Re: Nomination of Donald K. Tamaki for the 2020 ABA Spirit of Excellence Award

Dear Commissioners:

The National Asian Pacific American Bar Association (NAPABA) proudly nominates Donald K. Tamaki for the 2020 ABA Spirit of Excellence Award.

NAPABA is the national bar association representing the interests of over 50,000 Asian Pacific American attorneys, judges, law professors, and law students. Founded in 1988, NAPABA represents more than 80 national, state, and local bar associations. Through our national network of committees and affiliates, NAPABA provides a strong voice for the increased diversity of the federal and state judiciaries, advocates for equal opportunity in the workplace, works to eliminate hate crimes and anti-immigrant sentiment, and promotes the professional development of people of color in the legal profession.

NAPABA leaders appreciate the significance of the Spirit of Excellence Award, whose past honorees have included some of the most accomplished and dedicated individuals in the legal profession. NAPABA carefully selects its nominees for the award through a process that involves outreach to the general NAPABA membership to solicit recommendations for prospective nominees, consultation with the NAPABA President and Executive Director, and discussion and review by an awards committee that includes active ABA members and past members of the ABA Commission on Racial and Ethnic Diversity in the Profession. Through this rigorous process, Donald K. Tamaki was selected to be NAPABA’s nominee this year.

It is with great pleasure and a profound sense of honor that NAPABA supports the nomination of Donald K. Tamaki for the 2020 ABA Spirit of Excellence Award. As a mentor and role model, Don has directly and positively impacted the lives of countless diverse lawyers and law students. As an advocate and community leader, his work to overturn Fred Korematsu’s wartime incarceration conviction uncovered one of the most grievous civil rights errors in our nation’s history. His work paved the way for the reparations for the Japanese Americans who were incarcerated by the U.S. Government solely based on their race during World War II.

During a career that has spanned more than four decades, Don has served in a variety of roles including a legal nonprofit executive director, a founder of a legal services organization, a founder of a highly successful law firm, and a leader in the legal and greater community. Throughout it all, Don has guided and supported lawyers of color and provided them with the motivation to persevere and the
opportunities to succeed. He is one of those rare individuals who has been able to overcome humble beginnings to navigate his own course, while paving the way for others.

Donald K. Tamaki’s Record of Professional Excellence

For more than 40 years, Don has consistently demonstrated professional excellence and broken through glass ceilings to reach the heights of success in the legal profession.

As a founding partner of Minami Tamaki, one of the Bay Area’s first minority-owned law firms, Don is a leading attorney in San Francisco specializing in value-driven legal counsel to entrepreneurs, privately-held companies, and nonprofit corporations, with special focus on commercial leasing, personnel and employment law, corporate governance and other internal practices, licensing, acquisition, and other business transactions.

Don has extensive experience negotiating talent agreements and endorsement deals, representing Olympic ice-skating gold medalist Kristi Yamaguchi, and television network anchors and reporters including Carolyn Johnson, Kristen Sze, Mike Nicco, Carolyn Tyler, Lyanne Melendez, David Louie, Matt Keller, and Jonathan Bloom.

For 16 consecutive years, Don has been selected to Northern California Super Lawyers, and has received the highest rating for competency and ethics, AV® Preeminent™, from the Martindale-Hubble Attorney Directory.

Don has a strong commitment to pro bono and community service. He served on the pro bono team that reopened the landmark Supreme Court case of Korematsu v. the United States, and overturned Fred Korematsu’s conviction for refusing as an American citizen to be incarcerated on account of his racial ancestry. Don is past member of the board of Glide Foundation and is the board president of the San Francisco Japantown Foundation. He was a recipient of the State Bar of California’s Loren Miller Legal Services Award, the highest recognition given by the state bar for demonstrated long-term commitment to legal services and has engaged in significant work extending legal services to the poor.

Don’s record of professional excellence is not limited to his work in private practice. Immediately, after law school, he served as a Reginald Heber Smith Fellow to serve the community as a poverty lawyer. As a “Reggie” assigned to San Jose, California, he helped found and staff the Asian Law Alliance (ALA) to provide legal services to the underserved Asian American community. Today, ALA continues to provide a broad range of services to the Asian and low-income community of Santa Clara County in landlord-tenant, housing, immigration, employment discrimination, and civil rights law.

