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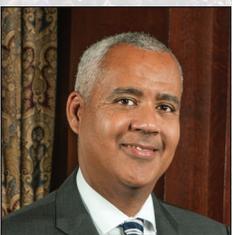
Philadelphia Bar Association Quarterly Magazine

Fall 2016

Democratic National Convention:

Perspective of a Local Delegate

BY SEN. DAYLIN LEACH



**10 Questions for
Mark C. Alexander**

By GAETAN J. ALFANO



**NAPABA Has a Lobby Day
and So Should You!**

By SOPHIA LEE

NAPABA HAS A LOBBY DAY AND SO SHOULD YOU!

By Sophia Lee

A “lobby day” is an event hosted by a non-governmental organization, usually on a select day and an annual basis, where its members meet personally with elected officials to advocate and explain support for legislation that is relevant to the organization. It is also sometimes called an “Advocacy Day.”

The National Asian Pacific American Bar Association, otherwise known as the NAPABA, which is the national association of Asian Pacific American (“APA”) attorneys, judges, law professors and law students, hosts an annual lobby day in Washington, D.C. for its members from across the country to participate in the legislative process as lay persons. The primary purpose of NAPABA lobby day is to provide timely advocacy on pending legislation or legislative action by educating members of Congress and their congressional staffers about the significance of these issues to the APA legal community and community-at-large. NAPABA lobby day also gives NAPABA members the opportunity to play an active role in promoting NAPABA’s mission of advocating for justice, equity and opportunity for APAs.

Representing the interests of almost 50,000 attorneys and nearly 75 state and local APA bar associations, NAPABA is a leader in addressing civil rights issues confronting APA communities. It provides a strong voice for increasing the diversity of the federal and state judiciaries, advocating for equal opportunity in the workplace, working to eliminate hate crimes and anti-immigrant sentiment, and promoting the professional development of people of color in the legal profession.

“NAPABA’s annual lobby day began in 2011 and since that time, we have gained a positive reputation for our legislative and issue-specific training programs and for the powerful advocacy

work of our members from around the country who participate year after year,” NAPABA’s Executive Director Tina Matsuoka said. “Our annual event has grown every year and in 2016, we had registrants from 20 states and 30 affiliated organizations. Our members attended almost 70 meetings with members of Congress and their staffers to urge our elected representatives to welcome refugees, honor Filipino veterans of WWII, provide access to counsel for children in our immigration courts, reunite families torn apart because of our immigration laws, and to support judicial nominees awaiting Senate hearings and votes.”

NAPABA POLICY STATEMENTS ALIGNED WITH ITS LOBBY DAY AGENDA

As one would expect, NAPABA’s lobby day agenda and the legislation and legislative action being advocated for by the membership is aligned with NAPABA’s policy statements. Below is a summary of the issues addressed at this year’s lobby day.

Immigration Reform

NAPABA supports family reunification as a principle of immigration reform and has recognized the challenges faced by APA and immigrant families. Currently, there is a backlog of approximately 4.2 million people waiting for a family visa, with a plurality from Asian countries. As such, NAPABA members sought Congressional support for the Reuniting Families Act (H.R. 4798), which seeks to amend the Immigration and Nationality Act (INA) by revising existing law regarding family immigration, including recapturing unused visas, increasing per



APABA-PA Board Member and Philadelphia Bar Association Diversity Chair Sophia Lee, Representative Mike Honda (D-CA 17), Judge Stella M. Tsai

country limits, and reclassifying spouses and minor children of green card holders as immediate relatives. NAPABA members also sought support for the Fair Day in Court for Kids Act of 2016 (H.R. 4646), that seeks to amend the INA by authorizing the U.S. Department of Justice to appoint or provide counsel for unaccompanied minors in the immigration courts.

