

# Alice in Chinatown: Chol Soo Lee and His Fight for Freedom

2018 NAPABA Convention  
Chicago, Illinois  
November 9, 2018



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## **Timed Agenda**

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Total:	60
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### **Chronology\***

August 15, 1952	Chol Soo Lee born in Korea.
November 14, 1964	Chol Soo Lee arrives in San Francisco to join his mother.
June 3, 1973	Yip Yee Tak, a Wah Ching gang advisor, is killed in Chinatown, San Francisco.
June 7, 1973	San Francisco police arrest Chol Soo Lee.
June 11, 1973	Line-up conducted at the Hall of Justice. Three (out of six) witnesses select Lee as the gunman.
June 28, 1973	Based on the line-up identification, Chol Soo Lee is held in San Francisco for the murder of Yip Yee Tak. Court appoints public defender Clifford Gould to represent Lee.
April 2, 1974	San Francisco County Superior Court moves the trial to Sacramento. Clifford Gould withdraws from the case. Hamilton L. Hintz, a private attorney, is appointed to defend Chol Soo Lee.
June 3, 1974	Murder trial begins in Sacramento County Superior Court.
June 19, 1974	Chol Soo Lee convicted of first-degree murder and sentenced to life imprisonment. Sent to Deuel Vocational Institute in Tracy, Calif. (DVI)
March 1977	Prison authorities erroneously classify Chol Soo Lee as a member of Nuestra Familia, a Latino prison gang. Chol Soo Lee appeals the classification and is officially cleared of having any gang affiliation.
June 1977	K. W. Lee of the <i>Sacramento Union</i> starts his investigation into what becomes known as the "Alice in Chinatown Murder Case."
October 8, 1977	Chol Soo Lee kills Morrison Needham in a prison yard altercation.
November 22, 1977	K. W. Lee contacts Chol Soo Lee.

December 1, 1977	K. W. Lee meets Chol Soo Lee at DVI.
December 1977	Leonard Tauman, San Joaquin County Public Defender, assigned to Chol Soo Lee to defend second murder case.
January 29, 1978 January 30, 1978	A two-part series of articles by K.W. Lee appears in the <i>Sacramento Union</i> describing the results of his six-month investigation.
February-March 1978	The first Chol Soo Lee Defense Committee, organized by law school graduate Jay Yoo and Davis school teacher Grace Kim in Sacramento, third-generation Japanese American college student Ranko Yamada, and third-generation Korean Americans Gail Whang and Branda Paik Sunoo in the Bay area, is formed.
June 17, 1978	Chol Soo Lee's defense team files a petition for writ of <i>habeas corpus</i> with the Sacramento County Superior Court.
September 15, 1978	The Chol Soo Lee Defense Committee hires defense attorney Leonard Weinglass.
October 20, 1978	Hearing on petition for a writ of <i>habeas corpus</i> begins in Sacramento County Superior Court, Judge Lawrence K. Karlton presiding.
November 20, 1978	Steven Morris, whose witness report to San Francisco police had been withheld from the defense, testifies that Lee was not the man who killed Yip Yee Tak.
January 15, 1979	Trial begins on the prison yard murder case in San Joaquin Superior Court in Stockton, Judge Chris Papas presiding.
February 2, 1979	Judge Karlton grants <i>habeas</i> petition based on the suppression of material evidence.
March 12, 1979	Jury convicts Chol Soo Lee of first-degree murder for the death of Needham.
March 22, 1979	Jury recommends death sentence for Chol Soo Lee.

May 14, 1979	Judge Papas upholds the verdict and imposes the death sentence, and Chol Soo Lee is transferred to San Quentin death row.
March 21, 1980	Court of Appeals for the Third District upholds granting of writ of <i>habeas corpus</i> and orders that the conviction for the first case be set aside.
June 1980	Prosecution withdraws its appeal of the <i>habeas corpus</i> ruling, and instead moves for retrial of the Chinatown murder case in San Francisco.
July 21, 1980	San Francisco County Superior Court sets trial date for retrial of the first case.
February 1982	Lead defense attorney Leonard Weinglass withdraws from case.
May 1982	To defend Lee in the retrial of the Chinatown case, the Defense Committee had raised \$100,000 through numerous rallies and drives. Veteran defense lawyers Stuart Hanlon and J. Tony Serra are hired.
August 11, 1982	Retrial of the Chinatown case begins.
September 3, 1982	San Francisco County Superior Court jury acquits Chol Soo Lee of the murder of Yip Yee Tak, and its foreman joins the Chol Soo Lee Defense Committee.
January 14, 1983	California's Third District Court of Appeal nullifies Chol Soo Lee's death sentence from the prison yard case, citing the Stockton trial judge's jury misinstructions and for allowing hearsay testimony in the death penalty phase of the trial.
February 28, 1983	The State Supreme Court rejects the prosecution's appeal of the Court of Appeal's nullification of the prison murder conviction. The prosecution moves to retry Lee on the prison killing charge.
March 28, 1983	San Joaquin County Superior Court Judge Peter Seires orders Chol Soo Lee released on bail, after Lee supporters pledge property worth almost twice the amount of the \$250,000 bail.

August 10, 1983	Chol Soo Lee accepts a plea bargain to a lesser charge of second-degree murder, in exchange for a sentence of time-served. He had served ten years in prison and would not face any further imprisonment for the prison-yard killing. In addition, he would not be required to complete a term of parole.
1990	Chol Soo Lee returns to prison for 18 months for a drug possession charge.
1991	Chol Soo Lee suffers third-degree burns over 85 percent of his body in a failed arson attempt while working for a Hong Kong crime triad.
approximately 1991-1995	Chol Soo Lee lives under different aliases as part of the FBI witness protection program.
April 19, 2005	Richard Kim's interview of Chol Soo Lee and K. W. Lee in San Francisco, later published in <i>Amerasia Journal</i> 31:3 (2005): 76-108.
December 2, 2014	Chol Soo Lee dies after declining to undergo further surgery to address medical complications from burns suffered in 1991.
2017	Publication of <u>Freedom Without Justice: The Prison Memoirs of Chol Soo Lee</u> , edited by Richard S. Kim.

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\* Sources include "Chol Soo Lee - K. W. Lee Timeline" published as part of A Conversation with Chol Soo Lee and K. W. Lee, *Amerasia Journal* 31:3 (2005) and Editor's Introduction to Freedom Without Justice.

Nov. 28, 1977

Dear Mom

Please don't be upset when you read this letter, I am sure you and Mary think lot of me and its the reason I didn't want to say anything sooner because I don't wish add any more worry to the problems you and Mary go through now, but I feel soon or later you would find out so I thought it would be best I let you know myself. Last month I was charge with murder of inmate in here and I am going to court now, the district attorney is trying to get death penalty on this case, I don't know what will be the out come of this case but mom I am sorry so many problems come into my life.

I know there is nothing you or Mary can do for me and I don't want to add any of my troubles to problems you and Mary have but I just want to ask you to bear with me as son and hope everything will turn out fine in future.

Right now I am going to court now and then but trial date ~~has~~ has not been set yet, also I feel I would get lot more help this time than I did in my last trial, so I worry less and I hope you and Mary do the same.

Love Son,  
Chal too



DEC. 1, 1977

Dear Mom and Mary

As this letter reaches home, it may <sup>find</sup> you and mom in good spirits in looking forward to soon to be new year, as for myself I am in fine health.

As I say in my letter about my new legal problem, I regret now I didn't say anything about it sooner, as I hope mom understand why I didn't want to say sooner. The reason I am writing this letter is let you and mom know there is news-paper reporter who works for Sacramento Union wish to help me with friend who is first Korean attorney around here, their names are Kyung Won Lee (REPORTER) Jay Yoo (ATTORNEY) they are both Koreans and not asking for anything but to help me only, Mr. Jay Yoo is ~~not~~ going to be my lawyer because he don't have experience to be my lawyer. They have written and came to visit, I feel their heart is in right place in wanting to help me, also because I am a Korean.

