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Via Overnight Delivery

The Honorable Charles E. Schumer
United States Senator
757 Third Avenue, Suite 17-02
New York, NY 10017

Re: Pamela K. Chen

Dear Senator Schumer:

On behalf of the Asian American Bar Association of New York ("AABANY"), I write in support of the nomination of Pamela K. Chen as a United States District Judge for the Southern or Eastern Districts of New York. If appointed, Ms. Chen would be only the third Asian American Article III judge in the history of the Second Circuit.

AABANY is a professional membership organization of attorneys concerned with issues affecting the Asian Pacific American ("APA") community. Incorporated in 1989, AABANY seeks not only to encourage the professional growth of its members, but also to advocate for the APA community as a whole. Today, AABANY has over 1,300 members. Before providing our support, AABANY, through its Judiciary Committee, conducted a thorough screening process, which included, among other things, a review of information Ms. Chen had supplied to AABANY and information obtained from public sources. Additionally, the committee conducted approximately 30 interviews of relevant persons, including her co-counsel and opposing counsel, as well as several federal judges in the Eastern District of New York.

AABANY believes that the current vacancies for District Judge positions in the Southern and Eastern Districts of New York present an historic opportunity to appoint only the second APA Article III jurist to either District after the Honorable Denny Chin's appointment in 1994 and the Honorable Kiyo A. Matsumoto's appointment in 2008. According to the results of the 2010 Census, APAs comprise approximately 8.3% of the population of New York State and approximately 14.0% of the population of New York City. APAs were also the fastest growing minority group during the past decade in both New York State and nationwide. Yet, there has only been *one* APA U.S. District Judge ever appointed to the Southern District, which, among other distinguished neighborhoods, serves the

vibrant APA community of Manhattan's Chinatown. Indeed, with Judge Chin's elevation to the United States Court of Appeals for the Second Circuit last year, the Southern District currently *does not have a single* APA jurist. In the Eastern District, which, among other notable neighborhoods, serves the growing APA communities of Flushing, Queens and Sunset Park, Brooklyn, Judge Matsumoto remains the *only* APA District Judge.

Moreover, if appointed, Ms. Chen would be only the third APA and second openly gay woman to serve as a federal district court judge in the Second Circuit. She would also be only the fifth APA federal judge to serve outside of California and Hawaii. We respectfully submit that the time is ripe to redress the gross underrepresentation of the APA community in the Federal Judiciary, and, to that end, we enthusiastically support Ms. Chen's candidacy.

Ms. Chen was born in Chicago and lived there until she was five years old, after which her family moved to the suburb of Skokie. Raised by Chinese parents who immigrated to the United States shortly before this country entered World War II (and an African-American nanny), she is one of three children and has two brothers. Her parents pursued advanced educational degrees in the U.S. and were intending on returning to China, but changed their minds in view of the persecution they would face under the Communist regime. Her father ultimately worked as a financial investigator for the IRS, and her mother taught at a junior college. Ms. Chen now lives in Manhattan with her long-time partner, Amy Ruth Chester, an attorney with the U.S. Environmental Protection Agency. She is an alumna of the University of Michigan, where she obtained a B.A. in Philosophy, and the Georgetown University Law Center. She also spent a semester abroad at the University of Freiburg in Germany. After graduating from Georgetown in 1986, she joined the prominent law firm of Arnold & Porter LLP in Washington, D.C., where she practiced for three years in various areas of civil litigation. Ms. Chen thereafter worked for approximately 20 months at a smaller firm in D.C., practicing in both civil litigation and criminal defense.

After spending about the first five years of her career in the private sector, Ms. Chen then began a dedicated and much longer career in public service, with a distinct focus on civil rights work. For the next seven years, she served as a trial attorney in the Civil Rights Division of the U.S. Department of Justice ("DOJ"). She then moved to New York City in 1998 and became an Assistant United States Attorney in the Criminal Division of the U.S. Attorney's Office for the Eastern District of New York ("USAO EDNY"), graduating from the General Crimes Section to the Violent Criminal Enterprises Section, and thereafter being promoted to Chief of Civil Rights Litigation, Deputy Chief of the Public Integrity Section, and then finally to Chief of the Civil Rights Section. Ms. Chen has held that last position since July 2006 except for a brief period of time in 2008 when she accepted an opportunity to serve as the Deputy Commissioner for Enforcement in the New York State Division of Human Rights under the Spitzer Administration. She voluntarily resigned from that position when the Paterson Administration began and returned to the USAO EDNY where she has remained ever since.

Both her co-counsel and opposing counsel had generally positive, glowing things to say about Ms. Chen. Of course, we were not surprised that her colleagues in the USAO EDNY consistently praised Ms. Chen, remarking on her high intellectual ability, polished writing skills, ability to think quickly on her feet, good judgment, and balanced demeanor and temperament. Her opposing counsel also echoed those qualities, according her a high level of respect and describing her as smart, fair, just, competent, accomplished, and a consummate professional. Most notably, criminal defense attorneys touted her reputation for integrity, ethics, and fairness. The judges with whom we spoke also praised Ms. Chen's abilities and expressed no reservations about the possibility of her joining the bench, describing her as a terrific advocate, enormously smart, and displaying a great temperament.

In person, Ms. Chen comes across as smart, intelligent, and articulate. She was extremely candid during AABANY's screening process and repeatedly emphasized the respect and importance she showed towards both following the law and ensuring fairness throughout the judicial process. Most poignantly, Ms. Chen exhibited a great sense of self-awareness and a keen understanding of the different role she would play as a neutral arbiter of disputes if appointed to the bench, after having served as an advocate for nearly 25 years.

Finally, I note that Ms. Chen is also active in the community. She is a member of several bar and community organizations, and, in particular, has shown a strong connection to the APA community. For example, she has worked closely on APA voting rights and language access advocacy efforts before the New York City Board of Elections; as part of her job, she investigates allegations of hate crimes targeting APAs; she continues to provide training and educational outreach to the APA community on civil rights issues; and she informally mentors APA law and college students who have interned in her office. Ms. Chen also demonstrated an awareness of the scarcity of Asian (particularly Southeast Asian) and African language interpreters and translators in the federal courts.

In sum, AABANY believes that Ms. Chen is eminently qualified and would make tremendous contributions to the administration of justice in the federal courts. The combination of Ms. Chen's dedication and commitment to public service, her accomplished trial and appellate experiences in civil and criminal cases in both the public and private sectors, her demonstrated leadership skills, and her commitment to the APA community all uniquely qualify her to serve as a District Judge. I am confident that Ms. Chen, if appointed, will make an excellent addition to either the Southern or Eastern District bench, and that either court would benefit greatly from her service. Her nomination would be historic and would leave a legacy for the Second Circuit and the State of New York. It is therefore my privilege and honor to commend her to you.

The leadership of AABANY would welcome an opportunity to meet with you and your staff to address Ms. Chen's candidacy and to discuss generally how AABANY can be helpful to you in addressing issues related to the APA and legal communities. I can be reached at (212) 208-4144 or at linda.lin@aabany.org. Thank you for your time and attention, and I look forward to hearing from you.

Respectfully submitted,



Linda S. Lin
President
Asian American Bar Association of New York