



Superior Court of California

County of San Francisco

Judges:

Bruce E. Chan
Andrew Cheng
Samuel Feng

Judges:

Newton J. Lam
Cynthia M. Lee
Ronald E. Quidachay

Judges:

Lillian K. Sing
Julie Tang
Garrett L. Wong

September 17, 2009

Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510
FAX (202) 224-9516

Honorable Jeff Sessions
Ranking Member
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510
FAX (202) 224-9102

Dear Chairman Leahy and Ranking Member Sessions:

We are writing this letter as Asian American judges of the San Francisco Superior Court unanimously urging your support of Magistrate Judge Edward M. Chen's confirmation to the United States District Court for the Northern District of California. We are judges from diverse practice backgrounds – some of us were prior prosecutors who worked in the public sector and others were prior defense lawyers who worked in the private sectors. We were appointed as judges in a bipartisan nature by both Republican and Democratic Governors.

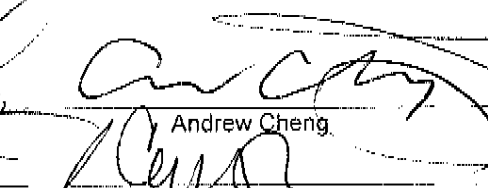
Collectively we have known Judge Chen for over thirty years, stretching back from high school and college, through his career as a commercial and public interest lawyer, to his current position as Magistrate Judge. Professionally he has devoted his entire career to furthering the public interest and equal access to justice. As a lawyer he has represented the disadvantaged in protecting their rights, particularly in matters that affect Asian Americans and other immigrant and under-represented groups.

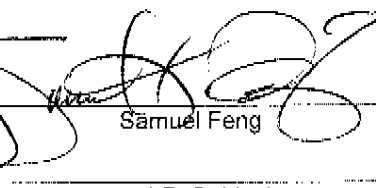
As a Magistrate Judge, he has earned a solid reputation, as he has exhibited exemplary judicial skills, issued balanced and thoughtful rulings, and demonstrated an excellent judicial temperament. The Bar Association of San Francisco's Barristers Club has awarded him "Judge of the Year" in 2007. The Asian American Bar Association of the Greater Bay Area and National Asian Pacific American Bar Association have also awarded Judge Chen for his accomplishments and commitment to our community.

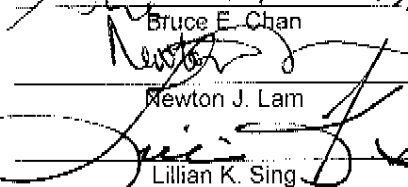
As Asian Pacific American Judges of the Superior Court, we understand the importance of a diverse judiciary inclusive of all segments of our society. This, of course, includes the Asian Pacific American community which has never been represented on the District Court in the San Francisco Bay Area, home of one of the largest Asian American communities in the nation. We are familiar with the members of the bar and bench. We also understand the unique value of prior judicial experience in preparing a nominee for such an important position on the federal bench. While we believe there are many qualified Asian Americans eligible for appointment to the federal bench, we can think of no person more qualified and experienced, more universally known and respected, or more deserving than Judge Chen. We strongly support his nomination, and urge you to vote in favor of his nomination.

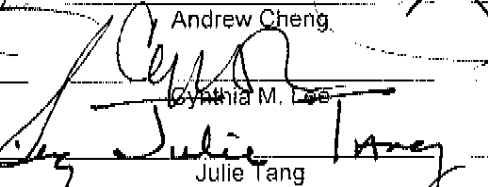
Sincerely yours,

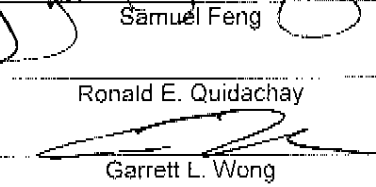

Bruce E. Chan

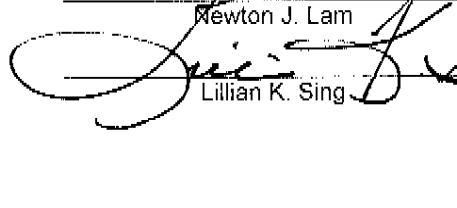

Andrew Cheng

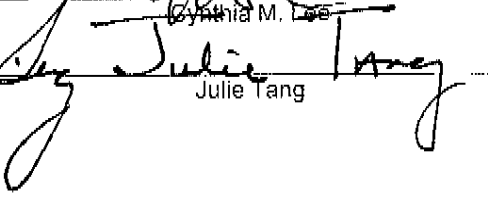

Samuel Feng

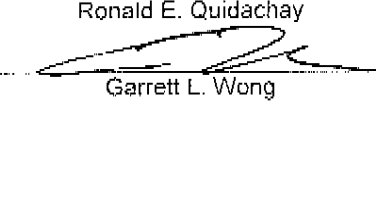

Newton J. Lam


Cynthia M. Lee


Ronald E. Quidachay


Lillian K. Sing


Julie Tang


Garrett L. Wong

CHARLES B. RENFREW

710 SANSOME STREET
SAN FRANCISCO, CA 94111-1704
TELEPHONE (415) 397-3933
FAX (415) 397-7188

September 11, 2009

Honorable Patrick J. Leahy, Chairman
U.S. Senate Committee on the Judiciary
433 Russell Senate Office Building
Washington, D.C. 20510

Honorable Jeff B. Sessions
Ranking Member
U.S. Senate Committee on the Judiciary
335 Russell Senate Office Building
Washington, D.C. 20510

Re: LETTER OF SUPPORT FOR MAGISTRATE JUDGE EDWARD M. CHEN'S
CONFIRMATION FOR THE U.S. DISTRICT COURT FOR THE NORTHERN
DISTRICT OF CALIFORNIA

Dear Chairman Leahy and Ranking Member Sessions:

I write in support of Magistrate Judge Edward M. Chen's confirmation for the United States District Court for the Northern District of California.

I have known Ed for thirty years. When I was a judge on the Northern District, I hired Ed as a law clerk. We did not finish that clerkship year because I resigned from the Court to become Deputy Attorney General in the Carter Administration. Nevertheless, I had ample opportunities to observe Ed and his work product. He demonstrated a keen intellect with compassion and judgment that was surprising, for his years.

Because of the attraction of the San Francisco Bay Area, I received hundreds of applications for clerkships from very well qualified young men and women. A number of those who accepted clerkships with me went on to clerk at the United States Supreme Court. Ed measured up with the best of them.

As you doubtless know, there is a special relationship that develops between a judge and his or her law clerks. One time I remarked to a law clerk that as a judge I was selecting "my children." She replied, "no judge, we are selecting a parent." I had that relationship with Ed. I watched with pride his legal career and his appointment as a United States Magistrate Judge. His eight years of service in that capacity points the way to the type of district judge he will be.

Honorable Patrick J. Leany, Chairman
Honorable Jeff B. Sessions
September 11, 2009
Page 2

Ed's legal career has always focused on public service. His intelligence, integrity, judgment and compassion make him a perfect candidate for the District Court. While some might say I am biased in Ed's favor, I feel I can be objective about his qualifications. I served on the American Bar Association Standing Committee on Federal Judiciary, which evaluates federal judicial nominations. That experience, plus my own judicial background, provided me with the basis for understanding the demands, duties and responsibilities of a federal trial judge. Ed meets and exceeds those requirements.

It is also worth commenting that Ed would be the first Asian American district court judge in a community that has many Asian Americans. But his nomination does not rest upon his ethnicity, rather it is because I can think of no finer candidate who possesses the qualities one would hope for in a federal trial judge.

Sincerely,



CHARLES B. RENFREW

CBR/der



September 11, 2009

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

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

Re: Magistrate Edward Chen for U.S. Federal Judge

Dear Senators Leahy and Sessions,

I strongly recommend to you the confirmation of Magistrate Edward Chen for appointment to Judge of the U.S. District Court, Northern District of California. I have known Ed Chen and his family for more than 30 years. As a U.S. Magistrate for the past eight years, Ed Chen has demonstrated outstanding judicial skills, fairness in his rulings and in the administration of justice. He is courteous, polite, and has a wonderful judicial temperament. He would be an outstanding federal judge.

I am a former Presiding Justice of the California Court of Appeal (1983 to 1992), the former California Insurance Commissioner (2000-2003) and am now a Mediator, Arbitrator, and Special Master with JAMS.

After graduating from UC Berkeley Law School (Boalt Hall) in 1979, Ed Chen clerked for Judge Charles Renfrew and Chief Judge James Browning. He then worked for the Bill Coblentz's law firm handling a variety of civil and criminal cases. He worked for the ACLU

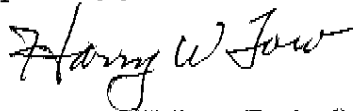
Legal Counsel principally handling cases protecting minority citizens, advising immigrants and advocating for civil rights for a diverse clientele.

I have worked with Ed Chen in a variety of community civic activities in the Bay Area. He is active in the Asian Bar Association, the Academy of Science, the Asian Art Museum and numerous school programs, principally to help children with disabilities. I knew his father and mother who also were generous with their time and resources for the community. Ed has also published many articles and lectured with legal groups on civil rights, privacy, labor and immigration issues.

