

SYMPOSIUM

**A DECADE OF ADVANCING IMMIGRANT
REPRESENTATION**

**STUDY GROUP ON IMMIGRANT
REPRESENTATION: THE FIRST DECADE**

*Robert A. Katzmann**

Thank you Dean Diller and former Dean Feerick for your generous words. Both of you have been dedicated throughout your distinguished careers to helping those in need and living the ideal of equal justice for all. The Feerick Center has been a beacon of access to justice, and it is particularly meaningful for all of us to be here today at Fordham. I also wish to express my special appreciation to Dora Galacatos, for her tireless efforts to make today's program possible, and to the program advisory committee of the Immigrant Justice Corps and Executive Director Jojo Annobil, Professors Peter Markowitz and Lindsay Nash of the Kathryn O. Greenberg Clinic of Cardozo Law School, and Oren Root, Director of the Vera Institute's Center for Immigration and Justice, for their substantial contributions.

As I look into this audience, I see you, my heroes, participants in the Study Group on Immigrant Representation, who have been unceasing in your commitment to promote and realize access to justice for immigrants. Today promises to be a most important meeting. For as we commemorate the tenth anniversary of the Study Group on Immigrant Representation, we bring together key actors from the advocacy community, the private bar, and government to reflect on what has been done, think creatively about the many challenges still at hand, and exchange ideas about how best to go forward to secure access to justice for immigrants in need of legal representation.

All of us here have a common goal: ensuring adequate legal representation of the immigrant poor. A courtroom has multiple players with different roles, but all would agree that adequate legal representation of the parties is

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essential to the fair and effective administration of justice. Deficient representation frustrates the work of courts and ill serves litigants. All too often, and throughout the country, courts that address immigration matters must contend with such a breakdown in legal representation, a crisis of massive proportions with severe, tragic costs to immigrants and their families. For our nation's immigrants, the urgent need for competent counsel in deportation proceedings has never been more critical. This nation's immigrant representation problem is twofold: (1) there is a profound lack of representation, indicated by the fact that 63 percent of noncitizens in deportation proceedings do not have representation nationwide;¹ and (2) in far too many deportation cases, the quality of counsel is substandard.² Immigrants are easy prey for unscrupulous lawyers, who gouge their clients out of scarce resources and provide shoddy legal services.

For low-income immigrants, having an attorney is the difference between being allowed to stay in this country and suffering catastrophic deportation. The statistics are staggering: undetained asylum-seeking immigrants without a lawyer prevailed in only 13 percent of their cases, while those with a lawyer prevailed in 74 percent of their cases; detained immigrants without lawyers prevailed in only 3 percent of their cases, while 18 percent prevailed with lawyers.³ In other words, unrepresented immigrants are being deported not because they did not have a legal right to remain but, as Peter Markowitz reminds us, because they could not vindicate that right without a lawyer.⁴

In the last several years, as this gathering will testify, New York has made enormous strides with respect to the representation of detained immigrants, and the New York experience is an example of what can be done when there is the resolve and dedication to do something to meet the need. At the same time, substantial gaps in representation remain, especially for those who are not detained, and there must be a continuing, sustained effort to provide legal counsel for those individuals.

My views are shaped by experience as a judge on the United States Court of Appeals for the Second Circuit, where, for some period, our workload nearly doubled as a consequence of an avalanche of immigration cases. I speak, I should emphasize, in an individual capacity, not as an official representative of my court. In my work on immigrant representation, I have been guided by Canon Four of the Code of Conduct for United States Judges, which encourages judges, to the extent that their time permits and when their

1. Immigrant Justice Corps Fact Sheet (Sept. 2018) (on file with author).

2. Steering Comm. of the N.Y. Immigrant Representation Study Report, *Accessing Justice: The Availability and Adequacy of Counsel in Removal Proceedings*, 33 CARDOZO L. REV. 357, 359 n.2 (2011) [hereinafter *Accessing Justice I*].

3. *Id.* at 363–64.

