



Hon. Tony N. Leung

U.S. Magistrate Judge, District of Minnesota (ret.)

by Justin R. Erickson



Justin R. Erickson is the General Counsel for the Minnesota Secretary of State and former legal clerk with Judge Leung from 2018-2020.

In 1994, Hon. Tony N. Leung became the first Asian-Pacific American judge in Minnesota, serving as a district judge in Minnesota's Fourth Judicial District. Seventeen years later, he broke barriers again by becoming the first Asian-Pacific American federal judge in Minnesota. He served as a U.S. magistrate judge for 14 years until May 4, 2025.

Judge Leung's judicial record is immense. He has presided over thousands of cases. He has written hundreds of opinions, many of which are cited regularly on a variety of topics. He has been a part of cases that touched Minnesota history. But beyond the judicial record is an equally impressive list of contributions to his beloved Minnesota community and a strong devotion to improving the practice of law for those following in his footsteps.

Immigration, Hard Work, and the Promise of America

Judge Leung, born in 1959 in Hong Kong, immigrated to the United States in 1966, living first in Aurora, Illinois, and moving to Minneapolis one year later.

He describes his parents as exemplary role models of hard work. His father came from a poor family in Taishan, China, and started work on a Philippines plantation at age 12, sending his wages back to his family. He later moved to Hong Kong and owned a tailoring business, specializing in Western fashion. Looking back, Judge Leung fondly remembers first entering the United States with his family dressed in "Beatles" outfits with very narrow jackets, ties, and collars.

His father gave up the successful tailoring business, emigrated to America, and became a cook in Minneapolis's Nankin Restaurant. Judge Leung's mother became a cook at a Polynesian restaurant in the then-named St. Paul Hilton hotel, a mere three blocks from where her youngest son would later sit as a federal judge. Though his parents did not speak English, they eventually opened their own restaurant, where they worked tirelessly. Judge Leung remembers that in the first five years after they opened the Canton in Burnsville, they took only two days off each year: Christmas and Thanksgiving.



His parents' experiences shaped the values he brought to his academic pursuits and ultimately, his career as an attorney and judge. It's proof, he says, that "America's promise can be real." The right to travel, find jobs, live where they chose, and free public education allowed his parents to join the middle class and the kids to obtain higher education and pursue professional careers.

At the same time, however, he notes there were and are barriers to American's promise. He remembers distinctly an experience early on at Beaupre Elementary in Aurora,¹ when he had not yet learned to speak English, Judge Leung's classmate walked him out to his uncle, who was picking him up after school. Later, in the car, his uncle cautioned that Judge Leung should not interact with that classmate again. Judge Leung asked why; his uncle explained that when his classmate bows and says "ching-chong," his classmate is mocking him and his culture. Those challenges, Judge Leung emphasizes, remain today.

Academic Success

Judge Leung flourished in the Minneapolis public schools, graduating as his high school's co-valedictorian and student council president. His college years at Yale were "transformative." Because of Yale's focus

on the undergraduate experience, he was able to take classes from eminent scholars, including his favorite professor, Jonathan D. Spence—a leading historian of modern China. In college, he first learned about the social and political concept of being an “Asian American.” He was captain of Yale’s Tae Kwon-do Club and won the bantamweight bronze medal at the 1980 AAU Collegiate Tae Kwon-do championships in St. Louis. When entering college, he thought he was good at math. He learned, however, that many Yale students were “really good” at math. Thus, he decided to pursue a career where he could take advantage of his writing and analytical skills. This led him to New York University School of Law, from which he graduated in 1985.

Private Practice

After law school, Judge Leung returned to Minneapolis, where he worked at Faegre & Benson (now Faegre Drinker), focusing on real estate and other business transactions. One career highlight was managing all legal matters, including naming, sponsorship, and television rights, charitable giving, insurance, contracts, employment, and other aspects of the Burnet Senior PGA Classic, which later became the 3M Open (now a PGA Tour event). He also handled all real estate matters for Piper Jaffray Companies’ numerous offices across the country. He ultimately became an equity partner of the firm.

Judge Leung describes his years at Faegre as the most impactful of his career because he learned that success in the law required more than brains; it required the ability to develop relationships and earn the trust of clients, partners, and staff. He also gained exposure to a wide variety of legal issues that would later serve him well on the federal and state benches. Perhaps most importantly, he learned the value of friends and colleagues who celebrated his peaks and supported him in his valleys. Lawyers like Tom Crosby and Charlie Ferrell were critical to his success.

