

LIFE IS NOT LINEAR: AN INTERVIEW WITH ATTORNEY KAT CHOI OF ASIAN AMERICANS ADVANCING JUSTICE-LOS ANGELES

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This is the third in a series of interviews with attorneys who are pursuing social change through their work. This conversation is between Victoria Yee and UCLA Law alumnus Kat Kwi-Hyang Choi, a staff attorney with Asian Americans Advancing Justice – Los Angeles’ Impact Litigation Unit (Advancing Justice).¹

VICTORIA: Could you tell me a little bit about yourself?

KAT: I was born and raised in South Korea, and from age 11 until 17, I lived in Vancouver, Canada. This experience helped develop my identity as an immigrant youth. When I was a freshman in high school, my family decided to move back to Korea, and it was a lot harder than I expected to reintegrate. I was exposed to two worlds: one where my identity was a constant question, and another where I did not have to think about it. This shaped my consciousness as an immigrant youth, and later as a woman of color.

VICTORIA: How did you get involved with public service?

KAT: My dad was a police officer for most of his life in South Korea while the country was going through military dictatorship. He remained a straight police officer—a rare breed in those days. I vividly remember my mom getting into occasional arguments with him because she was tired of not having enough money to feed me and my brother while his fellow officers pocketed enough money to buy multiple houses. Although my family never had enough, I don’t think I understood how poverty and inequality affected people in a structural and systematic way until I went to college in Korea. In college, I spent three years working with local communities in the nearby slum to help them get access to public resources and to organize their voice to demand that the city improve housing, services and education in the area.

After college, I was initially interested in a career in international development, and went to UC San Diego to get a master’s degree in management. I

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1. Kat Choi is a staff attorney at Asian Americans Advancing Justice - Los Angeles, one of five organizations under the Asian Americans Advancing Justice umbrella. Asian Americans Advancing Justice - Los Angeles is the nation’s largest legal organization serving Asian Americans, Native Hawaiians, and Pacific Islanders. See <http://advancingjustice-la.org/>. Kat obtained her J.D. from UCLA Law in 2015 with a concentration in the David J. Epstein Program in Public Interest Law and Policy.

quickly realized that a career in international development would likely require an advanced degree in statistics or economics and fluency in French—both of which I did not want to pursue. So, I had to switch my focus to work with U.S.-based nonprofit organizations. This is a perfect example of a person going into one field expecting one thing, but finding another.

Then, a friend from my graduate school forwarded me a job opportunity at the Korean American Resource and Cultural Center (KRCC). I didn't even realize that the position was in Chicago until I was invited for a phone interview. When I got the offer, I decided that moving cross-country wouldn't be so bad. For the next nine years, I worked with KRCC as a Youth Program Coordinator, a Program Director, and as an Associate Director.

In 2006, we started a three-year campaign called "Workplace Justice," where we conducted the first workplace needs assessment study of the Korean American community in the greater Chicago area. We spent the first year conducting the study. Then, in the second and third years, we worked with pro bono attorneys and clinics in the greater Chicago area to respond to its results by developing an immigrant workers' hotline, educating workers and business owners about workplace issues through workshops and the production of educational materials, and building solidarity between Korean, Latino, and African American workers. We were also active in passing state legislation to establish more efficient enforcement for wage theft cases.

Through this campaign, I worked with a number of attorneys who practiced employment and labor law in Illinois. A few things stuck out in my mind. First, the attorneys' lack of linguistic and cultural competency made our clients' access to legal services much harder. Second, there was a dearth of Korean-speaking employment lawyers representing low-wage workers. Third, despite years of legislative advocacy expertise at the state and federal level, I still lacked the faculty to read and interpret laws, which is an important skill for a community advocate representing low-income immigrants. Finally, I met a lot of attorneys who were simply not very competent, and I felt I could do better. All of these factors motivated me to go to law school and pursue a second career.

VICTORIA: What would you say is a takeaway from your time at UCLA Law?

KAT: Life is not always linear. Not a lot of people do what they first intended to do, and that is perfectly fine. I initially didn't even think about applying to UCLA Law, but a non-lawyer friend suggested that I consider it because UCLA Law has a strong public interest program.

Everything may seem like it worked out as I designed, but most of it I didn't plan. In retrospect, it makes sense, but it may be that I am just good at justifying all my decisions. Sometimes things just work out, even if when it is happening, it feels unplanned or haphazard.

VICTORIA: What was your experience in law school like?

KAT: I did not know much about prestigious clerkships or journals. Honestly, I did not care much. I was in my thirties, and my goal was to go to law school, get my license, and continue the same work I was doing before but with a law license. Having a license would give me more access to the system and knowledge of the rules of the game that I—representing low-wage workers—was forced to follow.

I already had a field of practice in mind—employment law representing low-wage immigrant workers—but did not know all the sectors employment lawyers can work in, including plaintiff-side private law firms, legal service organizations, local and federal departments of labor. During my first summer, I interned for the U.S. Department of Labor, Office of the Solicitor (DOL) in Los Angeles because, as an outsider looking in, I always wondered what the DOL did. Interning at the DOL gave me some sense of how complicated the internal process is. I also realized the work separated me from the communities I hoped to serve more than I would like. Throughout law school, I worked with a lot of different workers' rights organizations, like Los Angeles Alliance for a New Economy², Wage Justice Center³, and the UCLA Labor Center⁴. These groups taught me how to empower workers using both legal and extra-legal tools.

