

## In the Spotlight: MLT attorneys added to media “Best of” lists and prestigious appointments

Six lawyers of MLT have been recognized by *Law & Politics* as Northern California “Super Lawyers” for 2005. **Dale Minami (Personal Injury), Don Tamaki (Corporate), Brad Yamauchi (Employment), Minette Kwok (Immigration), Jack Lee (Employment), and Lynda Won-Chung (Immigration)** were selected based on voting conducted by ballots sent to more than 56,000 lawyers in the region, an extensive process involving peer nomination and a blue ribbon panel comprised of lawyers from appropriate practice areas who scrutinized the list of nominees. These lawyers represent the top three percent of licensed lawyers in Northern California. **In addition, Dale Minami was named as one of the Top 100 Northern California SuperLawyers in the Personal Injury category.**

**Lawdragon Magazine** has named **Dale Minami** to its **Lawdragon 500** list of the best lawyers and judges practicing today in his **Personal Injury and Entertainment Law**

**specialties.** Inclusion in the **Lawdragon 500** is based on votes submitted to the publication or from feedback sent to **Lawdragon** reporters from clients, judges and attorneys across geographic and practice-area divisions.

**William C. Kwong (Personal Injury, Employment)** has been appointed to the prestigious **2006 Commission on Judicial Nominees Evaluation**

**(JNE)** of the State Bar of California. The mission of the JNE Commission is to assist the Governor in the judicial selection process

and thereby to promote a California judiciary of quality and integrity by

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## MLT opens new office in Sunnyvale

The **Immigration Practice Group** is pleased to announce the expansion of MLT’s South Bay office, moving from Los Gatos to Sunnyvale on November 7, 2005.

After a successful year as the American Immigration Lawyers Association (AILA)’s Chair for Northern California, Partner

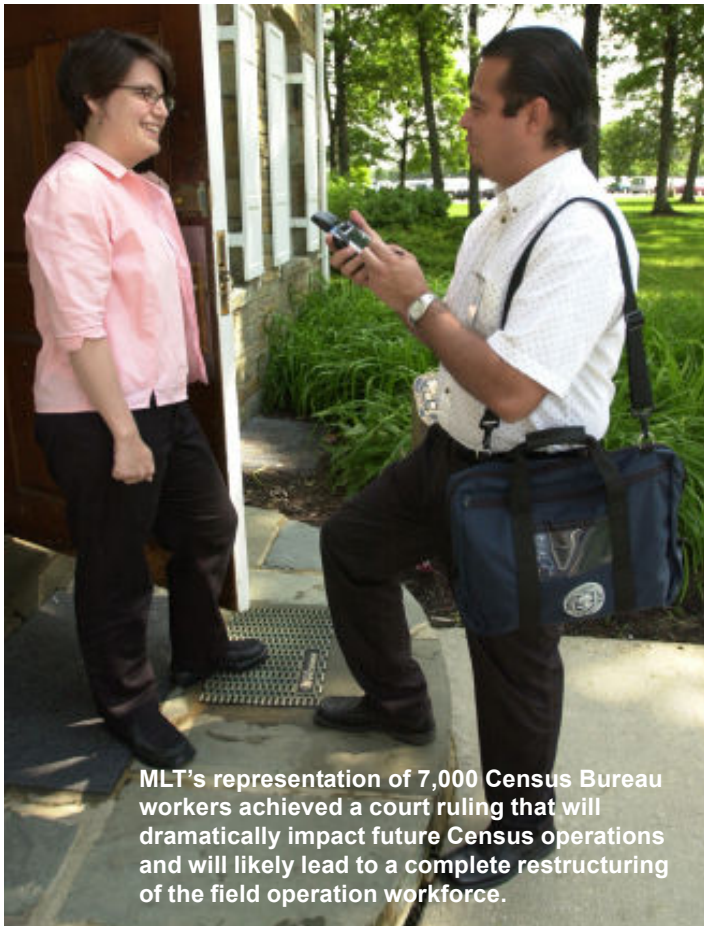
**Minette A. Kwok** spent much of her time in search of and planning for the expansion of the new larger office located at the corner of Matilda Avenue and El Camino Real (333 W. El Camino Real, Suite 350).