Mr. Kyung Won has talk to some people in S.F. who know me, and he sees the injustice done to me on the murder I didn't commit in S.F. China-town and send to prison wrongly to be struggle for my life now. I know you and mom wants help me out of these troubles but without money there is very little any one can do and I'm not upset or hurt about little you and mom can do for aid in me with legal problem but there is another way you and mom can be great aid to me, which is talk to Mr. Kyung Won so he can write <sup>about</sup> me in Korean news-paper and Sacramento Union, he wants to write about my life and problems I had in this country and why I didn't receive justice for murder I didn't commit, also yours and mom view about all the time I was sent away from home in this country, and problems we had together as family, I feel from the start when I start going to court I receive injustice because I didn't understand what was happening



to me and mom didn't really understand what was happening to me and I start going to court I think.

I know it's lot to ask of anyone to open up ones family life for some one to read but in my case it lead to way I am and why I'm here today, if there is some other way I could help myself without opening up my personal life I would do so but there is none and in some way to help save my life in up coming trial in future by me opening up my life for people to read, so they can understand what I have been through in this country and injustice done to me in last murder trial. by people reading I can receive their help for me to get fair trial when my trial comes up in future, I deeply hope you and mom will open up views about me ~~and~~ <sup>in</sup> talking to Mr. Kyung Won, so I may receive people aid from outside.

I am going to end this letter for now but I try to write home much more than I have in past, I be looking forward to hear from home soon.

Love  
Chul So

P.S.

IN CASE YOU OR MOM WANTS TO GET IN TOUCH WITH MR. KYUNG WON LEE HERE IS NUMBER AND ADDRESS WHERE HE CAN BE REACH.

(916) 442-7811

KYUNG WON LEE

THE SACRAMENTO UNION

301 CAPITOL MALL

SACRAMENTO, ~~the~~ CALIF. 95812

THE ANNEXED INSTRUMENT IS A CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE

ATTEST AUG 4 1978  
RALPH W. EPPERSON County Clerk and Clerk of the  
Superior Court in and for the County  
of San Joaquin, State of California

By Edward A. Golliber Deputy



FILED

'78 AUG 4 AM 8:17

RALPH W. EPPERSON CLERK

BY Annusperio  
DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

--oOo--

In the Matter of:

NO. 29268

CHOL SOO LEE,

ORDER ON PETITION FOR  
WRIT OF HABEAS CORPUS

Petition for Writ of Habeas Corpus.

DEPT. NO. 6

In this Petition for Writ of Habeas Corpus, petitioner collaterally attacks a conviction for first degree murder on several grounds claimed to be of such constitutional dimensions so as to require a reversal of the conviction and a new trial had. This trial was conducted in Sacramento County (Proceeding No. 44362) after a change of venue was granted.

The murder is alleged to have occurred on June 3, 1973, in what is popularly called the Chinatown section or quarter in the City and County of San Francisco. In this connection it is noted that petitioner moved for a change of venue due to claimed extensive publicity relative to Chinese gangs and killings in Chinatown. On February 13, 1974, a preemptory writ of mandate was issued by the First District Court of Appeal ordering the Superior Court of the City and County of San Francisco to grant petitioner's motion for a change of venue. After the decision of the First District

1 Court of Appeal but before the Superior Court granted the motion,  
2 petitioner vacillated and withdrew his motion for a change of venue.  
3 At a subsequent hearing, petitioner's motion to withdraw his change  
4 of motion was denied and the case was transferred to Sacramento  
5 for trial.

6 On all matters prior to the transfer of the action to  
7 Sacramento petitioner was represented by the Public Defender of the  
8 City and County of San Francisco and on matters after the transfer,  
9 including the appeal after conviction, petitioner was represented  
10 by counsel appointed by the Superior Court of Sacramento County.

11 After a trial by jury, petitioner was convicted on June  
12 19, 1974, of first degree murder, and with having used a firearm  
13 (Pen. Code sec. 12022.5) in the commission of the offense, and was  
14 thereafter committed to the custody of the Director of Corrections  
15 for the term prescribed by law. He began serving his sentence and  
16 was ultimately transferred to Deuel Vocational Institute at Tracy,  
17 California, where petitioner is presently incarcerated.

18 Petitioner appealed his conviction to the Third District  
19 Court of Appeal (3 Crim. 7711). The conviction was affirmed by the  
20 Appellate Court via an unpublished opinion dated April 30, 1975.

21 On October 13, 1977, petitioner was charged by an In-  
22 formation filed with the Superior Court for the County of San  
23 Joaquin with a violation of Penal Code section 187, to wit: murder,  
24 alleging special circumstances. The murder is alleged to have  
25 occurred in State Prison on October 8, 1977, while petitioner was  
26 confined therein as an inmate. It follows from the allegations  
27 relating to special circumstances that the death penalty is in-  
28 volved. The setting aside of the conviction involved in this

1 proceeding will obviously affect the posture of the present charge  
2 pending before this Court.

3 Basically, petitioner attacks his conviction on the  
4 following grounds:

5 1. Material evidence was suppressed by the prosecution  
6 thus denying petitioner a fair trial.

7 Petitioner contends that the pretrial discovery order  
8 granted by Judge Ertola on September 13, 1973, was not complied with  
9 in that certain claimed critical police reports regarding their  
10 theories as to the cause or motive behind the killing, that these  
11 reports contained evidence that an undisclosed witness saw and might  
12 have been or would be able to identify the killer and that these  
13 reports contained information which might have reduced the crime  
14 from murder to manslaughter.

15 2. That petitioner was denied the effective assistance  
16 of counsel because of the (a) tactics used during the trial in  
17 defense counsel's examination of an investigating officer and (b)  
18 because of defense counsel's failure to raise substantial issues on  
19 appeal. In this connection it is noted that the same counsel repre-  
20 sented defendant at trial and on appeal, so that petitioner now  
21 claims that his counsel was incompetent before and during the trial  
22 and was also incompetent as an appellate counsel. (The issue of  
23 incompetency of counsel who represented petitioner in matters before  
24 the change of venue was raised on appeal after petitioner's convic-  
25 tion and was decided against petitioner.) In this connection the  
26 case of People v. Rowland, 21 Cal.App. 3d 371, is respectfully called  
27 to petitioner's attention wherein Mr. Justice Bray, at page 373,  
28 states in substance that it is now fashionable for defendants on

1 appeal to ignore the effectiveness and weight of the evidence and  
2 blame their conviction on inadequacy of counsel.

3 3. Newly discovered evidence.

4 In this connection petitioner ventures into uncharted  
5 waters by seeking to make available polygraph results bearing upon  
6 the credibility and veracity of petitioner. Petitioner also contends  
7 that the suppressed police notes indicating that an undisclosed  
8 eyewitness seen with the victim shortly before the killing would  
9 bear upon the identity issue. Three witnesses identified petitioner  
10 as the killer and other witnesses who were nearby were unable to  
11 make the identification. It is a fact of life that when two or  
12 more persons witness a particular incident they oftentimes will see  
13 it differently and tell it differently. (On the issue of eyewitness  
14 identification and fleeting observations see People v Caudillo,  
15 21 Cal. 3d 562, 571, July 18, 1978.)

16 4. The trial should have been held in San Francisco in  
17 spite of the decision of the First District Court of Appeal.

18 This Court has studiously reviewed petitioner's writ, the  
19 exhibits attached thereto and made a part thereof as well as portions  
20 of the trial transcript referred to in the petition. Some of peti-  
21 tioner's contentions require extensive study and consideration. In  
22 the majority of the contentions it appears that petitioner argues wit  
23 commendable candor but with the benefit of no or little authority.