NAPABA members also asked Congress to oppose reductions and restrictions on aid and assistance to refugees, including limits on admissibility. Some proposals would grant states and localities the ability to refuse to resettle refugees in their jurisdictions and propose other reductions in humanitarian aid to vulnerable populations. Specifically, NAPABA members requested that Congressional members oppose the Refugee Program Integrity Restoration Act of 2016 (H.R. 4731) and the American Security Against Foreign Enemies Act of 2015 (H.R. 4038).

WWII Concerns

NAPABA has taken public stances against xenophobia and discrimination, and supports efforts to honor and learn from our APA legacy. Accordingly, NAPABA members sought Senate support for the Day of Remembrance Resolution (S. Res. 373) to recognize the historical significance of Executive Order 9066 that led to the removal and incarceration of 120,000 Japanese Americans during WWII. The resolution further expresses that discrimination against any individual based on

race, ethnicity, national origin or religion would be a repetition of Executive Order 9066 and contrary to the values of the United States.

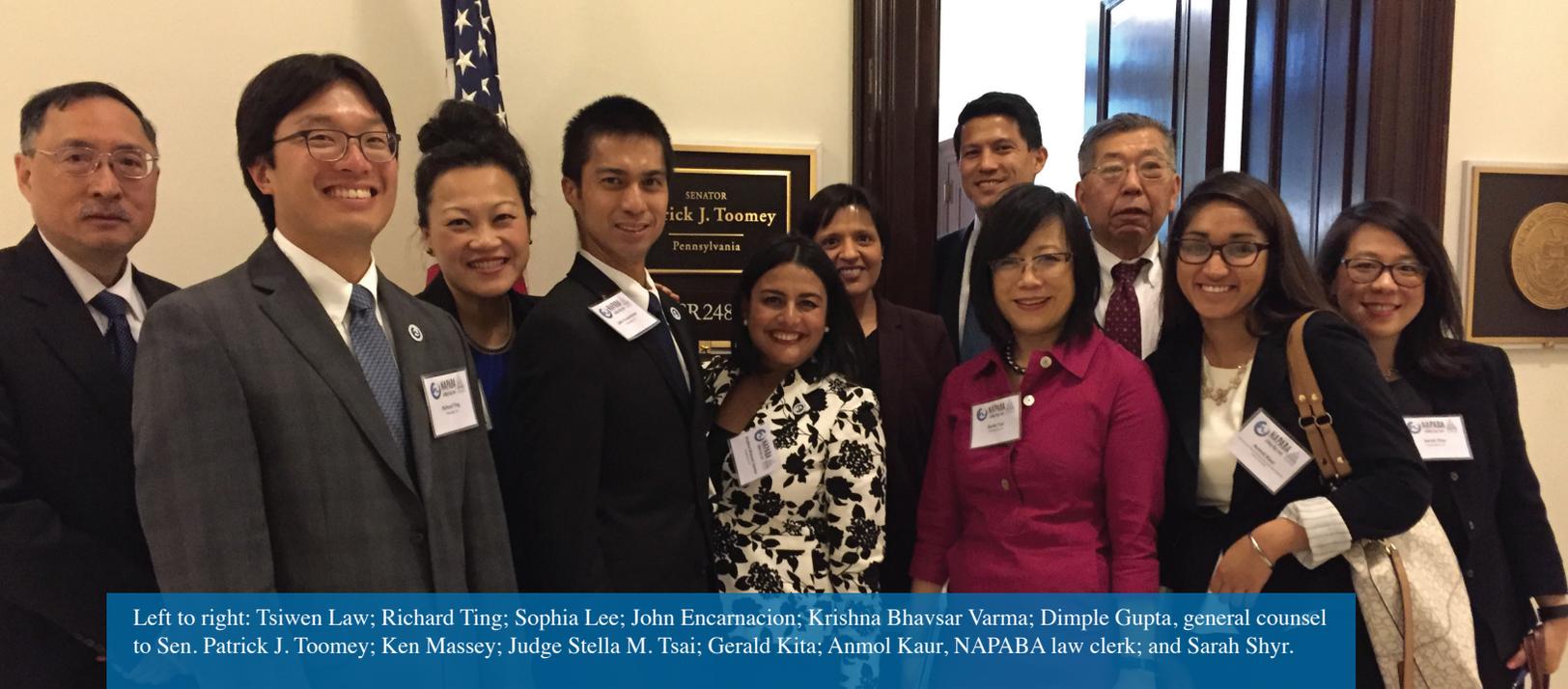
NAPABA members also sought support from both chambers of Congress for the Filipino Veterans of World War II Congressional Gold Medal Act of 2015 (S. 1555/H.R. 2737). This bill authorizes the Senate and the House of Representatives

