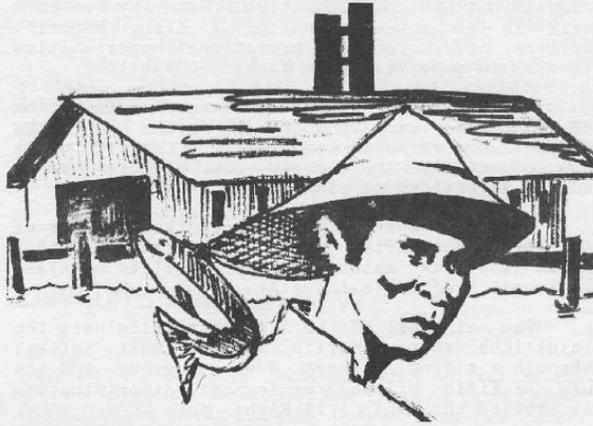
- 1989      The Supreme Court rules in *Wards Cove* and reverses the Ninth Circuit, 5-4. *Wards Cove Packing Co. v. Atonio*, 490 U.S. 642 (1989). Although the Court acknowledged that subjective criteria are subject to disparate impact analysis, it held that statistics showing a high percentage of nonwhite workers in the cannery jobs and a low percentage of nonwhite workers in noncannery jobs were not sufficient alone to make out a *prima facie* case of discrimination. Rather, the Court held, the proper comparison is between the racial composition of the persons in the labor market qualified for the jobs and the persons holding the jobs in issue. The Court also held that where plaintiffs alleged more than one discriminatory employment practice, they had to demonstrate that each challenged practice had a significant disparate impact on employment opportunities for whites and nonwhites. Finally, the Court held where the statistics showed a disparate impact, the plaintiffs — and not the employer — had the burden of persuasion to disprove the existence of a legitimate business justification for the challenged employment practice. The Court remanded for further proceedings.
- 1991      On remand, the district court in *Wards Cove* again rejected plaintiffs’ disparate impact claims. *Atonio v. Wards Cove Packing Co.*, No. C-74-145-JLQ, 1991 WL 67529 (W.D. Wash. Jan. 23, 1991).
- 1991      The Civil Rights Act of 1991 is enacted, modifying the rules announced by the Supreme Court in *Wards Cove*. The Act permits a plaintiff in certain circumstances to challenge an employer’s decision-making process as one employment practice causing a disparate impact. The Act also places the burden on the employer to prove a legitimate business justification for an employment practice that results in a disparate impact. By its terms, however, the Act did not extend to a certain category of cases — only *Wards Cove* fell within that category.
- 1993      The Ninth Circuit confirms that the Civil Rights Act of 1991 does not apply to plaintiffs in *Wards Cove* and affirms in part, reverses in part, and remands again for further proceedings. *Atonio v. Wards Cove Packing Co.*, 10 F.3d 1485 (9th Cir. 1993).
- 1999      The district court dismisses all remaining claims in *Wards Cove*.

**Sources:** Ron Chew, *Remembering Silme Domingo and Gene Viernes: The Legacy of Filipino American Labor Activism* (2012); Dorothy Laigo Cordova & Filipino American National Historical Society, *Images of America: Filipinos in Puget Sound* (2009); Donald L. Guimary, *Marumina Trabaho ("Dirty Work"): A History of Labor in Alaska Salmon Canning Industry* (2006); Helen Zia, *Asian American Dreams: The Emergence of an American People* (2000); and court decisions.

# the NEW TIDE

Newsletter II, Volume I

May, 1974



## INTRODUCING

### Alaska Cannery Workers' Assoc.

In the summer of 1973, a group of Asian cannery workers united after returning from Alaska. Together with community people and former cannery workers, they formed the ALASKA CANNERY WORKERS ASSOCIATION (ACWA).

ACWA was formed to fight historical exploitation of Minorities in the salmon canning industries.

### ALASKA CANNERY WORKERS ASSOCIATION

416 8th Ave So • Seattle, Washington 98104 (206) 682-0690

6

Today, exploitation of workers continues in many areas. For instance, segregation in living conditions still exists. Blatant discriminatory practices are prevalent in most canneries in Alaska. The most degrading practice lies in job classifications of Minorities. Minority workers work in the actual handling of fish. Minority workers never receive promotional opportunities to work in supervisory or fishing capacities.

