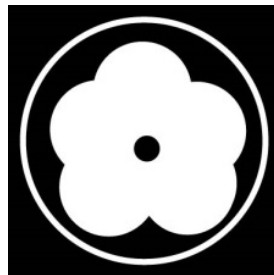


This Land Is Our Land: Oyama v. California



NAPABA Annual Convention
San Diego, CA
November 4, 2016



**Asian American
Bar Association
of New York**

Timed Agenda

	<u>Minutes</u>
The Reenactment	
I. Introduction	2
II. Historical Background	8
III. The Oyamas	3
IV. The Petition to Escheat	2
V. The Trial	18
VI. Appeal to the California Supreme Court	4
VII. Appeal to the U.S. Supreme Court	18
VIII. The Aftermath	2
IX. Conclusion	<u>3</u>
Total	60
Discussion and Q&A	<u>15</u>
Program Total	75

Cast of Characters

Narrator 1	Denny Chin
Narrator 2	Kathy Hirata Chin
Kajiro Oyama	Vincent T. Chang
Alice Oyama	Concepcion A. Montoya
Theodore Roosevelt	Lauren U.Y. Lee
Ulysses S. Webb	Vinoo Varghese
Assemblyman 1	Francis H. Chin
Assemblyman 2	Andrew T. Hahn
Kametaro Iijima	Kiyo A. Matsumoto
Attorney General Earl Warren	Ona T. Wang
Attorney General Robert Kenny	Jessica C. Wong
Fred Oyama	Yang Chen
Judge Charles Haines	Linda S. Lin
A.L. Wirin	Theodore K. Cheng
Judge Joe E. Shell	Clara J. Ohr
Deputy District Attorney Duane Carnes	Vincent T. Chang
Deputy Attorney General Everett Mattoon	Andrew T. Hahn
John C. Kurfurst	Vinoo Varghese
Justice Edmonds	Lauren U.Y. Lee
Akira Iwamura	Concepcion A. Montoya
Chief Justice Vinson	Kiyo A. Matsumoto
Justice Black	Linda S. Lin
Justice Murphy	Jessica C. Wong
Justice Reed	Yang Chen
Justice Jackson	Francis H. Chin
Marshal of the Court	Lauren U.Y. Lee
Dean Acheson	Ona T. Wang
Attorney General Fred Howser	Clara J. Ohr

Powerpoint Presentation: David Weinberg, *JURYGROUP*

Timeline

1900	Fewer than 25,000 Japanese nationals reside on the U.S. mainland. This figure grows by about 100,000 over the next 25 years.
1907	Gentlemen's Agreement of 1907 -- an informal agreement between the United States and the Empire of Japan whereby the U.S. would not restrict Japanese immigration, and Japan would not allow further emigration to the U.S. The goal was to reduce tensions between the two nations, but Congress never ratified the agreement.
1907, February 20	The United States Congress passes the Immigration Act of 1907, one of the effects of which was to limit Japanese laborers through the exclusion of contract workers. This Act also further narrowed the immigration of other Asians, Muslims, and "undesirable women" who were perceived to be prostitutes, and created the Dillingham Commission to collect immigrant data for use in future U.S. immigration laws.
1913	California passes an Alien Land Law, which prohibited "aliens ineligible for American citizenship" from, <u>inter alia</u> , acquiring, owning, occupying, or leasing agricultural land. Land acquired in violation of the law would escheat to the State if the State could prove that the purpose of such acquisition was to evade the law. California enforced the Alien Land Law principally against Japanese.
1920	A California ballot initiative passes overwhelmingly to prevent: (i) aliens ineligible for citizenship from being placed under guardianships or trusteeships; (ii) all agricultural lands from being leased; and (iii) corporations owned by a majority of persons who were ineligible for citizenship from owning real property. These were all methods that Japanese noncitizens had previously utilized to acquire property in California.
1921	Congress passes the Immigration Restriction Act, also known as the Emergency Quota Act or the Emergency Immigration Act, which restricted the number of immigrants admitted from any country annually to 3% of the number of residents from that same country living in the United States as of the U.S. Census of 1910.
1922 and 1923	The U.S. Supreme Court issues two rulings, holding that a Japanese man and a South Asian man were not eligible to be naturalized as U.S. citizens under the Naturalization Act of 1790 because they were not "free white persons." <u>Ozawa v. United States</u> , 260 U.S. 178 (1922); <u>United States v. Thind</u> , 261 U.S. 204 (1923).