4. See Peter L. Markowitz, *Barriers to Representation for Detained Immigrants Facing Deportation: Varick Street Detention Facility, a Case Study*, 78 FORDHAM L. REV. 541, 544 (2009).

impartiality is not compromised, to contribute to the law, the legal system, and the administration of justice.⁵

Immigrants are largely a vulnerable population of human beings who come to this country in the hopes of a better life, often entering without knowledge of the English language or American culture, in economic deprivation and in fear. Too often, the lack of adequate counsel for immigrants all but eliminates their hopes to experience the American dream, to live with their families openly and with security, and to contribute to their new country. This failure should be a concern for all of us: I think we can all imagine our own ancestors or the ancestors of friends and relate to the anxieties of today's newcomers. We are a nation of immigrants, whose contributions have been vital to whom we are and hope to be. As the son of an immigrant from Nazi Germany and the grandson of immigrants from Russia, I know from my own experience about family members who came to this country, dedicated themselves to this country, and made our great nation even stronger. I am sure that many of you here have similar stories.

In the past decade and a half, the number of immigration cases—that is, proceedings in which the federal government seeks to deport an individual residing in the United States—has increased significantly.⁶ Thinking back on the origins of the Study Group on Immigrant Representation, I was not in search of this problem of the woeful lack of immigrant representation. Rather, it found me. Until the 2000s, immigration cases were a small percentage of the workload of my court, the Court of Appeals for the Second Circuit, which encompasses New York, Connecticut, and Vermont. In 1999, when I began working as an appellate judge, the immigration docket was a minuscule percentage of our workload.⁷ But within a few years, that changed dramatically. In the mid-2000s, between 2005 and 2008, the immigration docket approached 40 percent of the Second Circuit's workload.⁸ The massive increase meant that our court had to develop procedures to manage such cases. The Second Circuit resolved some 24,350 immigration cases between October 1, 2002, and December 31, 2017.⁹

5. *Code of Conduct for United States Judges*, U.S. CTS., <http://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges#e> [<https://perma.cc/E9JL-GHRS>] (last visited Oct. 4, 2018).

6. *Compare* U.S. DEP'T OF JUSTICE EXEC. OFFICE FOR IMMIGRATION REVIEW, FY 2016 STATISTICS YEARBOOK A2 (2017), <https://www.justice.gov/eoir/page/file/fysb16/download> [<https://perma.cc/8TWB-FNU9>] (recording 328,112 immigration court matters received in fiscal year 2016), *with* U.S. DEP'T OF JUSTICE EXEC. OFFICE FOR IMMIGRATION REVIEW, FY 2001 STATISTICS YEARBOOK B3 (2002), <https://www.justice.gov/sites/default/files/eoir/legacy/2002/04/16/FY01syb.pdf> [<https://perma.cc/5LQ8-Q4GW>] (recording 285,090 immigration court matters received in fiscal year 2001).

7. *See* COMM. ON FED. COURTS ASS'N OF THE BAR OF THE CITY OF N.Y., THE SURGE OF IMMIGRATION APPEALS AND ITS IMPACT ON THE SECOND CIRCUIT COURT OF APPEALS 5 (2004), <https://www.nycbar.org/pdf/report/AppealSurgeReport.pdf> [<https://perma.cc/GZ7F-J7ZK>] (stating that, in 1999 through 2001, cases from the Board of Immigration Appeals were only 3 percent of appeals filed in federal court).

8. Memorandum from Catherine O'Hagan Wolfe, Clerk, U.S. Court of Appeals for the Second Circuit, to Chief Judge Robert A. Katzmann 1 (May 1, 2018) (on file with author).

9. *Id.*

The sheer volume of immigration cases gives a sense of the substantial impact on the work of an appellate court, but more needs to be said about the task of the judge in those cases and the effects of inadequate counsel on the decisional process. As I am an appellate judge, immigration cases tend to come before me in a legally circumscribed context. An appellate judge's role is to review the administrative record and decision; absent legal error or lack of substantial evidence supporting the decision, the court is largely constrained to defer to the agency's ruling.¹⁰ Therefore, the record made by the immigrant and the legal points preserved therein for review are critical to the outcome, especially where the immigrant has the burden of coming forward with evidence and the burden of proof of entitlement to status or relief.¹¹ Even if an appellate judge would have ruled differently in the first instance, he or she has no authority to do so on appeal. Thus, quality legal representation in gathering and presenting legal evidence to the immigration judge or Board of Immigration Appeals (BIA) in a hearing context and the skill in advocacy regarding legal issues and their preservation for appeal can make all the difference between deportation and the right to remain in the country.¹² It also means that getting effective counseling *before*, not *after*, petitioning for relief or getting immersed in proceedings provides the best chance for fleshing out the merits of the case, avoiding false or prejudicial filings, and securing lawful status or appropriate relief for the defendant.