Another issue is the arbitrary termination of concerned cannery workers. Anyone who "makes waves" is terminated immediately. Cannery workers, especially the elderly Pinoys, have had to suffer injustices or risk losing their jobs.

Minority workers must face these types of injustices year after year, despite the fact that Asian labor has maintained the stability of Alaska's most profitable industry.

The main goal of the ACWA is to eliminate the injustices that Minority workers must suffer, through a strong workers advocate group and the use of Title VII—the employment discrimination section of the 1964 Civil Rights Act.

## MEET THE ACWA STAFF

Since its inception in October, 1973, the ALASKA CANNERY WORKERS ASSOCIATION (ACWA) has been operating on a shoestring budget and the voluntary efforts of many. Recently, the ACWA Board appointed a brother and sister to man the ACWA staff.

The staff director is Sam Cabansag. A Filipino resident of Seattle, Sam is thoroughly familiar with cannery operations. As a man of strong convictions who firmly believes in the ACWA worker's philosophy, Sam was drawn to the ACWA because of past grievances and hardships endured in Alaska.

ka. Close contact with workers has supplemented his awareness of conditions and problems. Sam's duties will include organizing workers in California, establishing communications with Local Union 37, monitoring the progress of the ACWA lawsuits, and encouraging community support and participation.

Julia Laranang is the ACWA administrative assistant. Julia is also a Filipino resident of Seattle who has gained valuable experience working with local community organizations. As the daughter and sister of former cannery workers, Julia readily identifies with the problems confronting Asian cannery workers.

## LAWSUITS AND TITLE VII

In the last few months, the ACWA has filed 2 major lawsuits against New England Fish Company and Columbia Wards Packing Company and its affiliates. The lawsuits charge that the companies practice employment discrimination in their Alaska canneries.

The basis of the lawsuits is Title VII of the Civil Rights Act of 1964. Title VII prohibits discrimination in employment on the basis of race, color, nationality, religion or sex.

Under Title VII, any individual or organization can file a complaint with any Equal Employment Opportunity Commission (EEOC) office if one feels there is a case of discrimination. A sworn complaint must be filed within 180 days of the act of discrimination.

Settlements in Title VII cases can range from 2 years' back pay, to reinstatement of employees, to court injunctions.

The ACWA has filed the two lawsuits in behalf of all workers in similar situations and circumstances. Pending the legal outcome, the benefits of these lawsuits will be shared by all cannery workers.

For more information concerning Title VII and employment discrimination, contact your local EEOC office or the ACWA.

## RECORD GAINS

Contrary to reports of New England Fish Company officials, the NEFCO has profited in past years. NEFCO sales rose 30% to a record \$91.6 million (highest sales in the Company's history) and net earnings over \$4.4 million for the fiscal year 1973. This accounted for increased stockholder's earnings of \$8.79 per share.

In 1972, the sales exceeded \$82 million with earnings of over \$2.1 million, an increase of \$4.16 per share.

In January, 1974, NEFCO announced its plan to construct a \$4 million complex in Seattle to accommodate increased volume. NEFCO itself is the largest American fisheries company operating in the north Pacific with extensive interests throughout the world. NEFCO recently spent \$3 million for fishing rights in Chile.

Whitney-Fidalgo Seafoods, Inc. had sales of over \$35 million and earned almost \$1 million for stockholder's earnings.

But despite record gains, very little money has been used in the development and improvement of conditions and wages of Minority cannery workers.