The strategic location of our South Bay office will be home to all Practice Groups of Minami, Lew & Tamaki

LLP and will benefit all clients in the South Bay area.

The Immigration Practice Group’s expansion includes the hiring of a new associate, **Christy Lee**, as well as **Anita Huang, Becky Cho-Vera, and Lidia Montano-Guerrero**, who join an already talented team of immigration paralegals.

## Key decision for employees in class action vs. census bureau



MLT's representation of 7,000 Census Bureau workers achieved a court ruling that will dramatically impact future Census operations and will likely lead to a complete restructuring of the field operation workforce.

On July 29, 2005, attorneys **Jack W. Lee**, **John Ota** and **Sonia Merida** won a key court decision in a long-running CLASS ACTION WAGE AND HOUR lawsuit against the U.S. Department of Commerce and the U.S. Census Bureau.

MLT is suing for their failure to pay overtime wages to 7,000 temporary employees who worked on the Year 2000 Census. The Census Bureau hired over 500,000 temporary employees in that year for a 3-5 month period and claimed that thousands of these census employees, called "field operations supervisors," were not entitled to overtime because they were exempt "executive" employees.

After a five-day trial in May 2005, Judge Eric Bruggink found otherwise and held that the field operations supervisors lacked the independent authority and decision-making power to be considered "exempt executive" employees and, therefore, are also entitled to overtime pay which can range from several hundred to over tens of thousands of dollars.

The Court's ruling will dramatically impact future Census operations and will likely lead to a complete restructuring of the field operation workforce so that Census employees will, in the future, be paid fairly for their work.

## Judge allows 24-Hour Fitness defibrillator case to go to trial

The **Personal Injury Group** won a significant victory recently in the case of *Eng v. 24 Hour Fitness, USA*, which

involves Richard Eng, a gym member who suffered a sudden cardiac arrest while working out at the 24 Hour Fitness exercise facility in

Newark, California.

Despite the presence of numerous employees who were certified in CPR, no employee administered CPR to Mr. Eng. Moreover, the health club was not equipped with automatic external defibrillators ("AED").

Mr. Eng was ultimately saved by emergency response personnel who arrived several minutes later, and administered CPR and used their own AED on him. But by then, Mr. Eng had already suffered massive brain damage.

24 Hour Fitness *tried to have the case dismissed* by arguing that it had no responsibility to administer CPR or equip its facilities with AEDs despite the fact that other facilities, such as airports, casinos and other gyms, had already done so.

In a significant victory on July 11, 2005, after oral argument by **William Kwong**, the court ruled against 24 Hour Fitness and decided that Mr. Eng's case against 24 Hour Fitness could proceed to trial **which is set for April, 2006.**

## MLT co-bond counsel to Oakland agency

Through the work of partners Roy Ikeda and Don Tamaki, MLT served as co-bond counsel to the Oakland Redevelopment Agency, along with Orrick, Herrington & Sutcliffe LLP, on a privately placed \$160 million tax exempt bond issue that closed on October 28, 2005. The proceeds

from this bond issue will fund the construction by Cleveland-based developer, Forest City Enterprises, of 665 multifamily housing units, some of which are earmarked for lower income residents. Construction is expected to begin during the Spring of 2006.

## Clients' First Amendment rights defended from county's retaliation

In *Braun, et al. v. County of San Mateo*, **Brad Yamauchi** and **Matthew Siroka** recently achieved another civil rights success for their clients in a First Amendment retaliation case.

The Brauns are environmental activists in rural San Mateo County, often taking politically unpopular stances on a variety of issues related to land use policy and self-determination for the unincorporated coastal lands. They opposed County decisions and filed lawsuits seeking compliance with environmental and election laws. Significantly, they had won a temporary restraining order against the County on the basis of voter

fraud in a contentious ballot measure to create political autonomy for the unincorporated rural lands.

Afterward, they were falsely accused of burying toxic materials on their property, and the County cited them for having agricultural structures on their property without permits. The Brauns sought to legalize the structures and sought permits and, after an exhausting and exasperating four-year permit process, the planning commission approved their planning permits. The approvals were, however, appealed to the Board of Supervisors of San Mateo County.

