

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

IN THE MATTER OF THE APPOINTMENT  
OF  
DENNY CHIN  
As Second Circuit Judge

Wednesday, June 16, 2010  
at 4:00 p.m.

DANIEL PATRICK MOYNIHAN  
UNITED STATES COURTHOUSE  
CEREMONIAL COURTROOM  
500 Pearl Street  
New York, New York

IN ATTENDANCE:

HON. DENNIS JACOBS, Chief Judge  
HON. WILLIAM FEINBERG  
HON. JON O. NEWMAN  
HON. AMALYA L. KEARSE  
HON. PIERRE N. LEVAL  
HON. GUIDO CALABRESI  
HON. JOSÉ A. CABRANES  
HON. CHESTER J. STRAUB  
HON. ROBERT A. KATZMANN  
HON. BARRINGTON D. PARKER  
HON. REENA RAGGI  
HON. PETER W. HALL  
HON. DEBRA ANN LIVINGSTON  
HON. DENNY CHIN

REMARKS BY:

JOHN S. MARTIN, JR., ESQ.  
WILLIAM F. KUNTZ II, ESQ.

2           CLERK OF COURT: Judges of the United  
3 States Court of Appeals for the Second Circuit.  
4 Hear ye, hear ye, hear ye. All persons having  
5 business before this, a stated term of the  
6 United States Court of Appeals for the Second  
7 Circuit draw near, give your attention, and ye  
8 shall be heard. God save the United States of  
9 America and this Honorable Court.

10           CHIEF JUDGE JACOBS: The Court of  
11 Appeals is sitting in Special Session this  
12 afternoon for the induction of Denny Chin as a  
13 Circuit Judge for the United States Court of  
14 Appeals for the Second Circuit.

15           On this auspicious day, Judge Chin  
16 will become the sixty-eighth member of our Court  
17 to be seated since the Court was created by  
18 Congress, in the Second Judiciary Act of 1889.  
19 Judge Chin will occupy a seat which has most  
20 recently been occupied by Robert D. Sack, who  
21 has taken senior status. The judge first  
22 appointed to this seat when it was created in  
23 1984 was Roger Miner.

24           Judge Chin comes to us from the bench  
25 of the United States District Court for the

2 Southern District of New York, where he has  
3 served since 1994.

4 Judge Chin has had a varied career  
5 that has been marked by distinction at each  
6 stage.

7 He is a 1975 graduate of Princeton --  
8 magna cum laude. He is a son of Fordham Law  
9 School, which awarded him the Medal of  
10 Achievement of the Alumni Association. He has  
11 taught there as an adjunct professor for over 20  
12 years. During that time, he was designated  
13 professor of the year by the school's Public  
14 Interest Research Center, and tapped as the  
15 commencement speaker in 1999. Judge Chin was an  
16 Assistant U.S. Attorney in what seems to be  
17 called "The Office," where he was awarded the  
18 J. Edward Lumbard Award in 1996. He clerked for  
19 Judge Henry Werker of the Southern District, and  
20 clerkship, as we know, is an honor in itself.

21 What else? No doubt, the judge will  
22 want me to acknowledge his membership in the New  
23 York Roadrunners Club.

24 Judge Chin is joined here today by his  
25 wife, Kathy; his sons, Paul and Daniel; his

2 mother and father; his sister, Diane; his  
3 brothers, Daly, David and Dalo; his aunt and  
4 uncle, nephews nieces, and cousins; present and  
5 former colleagues; friends and admirers.

6 At this time I call upon our Clerk of  
7 Court, Catherine O'Hagan Wolfe, to read the  
8 Commission.

9 CLERK OF COURT: Barack Obama,  
10 President of the United States of America.

11 To All Who Shall See These Presents,  
12 Greeting:

13 Know ye; That reposing special trust  
14 and confidence in the wisdom, uprightness, and  
15 learning of Denny Chin, of New York, I have  
16 nominated, and, by and with the advice and  
17 consent of the Senate, do appoint him a United  
18 States Circuit Judge for the Second Circuit, and  
19 do authorize and empower him to execute and  
20 fulfill the duties of that office according to  
21 the Constitution and Laws of the said United  
22 States, and to Have and to Hold the said office,  
23 with all the powers, privileges and emoluments  
24 to the same of right appertaining, unto him, the  
25 said Denny Chin during his good behavior.

2           In Testimony Whereof, I have caused  
3 these Letters to be made patent and the seal of  
4 the Department of Justice to be hereunto  
5 affixed.

6           Done at the City of Washington, this  
7 twenty-third day of April, in the year of our  
8 Lord two thousand ten, and of the Independence  
9 of the United States of America the two hundred  
10 thirty-fourth.

11           By the President, Barack Obama.

12           Eric Holder, Jr., Attorney General.

13           CHIEF JUDGE JACOBS: Thank you,  
14 Ms. Wolfe.

15           Now I would like to be supplied with  
16 the text of the oath of office and I will  
17 administer the oath at this time.

18           (Pause)

19           (Laughter)

20           CHIEF JUDGE JACOBS: The text, as we  
21 all know, is prescribed by Statute and must be  
22 word for word, as we have all learned when our  
23 Chief Justice did the honors, and we will do it  
24 word for word and perfectly in a moment.

25           But at this time I am going to call on

2 our first speaker to address us. He is known to  
3 us all. John S. Martin, Jr. was a United States  
4 District Judge for the Southern District of New  
5 York for thirteen years, until 2003. Prior to  
6 the formation of Martin & Obermaier on  
7 November 1, 2006, he was of counsel to the law  
8 firm of Debevoise & Plimpton, LLP.

