

How to Give a Meaningful Apology



Hong Yen Chang, who was granted admission to the California State Bar posthumously through efforts of UC Davis School of Law students.

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We tell our children always to try their best, to have fun, and if they make a mistake or hurt someone to apologize. What does a meaningful apology entail? Although there are variations, it usually encompasses three things: regret, responsibility, and remedy.¹ First, we express regret by showing empathy for the pain we have caused the other person. Second, we accept full responsibility for what we did and the consequences of our actions without making excuses and blaming others. Third, we remedy the situation, fixing it if we can, but at a minimum promising not to repeat it.

What we expect of our children, we hope for in our leaders. They should try their best, and if they make a mistake or hurt someone, they should apologize. What is great about our country is that once in a while we actually see our government give a meaningful apology. In fact, the Supreme Court of California recently gave a meaningful posthumous apology to Hong Yen Chang. (*In re Hong Yen Chang* (Cal. 2015) 185 Cal.Rptr.3d 1, 1–6.)

Chang was born in China. He came to this country in 1872 as part of an educational program to teach Chinese about the West. He earned his undergraduate degree at Yale and then graduated from Columbia Law School. He applied to the New York State Bar Association, and its examiners gave him a “high marking” and unanimous recommendation.

(185 Cal.Rptr.3d at 1.) But his membership nevertheless was denied because he was not a United States citizen. So a New York judge issued him a certificate of naturalization, and the New York State Legislature passed a law allowing him to reapply. When he finally was admitted to the New York bar, he became “the only regularly admitted Chinese lawyer in this country.” (185 Cal.Rptr.3d at 2.)

Chang moved to California “where he planned to serve the large Chinese community of San Francisco.” He moved for admission to the State Bar of California However, in 1890, the court still denied him membership because he “is not a citizen of the United States, and is not eligible under the law to become such.” ... The federal Chinese Exclusion Act prohibited a court from issuing a certificate of naturalization to a native of China.

Chang moved to California “where he planned to serve the large Chinese community of San Francisco.” (185 Cal. Rptr.3d at 2.) He moved for admission to the State Bar of California, and the Supreme Court of California found his motion was “made in due form” and “his moral character duly vouched for.” (*In re Hong Yen Chang* (1890) 84 Cal. 163, 164.) However, in 1890, the court still denied him membership because he “is not a citizen of the United States, and is not eligible under the law to become such.” (*Id.* at 165.) The court explained only United States citizens, and people who could legally become United States citizens and declared their intention to do so, were eligible for membership under the law at the time. The federal

Chinese Exclusion Act prohibited a court from issuing a certificate of naturalization to a native of China. So the certificate of naturalization from New York was void.

More than a century later, Chang’s descendants and the Asian Pacific American Law Students Association at the UC Davis School of Law moved for his posthumous admission to the State Bar of California. This time, not only did the California Supreme Court admit him, but it did so with a meaningful apology.

REGRET

In its recent opinion, the California Supreme Court expressed deep regret for originally denying Chang’s membership: “[I]t is past time to acknowledge that the discriminatory exclusion of Chang from the State Bar of California was a grievous wrong.” (185 Cal.Rptr.3d at 5.) The court showed empathy for the pain it caused him and admitted he was denied “equal protection of the laws.” (185 Cal.Rptr.3d at 5.) The court understood not only that denying Chang’s membership hurt him but also that “[i]t was a blow to countless others who, like Chang, aspired to become a lawyer only to have their dream deferred on account of their race, alienage, or nationality.” (185 Cal.Rptr.3d at 5.) Moreover, “it was a loss to our communities and to society as a whole, which denied itself the full talents of its people and the important benefits of a diverse legal profession.” (185 Cal.Rptr.3d at 5.)

RESPONSIBILITY

The Supreme Court of California took full responsibility for originally denying Chang’s membership in the State Bar of California and the consequences of that denial. The court referred to the time surrounding Chang’s denial as “a sordid chapter of our state and national history.” (185 Cal.Rptr.3d at 2.) The court acknowledged the laws were xenophobic and discriminatory against Chinese:

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“Hostility toward Chinese labor, together with cultural tensions and xenophobia prompted the California Legislature to enact a raft of laws designed to disadvantage Chinese immigrants.” (185 Cal.Rptr.3d at 3.) The court admitted “[m]any of the era’s discriminatory laws and government actions were held up by this court.” (185 Cal.Rptr.3d at 3.) The court conceded “the legal and policy underpinnings” of its denial of Chang’s membership “have been discredited.” (185 Cal.Rptr.3d at 4.)

REMEDY

The California Supreme Court remedied its error of originally denying Chang’s membership in the state bar by granting him posthumous admission. Although the court could not change the past, it acknowledged his place in history and in diversifying the legal profession:

[W]e can . . . accord a full measure of recognition to Chang’s pathbreaking efforts to become the *first lawyer of Chinese descent in the United States*. . . . [W]e need not be denied his example as a pioneer for a more inclusive legal profession. (185 Cal.Rptr.3d at 5.)

In addition, the court explained how an otherwise qualified attorney would never again be denied membership in the State Bar of California because of nationality. Congress repealed the Chinese Exclusion Act. Both the United States and California supreme courts held it is “‘constitutionally indefensible’ to forbid noncitizens to practice law.” (185 Cal.Rptr.3d at 4, quoting *Raffaelli v. Committee of Bar Examiners* (1972) 7 Cal.3d 288, 291.) And the California legislature passed a law making even undocumented immigrants eligible for admission to the state bar.

In sum, the Supreme Court of California made a meaningful apology to Chang. In its recent opinion the court expressed regret, took responsibility, and remedied its error as best it could. That is good government and good leadership. No one is infallible. Mistakes are made, and people get hurt. Although some say an apology is a sign of weakness, true leadership requires the courage to admit when we are wrong and make amends. When we see our leaders own up to their mistakes and fix them, it enhances their credibility and ability to govern. Not to mention, it sets a good example for the rest of us, most of all our children.

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Note

1. See “How to Give a Meaningful Apology” by Beverly Engel at www.umass.edu/fambiz/articles/resolving_conflict/meaningful_apology.html, as of April 10, 2015.