1923	The U.S. Supreme Court issues two rulings upholding the constitutionality of the alien land laws of California and Washington, ruling that they did <u>not</u> violate the Equal Protection Clause of the Fourteenth Amendment. <u>Terrace v. Thompson</u> , 263 U.S. 197 (1923) (holding that Washington's Anti-Alien Land Law, which prohibited all aliens ineligible for citizenship from leasing agricultural land for more than five years, was constitutional); <u>Frick v. Webb</u> , 263 U.S. 326 (1923) (holding that California's Alien Land Law, which prohibited aliens ineligible for citizenship from owning shares of stock of corporation, was consistent with the Fourteenth Amendment); <u>see also Porterfield v. Webb</u> , 263 U.S. 225 (1923) (holding that California's prohibition on leaseholds of a term of five years by aliens ineligible for citizenship did not violate the Due Process and Equal Protection Clauses of the Fourteenth Amendment).
1924	Congress passes the Immigration Act of 1924, which reduces the percentage of immigrants who could be admitted from any country through July 1, 1927 to 2% of the number of people from that country who were already living in the U.S. in 1890, down from the 3% cap set by the Immigration Restriction Act of 1921. After July 1, 1927, the overall annual quota of immigrants was set at 150,000, divided among countries in proportion to the ancestry of immigrants in the U.S. according to the 1920 U.S. Census.
1924, August 7	Fred Yoshihiro Oyama is born in Chula Vista, CA, to Kajiro and Kohide Oyama.
1934, August 18	Kajiro and Kohide Oyama purchase 6 acres of land in Chula Vista, CA, for \$4,000 on behalf of their son, Fred. Kajiro Oyama petitions for guardianship of the person and estate of Fred Oyama.
1935, March 22	The Superior Court of California in the County of San Diego appoints Kajiro Oyama as the guardian of the person and estate of Fred Oyama.
1937	The Oyamas purchase an additional 2 acres of land adjacent to their existing 6 acres of land in Chula Vista for \$1,500. Kajiro Oyama does not file the reports required under the California Alien Land Law for all guardians of agricultural land belonging to minor children of "ineligible aliens.
1942, February 19	President Franklin D. Roosevelt signs Executive Order 9066 authorizing the Secretary of War to designate certain areas as military zones, leading eventually to the internment of Japanese-Americans.
1942	The Oyamas "voluntarily evacuate" California for a farm in southwest Utah with the assistance of a seed salesman in Utah.

1942-1947	California undertakes 59 escheat actions under its Alien Land Law, all involving lands owned by Japanese. Between 1913 and 1942, California undertook only 14 escheat actions (also exclusively against lands owned by Japanese).
1944, August 28	California files petition to escheat in the Superior Court of California, County of San Diego, against the Oyamas. California alleges that the Oyamas' purchase of land in their son's name is a "mere subterfuge and cover" for the purpose of "willfully evading and violating the provisions of the Alien Land Law of California."
1945, September 17	The Superior Court finds in favor of the State, and the Oyama's Chula Vista land is seized and returned to the State.
1945, September 27	The Oyamas appeal the Superior Court's ruling to the Supreme Court of California.
1946, October 31	The California Supreme Court affirms the ruling of the Superior Court in favor of the State.
1947, October 22	The Oyamas appeal the ruling of the California Supreme Court to the U.S. Supreme Court.
1948, January 19	The U.S. Supreme Court reverses the California Supreme Court in a 6-3 decision, holding that the rights of an American citizen to own land "may not be subordinated merely because of his father's country of origin." <u>Oyama v. California</u> , 332 U.S. 633, 647 (1948). As a consequence, California eventually ceases enforcement of its Alien Land Law, and the Oyamas are able to keep their land in Chula Vista.
1949	In part because of <u>Oyama</u> , the Alien Land Law in Oregon is invalidated. See <u>Namba v. McCourt</u> , 204 P.2d 569, 575-79 (Or. 1949).