9 He is a graduate of Manhattan College  
10 and Columbia Law School. Judge Martin served as  
11 a law clerk to Circuit Judge Leonard P. Moore of  
12 this Court. From 1962 to 1966, he was Assistant  
13 United States Attorney for the Southern District  
14 of New York. He then served as an Assistant to  
15 the Solicitor General of the United States, as a  
16 Consultant to the National Commission on Law  
17 Enforcement and Administration of Criminal  
18 Justice, and in 1968 as Counsel to the Cox  
19 Commission to Study the Disturbances at Columbia  
20 University. From 1980 until 1983, Judge Martin  
21 was United States Attorney here in the Southern  
22 District of New York.

23 He was awarded the Federal Bar  
24 Council's Emory Buckner Award for outstanding  
25 public service, and the Judge Edward Weinfeld

2 Award of the New York County Lawyers  
3 Association.

4 So, at this time, John Martin.

5 (Applause)

6 MR. MARTIN: May it please the Court,  
7 and soon-to-be Circuit Judge Chin, Kathy, Paul,  
8 Daniel, and his parents, and the many family  
9 members and friends of Denny Chin gathered here  
10 today. As you can see, I have bad news for you:  
11 I did bring a copy of my remarks.

12 (Laughter)

13 When I first heard that Denny Chin was  
14 being considered for the Second Circuit, my  
15 reaction was - terrific lawyer, great judge -  
16 but he's awfully young. After all, I hired him  
17 only a few years ago in the United States  
18 Attorney's office. Then, on reflection, I  
19 realized that the man who appointed him to the  
20 Second Circuit was at that time a junior at  
21 Columbia College, and Elena Kagan had not yet  
22 entered law school. So I realized it wasn't  
23 that Denny was young. It was that I was getting  
24 old.

25 However, there are some benefits to

2 getting older, one of which is that over the  
3 years you've had the opportunity to observe a  
4 young lawyer starting out as an Assistant United  
5 States Attorney and growing in that position,  
6 and then moving on to a successful career in  
7 private practice, a 15-year career as a  
8 distinguished United States District Judge, and  
9 you can look back over that career and take  
10 unwarranted credit for having recognized his  
11 talents long ago.

12 Denny served in the Civil Division in  
13 the United States Attorney's office, and he  
14 quickly developed a reputation as a go-to guy  
15 who was willing to take on any case, regardless  
16 of the subject matter. Among the more  
17 significant matters Denny handled in the U.S.  
18 Attorney's office were a class-action relating  
19 to Social Security benefits, tax shelter cases,  
20 a real estate contracts action and a tax case in  
21 which Denny Chin persuaded the Second Circuit  
22 that the use of gender-based mortality tables  
23 for computing estate taxes was constitutional.

24 Denny also took on Immigration cases  
25 at the request of Michael Patrick, the head of

2 that unit, and cases from the Environmental  
3 Division under Susan Campbell. Susan and  
4 Michael were so impressed with Denny's ability  
5 that they left the U.S. Attorney's office to  
6 join him in forming the firm of Campbell,  
7 Patrick & Chin. I'm reliably informed that  
8 while they did not make as much money as they  
9 would later make in their separate careers with  
10 larger firms, they had a lot more fun.

11 In talking to Susan and Michael, I  
12 learned some things about Denny I didn't know.  
13 For example, they told me how after the firm  
14 dissolved, he was the one who organized reunions  
15 of the firm and provided the entertainment by  
16 playing the guitar and singing humorous verses  
17 that he composed about the people who had been  
18 with the firm.

19 Denny has had an outstanding career on  
20 what we modestly say is the finest trial court  
21 in the country. He handled a number of  
22 high-visibility cases with distinction. His  
23 reputation for both competence and courtesy is  
24 outstanding. If you read the comments of  
25 lawyers who have appeared before him as reported

2 in the Almanac of the Federal Judiciary, you  
3 will see remarks such as: "He's an excellent  
4 judge." "I really like him. He is terrific."  
5 "He treats lawyers professionally." "I like him.  
6 He's a very decent guy." And best of all, "He  
7 is a decent human being."

8           The New York Times said that Denny was  
9 "Known for his intellect, command of his  
10 courtroom and self-deprecating wit; he is also a  
11 voracious rebounder in a playground basketball  
12 game that includes lawyers, prosecutors, law  
13 clerks and others."

14           In doing my research for these  
15 remarks, I had access to Denny's 59-page Senate  
16 Judiciary Questionnaire. Fortunately for you, I  
17 will not read it all.

18           (Laughter)

19           I did find in that Questionnaire one  
20 thing about Denny's record as a District Judge  
21 that should give great comfort to those district  
22 judges whose decisions he will now review.  
23 Denny has been reversed 41 times, so he knows  
24 how District Judges feel when they get that  
25 dreaded call from the clerk of the Second

2 Circuit. Lest anyone here view those 41  
3 reversals as reflecting negatively on Denny's  
4 ability, let me say that one of the highest  
5 compliments I was paid when I was a District  
6 Judge was when somebody said to me, "John, you  
7 must be doing something right; you are getting  
8 reversed almost as often as Jack Weinstein."

9 (Laughter)

10 Denny's record as a District Judge  
11 reflects not only his ability but his  
12 willingness to make unpopular rulings when  
13 necessary. Years ago a judge of this court --  
14 who shall remain nameless --

15 (Laughter)

16 -- said that one of the problems of  
17 our judicial selection system was that as soon  
18 as a judge took the bench, he or she immediately  
19 began thinking about ascending to a higher  
20 court. While many of my colleagues on the  
21 District Court were offended and said that  
22 certainly those remarks didn't apply to them, my  
23 reaction was that Guido had been reading my  
24 diary.