24 It is patently obvious that the interest of justice  
25 compels this Court to transfer the petitioner to Sacramento County  
26 for consideration and review. The trial judge is still on the bench  
27 in Sacramento County. The judge (now the Presiding Justice of  
28 the Third District Court of Appeal) who appointed trial counsel is


1 still in Sacramento County, and counsel who represented petitioner  
2 at trial and on appeal is still in Sacramento County. These are  
3 persons who are directly involved with many of the crucial issues  
4 raised by petitioner. Although permissible, the posture of the  
5 petition is such that it is wholly inappropriate to have this  
6 Court consider the petition for a Writ of Habeas Corpus merely  
7 because of the convenience of counsel and petitioner. (Petitioner  
8 is presently an inmate at Deuel Vocational Institute, a state prison.

9 In Griggs v Superior Court, 16 Cal. 3d 341, 347 (1976)  
10 our Supreme Court considered the procedure to be followed by our  
11 superior courts in the exercise of unlimited jurisdiction which  
12 these courts have in entertaining petitions for habeas corpus  
13 relief and concluded that

14 "If the challenge is to a particular  
15 judgment or sentence, the petition should be  
16 transferred to the court which rendered  
17 judgment if that court is a different court  
18 from the court wherein the petition was  
19 filed,....."

20 In compliance with this directive and in the interests  
21 of justice the Petition for Writ of Habeas Corpus be and the  
22 same is hereby ordered transferred to the Superior Court of the  
23 State of California, in and for the County of Sacramento.

24 DATED this 3<sup>rd</sup> day of August, 1978.

25   
26 CHRIS PAPAS  
27 JUDGE OF THE SUPERIOR COURT  
28

ENDORSED

JAN 19 1979

J. ...  
COUNTY CLERK, BY  
H. K. LOUIS,  
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SACRAMENTO

In re Petition for Writ of  
Habeas Corpus of

CHOL SOO LEE,

Petitioner.

NO. 54003

DEPT. 7

MEMORANDUM AND ORDER

On June 3, 1973, Yip Yee Tak was shot to death on the southeast corner of the intersection of Grant and Pacific in San Francisco, California. On June 7, Chol Soo Lee was arrested for that murder. Upon order of the Court of Appeal, venue for trial was transferred to the County of Sacramento. On April 2, 1978, the Sacramento Superior Court appointed Hamilton Hintz, a certified specialist in criminal law, to represent Lee. Mr. Hintz agreed to accept the appointment upon condition that the San Francisco Public Defender's office would supply investigative services relative to his representation.

On April 17, 1978, Hintz went to San Francisco and conferred with the Public Defender. Apparently, on the same day, he conferred with either the San Francisco District



1 Attorney's office or law enforcement for discovery purposes.  
2 At that meeting, he attempted to integrate the files received  
3 from the Public Defender with new material received from the  
4 People. It appears relatively clear that the defense received  
5 the Coreris memo (or memos) (Exhibits U and 4) and the "witness  
6 list" (Exhibit T) on April 17. It also appears relatively clear  
7 that at no time prior to conviction had the defense ever received  
8 People's 1 and 2.

9 Due to the failure of the San Francisco Public Defender's  
10 office to fulfill its agreement to provide investigative services,  
11 in late May Hintz obtained a court order for the appointment of  
12 a private investigator, who began her investigation on May 31.  
13 Trial commenced on June 3, 1974, concluding on the 18th. The  
14 defendant was convicted of first degree murder. The conviction  
15 was sustained on appeal.

16 Subsequent to the appointment of the San Joaquin Public  
17 Defender's office to defend Lee on a charge of murder arising  
18 out of his incarceration in Duel Vocational, this writ of habeas  
19 corpus challenging the conviction was filed.<sup>1/</sup>

20 The central problem in this case may be characterized  
21 in traditional due process language as whether or not the People  
22 were in possession of substantial exculpatory evidence which  
23 they failed to provide the petitioner.

24 Because of the peculiar evidence in this case, two other

25 1/

26 The Court has considered whether the facts, as developed at  
27 trial, properly made this a case encompassed by the Writ of  
28 Error Corum Nobis. The Court has determined that writ will not  
lie [People v. Reid (1924) 195 C. 249] and, accordingly, relief,  
if granted at all, must be by way of writ of habeas corpus.  
/ / / / /

1 legal problems must be addressed. First, the burden of proof  
2 on the issue of fact; i.e., did the People have evidence and  
3 fail to turn it over; and, second, whether such failure was  
4 prejudicial.

5 A conviction is presumed constitutional [In re Smith  
6 (1970) 2 C.3d 508] and, accordingly, the petitioner bears the  
7 burden of proof; however, the burden of proving his factual  
8 contentions (i.e., the possession of information and failure  
9 to turn it over) is by a preponderance of the evidence [In re  
10 Merkle (1960) 182 C.A.2d 46]. As to the second question, if  
11 the petitioner bears his burden of proof that the People had  
12 such evidence and failed to turn it over, the writ of habeas  
13 corpus shall be granted, unless it is demonstrated beyond a  
14 reasonable doubt that such failure was nonprejudicial [In re  
15 Ferguson (1971) 5 C.3d 525]. On the other hand, if the Court  
16 determines that the evidence, while material and substantial,  
17 is newly discovered, the burden is on the petitioner to demon-  
18 strate that the evidence points unerringly to the petitioner's  
19 innocence and must be conclusive [In re Wright (1978) 78 C.A.3d  
20 788].

21 Thus, the critical question is whether the Morris  
22 testimony is "suppressed" or "newly discovered." If the former,  
23 the writ will almost invariably be granted; if the latter,  
24 almost invariably denied. By any ordinary test, the testimony  
25 of Steven Morris is beyond any doubt, both substantial and

26 / / / / /

27 / / / / /

28 / / / / /

1 material.<sup>2/</sup> As noted above, the burden is on the petitioner  
2 but is by a preponderance of the evidence.

3 The Court is presented with a significant dispute  
4 concerning the underlying facts. Morris repeatedly testified  
5 that he told the officer he spoke with on the phone that he  
6 was an eyewitness. The People's short answer is that Gus  
7 Coperis testified that although he has absolutely no present  
8 recollection of the telephone conversation he had with Morris,  
9 it was his habit and practice in taking telephone tips to  
10 clearly specify witnesses reporting that they were eyewitnesses.  
11 "U" and "T" clearly do not reflect that Morris was an eye-  
12 witness. Petitioner responds that, whatever Coreris' habit  
13 and practice was, he cannot testify as to what he did on this  
14 occasion, and Morris testified that he did tell the officer he  
15 spoke with on the phone that he was an eyewitness.

16 In support of Morris' testimony is Mrs. Smith's  
17 testimony, which, in essence, was that at 7:30 in the evening  
18 on the Monday following the shooting she had a conversation  
19 with Morris at his home in which Morris told her that he had seen  
20 the shooting and had reported it to the police. It is true,  
21 however, that the People are also not without circumstantial  
22 evidence in support of their position. Morris testified that at

23 2/

24 The Court wishes to stress that it does not mean by this  
25 comment that Morris' testimony meets the "newly discovered  
26 evidence test" for granting the writ. Indeed, from the cases,  
27 it appears clear that newly discovered eyewitness testimony  
28 conflicting with other eyewitness testimony is insufficient to  
meet the burden of unerringly and inevitably pointing to  
acquittal [see II California Criminal Law Practice, 1976 Supple-  
ment (CEB) §21.99]. Rather, the Court means that it is evidence  
that "could have affected the outcome of the trial" [In re  
Wright (1978) 78 C.A.3d 788, 814].

1 least on two occasions he was called by the San Francisco police,  
2 and he had reported his status as an eyewitness, although  
3 emphasizing that the calling officer only seemed interested in  
4 the car. Again, no record of such conversations were recorded  
5 by the police. It is clear that any conversations after Morris'  
6 initial call were not with Coreris but with Falzone. It is  
7 difficult to believe that both officers would fail to record  
8 that Morris was an eyewitness. Although initially denying any  
9 recollection of Morris at all, Detective Falzone returned to  
10 the stand after the Morris testimony to state that he had called  
11 Morris only once (at home), and that at no time did Morris tell  
12 Falzone that he was an eyewitness. The issue is complicated  
13 by Morris' insistence that the telephone calls were received at  
14 Dave's Finnish Bath House, and the clear evidence that the  
15 witness did not begin his employment there until about February 12,  
16 1974.