Sources: Rose Cuison Villazor, Rediscovering Oyama v. California: At the Intersection of Property, Race, and Citizenship, 87 Wash. U. L. Rev. 979 (2010); Library of Congress, <https://www.loc.gov/teachers/classroommaterials/presentationsandactivities/presentations/immigration/alt/japanese3.html>; Oyama v. California, 332 U.S. 633 (1948).

Bibliography

Cases and Court Documents

Namba v. McCourt, 204 P.2d 569 (Or. 1949)
Oyama v. State of California, 332 U.S. 633 (1948), and Transcript of Record
Ozawa v. United States, 260 U.S. 178 (1922)
People v. Oyama., 173 P.2d 794 (Cal. 1946)
Frick v. Webb, 263 U.S. 326 (1923)
Fujii v. California 38 Cal. 2d 718 (1952)
Masaoka v. California, 39 Cal. 2d 883 (1952)
Porterfield v. Webb, 263 U.S. 225 (1923)
Takahashi v. Fish & Game Comm'n, 334 U.S. 410 (1948)
Terrace v. Thompson, 263 U.S. 197 (1923)
United States v. Thind, 261 U.S. 204 (1923)

Statutes

Naturalization Act of 1790
California Alien Land Law, 1 Cal. Gen. Laws Act 261 (Deering 1944, 1945 Supp.)

Books

Brilliant, Mark, *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform in California, 1941-1978* (2012)
Bunje, Emil T. H., *The Story of Japanese Farming in California* (1957)
Contino, Jennifer M., *The Japanese Americans* (2003)
Daniels, Roger, *The Politics of Prejudice: The Anti-Japanese Movement in California and the Struggle for Japanese Exclusion* (1962)
Hing, Bill Ong, *Making and Remaking Asian America Through Immigration Policy, 1850-1990* (1994)
Takaki, Ronald, *Strangers From a Different Shore: A History of Asian Americans* (1989)

Articles

Aoki, Keith, *No Right To Own?: The Early Twentieth Century "Alien Land Laws" as a Prelude to Internment*, 19 B.C. Third World L.J. 37 (1998)

Cuison Villazor, Rose, *Rediscovering Oyama v. California: At the Intersection of Property, Race, and Citizenship*, 87 Wash. U. L. Rev. 979 (2010)

Fairman, Charles, *Finis to Fuji*, 46 Am. J. Int'l L. 682 (1952)

Ferguson, Edwin E., *The California Alien Land Law and the Fourteenth Amendment*, 35 Cal. L. Rev. 61 (1947)

Gaines, Brian J. and Wendy K. Tam Cho, *On California's 1920 Alien Land Law: The Psychology and Economics of Racial Discrimination*, State Politics and Policy Quarterly (2004)

L.A. Times, *All Alien Land Law Cases To Be Dismissed*, Jan. 28, 1948

Letter to Editor, *Ex-Sgt. Akira Iwamura Is Puzzled*, L.A. Times, Oct. 14, 1946

N.Y. Times, *Tells Japan's Side Of California Case. State's Attitude Inconsistent with Our Previous Acts of Friendship, New Consul Says*, June 30, 1913

N.Y. Times, *Dr. Soyeda Sure That in the End Californian Situation Will Be Settled Amicably*, June 26, 1913

Soto, Onell R., *Equal-Rights Gains Have Local Roots*, San Diego Union-Tribune, Sept. 21, 2008, available at http://legacy.sandiegouniontribune.com/uniontrib/20080921/news_1n21land.html

Suzuki, Masao, *Important Or Impotent? Taking Another Look at the 1920 California Alien Land Law*, 64 J. of Econ. His. 125 (2004)

On-Line

American Civil Liberties Union, *Oyama v. California* (Nov. 2, 2006), available at <https://www.aclusandiego.org/oyama-v-california-us-supreme-court-rules-californias/>

Densho Encyclopedia, *Oyama v. California* (Sept. 2, 2014), available at http://encyclopedia.densho.org/Oyama_v._California/