25 (Laughter)

2           It is clear, however, that when Denny  
3 Chin took the bench, he was not pulling his  
4 punches so that he could obtain higher office.  
5 In one of his early cases, he found a portion of  
6 Megan's Law which required convicted pedophiles  
7 to register to be unconstitutional. No one  
8 seeking higher office would make a decision that  
9 could be viewed as sympathetic to pedophiles.  
10 But Denny did what he thought was right.

11           I should note here, however, that now  
12 that the Second Circuit is becoming a  
13 steppingstone for the Supreme Court, some are  
14 wondering whether this wise Asian-American,  
15 Princeton graduate might be considering a higher  
16 calling. While Denny has denied such  
17 aspirations, I am reliably informed that Denny  
18 and Kathy have recently purchased a home on  
19 Staten Island which, once Elena Kagan is  
20 confirmed, will be the only borough in the City  
21 of New York without a Supreme Court Justice.

22           (Laughter)

23           Thus, a Chin appointment could be  
24 regarded as providing needed geographic balance  
25 on the Supreme Court. Denny has not yet decided

2 whether he will become Catholic or Jewish.

3 (Laughter)

4 If I were to review with you all of  
5 Denny's significant rulings as a District Judge,  
6 we would never get to the cocktail party, and,  
7 as an Irishman, I cannot let that happen. There  
8 are, however, two matters that I would like to  
9 mention specifically. One is the sentencing of  
10 Bernie Madoff, and the other is a speech he  
11 makes when presiding over the naturalization of  
12 new citizens.

13 Turning first to the Madoff case, I  
14 must admit, Denny, when I first heard of the  
15 sentence in that case, I thought you had  
16 violated a basic legal principle. I thought you  
17 violated the Rule Against Perpetuities.

18 (Laughter)

19 However, on reflection, I recognized  
20 the sentence was limited by a life in being.

21 Seriously, Denny's remarks at that  
22 sentencing are one of the most eloquent and  
23 succinct expositions of the principles to be  
24 applied in imposing sentence that I have ever  
25 encountered. Noting that any sentence in excess

2 of 25 years would be only symbolic given  
3 Mr. Madoff's age, Judge Chin stated "symbolism  
4 is important." After reviewing the various  
5 factors that are to be considered in imposing  
6 sentence and the letters he received from the  
7 victims, Judge Chin stated:

8 "The symbolism is important for the  
9 victims. Mr. Madoff's very personal betrayal  
10 struck the rich and the not so rich, the elderly  
11 living on retirement funds and Social Security,  
12 middle-class folks trying to put their kids  
13 through college, and ordinary people who worked  
14 hard to save their money and thought they were  
15 investing it safely for themselves and their  
16 families....A substantial sentence will not give  
17 the victims back their retirement funds and the  
18 monies they saved to send their children or  
19 grandchildren to college and will not give them  
20 back their financial security or the freedom  
21 from financial worry, but more is at stake than  
22 money. As we have heard, the victims put their  
23 trust in Mr. Madoff; that trust was broken in a  
24 way that left many victims as well as others  
25 doubting our financial institutions, our

2 financial system, our government's ability to  
3 regulate and protect, and, sadly, even  
4 themselves.

5 "I do not agree that the victims are  
6 succumbing to the temptation of mob vengeance.  
7 Rather, they are doing what they are supposed to  
8 be doing - placing their trust in our system of  
9 justice. The knowledge that Mr. Madoff has been  
10 punished to the fullest extent of the law may in  
11 some small measure help those victims in their  
12 healing process."

13 He then imposed a sentence that was  
14 entirely appropriate and which hopefully did  
15 provide some small comfort to those whose lives  
16 Mr. Madoff had destroyed.

17 Finally, let me turn to the inspiring  
18 personal story that Judge Chin relates when he  
19 administers the oath to new citizens. He tells  
20 them how his grandfather first came to this  
21 country, and later his parents came, bringing  
22 Denny with them as a small boy. He then says,  
23 and I quote:

24 "In 1947, my grandfather was  
25 naturalized as a United States citizen in the

2 Southern District of New York. I have his  
3 naturalization certificate here to show you. It  
4 was issued by the Department of Justice on  
5 June 9, 1947. I keep it hanging on the wall in  
6 my chambers here in the courthouse to remind me  
7 of my grandfather, to remind me how hard he  
8 worked for so many years waiting on tables, of  
9 how he became a citizen in 1947 and then brought  
10 my parents into this country; of how they became  
11 citizens and how I, the son of a seamstress and  
12 a Chinese cook, the grandson of a Chinese  
13 waiter, became a federal Judge."

14           What an inspiration those remarks must  
15 be to our new citizens. I hope that Chief Judge  
16 Preska and her colleagues in the District Court  
17 will forgive Judge Chin for abandoning them and  
18 will invite him back on numerous occasions to  
19 preside over the naturalization ceremony so that  
20 he can continue to provide such an inspiration  
21 to our new citizens.

22           When we hear the story of a small boy  
23 coming as an immigrant to this country and  
24 becoming a Judge of the United States Court of  
25 Appeals for the Second Circuit, I think we have

2 a tendency to congratulate ourselves and our  
3 country for being so welcoming to foreigners.  
4 We sometimes fail to recognize fully what such  
5 accomplishments say about the individual who  
6 overcame his lack of familiarity with the  
7 language or the culture of this new land, and  
8 how hard he had to work to succeed in some of  
9 America's finest academic institutions and his  
10 profession. The obstacles which Judge Chin had  
11 to overcome on his road to academic and  
12 professional success make his journey even more  
13 worthy of our praise. But while we do well  
14 today to celebrate the accomplishments of Denny  
15 Chin, there are two people here who may be even  
16 more deserving of our admiration -- two people  
17 who had the courage to abandon their native land  
18 and who, through their hard work and dedication  
19 to their children, fulfilled the American dream  
20 of building a successful family in their adopted  
21 country. I would ask you all to join me in a  
22 round of applause for two great Americans --  
23 Denny's father and mother, Bakh Theun Chin and  
24 Suk Yin Chin.

