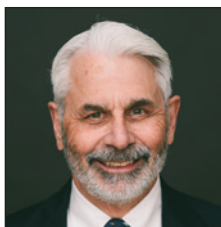




Hon. Dale E. Ho

U.S. District Judge, Southern District of New York

by Phil Schatz, Padmaja Chinta, and Deeksha Jonnalagadda



Phil Schatz is partner at Wollmuth Maher & Deutsch LLP. Padmaja Chinta is a partner at Dunnington, Bartholow & Miller LLP in New York City and is the immediate past-president of the SDNY Chapter of the Federal Bar Association and the current Chair of the national FBA IP Section. Deeksha Jonnalagadda is a graduate of Lehigh University and currently works as a Business Development Coordinator at Davis Polk & Wardwell LLP in New York City. A founding member of Lehigh's Pre-Law Society, she helped author this profile as an undergraduate student and continues to volunteer with the FBA.

Slightly over an hour into the award-winning 2020 documentary *The Fight*,¹ then American Civil Liberties Union (ACLU) voting-rights attorney Dale Ho stands before the coffee nook mirror in his generic District of Columbia hotel room, practicing for the next day's oral argument at the Supreme Court in *Department of Commerce v. New York*.² The ACLU challenges the Secretary of Commerce's push to add a citizenship question to the Census. The stakes are high. The government essentially admits that the question is unnecessary because better citizenship data is already available. The government also calculates that the question will lower census response rates by over 6 million people, putting six states—California, NY, Texas, Florida, Arizona, and Illinois—at substantial risk of losing a seat in Congress.

"Hopefully I don't eff up my first sentence," Ho begins—and then proceeds to eff up his first sentence. "\$@#!" he says with a laugh.

Ho starts again, gets a little further, makes another mistake. He starts again. And again. And again. Patient, good humored, and determined, he finally gets the opening down.

"Mr. Chief Justice and may it please the court, the Secretary's decision rested on a single assertion that it would provide more accurate citizenship data to the Department of Justice. But the administrative record revealed precisely the opposite, that it would result in less accurate data. The Secretary's explanation for his decision ran counter to the evidence and was thus arbitrary and capricious."

Having mastered the opening sentence, Ho works through the main argument points. Practice, mistake, rewind, repeat. The main points down, he interrupts his argument with anticipated questions from the Court that he has written out on index cards, answering the interruption "and then pivoting back to my main points."

At last, he says "It's gotta be muscle memory now." The filmmaker asks, "Have you argued in front of the Supreme Court before?" "Nope," he says, emphasizing



ing the bilabial stop. "Did you expect to be doing it?" "Nope." He smiles and takes swig of water. Then he puts down the water and says, "I'm going to do one more." The next day, he continues to run through his cards in the taxi to the Supreme Court.

The audio of the oral argument shows that this preparation paid off. The opening, and his answers to the Court's interruptions, were very close to what he practiced so painstakingly the night before.³ And the decision, when it finally came down, agreed that the Secretary's rationale was pretextual.⁴ The citizenship question would not be on the census.

From San Jose to Princeton

Born and raised in San Jose, California, Judge Ho grew up as the younger of two brothers in a family that placed immense value on education and service. His parents, both immigrants—mother from the Philippines and father of Chinese descent from the Philippines—met in graduate school at UC Berkeley. They instilled in their sons a deep respect for learning and the importance of contributing to society.

Judge Ho attended Bellarmine College Preparatory, an all-boys Jesuit high school in San Jose. The school's motto, "Men for Others," and its emphasis on community service profoundly shaped his worldview.

It was here, on the debate team, that he distinguished himself as one of the nation's top high school policy debaters and discovered his love for argumentation and logic—skills that would later define his legal career. Reflecting on his time at Bellarmine, Judge Ho credits the school's ethos of intellectual curiosity and moral responsibility as foundational to his development.

Judge Ho went on to attend Princeton University and graduated summa cum laude and Phi Beta Kappa in 1999, majoring in philosophy with a minor in theater. At Princeton, he thrived both inside and outside of the classroom. His 123-page thesis *Nietzsche, Genealogy, Politics: An Examination of the Political Implications of Genealogy in the Works of Nietzsche and Foucault* won him three prizes: the Alexander Guthrie McCosh Senior Thesis Prize, the Class of 1869 Thesis Prize in Ethics, and the Center for Human Values Thesis Prize. Judge Ho's thesis advisor, Professor Alexander Nehamas, calls him a "very, very impressive student," "one of the best ... I've had," and certain to have an important career in whatever he does.⁵ His passion for social justice took root during his junior year when he enrolled in a transformative course on race, law, and school desegregation. This class opened his eyes to the systemic inequalities in society and sparked his desire to pursue a career in civil rights law.

