



Tankers battle the BP Deepwater Horizon oil rig explosion, April 2010.

CROSSING A CULTURAL GULF: Helping Vietnamese American Fishermen Navigate Legal Waters

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Mai Phan's call to fellow lawyer Ann N. Nguyen, urging her to enlist in yet another volunteer project, was nothing new. Over the years, the two had volunteered in various capacities with The Bar Association of San Francisco's diversity programs and Volunteer Legal Services Program and with the Vietnamese American Bar Association of Northern California (VABANC). This time, however, their efforts would extend beyond the Bay Area. Their shared mission: to help Vietnamese fishermen access legal resources in the aftermath of BP's devastating oil spill in the Gulf of Mexico.

That uniquely personal mission sent them to the bayou country of Louisiana, Alabama, and Mississippi in June, where they staffed three free legal education clinics for Vietnamese fishermen and took to the airwaves to spread the word that help could be found. The region has a large population of Vietnamese Americans, as many immigrants who came to the United States following the Vietnam War settled along the Gulf Coast to ply their trades.

Phan's trip to the Gulf Coast this year was a homecoming of sorts. Although she has spent the past six years in the Bay Area, her roots are in New Orleans, where she attended Tulane University and Loyola University New Orleans College of Law. When Hurricane Katrina

hit in 2005, it affected her entire family—many of whom still live along the Gulf Coast. Her parents and brother were forced to evacuate, and they, like many other residents, lost everything.

Phan went back to the Gulf during Katrina's aftermath, tapping her lawyerly skills to set up a pro bono legal clinic and working closely with Mississippi Center for Justice and Southeast Louisiana Legal Services. Five years later and after another devastating disaster, Phan realized the lessons she had learned from Katrina were directly transferable to the problems stemming from the Deepwater Horizon oil spill. For one, it affected many of the same Vietnamese fishermen—this time by making huge swaths of the Gulf off limits to fishing and potentially destroying their livelihoods. Once again, she and her fellow volunteers needed to remove barriers to legal resources and provide information in the disaster victims' own language.

Although she readily admits she gets sick on boats and is allergic to seafood, Nguyen's family ties to the people whom she helped in the Gulf in June stretch back to a long heritage of "peasant stock." Her father, a Vietnamese fisherman hailing from generations of fishermen, had been born on a boat. Like many Vietnamese Americans, her family fled their native country after the fall of Saigon at the bitter end of the Vietnam War. In the early 1980s, they furtively departed Vietnam bound for a Hong Kong refugee camp. Family lore provides a bleak picture of that oceanic voyage for twenty, all of whom had little to eat and were forced to drink urine to survive. In a last-minute decision by a relative that pained the family, Nguyen's six-month-old sister was left on



Ann Nguyen



Mai Phan

the dock in Vietnam for fear she would cry and alert authorities. After months living in a crowded shack in Hong Kong, Nguyen's family was fortunate enough to be sponsored by a church in bucolic Hillsdale, Michigan, where they began their American adventure and where Nguyen was born.

Speaking no English and having no directly transferable job-seeking skills, the family made do. Nguyen's father found work as a landscaper, a handyman, and any number of odd jobs that put food on the table. And the family finally reunited with Nguyen's sister when she was able to join them in the United States at age sixteen.

Over the years, a continuous search for jobs led them to Pensacola, Florida, and Salinas and Oakland in California. She later earned her undergraduate degree at University of California at Santa Barbara and went on to obtain a law degree at University of La Verne College in Ontario, California.

"I wanted to help my community and give back," said Nguyen, the first in her family to earn a college degree, much less a J.D. "Plus, it would be great to have an attorney in the family."

Nguyen's father now works on U.S. Coast Guard boats in the East Bay. There, Nguyen hung up her shingle as a sole practitioner, representing debtors and creditors in bankruptcy. Although Nguyen had worked for law firms during school and did a stint for Coca-Cola in Australia, she



wanted a more personal connection with clients. Today, many of her clients are bilingual.

She also embarked on the time-honored path of volunteer service, building skills while putting in hours for indigent law clients at BASF's Volunteer Legal Services Program, the San Francisco Public Defender's Office, and other legal organizations. Like many earnest young lawyers, she expanded her knowledge base with continuing legal education classes, collected several mentors including a Santa Clara judge, and began attracting clients through referral panels. She is currently one of four cochairs for the Minority Bar Coalition.

Nguyen follows her personal credo: "Just do good work—everything else follows."

Although her father, relying on TV reports, suggested that everyone was just fine in the Gulf, Nguyen decided to go see for herself. Her friend Phan removed all lingering doubt by asserting that VABANC was the most qualified to respond to the crisis by being "one of the most cohesive and organized groups around."

Soon after the crisis hit, VABANC deployed a small troop of Vietnamese-speaking attorneys to staff various clinics in the Gulf, and Nguyen joined them. Between a Wednesday and a Sunday in June, she put in long days in oppressive heat, starting at 6:00 a.m. and working late into the night. The volunteer corps conducted three legal education clinics in Louisiana, Mississippi, and Alabama and helped more than a hundred Vietnamese American residents find the services and resources they needed.