25 (Applause)

2 CHIEF JUDGE JACOBS: Thank you for  
3 those inspiring remarks.

4 At this time I will administer the  
5 oath of office. Judge Chin, if you would step  
6 forward here.

7 Raise your right hand. Repeat after  
8 me: I, Denny Chin, do solemnly swear.

9 JUDGE CHIN: I, Denny Chin, do  
10 solemnly swear.

11 CHIEF JUDGE JACOBS: That I will  
12 administer justice without respect to persons.

13 JUDGE CHIN: That I will administer  
14 justice without respect to persons.

15 CHIEF JUDGE JACOBS: And do equal  
16 right to the poor and to the rich.

17 JUDGE CHIN: And do equal right to the  
18 poor and to the rich.

19 CHIEF JUDGE JACOBS: That I will  
20 faithfully and impartially discharge and  
21 perform.

22 JUDGE CHIN: That I will faithfully  
23 and impartially discharge and perform.

24 CHIEF JUDGE JACOBS: All the duties  
25 incumbent upon me.

2 JUDGE CHIN: All the duties incumbent  
3 upon me.

4 CHIEF JUDGE JACOBS: As a United  
5 States Circuit Judge.

6 JUDGE CHIN: As a United States  
7 Circuit Judge.

8 CHIEF JUDGE JACOBS: Under the  
9 Constitution and laws of the United States.

10 JUDGE CHIN: Under the Constitution  
11 and laws of the United States.

12 CHIEF JUDGE JACOBS: And that I will  
13 support and defend the Constitution of the  
14 United States.

15 JUDGE CHIN: And that I will support  
16 and defend the Constitution of the United  
17 States.

18 CHIEF JUDGE JACOBS: Against all  
19 enemies, foreign and domestic.

20 JUDGE CHIN: Against all enemies,  
21 foreign and domestic.

22 CHIEF JUDGE JACOBS: That I will bear  
23 true faith and allegiance to the same.

24 JUDGE CHIN: That I will bear true  
25 faith and allegiance to the same.

2 CHIEF JUDGE JACOBS: That I take this  
3 obligation freely.  
4 JUDGE CHIN: That I take this  
5 obligation freely.  
6 CHIEF JUDGE JACOBS: Without any  
7 mental reservation or purpose of evasion.  
8 JUDGE CHIN: Without any mental  
9 reservation or purpose of evasion.  
10 CHIEF JUDGE JACOBS: And that I will  
11 well and faithfully discharge.  
12 JUDGE CHIN: And that I will well and  
13 faithfully discharge.  
14 CHIEF JUDGE JACOBS: The duties of the  
15 office on which I am about to enter.  
16 JUDGE CHIN: The duties of the office  
17 on which I am about to enter.  
18 CHIEF JUDGE JACOBS: So help you God.  
19 JUDGE CHIN: So help me God.  
20 (Applause)  
21 CHIEF JUDGE JACOBS: At this time, I  
22 will ask the Judge's wife and sons to step  
23 forward and robe our sixty-eighth Judge.  
24 (Robing of Judge Chin)  
25 CHIEF JUDGE JACOBS: Judge Chin --

2 hereafter to your brothers and sisters of this  
3 Court, "DC" -- please come and take your seat on  
4 the bench beside Judge Hall.

5 (Applause)

6 CHIEF JUDGE JACOBS: Our second  
7 speaker is William F. Kuntz, II. Bill Kuntz is  
8 a partner in the Cleveland-based law firm of  
9 Baker & Hostetler where he practices in the area  
10 of commercial civil litigation. Appointed in  
11 1987, Bill is the longest-serving Commissioner  
12 of the Civilian Complaint Review Board of the  
13 City of New York which annually reviews over  
14 5,000 allegations of misconduct filed against  
15 members of the New York City Police Department.  
16 He has taught at Brooklyn Law School as an  
17 Adjunct Professor and has taught trial advocacy  
18 at the Practicing Law Institute.

19 He holds four degrees: Bachelors,  
20 masters, law and a doctorate in American Legal  
21 History -- all from Harvard University. Dr.  
22 Kuntz is a fellow of the American Bar  
23 Foundation. After completing his one-year term  
24 as Chairman of the Executive Committee of the  
25 New York City Bar Association, he was elected a

2 Vice President of the Association.

3 DR. KUNTZ: Chief Judge Jacobs,  
4 members of the Courts of our Circuit, members of  
5 the Chin family, good afternoon. My name is  
6 Bill Kuntz.

7 When Judge Chin asked me to speak  
8 today, I was deeply honored. We have been  
9 friends for 25 years. Judge Martin just told  
10 you the reasons Judge Chin was appointed to this  
11 Court. Now, as a workaday lawyer from Brooklyn,  
12 I know that in this courtroom, and in this  
13 courtroom in particular, a certain red light  
14 will appear very quickly if I have the bad  
15 judgment to repeat facts or arguments you have  
16 already heard. But, of course, thanks to the  
17 thorough job that Judge Martin just did, you've  
18 heard it all, from his birth to his career, to  
19 his being here today. So, by that standard, as  
20 usual when I stand up in this courtroom, I am  
21 already in deep, deep trouble.

22 (Laughter)

23 You see, the entire nation has already  
24 publicly recognized Judge Chin as a true lion of  
25 the bench. No nominee receives a 98 to zero

2 vote in the United States Senate without having  
3 earned universal respect and admiration.

