



Hon. Tu M. Pham

Chief Magistrate Judge, Western District of Tennessee

by Bryce Ashby



Bryce Ashby is an attorney with Donati Law PLLC in Memphis, Tennessee. Bryce served as a law clerk to Judge Bernice B. Donald from 2008-2009 and as Chair for Western District of Tennessee's Local Rules Committee.

Tu M. Pham serves as chief magistrate judge for the U.S. District Court for the Western District of Tennessee. Judge Pham's chambers in Memphis are steps away from the Mississippi river, where barges and cruise ships float by the city's downtown skyline.

Decades ago, Judge Pham's family spent several days floating off the coast of Vietnam as they fled their war-torn country. As he (just 3 years old at the time) and his family drifted out to the South China Sea in a crowded fishing boat, a Filipino freighter passed by and, using a cargo net, lifted the refugees onto the vessel. After settling temporarily in a refugee camp in the Philippines, the family was sent to an American-run refugee camp in Guam. By the end of 1975, they landed in Fort Chaffee, Arkansas, in what became home to more than 50,000 Vietnamese refugees between May and December 1975.

Charitable organizations then took the lead on refugee settlement, and U.S. Catholic Charities, along with the Catholic Diocese in Rockford, Illinois, found a place for the family to settle in Rockford. The Diocese found his father, Tue Minh Pham, a job with a photography studio. Tu and his siblings attended St. James Catholic School, which waived the family's tuition. St. James then rented, and ultimately bought, a house for his family. The church took donations and arranged for free medical and dental care, while parishioners quickly immersed his family in American traditions like introducing Thanksgiving, arranging a visit from Santa Claus, and showing his mother how to make hamburgers.

For the next three years, the family built a life in Rockford—until a record snowfall of 75 inches blanketed the city during the winter of 1979. His parents, who were used to a more tropical environment, did what any reasonable person would do and looked to warmer climes. His father was able to locate an old neighbor from Vietnam, who had settled in New Orleans and who encouraged the family to move down south. About a year later, the family moved to the Westbank of New Orleans, where a large Vietnamese population had taken hold.

Tue Minh Pham, despite struggling to learn



English, was able to continue working as a photographer. His specialty was restoration of old photographs, which involved using oil paint and a fine brush to re-touch cracked and damaged images by hand. Up until his passing in 2011, he spent most of his time volunteering at the local Vietnamese church by leading the choir or performing on the mandolin, accordion, violin, or one of the other dozen or so instruments he was well-versed in playing. It is no wonder that Judge Pham has always considered his father to be his greatest role model!

Tu rose through the New Orleans public school system, graduating as class salutatorian from O. Perry Walker High School in 1989. He then attended Tulane University for his undergraduate education, initially entering college with the plan to pursue a career in medicine. However, he found that he enjoyed reading and writing much more than science, so he decided to major in English. It was at Tulane that he met his wife, Linh.

Judge Pham is not sure exactly what spurred his interest in law, but he remembers one of his earliest exposures occurring in sixth grade in Ms. Gauche's social studies class, where they were studying "law and the courts." Ms. Gauche had the students, as part of their class, settle disciplinary issues through the



Top: Judge Pham, himself a naturalized U.S. citizen, shares the story of his journey from Vietnam to the United States during an en banc naturalization ceremony at Memphis City Hall. Right: Judge Pham visited Snowden School in Memphis, where he spoke about the federal court system and exoneration.



courts. He ran for prosecutor, which he won in a unanimous vote (He was the only candidate!); he successfully “prosecuted” his classmates for chewing gum, talking in class, and not doing their assignments. He still savors his three trial victories.

His decision to pursue a law degree caused some concern for his parents, as there were very few Vietnamese lawyers in the community at that time. They had hoped he would come to his senses and become a doctor, a recognized path for success in the Vietnamese community. They eventually supported his decision, and in the fall of 1993, he enrolled at the University of Illinois College of Law. He graduated *summa cum laude* in 1996, ranked in the top five of his class. During law school, he served as an articles editor for the University of Illinois Law Review, was a Harno Fellow, and received the Joseph W. Rickert Prizes for Legal Writing and Academic Excellence.

After law school, Judge William L. Garwood of the Fifth Circuit Court of Appeals selected him for a clerkship. He learned a great deal from Judge Garwood, who was pragmatic and wrote his opinions in an objective, neutral tone. Judge Pham has attempted to emulate that writing style while on the bench.

Following his clerkship, he married Linh, and they moved to Chicago where he joined the law firm of Kirkland & Ellis. The next two years were spent as a litigation

attorney, working primarily on complex litigation, antitrust, and intellectual property matters.

In 1999, despite having put down roots in Chicago, he applied for a position with the U.S. Department of Justice and interviewed with then-U.S. Attorney Veronica Coleman-Davis. Ms. Coleman-Davis offered him a position as an assistant U.S. attorney in Jackson, Tennessee. He thoroughly enjoyed his tenure in Jackson, where he prosecuted mostly drug and gun cases. As a young attorney, he found the broad prosecutorial discretion given to him to be a particularly rewarding aspect of the job. During his time in Jackson, he had the good fortune of working alongside experienced assistant U.S. attorneys such as John Fowlkes (now a district judge), Jimmy Croom (now a bankruptcy judge), and Tommy Parker (now a district judge), among others. Judge Fowlkes, in particular, served as a mentor, co-trying cases with him, assisting him with investigations, and teaching him the “ins and outs” of federal prosecution. He also gained valuable courtroom experience from appearing before Judge James Dale Todd and Judge J. Daniel Breen.