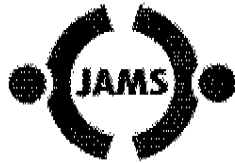
Ed has an excellent, well-earned reputation as a U.S. Magistrate. He is bright, works hard, is collegial, and is very fair with the public he serves. I urge you to confirm him for U.S. District Judge.

Kindly give Ed Chen your favorable consideration for U.S. District Judge. I would be happy to elaborate further if you wish.

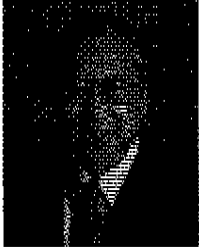
Respectfully yours,

A handwritten signature in cursive script, reading "Harry W. Low". The signature is written in dark ink and is positioned above the printed name.

Justice Harry W. Low (Retired)



THE RESOLUTION EXPERTS®



Hon. Harry W. Low (Ret.) has over 35 years of dispute resolution experience as a sitting judge and JAMS neutral. Justice Low's expertise includes employment law, business litigation, sexual harassment, insurance disputes, personal injury, real or personal property disputes, and environmental law. Justice Low has 25 years of judicial experience in civil, criminal, and government law and has authored opinions on virtually every area of California law.

ADR Experience and Qualifications

- Conducted a wide variety of mediations, arbitrations, and settlement conferences since joining JAMS in 1992
- Conducted fact finding studies and written reports for institutions and agencies
- Extensive experience in handling wrongful termination, sexual harassment, breach of contract, insurance coverage issues, tort claims, and medical and legal malpractice cases
- Highly experienced in handling discovery disputes assisting lawyers in appellate matters, and mediating successfully many pending appellate cases.
- Special Master in a number of complex cases, including a major toxic pollution dispute
- Trustee for insolvent insurer

Representative Matters

- Mediated employment disputes involving sexual harassment, wrongful termination, discrimination, and enforcement of settlement
- Mediated insurance coverage cases involving construction costs, business ventures, and tort coverage
- Successfully mediated civil rights cases involving privacy issues and allegations of racial discrimination by a major restaurant chain; civil rights disputes with government agencies and commercial businesses
- Mediated real estate disputes involving land use issues, brokers duties, property partitions, and co-owner disputes
- Arbitrated allocation of clean-up costs from leaking storage tanks at sites nationwide; arbitrated Proposition 65 food and medical products
- Arbitrated international telecommunications dispute, health insurance disputes, business and property disputes
- Successfully mediated insurance equitable contribution indemnification among 32 insurance companies

Honors, Memberships, and Professional Activities

- BAJI Committee Member, 2003-Present
- Spirit of Excellence Award, American Bar Association, 2002
- Judge Lowell Jensen Public Service Award, Boalt Hall School of Law, UC Berkeley, 2000
- Distinguished Alumni Award for extraordinary contributions to the legal profession, Boalt Hall Alumni Association, UC Berkeley, 1993
- President, San Francisco Human Rights Commission, 1999-2000
- President, San Francisco Police Commission, 1992-1996
- National President, Appellate Judge Conference of the American Bar, 1991
- National President, Chinese-American Citizens Alliance, 1981-1991
- President, California Judges Association, 1978-1979
- Board member, Center for Judicial Education and Research

- California Judicial Council
- President, Center for Pacific Rim at the University of San Francisco
- Founding Chairman of the Board, The Chinese American International School
- Lectured extensively throughout the United States, Asia, and Europe

Background and Education

- Insurance Commissioner, State of California Department of Insurance, 2000-January 2003
- Presiding Justice, California Court of Appeal, 1983-1992
- Judge, San Francisco County Superior Court, 1974-1983
- Judge, San Francisco Municipal Court, 1967-1974
- Commissioner, Worker's Compensation Appeals Board
- Deputy Attorney General for California in the Civil and Tax Division
- J.D., Boalt Hall School of Law, University of California, Berkeley
- B.A., University of California, Berkeley

References Available Upon Request



ASIAN/PACIFIC BAR OF CALIFORNIA

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Phone: 415-749-1800
Fax: 415-749-1694
oprather@clarencedyer.com

September 15, 2009

Via First Class Mail and Facsimile

The Honorable Patrick J. Leahy, Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510
Fax: (202) 224-9516

The Honorable Jeff Sessions, Ranking Member
Committee on the Judiciary
United States Senate
152 Dirksen Senate Office Building
Washington, DC 20510
Fax: (202) 224-9102

Re: Nominations of Magistrate Judge Edward M. Chen, United States District Court, Northern District of California; Judge Jacqueline Nguyen and Dolly Gee, Esq., United States District Court, Central District of California

Dear Chairman Leahy and Ranking Member Sessions:

On behalf of the Asian/Pacific Bar of California (ABC), I write to offer our strongest support for the Honorable Edward M. Chen, the Honorable Jacqueline Nguyen, and Dolly Gee, Esq. – all of whom have been nominated by President Obama to serve on the United States District Courts for the Northern and Central Districts of California.

ABC is the umbrella group for Asian American bar associations in the State of California, as well as the collective voice for the Asian American legal community in the state. ABC is dedicated to the promotion and appointment of qualified Asian Americans to the bench. Through its statewide network of lawyers, ABC is a prominent and powerful advocate for increasing the diversity of state and federal judicial officers.

According to the United States Bureau of the Census, Asian Americans currently make up over 15% of California's population. The Asian American community in California is growing rapidly and, within a few years, Asian Americans will likely comprise over one-fifth of the state's population. Given California's already significant Asian American population, the

need for more Asian American federal judges is quite compelling. In California's four federal districts, only 5 of 79 sitting judges – less than 6% – are Asian American; one in the Southern District of California, three in the Central District of California, and one in the Eastern District of California. There is not now, nor has there ever been, an Asian American District Court Judge in the Northern District of California in its more than 150-year history. This absence is shocking given that the San Francisco Bay Area's population has the highest percentage of Asian Americans in the state.

If confirmed, Judge Nguyen, Ms. Gee, and Judge Chen would break important new ground in the federal judiciary. Judge Nguyen would become the first Vietnamese American district court judge in the nation. Similarly, Ms. Gee would be the first Chinese American female district court judge in the United States. Both Judge Nguyen and Ms. Gee would be the first Asian American women to serve as district court judges in the state of California. Judge Chen would become the first Asian American district court judge in the Northern District of California.

While diversifying the federal bench is an important issue, it is essential that all judicial appointees be of the highest caliber. Judge Chen, Judge Nguyen, and Ms. Gee all meet the highest standards expected of the federal judiciary. Although they have taken different paths to this point – one a former prosecutor, one from private practice, and one a former public interest lawyer – they have each made substantial contributions to our local community and have made a difference in the lives of many on statewide and national levels. Collectively, based on their qualifications and background, these candidates will bring to the bench an intellectual engagement with the law and a practical approach to addressing the needs of a changing society.

Magistrate Judge Edward M. Chen

Judge Chen has proven himself at every step of his career – as an advocate, a judge, and a community servant. For the past eight years, Judge Chen has served with distinction as a federal magistrate judge handling both civil and criminal matters in the Northern District of California. He is well respected by lawyers, both defense attorneys and prosecutors alike, for his even-handedness, fairness, and commitment to achieving justice. As a magistrate judge, he has written over 300 published decisions and orders covering a wide range of legal issues, and has presided over 20 civil and criminal jury and bench trials. Judge Chen also succeeded in his career before assuming the bench, including his time at a private law firm, the American Civil Liberties Union, and serving as the judicial law clerk to both the Honorable James R. Browning of the United States Court of Appeals for the Ninth Circuit, and for the Honorable Charles B. Renfrew of the United States District Court for the Northern District of California.

Judge Chen has demonstrated a strong devotion to community service throughout his career. Judge Chen was co-counsel to Fred Korematsu in Mr. Korematsu's successful *coram nobis* petition to overturn his 1942 conviction for violating a presidential order sending Japanese Americans to internment camps during World War II. Judge Chen's achievements for the public interest are numerous and his service has been recognized by many organizations, including the

National Asian Pacific American Bar Association, the Minority Bar Coalition of Northern California, the United States Attorney's Office for the Northern District of California, and the United States Department of Justice, among many others. Among these numerous awards, Judge Chen was voted "Judge of the Year" by the Barristers Club of San Francisco in 2007.

Judge Chen, unanimously rated "well qualified" by the American Bar Association, is deserving of our strongest endorsement.

Judge Jacqueline Nguyen

Judge Nguyen has served with distinction as a Los Angeles County Superior Court Judge since 2002. Upon her appointment, she was the first Vietnamese American woman to serve on the California bench. She currently hears both misdemeanor and felony cases and also manages the operations of the Alhambra, California courthouse in which she presides, allowing her to work closely with court stakeholders, law enforcement, prosecutors, and the defense bar. Prior to her appointment to the Superior Court, Judge Nguyen served as a federal prosecutor in the U.S. Attorney's Office, ending her career there as the deputy chief of the General Crimes Section. Judge Nguyen also spent several years at a civil law firm.

Judge Nguyen has always been committed to her community, having served in leadership roles in the Asian Pacific American Bar Association of Los Angeles, among others. She has received several awards, including the Trailblazer Award from the National Asian Pacific American Bar Association, a recognition award from the Asian Pacific American Legal Center, and awards from the United States Department of Justice, United States Department of State, and the Federal Bureau of Investigation.