4         His personal history is the stuff of  
5 legend. He was born in Kowloon, Hong Kong, the  
6 son of refugee parents who arrived in New York  
7 when he was two-years old. His father: A cook  
8 in a Chinese restaurant. His mother: An  
9 accomplished seamstress. He excelled as a  
10 student -- first at Stuyvesant, then at  
11 Princeton, and finally at Fordham Law School  
12 where he was the managing editor of The Law  
13 Review. When President William Jefferson  
14 Clinton nominated him to the Southern District  
15 bench in 1994, he became the first  
16 Asian-Pacific-American made a Federal Judge  
17 outside of the Ninth Circuit. Of the 175  
18 Federal Judges actively serving at the Circuit  
19 level, today, 2010, he is the sole  
20 Asian-American. As such, his appointment,  
21 while a particular treasure for the  
22 Asian-American community, constitutes a special  
23 jewel in the crown that adorns the head of the  
24 Statue of Liberty.

25         You see, Judge Chin embodies the

2 American traditions of friendship, justice, and  
3 inclusiveness. At a time when we as citizens  
4 are prone to exaggerate differences, Judge Chin  
5 subtly reminds us by his dignified demeanor of  
6 three facts:

7         First, that Oliver Wendell Holmes was  
8 correct: The life of the law is not logic, but  
9 experience.

10         Secondly, that Thomas Jefferson was  
11 correct: That excessive partisan rancor has no  
12 legitimate role in the law because, as he stated  
13 in his 1801 inaugural address, when it comes to  
14 America: We are all Republicans; we are all  
15 Federalists.

16         Third, that in viewing immigrants, we  
17 do well to recall that the only native Americans  
18 are -- how can I put this -- native Americans.

19         However, as his friend for a quarter  
20 century, I would be remiss if I failed to let  
21 you in on a little secret about this man. You  
22 see, Judge Chin shares a special characteristic  
23 displayed not by one, but, actually, by two  
24 fictional lawmen: Marshals Gary Cooper and  
25 Clint Eastwood.

2           (Laughter)  
3           In short, I now share with you three  
4 little-known stories I call collectively: High  
5 Noon With Denny Chin: The Good Sportsman; The  
6 Bad Militiaman; and The Lovely Lawman.  
7           First, Judge Chin as The Good  
8 Sportsman. Now, the Judge, as you all know, is  
9 a loyal fan of the New York Knicks. My wife,  
10 Alice, and I got to know Denny and Kathy through  
11 our sons, Paul and Will, who were classmates and  
12 friends since the age of two. The boys adored  
13 the Knicks, so Denny and I bought four season  
14 tickets. When the boys were about nine, they  
15 begged us to take them to their first NBA  
16 playoff game. I, of course, wanted to agree,  
17 but Denny said, "Not so fast." Being the  
18 stickler for decorum we all know him to be, he  
19 looked the boys squarely in the eye and said,  
20 "OK, guys, but here is the deal: No matter what  
21 other people are saying in Madison Square  
22 Garden, no matter what other people are doing in  
23 Madison Square Garden, you boys may not use any  
24 bad language. If you do, we will leave  
25 immediately." The boys agreed.

2           So, we get to The Garden, and that  
3 night the Knicks are playing the Detroit  
4 Pistons, known in those days as the bad boys.  
5 Their captain, Bill Laimbeer? A real charmer.

6           (Laughter)

7           When playing on the road, to show his  
8 contempt for his opponents, he would begin by  
9 entering the arena and spitting upon the court.  
10 He was aided and abetted by his fun-loving  
11 sidekick, the ever elegant Isiah Thomas, a man  
12 whose rather unfortunate predilections are so  
13 very well known to this court thanks to the  
14 efforts of Judge Chin's former distinguished law  
15 partner, Anne Vladeck.

16          (Laughter)

17          Well, as you might expect, the fans at  
18 The Garden erupted at the sight of those two  
19 worthies greeting them with one voice and two  
20 words -- no, Chief, not those two words -- the  
21 first word was "Laimbeer." The second word  
22 reminded us that nature abhors a vacuum. Now,  
23 in the midst of this chazerai, only four people  
24 in all of Madison Square Garden maintained a  
25 civil, respectful demeanor: Paul Chin, Denny

2 Chin, Will Kuntz, and, most  
3 uncharacteristically, me.

4 (Laughter)

5 Paul and Will looked pleadingly at  
6 Denny for relief from his injunction. Finally,  
7 his Honor smiled and said, "OK, boys, but don't  
8 tell the moms!"

9 (Laughter)

10 Paul and Will were ecstatic with their  
11 new-found voice, and they led our section in  
12 amazing cheers. And, yes, the Knicks won that  
13 game. And, yes, as nine-year old boys are wont  
14 to do, Paul and Will immediately ratted us out  
15 to the moms.

16 (Laughter)

17 Next, Judge Chin as the Bad  
18 Militiaman. Three years later, Paul and Will  
19 decided to have a joint celebration of their  
20 twelfth birthday, together with four of their  
21 buddies from school. They wanted a weekend as  
22 militiamen fighting each other with Nerf weapons  
23 in the woods. For some reason, perhaps  
24 recalling the NBA playoffs, Alice and Kathy  
25 thought this would be a good time for male

2 bonding, and they declined to join us.

3         So, Denny and I took the guys up to my  
4 house in Columbia County for a militia weekend.  
5 We had great weather. The trees and branches  
6 were perfect for an ambush setting. Everything  
7 was fine until Sunday morning, when Denny came  
8 back from the local store with a gallon of milk  
9 and the Sunday papers, and, most  
10 uncharacteristically, a long face. I said,  
11 "Judge, what's the matter?" He responded that  
12 he had heard rumors that he might be the subject  
13 of a press attack for his difficult and  
14 controversial Megan's Law decision you heard a  
15 little bit about earlier. He said, "Here it is.  
16 Take a look at this."