to jointly award a Congressional Gold Medal, collectively, to the Filipino veterans of WWII, in recognition of the dedicated service of the veterans who fought alongside the United States in more than four years of combat during war. Over 260,000 fought, about 60,000 were killed in action, several thousands more were wounded and hundreds more are missing in action. Significantly, this is the last group of minority veterans waiting to be awarded the Congressional Medal, many of whom are in their 80s and 90s.

Judicial Nominations

NAPABA supports the continued diversification of the federal bench and while progress has been made over the last 10 years, APA's continue to be underrepresented on the federal bench, comprising less than one percent of all Article III judges. Specifically, NAPABA members sought Senate support for five APA nominees awaiting confirmation to the federal bench, including Jennifer Choe Graves to the U.S. Court of International Trade, Judge Lucy H. Koh to the U.S. Court of

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Left to right: Tsiwen Law; Richard Ting; Sophia Lee; John Encarnacion; Krishna Bhavsar Varma; Dimple Gupta, general counsel to Sen. Patrick J. Toomey; Ken Massey; Judge Stella M. Tsai; Gerald Kita; Anmol Kaur, NAPABA law clerk; and Sarah Shyr.

Appeals for the Ninth Circuit, Karen Gren Scholer to the U.S. District Court for the Eastern District of Texas, Judge Florence Y. Pan to the U.S. District Court for the District of Columbia and Regina M. Rodriguez to the U.S. District Court for the District of Colorado. Despite strong bipartisan support for each nominee, the process for confirmation was slowed, possibly due to this year being a presidential election year.

Lobby Day Successes

There were several immediate positive outcomes from the advocacy efforts of NAPABA members at lobby day. On the judiciary front, Jennifer Choe Groves was confirmed on June 6, 2016 by unanimous consent of the Senate to the U.S. Court of International Trade. She will be the first APA judge to serve on that court. On July 13, 2016, Senate Judiciary Committee hearings were held for Judge Lucy H. Koh and Judge Florence Y. Pan. On the same day, the Senate unanimously passed the Filipino Veterans of World War II Congressional Gold Medal Act of 2015, moving Filipino WWII veterans one step closer to receiving the highest civilian honor given by Congress.

“We have been credited by members of Congress for being the driving force behind certain legislative measures and we have spoken out for our communities and for equality and justice,” Matsuoka said.

Navdeep Singh, NAPABA’s Policy Director, helped explain why NAPABA’s lobby day is so successful. “Lawyers are able to provide a unique context to laws, legislation, and debates occurring on Capitol Hill as they sit at the intersection of the practice of law and diverse communities,” Singh said. “NAPABA members are particularly good advocates when meeting with members of Congress and their staffs because as leaders in their communities, they are able to effectively convey how a piece of legislation impacts real people.”