In all too many immigration cases, I could not help but notice a substantial obstacle to the fair and effective administration of justice: the frequently deficient counsel of represented noncitizens. For instance, the briefs of the lawyers too often were boilerplate submissions, with little attention to the facts of the individual cases; sometimes the briefs were virtually identical, with only the name changed. At times, the name in the body of the brief did not even match the name of the immigrant because the lawyer had not bothered to change the name of the party. Far too frequently, lawyers failed to keep their clients apprised of developments in the case, documents that the clients were required to file, and even hearing dates which their clients were obligated to attend but missed because of the lawyers' lapse.

For immigrants, the stakes could not be higher. These cases determine whether they can remain in the country or whether they will be separated from their loved ones—often including their children—and barred from returning for many years. I often felt that if only the immigrant had competent counsel at the very beginning of immigration proceedings (where the record is made with lasting impact), long before the case reached the court of appeals (where review is limited),¹³ the result might have been different and the noncitizen might have secured relief that would have allowed her to remain in the United States.

10. See *Huo Qiang Chen v. Holder*, 773 F.3d 396, 403 (2d Cir. 2014) (stating that the BIA's factual findings are "conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary" (quoting 8 U.S.C. § 1252(b)(4)(B) (2012))).

11. See 8 U.S.C. § 1361 (2012) (allocating the burden of proof in removal proceedings).

12. See *Accessing Justice I*, *supra* note 2, at 394.

13. See *supra* note 10 and accompanying text.

The importance of quality representation is especially acute for immigrants, not only because they stand to lose what Justice Louis Brandeis described as “all that makes life worth living,”¹⁴ but also because there is a wide disparity in the success rate of those who have lawyers and those who proceed without counsel.¹⁵ For example, several studies have shown that asylum seekers are much more likely to be granted asylum when they are represented in immigration proceedings.¹⁶ Immigrants can secure their own legal representation in immigration proceedings, but generally “at no expense to the Government.”¹⁷

Hoping to raise awareness and to effect change, at the invitation of Peter Eikenberry, I took the occasion of the 2007 Marden Lecture of the New York City Bar to challenge the New York legal establishment and others interacting with that establishment—law firms, bar associations, nonprofits, corporate counsel, foundations, law schools, state and local governments, the media, the immigration bar, senior lawyers and retirees, providers of continuing education and training, and think tanks—to increase efforts to help address the large, and largely unmet, legal needs in noncitizen communities.¹⁸ In the course of my research, I realized that the problem was even worse than I had experienced. I had been struck by the poor quality of lawyers who argued before me in the Court of Appeals. But even more troubling was the total absence of any legal representation for the vast number of immigrants who never get to appeal to my court. I stated there what I reiterate here: justice should not depend upon the income level of immigrants.¹⁹ “A lawyer’s duty to serve those unable to pay is not an act of charity or benevolence alone, but rather one of professional responsibility, reinforced by the terms under which the state has granted to the [legal] profession effective control of the legal system.”²⁰

When I gave the Marden Lecture, I was not sure what the response would be, but the reaction was, and has continued to be, incredibly supportive. In 2008, I started a working group, the Study Group on Immigrant Representation (“Study Group”), with the counsel of several outstanding lawyers including Pete Eikenberry, Robert Juceam, Jojo Annobil, Michael Patrick, Peter Markowitz, Nancy Morawetz, Careen Shannon, Claudia Slovinsky, Lewis Liman, Judge Denny Chin, William Kuntz (who joined before he became a federal judge), and Immigration Judge Noel Brennan.