Judge Nguyen, also unanimously rated "well qualified" by the American Bar Association, is deserving of our strongest endorsement.

Dolly Gee, Esq.

Ms. Gee is a partner at Schwartz, Steinsapir, Dohrmann & Sommers LLP in Los Angeles, where she has practiced throughout her 23-year legal career. She specializes in labor and employment law and also serves as an arbitrator on Kaiser Permanente's Independent Arbitration System. Ms. Gee previously served on the Federal Service Impasses Panel (by Presidential appointment) and as a court-appointed independent election monitor. She has lectured at UCLA School of Law and served as the judicial law clerk to the Honorable Milton L. Schwartz of the United States District Court for the Eastern District of California.

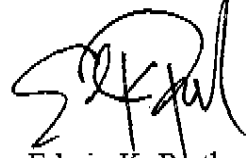
Ms. Gee has been steadfastly dedicated to public service, having served on the boards of many legal nonprofits, including the Asian Pacific American Legal Center, the Western Center on Law and Poverty, the Asian Pacific American Bar Association of Los Angeles County, and the California Women's Law Center. Ms. Gee has received several awards for her legal and pro

bono work, including awards from the State Bar of California, the City of Los Angeles, the Los Angeles Human Relations Commission, and the National Asian Pacific American Bar Association, among many others. Through her various activities, Ms. Gee has always fought to promote equal access to justice.

Judge Gee, unanimously rated "qualified" by the American Bar Association, is deserving of our strongest endorsement.

Judge Chen, Judge Nguyen, and Ms. Gee are qualified, deserving, and necessary additions to the bench. They are extraordinary people whose combination of legal acumen, character, and experience will allow them to become valuable members of the federal judiciary. We urge their speedy confirmation.

Very truly yours,

A handwritten signature in black ink, appearing to read 'E. Prather', written over a horizontal line.

Edwin K. Prather

COALITION OF NORTHERN CALIFORNIA ASIAN AMERICAN BAR ASSOCIATIONS



Asian American
Bar Association
of the Greater
Bay Area



Asian Pacific Bar
Association of
Silicon Valley

fbanc

Filipino Bar
Association of
Northern
California



Korean American
Bar Association
of Northern
California



South Asian Bar
Association of
Northern
California



Vietnamese
American Bar
Association of
Northern
California

September 11, 2009

Via First Class Mail and Facsimile

The Honorable Patrick J. Leahy, Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510
Fax: (202) 224-9516

The Honorable Jeff Sessions, Ranking Member
Committee on the Judiciary
United States Senate
152 Dirksen Senate Office Building
Washington, DC 20510
Fax: (202) 224-9102

***Re: Nomination of Magistrate Judge Edward M. Chen
United States District Court, Northern District of California***

Dear Chairman Leahy and Ranking Member Sessions:

On behalf of the various Asian American bar associations in the San Francisco Bay Area, we write in support of Magistrate Judge Edward M. Chen's nomination and confirmation to the United States District Court for the Northern District of California. As a result of Judge Chen's unique experience as a federal magistrate judge, his previous career as a distinguished practitioner, and his service to the community, our collective bar

associations urge the United States Senate to confirm Judge Chen for an Article III judgeship.

The Senate Judiciary Committee no doubt possesses Judge's Chen's application and supporting materials, so we will not repeat his exemplary qualifications. It should suffice to say that as a practitioner, Judge Chen was an attorney of the highest caliber. Judge Chen's effectiveness as an advocate in a wide range of commercial and constitutional cases equip him with the knowledge and experience necessary to serve as a district judge. His two decades of civil litigation practice prior to assuming the bench in 2001 were marked by significant achievements, as demonstrated by his role as counsel of record in dozens of reported cases. Judge Chen's experience as a practitioner has also played an important role in our nation's history. He was co-counsel to Fred Korematsu in Mr. Korematsu's successful *coram nobis* petition to overturn his 1942 conviction for violating the World War II order relocating Japanese Americans to internment camps. The Court's granting of the petition and vacating of Mr. Korematsu's conviction in 1984, over a quarter of a century ago, serves as one of the landmark civil rights decisions in American jurisprudence.

Judge Chen's current service as a magistrate judge for almost eight years has further provided him with invaluable experience to assume the duties of an Article III judge. By overseeing a large consent docket, producing a remarkable number of written opinions, and fulfilling other duties of a magistrate judge including presiding over discovery and other pretrial matters, and numerous settlement conferences), he has made a successful transition from a zealous advocate to a balanced and conscientious adjudicator who is committed to the impartial and active administration of justice. Judge Chen has earned a reputation as an evenhanded jurist who is constantly mindful of the role that judges fulfill in our society. Notably, Judge Chen's involvement in community activities that involve the education of lay people on legal matters and the accessibility of the courts (such as his work at the Court pertaining to pro se litigants) reflects his understanding of and regard for the relationship between the law and ordinary citizens, and the effect of the rule of law in society. As a reflection of the high regard that the San Francisco Bay Area legal community holds for Judge Chen, the San Francisco Barristers' Club awarded him the "Judge of the Year Award" in 2007.

Judge Chen's commitment to the Asian American community, particularly the Asian American legal community, further strengthens his qualifications. For many years, Judge Chen has participated on numerous panels, workshops, and conferences. In 1998, the Asian American Bar Association of the Greater Bay Area awarded him the Joe Morozumi Exceptional Legal Advocacy Award. In 2001, he also received the Trailblazer Award from the National Asian Pacific American Bar Association. Judge Chen has taught elementary school pupils, lectured law school students, and mentored young attorneys. His commitment to community is unparalleled. Members of all minority bar associations in the San Francisco Bay Area are fortunate that Judge Chen has continued to stay involved throughout the years in order to further educate and encourage us all.

September 11, 2009

Page 3 of 3

We are mindful and concerned that the Northern District of California – an area that has one of the highest concentrations of Asian Americans in the United States – has never had, in its more than 150-year history, an Asian American Article III judge. With Judge Chen's nomination to the District Court, this country has a wonderful opportunity to make history. We have no doubt that Judge Chen would continue to be an outstanding judicial officer if he is confirmed. We support and endorse his application without reservation, and respectfully urge his confirmation.

Thank you for your consideration. If we can provide further information, please reach any of us at the phone numbers listed below.

Very truly yours,



Garner Weng
President, Asian American Bar
Association of the Greater Bay Area
(415) 995-5081



Anna Suh
President, Korean American Bar
Association of Northern California
(415) 975-3707



Reuben Chen
President, Asian Pacific Bar Association
of Silicon Valley
(650) 843-5480



Kiran Jain
President, South Asian Bar Association
of Northern California
(510) 238-3837



Rhea Fajardo
President, Filipino Bar Association of
Northern California
(650) 991-8122



Cindy Mader
President, Vietnamese American Bar
Association of Northern California
(415) 292-7067

cc: Senator Dianne Feinstein
Gregory B. Craig, White House Counsel
Catie Whitney



NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION

September 18, 2009

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

**Re: Federal Judicial Nominations of Jacqueline H. Nguyen (C.D. Cal.),
Edward M. Chen (N.D. Cal.), and Dolly M. Gee (C.D. Cal.)**

Dear Chairman Leahy:

On behalf of the National Asian Pacific American Bar Association ("NAPABA") and the Asian American Justice Center ("AAJC"), we would like to submit for the Committee's consideration and for the record the attached written testimony in support of the confirmations of Judge Jacqueline H. Nguyen and Dolly M. Gee for the United States District Court for the Central District of California, and Judge Edward M. Chen for the United States District Court for the Northern District of California.

Please feel free to contact us should you have any questions or concerns. We appreciate the Committee's inclusion of this testimony for this historic confirmation hearing.

Sincerely,

Andrew T. Hahn, Sr.

President

National Asian Pacific American Bar Association

Karen Narasaki

President & Executive Director

Asian American Justice Center

**TESTIMONY BEFORE THE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

FOR THE HEARING ON THE NOMINATIONS OF

EDWARD M. CHEN,

**TO BE UNITED STATES DISTRICT JUDGE FOR THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

DOLLY M. GEE,

**TO BE UNITED STATES DISTRICT JUDGE FOR THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

JACQUELINE H. NGUYEN,

**TO BE UNITED STATES DISTRICT JUDGE FOR THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

SEPTEMBER 23, 2009

BY THE

NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION

AND

ASIAN AMERICAN JUSTICE CENTER

The National Asian Pacific American Bar Association (NAPABA) and the Asian American Justice Center (AAJC) submit this testimony in strong support of three nominees presented today for confirmation: Edward M. Chen, nominee to be United States District Judge for the United States District Court for the Northern District of California; Dolly M. Gee, nominee to be United States District Judge for the United States District Court for the Central District of California; and Jacqueline H. Nguyen, nominee to be United States District Judge for the Central District of California. Each nominee has excellent credentials to serve as federal district court judges, and each nominee has the strong backing of the Asian Pacific American community nationally.