## REMEMBER TO VOTE

UNION ELECTIONS THIS SUMMER

9

10

◆  ◆ **BIBLIOGRAPHY** ◆  ◆

**CASES**

- *Atonio v. Wards Cove Packing Co.*, 275 F.3d 797 (9th Cir. 2001)
- *Atonio v. Wards Cove Packing Co.*, 10 F.3d 1485 (9th Cir. 1993)
- *Atonio v. Wards Cove Packing Co.*, 827 F.2d 439 (9th Cir. 1987)
- *Atonio v. Wards Cove Packing Co.*, 810 F.2d 1477 (9th Cir. 1987) (*en banc*)
- *Atonio v. Wards Cove Packing Co.*, 787 F.2d 462 (9th Cir. 1985).
- *Atonio v. Wards Cove Packing Co.*, 768 F.2d 1120 (9th Cir. 1985)
- *Atonio v. Wards Cove Packing Co.*, 703 F.2d 329 (9th Cir. 1982)
- *Atonio v. Wards Cove Packing Co.*, No. C-74-145-JLQ, 1991 WL 67529 (W.D. Wash. Jan. 23, 1991)
- *Atonio v. Wards Cove Packing Co.*, No. C-74-145-JLQ, 1983 WL 651, 34 Empl. Prac. Dec. ¶ 34,437 (W.D. Wash. Dec. 6, 1983)
- *Domingo v. New England Fish Co.*, 727 F.2d 1429 (9th Cir.), *modified*, 742 F.2d 520 (9th Cir. 1984)
- *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971)
- *International Brotherhood of Teamsters v. United States*, 431 U.S. 324 (1977)
- *Wards Cove Packing Co. v. Atonio*, 490 U.S. 642 (1989)
- *Ricci v. DeStefano*, 129 S. Ct. 2658 (2009)
- *Washington v. Davis*, 426 U.S. 229 (1976)

**STATUTES**

- Civil Rights Act of 1991, § 105, codified in 42 U.S.C. § 2000e-2(k)

**BOOKS**

- Ron Chew, *Remembering Silme Domingo and Gene Viernes: The Legacy of Filipino American Labor Activism* (2012)
- Dorothy Laigo Cordova & Filipino American National Historical Society, *Images of America: Filipinos in Puget Sound* (2009)
- Donald L. Guimary, *Marumina Trabaho ("Dirty Work"): A History of Labor in Alaska Salmon Canning Industry* (2006)
- Helen Zia, *Asian American Dreams: The Emergence of an American People* (2000)

**ARTICLES**

- William C. Canby, Jr., Mary M. Schroeder, M.J. Mirkin, and Steven N. Berger, *Tributes to Thomas Tang*, 27 *Az. St. L.J.* 759, 760, 762, 763 (1995)
- Cindy Domingo, *Separate and Unequal: The Historic Wards Cove Case*, *Filipinas* 42 (Oct. 2001)
- Melissa Hart, *From Wards Cove to Ricci: Struggling Against the "Built-In Headwinds" of a Skeptical Court*, 46 *Wake Forest L. Rev.* 261 (2011)
- Amos N. Jones & D. Alexander Ewing, *The Ghost of Wards Cove: The Supreme Court, the Bush Administration, and the Ideology Undermining Title VII*, *Harvard BlackLetter L.J.* 163 (2005)

**ON-LINE**

- Alaska's Digital Archives, available at <http://vilda.alaska.edu/cdm/search/searchterm/cannery> (last visited Aug. 31, 2014)
- Alaska History & Cultural Studies, Alaska's Heritage: Fishing and Sea Hunting, available at <http://www.akhistorycourse.org/articles/article.php?artID=181> (last visited Aug. 31, 2014)
- Ian Burns, *The "Cannery Murders" of 1981 Still Haunt Local Labor Activists*, *Real Change* (July 6, 2011), available at <http://realchangenews.org/index.php/site/archives/5703> (last visited Aug. 31, 2014)
- Stephen Canright, *Asians in the Salmon Canning Industry*, National Park Service, San Francisco Maritime, available at <http://www.nps.gov/safr/historyculture/asiancanneryworkers.htm> (last visited Aug. 31, 2014)
- Harry Bridges Center for Labor Studies, University of Washington, *Alaska Cannery Workers Association and Wards Cove Case 1973-1991: Photo & Document Repository*, available at [http://depts.washington.edu/labpics/repository/v/Filipino/album\\_002/](http://depts.washington.edu/labpics/repository/v/Filipino/album_002/) (last visited Aug. 31, 2014)

◆  ◆ **SPECIAL THANKS TO** ◆  ◆

**SIGNIFICANT INDIVIDUALS**

We thank Silme Domingo, Gene Viernes, their families, and plaintiff's counsel Abraham Arditi for their efforts to obtain justice for the Filipino-American and Asian-American workers in the Northwestern cannery industry. Special thanks to Terri Mast, widow of Silme Domingo, Gene Viernes' brother Stan Viernes, Stan's wife Gloria, and Emily Van Bronkhorst for attending our reenactment. Thanks also to Mr. Arditi for taking time to speak with us about this significant case.