Judge Ho was also "a star in the campus theater scene" at Princeton,⁶ directing and acting in several plays, including Shakespeare's *Much Ado About Nothing* and an all-Asian production of Tony- and Obie-winner David Henry Hwang's first play, *Fresh Off the Boat*.⁷

After graduating from Princeton, he worked as a paralegal in the Rackets Bureau of the New York District Attorney's Office, where he gained firsthand exposure to the justice system. He was admitted to Yale Law but deferred his admission for two years to explore his creative side through theater. He participated in productions, commercials—including one for Verizon—and even appeared in a twelfth-season episode of *Law & Order* titled *Slaughter* (the second-most-watched television program that week⁸) and had a cameo role⁹ in Damon Dash's mocumentary *Death of a Dynasty*, which featured many hip-hop figures alongside established actors including a young Ebon Moss-Bachrach, Rashida Jones, Lorraine Bracco, and Kevin Hart.

This passion continued even after law school when he performed in *Shakespeare in the Park*, where he balanced rehearsals and performances with studying for the bar. "I would take Barbri practice exams in the dressing room between performances," he recalls with a smile.

Yale Law School and Early Career Foundations

Once at Yale Law School, Judge Ho immersed himself in a variety of legal disciplines, determined to identify the best way to make a meaningful impact. Although he knew he was interested in civil rights, he used his time to explore different areas of law and refine his path. His focus on civil rights expanded when he attended a clinic on asylum processes, which he describes as one of his most

rewarding experiences. This opportunity solidified his desire to serve marginalized communities and reinforced his commitment to advocacy.

During his first summer, Ho interned with the United Nations Tribunal for Rwanda, delving into international human rights law and deepening his understanding of the aftermath of genocide. The following summer, he worked at the Southern Center for Human Rights, focusing on capital defense and prison condition cases. There, he collaborated with "some of the best lawyers [he'd] ever seen," an experience that affirmed his decision to pursue impact litigation.

At the same time, he began to recognize the emotional toll of direct representation, as he often felt deeply connected to his clients' struggles. This realization led him to gravitate toward impact litigation, where he could focus on addressing systemic issues with a degree of professional distance. Despite this shift, he remained steadfast in his goal to effect change on a broader scale.

Following law school, Judge Ho clerked for Hon. Barbara S. Jones of the Southern District of New York. "I hired him because his professors said he was brilliant," she says, "but I soon learned that he was practical and compassionate too. These traits really matter in a law clerk, and far more in a judge." He then clerked for New York Court of Appeals Judge Robert S. Smith. These clerkships provided invaluable insights into the judiciary, exposing him to different judicial philosophies and approaches. Judge Jones' prosecutorial background contrasted sharply with Judge Smith's experience as a Big Law litigator, offering a well-rounded perspective on the law.

These early experiences set the stage for Judge Ho's deepening focus on civil rights litigation, culminating in his leadership roles at the Legal Defense & Education Fund and the ACLU.

Mastering Civil Rights Litigation

From 2007-2013, Judge Ho litigated both state and federal cases for the NAACP Legal Defense & Education Fund (LDF), first as Legal Defense Fund Fellow at Fried Frank, and then for the Legal Defense Fund directly. This experience reinforced his belief that civil rights work was not just a career but a "noble calling." It was here that he discovered his passion for voting rights litigation—bridging his litigation expertise with his drive to advance civil rights.

Born and raised in San Jose, California, Judge Ho grew up as the younger of two brothers in a family that placed immense value on education and service. His parents, both immigrants—mother from the Philippines and father of Chinese descent from the Philippines—met in graduate school at UC Berkeley. They instilled in their sons a deep respect for learning and the importance of contributing to society.



Judge Ho and colleagues in front of the U.S. Supreme Court.

At the LDF, Judge Ho quickly found his footing in the voting rights group. Initially unfamiliar with the field, he discovered a natural affinity for its fast pace, as cases often had to be resolved within two years before the next election. With settlements rare and cases frequently proceeding to evidentiary hearings, the high stakes allowed him to thrive. Drawing on his background in theater and debate, he relished trial work, particularly cross-examining witnesses. Translating complex social science data into accessible terms for lay judges came “relatively firsthand” to him and soon became a hallmark of his approach.