NAPABA is the national bar association representing the interests of Asian Pacific American attorneys, judges, law professors, and law students. NAPABA represents the interests of over 40,000 attorneys nationally and 60 local Asian Pacific American bar associations. Its members include solo practitioners, large law firm lawyers, corporate counsel, legal service and nonprofit attorneys, judges, and lawyers serving at all levels of government. Through its national network of affiliates and committees, NAPABA provides a strong voice for increased diversity of federal and state judiciaries, advocates for equal opportunity in the workplace,

seeks to eliminate anti-Asian crime and anti-immigrant sentiment, and promotes professional development of minorities in the legal profession.

AAJC is a national organization dedicated to defending and advancing the civil and human rights of Asian Americans through advocacy, public policy, public education, and litigation, and is the nation's leading expert on issues of particular importance to the Asian American community in the areas of equal rights, anti-Asian violence prevention and race relations, census, health law policy, immigrant rights, immigration, language access, and voting rights. It works closely with its three affiliates – the Asian American Institute in Chicago, the Asian Law Caucus in San Francisco, and the Asian Pacific American Legal Center in Los Angeles – and nearly 100 community partners in 44 cities, 25 states, and the District of Columbia.

NAPABA and AAJC applaud the Judiciary Committee for considering these three candidates promptly, and for considering them together. This is the first time in history that three Asian Pacific American judicial candidates have been before this Committee at the same time. Similarly, never before in history have three Asian Pacific American federal judicial nominees been confirmed in the same year. In the history of the United States, there have been only 17 Asian Pacific American Article III judges.

NAPABA and AAJC also thank Senator Feinstein for her recommendation of Judge Nguyen and Judge Chen, and thank Senator Boxer for her recommendation of Ms. Gee. The organizations also appreciate the confidence that President Obama has demonstrated by nominating them.

The historic significance of this hearing underscores the woeful underrepresentation of Asian Pacific Americans in the federal judiciary. The following key facts illustrate the need for greater representation:

- Of the approximately 875 federal Article III judgeships, only 8 are Asian Pacific American – less than 1 percent. Incredibly, of the approximately 180 active federal appellate court judges, none are Asian Pacific American.
- Only 4 of the over 70 Article III judges serving in California are Asian Pacific American. If the number of Asian Pacific American Article III judges serving in California reflected that state's general population, approximately 10 judges would be Asian Pacific American.
- There have only been 2 Asian Pacific American female Article III judges in the history of the United States, none of whom serve in California. There has never been an Asian Pacific American female federal appellate court judge in the history of the United States. There has never been an Asian Pacific American female federal appellate court judge in the history of the United States.
- There has never been a Vietnamese American to serve as an Article III judge anywhere in the nation.

- There has never been a Chinese American female to serve as an Article III judge anywhere in the nation.
- Although Asian Pacific Americans constitute approximately 35% of the population in the San Francisco/Greater Bay Area, there has never been an Asian Pacific American Article III judge in this area. The lack of an Asian Pacific American judge in this District is particularly unfortunate, given that many of the most infamous decisions affecting Asian Pacific Americans – including *Yick Wo v. Hopkins*, 118 U.S. 356 (1886), *Korematsu v. United States*, 323 U.S. 214 (1944), and *Lau v. Nichols*, 414 U.S. 563 (1974) – were first rendered by the courts in San Francisco.
- It is also worth noting that only 5 of the 24 active status judge in the Central District of California are women.

Having this historical perspective is noteworthy. Diversity is important because of the results that a diverse judiciary is more likely to produce. A judiciary that more closely resembles the American citizenry is more likely to engender confidence by that citizenry in the justness of the results reached. A judiciary that has diverse perspectives is more likely to ensure that cases are decided fairly, evenly, without predisposition, and with an open mind.

With respect to the Asian Pacific American community, the importance of diverse perspectives within the judiciary can be illustrated by two scenarios that have frequently arisen in courtrooms across America. The first scenario involves the veracity of an Asian Pacific American witness whose credibility is questioned because the witness refuses to look directly at an examiner or a judge. Certainly, the failure to make eye contact could be a sign that a witness is not telling the truth. In many Asian cultures, however, looking down or avoiding eye contact is simply a show of respect or deference to someone who is in a more authoritative position. The second scenario involves an Asian Pacific American witness who seems to be agreeing with every question that a cross-examiner or judge asks him, even though the answers have the effect of impeaching the witness. Again, in this scenario, the witness's apparent willingness to say "yes" may be caused by the witness's culture, where explicit disagreement is a sign of disrespect. If a jurist understands these cultural tendencies, then a jurist might be able to determine whether culture may be affecting perception instead of dismissing that witness as unreliable or non-credible. In this manner, the administration of justice is affected.

Thus, diversity is not necessarily a goal in itself but rather a means to ensuring that a just result is reached. Although certainly judges can be educated about different cultures and how characteristics might manifest themselves in the courtroom, judges also learn every day from each other as a result of conversations in chambers, over lunch, or at judicial conferences. A diverse judiciary will help to ensure that all judges have the benefit of a diversity of perspectives and experiences to allow them to make the most informed decision possible.

Of course, neither diversity nor the historic significance of these nominations – standing alone – would compel the confirmations of these nominees if they are not otherwise qualified. Rather, all three nominees have the experience, intellectual capacity, integrity, and temperament to serve admirably as U.S. district court judges. Two nominees have proven track records as sitting jurists and the third has substantial quasi-judicial experience. The legal community has strong confidence in all three nominees, as demonstrated by a wide range of bipartisan support from bar organizations, community groups, law enforcement, and individual leaders in the legal community.

Each of the three Asian Pacific American nominees currently before this Committee has the types of experiences that would help to create a better justice system. The individual qualifications and attributes of each nominee will be summarized below.

Judge Edward M. Chen is a well-respected jurist with a history of service in the Bay Area, not only as a judge but as an attorney and community advocate. He has served as a United States Magistrate Judge for the Northern District of California for over eight years, where he has presided over numerous civil and criminal trials by jury and bench. He was recently re-appointed for a second term. Judge Chen has adjudicated scores of cases by motion, and is the author of over 300 published opinions and orders covering a wide range of subject matters. Notwithstanding that large number of published opinions, Judge Chen has been reversed less than 5 times. He therefore already has the experience of running a federal district court docket, and would be poised to contribute immediately in the Northern District. Prior to his appointment as a magistrate judge, Judge Chen served as a staff attorney for the American Civil Liberties Union, as a litigation associate at Coblentz Patch Duffy & Bass, as a law clerk for the Honorable James R. Browning, then Chief Judge of the United States Court of Appeals for the Ninth Circuit, and as a law clerk for the Honorable Charles B. Renfrew, U.S. District Judge for the Northern District of California. Judge Chen served on the *California Law Review* and graduated Order of the Coif from University of California – Berkeley School of Law. He has been unanimously ranked “well qualified” by the American Bar Association.

Judge Chen has demonstrated a commitment to public service and the legal community throughout his career. Most notably, Judge Chen was on the legal team representing Fred Korematsu that successfully overturned – in a *coram nobis* case – his World War II conviction for failing to comply with the Japanese internment order. *Korematsu v. United States*, 584 F. Supp. 1406 (N.D. Cal. 1984). Judge Chen’s confirmation as an Article III judge on the same court that initially convicted Mr. Korematsu would represent a symbolic arc of history that affirms the strength of the American justice system. But Judge Chen’s community service has not been limited to this one case. He has contributed in numerous ways, including service on the boards of directors of the Asian American Bar Association of the Greater Bay Area, the Chinatown Community Development Corporation, and the Middlebridge School, which serves children with learning disabilities. Judge Chen also chaired the Marin Montessori School’s diversity committee.

Judge Chen has been a longstanding leader in the Bay Area legal community generally and in the Asian Pacific American community specifically. Judge Chen was named Judge of the Year in 2007 by the Barristers Club of San Francisco and has been ranked “exceptionally well qualified” by the Bar Association of San Francisco. Among the awards and recognitions that he has received are: Building Bridges Lifetime Achievement Award, Bay Area Asian Pacific American Law Students Association Conference (2005); Trailblazer Award, NAPABA (2001); Joe Morozumi Exceptional Legal Advocacy Award, Asian American Bar Association of the Greater Bay Area (1998); Unity Award, Minority Bar Coalition (1993).

Judge Chen overcame adversity at a young age and understands the challenges faced by many families. Judge Chen’s father emigrated from China as a merchant in the 1920s and his mother immigrated to Texas in the late 1930s during the Sino-Japanese war. Judge Chen was born and raised in racially diverse Oakland, California. When Judge Chen was 9 years old, his father suffered a stroke and slipped into a coma for 3 ½ years before passing away. His mother was left to care for Judge Chen and his three older brothers and also to take over the family import business started by his father. When Judge became an adult, he helped to run that business. Growing up, Judge Chen has held jobs as a musician, valet, and restaurant worker, but also has managed small businesses such as a motel with 40 employees, a retail clothing store, and his family’s real estate investments. Judge Chen understands family challenges even now. He is the parent of a child who is severely developmentally disabled and another with learning disabilities. All of these experiences – as a judge, a community advocate, a small business owner, the son of immigrants, and as a father – will combine to allow Judge Chen to approach each case with balance and neutrality, as he has done so with distinction as a federal magistrate judge. Judge Edward M. Chen is worthy of elevation to become a U.S. District Court Judge for the Northern District of California.