17         Then he showed me a column captioned  
18 "Junk Justice." It began with a picture of  
19 Judge Harold Baer and the caption "Harold --  
20 Cheese It The Cops -- Baer" trashing Judge Baer  
21 for a search-and-seizure decision.

22         Next followed a picture of Judge Shira  
23 Scheindlin with a caption: "Shira -- I Want To  
24 Be Like Harold -- Scheindlin" trashing her for a  
25 decision.

2           But the jewel in the crown was the  
3 next one because that followed with a picture of  
4 Judge Chin who had a couple of years on the  
5 bench and next to it the caption: "Denny -- The  
6 Pervert's Pal -- Chin" trashing him for having  
7 analyzed whether the law requiring application  
8 of criminal penalties on an ex post facto basis  
9 might be unconstitutional. Here was as good a  
10 father and as good a family man as God ever  
11 made, and I hated seeing my buddy being  
12 attacked. So I did what any friend from  
13 Brooklyn would do. I said to him, "Yo, Judge!  
14 Forget about it! I mean, forget about it! This  
15 isn't about you. You shouldn't be offended.  
16 This is really about me!"

17           He stared at me in disbelief. "What  
18 are you talking about, Bill," he said, "are you  
19 nuts? This is my case. My picture. You have  
20 absolutely nothing to do with this."

21           I smiled and said, "Oh, really? Look  
22 around. You are in my house in the middle of  
23 the woods. Our wives are home in New York. We  
24 are in the middle of Columbia County with six  
25 twelve-year old boys. If that reporter is right

2 to call you the pervert's pal, what on earth  
3 does that make me?"

4 (Laughter)

5 He thought about that for a minute.

6 Then he smiled and then he laughed. You see,  
7 like James Madison, in "Federalist 51," Judge  
8 Chin understands that "If men [and women] were  
9 angels, no government would be necessary." But  
10 since we are not, "In framing a government which  
11 is to be administered by citizens over citizens,  
12 the greatest difficulty lies in first enabling  
13 the government to control the governed; and then  
14 in obliging the government to control itself."  
15 Whatever the merits of that particular case,  
16 Judge Chin demonstrated tenacious and courageous  
17 understanding of the founding fathers' deepest  
18 concerns with how we protect and ensure our  
19 liberties against the enemies, foreign and  
20 domestic.

21 Finally, The Lovely Lawman, for it was  
22 truly lovely to see Judge Chin capture the wrath  
23 of our nation in a focused, judicially temperate  
24 way when he confronted that most evil perversion  
25 of our economic system. In sentencing the

2 mother of all Ponzi scheme criminals, Judge Chin  
3 not only imposed the perfect sentence, he  
4 imposed it in the perfect manner. He calmly,  
5 rationally and systematically reminded each and  
6 every one of us what a real judge must always  
7 be: Not simply the person in the robe, but  
8 rather, the personification of what the robe  
9 signifies.

10         So who is Judge Chin? A sportsman who  
11 personifies civility even when confronting the  
12 likes of Bill Laimbeer and Isiah Thomas; a  
13 militiaman staunchly defending the Constitution  
14 even when those benefiting include despicable  
15 individuals; a lover of the law who personifies  
16 justice when imposing sentence on Bernard L.  
17 Madoff.

18         In choosing me to speak today, Judge  
19 Chin again reveals himself to be my friend. But  
20 much more importantly, today America salutes  
21 Judge Chin as a trusted friend to liberty and to  
22 the rule of law. Whether the venue is Madison  
23 Avenue, Madison Square Garden, the writings of  
24 James Madison, the woods of Columbia County or  
25 the wood paneling of this Courthouse, as a

2 Judge, he has, and will, stand as tall as Gary  
3 Cooper or Clint Eastwood ever pretended to. He  
4 is a man whose life and devotion to duty recall  
5 those two real-life marshals: John and  
6 Thurgood. Perhaps one day following another 98  
7 to zero vote, our nation will come to address  
8 him publicly as I came to regard him privately  
9 many years ago: As Mr. Justice Chin. Should  
10 that occur, the United States Senate will truly  
11 and happily make my day, and I suspect, yours  
12 too, whether or not he moves to Staten Island.

13 (Laughter)

14 Congratulations, your Honor.

15 (Applause)

16 CHIEF JUDGE JACOBS: Thank you, Bill,  
17 for those remarks; elegant as ever.

18 I will now ask our new colleague to  
19 deliver his remarks. Judge Chin.

20 JUDGE CHIN: Thank you.

21 I had been hoping that we could do  
22 this Southern District style, as we did 15 and a  
23 half years ago when I was sworn in as a District  
24 Judge. But that was not to be today. For those  
25 of you who weren't here back then or for those

2 of you who otherwise have not had the pleasure  
3 of attending a Southern District induction,  
4 well, there are no speeches, and we would have  
5 been done, say, at 4:15. Maybe at 4:10 if we  
6 had remembered a copy of the oath of office.

7 (Laughter)

8 But this means that I do have the  
9 opportunity to thank all of you for being here.

10 This is, of course, a very special day for me  
11 and my family. It is made all the more special  
12 because so many of you -- family, friends  
13 colleagues -- are here to help us celebrate,  
14 including many who have traveled great distances  
15 to get here.

16 There are so many people who have  
17 touched my life. I want to take a few moments  
18 to acknowledge at least a few of them.