Speaker Bios

Vincent T. Chang is a Partner at Wollmuth Maher & Deutsch, specializing in complex litigation in such areas as bankruptcy, real estate, insurance, bankruptcy, subprime 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”) and serves on the Executive Committee and Board of Directors of the New York County Lawyers Association and as Treasurer of NYCLA. He also serves on the House of Delegates of the New York State Bar Association and on the Standing Committee on the American Judicial System of the American Bar Association. Mr. Chang has served as Vice Chair of two committees of the Antitrust Section of the American Bar Association. Mr. Chang was a Co-Chair of the New York County Lawyers Federal Courts Committee. Mr. Chang has been listed as a “Super Lawyer” in business litigation in New York, a designation limited to 5% of the lawyers in a given state. Mr. Chang is a member of the Departmental Disciplinary Committee for the First Department.

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.

Theodore K. Cheng is a Partner at Fox Horan & Camerini LLP where he practices in general commercial litigation, intellectual property, and alternative dispute resolution (ADR). He heads the firm's Trademarks and Unfair Competition Practice and typically counsels high net-worth individuals and business entities in industries such as high-tech, entertainment, consumer products, fashion, food and hospitality, retail, and financial services. Mr. Cheng is also an arbitrator and mediator with the American Arbitration Association (AAA) and Resolute Systems, and serves on the rosters of various federal and state courts. As a neutral, he has conducted over 250 arbitrations, mediations, and inquests. Mr. Cheng received a 2013 AAA A. Leon Higginbotham, Jr. Fellowship and serves on the Boards of the AAA and the Justice Marie L. Garibaldi American Inn of Court for ADR. In 2007, he received a NAPABA Best Lawyers Under 40 Award and is currently the President of APALA-NJ. He is also past Recording Secretary and Director of AABANY, past co-chair of both its Litigation and Judiciary Committees, and the current chair of the Litigation Committee's ADR Subcommittee. Mr. Cheng is a member of several other professional associations, for which he serves on various litigation, intellectual property, and ADR sections and committees. He is licensed to practice in both New York and New Jersey. 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, where

he served as the editor-in-chief of the *Moot Court Board*. Before joining the firm, he was a senior litigator at several prominent national law firms. He was also a marketing consultant in the brokerage operations of MetLife Insurance Company, where he was designated a Chartered Life Underwriter and Chartered Financial Consultant, as well as a Series 7 General Securities Representative. Mr. Cheng served as a law clerk to the Honorable Julio M. Fuentes of the U.S. Court of Appeals for the Third Circuit and the Honorable Ronald L. Buckwalter of the U.S. District Court for the Eastern District of Pennsylvania.

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., where he specialized in labor and employment law. From September 13, 1994, through April 23, 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. 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 is a senior administrator at Brooklyn Law School, focusing on information technology. Mr. Chin is also chair of AABANY's Professional Development Committee, coordinating its continuing legal education program. He has previously served as member of the board of directors and various other officer positions for AABANY; in 2010, Mr. Chin received AABANY's MVP Award for outstanding member contribution. He has been involved with the Hon. Thomas Tang Moot Court Competition in various capacities since 1996, including hosting, judging and problem writing. Mr. Chin has joined in the writing, performing, and stage managing of Asian Pacific American historical trial reenactments held yearly since 2006 led by Judge Denny Chin. Among other activities, Mr. Chin also serves on the board of directors for the NYU College of Arts and Science Alumni Association. While attending Brooklyn Law School, Mr. Chin co-authored the McGraw-Hill computer text *HTML Publishing on the Internet*, one of the first commercial manuals on creating websites. After graduation, he was of counsel to Llorens and Meneses in New Jersey, where he practiced residential real estate, business formation, and immigration, and then was technology counsel at Netmatrix (now Epiq), an e-discovery and knowledge management firm in New York. Mr. Chin holds a bachelor's degree in computer science from New York University, a law degree 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 in New York and New Jersey.

Kathy Hirata Chin is a partner 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, and the Board of Directors of the New York County Lawyers Association. 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 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, as well as on the Board of Directors of New York Lawyers for the Public Interest, a non-profit that advocates for marginalized New Yorkers. 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.