Judicial Service

Judge Leung made history for the first time in 1994, when Gov. Arne Carlson appointed him as a state district court judge. Serving as a general jurisdictional trial judge, he presided over a wide variety of matters, including a series of lawsuits related to a 2002 train derailment that sent clouds of toxic fertilizer over the city of Minot, North Dakota.² Of the train derailment cases, Judge Leung says, “I’ve never worked harder on nor enjoyed cases more because of their impact on people, the complexity of legal issues, the challenges of managing numerous mass tort cases, and the tremendous lawyers on both sides.” He also presided over several homicide trials,³ a class action against Jennie-O Turkey alleging violations of the Minnesota Fair Labor Standards Act,⁴ a shareholder derivative lawsuit involving the Nash Finch Company, and a dispute between Syngenta Seeds and Monsanto Company over use rights to the next generation of Roundup glyphosate herbicides.

In 2011, Judge Leung was appointed to fill a newly created magistrate judge position for the District of Minnesota. In this role, he managed hundreds of cases from filing to dispositive motions and has had civil consent cases that he’s both settled and tried. Sample cases include disputes related to the intellectual property of Minnesota music legend Prince Rogers Nelson,⁵ a class action brought by several Minnesota cities accusing Procter & Gamble of marketing flushable wipes that damaged the cities’ water treatment facilities,⁶ and numerous cases involving individual and class employment actions, product defects, environmental clean-up, and IP disputes over vehicle navigation and information displays,⁷ 4G LTE technology,⁸ and cell culturing vessels.⁹ Judge Leung has also been involved in a number of high-profile criminal cases against Danny Heinrich,¹⁰ Derek Chauvin,¹¹ and the so-called Feed Our Future COVID-19 fraud defendants.¹²

While the nature and number of different disputes Judge Leung has handled is vast, it is his role in conducting settlement conferences that he truly loves. Drawing on his past life as a transactional lawyer, Judge Leung has a unique way of getting parties to push past their differences and understand the practical realities of their case. He has described mediation as a combination of “[f]ormal science and [a]rt,” where effective mediators can “reduce the parties’ passions, enhance trust, and objectively find solutions where both parties can accept the outcome.”¹³ The objective of mediation, he postulates, is to find the parties’ “intersection of self-interests.”¹⁴ Achieving this objective requires extensive preparation to understand the applicable laws, disputed facts, parties and their history, as well as their respective risks should the case proceed to trial.¹⁵ It is no surprise then that he has settled hundreds of disputes spanning the spectrum of cases filed in federal court,¹⁶ including high-profile cases such as the numerous excessive force claims following the murder of George Floyd.¹⁷

Along the way, Judge Leung has actively promoted dialogue about the contributions of the Chinese community and Sino-U.S. relations. He provided input on an exhibit detailing the experiences of Jewish refugees in Shanghai during World War II. He led organization of

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a program about the uptick of racial profiling of Asian Pacific Americans working in STEM fields after it was reported that China was involved in 90 percent of all economic espionage cases brought by the U.S. Department of Justice. And he continues to speak out on the challenges that Asian Pacific Americans face, particularly following the COVID-19 pandemic.

A Commitment to Helping Those that Follow Him

Judge Leung's impact on the federal and state courts through his 30-plus years of judicial service is by itself remarkable. But add to that his leadership in enhancing opportunities for attorneys of color. In 1990, he was a founding member of the Minnesota Chapter of the National Asian Pacific American Bar Association, a group working to promote justice, equity, and opportunity for Asian Pacific Americans. Early in his career, he was on the founding board of the Twin Cities Committee on Minority Lawyers in Large Law Firms, working alongside U.S. District Judge Jerry W. Blackwell, former U.S. Attorney B. Todd Jones, and others. This group created the Minnesota Minority Job Fair and was instrumental in publishing data about the number of attorneys of color who had been hired in Minnesota's large law firms. Revealing this data, including for in-house and public sector attorneys, continues today through the Minnesota Coalition of Bar Associations of Color, of which he is an advisory council member. He was also the first chair and a founding member of Twin Cities Diversity in Practice, a consortium of more than 70 law firms and corporate legal departments that sponsors a summer law clerk program and provides mentorship programs for attorneys of color.

But nearly everybody who knows Judge Leung will highlight that he has also long served the broader Minnesota community. For 14 years, he was on the board of Lakewood Cemetery, generally considered one of America's most beautiful cemeteries, and was its board chair in 2021 and 2022, during a period of unprecedented transformation and growth. In 2019-2020 he was president of the Federal Bar Association Minnesota Chapter. Since 1991, he has headed the local Yale Alumni Schools Committee, acting as the local interface with Yale's Admissions Office. For 25 years, he served on the board of Twin Cities RISE!, which provides workforce development services to individuals impacted by racial and socio-economic barriers. He is also a long-time advisory board member of Wishes and More and a past

board member of Northern Star Council, Boy Scouts of America.