19 First, I want to thank John Martin and  
20 Bill Kuntz. As you heard, John hired me into  
21 the U.S. Attorney's office, and I was so  
22 fortunate that he did that. In the office, I  
23 worked with superb lawyers and made lasting  
24 friendships. And when I was able to join John  
25 on the Southern District bench years later, it

2 was such an honor to become his colleague. He  
3 was enormously helpful to me. I remember my  
4 first criminal trial. I was a brand new judge,  
5 and the defense attorney was giving me a hard  
6 time. The defense lawyer kept saying: "The  
7 government knows this is your first criminal  
8 trial and is trying to take advantage of you."  
9 So I called up John, and I said, "What should I  
10 do?" John said, "Tell him to bring his  
11 toothbrush the next morning, because if he keeps  
12 it up, you're going to hold him in contempt and  
13 throw him in the MCC!"

14 We've known Bill and his family since  
15 Paul and Will were in the Old Twos in preschool.  
16 The boys became best friends and the Kuntz and  
17 Chin families have been close ever since. Bill,  
18 Alice and Will, Katie and Lizzie have been such  
19 good and kind friends to us over the years,  
20 particularly when we needed their friendship the  
21 most.

22 I am grateful to both John and Bill,  
23 not just for their remarks today, but for being  
24 such great friends over the years.

25 There are many others to whom I am

2 deeply indebted. As a law student, and later as  
3 a law clerk, I saw justice in action in Judge  
4 Henry Werker's courtroom. I saw how he ran his  
5 courtroom with a firm and fair hand. It was  
6 because of him that I first wanted to be a  
7 judge, and he shaped my first ideas of what a  
8 judge should be.

9         At Davis Polk, I learned about  
10 excellence and how to write a brief. In fact, I  
11 remember getting feedback from Jimmy Benkard on  
12 the first brief that I wrote as a young  
13 associate. Jimmy said it was written "too much  
14 like a judicial opinion."

15         (Laughter)

16         At the U.S. Attorney's Office, I  
17 learned to be a complete lawyer, as I tried  
18 cases and argued appeals, and, more importantly,  
19 I learned about doing the right thing.

20         At Campbell, Patrick & Chin I had  
21 great fun with Michael Patrick and Susan  
22 Campbell. It was exciting being in our own law  
23 firm trying both to practice law and to run a  
24 business. We even had tee shirts made up that  
25 said on the front: "You don't know what trouble

2 you're in until you call" -- and on the back it  
3 said -- "Campbell, Patrick & Chin."

4 (Laughter)

5 We were partners in a law practice,  
6 but we shared so much more.

7 At Vladeck Waldman, I had the honor of  
8 working with the great Judith Vladeck, and other  
9 superb lawyers. I saw how hard she fought to  
10 help others, and I saw her doing it with such  
11 grace and elegance.

12 I would be remiss if I did not mention  
13 Fordham Law School. As a student, Joe  
14 McLaughlin was the Dean, and I studied evidence  
15 with him. You can imagine how proud I felt many  
16 years later, when sitting by designation in the  
17 Second Circuit for the first time, I sat with  
18 Joe McLaughlin. It was really hard to believe  
19 -- there I was sitting in Second Circuit with  
20 the great Joe McLaughlin. As I started teaching  
21 legal writing and otherwise getting more  
22 involved in Fordham, I got to work with, and  
23 learn from, wonderful and caring people, like  
24 John Feerick and Bill Treanor and others.

25 For more than 15 years, I have had the

2 privilege of working alongside a group of  
3 wonderful, dedicated judges, in the Mother  
4 Court, the Southern District of New York. It  
5 was such an honor to join them after I had been  
6 appearing before the judges over the years. But  
7 it was not just the judges who made the court  
8 such a special place. It was also the support  
9 staff: From the mail room and computer staff to  
10 the marshals and CSOs, to the docket clerks and  
11 court reporters. And it was also the  
12 prosecutors who cared so much about doing the  
13 right thing, as well as the defense lawyers,  
14 including Peter Quijano, who eventually became  
15 not only a great friend of mine but a running  
16 partner.

17 I have had wonderful law clerks over  
18 the years. They really are family to me. I  
19 would have been lost without them, and, without  
20 doubt, they've helped me to be a better judge.  
21 There is a rumor out there that I make my law  
22 clerks run with me. Well, it's true.

23 (Laughter)

24 We have early morning runs once a  
25 week. The runs not only have helped us keep in

2 shape physically, but they've been good for our  
3 minds and spirits as well.

4         There is one sad aspect to my moving  
5 on to the Court of Appeals, and that is I am  
6 unable to take my deputy clerk, David Tam, with  
7 me.

8         (Applause)

9         Dave was with me right from the  
10 beginning. We started together in 1994, and we  
11 spent countless hours together in my courtroom.  
12 My chambers were always well treated by everyone  
13 else in the courthouse because everyone in the  
14 courthouse had, and still has, such high regard  
15 for Dave. I will miss him.

16         I want to thank also President Obama  
17 for having the confidence in me to appoint me to  
18 this great Court. I also want to thank Senator  
19 Schumer and his staff for their support, as well  
20 as the lawyers of the Department of Justice and  
21 the White House for helping me through the  
22 seemingly never-ending process. The day before  
23 my judiciary committee hearing, there were seven  
24 White House and Department of Justice lawyers  
25 conducting a practice session, a moot court, in

2 essence, and they were firing questions at me,  
3 pretending to be senators. It had been such a  
4 long time since I found myself on the receiving  
5 end of questions. And I found myself doing  
6 things that I hate when lawyers do them -- like  
7 not answering the question.

8 (Laughter)

9 I want to recognize and acknowledge  
10 the National Asian Pacific American Bar  
11 Association, the Asian American Justice Center  
12 and the Asian American Bar Association of New  
13 York. In particular, I am indebted to John Yang  
14 and Vincent Eng, who provided me with so much  
15 guidance and support.