Dolly M. Gee is a partner with Schwartz, Steinsapir, Dohrmann & Sommers LLP, where she specializes in labor and employment law, often representing teachers under federal and state education code. She has extensive experience in federal and state court litigation involving all aspects of labor and employment law. Although Ms. Gee has not served as a judge before, she has a substantial amount of quasi-judicial experience. From 1994 to 1999, Ms. Gee served as a member of the Federal Service Impasses Panel, where she mediated and arbitrated numerous disputes and participated in hundreds of summary dispositions of impasses between federal agencies and federal sector labor unions. During the 1995-96, 1999-2000, and 2005-06 International Brotherhood of Teamsters Delegate and Officer Elections, Ms. Gee served as an independent election monitor under the auspices of the Office of the Election Officer, established under the supervision of the Honorable David N. Edelstein, U.S. District Judge for the Southern District of New York. In that capacity, she investigated and recommended dispositions for hundreds of election protests relating to alleged violations of election rules. Since 2000, Ms. Gee has served as an arbitrator for the Kaiser Permanente Independent Arbitration System, where she has arbitrated several disputes involving medical malpractice or

breach of contract. Upon graduation from law school, she was a law clerk for the Honorable Milton L. Schwartz, U.S. District Judge for the Eastern District of California. Ms. Gee has been unanimously ranked "Qualified" by the ABA.

Ms. Gee serves as a role model for all lawyers, and especially Asian Pacific American and female lawyers. Ms. Gee's parents emigrated from small farming villages in Toisan, China. Her father served in the U.S. Navy during World War II and was among the first wave of Chinese American aerospace engineers who worked on the Apollo space missions for North American Aviation and later Rockwell International. Her mother was a garment worker and her experiences inspired Ms. Gee to go into the field of labor and employment law. English was Ms. Gee's second language.

Ms. Gee's bar association and public service activities reflect her commitment to fostering racial harmony and understanding, and promoting tolerance in Los Angeles, a diverse community which too often has been scarred by racial strife and violence. Notably, Ms. Gee was President of the Southern California Chinese Lawyers Association (SCCLA) in 1992 when police officers involved in the Rodney King beating were acquitted, which sparked one of the largest outbreaks of urban violence in U.S. history. At that time, many Asians were victims of violent crime, theft, and vandalism. Ms. Gee coordinated volunteer attorneys to provide pro bono legal services to the victims of civil unrest. Importantly, Ms. Gee also worked tirelessly with other bar associations and community groups to restore peace, ease racial tensions, and create a more unified city. Her work since that time has not diminished, and she has been a leader in working with both the federal and state court systems: Standing Committee on Discipline, U.S. District Court for the Central District of California (1999-2001); Advisory Board Member, U.S. Court of Appeals for the Ninth Circuit (2005-2008); Commission on Judicial Nominees Evaluation, State Bar of California (1996-1998). Ms. Gee's other leadership positions have included: Board of Trustees, Los Angeles County Bar Association (1993-1995); Co-Founder/Board of Governors, Asian Pacific American Bar Association of Los Angeles (1998-2000); Board of Directors, Western Center on Law & Poverty (1993-1995; Vice President, 1996-1998); Board of Directors, California Women's Law Center (1995-1998); Board of Directors, Asian Pacific American Legal Center of Southern California (1983, 2003-present).

As a result of her many pro bono efforts, Ms. Gee has received public service awards and commendations from the City of Los Angeles, the City of Monterey Park, the Los Angeles Human Relations Commission, the Office of the California Secretary of State, the Office of the Los Angeles City Attorney, and the Asian Pacific American Bar Association of Los Angeles County. Ms. Gee received NAPABA's Trailblazer Award in 2001. Since 2004, she has been named each year as a "Southern California Super Lawyer" by *Los Angeles Magazine*. Ms. Gee's many accomplishments – as a successful and well-respected attorney, an arbitrator/mediator/ "neutral," and as a community leader – demonstrate that she will be a judge who will be respected and admired for her fairness and ability to make all litigants feel that they have been treated justly regardless of outcome.

Judge Jacqueline H. Nguyen has been a judge with the Los Angeles County Superior Court for over seven years. When appointed, she was the first Vietnamese American woman to serve as a judge in California. As a judge, she has presided over thousands of cases, including over 65 jury trials. Judge Nguyen's record as a jurist is stellar – to date, none of her cases have been reversed on appeal. In addition to her regular duties as a trial court judge, Judge Nguyen is currently the Site Judge for the Alhambra Courthouse. As Site Judge, Judge Nguyen is in charge of the administrative operation of the Alhambra Courthouse, which she accomplishes through close working relationships with the sitting judges, court leadership, law enforcement, and the assigned prosecutors and defenders. Prior to her appointment to the bench, Judge Nguyen worked for many years as an Assistant United States Attorney with the United States Attorney's Office for the Central District of California, ultimately serving as Deputy Chief of the General Crimes Section, after stints with the Organized Crimes Strike Force, and the Public Corruption and Government Fraud Section. Judge Nguyen is perhaps best known for her ground breaking anti-terrorism prosecution in the "Operation Eastern Approach" case of *United States v. Tabatabai*, the first successful prosecution in the United States for providing material support and resources to a designated foreign terrorist organization.

Judge Nguyen has received several awards for her achievements. These awards include the Federal Law Enforcement Officers Association's Contribution to the Field of Law Enforcement Award (2002), NAPABA's Trailblazer Award (2006), a special recognition award from the Asian Pacific American Legal Center (2002), the Alumni Award from Occidental College (2007), and several commendation and achievement awards from the Department of Justice, the Federal Bureau of Investigations, and the State Department.

Judge Nguyen has demonstrated a lifelong commitment to the community. She was a volunteer pro bono attorney with Public Counsel's foster adoption project. She – along with Ms. Gee – was a founding member of the Asian Pacific American Bar Association of Los Angeles, and served as its president in 1999-2000. She has served as a board member of the Women Lawyers Association of Los Angeles, a board member of the Japanese American Bar Association of Greater Los Angeles, and was Co-Chair of the Asian Concerns Committee.

Judge Nguyen is a testament to both the beauty, and the promise, of the 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 relative security, then to lose it all to the chaos of war, Judge Nguyen embraced her new life in America with grace, fortitude, determination, and cheerful modesty, assisting her mother in cleaning dental offices growing up. She earned a four-year full tuition scholarship to Occidental College, and then graduated from UCLA School of Law.

Throughout it all, she continued to help in the family donut shop on weekends and also taught as an elementary school substitute teacher. A story that could be crushing to many, Judge Nguyen's strength of character and determination shines. She brings a deep diverse experience, both professional and personal, that would serve her well as a United States District Court Judge.

* * * * *

Jacqueline H. Nguyen, Judge Edward M. Chen, and Dolly M. Gee would make immediate contributions as federal district court judges. Each nominee has significant professional accomplishments that demonstrate his or her fitness for the bench. Moreover, each nominee brings a unique personal life story that would inspire all Americans. Especially given the exceedingly low number of Asian Pacific American federal judges nationwide, the addition of all three individuals to the federal judiciary is important to NAPABA and AAJC. NAPABA and AAJC are encouraged by the progress being made here today, and look forward to working with this Committee and the Administration as many more Asian Pacific Americans are nominated for federal judgeships. Indeed, the addition of these three individuals to the federal judiciary should be important to all Americans interested in ensuring that the federal judiciary is reflective of all of the different communities that make up the fabric of the United States. Accordingly, the National Asian Pacific American Bar Association and the Asian American Justice Center proudly support and urge for the speedy confirmations of Judge Jacqueline H. Nguyen and Dolly M. Gee for the United States District Court for the Central District of California, and Judge Edward M. Chen for the United States District Court for the Northern District of California. Thank you for considering this testimony today.



A D V A N C I N G E Q U A L I T Y

September 9, 2009

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

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

Re: Federal Judicial Nominations of Jacqueline H. Nguyen (C.D. Cal.), Dolly M. Gee (C.D. Cal.), and Edward M. Chen (N.D. Cal.).

Dear Chairman Leahy and Ranking Member Sessions:

The Asian American Justice Center (AAJC) is dedicated to the advancement of human and civil rights for Asian Americans through advocacy, public policy, public education, and litigation. AAJC is a national leader on issues of particular importance to the Asian American community including: affirmative action, anti-Asian violence prevention and race relations, census, immigrant rights, immigration, language access, and voting rights. AAJC was founded in 1991 by regional legal defense fund organizations rooted in local communities. AAJC carries out its mission by operating closely with its three affiliates: the Asian Pacific American Legal Consortium (APALC) in Los Angeles, the Asian Law Caucus (ALC) in San Francisco and the Asian American Institute (AAI) in Chicago. In total, AAJC has a network of nearly 100 community-based organizations in 25 states and the District of Columbia. AAJC recognizes a critical need for greater participation by Asian Americans in the federal courts. Of the approximately 875 federal Article III judges, only eight are Asian Americans. This woeful underrepresentation of Asian Americans in the federal judicial system deprives our courts of unique perspectives that are essential to resolving the complex issues before our courts today.