Andrew T. Hahn is a Partner in the Trial Group of Duane Morris LLP's New York Office. Mr. Hahn focuses his practice on commercial litigation matters involving contract disputes, including franchising, insurance, commercial leases, employment, and other corporate disputes. He also handles 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 the International Institute for Conflict Prevention and Resolution. 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 ("NAPABA"). As President of NAPABA, he briefed White House Counsel, U.S. Senators, and the U.S. Attorney General on issues regarding appointments of APA attorneys. He also served in 2004 as the President of AABANY. He was also active as a Board member with 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.

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

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 2002-2006, she practiced complex commercial litigation at Cadwalader, Wickersham & Taft LLP, where she served on Cadwalader's Diversity Initiative, co-founded, and was formerly 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. In addition to her legal work, 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 non-English speaking 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 was a board member of the Asian American Legal Defense And Education Fund ("AALDEF") from 2008-2014, 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"), and currently serves as the chair of its fundraising committee.

Linda S. Lin is Senior Counsel, Senior Complex Claims Director at Berkshire Hathaway Specialty Insurance (BHSI). Linda supports BHSI with respect to executive and professional liability matters, including D&O, E&O, EPL, fiduciary, fidelity and cyber liability matters. Prior to joining BHSI, Linda was Senior Counsel at Liberty International Underwriters (LIU), a division of Liberty Mutual Group, where she supported LIU with respect to securities and employment matters. Prior to LIU, she was associated with the law firm of Willkie Farr & Gallagher LLP. She also served as law clerk to the Honorable 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 an active leader in AABANY, co-chairing AABANY's Judiciary Committee and serving on AABANY's advisory board. From 2011-2012, Linda served as President of AABANY. In 2012, the NYC Council appointed Linda to the New York City Districting Commission, where she was responsible for redrawing the City's Councilmanic District lines. In 2009, Linda founded the Joint Minority Bar Judicial Internship Program, which places law students in summer judicial internships. Linda also serves as a board member of the Sonia & Celina Sotomayor Judicial Internship Program. In March 2015, Linda was appointed to the Magistrate Judge Merit Selection Panel for the Eastern District of New York.

Kiyo A. Matsumoto was appointed as a United States District Judge for the Eastern District of New York in July 2008, after serving as a United States Magistrate Judge. She graduated with high honors from the University of California at Berkeley, and thereafter from the Georgetown University Law Center. After two years in private practice, she joined the U.S. Attorney's Office for the Eastern District of New York, where she served for over twenty years, as an Assistant U.S. Attorney and as Deputy Chief, First Deputy Chief, and Chief of the Civil Division. Judge Matsumoto was an adjunct legal research and writing professor at Brooklyn Law School, and taught a government civil litigation clinic and seminar at New York University School of Law. She has served as a trustee and vice chair of the board of the Federal Bar Council, a member of the Second Circuit Courts Committee of the Federal Bar Council, the Judiciary Committee, the Federal Courts Committee and the Nominating Committee of the City Bar of New York, Vice Chair of the Mayor's Committee on City Marshals, the Joint Committee on Local Federal Rules for the Eastern and Southern Districts of New York, the Eastern District

of New York's Committee on Civil Litigation, the American Bar Association Standards Review Committee and the Civil Procedure Drafting Committee of the National Conference of Bar Examiners. She is a member of AABANY and of the National Asian Pacific American Bar Association ("NAPABA").

Concepcion A. Montoya is a partner at Hinshaw & Culbertson LLP and a member of its Diversity Committee. Her extensive federal trial and litigation practice focuses on the areas of consumer class action litigation and employment litigation. She 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" for outstanding achievement from the Municipal Affairs Committee of the Association of the Bar of the City of New York. Connie is a member of the Federal Bar Council, Co-Chair of the LGBTQ Network of the National Asian Pacific American Bar Association, and a founding member and Co-Chair of the Professional Development Committee of Filipino American Lawyers Association of New York.

