

REAL ESTATE

What I Wish I Knew Then: Judge Denny Chin & Kathy Hirata Chin

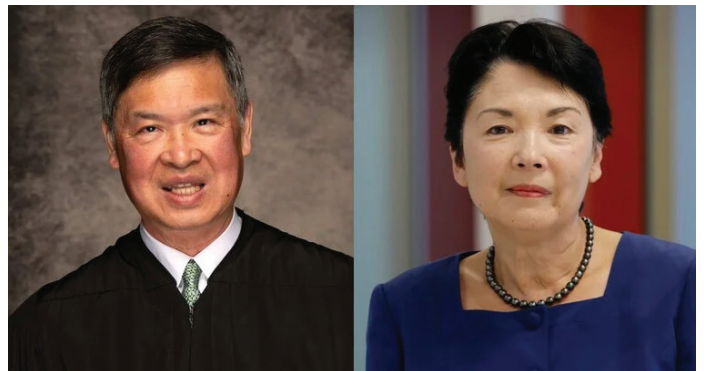
By Steve Cohen and Julia Levi

July 28, 2026

Over the past two decades, Second Circuit Court of Appeals Judge Denny Chin and Kathy Hirata Chin, a retired Big Law partner, have collaborated on a significant educational initiative: producing reenactments of landmark civil rights cases. Their reenactments of cases like *Korematsu v. United States* and the trial of Ethel Rosenberg transform legal education for groups ranging from high school students to attorneys attending professional CLE events.

The Chins, who are married, met as undergraduates at Princeton. Denny went off to Fordham Law School immediately after college, while Kathy worked in the publishing world for two years before attending Columbia Law School. After clerking in SDNY, working at Davis Polk & Wardwell and as an assistant U.S. attorney, co-founding a small firm, and serving as a partner at Vladeck, Waldman, Elias & Engelhard (which specialized in labor and employment law), Denny was appointed to the SDNY bench by President Clinton in 1994. In 2010, President Obama elevated him to the Second Circuit Court of Appeals. Judge Chin took senior status in 2021.

Kathy recently retired from Crowell & Moring, where she was a partner for five years, following 38 years as an associate, partner and senior counsel at Cadwalader, Wickersham & Taft. Kathy has served on the NYC Commission to Combat Police



Judge Denny Chin (L) United States circuit judge for the United States Court of Appeals for the Second Circuit and **Kathy Hirata Chin (R)** former partner at Crowell & Moring and at Cadwalader, Wickersham & Taft.

Corruption and the NYC Planning Commission, as well as on various advisory councils, screening committees and boards of not-for-profit organizations. She was nominated three times for appointment as a judge on New York's highest court, the Court of Appeals.

This interview focused on the case reenactments the Chins have done together: their production process, challenges they have experienced, and what they've learned about specific cases and their audiences. They emphasized that one of the best parts of doing these reenactments is collaborating with different teams to research and craft the scripts. Most often, they work with a team of attorneys and judges from the Asian American

Bar Association of New York (AABANY). They ended our conversation by giving some insights and advice for young attorneys.

In The Chins' Own Words

Reenactment Case Selection and Production

We focus on choosing historic cases that raise issues that are still relevant today. After selecting a case, we work with a team to conduct research in preparation for writing the script. We work from court transcripts of the case if they exist. But often, we have to rely solely on contemporaneous newspaper articles or other legal documents to create a coherent and credible script. The reenactments are presented at legal conferences or in courthouses or law firms, and we usually have judges and lawyers performing the various roles. Occasionally, we've had professional actors involved, and sometimes students take on the challenge. The words actually spoken in court or written in court opinions and briefs are interspersed with narration that we write. Groups that want to use the reenactments have a fair amount of flexibility in making them work for their audience, although each script includes some stage directions. Sometimes a group will just take turns reading the script aloud in a small gathering, without a stage or players for the different parts. We usually follow the reenactment with a discussion and Q&A with the audience. We make our scripts available for others to present. The AABANY scripts are available on the AABANY website.

As we're creating a reenactment, we tend to focus on the things that still resonate today. As a result, some reenactments have been performed or requested more than others due to current events. For example, we have performed our reenactment of the Vincent Chin trial—which occurred after Chin was beaten into a coma by two auto workers in 1982 and died two days later—more than 30 times. It drew particular interest as the country experienced a rise in anti-Asian violence during the COVID pandemic.