AAJC urges the timely confirmation of Judge Jacqueline H. Nguyen for the United States District Court for the Central District of California, Ms. Dolly M. Gee for the United States District Court for the Central District of California, and Judge Edward M. Chen for the United States District Court for the Northern District of California. Each nominee is superbly qualified and would faithfully and skillfully serve on the United States District Court. Further, the confirmation of these nominees will prominently signal to the Asian American community that our federal judicial system is moving toward greater inclusion and increased access for all seeking justice. For decades, Judge Nguyen, Ms. Gee, and Judge Chen have been

well-respected leaders in the Asian American community and their confirmation will ensure a vital, yet underrepresented, perspective is fostered in our federal judicial system.

Judge Jacqueline H. Nguyen serves as a judge with the Los Angeles County Superior Court. She was appointed in August 2002 and is the first Vietnamese American woman to serve as a judge in California. Judge Nguyen's confirmation would promote the first Vietnamese American to an Article III judgeship in our country's history. Judge Nguyen has a strong background in criminal law that will serve her well on the bench. Prior to her appointment to the Superior Court, Judge Nguyen served as an Assistant United States Attorney with the Criminal Division of the United States Attorney's Office where she was the Deputy Chief of the General Crimes Section. She also served on the Organized Crimes Strike Force, and the Public Corruption and Government Fraud Section while at the United States Attorney's Office. Judge Nguyen is active in the community and has been recognized repeatedly for her many achievements.

Judge Nguyen rose from humble beginnings as part of an immigrant family. As a child, she came to America amidst the fall of South Vietnam on a chaotic journey riddled with uncertainty and filled with fear. Once here, she grew up helping her mother clean dental offices and later that work ethic translated into a full tuition scholarship to Occidental College and later admission to UCLA School of Law. These events that formed Judge Nguyen's experiences, achievements, and character are unique to Vietnamese Americans and at the same time it is a story shared by countless American families. Her experience and character give us full confidence that she will make an excellent jurist on the United States District Court for the Central District of California. We give Judge Nguyen our highest endorsement.

Ms. Dolly M. Gee is a partner with the law firm of Schwartz, Steinsapir, Dohrmann & Sommers LLP. Ms. Gee has long recognized the importance serving her community and this is evidenced by the numerous awards she has received for her leadership. For example, in the early 1990s following the racial strife and violence in Los Angeles that riveted the nation, Ms. Gee's pro bono activities promoted racial tolerance and aided those harmed by violence. Ms. Gee's private practice specializes in labor and employment law and she has extensive experience in federal and state court litigation. Ms. Gee also has deep experience as a neutral mediator and arbitrator. She worked on the Federal Service Impasse Panel where she mediated and arbitrated impasses between federal agencies and federal sector labor unions. She has also worked as a court-appointed independent election monitor for delegate elections of 27 International Brotherhood of Teamsters local unions in California, Nevada, and Hawaii. In this position, Ms. Gee investigated and recommended dispositions of election protests relating to alleged violations of election rules.

Ms. Gee's legal career was inspired by her family. Her father came to the United States from a small farming village in Toisan, China. He later served in the U.S. Navy during World War II and then worked for our nation's burgeoning young aerospace industry to support the Apollo space missions. Ms. Gee's interest in labor and employment law flows from watching her mother working as a garment worker. Ms. Gee's commitment to professional excellence and service has been clear throughout her career. Ms. Gee's abilities and her character make her worthy of our highest endorsement.

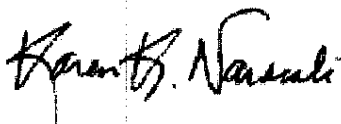
Judge Edward M. Chen is a well-respected federal magistrate judge in the Bay Area and has served in that position for over eight years. In this capacity he has presided over numerous criminal and civil cases, including bench and jury trials. Judge Chen's experience as a magistrate judge gives him a special familiarity with the tasks and challenges facing federal district court judges. Even though approximately 35% of the San Francisco/Bay Area population is Asian American and Pacific Islander, there has never been an Asian American Article III judge in the area. He would be the first. Judge Chen's confirmation would elevate a qualified, respected jurist within the very community that he has long served to great acclaim. Prior to becoming a magistrate judge, Judge Chen served as: a staff attorney for the American Civil Liberties Union; a litigation associate at Coblentz Patch Duffy & Bass; a law clerk to the Honorable James R.

Browning, Chief Judge of the United States Court of Appeals for the Ninth Circuit; and a law clerk to the Honorable Charles B. Renfrew, United States District Court, Northern District of California. Judge Chen is an active leader in his community. Of particular note, Judge Chen participated in the legal team that successfully overturned – in a *coram nobis* case – Fred Korematsu's World War II conviction for failing to comply with the Japanese internment order. Judge Chen has garnered numerous awards that reflect the legal community's high regard for his careful work as a jurist.

Judge Chen's professional success is extraordinary when considering the adversity he faced in his childhood. His father emigrated from China in the 1920s as a merchant and his mother immigrated to Texas in the late 1930s. When Judge Chen was 9 years old, his father suffered a stroke and remained in a coma before passing away three and a half years later. His family continued the import business his father started and he maintained that business early in his legal career. Judge Chen continues to deal with personal challenges as the parent of two children, one with developmental disabilities and the other with learning disabilities. Through it all, Judge Chen has maintained an impeccable professional reputation with an outward focus on helping others who seek justice. We give Judge Chen our highest endorsement.

After reviewing their accomplishments and record it is with tremendous confidence and pleasure that we endorse Judge Jacqueline H. Nguyen, Ms. Dolly M. Gee, and Judge Edward M. Chen for confirmation as federal district court judges. Their continued pursuit of justice and professional excellence is remarkable. These individuals will enrich our judicial system with their expertise and unique perspectives. Although Asian Americans would remain underrepresented on the federal bench, the confirmation of these three individuals is a move in the right direction for our justice system. Accordingly, the Asian American Justice Center endorses and urges the confirmations of Judge Jacqueline H. Nguyen and Ms. Dolly M. Gee for the United States District Court for the Central District of California, and Judge Edward M. Chen for the United States District Court for the Northern District of California.

Sincerely,



President and Executive Director



JAPANESE AMERICAN CITIZENS LEAGUE

1828 L Street, NW • Suite 802 • Washington, DC • 20036
Ph: (202) 223-1240 • Fax: (202) 296-8082 • E-mail: dc@jacl.org

September 11, 2009

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

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

Re: Federal Judicial Nominations of Jacqueline H. Nguyen (C.D. Cal.), Edward M. Chen (N.D. Cal.), and Dolly M. Gee (C.D. Cal.)

Dear Chairman Leahy and Ranking Member Sessions:

The Japanese American Citizens League (JACL) is the oldest and largest Asian American civil rights organization in the United States. JACL monitors and responds to issues that enhance or threaten the civil and human rights of all Americans and implements strategies to effect positive social change, particularly in the Asian Pacific American community. Through our extensive member network and relationships with various civil rights organizations, we strive to promote a world that honors diversity by respecting the values of fairness, equality and social justice. Consistent with our mission, we endorse the recent nominations of Judge Edward M. Chen, Ms. Dolly M. Gee, and Judge Jacqueline H. Nguyen and would applaud their prompt confirmation. These individuals are tremendously qualified and their many contributions to the community have gone far to advance JACL's vision. The confirmation of these judicial nominees would help our federal judicial system draw on the unique, yet underrepresented, abilities of our nation's rich Asian American community.

Judge Edward M. Chen is a well-respected federal magistrate judge in the Bay Area and has served in that position for over eight years. In this capacity he has presided over numerous criminal and civil cases, and has authored over three hundred published opinions. Judge Chen is an active leader in his community. JACL particularly applauds and appreciates Judge Chen's work on the legal team that successfully overturned – in a *coram nobis* case – Fred Korematsu's

World War II conviction for failing to comply with the Japanese internment order. This case revealed that the alleged evidence justifying the Japanese internment order was fabricated or exaggerated to a great extent. It went far to restoring the dignity of Japanese Americans and the faith of all Americans who revere human and civil rights. We respect Judge Chen's record of public service, professional achievement, and continued quest for justice. It is particularly astounding given the Bay Area's substantial Asian American population that, if confirmed, Judge Chen would be the first Asian American Article III judge to serve there. He deserves our strongest endorsement.

Judge Jacqueline H. Nguyen is a judge with the Los Angeles County Superior Court. She was appointed in August 2002 and is the first Vietnamese American woman to serve as a judge in California. If confirmed, Judge Nguyen would become the first Vietnamese American Article III judge in the history of the United States. Prior to her appointment, Judge Nguyen served as an Assistant United States Attorney with the Criminal Division of the United States Attorney's Office where she was the Deputy Chief of the General Crimes Section. She also served on the Organized Crimes Strike Force, and the Public Corruption and Government Fraud Section while at the United States Attorney's Office. Judge Nguyen is extremely active in the community and has been recognized for her many achievements. We are especially impressed by her role as a leader in the Asian American legal community and we are confident that she will serve as an excellent district court judge. Judge Nguyen deserves our strongest endorsement.