From 2013 until his confirmation to the bench, Judge Ho served as the Director of the Voting Rights Project at the ACLU, where he had many noteworthy cases. *Department of Commerce v. New York*, already discussed, prevented the potential underrepresentation of six states in the House of Representatives, and thereby prevented the disenfranchisement of undercounted communities. *Trump v. New York*¹⁰ challenged an executive order that undocumented immigrants be excluded from the population base used to apportion seats in the House of Representatives.¹¹ *Fish v. Kobach* resulted in the reinstatement of over 30,000 Kansans who had been improperly removed from the voting rolls. Election law expert Professor Richard L. Hasen, the Gary T. Schwartz Endowed Chair in Law at UCLA, has called the case the “most important voting rights trial so far of this century,” and says that Judge Ho’s cross-examination skills in that case are “about the best I have ever seen.”¹² In *Fish v. Kobach*, Judge Ho cross-examined Kansas’s proffered election expert, Jesse Richman, who was defending Kansas’s placement of voters with “foreign sounding” names on a suspense list pending further proof of citizenship:

Q (Judge Ho): Just hypothetically, Dr. Richman, if you came across the name Carlos Murguia, would you code that as foreign or non-foreign?

A (Prof. Richman): I’m sorry, could you, please, spell the name?

Q: Sure. Carlos, C-a-r-l-o-s, Murguia, M-u-r-g-u-i-a.

A: Probably.

Q: Probably what?

A: Probably would code it as foreign.

Q: Okay. Are you aware that Carlos Murguia is a United States District Court Judge who sits in this Courthouse?

A: I am not.¹³

David D. Cole, the former national legal director of the ACLU and now a professor at Georgetown Law, says that Judge Ho “is one of the very best lawyers I have ever worked with,”¹⁴ “a brilliant thinker,” and “a natural leader” whose arguments in the census cases “were masterpieces of the genre.”¹⁵

Beyond the courtroom, Judge Ho’s career was also shaped by the people who guided, challenged, and believed in him.

Mentors and Media

Judge Ho attributes his accomplishments to the guidance of some phenomenal mentors throughout his career, a fact he acknowledges with deep gratitude. He considers himself lucky to have been supported by figures such as Judge Kevin Castel and Judge Jesse Furman at the SDNY, David Cole and Cecilia Wong at the ACLU, and Debo Adegbile at LDF, who entrusted him with handling Supreme Court-level litigation. From an early age, Judge Ho benefited from warm and supportive figures who taught him to “treat everyone with kindness, dignity, and respect,” a philosophy he continues to live by to this day. He also credits his older brother, a lawyer in Los Angeles, and his parents for consistently championing his ambitions.

Judge Ho extends the same spirit of mentorship to others. As an adjunct professor at NYU, Brooklyn, and New York Law Schools, he guided and inspired many students to pursue careers in public service. He also served on the New York City Charter Revision Commission, and as a Trustee for his Unitarian church.

Not surprisingly, Judge Ho’s impactful work has won him about a dozen awards and recognition, including the Best Asian Pacific American Lawyers Under 40, Harvard Law School’s Wasserstein Public Interest Fellow, the Asian Law Alliance Legal Impact Award, and the New York Attorney General’s Office Citation for AAPI Heritage Month. His work has also garnered extensive media coverage, including being featured in the aforementioned documentary, *The Fight*, which premiered at the Sundance Film Festival.

Historic Appointment to the Bench

Judge Ho never thought working in civil rights area would open the door to judgeship but when he heard

conversation in the media that candidates with a civil rights background would be considered, he thought “Why wouldn’t I be interested?” Serving as a judge, he realized, would allow him to work on justice administration across all areas of law, not just voting rights. Motivated by the example of civil rights icons like Thurgood Marshall and Constance Baker Motley—both of whom worked at the LDF and whose portraits now hang in his office—Ho viewed becoming a judge as the “highest form of service,” and submitted his application.

Judge Ho’s road to the bench was more politicized than most. He was nominated in September 2021 as part of the Biden administration’s drive to open the bench to lawyers with civil rights and criminal defense backgrounds. The nomination stalled and was pulled. He was renominated after the midterms, confirmed in June 2023 in a 50-49 party-line vote, and sworn into office two months later. He is only the second ACLU attorney confirmed to the federal bench, following in Ruth Bader Ginsburg’s footsteps. Judge Ho hopes that his appointment will send a powerful message about the value of careers in nonprofit and civil rights law.