17 The Court believes that a rational explanation of this  
18 seriously divergent testimony exists. The Coreris memo  
19 suggested that the only relevant evidence Morris possessed was  
20 in relation to the car, and the apparent conflict between Morris  
21 and Falzone may be resolved by recognizing that after five years  
22 it would hardly be surprising that Morris confused the substance  
23 of his various telephone conversations as he clearly had the  
24 timing of his conversation with Falzone.

25 A resolution of the conflicting testimony suggests that  
26 the Coreris memo was delivered to Falzone, and that no follow-up  
27 was had until shortly before trial or approximately a year later  
28 at the time Morris was working at the bathhouse. At that time,

1 the conversation between Falzone and Morris was limited to the  
2 automobile since that is all that was in the Coreris memo and,  
3 accordingly, all that Falzone knew. It must be kept in mind  
4 that very early in the case the People had eyewitnesses who had  
5 picked the petitioner out of mug books as the assailant, and  
6 the follow-up of what appeared to be a relatively peripheral  
7 matter would not be urgently required under those circumstances.  
8 All of the above does not resolve the issue of what Morris told  
9 Coreris but does help to rationalize an apparent conflict in  
10 the testimony.

11 Other evidence, direct and circumstantial, bears upon  
12 the question of whether Morris told Coreris that he was an  
13 eyewitness. Of some significance to the Court are the facts  
14 surrounding Exhibit "I"--the memo memorializing the telephone  
15 call from Leonard Louie to Falzone.

16 It will be recalled that Leonard Louie telephoned Falzone  
17 asserting that he had a big break in the matter. Falzone  
18 recorded that Leonard Louie had told him unequivocally that  
19 minutes before the shooting the victim and suspect had been in  
20 Louie's of Grand Avenue (though the name was not recorded), and  
21 that there was an apparent agreement between the victim and  
22 suspect, and then an argument occurred. When called to the  
23 stand, Leonard Louie testified unequivocally that he had told  
24 Falzone that his uncle or father told him of an argument in  
25 the coffee shop across the street. Leonard Louie claims clear  
26 recollection of his conversation with Falzone. He specifically  
27 denies telling Falzone anything about an agreement.

28 There are two possible explanations for this divergent

1 testimony. First, Leonard Louie, because of his fear for his  
2 uncle and/or father, is not being candid. If this is true,  
3 then it appears clear that the failure to turn "I" over to the  
4 defense is the suppression of substantial material evidence.  
5 Now, five years later, the petitioner is stuck with Park  
6 Louie's story. Had "I" been turned over promptly, other  
7 independent witnesses of the agreement and argument (for instance,  
8 caucasian diners in the restaurant not affected by fear) might  
9 well have been available. The Court is required by the law to  
10 consider what evidence would logically have been discovered had  
11 the "suppressed" evidence been disclosed [In re Ferguson, supra,  
12 at 533]. Obviously, to some degree, this process must result in  
13 some speculation since the predicate is what is known in logic  
14 as a contrafactual conditional. Nonetheless, from the evidence,  
15 we know the Louie's of Grand Avenue was a popular and well-known  
16 restaurant patronized by caucasians as well as orientals. Common  
17 experience teaches that on Sunday, at the dinner hour, caucasians  
18 would be present, and certainly conceivably if Leonard Louie was  
19 not being candid and the agreement and argument took place in  
20 Louie's of Grand Avenue such witnesses might well be discovered.

21 On the other hand, another explanation is that Leonard  
22 Louie is being candid. If so, the testimony raises serious  
23 doubts as to the standards then employed by the Homicide Division  
24 of the San Francisco Police Department relative to recording  
25 telephone conversations. Of course, the Court recognizes that  
26 in the case of "I" it was Falzone reporting the telephone message,  
27 and in the case of "U" and "4" Coreris was the recording officer.  
28 Thus, it is clear that, at best, this evidence is not direct

1 evidence as to Coreris' method; however, at this distance in  
2 time, the very best we can reasonably hope for is circumstantial  
3 evidence. Indeed, from the testimony of Officer Cleary,  
4 Falzone was considered a meticulous officer who documented every-  
5 thing. If he recorded his telephone conversation with Louie  
6 in a manner wholly inconsistent with the message he received,  
7 and was considered a meticulous officer who documented everything,  
8 the evidence raises serious questions relative to the standards  
9 of accuracy in the department and, thus, of the Coreris memo.  
10 Moreover, at least one recording error appears to be demonstrated  
11 in the memos. There is little doubt that there were a total of  
12 five people in the Morris party, including Morris, but the memo  
13 reads: "W (witness) was in company of five others, to dine."

14 The Court wishes to be clear: the issue must be resolved  
15 in terms of the burden of proof. The evidence, when marshalled,  
16 demonstrates the unequivocal testimony of Morris that he reported  
17 to Coreris that he was an eyewitness. Coreris is unable to  
18 deny the testimony because he has no independent recollection.  
19 Circumstantial evidence exists to support both that Morris did  
20 and did not report that he was an eyewitness to Coreris. The  
21 Court finds by the weight of the evidence that Morris did report  
22 he was an eyewitness to Coreris but did not so report to  
23 Falzone.

24 The resolution of this issue, however, does not dispose  
25 of the case. The People have a "fall-back" position. Even  
26 assuming that the Coreris memo was inaccurate, it was turned  
27 over. Is that enough? The chain of events leading to Morris'  
28 production in this hearing is not unpersuasive evidence that

1 it should be. Several factors bear on this issue. As we have  
2 noted, Hintz, being in possession of the Coreris memo but  
3 without the APB, did not perceive the Coreris memo as indicating  
4 that Morris had any connection with Chol Soo Lee at all. More-  
5 over, the evidence appears to be clear that the petitioner's  
6 search for Morris began because of the APB and their effort to  
7 find the source of the Cadillac. Perhaps most persuasive,  
8 however, is that fairly viewed the material turned over, in  
9 fact misdirected the defense counsel. Indeed critical to this  
10 is the fact that Hintz received "T." Even if defense counsel  
11 were able to make out the connection between "U," "4" and "T,"  
12 the import of the documents necessarily led to Hintz's evaluation  
13 that Morris was a "negative-type" witness. "U" and "4" refer  
14 to an otherwise unspecified "S" (i.e., suspect). "T," when it  
15 refers to Morris, refers to "Jimmy Lee," and elsewhere to the  
16 suspect as Chol Soo Lee. (At the time, the People sometimes  
17 referred to the petitioner as "Jimmy Lee," but the defense  
18 counsel did not know that fact.) Thus, the purport of the  
19 documents, when read together, was that Morris was involved  
20 in a traffic accident with someone other than Chol Soo Lee.  
21 However, if defense counsel had the APB, then perhaps the defense  
22 would have reasonable notice of Morris' significance. Indeed,  
23 as Mr. Hintz testified, even at the late date he received the  
24 subsequent discovery, had he understood that the witness claimed  
25 contact with his client, he would have begun an immediate search  
26 for Morris. The Court finds that the defendant was misdirected  
27 but the misdirection was inadvertent.

28 The People argue that the misdirection should not be



1 charged to the prosecution since, had Hintz asked them whether  
2 Jimmy Lee was one and the same as the petitioner, they would  
3 have told him. The problem is that there was no reason to ask--  
4 no reason to perceive the potential importance of Morris. More-  
5 over, the law makes short reply to the People's argument. First,  
6 "the good or bad faith of the prosecutor is not determinative"  
7 [In re Ferguson (1971) 5 C.3d 525, 532]; second, "when the  
8 evidence is suppressed or otherwise made unavailable to the  
9 defense by conduct attributable to the state bears directly on  
10 the question of guilt" [People v. Ruthford (1975) 14 C.3d 399,  
11 406 (emphasis added)], habeas lies so long as the evidence is  
12 material.