16 When I was appointed to the District  
17 Court in 1994, there were only four Asian  
18 American Article III judges on active status in  
19 the entire country. As recently as 2006, we had  
20 only six active Asian American federal judges.  
21 Now we have eleven, with several more  
22 nominations pending, largely through the efforts  
23 of John, Vincent and others who have worked  
24 tirelessly to achieve greater diversity on the  
25 federal bench.

2           We have made much progress, and I am  
3 so proud of all that NAPABA and the Asian  
4 American community have accomplished. I am  
5 honored to be joined here this afternoon, for  
6 example, by:

7           John Liu, Comptroller of the City of  
8 New York.

9           Ivan Fong, General Counsel of the  
10 Department of Homeland Security.

11          Don Liu, General Counsel of Xerox.

12          Karen Narasaki, Executive Director of  
13 the Asian American Justice Center.

14          Preet Bharara, our U.S. Attorney for  
15 the Southern District of New York.

16          Judge Kiyō Matsumoto, of the Eastern  
17 District, whose parents survived the Japanese  
18 internment camps. Just look at the progress we  
19 have made.

20          Bill talked a little bit about the  
21 significance of my appointment to the  
22 Asian-American community. I wanted to add a  
23 personal perspective. With the Madoff case and  
24 my nomination and confirmation, there have been  
25 many articles about me in the Chinese

2 newspapers, many photographs. My mother, upon  
3 reading these articles, said that she did not  
4 know I was so smart.

5 (Laughter)

6 But as I walked through Chinatown  
7 recently, random strangers have come up to say  
8 that we are all so proud of you. In the  
9 playground at Columbus Park when we are out  
10 there to play basketball, the elderly Chinese  
11 ladies come up to me and ask if they can have a  
12 photograph taken with me. The folks who  
13 practice tai chi -- we used to have turf battles  
14 with them over the court -- now offer me tea and  
15 cookies.

16 (Laughter)

17 So my appointment has been important  
18 not just to lawyers, politicians, and bar  
19 associations, but also to ordinary people -- the  
20 people who work in Chinatown, the people who sit  
21 in Columbus Park, the people who wait on tables  
22 the way my grandfather did.

23 We are delighted to be joined here  
24 today by many family and friends, including my  
25 sister and brothers; the Brockis, our friends

2 with whom we share 55 acres of woods and two  
3 ponds in upstate New York, the Schaub from  
4 Florida, who are representing our dear Uncle  
5 Tommy. I also want to recognize four young men  
6 -- Haru Coryne, Lucas Haralson, Peter Rominger,  
7 and Luke Shapiro -- and congratulate them for  
8 graduating from Packer Collegiate Institute last  
9 week. They've been such good friends to us.

10 Let me say a few words about the rest  
11 of my family.

12 You heard the story of my grandfather,  
13 of how he came here as a young man to live and  
14 worked hard to bring the rest of us here. When  
15 I was younger, and my grandfather was alive, I  
16 surely did not think of him as a hero or a  
17 trailblazer. After all, I thought, he was just  
18 a waiter in Chinese restaurants. It was only  
19 later that I came to realize how much he did for  
20 me and my family, and it was only later that I  
21 came to realize that he was very much a hero,  
22 very much a trailblazer, as he worked so hard,  
23 day in and day out, to make a better life for  
24 his family.

25 We recently did an oral history with

2 my father and mother, and the grandkids  
3 participated. We asked my parents to tell us  
4 about the old days, and we tape-recorded the  
5 conversation. I am so glad we did that, as we  
6 were able to capture some of their story. They  
7 worked so hard, under difficult conditions, and  
8 persevered. Their love for us and their hard  
9 work have led directly to this great occasion  
10 today.

11 Finally, to the loves of my life,  
12 Kathy and my sons, I simply say: Thank you.

13 When I was appointed 15 years ago and  
14 about to become a judge, I got great advice from  
15 Debbie Batts, who had been a judge for all of --  
16 three months.

17 (Laughter)

18 Debbie said to me, "Get yourself two  
19 robes. In case you spill coffee on yourself."

20 (Laughter)

21 I don't know if she was talking from  
22 personal experience or what, but I listened to  
23 her, and I got two robes. I was glad I did.  
24 Not because I ever spilled coffee on myself, but  
25 because I got so much use out of my robes, both

2 of them. After fifteen years, they were  
3 starting to become tattered and threadbare.

4         So, last fall on the occasion of my  
5 fifteenth anniversary on the bench, my law  
6 clerks bought me a new robe. I saved it for  
7 today, and I'm wearing it now for the first  
8 time.

9         I will wear it proudly as I embark on  
10 this new phase of my career. I loved being a  
11 trial judge. I loved the excitement of the  
12 courtroom, the action and drama of a good trial,  
13 the interaction with counsel, the ability to  
14 write on issues of importance, and the  
15 independence. I will miss it.

16         I look forward to working with my new  
17 colleagues. They have been so welcoming, and I  
18 have learned so much from them already. I look  
19 forward to the opportunity to be more  
20 reflective, perhaps to have more of an impact,  
21 and to keep doing all that I've been doing --  
22 and more.

23         Thank you very much.

24         (Applause)

25         CHIEF JUDGE JACOBS: Thank you for

2 those remarks. Judge Chin will welcome family,  
3 friends and invited guests at a reception on the  
4 eighth floor immediately following this session  
5 of Court.

6 The purpose for which we are gathered  
7 having now been accomplished, this Court is  
8 adjourned sine die.

9 Ms. Wolfe, please adjourn the Court.

10 CLERK OF COURT: Court stands  
11 adjourned.

12 (Adjourned sine die)

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