After three years with ALA, Don served as Executive Director of the Asian Law Caucus, a premier legal organization serving Asian American populations. He established the ALC’s core services, which it continues to provide today.
Donald K. Tamaki has Served as a Role Model in Overcoming Hardships and Achieving Excellence in the Legal Profession

In preparation for this nomination, we interviewed several of Don’s colleagues. Many recounted first meeting Don in college when he was a student at Berkeley and cofounder of East Bay Asians for Community Action (EBACA). EBACA was founded by Don and a group of fellow college students from Oakland to serve the Oakland Asian, and primarily Chinatown, community by developing leadership among Oakland Chinatown youth. Although Don and his fellow students originally focused on creating summer youth programs for Chinatown immigrants and gang members, they explored other issues facing the community such as lack of access to healthcare. Don wrote the first grant proposal to fund EBACA’s healthcare program, which became Asian Health Services (AHS). Now, forty years later, AHS is a nationally recognized provider of community health services.

The wellspring that fed Don’s passion for community legal services throughout his career might, at first blush, seem related to his family history: his Japanese American parents were both forcibly removed, and then incarcerated, during World War II at the Topaz internment camp in Utah, one of the ten concentration camps in which Japanese Americans were unconstitutionally held for the crime of “looking like the enemy.” His parents met there, and after World War II, returned to Oakland where Don’s father worked as a pharmacist for the Veterans Administration. But typical of returning Japanese American internees, they never spoke about their internment experience out of a sense of shame. While his family history may have fueled his commitment to social justice, it was not the spark that ignited it.

In the very early 1970s, on the heels of the Civil Rights Movement, Asian Americans had just begun to find their identity as individuals and as a community. Don was a pioneer in the Asian American community who helped blaze a trail of activism and community service. He helped create the notion of Asian Americans in, and for, community service. He was, and still is, the role model for what that service could be for countless Asian American and minority lawyers since. Don created a mold for what an Asian American lawyer could accomplish through direct legal services and activism.

Donald K. Tamaki is a Champion of Racially and Ethnically Diverse Individuals to Pursue and Succeed in Legal Careers

Don has sustained a rapid pace throughout his career in both his practice and community service and activism. Don has been the managing partner of Minami Tamaki since 2003, and since then, the firm has continued to build its reputation as one of the Bay Area’s premier minority-owned law firm and was named the inaugural Asian Pacific American Law Firm of the Year by NAPABA. The firm’s work has been spotlighted in both mainstream and legal publications including *The New York Times, Washington Post, Daily Journal,* and *The Recorder*. Keeping with its roots, Minami Tamaki has continued its commitment toward diversity by hiring dozens of minority and female attorneys. Minami Tamaki currently has fourteen lawyers, several of whom have also been named Super Lawyers.

As his firm’s managing partner, Don has also championed the cause of diversity in the legal profession not only through his long-standing progressive hiring approach and family-friendly and pro bono community service policies, but also through his constant support for local minority bar associations like the Asian American Bar Association of the Greater Bay Area. He, and other Minami Tamaki lawyers, are leaders in these bar associations, often serving as sponsors and keynote speakers at their events.
Minami Tamaki is also renowned for its annual dinner for Berkeley Law students where it awards fellowship grants and honors to outstanding Berkeley Law alumni who have made a difference through providing legal service to the community.

Don’s devotion to legal services and social justice has involved him in many high profile, and even landmark cases, most of which he handled on a pro bono basis. A sampling of a few of them over the years are illustrative of their range and significance. In each case, he worked to create opportunities to encourage racially and ethnically diverse individuals to pursue and succeed in their legal careers.

a. Korematsu Coram Nobis—In Korematsu v. United States, Fred Korematsu was arrested for refusing to comply with the now infamous World War II Executive Order 9066 that required Japanese Americans to report for internment. The Supreme Court case was based upon government misconduct and false statements by the United States government that there was a “military necessity” for these incarcerations. Later suppressed evidence showed that FBI and military intelligence reports concluded that Japanese Americans posed no such threat and affirmed their patriotism as loyal Americans.