The Next Phase

In his post-judicial phase, Judge Leung is providing ADR services, drawing on his unique combination of transactional and judicial experiences and conceptual and practical approaches to resolving disputes. He is exploring opportunities on non-profit and for-profit boards. He also has a wide variety of travel planned in 2025, including trips to London, Nairobi, and Bangkok, and, in his words, "will fill the gaps reading as much as possible of the Western literary canon." His interest in the great works of Western literature has been discrete but discernable in his rulings, including references to the "ineluctable modality of the visible" from James Joyce's *Ulysses*,¹⁸ "telemetry" as paean to the scion of Homer's *Odyssey*,¹⁹ and the "gravity of danger" extrapolated from James Pynchon's *Gravity's Rainbow*.²⁰

Judge Leung remains cautiously optimistic when asked whether he feels the same promise of America is available today as it was when he started. It is harder today, he notes, to join the middle class the way his parents did. He also sees the increased tensions toward immigrants. But he is convinced that the blending of cultures made possible through immigration leads to synergies that make America exceptional. The opportunity to succeed, he says, is still there if people can spend time together, listen, and help one another.

Judge Leung is an accomplished jurist and trailblazer as the first Asian-Pacific American judge in Minnesota. But more importantly, he is a person committed to serving his community and helping others actualize the promise of America. He leaves in retirement a legacy of compassion and optimism for how the law can improve the lives of everyone. ☺

Endnotes

¹Coincidentally, Senior U.S. District Judge Michael J. Davis attended the same elementary school and grew up one block from where Judge Leung lived in Aurora.
²*In re Soo Line R. Co. Derailment of Jan. 18, 2002*, No. MC 04-007726, 2006 WL 1153359 (Minn. Dist. Ct. Apr. 24, 2006).

³*State v. Val Diggins*, 836 N.W.2d 349 (Minn. 2013); *State v. Andrew Krosch*, 642 N.W.2d 713 (Minn. 2002); *State v. Watkins*, No. CX-96-1591, 1997 WL 396215 (Minn. App. July 15, 1997).

⁴*Rios v. Jennie-O Turkey Store, Inc.*, 793 N.W.2d 309 (Minn. App. 2011).

⁵*Paisley Park Enters., Inc. v. Boxill*, 330 F.R.D. 226, 230 (D. Minn. 2019).

⁶*City of Wyoming, Minnesota v. Procter & Gamble Co.*, No. 15-CV-2101 (JRT/TNL), 2016 WL 6908110 (D. Minn. Oct. 7, 2016).

⁷*Honeywell v Furuno, et. al*, No. 09cv3601 (D. Minn.).

⁸*Regents of Univ of MN v AT&T, et. al*, No. 14cv4666 (D.

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⁹*Corning v Wilson Wolf Mfrg, et. al*, No. 20cv700 (D. Minn.).

¹⁰Unze, David, “Judge calls Heinrich ‘a danger,’” *St. Cloud Times*, November 4, 2015.

¹¹*U.S. v Chauwin, et. al*, No. 21cr108 (D. Minn.).

¹²*2 more people charged with conspiring to bribe Minnesota juror with a bag of cash plead not guilty*, available at <https://www.cbsnews.com/minnesota/news/2-people-charged-with-conspiring-to-bribe-minnesota-juror-plead-not-guilty/> (July 3, 2024); *U.S. v Addinasir Abshir*, No. 22cr223(10) (D. Minn.), ECF No. 553.

¹³Tony N. Leung, *Finding the Intersection of Self-Interests: One Judge’s Mediation Objective, Approaches Using Science and Art, and Modality for Settling Civil Lawsuits*, 4 GIUSTIZIA CONSENSUALE, 131, 138 (2024).

¹⁴*Id.* at 138.

¹⁵*Id.* at 144-45.

¹⁶*Aida Al Kadi v Ramsey County, et. al*, No. 16cv2642 (removal of hijab during criminal booking process) (D. Minn.); see *supra* notes 4-6.

¹⁷*Patricia Day v Derek Chauwin, et. al*, No. 24cv1862 (D. Minn.); *Zoya Code v Derek Chauwin, et. al*, No. 22cv1438 (D. Minn.); *John Pope v Derek Chauwin, et. al*, No. 22cv1434 (D. Minn.); *Soren Stevenson v Benjamin Bauer, et. al*, No. 20cv2007 (D. Minn.); *Schaffer, as Trustee for George P. Floyd, Jr, Deceased v Derek Chauwin, et. al*, No. 20cv1577 (D. Minn.).

¹⁸*U.S. v Chauwin, et. al*, No. 21cv108(2-4) (D. Minn.), Order Denying Severance, ECF No. 129 at 15 (“The ineluctable visible modality of the videos will show the presence of Chauvin with Thao, Kueng, and Lane at that discrete time and place, and their actions and/or inactions, in connection with Floyd’s death.”).

¹⁹*Multifeeder v British Confectionery*, No. 09cv1090 (D. Minn.), Report & Recommendation, ECF No. 152 at 53 (“[T]his perilous discovery odyssey may not yet be finished. The unpredictable telemetry of this litigation could well require further motion practice”).

²⁰Furst, Randy, “Judge says evidence is strong enough to keep Daniel Heinrich in jail,” *Star Tribune*, November 4, 2015 (Daniel Heinrich is a “gravity of danger to the community.”).

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