**STAGE MANAGER**

**Judy Bae, Miller Monson Peshel Polacek & Hoshaw  
Board Member, Pan Asian Lawyers of San Diego**

Judy Bae practices probate/trust litigation with Miller Monson Peshel Polacek & Hoshaw. Her practice ranges from will and trust contests, fiduciary defense and estate/trust accountings disputes. Her clients range from individuals contesting estate planning documents procured by undue influence and other means, defending trusts and wills from attack, trustees requiring guidance in contentious trust administration scenarios, the charitable organizations pursuing accountings from rogue trustees, and everything in-between. Prior to her legal career, Ms. Bae attended medical school, which has been an essential part of her success in understanding the emotional components that often drive probate/trust litigation matters and the background that often leads to an individual's susceptibility to undue influence.

**PROGRAM & ART DESIGN**

**Linh Lam, San Diego County District Attorney's Office  
President Elect, Pan Asian Lawyers of San Diego**

Linh Lam is a prosecutor with the San Diego County District Attorney's Office. Her criminal practice includes complex writs and appeals, pre-trial, trial motions, trials, and post-trial proceedings. She has argued cases in all three divisions (San Diego, Riverside, and Orange County) of the Fourth District Court of Appeal, and served a short term as a specially appointed Deputy Attorney General. Ms. Lam has been a long-time member of PALSD and has served on the organization's board of directors for five years.

**AUDIO/VISUAL**

**Ariel Javier, Law Office of Ariel A. Javier, A.P.C.  
Treasurer, Filipino American Lawyers of San Diego**

Ariel Javier founded the Law Office of Ariel A. Javier, A Professional Corporation in March 2009 with a primary emphasis in handling tax-related matters. Services include tax litigation, tax controversy/problem resolution, tax planning, tax compliance/preparation, business entity formation as well as traditional accounting and bookkeeping services. While Mr. Javier has resolved numerous tax controversy matters in favor of his clients, community service is also a large part of his practice. Mr. Javier believes providing help and assistance to a person or group without an expectation of anything in return is the greatest reward. As a testament to his commitment to community service, Mr. Javier recently received the 2014 President's Award from Filipino-American Lawyers of San Diego and Pan Asian Lawyers of San Diego in recognition of his efforts and service to both organizations and the community.

◆  ◆ **SPECIAL THANKS TO** ◆  ◆

**PREMIER PARTNER & RECEPTION HOST**



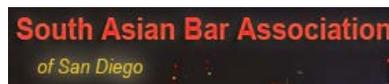
**REHEARSAL HOST**



**PUBLICATIONS SPONSOR**



**CO-SPONSORING ORGANIZATIONS**



**ORGANIZING COMMITTEE**

Ariel Javier  
Arlene Yang

Ary Chang  
Erin Lee

Jonah Toleno  
Judy Bae

Linh Lam  
Melissa Deleon

Parada Ornelas  
Shalini Kedia

**PALSD BOARD OF DIRECTORS**

**PRESIDENT**

Arlene Yang, Esq.

**PRESIDENT-ELECT**

Linh Lam, Esq.

**SECRETARY**

Parada Ornelas, Esq.

**TREASURER**

Erin Lee, Esq.

**BOARD MEMBERS**

Amy Hsiao, Esq.

Esther Hyun, Esq.

Judy Bae, Esq.

Paul Liu, Esq.

Rick Liu, Esq.

Sharon Lee, Esq.

**STUDENT**

**REPRESENTATIVES**

Grant Porter

Steven Chang

William Remo

**PHOTOGRAPHER**

Barry Carlton

**CATERER**

Indigo Café & Catering

**DONOR**

Anonymous

**ADDITIONAL THANKS TO:**

The Honorable Barry Ted Moskowitz, the Honorable Dana Makoto Sabraw, the Honorable Karen Crawford, Lisa Christensen, Peter Quon, Barry Carlton, Shalini Kedia, Stacy Park, the Honorable Denny Chin, Kathy Hirata Chin, and the Asian American Bar Association of New York.