VICTORIA: How did you get involved with Advancing Justice?

KAT: During my 2L year, I did an externship at the Wage Justice Center and worked on a class action misclassification case. Advancing Justice was helping out with the case, and one of the attorneys at Advancing Justice asked me if I had anything planned for the following summer. I did not, and she suggested that I apply to be an intern for Advancing Justice. I had a good summer working there, so during 3L year I applied for a number of fellowships with Advancing Justice. I ultimately received a UCLA Public Interest Fellowship to work with Advancing Justice post-graduation.

I'm still working on the same misclassification case I started working on as an externship student three years ago. My team jokes that I lived many lives with that case: externship student, summer law clerk, clinical student, post-graduate fellow, and now as a staff attorney.

2. Los Angeles Alliance for a New Economy (LAANE) is a nationally recognized leading advocacy organization dedicated to building a new economy for all. LAANE promotes a new economic approach based on good jobs, thriving communities, and a healthy environment. See <http://www.laane.org/>.

3. The Wage Justice Center fights for economic justice in California's working communities by providing legal representation to low-income workers facing wage theft and educating workers, advocates, and other legal service providers about effective strategies to collect unpaid wages. See <http://wagejustice.org/>.

4. The UCLA Labor Center believes that a public university belongs to the people and should advance quality education and employment for all, and pursues this goal by bringing together workers, students, faculty, and policymakers to address the most critical issues facing working people today. See <http://www.labor.ucla.edu/>.

VICTORIA: What are you currently doing at Advancing Justice as a staff attorney?

KAT: I do mostly wage and hour cases, as well as some discrimination and retaliation cases. I try to help individual clients by guiding them through the administrative process. I also help with bigger cases where more than one attorney is assigned to the case. I am currently the only Korean-speaking attorney in the litigation unit, and I tend to get more of the Korean-speaking clients. Overall, it's a combination of individual advocacy, helping on class action lawsuits, and assessing potential cases. Right now, I have five to seven wage theft cases going through various stages of administrative review, two sexual harassment cases, two retaliation cases, and several new cases to assess every week.

VICTORIA: What is the most challenging aspect of your job?

KAT: Managing client expectations, and helping them to understand that the process can be very long. There are loopholes in the legal system, and defendants may be judgment proof, which would prevent our clients from collecting any money. Even if the client does recover something at the end of the case, it still may not be full compensation based on what the client had to go through.

Managing your own expectations is also a challenge. Sometimes you look at a case and think that certain aspects might take more or less time. However, many times the case will not go the way you anticipate. Even if you do your due diligence, there are always surprises. Lawyers tend to be perfectionists, but you can't always be 100% prepared, and you need to be alright with that.

VICTORIA: What are skills that good lawyers need?

KAT: Tenacity and having a good sense of timing. Of course, knowing procedure and black letter law is important, but tenacity and timing comes with experience. In any case, there are critical junctures where if you strike at that point, you might be more effective. For example, at these critical points, the defendant may be more open to negotiation. Knowing when is a good time to move forward and when to pull back is more of an art than a science.

VICTORIA: If you could go back, what advice would you give before starting your job as an attorney?

KAT: Because I was a community organizer, I was used to having multiple things happening at once and managing a hectic timeline. I thought that I was ready to deal with anything as a junior attorney. Boy, was I surprised. I am not easily rattled, which is helpful because clients can be affected by your emotions, or opposing counsel can use your stress to their advantage. But we are only human, and we will get disappointed. I meditate, which helps me focus and not internalize negative emotions.

VICTORIA: What sort of bias or discrimination have you encountered in the legal profession?

KAT: In the legal profession, whether it is implicit or explicit, there are stereotypes about being an immigrant woman of color. There are also stereotypes that a legal services lawyer is not being as good as a big law attorney or not as hard

working. Some of our clients have internalized these stereotypes. For instance, they might not question my advice if I was a white male from a private law firm.

I try to overcome these stereotypes by doing my best, and in doing so, earning their respect. With opposing counsel, I tend to act more aggressively because they usually don't seem to expect it from me. So far, asking opposing counsel nicely has not gotten me very far, while being more aggressive has gotten me more favorable results.

VICTORIA: How do you measure success in your work?

KAT: I consider myself successful when I can help clients win compensable damages. Using the legal process to help people recover unpaid wages is something that legislation by itself cannot do. Even if helpful laws get passed, if there's no public or private enforcement, not many people will voluntarily abide by them.

Someone told me this example about wage theft: people generally think that shoplifting needs to be punished. You've taken someone else's property, and business owners can call their private security or the police to come and punish the shoplifter. However, when employers steal their employee's labor, because the labor gets construed as "intangible services," it's not punished in the same way. Wage theft can have a huge negative impact on low-wage workers' lives, even if it is a relatively small amount. For these workers, having \$20 to \$50 less per week due to wage theft can make a world of difference. Not being able to pay for gas to go to work or not being able to pay for medical treatments in time can lead them to lose their livelihood.

VICTORIA: Is there anything else that you would like to add?

KAT: I thought that I knew what I was good at, especially given that I worked about twelve years before law school. However, I'm still learning who I am and what I like. Also, having a positive outlook (of course, being overly optimistic is something to avoid) is important. Winning victories for low-income clients in measurable or non-measurable ways takes a long time and a lot of resources, but being positive can help you stay engaged.