Ms. Dolly M. Gee is a partner with Schwartz, Steinsapir, Dohrmann & Sommers LLP. She specializes in labor and employment law and has extensive experience in federal and state court litigation. Ms. Gee also has substantial experience as a neutral mediator and arbitrator. She served on the Federal Service Impasse Panel where she mediated and arbitrated impasses between federal agencies and federal sector labor unions. She has also served as a court-appointed independent election monitor for delegate elections of 27 International Brotherhood of Teamsters local unions in California, Nevada, and Hawaii. In this position, Ms. Gee investigated and recommended dispositions of election protests relating to alleged violations of election rules. Ms. Gee's reputation for fairness and professionalism in these quasi-judicial roles is well deserved. She has also used these skills to serve as a respected leader in her community. In the early 1990s following the racial strife and violence in Los Angeles, Ms. Gee's pro bono activities promoted racial tolerance and aided those harmed by violence. Her continued leadership on community issues and excellence as attorney has been widely recognized by various commendations and awards. We appreciate her dedication and character and we are confident that she will serve as an outstanding district court judge. Ms. Gee deserves our strongest endorsement.

After measuring their professional accomplishments, qualifications, and character, it is our pleasure to endorse Judge Jacqueline H. Nguyen, Ms. Dolly M. Gee, and Judge Edward M. Chen for confirmation as federal district court judges. Each individual we endorse here has made a special contribution to their communities, both locally and nationally. The confirmation of these individuals would add highly qualified jurists to the federal bench who bring ideas, views, and experiences that are inadequately represented among our Article III judges today. Accordingly, the Japanese American Citizens League proudly endorses and urges for the speedy confirmations of Judge Jacqueline H. Nguyen and Ms. Dolly M. Gee for the United States District

Court for the Central District of California, and Judge Edward M. Chen for the United States District Court for the Northern District of California.

Sincerely,

A handwritten signature in cursive script, reading "S. Floyd Mori". The signature is written in dark ink and is positioned above the printed name and title.

S. Floyd Mori
National Director



SAN FRANCISCO DEPUTY SHERIFFS' ASSOCIATION, INC.

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David Wong

VICE-PRESIDENT
Scott Osha

SECRETARY
Eugene Cerbone

TREASURER
Shedrick McDaniels

SERGEANT AT ARM
Brian Savage

September 10, 2009

Honorable Patrick J. Leahy
Chairman,
U.S. Senate Committee on the Judiciary
433 Russell Senate Office Building
Washington, D.C. 20510

Honorable Jeff B. Sessions
Ranking Member,
U.S. Senate Committee on the Judiciary
335 Russell Senate Office Building
Washington, D.C. 20510

Re: Letter of Support for Magistrate Judge Edward M. Chen's confirmation for
the United States District Court for the Northern District of California

Dear Chairman Leahy and Ranking Member Sessions,

On behalf of the San Francisco Deputy Sheriffs' Association which represents 800 rank and file members of the San Francisco Sheriff's Department, I write in support of Magistrate Judge Edward M. Chen's confirmation to the United States District Court for the Northern District of California.

Recently, Magistrate Judge Chen successfully mediated a case involving the City and County of San Francisco and Deputy Sheriffs' wages, benefits and working conditions. Judge Chen's judicious approach to the problem satisfied both parties and resulted in a successful settlement of the case. His judicial temperament, work ethic and professional abilities were instrumental in resolving the concerns of both sides; thus eliminating the need of a protracted and expensive trial. Judge Chen's ability to understand and analyze each side of the dispute, resulted in the court issuing a fair and balanced decision, which left a deep and lasting impression among the members of our Association, who risk their lives daily to protect the people and communities within the City and County of San Francisco.

The Association endorses the application of Magistrate Judge Edward Chen for Presidential Appointment to the Federal District Court. We believe Edward M. Chen has the necessary experience and qualification for the position.



SAN FRANCISCO DEPUTY SHERIFFS' ASSOCIATION, INC.

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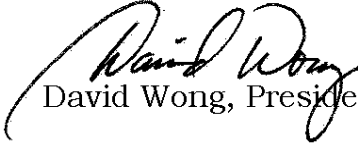
TREASURER
Shedrick McDaniels

SERGEANT AT ARM
Brian Savage

President Barack Obama has commented on the importance of choosing judges with experience, dedication and understanding. Edward M. Chen's current service as a magistrate judge for the past eight years has provided him with invaluable experience to assume the duties of an Article III judge. Judge Edward M. Chen has earned a reputation as an evenhanded jurist who is constantly mindful of the role that judges such as himself fulfill in our society: *as keepers of the rule of law and public trust in our system of justice.*

We thank you in advance for your consideration of our endorsement and look forward to the appointment of the first Asian American District Court Judge to the Northern District of California.

Sincerely,


David Wong, President



Boat People SOS, Inc.

Ủy Ban Cứu Người Vượt Biển

"Meeting Urgent Needs Today, Empowering Communities for Tomorrow"



September 10, 2009

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

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

Re: Federal Judicial Nominations of Jacqueline H. Nguyen (C.D. Cal.), Edward M. Chen (N.D. Cal.), and Dolly M. Gee (C.D. Cal.)

Dear Chairman Leahy and Ranking Member Sessions:

Boat People SOS (BPSOS) is a national immigrant services organization serving the Vietnamese American and Immigrant community. BPSOS was founded in 1980 by Vietnamese Asylees and Refugees to assist the Vietnamese boatlifts of refugees fleeing persecution in communist Vietnam. From 1980 through 1996, BPSOS assisted in the resettlement of over 20,000 refugees. Currently, BPSOS focuses on providing essential integration services for self sufficiency including ESL, Citizenship, Financial Literacy, Health Awareness and Family Based Immigration Services. Additionally, BPSOS provides disaster assistance in the Gulf Coast in the aftermaths of Hurricanes Katrina, Rita, Gustav and Ike and case management and assistance for victims of domestic violence and human trafficking.

BPSOS endorses the nominations of Judge Jacqueline H. Nguyen for the United States District Court for the Central District of California, Ms. Dolly M. Gee for the United States District Court for the Central District of California, and Judge Edward M. Chen for the United States District Court for the Northern District of California. Each nominee is expertly qualified for this position. Further, the confirmation of these nominees will provide needed diversity in the federal judicial system which will increase the accessibility for all seeking justice. For decades, Judge Nguyen, Ms. Gee, and Judge Chen are well-respected leaders in the Asian American community and their confirmation will ensure a vital, yet underrepresented, perspective is fostered in our federal judicial system.

Judge Jacqueline H. Nguyen serves as a judge with the Los Angeles County Superior Court. She was appointed in August 2002 and is the first Vietnamese American woman to serve as a judge in

California. If confirmed, Judge Nguyen would become the first Vietnamese American Article III judge in the history of the United States. Judge Nguyen has a strong background in criminal law. Prior to her appointment to the Superior Court, Judge Nguyen served as an Assistant United States Attorney with the Criminal Division of the United States Attorney's Office where she was the Deputy Chief of the General Crimes Section. She also served on the Organized Crimes Strike Force, and the Public Corruption and Government Fraud Section while at the United States Attorney's Office. Judge Nguyen is active in the community and has been recognized repeatedly for her many achievements.

Judge Nguyen rose from humble beginnings as part of an immigrant family. As a child, she came to America amidst the fall of South Vietnam on a chaotic journey riddled with uncertainty and punctuated by terrifying moments. She grew up helping her mother clean dental offices and later that work ethic translated into a full tuition scholarship to Occidental College and then admission to UCLA School of Law. These early events that shaped Judge Nguyen's experiences, achievements, and character are unique to Vietnamese Americans and at the same time it is a story shared by countless American families. Her experience and character give us full confidence that she will make an excellent jurist on the United States District Court for the Central District of California. We give Judge Nguyen our highest endorsement.

Ms. Dolly M. Gee is a partner with the law firm of Schwartz, Steinsapir, Dohrmann & Sommers LLP. She specializes in labor and employment law and has extensive experience in federal and state court litigation. Ms. Gee also has substantial experience as a neutral mediator and arbitrator. She served on the Federal Service Impasse Panel where she mediated and arbitrated impasses between federal agencies and federal sector labor unions. She has also served as a court-appointed independent election monitor for delegate elections of 27 International Brotherhood of Teamsters local unions in California, Nevada, and Hawaii. In this position, Ms. Gee investigated and recommended dispositions of election protests relating to alleged violations of election rules. Ms. Gee has long recognized the importance serving her community and this is evidenced by the numerous awards she has received for her leadership. For example, in the early 1990s following the racial strife and violence in Los Angeles, Ms. Gee's pro bono activities promoted racial tolerance and aided those harmed by violence.

Ms. Gee's legal career was inspired by her family. Her father came to the United States from a small farming village in Toisan, China. He later served in the U.S. Navy during World War II and then worked for North American Aviation and Rockwell International to support the Apollo space missions. Ms. Gee's interest in labor and employment law grew from watching her mother working as a garment worker. Ms. Gee's commitment to professional excellence and service has been clear throughout her career. Ms. Gee's abilities and her character make her worthy of our highest endorsement.