If there have been recent developments that impact a case, we adjust the script accordingly. For example, in 2018, we had to rewrite the ending of our reenactment of *Korematsu v. United States*—the

case addressing the internment of thousands of Americans of Japanese descent during World War II—because the Supreme Court overruled it in the *Trump v. Hawaii* travel ban decision. Similarly, for our reenactment of *United States v. Wong Kim Ark*, the 1898 case establishing birthright citizenship, we had to update the original script, first performed in November 2025, to reflect developments in the Supreme Court proceedings triggered by President Trump's attempt to abolish birthright citizenship.

Challenges We Face in the Production Process

It is easiest to write a script when there is a transcript of the trial; trials are courtroom dramas, courtroom theater unto themselves. But occasionally there is no trial transcript. And finding the right materials to serve as the basis for a script becomes a real challenge. When someone suggested we reenact the 1980s case *Vietnamese Fishermen's Association v. Knights of the Ku Klux Klan*, we assumed there would be many transcripts. We were wrong; there was a preliminary injunction hearing, but no complete transcript. But then we found some deposition transcripts, and they were dynamite. For example, the Ku Klux Klan leader was deposed, and not only did he wear his white robe to the deposition, he also wore a gun under his robe. The deposition had to be moved to the courthouse because of safety concerns.

We have needed to be creative in thinking about and tracking down sources that might give us a record and insight into what happened at a trial. We have relied on contemporaneous newspaper articles, briefs, court opinions and letters, as well as books that may have been written by lawyers and scholars.

The challenge arose during AABANY's first reenactment. We wanted to do the Korematsu case as it is perhaps the best-known case in Asian American legal studies. Shockingly, there was no trial transcript even though the case went all the way up to the Supreme Court. We ended up switching to a different internment case, *Yasui v. United States*, because there was a trial transcript. Some 10 years later, Karen Korematsu, the daughter of Fred Korematsu, asked us to reenact her father's case. By then, we had more experience doing reen-

actments, and we were able to craft an effective reenactment even without a trial transcript. We wound up converting affidavits into a Q&A format, rather than just reading them aloud, for greater dramatic impact. When we have to work this way, we describe the process in the script.

Unconventional Reenactments: The Declaration of Independence

Recently, Chief Judge Livingston of the Second Circuit asked us to do a reenactment to celebrate the 250th anniversary of the Declaration of Independence. This was particularly challenging because there is not much material to work with. Unlike the Constitution, there are no cases that directly interpret the Declaration of Independence, beyond referring to it for inspiration. After brainstorming with our team (drawn from the Second Circuit Judicial Committee on Civic Education, the court library and the Staff Attorneys Office) and considering a number of possible cases, we decided to focus on slavery and the idea that “all men are created equal.” John Quincy Adams was prosecuted on the floor of Congress because he kept presenting petitions to abolish slavery. At the time Congress was controlled by the South, and there was a gag order in effect: you weren’t allowed to bring up slavery or the abolition of slavery. Adams kept ignoring the gag order. Adams had also represented the Africans in the Amistad case and he relied on the Declaration of Independence when he argued the case to the Supreme Court.

Happily, the Congressional Record had a verbatim transcript of Adams shouting at the clerk to read parts of the Declaration on the floor of Congress. We combined this scene with a reenactment of portions of the Amistad case along with a look at the handling of the slavery issue in the writing of the Declaration. We end with Lincoln’s Gettysburg Address, in which he draws from the Declaration. Appropriately, we performed this reenactment in one of the trial courtrooms of the Thurgood Marshall Courthouse. We will be performing it again with most of the original cast at the city bar in the fall.

Educational Value of Reenactments

While researching and producing the reenactments, we have discovered many hidden stories.

For example, while working on the Wong Kim Ark reenactment, we learned that the Supreme Court’s 1898 decision establishing birthright citizenship was just the halfway point in Wong Kim Ark’s personal story. Once the court decided that he was a citizen, there were provisions of the law that allowed him to bring his children to the United States from China. Wong Kim Ark attempted to bring four sons to the U.S. He was prevented by the Chinese Exclusion Act from bringing here. His first “claimed” son was not permitted to enter the U.S. because the authorities were not convinced the son was really Wong Kim Ark’s son. Wong Kim Ark did succeed in gaining entry for the other three “claimed” sons, although it was later discovered that one of the sons was not really Wong Kim Ark’s son; he was a grandson.