APABA-PA AND THE PENNSYLVANIA DELEGATION

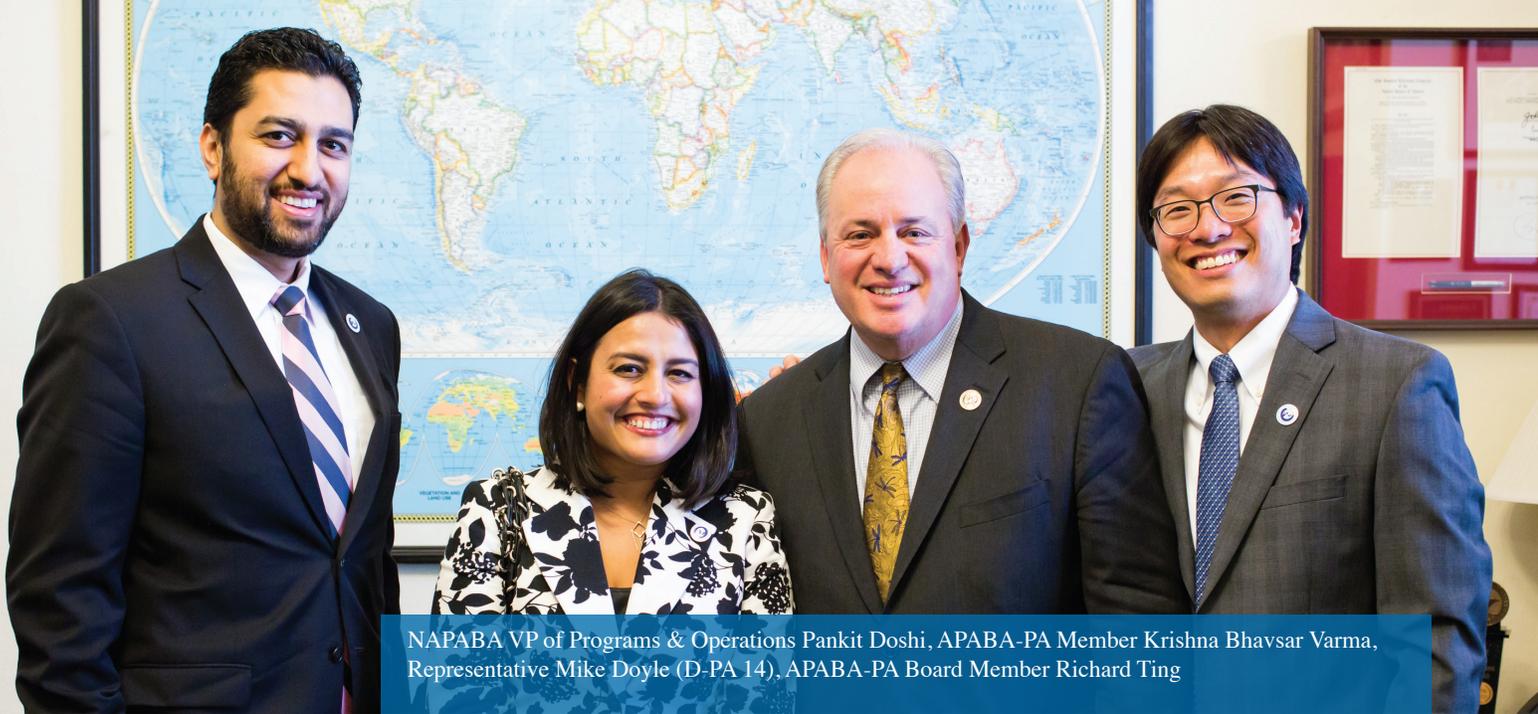
The Asian Pacific American Bar Association of Pennsylvania, or APABA-PA, is the NAPABA affiliate that represents the interests of APA attorneys, judges, professors and law students across the Commonwealth. The Pennsylvania delegation to NAPABA’s lobby day was comprised of eight members of APABA-PA, including President John Encarnacion, Founder Tsiwen Law, former Presidents Rahat Babar, Sophia Lee and Stella Tsai, Executive Committee Member Richard Ting, and Members Gerald Kita and Krishna Bhavsar Varma. The Pennsylvania delegation met with 12 members of Congress or their congressional staff, as representatives of NAPABA and/or their constituents. The APABA-PA delegation spent the entire day educating congressional staff and some of those members of Congress ultimately became co-sponsors of the legislation discussed.