The Board ignored the staff recommendations to approve the permits and

imposed a variety of unprecedented and unlawful conditions on the permit approval process.

After six months, which included an armed raid on the Brauns' property to perform building inspections and County demands of up to \$50,000 in permitting fees, the Board denied the permits and ordered the Brauns to tear down a variety of structures on their property.

After two years of litigation over the County's actions, the Brauns' former attorneys withdrew from the case citing a conflict of interest. This required MLT to step in as trial counsel six weeks before the initial trial

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## MLT attorneys in the spotlight

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providing independent, comprehensive, accurate, and fair evaluations of candidates for judicial appointment and nomination. **Dale Minami** served on the JNE Commission from 1984 to 1987.

In October 2005, **Jack W. Lee** was selected to be a **Member of the Lawyers' Committee for Civil Rights**, San Francisco. Mr. Lee joins a list of distinguished Bay Area attorneys who are current Members, including partner **Dale Minami**. The Committee is affiliated with the national Lawyers' Committee for Civil Rights Under Law, begun in 1963 at the request of President John F. Kennedy. The Lawyers' Committee staff provides

free legal assistance and representation to individuals on civil legal matters and handles important civil rights issues as they impact the rights of people of color, poor people, and immigrants and refugees.

In November 2005, Mr. Lee was also selected as a **Lawyer Representative for the Ninth Circuit**. Appointed for three-year terms, **Lawyer Representatives** interact with federal judges at the district and circuit court level to help plan the annual Ninth Circuit judicial conference.

## U.S. Postal Service letter carrier wins disability discrimination suit

**William Kwong** recently won a disability discrimination and refusal to accommodate disability case against the United States Postal Service on behalf of Michael Morawski who is a Letter Carrier for almost 30 years. In 1992, he was attacked by a dog while delivering the mail and lost a part of a tendon in his left hand. Because Mr. Morawski was left-handed, this injury affected many areas of his life, from

cleaning himself to eating and driving. In 1998, the Postal Service introduced a new system of sorting mail which made it almost impossible for him to do his job because of his hand injury. His manager, however, accommodated him by letting him sort mail the old way. In 2001, his manager was replaced, and the new one refused to continue the accommodation for his disability despite written protests from all of

Mr. Morawski's doctors. The new manager harassed and disciplined him several times, even to the point that he had to take stress leave. After a hearing before the Equal Employment Opportunity Commission, Administrative Judge Overton ruled that Mr. Morawski's new manager created a hostile work environment for him and unjustly refused to accommodate his disability.



The **Immigration Practice Group** expanded MLT's South Bay office to Sunnyvale on Nov. 7. See story on page one.

## MLT wins case against Homeland Security

Associate **Allyson Fenton** recently won a vigorously contested employment discrimination case against the Department of Homeland Security, U.S. Immigration and Customs and Enforcement.

The case involves Ray Poquiz, who was tentatively selected for the position of Detention Enforcement Officer with the Department of Homeland Security, only to have the offer withdrawn because of his alleged limited vision resulting from a severe injury to his right eye some years back. This injury however, did not result in a loss of peripheral vision.

Importantly, Mr. Poquiz had learned to judge depth perception through various techniques, and as a result has learned to compensate for the loss of central vision in his right eye.

In his previous job with the Federal Bureau of

Prisons, he managed to outperform the vast majority of other recruits in law enforcement training skills, including self defense and even scoring perfect ratings in timed pistol, rifle, and shotgun training.

In her decision, Administrative Judge Julie Schmid found that the Department of Homeland Security unjustly discriminated against Ray Poquiz and had, in fact, no good reason for revoking its offer, particularly since he had an established history of seeing better than other law enforcement officers.

She ordered Mr. Poquiz be placed in a position with backpay, interest, and retroactive benefits from August 19, 2003, the date of the revocation of the job offer. This is a great victory for a client who worked hard to **successfully overcome a disability.**

## 'Pre-nups' a good idea for everyone

The rule rather than exception these days

A Premarital Agreement (frequently referred to as a "prenup") is a binding agreement entered into before marriage in which a couple, in however much detail they wish, determine what will happen to their income and assets after marriage, and in the event of a divorce, separation or annulment, how the assets will be divided and whether there is to be any alimony (spousal support).