It was on this evidence forty years later after the Supreme Court case, that from 1983 to 1985, Don who was only a few years out of law school, became one of the lead attorneys of a team of Asian American lawyers who successfully overturned the wrongful conviction of Fred Korematsu. Don believed it was important that Fred Korematsu was represented by Asian American attorneys. He worked to provide opportunities for other Asian Americans attorneys and law students to participate on the Coram Nobis cases, including then law student Karen Narasaki, who was the 2005 recipient of the ABA Spirit of Excellence Award.

The overturning of Korematsu became national news and Don’s work on this case was featured on major news outlets, including 60 Minutes. The Korematsu case also continues to reverberate today, particularly with respect to the Trump Administration’s claims that its discriminatory immigration policies are justified based on national security. In fact, Don was part of the legal team that filed an amicus brief on the behalf of the children of Korematsu, Hirabayashi, and Yasui against the Trump Administration’s policies in Trump v. Hawaii.

Don’s work on Korematsu continues to serve as inspiration for the creation of social justice legal centers at many law schools as well as the Fred T. Korematsu Institute, led by his daughter Karen Korematsu, which is dedicated to disseminating the lessons of the internment and the advancement of racial equality, social justice and human rights.

b. Patrick Hayashi Baseball Case—On October 7, 2001, San Francisco Giants slugger Barry Bonds hit a home run that broke the Major League Baseball record for single season home runs. The baseball Bonds hit to break the record was expected to be worth as much as $1.5M. When it landed in the stands, the ball initially hit the glove of a fan named Alex Popov, but Popov was unable to hold onto it during the ensuing chaotic scrum of spectators, and it ended up in the possession of Patrick Hayashi, another fan and third-generation Japanese American. Popov believed the ball belonged to him, and when Hayashi refused to turn it over to him, Popov sued. The case turned into a media circus (and later was the subject of a documentary of the case called Up for Grabs) in which Popov became a media star and used the media to bash and bully
Hayashi. Dismayed by the racist overtones of the case and its impact on the Asian American community, Don along with another Asian American lawyer, Michael Lee, stepped in to serve as counsel to Hayashi and represented him at a high-profile trial. The court ordered the parties to sell the ball and split the proceeds. The ball was sold for $450,000, which after legal fees would have left Hayashi with nothing. Don and Michael agreed to waive most of their fees. As a result, a Bay Area sportswriter named them her Sportsmen of the Year.

Donald K. Tamaki Has Opened Doors, Broken Down Barriers or Otherwise Promoted the Full and Equal Participation of Racially and Ethnically Diverse Individuals in The Legal Profession

NAPABA has long recognized Don for his contribution for opening doors, breaking down barriers and promoting the full and equal participation of racially and ethnically diverse individuals in the legal profession.

In 2003, NAPABA awarded Don its Trailblazer Award, the organization’s highest honor, which recognizes the outstanding achievements, commitment, and leadership of lawyers who have paved the way for the advancement of other Asian Pacific American attorneys. Trailblazers have demonstrated vision, courage, and tenacity in their practice. They have also made substantial and lasting contributions to the Asian Pacific American legal profession, as well as the broader Asian Pacific American community. As a co-founder of one of the first minority owned firms in the San Francisco bay area, Don has instilled a strong firm culture of diversity and opportunities for Asian Americans attorneys to lead on issues of matters of importance.

In 2018, NAPABA awarded Don, along with 2019 ABA Medal awardee Dale Minami, and Karen Korematsu its President’s Award for their exceptional commitment to NAPABA, the legal community, and the broader Asian Pacific American community. Specifically, for his work on the Stop Repeating History campaign, which works to educate the public about the Japanese American incarceration during WWII and the present-day dangers of similar policies targeting individuals based on race, national origin, or religion.

While Don will always be known for his work on Korematsu, his recent work on In re Sergio C. Garcia on Admission, exemplifies his dedication to opening doors and breaking down barriers for full and equal participation of racially and ethnically diverse individuals in the legal profession where he worked to get a “Dreamer” the right to be admitted to the California State Bar. (see next section).