Ho emphasizes that his judicial philosophy is grounded in “learning the facts” and deciding each case on its individual merits, rather than “pushing the law in different directions.” Recognizing the breadth of issues that come before the court, he encourages lawyers to use their time in court to educate and present their arguments with clarity, noting that “judges cannot be masters of all subject areas.”

In his second year on the bench, Judge Ho received the judicial equivalent of a hot potato, the Eric Adams prosecution. In the fall of 2024, before the presidential election, the DOJ indicted Adams for corruption. After the election, the new administration instructed the U.S. Attorney’s office to dismiss the indictment without prejudice. Eight prosecutors resigned rather than comply with that instruction. Fearing a quid pro quo between Adams and the Trump administration, fourteen retired judges urged Judge Ho to conduct fact finding, or to appoint a special prosecutor. Stuck with what seemed to be an irresolvable problem, Judge Ho found a solution. He appointed Paul Clement, a noted Supreme Court lawyer and the former solicitor general under President George W. Bush, to review the situation. Clement recommended dismissal with prejudice, and Judge Ho accepted that recommendation. Although the Court “cannot force the Department of Justice to prosecute a defendant,” he wrote, it can prevent a threat of future prosecution from being abused.¹⁶

Judge Ho was part of the Federal Bar Association’s *Meet the New SDNY Judges* in April 2024¹⁷ and New York City Bar’s *Lunch with a Judge* program in June 2024.¹⁸ “It’s been quite a learning curve” as an SDNY judge, he said, “I’ve definitely experienced a bit of imposter syndrome.” Despite the SDNY’s terrific orientation program for new judges, it has taken him some time to be fully comfortable with criminal cases. Senior SDNY Judge

Valerie Caproni, a former AUSA, SEC Director, and General Counsel to the FBI has been a sounding board on criminal issues. “He came in with a lot of experience on the civil side, but not so much on the criminal side,” she says. However, Judge Ho has quickly adapted to the demands of the position, developing strategies to triage his caseload and ensure that urgent matters receive prompt attention. According to SDNY Judge Kevin Castel, Judge Ho’s judicial mentors give him “a tremendous advantage” as a new judge.

While his civil rights background is foundational to his identity, he views his judicial role as a way to advance justice broadly, extending beyond the voting rights and civil liberties work that defined his early career.

Judge Ho has drawn high praise from fellow judges. Judge Kevin Castel, a 22-year veteran of the Court with decades of law practice before that, says that Judge Ho “is showing himself to be a thoughtful judge” who “handles tough situations with well-crafted opinions considering all sides of the issues.” Judge Lewis Liman, a former AUSA and Cleary Gottlieb partner, and another of Judge Ho’s assigned mentors, says Judge Ho “is a natural judge—even-tempered, respectful, careful, and smart.” Likewise, Judge Ho describes his SDNY colleagues as the “best of the best.”

When he’s not on the bench, Judge Ho maintains a disciplined routine as a runner, clocking six miles three times a week. He resides in Brooklyn and makes sure to balance his demanding career with raising his two children, ages 16 and 13.

Conclusion

Judge Ho’s path from a Jesuit high school in San Jose to a federal judgeship in Manhattan exemplifies the American dream. His story highlights the importance of service and hard work, underscoring that a civil rights background—and a genuine passion for public interest—can open doors to the highest echelons of the legal system.

As shown by his argument preparation in *The Fight*, Judge Ho is a hard worker, who cares about his work and is good at it. But he also keeps a sense of humor about it. He doesn’t take himself too seriously. He respects the feelings and positions of others. His current and former colleagues agree; these qualities are part of his makeup, and he has continued to exhibit them on the bench.

Vanita Gupta, a former Associate Attorney General of

Judge Ho attributes his top-level accomplishments to the guidance of some phenomenal mentors throughout his career, a fact he acknowledges with deep gratitude. He considers himself lucky to have been supported by figures such as Judge Kevin Castel and Judge Jesse Furman at the SDNY, David Cole and Cecilia Wong at the ACLU, and Debo Adegbile at LDF, who entrusted him with handling Supreme Court-level litigation.

Vanita Gupta, a former Associate Attorney General of the United States, who overlapped with Judge Ho at the ACLU, says “he was a brilliant and meticulous advocate,” but that his most important quality is that he is “a really good person.”