You're in love, though... Who wants to think about such things as divorce, separation and annulment at a time like this?

Prenups (or domestic partnership agreements) are, however, the rule rather than the exception these days, and there are many good reasons for that. For the most part,

couples who enter into prenups are people who want to ensure that **they decide (without great expense) the outcome should their marriage or domestic partnership end**, rather than letting a court decide it. Prenups are also a smart idea because they ensure candid communication between a couple because **they are required to disclose their assets and debts to each other.**

Ideally, a couple should start negotiations as many months before the wedding as possible, and should sign the agreement at least a month before. In short, prenups and domestic partnership agreements these days are for everyone.

## MLT associate wins first jury trial; Client acquitted of charges

Associate **Matthew Siroka** wins his first jury trial! The case against Mr. Siroka's client involved an accusation of driving under the influence of alcohol. After the presentation of the D.A.'s evidence, and Mr. Siroka's extensive cross-examination of the D.A.'s "expert" and the rookie arresting officer, the judge urged the parties to settle

the case for an infraction but the D.A. refused. Mr. Siroka then called five witnesses and the jury in conservative Contra Costa County took less than an hour to acquit his client on both counts. Mr. Siroka had already defeated the California Department of Motor Vehicle's attempt to suspend his client's license.

## MLT family grows with addition of attorneys and staff

**Monica Bermudez** works for the accounting department primarily with accounts payables and is also attending San Francisco State University to attain a bachelor's degree in Accounting. She joined MLT in February 2005.

**Becky Cho-Vera** recently joined the Immigration Group. She has approximately 10 years of immigration law experience. She has Bachelor's in Sociology and Asian American Studies from UCLA, and a Master's in Asian Pacific Studies from USF. Her hobbies include traveling, hiking, eating and sports. Ms. Cho-Vera is fluent in conversational Cantonese.

**Jessica S. Christensen** joined Minami, Lew & Tamaki LLP in November 2005 as an Employment Law associate. Jessica, a graduate of Georgetown Law School and Hampshire College, MA., was a former associate at a union-side labor law firm in the Bay Area. She became a member of the State Bar of California in Jan. 2004 and has been heavily involved with organized labor groups throughout her undergraduate and graduate years.

**Cesar Gomez** joined MLT's Employment Group in August. He holds a Bachelors of Arts in Communications from the University of San Francisco, and is currently a second year law student at San Francisco Law School where he co-founded the San Francisco Chapter of the National Latino Law Student Association. Prior to that, he worked as a community advocate and has served as a translator, investigator and advocate on

behalf of 12,000 migrant farm workers in the case of *Vega v. Mallory*. Mr. Gomez is fluent in Spanish.

**Anita Huang** has joined MLT as a Legal Assistant working in the South Bay office in the Immigration Law Group and assisting with preparing and filing immigration petitions/applications. She began her career in 1994 as a Paralegal working with Personal Injury cases. Later in 1994, Anita joined another firm as an Immigration Specialist where she was responsible for preparing and filing immigration petitions/applications. Ms. Huang is fluent in Mandarin.

**Bridget Kilkenny** is currently attending St. Mary's College in Moraga to earn her B.A. in Law Studies. She comes to MLT's Employment Group with 3 years of paralegal experience in employment law. Ms. Kilkenny likes to bake and eat pastries, particularly cookies.

**Melissa Kumamaru** joined MLT in June 2005. She graduated from San Jose State University in 2003 where she double majored in Management Information Systems and Marketing. While attending school, she worked with Senior Counsel **Lynda Won-Chung** as an Immigration Assistant. After graduation, she worked in the high-tech industry but has now come back to the corporate immigration field.

**Christy Lee** joined MLT in September as an Associate in its Immigration Practice group. She was born and raised in the Bay Area, and received her

bachelor's degree in Sociology from UC Berkeley, and her Juris Doctor degree, with a certificate in Social Justice and Public Interest, from Santa Clara University School of Law. While at Santa Clara University, she served as the Asian Pacific American Law Students Association President and Chairperson of the "Benefit for Justice," which is the law school's annual public interest and social justice auction.

