



Hon. Denny Chin

U.S. Circuit Judge, Second Circuit Court of Appeals

by Yue Yuan



Yue Yuan is a 2018 Fordham LL.M. student majoring in intellectual property and information technology law. She participated twice in Philip C. Jessup International Law Moot Court Competition in China and is interested in both intellectual property and international law. She completed her LL.B. in international financial law at Shanghai University of Finance and Economics. © 2018. All rights reserved. Yue Yuan.

Hon. Denny Chin is a U.S. circuit judge for the Second Circuit Court of Appeals. By way of background, Judge Chin graduated from Princeton University *magna cum laude* and received his law degree from Fordham Law School, where he was managing editor of the *Fordham Law Review*. After clerking for Hon. Henry F. Werker, U.S. district court judge for the Southern District of New York, he was associated with the law firm Davis Polk & Wardwell. He served as an assistant U.S. attorney in the Southern District of New York from 1982 until 1986, at which time he and two of his colleagues left to form the law firm, Campbell, Patrick & Chin. In 1990, he joined Vladeck, Waldman, Elias & Engelhard, P.C., where he specialized in labor and employment law.

On Sept. 13, 1994, Judge Chin began his judicial career upon his appointment to the U.S. District Court for the Southern District of New York. He served in that role until April 23, 2010. During his tenure, he presided over many notable matters, including cases involving Megan's Law, the Million Youth March, Al Franken's use of the phrase "fair and balanced" in the title of a book, the Naked Cowboy, the Google Books Project, and the United Nations Oil-for-Food Programme. He also presided over the guilty plea and sentencing of financier Bernard L. Madoff. On April 26, 2010, Judge Chin was sworn in as U.S. circuit court judge for the Second Circuit, where he presides today.

Judge Chin is a leader not only in the judicial realm, but also in the academic and greater legal community. He is the recipient of the Woodrow Wilson Award from Princeton University, the Spirit of Excellence Award from the American Bar Association, the Edward Weinfeld Award from the New York County Lawyers Association, the Lifetime Achievement Award from Judicial Friends, the Abely Award for Leading Women and Children to Safety from Sanctuary for Families, the Medal of Achievement from the Fordham Law Alumni Association, and the J. Edward Lumbard Award from the U.S. Attorney's Office for the Southern District of New York.

As a Fordham Law School alumnus, he has dedicated time and vigor to that institution, teaching legal



writing since 1986 and serving as a frequent guest lecturer in a variety of subjects. In August 2017, he presented on the differences between his duties at the U.S. District Court and the U.S. Court of Appeals, and noted how much he enjoyed participating in trial proceedings where he could see the evidence, instruct the jury, and often decide the verdicts himself. While on the Federal Circuit, he reviews the decisions of the U.S. District Court, and typically serves on three-judge panels requiring that the judges balance their decisions to reach a final result. On occasion, Judge Chin has voiced a dissenting view, and in at least one instance, that dissenting opinion was upheld by the U.S. Supreme Court.

This spring, he will be offering a four-session seminar on Asian-Americans and the law at Harvard Law School. Beginning with the arrival of Asians in the United States, the course will examine the passage of the exclusion laws and other immigration and citizenship statutes. It will explore historical discrimination against Asian-Americans, including anti-Asian violence and efforts by state and local governments to regulate Asians in the United States. The course will cover the internment of Japanese Americans during World War II and the efforts to obtain redress and reparations. Finally, it will conclude by considering

contemporary issues, including: (1) the concept of the model minority; (2) employment discrimination and the “Bamboo Ceiling”; (3) profiling and the question of “spies”; (4) education and the thorny question of reverse discrimination; and (5) contemporary violence. A theme of the course is that discrimination, while not as overt as it may have been a century ago, still exists in the form of limitations in employment, education, and political life.

While in private practice, Judge Chin provided extensive pro bono representation to the Asian American Legal Defense and Education Fund. He served as president of the Asian American Bar Association of New York (AABANY) from January 1992 through January 1994. He has served on the boards of numerous nonprofit organizations, including Hartley House, Care for the Homeless, the Clinton Housing Association, and the Prospect Park Environmental Center. He is currently a vice president of the Fordham Law School Alumni Association, a member of the advisory boards of the Feerick Center for Social Justice and the Center on Law and Information Policy at Fordham Law School, and a member of the Board of Trustees of Princeton University.