After spending two years in Jackson, he returned to Chicago, where he continued to serve as an assistant U.S. attorney under U.S. Attorney Patrick J. Fitzgerald. While in the Chicago office, he prosecuted defendants for racketeering, bribery, tax evasion, fraud, money laundering, and drug and gun crimes, and was later assigned to the office’s International Narcotics Unit. One of his fondest memories from his time at the Chicago office was investigating and trying cases alongside Morris “Sonny” Pasqual, who would later become the acting U.S. attorney for the Northern District of Illinois. He also had opportunities to argue cases before the Court of Appeals, with his most memorable experience being an oral argument before a panel comprised of Seventh Circuit Judges Richard Posner, Frank Easterbrook, and Ilana Rovner.

In 2003, he was appointed as a U.S. magistrate judge for the Western District of Tennessee, making him the first Vietnamese American federal magistrate judge in the United States. At the time, he was only 31 years and was the youngest federal magistrate judge in the country. In 2020, he was designated by the district judges to be the chief magistrate judge for the district.

For the past 20 years, Judge Pham has served as one of the four magistrate judges in the Western District. He finds that the position fits his personality in that he enjoys digging into the facts of a case, reading up on the latest developments in the law, and writing opinions. He strives to make attorneys and all parties who appear in his court feel comfortable, while balancing the decorum of the courtroom setting. Most of all, the judge wants to ensure that those who appear before him have a full and fair opportunity to be heard.

In his free time, Judge Pham focuses on his family. His wife, Linh, works in school administration with the public school system. They have two children, Evan,

who is a recent graduate of The Ohio State University and will be attending law school, and Lauren, who is a college sophomore studying interior design. He enjoys playing tennis and rooting for the New Orleans Saints, Memphis Grizzlies, and The Ohio State Buckeyes.

Reflecting on his family's journey from Vietnam to America, Judge Pham has a deep appreciation for the generosity shown, and the opportunities given, to him and his family. His parents were able to send all their children to college. His oldest sister studied journalism, became a television news

reporter, and won an Emmy award for a documentary about their family's journey. His brothers studied engineering and business and became successful businessmen. His other sisters have careers in hospitality, nursing, and pharmacy. As he says, "We came to America with absolutely nothing to offer it, yet this country took us in, gave us food and shelter, and most importantly, gave us a second chance at life." With that second chance, the judge and his family have built careers, raised strong families, and contributed to their communities—demonstrating that the American Dream is alive and well. ☺

Hon. Sheryl H. Lipman *continued from page 16*

district and the judges' collective focus on improvement to the court, even among their varying perspectives. As part of her service to the court, Judge Lipman has emphasized civics outreach, including chairing the committee that established the court's first "Teachers' Law School," a day where local educators were exposed to the judiciary branch by observing a sentencing, hearing from members of the federal bar, and interacting with the bench. Over time, she has honed her approach to the bench, realizing that there is a time that every decision needs to be made, and as there will always be plenty to do, also a time to go home at the end of the day. Like many judges, she finds the most challenging part of her role as a federal trial judge to be criminal sentencing, particularly supervised release violations, noting the tension between the deterrent effect of a criminal sentence, the damage done to victims, and the damage to an individual and their family when removed from their home.

In January 2023, Judge Lipman assumed the duties of chief judge, followed shortly thereafter by the appointment of a new clerk of court, Wendy Oliver, following the retirement of long-time Clerk of Court Tom Gould. Although a dual transition may be seen as a challenge to most, Judge Lipman sees it as an opportunity to streamline procedure and improve the court through new viewpoints. She serves the public not only as chief judge but also on the Judiciary's Financial Disclosures Committee, including on an ad hoc committee that has developed a standardized process for ensuring circuits coordinate on the conflict screening process. These roles are well-suited for Judge Lipman's temperament and preference for clear-

ly established procedures that ensure access to, and the experience in, the court are the same for all who enter.

Chief Judge Lipman passes on the same wisdom and perspective to her current law clerks once bestowed upon her by Judge Gibbons, with a view that her service as a federal judge includes training young practitioners who serve as law clerks and externs in her chambers. Her sincere intellect and thoughtful perspective on the law and legal writing benefit each lawyer who passes through her chambers. As former law clerk Emily Linehan reflects, Judge Lipman is well known for her devotion to justice, mentorship, and dogs (although not necessarily in that order). Her law clerks value her steadfast advice, her practical perspective on the legal practice, her openness to canine companions in chambers, and even her oft-used red pen. Among the many lessons, a former law clerk, Sam Cortina, shares a common refrain learned from Judge Lipman: "I'll never be late to court. I'll also never be on time to court. I will always, instead, be early." Judge Lipman's emphasis on timeliness is emblematic of her approach to the bench and her leadership. There is not anything that she asks of either litigants who appear before her or those who work in her chambers that she does not demonstrate daily—a strong work ethic, an open mind, and a commitment to fairness.

Memphis drew Judge Lipman back after her early career and is now the beneficiary of her wisdom and commitment to the judiciary. She looks forward to sharing the city with members of the federal bar at this year's annual FBA convention. ☺

Judicial Profile Writers Wanted



The Federal Lawyer is looking to recruit current law clerks, former law clerks, and other attorneys who would be interested in writing a judicial profile of a federal judicial officer in your jurisdiction. A judicial profile is approximately 1,500–2,000 words and is usually accompanied by a formal portrait and, when possible, personal photographs of the judge. Judicial profiles do not follow a standard formula, but each profile usually addresses personal topics such as the judge's reasons for becoming a lawyer, his/her commitment to justice, how he/she has mentored lawyers and law clerks, etc. If you are interested in writing a judicial profile, we would like to hear from you. Please send an email to social@fedbar.org.