13 Three legal questions remain:

14 1. May the petitioner file a traverse to encompass the  
15 material now before the Court and/or amend the petition to  
16 conform to proof? The Court believes that either vehicle is  
17 available (by acquiescence, the petition may be treated as the  
18 traverse) and Orders that a traverse to encompass the evidence  
19 adduced at trial be filed by defendant not more than ten days  
20 from receipt of this decision [II California Criminal Law  
21 Practice, 1976 Supplement (CEB) §21.102; In re Saunders (1970)  
22 2 C.3d 1033, 1041].

23 2. Relative to "Mr. X," since the Court finds that  
24 independent of Mr. X there are sufficient grounds to grant the  
25 writ of habeas corpus, the Court does not reach the issue of  
26 whether or not Mr. X may testify without revealing his name and  
27 like information.

28 3. Because of the Court's resolution of the issues,

1 the issue of the receipt into evidence of various lie detector  
2 tests and the motion for a hearing on the reliability of such  
3 tests are rendered moot.

4 IT IS THEREFORE ORDERED that counsel for petitioner  
5 prepare an order issuing the writ.

6 DATED:

7 JAN 13 1978

8 LAWRENCE K. KARLTON

9 JUDGE OF THE SUPERIOR COURT  
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**Court of Appeal, Third District, California.**

**IN RE: CHOL SOO LEE on Habeas Corpus. The PEOPLE of the State of California,  
Plaintiff and Appellant, v. CHOL SOO LEE, Defendant and Respondent.**

**Cr. 10161.**

**Decided: March 21, 1980**

George Deukmejian, Atty. Gen., Robert H. Philibosian, Chief Asst. Atty. Gen., Arnold O. Overoye, Asst. Atty. Gen., Willard F. Jones and Edmund D. McMurray, Deputy Attys. Gen., for plaintiff and appellant.

Leonard Weinglass, Los Angeles, and H. Peter Young, Santa Monica, for defendant and respondent.

**PARAS, Associate Justice.**

The People appeal a habeas corpus order discharging Chol Soo Lee (hereinafter defendant) from custody imposed pursuant to a murder conviction. (Pen.Code, § 1506.) We affirm.

**I**

Defendant was convicted on July 10, 1974, of first degree murder with the use of a firearm. The case was tried in Sacramento after a change of venue from San Francisco. The prosecution relied on two eyewitnesses who observed the shooting on a Chinatown street corner on June 3, 1973, and identified defendant as the assailant; also on a third witness who saw defendant fleeing the scene just after the shooting. The conviction was affirmed in an unpublished opinion by this court in April 1975 (3 Crim. 7711); there was no petition for hearing in the Supreme Court. Defendant was sentenced to life imprisonment, and prison terms were also imposed for parole violation on an earlier grand theft from the person conviction and a subsequent conviction of possession of a concealable firearm by a felon. Deuel Vocational Institute at Tracy, California, was the place of confinement.

On October 8, 1977, defendant was charged in San Joaquin County Superior Court with first degree murder in connection with a homicide at the institute, and the 1974 murder conviction was alleged as a special circumstance. (Pen.Code, s 190.2.) In

the course of examining discovery files regarding the 1974 conviction, the 1977 defense attorneys learned of an all points bulletin and a San Francisco Police Department interdepartmental memorandum, neither of which had been given to defense counsel in 1974.

A petition for writ of habeas corpus was filed in San Joaquin County on July 17, 1978, alleging inter alia that defendant was denied a fair trial by the prosecution's suppression of material evidence. The San Joaquin Court transferred the matter to Sacramento Superior Court. An order to show cause issued from the latter on October 20, 1978, and a series of hearings was held, beginning on October 27. During the course of the hearings, defense investigators used the information contained in the memorandum, the bulletin, and other documents to locate one Steven Morris, who reported to them that he had witnessed the shooting and defendant was not the attacker. He so testified at the habeas corpus hearing and added emphatically that he had advised the San Francisco police by a phone call the day after the killing that he was an eyewitness. The phone call to the police was confirmed by a note made by Officer Gus Coreris summarizing the call's contents (Coreris answered the phone), which he relayed to Officer Falzon, an investigator on the case. The note does not indicate Morris as an eyewitness. Coreris testified at the habeas corpus hearing that he had no present recollection of the conversation but that it was his custom to take notes of information given by callers and transmit such notes to the appropriate investigators. He would record and immediately follow up eyewitness accounts. Falzon testified he did not understand from the Coreris notes or from his own later conversation with Morris that Morris was an eyewitness to the shooting.

At the conclusion of the habeas corpus hearings, the trial court found that Morris had in fact told Coreris he was an eyewitness and that this crucial information was withheld from the defense to its prejudice.<sup>[FN1]</sup>

## II

The People contend Morris' testimony was inherently improbable and unworthy of belief, thus the trial court erred in finding that there was suppression of material evidence. They also claim the court erred in admitting hearsay evidence which tended to corroborate Morris' testimony (testimony by a friend that Morris talked to her the day after the shooting and told her he had seen the murder and had called the police) and that the order of discharge is deficient.<sup>[FN2]</sup>

In support of the inherent improbability claim, the People point to a number of serious discrepancies between Morris' version of the shooting and more credible

testimony given at the 1974 trial. More to the point, the People note irreconcilable inconsistencies between Morris' testimony and the irrefragable physical evidence of the victim's clothing, irremediable internal conflicts in Morris' description of the assailant's clothing and his phone calls with the police, and the testimony of two of Morris' Chinatown dinner companions who were with him at the time he asserts he witnessed the shooting, yet themselves saw no shooting and heard no shots.

We are not unimpressed with the inherent improbability argument, despite the heavy burden it carries (*People v. Thornton* (1974) 11 Cal.3d 738, 754, 114 Cal.Rptr. 467, 523 P.2d 267); however we find it of no avail to the People even if we were to accept and adopt it. Irrespective of whether the testimony of Morris as to what he saw on June 3, 1973, is or is not inherently improbable, the issue here is whether his testimony that he told Coreris he was an eyewitness is inherently improbable. It is that evidence that the trial judge believed, and the only evidence he had to believe to justify his ruling. As to it, there was nothing inherently improbable. Granting any inherent improbability of Morris' substantive testimony, his defense lawyers were still entitled to know of it so they could judge that matter for themselves. That very simply was the trial judge's ruling, premised on the finding that Morris informed Coreris of what he purportedly had seen.

The People of course reason that from inherent probability of the substantive testimony, falsity of an asserted statement to the police must follow. This is not so, for in that regard the test is purely one of substantial evidence. If in the face of the many contraindications the trial judge chose to believe that Morris told the police he saw the shooting, we can do nothing about it. (*In re Guiterrez* (1954) 122 Cal.App.2d 661, 664, 265 P.2d 16.)

Since no timely objection was made (*People v. Gardner* (1976) 56 Cal.App.3d 91, 102, 128 Cal.Rptr. 101), the People's contention that the court erred by admitting hearsay evidence supporting Morris' testimony must fail. It is a well-established rule that questions of admissibility of evidence will not be reviewed on appeal absent timely objection at trial, specifying the grounds. (*People v. Welch* (1972) 8 Cal.3d 106, 114-115, 104 Cal.Rptr. 217, 501 P.2d 225.)