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“a really good person.” Professor Hasen says he is “even handed and even keeled” and “has the ideal temperament” for a federal judge.¹⁸ Judge Caproni says “he’s a decent, kind human being. Just an incredibly nice person.” Judge Liman says “the calm way that [Judge Ho] approaches problems makes judging look easy.” We’ll give the final word to Judge Smith: Judge Ho has a “sense of the innate worth and dignity of every human being” and that courtesy to others is a “a hallmark of [Judge Ho’s] character.”²⁰ ☺

Endnotes

¹*The Fight*, directed by Elyse Steinberg, Josh Kriegman, and Eli Despres (streamable on Amazon Prime) chronicles the efforts of ACLU lawyers Lee Gelert (immigrants’ rights), Brigitte Amiri (reproductive rights), Josh Block and Chase Strangio (LGBT rights), and Dale Ho (voting rights) in four high-profile cases during the first Trump administration.

²588 U.S. 752 (2019). At the June 2024 Lunch with a Judge event at the City Bar, Judge Ho recommended David C. Frederick, *Supreme Court and Appellate Advocacy* (Thomson West 2003) for those interested in the mechanics of preparing to argue before the Supreme Court. Frederick’s *The Art of Oral Advocacy* is a revised and abridged version that is applicable to all forums.

³A summary of the case, opinions, and audio of the oral argument are available online at the website Oyez, www.oyez.com/cases/2018/18-966.

⁴Ho went out of his way to avoid impugning the Secretary’s motives for fear of alienating the Court. Even so, Joan Biskupic reports in *Nine Black Robes* (William Morrow 2023) that the conservative wing of the Court was inclined to rule for the Secretary but the “significant mismatch between the decision the Secretary made and the rationale he provided” made doing so imprudent. *Nine Black Robes* at 151. Though most of the opinion appeared to favor the Secretary—and caused Ho to think, at first, that he had lost—the Court ultimately, and by a whisker, ruled in favor of the ACLU. *Id.*

⁵Clara Cocherty and Nikki Han, “Judge Dale E. Ho ‘99, judge in Eric Adams corruption case, was a ‘great talent’ in theater and philosophy,” *The Daily Princetonian*, February 21, 2025.

⁶E.B. Boyd, “Judge Dale Ho ‘99 Set to Decide Eric Adams Case in New York City,” *Princeton Alumni Weekly*, March 3, 2025.

⁷Cocherty and Han, *supra*.

⁸National Nielsen Viewership, Los Angeles Times,

Wed. April 17, 2002, page 52, available online at <https://www.newspapers.com/article/the-los-angeles-times/41464179/>.

⁹In a short scene parodying poorly dubbed and translated Kung Fu movies, Judge Ho’s character declares that Dash, by dissing Jay-Z (played alternately by Rob Stapleton and by Jay-Z himself), has “dishonored the legacy of his former drunken master.”

¹⁰485 F.Supp.3d 422 (S.D.N.Y. Sept. 10, 2020) (Wesley, Hall, Furman JJ.), *vacated and remanded*, 141 S.Ct. 530 (2020).

¹¹Judge Ho was lead counsel in the District Court before a special three-judge panel, winning summary judgment, and argued the case in the Supreme Court, which reversed the panel on procedural grounds and did not reach the merits.

¹²November 24, 2021, Letter from Professor Richard L. Hasen to Charles E. Schumer et al. (“Hasen Letter”).

¹³Richard L. Hasen, *Election Meltdown: Dirty Tricks, Distrust, and the Threat to American Democracy* (Yale U. Press 2020) at 20.

¹⁴Michael R. Sisak and Larry Neumeister, “Meet Dale E. Ho, the second-year judge weighing the future of NYC Mayor Eric Adams’ corruption case,” *AP News*, February 19, 2025.

¹⁵June 23, 2025, email.

¹⁶*United States v. Adams*, 24-cr-556 (DEH), __ F.Supp.3d __, 2025 WL 978572 (S.D.N.Y. Apr. 2, 2025).

¹⁷The program was moderated by author Padmaja Chinta.

¹⁸The program was chaired by author Phil Schatz and Richard Hong, the chair of the Federal Courts Committee and partner at Morrison Cohen, and a former federal prosecutor and SEC lawyer. Bloomberg Law report Beth Wang was in attendance and has written up the program. See Beth Wang, “Judge Dale Ho Details Challenges of Joining US District Court,” *Bloomberg Law*, June 12, 2024.

¹⁹Hasen letter, *supra*.

²⁰Alliance for Justice Letter to the Hon. Richard Durbin, December 13, 2021, available online at <https://afj.org/article/afj-letter-of-support-for-dale-ho/>.