Clara J. Ohr is the Legal Counsel and Compliance Officer for LUKOIL Pan Americas, LLC (LPA), where she oversees all legal and compliance matters relating to the supply and trading of crude oil and petroleum products in the Americas and Caribbean for the US-based subsidiary of LITASCO SA (Lukoil International Trading and Supply Company), the exclusive marketing and trading arm of PAO LUKOIL. Prior to joining LPA, Clara was an Assistant General Counsel – Trading at Hess Corporation in New York, NY, where she supported the supply and trading of energy commodities. Clara also has experience in renewable and traditional energy project finance, emerging-market export and trade finance, foreign restructurings, general corporate law, asset-backed securitizations, and municipal finance. Clara has also served as Counsel at Axiom in New York, NY supporting the Energy Commodities Group at Deutsche Bank AG, an Associate in the Project Finance Group at Chadbourne & Parke LLP in New York, NY, Transactional Counsel at the Export-Import Bank of the United States in Washington, DC, and an Associate in the Finance Group of Kutak Rock LLP in Omaha, NE. Clara is a past President of the Asian American Bar Association of New York (AABANY), the largest minority bar association in the State of New York with over 1,100 active members. Clara has also served AABANY as its Treasurer, Director, and Co-Chair of the In-House Counsel Corporate Counsel Committee. Outside of the office, Clara is a soprano in The Choral Society of Grace Church, a pianist, road cyclist, and an avid fan of Nebraska Cornhuskers football. 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 College.

Vinoo Varghese is a *New York Metro Super Lawyer* in the criminal defense arena. For the past three years, he has been honored as a *Top 100 Trial Lawyer* by the National Trial Lawyers organization. Varghese is a 2014 recipient of the New York Law Journal *Rising Star* award. In 2000, Varghese began his legal career as a prosecutor. In 2006, he founded Varghese & Associates, P.C. The firm represents individuals and companies in all criminal cases including white-collar matters, state felonies and misdemeanors, appeals, internal corporate investigations, and asset-forfeiture proceedings. In May 2015, in the Second Circuit against the IRS & DOJ

Criminal Tax Division, Varghese obtained a rarely granted retrial for a client previously convicted of tax fraud. In November 2015 at the retrial, Varghese secured a complete acquittal for the same client. Varghese's advocacy has led him to be quoted multiple times in the New York Times, the Wall Street Journal, the New York Law Journal, and Law360. Some of his notable white-collar representations have included Galleon hedge fund trader, Rengan Rajaratnam, and former NYC Councilman, Dan Halloran. In 2013, the National Association of Criminal Defense Lawyers heralded Varghese as a *courageous attorney* for his stalwart defense of clients, the federal and state constitutions, and the criminal defense bar at large. Varghese graduated from Brooklyn Law School, New York University, and Chaminade High School. He has taught for the NYC Law Department's *Trial Advocacy Program*, Cardozo Law School's *Intensive Trial Advocacy Program*, and Brooklyn Law School's *Business Boot Camp*. Varghese has also provided clinical training through an externship for students at Brooklyn Law School and Hofstra Law School.

Ona T. Wang is a partner at Baker Hostetler LLP, where she focuses on corporate criminal matters, securities litigation, and regulatory enforcement, as well as general and complex commercial litigation. She has successfully represented individuals, corporations, financial industry clients, and one of New York State's largest municipalities in state and federal criminal investigations and before federal regulatory agencies. She also represents and counsels corporate and institutional clients, including healthcare, pharmaceutical, financial services, and media companies, in complex commercial litigation and criminal, civil, and regulatory matters. She has led several teams in matters relating to the liquidation of Bernard L. Madoff Investment Securities LLC and has served as counsel to the receiver in *SEC v. Illarramendi* in the District of Connecticut. At Baker Hostetler, she is Vice Chair of the Pro Bono and Women's Committees and served previously as Hiring Partner and Pro Bono Coordinator for the New York office. She received her A.B. from Harvard-Radcliffe Colleges, a 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. She is a member of the Federal Bar Council American Inn of Court and is Secretary and a member of the Executive Committee of the New York City Bar Association. She has been active in AABANY and NAPABA.

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*.

Acknowledgments

Special thanks to:

The Oyama Family

Professor Rose Cuison Villazor
Visiting Professor of Law, Columbia Law School
Professor of Law, University of California at Davis Law School

Cadwalader, Wickersham & Taft LLP

David Weinberg
JuryGroup

ACLU of San Diego & Imperial Counties
(for providing the photograph that appears on the cover of this handout)