Nguyen saw firsthand how the Gulf's corrupt political system and lack of oversight had con-

tributed to the problems that the Vietnamese American residents there now face. How could residents have been well-served or trust the authorities, Nguyen asked, when former New Orleans' nine-term representative in congress, William Jefferson, had recently been convicted of multiple counts of corruption? Add that to the fact that both the laws and BP's claims guidelines were changing daily.

In 2008, Vietnamese American Congressman Anh "Joseph" Quang Cao was elected to represent Louisiana's Second District. Narrowly elected in his race against Congressman Jefferson, he is the first Republican to serve the district since the 1800s. An attorney by trade, his background is similar to that of other Vietnamese immigrants who fled their homes during the Vietnam War. He and his family immigrated to the United States when he was just eight years old. After the BP oil spill, he encouraged other Vietnamese-speaking attorneys to come to the Gulf to lend a hand. Among those he reached out to was fellow Loyola Law School graduate Mai Phan. She continued the phone tree by calling Nguyen.



Vietnamese American Bar Association of Northern California volunteer consulting with a client during a legal clinic

Nguyen observed that the problems of the region's fishermen boiled down to two issues: financial and psychological—for those surrounded by poverty, desperation, and crime, the first challenge was daily survival. She added that the stifling heat and the prevalence of drugs and gambling didn't help matters.

When she arrived in the Gulf, Nguyen anticipated that the local residents would welcome the volunteers with open arms, particularly given that they spoke the same language. They were there to inform, to translate, and to pave the way through the tricky pro-



Members of the Vietnamese American Bar Association of Northern California

cess of ensuring that BP paid out what was owed. Yet, at the first town hall she attended, despite active outreach enlisting media and the local pastor, only about twenty people showed up, Nguyen recalled. Much to the volunteers' dismay, many were angry residents with their arms crossed across their chests.

As Nguyen and her team quickly learned, the first legal responders to the crisis were more concerned about helping themselves—predatory operators out to take advantage of their new clients' legal naiveté to make a profit. For the volunteers, the immediate challenge was this: how to differentiate themselves from those earlier arrivals, some of whom even spoke fluent Vietnamese like they did. The volunteers first established themselves as a reliable source of information and aggressively refused to take anything from residents, including personal information. The attorneys then decided to forgo the usual intake sheets to instill trust.

The Gulf clinics addressed a variety of issues, including the BP claims process and constantly changing laws regarding the oil disaster. In addition, they counseled victims on how to hire and fire an attorney, and laid out their rights and obligations, as well as the complexities of contracts and waivers, lawsuits, and class action suits. Most of all, they directed residents to other community resources and remedies.

Along the way, BP's requirements for reimbursement proved daunting. For instance, Nguyen said, BP requires certain documents to prove loss, such as W-2 forms or tax filings. Nguyen likened it to dealing with insurance companies that impose stringent requirements of proof that some insureds are unable to meet—and give up in frustration.

For many victims of the Deepwater Horizon spill, Nguyen predicted that the region's endemic corruption, coupled with the challenging process of qualifying for payments could all too easily result in a "no-win situation." Still, legal aid volunteers continue to toil away in the Gulf and back at home on behalf of the fishermen. In the process, they have multiplied the resources for victims of the disaster by producing informational packets, in both English and Vietnamese, that promote awareness and caution. As phase two of their work, Nguyen said, they have approached federal representatives to advance the long-term interests of residents.

The Vietnamese American Volunteer Law Corps produced a white paper on the oil spill that was recently presented to political leaders in Washington, D.C., and has been subsequently cited by Congresswoman Zoe Lofgren during a hearing that aired on C-SPAN. The white paper recommended the following: ensuring fair

representation, allowing victims to provide alternative documentation of their losses, ensuring equal opportunity to participate in BP's "Vessels of Opportunity" program, which was a key feature of BP's response that involved a contingent of fishermen and boats from communities along the Gulf, and addressing predatory lawyers.

The media has picked up the story, as well. The volunteer attorneys attracted wide-ranging coverage of the fishermen's plight, ranging from CBS News in the Bay Area to Vietnam Public Radio. Print media has also helped to spread the word with articles appearing in publications such as the *Los Angeles Times* and the *San Jose Mercury News*, along with the *Daily Journal* and *American Lawyer*.

As for Nguyen and Phan, they worked so well together in responding to the crisis, they've decided to join their law practices. The two first met about four years ago—and, over the years, have bonded by sharing similar ideas and ethics. And Nguyen has been so effective at convincing her father that the reality for Gulf residents differs so sharply from TV reports that implied that everything was just fine, he now wants to volunteer, too.

"Though I was on the ground for a limited amount of time, that was only the start of what we as volunteer attorneys are doing to make a difference," Nguyen said. "We are continuously working on the oil spill issues on a daily basis. At times, I have wondered whether this problem was just too big for me to even make

a dent, given the vast amount of problems. But with news reports that congressmen and congresswomen are actually utilizing our efforts in their decisions to make new law, it is extremely rewarding that all of our hard work is actually going towards a positive change."

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