



NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION

November 1, 2011

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Charles Grassley
Ranking Member
Committee on the Judiciary
United States Senate
152 Dirksen Senate Office Building
Washington, DC 20510

Re: Letter of Support for The Honorable Jacqueline H. Nguyen,
Nominee for the United States Court of Appeals for the Ninth Circuit

Dear Chairman Leahy and Ranking Member Grassley:

On behalf of the National Asian Pacific American Bar Association (“NAPABA”), we strongly endorse and urge the prompt confirmation of Judge Jacqueline H. Nguyen for the United States Court of Appeals for the Ninth Circuit. Judge Nguyen has the experience, intellectual capacity, integrity, and judicial temperament to be an excellent United States Circuit Court Judge. The Senate Judiciary Committee reviewed Judge Nguyen’s qualifications two years ago, and unanimously agreed that Judge Nguyen was qualified to be a federal district court judge. The United States Senate then confirmed her unanimously by a vote of 97 to 0. This Committee and the Senate should follow a similar course and confirm Judge Nguyen to the Ninth Circuit.

NAPABA is a national bar association representing the interests of Asian Pacific American attorneys, judges, law professors, and law students. Now in its 23rd year, NAPABA represents the interests of over 60 affiliate organizations and over 40,000 Asian Pacific American attorneys. NAPABA is deeply committed to supporting the appointment of qualified Asian Pacific Americans to the federal bench, especially where Asian Pacific Americans are significantly underrepresented.

Notably, out of the approximately 175 active federal appellate court judges, there is only one who is Asian Pacific American – Judge Denny Chin of the United States Court of Appeals for the Second Circuit, who was confirmed in April 2010. The lack of an Asian Pacific American federal appellate jurist on the Ninth Circuit is especially distressing. From 1971 to 2004, there had been at least one active Asian Pacific American Ninth Circuit judge, but none since 2004. The presence of an Asian Pacific American jurist on the Ninth Circuit is vital – Asian Pacific Americans constitute approximately 10% of the population under the jurisdiction of the Ninth Circuit, and constitute approximately 15% of the population in California. If the number of Asian Pacific American federal appellate court judges reflected the general population, then there would be 3 Asian Pacific American judges in the Ninth Circuit alone, and 9 federal appellate court judges overall.

In addition, if confirmed, Judge Nguyen would be the *first* Asian Pacific American female federal appellate court judge in the history of the United States. She already holds the distinction of being the first Vietnamese American Article III judge in U.S history, and the first Asian Pacific American female Article III judge in California.

Most importantly, Judge Nguyen would be an excellent federal appellate court judge. In her two years as a federal district court judge, she has issued scores of substantive written opinions, presided over numerous trials, and has not had any case reversed on appeal. The American Bar Association has rated her Unanimously Well Qualified for both the current nomination and her previous one.

Prior to her service on the federal district court bench, Judge Nguyen served as a judge on the California Superior Court for Los Angeles County. As a testament to her scholarship and precision in her application of the law, Judge Nguyen was never reversed on appeal in the several thousand cases over which she presided during her seven year tenure on the state superior court.

Judge Nguyen also has significant experience already before the Ninth Circuit. As an Assistant United States Attorney for the Central District of California, Judge Nguyen argued several appeals before the Ninth Circuit and drafted briefs in several other cases. She served for a total of six years in the U.S. Attorney's Office, including two years as a Deputy Chief. Unsurprisingly, several of her former colleagues – including former U.S. Attorney (during the George W. Bush Administration) Thomas O'Brien and former U.S. District Court Judge Stephen Larson (also nominated by President George W. Bush) – have expressed their strong support for her nomination.

NAPABA's support for Judge Nguyen is also based on her strong record of leadership in the Asian Pacific American and legal communities. Judge Nguyen was a co-founder and former president of the Asian Pacific American Bar Association of Los Angeles, and she also has served on the board of directors of the Women Lawyers' Association of Los Angeles County and the Japanese American Bar Association of Los Angeles. She has served as a pro bono attorney for foster adoption projects and other community efforts.

For all of these accomplishments, Judge Nguyen has received several awards and recognitions. In 2006, NAPABA awarded Judge Nguyen its Trailblazer Award, which is NAPABA's highest award and bestowed upon lawyers whose professional achievements have paved the way for other Asian Pacific American lawyers. In addition, Judge Nguyen has been recognized by a wide variety of organizations nationwide. These awards include: Alumni Award, Occidental College (2007); Outstanding Contribution in the Field of Law Enforcement, Federal Law Enforcement Officers Association (2002); Special Recognition Award, Asian Pacific American Legal Center (2002); Best Lawyers Under 40, NAPABA (2002) (inaugural list); Superior Performance as an Assistant United States Attorney Director's Award, U.S. Department of Justice (1996, 1997, 2000); commendations and awards from FBI Director Louis J. Freeh (2000), U.S. Customs Service (2000), U.S. Department of State (2000), and U.S. Attorney's Office (1997, 2000).

Judge Nguyen's personal story is one of grace, fortitude, hard-work, and determination and that exemplifies the quintessential American Dream. Judge Nguyen was born in Dalat, South Vietnam, the daughter of a South Vietnamese Army major who worked closely with U.S. intelligence officers. She escaped the fall of South Vietnam with her family in a harrowing trip, starting with a terrifying toss over a fence, to a plane ride filled wall to wall with people, temporary separation from her father, through a chaotic Saigon, to the Philippines, to Guam, and eventually, to Camp Pendleton, California. Having been born into a life of privilege, then to lose it all to the chaos of war, Judge Nguyen embraced her new life in America with the excellence, strength, and resilience that has defined Americans since the founding of our nation. She assisted her mother in cleaning dental offices growing up, eventually earned a four-year full tuition scholarship to Occidental College, and then graduated from UCLA School of Law, continuing all the while to help her mother in the family donut shop on the weekends.

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Based on her qualifications, intellect, integrity, and commitment to justice, NAPABA strongly endorses the Honorable Jacqueline H. Nguyen to serve as a Circuit Judge for the United States Court of Appeals for the Ninth Circuit. From NAPABA's perspective, there is no question that Judge Nguyen would make an immediate positive contribution to the Ninth Circuit and NAPABA urges that the Senate act quickly to confirm her.

Sincerely,



Paul O. Hirose
President



Tina R. Matsuoka
Executive Director



John C. Yang
Co-Chair, Judiciary Committee



Wendy Wen Yun Chang
Co-Chair, Judiciary Committee