In addition to the many community activities that Judge Chin leads, over the past decade, he has developed a series of “reenactments”—scripted performances of historically noteworthy cases. The works are authored and narrated by Judge Chin and Kathy Hirata Chin, partner, Cadwalader Wickersham & Taft. These one-hour scripts are performed by a cast of actors, often law students, academics, and practitioners, and include key sections of hearing transcripts, relevant court documents, newspaper articles, and historic photographs from the time period.

Many of these works examine the prominent role that Asian-Americans have played in America’s legal history, which, in spite of their relatively limited numbers, have been at the center of many legal controversies that continue to reverberate today. Through these reenactments, history is brought to life, reminding us of the important role Asian-Americans have played in our collective legal history.

A number of the performances have been held at the AABANY, and on March 14, the FBA and AABANY will team up with Fordham Law School to perform *22 Lewd Chinese Women: Chy Lung v. Freeman*. Sponsored by the FBA International Law Section, this program will bring together a cast of 29 law students and leaders in the academic and legal community to examine and relive this immigration case that reached the Supreme Court in the 1870s. The case recounts how 22 Chinese women traveling without husbands or children were detained at the Port of San Francisco as “lewd women” and how this implicated immigration and federalism concerns that wound up at the U.S. Supreme Court. At the time, California law required the payment of \$500 bonds to the State Commissioner of Immigration attendant to the transportation of “lewd and debauched women.” This reenactment examines the limits of state and federal power and touches on sexism, racial profiling, and human trafficking.

This particular program was first performed by AABANY on Jan. 30, 2014, and it and other reenactments have been performed at Princeton University, the U.S. Court of Appeals for the Second Circuit, the State Bar of California Annual Meeting, the UC Davis Law School, and many others. In addition to offering an educational and entertaining program for FBA and legal community members, this reenactment performance aligns with the FBA’s effort to support diversity and inclusion in the FBA and the greater legal community as it builds on the FBA’s external partnerships to advance diversity and inclusion.

Judge Chin is a leader on the bench, in the classroom, and in the greater community. That he is a pioneer in the creation of programs that advance greater understanding of our historical, legal, and social underpinnings should come as no surprise to those who have been following his remarkable career. Judge Chin devotes a significant amount of his personal time to advancing better understanding of important legal concepts, and this is a testament to the sincerity of his drive. He is an extremely valuable partner to the Federal Bar Association. ☺

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Courts of Appeals. 8 U.S.C. § 1252. As a result, the Courts of Appeals only see denials of benefits and orders of removal—they do not get a chance to weigh whether grants of benefits and terminations of proceedings are in accordance with the law.

²²EXEC. OFFICE FOR IMMIGR. REV., FY 2016 STATISTICS YEARBOOK (Mar. 2017), *available at* <https://www.justice.gov/eoir/page/file/fysb16>. Significantly, grants of voluntary departure are considered to be “removal orders” in EOIR’s statistics.

²³*See, e.g.,* Ricardo Alonso-Zaldivar & Jonathan Peterson, *5 on Immigration Board Asked to Leave; Critics Call It a “Purge,”* L.A. TIMES (Mar. 12, 2003), <http://articles.latimes.com/2003/mar/12/nation/na-immig12>.

²⁴*See* 8 U.S.C. § 1101(b)(4).

²⁵*See* U.S. GOV’T ACCOUNTABILITY OFFICE, GAO-06-771, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW CASELOAD PERFORMANCE REPORTING NEEDS IMPROVEMENT 20-21 (Aug. 2006) (Report to the Chairman, S. Comm. on Finance).

²⁶*Id.*

²⁷*See* Meredith Hoffman, *Trump Sent Judges to the Border; Many Had Nothing To Do*, POLITICO MAG. (Sept. 27, 2017), <https://www.politico.com/magazine/story/2017/09/27/trump-deportations-immigration-backlog-215649>.

²⁸*Supra* note 2, at 40.