Both the human and legal aspects of this story resonated personally. My [Judge Chin’s] grandfather came to the United States illegally in 1916. The only way he could get into the country was to pretend he was the son of a U.S. citizen. And he had to leave his wife behind. If you were a spouse of a U.S. citizen, you could be brought to the States only if you were eligible to be naturalized; Chinese and Japanese were excluded from this opportunity under the law because they were not “free white persons,” as the law required. In the process of preparing the Wong Kim Ark reenactment, I [Judge Chin] found that I was learning not only about Wong Kim Ark but gaining a better understanding of my own family history.

Our goal is for the reenactments to encourage thought and conversation. The Wong Kim Ark case is a great example: birthright citizenship is still being debated. And the parallels between the arguments being presented to the Supreme Court back in the late 1890s and the arguments made by the government today are striking. We have tried to tell the story, examine the arguments used back then, both for and against birthright citizenship, and stimulate a discussion about what is happening today.

On a Widening Audience

Originally, our audiences were made up only of lawyers; the reenactments are a great way to earn

CLE credits. But over time, we have been asked to perform the reenactments at law schools, colleges and even at high schools and middle schools. When we performed a reenactment involving Constance Baker Motley—the first Black woman to argue at the Supreme Court—a group of middle school students who periodically visited EDNY Judge Margo Brody joined her and sat in the front. They were fascinated and excited by the performance and ran up to us afterward, eager to talk about it. When performing for younger audiences, our goal is to make the reenactments accessible without watering them down. While younger students don't always understand the law, the reenactments tell compelling stories about the people involved. If we can inspire one of those young kids to think about becoming a lawyer like Constance Baker Motley, we've done our job.

Insights Imparted to Clerks, From Judge Chin

Early on in a hard case, my clerks don't necessarily know where I stand. I typically invite them to give me their recommendation on whether I should affirm or reverse, and I don't always agree with them. Sometimes if I have doubts, I will talk to them, and they might change their mind—or mine.

Oral argument doesn't often change my mind as to the outcome of a case; most cases are not that hard and are decided unanimously. In close cases and in hard cases, however, oral argument may make a difference. The other judges' views also matter, of course, and I don't know where they stand on a case until after oral argument; I may get hints of where they stand during oral argument from their questions, but, more likely, I don't know until after oral argument when we are discussing the case in the robing room. After that conversation, we vote on the case. There may be some cases where I lean one way, but the other two judges lean the other way. Rather than insisting on writing a dissent, I might go along with them, particularly if we decide the case on narrow grounds, or we do so by a nonprecedential summary order. If the issue is important or I feel strongly about it,

I will stick to my guns and dissent. What I hear at oral argument and what the other judges are thinking will impact my decision.

My biggest piece of advice I would impart to law clerks is to think big picture. Quite often, it can be easy for a law clerk or a lawyer to be stuck in the weeds. While you should consider the weeds to some extent, the big picture helps you better understand the case and reach the right results I also like to remind my clerks and law students that whatever you write and submit should be, in your mind, the final product. Of course it will be edited, but you should try to make your submission as strong as you can, instead of thinking of it as a draft.

Advice to Young Associates, From Hirata Chin

It is so important to get up from behind your desk: make time to attend bar association meetings, and to meet people. Associates should start working on finding clients when they first begin working at a firm; don't wait until you are an eighth-year associate to make connections. This applies to law school students, too. Your friends in law school may be your clients someday. And as Denny has remarked previously, getting to know your professors is important, especially if you are thinking of applying for a clerkship.

It is also important as an associate that you keep the partner apprised of where you are on an assignment. Ask questions to be sure you understand the assignment. Remember to do background reading, especially if you are working on a subject matter you have not encountered before. The best associates will do the contextual research, which should enhance the value of your contributions. As the junior person on the team, you may have the most detailed knowledge of the facts and the law and insights that would be valuable to the more senior people who have not dug through all the cases and the transcripts themselves. Above all, try to learn to look around corners and figure out what next steps would be of most value to the client and the team.

Steve Cohen is a founding partner, and **Julia Levi** is a Senior Legal Analyst at Pollock Cohen.