**Grace Lee**, MLT's new receptionist, was born and raised in Albuquerque, New Mexico. She graduated from UCLA with a B.A. in History and Asian American Studies. Before joining MLT, she worked as a youth organizer and mentor for the East Bay Asian Youth Center.

**Maureen Mayorquin** joined MLT in October 2005 as Legal Assistant in the firm's Family Law and Criminal Groups. She has seven years experience as a Legal Assistant and was previously employed with the Law Offices of Dennis A. Babbitts (House Counsel for The Hartford Insurance Company) from 2000 to 2005 as a Personal Injury and Workers' Compensation Legal Assistant. She graduated from Heald College and acquired a degree in Law Office Administration and interned for six months at a Personal Injury firm before starting with a Civil Litigation Insurance Defense firm in Dublin, CA. Ms. Mayorquin is fluent in Spanish.

**Lidia Montano-Guerrero** joined MLT in July 2005 as an administrative assistant in the Immigration Group. Prior to MLT, she worked at the

Oakland City Jail Division as a Police Record Specialist and the Prison Health Services as an Administrative Assistant. She currently attends Chabot Community College (AA) Administration of Justice. Ms. Montano-Guerrero is fluent in Spanish.

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## First Amendment rights protected in San Mateo county retaliation case

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date in May 2005. The trial date was continued until October and, one day after MLT completed presenting evidence for the Brauns' case, the parties reached a settlement.

Plaintiffs received what they were seeking – permits and legalization of their structures, and the County agreed to perform a feasibility study for the incorporation of the rural coastal lands. This is the first step towards a ballot measure on the issue of political autonomy for the rural coast.

The settlement was an important step in achieving our clients' political goals and, just as importantly, set the stage for turning a new page in the contentious relationship between the Brauns and the County.

# Minami, Lew & Tamaki Wishes You a Happy Holiday Season!

*Since we started our firm in 1974, we have continued our commitment of service to the community.*

*We've been privileged to support the following organizations and their valuable work in 2005.*

Asian American Bar Association of the Greater Bay Area	Chinese for Affirmative Action	Kimochi	National Alliance of Vietnamese American Service Agencies (Katrina Relief)
Asian American Recovery Services	Center for Gender and Refugee Studies	La Raza Centro Legal	National Employment Lawyers' Association
Asian Community Mental Health Services	California Rural Legal Assistance	Lawyers Committee for Civil Rights	National Center for Lesbian Rights
Asian Health Services	Disability Rights Education and Defense Fund	Legal Aid Society of San Francisco - Employment Law Center	Nihonmachi Little Friends
American Immigration Lawyers' Association	East Bay Community Law	Manilatown Heritage	National Japanese American Historical Society
Asian Law Alliance	East Bay Asian Local Development Corporation	Bethel Temple Pentecostal Church	Organization of Chinese Americans
Asian Law Caucus	Equal Justice Society	California Civil Liberties Public Education Fund	On Lok
Always Dream Foundaton	Equal Rights Advocates	The Leukemia and Lymphoma Society	Partners Ending Domestic Violence
Angel Island Immigration Station Foundation	Filipinos for Affirmative Action	Peninsula Conflict Resolution Center	The Peralta Colleges Foundation
Asian Pacific Bar Association of Silicon Valley	Family Bridges	University of California Regents	Public Advocates
Asian and Pacific Islander Health Forum	Go For Broke Foundation	Relay for the Life of Magnolia	Public Interest Clearinghouse
Asian Pacific Islander Legal Outreach	Glide Foundation	National Asian American Telecommunications Association	Richmond Area Multi-Services
Asian Women's Shelter	Immigrant Legal Right Council	National Asian American Telecommunications Association	Southern Poverty Law Center
Bar Association of San Francisco Foundation	The Impact Fund	National Asian Pacific American Legal Consortium	Students Rising Above
	Indochinese Housing Development Corporation		Workplace Fairness
	Japanese American Services of the East Bay		
	Japanese Cultural and Community Center of Northern California		

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