Judge Edward M. Chen is a well-respected federal magistrate judge in the Bay Area and has served in that position for over eight years. In this capacity he has presided over numerous criminal and civil cases, and has authored over three hundred published opinions. Judge Chen's experience as a magistrate judge gives him a special familiarity with the tasks and challenges facing federal district court judges. Even though approximately 35% of the San Francisco/Bay Area population is Asian American and Pacific Islander, there has never been an Asian American Article III judge in the area. Given his judicial experience, Judge Chen is perfectly poised to make history in that manner. Prior to becoming a magistrate judge, Judge Chen served as: a staff attorney for the American Civil Liberties Union; a litigation associate at Coblentz Patch Duffy & Bass; a law clerk to the Honorable James R. Browning, Chief Judge of the United States Court of Appeals for the Ninth Circuit; and a law clerk to the Honorable Charles B. Renfrew, United States District Court, Northern District of California. Judge Chen is an active leader in his community. Of particular note, Judge Chen participated in the legal team that successfully overturned – in a *coram nobis* case – Fred Korematsu's World War II conviction for

failing to comply with the Japanese internment order. Judge Chen has garnered numerous awards that reflect the legal community's high regard for his careful work as a jurist.

Judge Chen's professional success is exceptional when considering the adversity he faced in his childhood. His father emigrated from China in the 1920s as a merchant and his mother immigrated to Texas in the late 1930s. When Judge Chen was 9 years old, his father suffered a stroke and remained in a coma before passing away three and a half years later. His family continued the import business his father started and he maintained that business early in his legal career. Judge Chen continues to deal with family challenges as the parent of two children, one with developmental disabilities and the other with learning disabilities. Through it all, Judge Chen has maintained an impeccable professional reputation with a focus on helping others who seek justice. We give Judge Chen our highest endorsement.

After reviewing their accomplishments, qualifications, and character, it is with great pride and enthusiasm that BPSOS endorses Judge Jacqueline H. Nguyen, Ms. Dolly M. Gee, and Judge Edward M. Chen for confirmation as federal district court judges. Their leadership in pursuit of justice for the underserved and underprivileged is extraordinary. The confirmation of these individuals would be a historically important step toward addressing the systemic underrepresentation of Asian Americans in our judicial system. Accordingly, the Asian American Justice Center proudly endorses and urges the confirmations of Judge Jacqueline H. Nguyen and Ms. Dolly M. Gee for the United States District Court for the Central District of California, and Judge Edward M. Chen for the United States District Court for the Northern District of California.

Sincerely,

A handwritten signature in black ink, appearing to read "Nguyen Thang", with a long, sweeping horizontal line extending to the right.

Dr. Thang Dinh Nguyen, Ph.D.
Executive Director



MALDEF

Mexican American Legal Defense and Educational Fund

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September 22, 2009

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The Honorable Patrick Leahy, Chairman
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United States Senate
Washington, DC 20510

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The Honorable Jeff Sessions, Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

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RE: Judicial Nomination of Edward M. Chen

Dear Chairman Leahy and Ranking Member Sessions:

It is with great admiration that the Mexican American Legal Defense and Educational Fund (MALDEF) endorses the nomination of U.S. Magistrate Judge Edward M. Chen as a federal district judge to the U.S. District Court for the District of Northern California.

In 2001, Judge Chen was the first Asian American magistrate judge appointed to California's Northern District and, once confirmed, he will be the first Asian American district court judge appointed to the Northern District bench. However, these are not the only milestones that mark Judge Chen's legal career.

Judge Chen is a graduate of the UC Berkeley School of Law where he became a member of the esteemed honor society, the Order of the Coif, and served on the California Law Review. After law school, he worked as a judicial law clerk in both the federal district and circuit courts. He excelled as a litigator in private practice, as a public interest lawyer at the ACLU, and as a member of the legal team that was successful in overturning the conviction of Fred Korematsu in *Korematsu v. U.S.*, the World War II Japanese internment case. I have personally had the opportunity to co-counsel a significant case with Judge Chen before his appointment as magistrate judge. He is worthy of all the respect and accolades he has received.

Judge Chen is respected and admired by his colleagues on the bench, as well as by the lawyers who appear before him, for his commitment to fairness and his superior judicial temperament. Known for his dedication to public service and mentoring,

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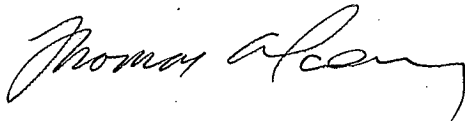
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he enthusiastically shares his passion for the law and legal profession with many aspiring law students and new lawyers.

Judge Chen possesses a judicial record illustrative of his adherence to the rule of law. He has earned the endorsement of federal prosecutors and police associations as well as many civic and legal organizations. The American Bar Association has also rated Judge Chen "unanimously well-qualified" to join the federal district court ranks. He is the recipient of numerous awards and has published several articles on civil rights.

For these reasons, MALDEF proudly supports Judge Chen's candidacy and urges the members of the Senate Judiciary Committee to report his nomination to the full Senate without delay.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas A. Saenz".

Thomas A. Saenz
President and General Counsel

THS:cmk



September 17, 2009

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

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

Re: Federal Judicial Nominations of Jacqueline H. Nguyen (C.D. Cal.), Edward M. Chen (N.D. Cal.), and Dolly M. Gee (C.D. Cal.)

Dear Chairman Leahy and Ranking Member Sessions:

I am writing to you today asking for your support in confirming Judge Jacqueline H. Nguyen and Ms. Dolly M. Gee for the United States District Court for the Central District of California and Judge Edward M. Chen for the United States District Court for the Northern District of California.

The Southeast Asia Resource Action Center (SEARAC) is a national organization advancing the interests of Cambodian, Laotian, and Vietnamese Americans through leadership development, capacity building, and community empowerment. We were founded in 1979 as the Indochina Refugee Action Center (IRAC) to facilitate the relocation of Southeast Asian refugees into American society. We strive to empower Southeast Asian Americans to advocate for themselves on issues of concern to their communities, including issues involving our federal judicial system.

There has never been an Asian Americans Article III Judge in the Northern District of California. The underrepresentation of Asian Article III judges is not reflective of California's 15 percent Asian American population, and of the 875 Article III judges in the nation, only eight are Asian American, a rate that is less than one percent. Therefore, SEARAC endorses the nominations and urges the immediate confirmation of Judge Edward M. Chen, Ms. Dolly Gee and Judge Jacqueline H. Nguyen. Each individual is highly recognized and respected at the local and national levels. Their experiences, combined and individually, are beyond exemplary and would build our federal bench to a stronger, more representative system.

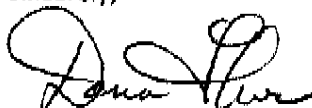
Ms. Dolly M. Gee experiences as a community leader demonstrates her dedication to equality and the rule of law. To address the racial tensions in Los Angeles in the early 1990's, Ms. Gee advocated for tolerance and provided free legal assistance to the underserved in her community. Now as a partner with Schwartz, Steinsapir, Dohrmann & Sommers LLP, she continues her dedication to equality and the rule of law by specializing in labor and employment law. However, Ms. Gee's ability to equate fairness was greatly demonstrated when she served on the Federal Service Impasse Panel as a mediator resolving hundreds of Impasses between federal agencies and labor unions. Recognizing that Ms. Gee's track record of resolving problems through her impartial decision making, she became a court-appointed election monitor in the election of 27 International Brotherhood of Teamsters local unions in California, Nevada, and Hawaii. Through all her work, Ms. Gee has shown a strong understanding of the legal system's emphasis of being fair and just. We strongly believe that Ms. Gee will continue her excellence in being fair and just as a district court judge. We offer our earnest endorsement to Ms. Gee's confirmation.

Judge Edward M. Chen serves as a federal magistrate judge for the United States District Court for the Northern District of California since 2001. Judge Chen's reputation of being fair has earned him respect from other federal district court judges and re-appointment to a second term. His experience in over 20 criminal and civil trials by jury and bench cases, authoring over 300 published decisions and orders, and conducting over 500 settlement conferences makes Judge Chen a well seasoned judicial nominee. Before serving as a judge, Judge Chen became part of Asian American history when he and his legal team represented Fred Korematsu in a *coram nobis* case. Judge Chen and his team were successful in overturning Fred Korematsu's conviction for failing to comply with the Japanese internment order during World War II. The holding for this case showed the unjust reasoning behind Japanese internment, not only for Korematsu, but for all Japanese Americans that were affected by internment. This success is only one of many of Judge Chen's successes in fighting for justice. Judge Chen's experiences illustrate his dedication to justice and why he is well respected by so many of his peers. SEARAC offers our deepest support for Judge Chen's confirmation.

Judge Jacqueline H. Nguyen became the first Vietnamese American woman judge in California when she was appointed with the Los Angeles County Superior Court in 2002. Judge Nguyen not only brings her experience as a judge with the Los Angeles County Superior Court, as an Assistant United States Attorney for the Criminal Division of the United States Attorney's Office and later as the Office's Deputy Chief of the General Crimes Sections, she is the face of California. In a state that is home to the largest Southeast Asian American population, numbering over 700,000, Judge Nguyen's journey embodies the struggle of many Southeast Asian American refugees that settled in California and the success that all Americans dream of. She would be the first Vietnamese American in the nation to become an Article III judge. We extend our strongest endorsement of Judge Nguyen's confirmation.

Individually, each judicial nominee has shown an aptitude for justice and impartiality that is needed to be an Article III judge. Accordingly, the Southeast Asia Resource Action Center urges the confirmation of Judge Jacqueline H. Nguyen and Ms. Dolly M. Gee for the United States District Court for the Central District of California, and Judge Edward M. Chen for the United States District Court for the Northern District of California.

Sincerely,



Executive Director