The contention that the writ is deficient because it does not explicitly reverse defendant's conviction is without merit. It correctly ordered the Superintendent at Deuel to "discharge (defendant) from custody pursuant to his conviction of Murder in the First Degree under Superior Court of Sacramento County, Case No. 44362 . . . ." (Pen.Code, ss 1485, 1487.) We perceive no double jeopardy problem. Defendant's brief accurately addresses the issue thus: "The State also surmises that since the order below

does not specify that Lee's conviction has been set aside, he might argue on retrial that the order did not reverse his conviction and therefore the double jeopardy clause prohibits his retrial. . . . That . . . is frivolous, for the public records in this case clearly demonstrate that the order was based on the setting aside of his conviction; there was no other ground asserted or available for discharge."

The judgment is affirmed.

#### FOOTNOTES

1. Since the court found Morris' testimony provided sufficient grounds for issuance of the writ, it did not rule on other issues presented by defendant.
2. We do not reach the People's contentions regarding other evidence presented, since the superior court ruled only on the undisclosed eyewitness issue.

**REGAN, Acting P. J., and REYNOSO, J., concur.**

**Citations:** 103 Cal. App. 3d 615, 163 Cal. Rptr. 204.

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### Speaker Bios

**Vincent T. Chang** is a Partner at Wollmuth Maher & Deutsch, specializing in complex litigation in such areas as bankruptcy, real estate, insurance, mortgage securitizations, hedge funds, reinsurance, bondholder litigation, investment banking, antitrust, and securities. Mr. Chang is a graduate of Harvard College, magna cum laude, and Harvard Law School, cum laude. Mr. Chang clerked for the Hon. Robert B. Krupansky, United States Court of Appeals for the Sixth Circuit, and was an associate and then counsel at Davis Polk & Wardwell. Mr. Chang is a past President of the Asian American Bar Association of New York (“AABANY”). He is the Vice President of the New York County Lawyers Association and serves on its Executive Committee, Nominating Committee and Board of Directors. Mr. Chang has co-chaired NYCLA’s Federal Court and Public Policy Committees and has served as NYCLA’s Treasurer. He also serves on the House of Delegates of the New York State Bar Association, has served on its Nominating Committee and serves on its Committee of Bar Leaders and Federal Legislative Priorities Committee. He has served on the Standing Committee on the American Judicial System of the American Bar Association and has served as Vice Chair of two committees of the Antitrust Section of the American Bar Association. Mr. Chang is Vice President of the Asian American Law Fund of New York and has served on the Board of Directors of the South Asian Bar Association of New York. Mr. Chang served on the Board of Directors of Legal Services NYC. Mr. Chang served on the Judiciary Committee of the New York City Bar Association and is a recipient of its Diversity and Inclusion Champion Award. Mr. Chang serves as an adviser on the Second Circuit Judicial Council Committee on Civic Education & Public Engagement. Mr. Chang is a member of the Departmental Disciplinary Committee for the First Department and a member of the New York Continuing Legal Education Board. Mr. Chang has been listed as a “Super Lawyer” in business litigation in New York.

**Yang Chen** is the Executive Director of AABANY, a position he has held since August 2009. Mr. Chen has been active in AABANY for many years, having served on the Board and numerous committees, including the Judicial Affairs (now Judiciary) Committee, of which he was a chair. Mr. Chen served as AABANY’s President in 2008. Before becoming AABANY’s Executive Director, Mr. Chen was a partner at Constantine Cannon, a boutique firm specializing in antitrust and complex commercial litigation. He was among the group that founded the firm in 1994, which started as Constantine & Associates. Before joining Constantine Cannon, Mr. Chen was an associate in the New York office of McDermott, Will & Emery and before that he was associated with Breed, Abbott & Morgan (now Winston & Strawn). Mr. Chen is a graduate of the New York University School of Law and Binghamton University.

**Theo Cheng** is an independent, full-time arbitrator and mediator, focusing on commercial, intellectual property (IP), technology, entertainment, and labor/employment disputes, and has conducted over 500 arbitrations and mediations. Mr. Cheng has been appointed to the rosters of the American Arbitration Association, the CPR Institute, FINRA, Resolute Systems, the Silicon Valley Arbitration & Mediation Center’s List of the World’s Leading Technology Neutrals, and several federal and state courts. He writes a regular column called *Resolution Alley* in the *NYSBA Entertainment, Arts and Sports Law Journal*, which addresses the use of ADR in those industries, and the quarterly column *The ADR Mosaic* in the Minority Corporate Counsel Association’s *Diversity & the Bar Magazine*, which addresses ADR and diversity. The *National Law Journal* named him a 2017 ADR Champion. Mr. Cheng also has over 20 years of experience as an IP and general commercial litigator and has handled a broad array of business disputes, counseling high net-worth individuals and small to middle-market business entities in industries as varied as high-tech, telecommunications, entertainment, consumer products, fashion, food and hospitality, retail, and financial services. In 2007, NAPABA named him one of the Best Lawyers Under 40 and, from 2015-2016, he served as the President of the Asian Pacific American Lawyers Association

of New Jersey, a NAPABA affiliate. Mr. Cheng received his A.B. *cum laude* in Chemistry and Physics from Harvard University and his J.D. from New York University School of Law.

**Denny Chin** is a United States Circuit Judge for the Second Circuit. Judge Chin graduated from Princeton University magna cum laude and received his law degree from Fordham Law School, where he was managing editor of the Law Review. After clerking for the Honorable Henry F. Werker, United States District Judge for the Southern District of New York, he was associated with the law firm Davis Polk & Wardwell. He served as an Assistant United States Attorney in the Southern District of New York from 1982 until 1986, when he and two of his colleagues from the U.S. Attorney's Office started a law firm, Campbell, Patrick & Chin. In 1990, he joined Vladeck, Waldman, Elias & Engelhard, P.C. (now Vladeck, Raskin & Clark, P.C.), where he specialized in labor and employment law. From September 1994 through April 2010, Judge Chin served as a United States District Judge for the Southern District of New York. Judge Chin has taught legal writing at Fordham Law School since 1986. He has taught "Asian Americans and the Law" at Fordham Law School and at Harvard Law School. While in private practice, he provided extensive *pro bono* representation to the Asian American Legal Defense and Education Fund. He served as President of AABANY from January 1992 through January 1994. He has served on the boards of numerous non-profit organizations. Judge Chin was born in Hong Kong. He was the first Asian American appointed a United States District Judge outside the Ninth Circuit.

**Francis H. Chin** has been an information technology administrator at Brooklyn Law School since 1999. He serves as Director of Technology for the Asian American Bar Association of New York (AABANY), as well as co-chair of the Professional Development Committee, coordinating AABANY's CLE programs. Mr. Chin is also on the boards of the Asian American Law Fund of New York and the NYU College of Arts and Science Alumni Association. He has helped to organize the Hon. Thomas Tang Moot Court Competition at the national and regional levels. Mr. Chin joins in producing APA historical trial reenactments led by Hon. Denny Chin. While attending law school, Mr. Chin co-authored the McGraw-Hill computer text *HTML Publishing on the Internet*, one of the first commercial website manuals. After graduation, he was of counsel to Llorens and Meneses in New Jersey, practicing real estate, business formation, and immigration. He was technology counsel at Netmatrix (now part of Epiq Systems), focused on e-discovery and knowledge management. Mr. Chin received a bachelor's degree in computer science from New York University, a JD from Brooklyn Law School, and a certificate in transnational law from Duke University School of Law at the University of Hong Kong Faculty of Law. He is admitted to practice law in New York and New Jersey.