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“We came into our Senators’ and Representatives’ offices with ambitious agendas,” Encarnacion said. “We worked out strategies ahead of time on how to approach each meeting. When we met with their aides, our aim was to either ensure their enthusiastic support or find common ground of aligning interest.” However, Encarnacion was also realistic in his approach,

recognizing that not all of the congressional members held views that were aligned with NAPABA’s interests. “We were not under any delusion that we were going to convince everyone to side with us on all the issues. But, if we can at least open the dialogue, those who do not fully support our issues can at least see where we’re coming from, which could be beneficial in the future,” he said.

For Encarnacion, advocating on behalf of Filipino WWII veterans was personal. “The Filipino Veterans of World War II Congressional Gold Medal Act has particular meaning to me,” he said. “My grandfather, Marcelino de Leon, proudly fought



NAPABA VP of Programs & Operations Pankit Doshi, APABA-PA Member Krishna Bhavsar Varma, Representative Mike Doyle (D-PA 14), APABA-PA Board Member Richard Ting

alongside Americans in the Philippines during the war. While he passed away many years ago, it would be an honor to find out that he was being recognized for his actions.”

YOUR BAR ASSOCIATION SHOULD HAVE A LOBBY DAY, TOO!

Given the demonstrated impact that NAPABA’s lobby day has had on advancing the its agenda, more bar associations should consider hosting their own lobby day. Not only is it an opportunity for bar associations to meet with their elected officials to discuss support for legislation that is of particular significance to the association, it is also an event that can drive stronger membership engagement in the mission of the association. This is particularly important today as bar associations struggle to maintain, let alone seek to improve, membership numbers and relevance to their members’ practices.

Lobby day also provides an interesting networking opportunity for the members as they work together in teams to prepare for, attend and report back on their meetings with the elected officials. It can also be professionally and personally fulfilling when lawyers get to do what they do best, advocate in contexts that improve their practice, when the advocacy benefits the legal profession specifically; and serve the larger community, when the advocacy benefits the general public.

There are many elements that go into hosting a successful lobby day, whether it is a federal, state or local event. In any scenario, preparation is key. For ease of discussion, we use the federal lobby day as the example, but simply replace members of Congress with state legislators or city councilpersons, and the planning steps remain the same.

Months in advance, the bar association should begin setting up appointments with members of Congress and/or their congressional staff. It can be particularly effective when the assigned team for a particular member of Congress is comprised

of her or his direct constituents – it is difficult to ignore an issue that impacts voters in a particular member’s congressional district. Providing position papers to read in advance and holding pre-lobby day training sessions for the lobby day participants will help to empower them to deliver a consistent and persuasive viewpoint on the issues. Each team member should be given a role in the meeting, whether it is speaking on an issue, taking notes, or being responsible for the literature that gets left behind for the member to review. Memorializing the day’s events by submitting written summaries of each meeting will be helpful for documenting the success of the lobby day efforts. Debriefing in a large group session will be helpful to sharing lessons learned and to developing best practices going forward.

Discussions with elected officials should not end with lobby day, but continue throughout the year.

Discussions with elected officials should not end with a lobby day, but continue throughout the year. Often it takes more than one meeting or encounter to receive a response in connection with the desired legislative action – because the elected official may want to learn more or may want to know where her or his colleagues stand on the issue before taking a position. Beyond that, maintaining contact can help to build a trusted relationship between a bar association and the elected official that is based on mutual respect and the

continuous exchange of ideas and information.

As a bar association continues to host lobby day activities year after year, it can become an event that its membership looks forward to participating in because of the relationships it creates and cultivates. It is an opportunity for the bar association to increase its relevance to its membership, and to raise its standing as a trusted voice and effective advocate in the legal community and for the community at large. ■

Sophia Lee (slee@blankrome.com), partner at Blank Rome LLP, is diversity chair for the Philadelphia Bar Association.