Donald K. Tamaki Has Supported Racially and Ethnically Diverse Lawyers From Racial and Ethnic Groups Other Than His Own

Don’s work to mentor and support the next generation of lawyers has positively impacted diverse law students and attorneys from racial and ethnic groups other than his own. Don has mentored law students and lawyers from all backgrounds, and he has changed the lives of many diverse students and lawyers beyond just those in the Asian Pacific American community. There are two recent examples of Don’s work on supporting other racial and ethnic groups.

a. In Re Sergio C. Garcia on Admission (Latinx)—In 2014, the California Supreme Court ruled that Sergio Garcia, a “Dreamer” who was brought to the United States by his undocumented
immigrant parents when he was 17 months old, and earned a law degree and passed the California State Bar Examination and moral character check, could be admitted to the California State Bar. Don and his firm Minami Tamaki were among the lawyers representing the Committee of Bar Examiners of the State Bar of California with respect to the Bar’s recommendation to the high Court that Garcia be allowed to become a lawyer. Like Korematsu, the results of this decision continue to reverberate today.

b. Stop Repeating History Program (Muslim and immigrant communities)—As noted earlier, the Korematsu Coram Nobis case continues to be relevant for many of its team members, including Don. The Stop Repeating History campaign is a project initiated by the Minami Tamaki firm’s charitable foundation, the MTYKL Foundation, of which Don is a lead director. Don has focused much of his energy over the last two years on this campaign, which educates the public about the dangers of unchecked presidential power, drawing parallels between the incarceration of Japanese Americans during World War II and the current administration’s policies targeting minority groups based on race or religion – initially focused on the Muslim Travel Ban and now on the Census Citizenship question and the chilling effect it will have in minority and immigrant communities. Notably, consistent with the Stop Repeating History theme, the Census was used illegally during World War II to target, gather, and incarcerate Japanese Americans. Don has spoken at dozens of events from coast to coast this past year on behalf of the project, and also through collaboration with minority bar associations and faith-based organizations throughout the country in order to engage, empower, and showcase their leadership.

c. Litigation Trainer for new attorneys—Don served as a litigation trainer for new lawyers awarded Reginald Heber Smith Fellowships to represent the poor in both urban and rural areas all over the U.S. Most “Reggies” were African American, Latino, and White with a few Asian Americans.

Donald K. Tamaki’s Service and Work in the Community

Don has a long history of service and work in the community. As noted earlier, in college Don was cofounder of East Bay Asians for Community Action (EBACA) and after graduation, he helped found and serve as an attorney for underserved and low-income communities at the Asian Law Alliance (ALA).

During law school, Don was an instructor in Asian American history at Berkeley and as a volunteer legal intern for a then fledgling community legal services organization called the Asian Law Caucus (ALC). The mission of the ALC was to provide free and low-fee services to low-income, immigrant, and senior members of the Asian community.

Don’s personal commitment as an individual to community service also benefits the nonprofit and community organizations on whose boards Don has served and led. This includes the Glide Foundation, a world-renowned social justice movement, social service provider, and spiritual community dedicated to strengthening communities and transforming lives in San Francisco’s poverty-stricken Tenderloin neighborhood.

Another community organization that has benefited from Don’s passion is the San Francisco Japantown Foundation, whose mission is to support cultural, community and educational activities for San Francisco Japantown by preserving and honoring its history and heritage while engaging Japanese of all
generations and all experiences. Don and his firm helped found this organization in 2007, and as its board president he’s raised over $800,000 to support its programs.

Most recently, Don was the keynote speaker at the 19th Hmong National Development Conference, held April 19-21, 2019.

Don is a minority attorney role model, a leader in promoting the value of diversity, and a champion and indefatigable provider of legal and nonlegal services to underserved and low-income minority communities.

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For the many foregoing reasons, the National Asian Pacific American Bar Association proudly and wholeheartedly nominates Donald K. Tamaki for the American Bar Association 2020 Spirit of Excellence Award.

Sincerely,

Daniel Sakaguchi
President
National Asian Pacific American Bar Association

Tina Matsuoka
Executive Director
National Asian Pacific American Bar Association