**Kathy Hirata Chin** is Senior Counsel at Cadwalader, Wickersham & Taft LLP. She is a member of the litigation group specializing in healthcare and real estate issues. Ms. Chin graduated from Princeton University magna cum laude and Columbia Law School, where she was Editor-in-Chief of the Journal of Transnational Law. She served as Commissioner on the New York City Planning Commission from 1995 to 2001 and is currently a Commissioner on the New York City Commission to Combat Police Corruption, a position she has held since Mayor Michael Bloomberg appointed her in August 2003. She has served on the Federal Magistrate Judge Merit Selection Panel for the Eastern District of New York, Governor Mario Cuomo's Judicial Screening Committee for the First Department, the Gender Bias Committee of the Second Circuit Task Force, former Chief Judge Judith Kaye's Commission to Promote Public Confidence in Judicial Elections, chaired by John Feerick, the Second Circuit Judicial Conference Planning and Program Committee, the Board of Directors of the New York County Lawyers Association, and the Board of Directors of New York Lawyers for the Public Interest, a non-profit that advocates for marginalized New Yorkers. She currently serves on the Attorney Emeritus Advisory Council and the Commercial Division Advisory Council, appointed to both by former Chief Judge Jonathan Lippman of the New York State Court of Appeals, and as Vice Chair on the Board of Directors of the Medicare Rights Center, a national nonprofit organization dedicated to helping older adults and people with disabilities get affordable health care. In December 2012 and again in December 2014, she was

nominated for appointment to the New York State Court of Appeals by the New York State Commission on Judicial Nomination. In May 2015, the New York City Bar honored Ms. Chin with its Diversity and Inclusion Champion Award. In April 2016, she was appointed by Governor Andrew Cuomo to the First Department Judicial Screening Committee. She has served as Co-Chair of the Enhance Diversity in the Profession Committee of the City Bar since September 2017. On October 18, 2017, Ms. Chin was honored by the Arthur Ashe Institute for Urban Health with its Leadership Award. AAIUH collaborates with community members to design, incubate and replicate neighborhood-based interventions that address health conditions that disproportionately affect minorities. On November 1, 2017, she received the Lillian D. Wald Award from Visiting Nurse Service of New York, a not-for-profit home- and community-based health care organization that helps thousands of New Yorkers get the care they need. She was also honored as a “25<sup>th</sup> Anniversary Celebrant” by Apex For Youth on April 26, 2017. Apex for Youth provides mentoring and educational programs for underserved Asian and immigrant youth in New York City. Earlier this year, on February 10, 2018, Columbia Law School APALSA presented Ms. Chin with its inaugural Hong Yen Chen Award and on February 28, 2018, AABANY honored her with its Women’s Leadership Award.

**Anna Mercado Clark** leads the Cyber Security and Data Privacy and e-Discovery & Digital Forensics Practice Teams at Phillips Lytle LLP, a full service law firm in the U.S. and Canada. Her practice is focused on complex e-Discovery and digital forensics, cyber security and data privacy, and complex commercial litigation. As a former Assistant District Attorney, she handles white collar criminal matters and investigations. Ms. Clark obtained her B.A. in Biology from Rutgers University and J.D. from Fordham University School of Law. While in law school, she interned for the Hon. Denny Chin of the United States District Court, Southern District of New York, and received numerous moot court awards, including Best Oralist at the Thomas Tang National Moot Court Competition. She also received the following recognitions: New York Metro Super Lawyers® Rising Star from 2014 through 2018, *Profiles in Diversity Journal*’s 17th Annual Women Worth Watching Award, 2018 Hon. Denny Chin Alumni Award for Excellence in the Legal Profession, and the 2010 Woman Achiever Award from the Pan American Concerned Citizens Action League. She is a member of her firm’s Diversity & Inclusion Committee, where she helped launch and facilitates a pipeline diversity program called “Peace Out!” She is a founding member of the Filipino American Lawyers Association of New York (FALA-NY), where she was the inaugural Vice President and former Board Member. She is a member of the Asian American Bar Association of New York’s trial reenactment team, as well as the National Filipino American Lawyers’ Association (NFALA).

**Andrew T. Hahn, Sr.** is a Partner and the General Counsel of Hawkins Delafield & Wood LLP, a law firm that specializes in public finance transactions. Prior to that position which he assumed in July 2018, Mr. Hahn practiced for over 30 years on commercial litigation matters involving contract disputes, including franchising, insurance, commercial leases, employment, and other corporate disputes. He also handled complex litigation including class actions relating to products liability and toxic torts, consumer fraud, and insurance issues. He has experience in government contracts, intellectual property, bankruptcy, and banking litigation. He is certified as a neutral for the American Arbitration Association and is an ALJ for the Waterfront Commission of New York Harbor. Mr. Hahn received his J.D. from Cornell Law School in 1986, and a B.A. in History, cum laude, from Cornell University in 1983, when he was also commissioned as a Distinguished Military Graduate from the US Army ROTC Program. He also attended Airborne School at Fort Benning, GA in 1981 and graduated with his basic parachutist wings. He served on active duty as a Captain of the U.S. Army Judge Advocate General's Corps from 1986 to 1990, and on reserve status from 1990 to 1996. In 2008, Mr. Hahn was the President of the National Asian Pacific American Bar Association. He also served in 2004 as the President of Asian American Bar Association of New York. He was also Chairman (2005) and a Board member (2006-2008) of the Korean American Lawyers Association of Greater New York (“KALAGNY”), which bestowed upon him the honor of a Trailblazer's Award in February 2008. Mr. Hahn also served as a Member of the Judiciary Committee

from 1996 to 1999 of the Association of the Bar of the City of New York. He has served on numerous judicial screening panels for candidates in New York City. In May 2011, the City Bar honored Mr. Hahn with its Diversity Champion Award. In 2017, the New York Law Journal honored Mr. Hahn with its Distinguished Leader Award.

**Lauren U. Y. Lee** obtained her B.A. from the University of Pennsylvania, *magna cum laude*, and her J.D. from the Temple University School of Law, *magna cum laude*, where she was a Law Faculty Merit Scholar and a member of law review. After law school, she clerked for the late Honorable James McGirr Kelly, U.S. District Judge for the Eastern District of Pennsylvania. From 2002-2016, she practiced complex commercial litigation at Cadwalader, Wickersham & Taft LLP, where she served on Cadwalader's Diversity Initiative, co-founded, and was co-chair of, Cadwalader's resource group for Asian American attorneys, and was Cadwalader's Fellow in the 2012 Leadership Council on Legal Diversity Fellows Program. Ms. Lee actively supports several non-profit organizations that assist low-income immigrants and promote civil rights of Asian Americans. In 2007, Ms. Lee was recognized for her pro bono work with Korean women seeking legal resident status under the Violence Against Women Act and was a recipient of the Sanctuary For Families Pro Bono Advocacy Award. She served on the Board of the Asian American Legal Defense And Education Fund ("AALDEF") from 2008-2014, and founded, and was formerly co-chair of, AALDEF's Young Professional Committee. In 2014, she joined the Board of the Korean American Family Services Center ("KAFSC"), which assists victims of domestic violence, and currently serves as the Secretary of the Board and Chair of its Development Committee.

**Linda Lin** is currently Vice President, Assistant General Counsel at QBE North America (QBE) where she is the legal advisor for the QBE's Specialty Division and Excess & Surplus Lines business. QBE's Specialty Division includes management and professional liability, accident & health, trade credit, surety, aviation, inland marine, healthcare and the Specialty Program business. Prior to joining QBE, Linda served as Senior Complex Claims Director at Berkshire Hathaway Specialty Insurance (BHSI), where she supported BHSI with respect to management, professional, employment practices, fiduciary, fidelity and cyber liability matters. Linda began her career in the insurance industry at Liberty International Underwriters (LIU) in management liability claims. Prior to LIU, Linda was a litigation associate at the law firm of Willkie Farr & Gallagher LLP. She also served as law clerk to the Hon. Dora L. Irizarry, U.S. District Judge for the Eastern District of New York. Linda received her B.A. in Philosophy, Politics and Law with honors from Binghamton University and her Juris Doctorate *cum laude* from Brooklyn Law School, where she was a member of the Moot Court Honor Society. Linda is a past president of the Asian American Bar Association of New York (AABANY) and currently serves as the co-chair of its Advisory and Judiciary Committees. In 2011, Linda was appointed by the New York City Council as a Commissioner on the New York City Districting Commission tasked with redrawing the City Council district lines. Linda is a founder of the law school division of the Sonia & Celina Sotomayor Judicial Internship Program (formerly known as the Joint Minority Bar Judicial Internship Program). Linda also received the Best Lawyers Under 40 Award from the National Pacific Asian American Bar Association in 2016.

**Concepcion A. Montoya** is a 2000 graduate of Brooklyn Law School and is Partner at Hinshaw & Culbertson LLP. Connie's trial and litigation practice focuses on the areas of consumer class action litigation, employment litigation and legal malpractice defense. She is also a member of Hinshaw's Diversity Committee. Connie is a founding member and an Immediate Past President of the Filipino American Lawyers Association of New York. Connie is a member of the Board of Directors of the National Association of Women Lawyers and the LGBT Bar Association of Greater New York. She is a former Co-Chair of the LGBTQ Network of the National Asian Pacific American Bar Association. She served as Co-Chair of the Litigation Committee of the Asian American Bar Association of New York for several years. In 2017, the Asian Pacific American Law Students Association of Brooklyn Law School presented her with the Distinguished Alumni Award. Connie was an Assistant Corporation Counsel in

the Special Federal Litigation Division of the Office of the Corporation Counsel of the City of New York, where she received the “Municipal Affairs Award” in 2004 for outstanding achievement in the New York City Law Department, from the Municipal Affairs Committee of the Association of the Bar of the City of New York.

**Clara J. Ohr** is the General Counsel of East Coast Energy Group, a collection of energy companies based in Bronx, NY, including East Coast Power & Gas, LLC and East Coast Power & Gas of New Jersey, LLC (energy service companies or “ESCOs” supplying electricity and natural gas to commercial and residential customers in New York, New Jersey, and Delaware); East Coast Mechanical Contracting Corp. (steam boiler conversion, installation and maintenance), East Coast Mechanical, LLC (plumbing services), East Coast Petroleum, Inc. (heating oil retail sales and delivery), East Coast Environmental Services of NY Inc. (fuel oil tank services), and Industrial Steam Boiler Corporation (steam boiler manufacturing). Clara was previously the Legal Counsel and Compliance Officer for LUKOIL Pan Americas, LLC, where she oversaw all legal and compliance matters relating to the supply and trading of crude oil and petroleum products in the Western Hemisphere for the US-based subsidiary of PJSC “LUKOIL”. She has also served as Assistant General Counsel – Trading at Hess Corporation in New York, NY; Counsel at Axiom in New York, NY where she supported the Energy Commodities Group at Deutsche Bank AG; a Project Finance Associate at Chadbourne & Parke LLP in New York, NY; Transactional Counsel at the Export-Import Bank of the United States in Washington, DC; and a Finance Associate at Kutak Rock LLP in Omaha, NE. First Chair Awards recognized Clara in 2018 as one of its Top General Counsel. Clara is also a past President, Treasurer, Director, and In-House Counsel Committee Co-Chair of the Asian American Bar Association of New York (AABANY), and is currently a member of AABANY’s Advisory Committee. Clara received her J.D. from the University of Minnesota Law School, which included an exchange program in comparative international law at Uppsala University in Sweden. She also holds a Masters of Music in Piano Performance from the Peabody Institute of The Johns Hopkins University, and a Bachelors of Arts in East Asian Studies from Harvard University.

**Yasuhiro Saito** has guided some of the world’s largest corporations and their executives through their toughest problems for over twenty five years. A partner and practice-group leader at prominent Wall Street law firms prior to founding his own firm, Saito Law Group, Mr. Saito serves regularly as lead counsel for large businesses faced with major corporate scandals and complex commercial disputes. A skilled advocate and trusted adviser, Mr. Saito has lead the defense of major financial institutions and large accounting firms in some of the largest financial and accounting scandals in the last two decades. Mr. Saito’s most recent cases include white-collar criminal and civil litigation matters representing major banks and their senior executives (some subject of national press coverage), a white-collar criminal defense matter involving FCPA and kick-back allegation against a major medical device manufacturer (settled with federal authorities for over \$600 million), and a white-collar criminal defense matter involving allegations of OFAC violation and money laundering connected to the US-Iran nuclear deal and President Obama’s pardoning of several defendants (subject of intense press coverage). Mr. Saito’s clients include some of the world’s largest banks, investment banks, major accounting firms, multinational trading firms, and manufacturers in various industries such as chemical, pharmaceutical, medical device and automotive. And he serves as US general counsel for foreign multinational companies. Large law firms call on him regularly to represent their clients on special engagements.

**Vinoo Varghese** has been selected as a Super Lawyer and is a 2017 Martindale AV Preeminent rated attorney. Earlier in his career, the New York Law Journal honored him as a Rising Star and in 2012 he was a NAPABA Best Under 40 recipient. The National Association of Criminal Defense Lawyers, in court-filed papers, has recognized Varghese, a former prosecutor, for his courage in defending clients, the federal and state Constitutions, and the criminal defense bar at large. In his career, Varghese has won a complete acquittal for a client in a criminal tax trial against the IRS and DOJ Tax Division. Earlier, before the Second Circuit, he had secured a rarely granted retrial for that client. Some of Varghese’s

more notable white-collar representations have included Rengan Rajaratnam and Dan Halloran. Outside the courtroom, Varghese published an op-ed in the New York Post about O.J. Simpson's parole release and presented a CLE webinar on the Trump Administration's focus on the Foreign Corrupt Practices Act. Varghese graduated from Brooklyn Law School, New York University, and Chaminade High School.

**Ona T. Wang** is a magistrate judge in the Southern District of New York. Before taking the bench, she was a litigation partner at Baker Hostetler LLP. She is a member of the Federal Bar Council American Inn of Court and a Life Fellow of the American Bar Foundation, and has served previously on the Executive and Nominating Committees and as Secretary of the New York City Bar Association. Judge Wang received her A.B. from Harvard-Radcliffe Colleges, her Ph.D. from Duke University, and her J.D. from New York University School of Law. She clerked for the Honorable Deborah A. Batts in the Southern District of New York.

**David Weinberg** is a nationally recognized authority in communication strategies for litigation, mediation, and arbitration. As chief executive officer of *JURYGROUP*, he helps lawyers to define their audience, develop their image and deliver their message in crucial cases. Mr. Weinberg has frequently appeared on national television to demonstrate the forensic reconstruction of news events. He consulted on such events as the Simpson/Goldman murders, the bombing of the Oklahoma City Federal building, Federal confrontation in Waco, Texas with David Koresh and the Branch Davidians. He has participated in forensic investigations into the deaths of Jesse James, J. Edgar Hoover, the explorer Meriwether Lewis, and CIA scientist Frank Olsen. Mr. Weinberg is the editor of *Computer Animation in the Courtroom: A Primer*, a multimedia publication of the American Bar Association. He is a member and speaker in the American Academy of Forensic Science, former chairman of the Committee on the Use of Technologically Sophisticated Evidence for the American Bar Association's Lawyer's Conference, and former technology chair for the ABA Section of General Practice, Small Firm and Solo Practitioners. Mr. Weinberg holds a BA from the University of Illinois at Chicago and a JD from DePaul University School of Law.

**Jessica C. Wong** is Special Counsel at Cadwalader, Wickersham & Taft LLP in the firm's corporate department. Her practice is concentrated in the area of commercial real estate finance. She represents large institutional lenders, national banks and other financial institutions in domestic and cross-border finance originations of commercial mortgage and mezzanine loans, loan acquisitions and sales and restructuring transactions. Jessica's experience includes the financing of a wide range of commercial properties, including hotels, casinos, commercial office buildings, warehouses and shopping centers ranging from single, trophy assets to multi-asset transactions. She is the Chair of the Cadwalader Asian Pacific American Attorney Resource Group (CAPAA) and was selected to be the firm's 2013 Fellow for the Leadership Council on Legal Diversity Fellows Program. Jessica received her bachelor's degree in government from Georgetown University and her law degree from Brooklyn Law School, *cum laude*.