14. *Ng Fung Ho v. White*, 259 U.S. 276, 284 (1922).

15. See *infra* notes 59–64 and accompanying text.

16. See, e.g., Sabine Ardalan, *Access to Justice for Asylum Seekers: Developing an Effective Model of Holistic Asylum Representation*, 48 U. MICH. J.L. REFORM 1001, 1003 n.6 (2015) (describing studies that found that individuals with representation were significantly more likely to be granted asylum); *Asylum Representation Rates Have Fallen Amid Rising Denial Rates*, SYRACUSE U. TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE (Nov. 28, 2017), <http://trac.syr.edu/immigration/reports/491> [<https://perma.cc/F8RH-463K>].

17. 8 U.S.C. § 1362 (2012).

18. Robert A. Katzmann, *The Legal Profession and the Unmet Needs of the Immigrant Poor*, 21 GEO. J. LEGAL ETHICS 3, 21–29 (2008).

19. *Id.* at 4–5.

20. *Id.* at 4.

The Study Group is now made up of some seventy lawyers from a range of firms; nonprofits; bar organizations; immigrant-legal-service providers; immigrant organizations; law schools; federal, state, and local governments; and judicial colleagues, including Judge Chin and Judge Kuntz. It has been an honor to work with lawyers so devoted to helping those in need and it has been wonderful to see their eagerness in a city where over one-third of our community is foreign-born.²¹ The Study Group's work has focused on three areas: (1) increasing pro bono activity of firms, especially at the outset of immigration proceedings; (2) improving mechanisms of legal-service delivery; and (3) rooting out inadequate counsel and improving the quality of representation available to noncitizens. Our diverse group gathers together in the early mornings at the courthouse in downtown New York City to share ideas, collaborate on initiatives, and help think through solutions to challenges to immigration representation. The industriousness, intelligence, follow-through, and accomplishment of group participants have been remarkable and exciting. I have been inspired by the range of the Study Group's activities and how its members—some who might be adversaries in court—come together around the core value we all share: safeguarding the integrity, fairness, and efficiency of our system of justice, which depends on adequate and effective counsel. In the course of the decade, in arranging these meetings, I have been aided by the organizing talents of Rozaly Kozbelt, Sonia Lin, and, for the last several years, Lindsay Nash.

The Study Group's interdisciplinary approach has been fruitful and energizing; we have produced reports,²² pilot projects,²³ colloquia,²⁴ and training sessions.²⁵ Over the past decade, Study Group work has included numerous initiatives, including conducting a quantitative study on immigrant representation, launching projects to increase representation, and engaging other organizations to address this issue. Justice Ginsburg²⁶ and Justice Stevens²⁷ have publicly praised the Study Group project, and Justice Breyer and Justice Sotomayor have also offered encouragement. Our Study Group concept is serving as a model for other jurisdictions that are seeking to find ways to provide adequate counsel for immigrants.

21. See *Our Immigrant Population Helps Power NYC Economy*, N.Y.C. COMPTROLLER (Jan. 11, 2017), <https://comptroller.nyc.gov/reports/our-immigrant-population-helps-power-nyc-economy/> [<https://perma.cc/5QMY-M6WK>] (stating that nearly 40 percent of New York City's population is foreign-born).

22. See *infra* notes 52–53 and accompanying text.

23. See *infra* Part I (discussing pilot programs to increase law firms taking pro bono asylum cases).

24. See Nina Bernstein, *In City of Lawyers, Many Immigrants Fighting Deportation Go It Alone*, N.Y. TIMES (Mar. 12, 2009), <https://www.nytimes.com/2009/03/13/nyregion/13immigration.html> [<https://perma.cc/VCG6-JRDU>] (discussing the Study Group's 2009 “working colloquium”).

25. See *infra* note 43 and accompanying text.

26. See *Words of Wisdom*, PRO BONO INST. (2011), <http://pbi.informz.net/admin31/content/template.asp?sid=15374&brandid=4063&uid=1012842> [<https://perma.cc/UR6S-UZVQ>].

27. See Robert A. Katzmann, *Innovative Approaches to Immigrant Representation: Exploring New Partnerships*, 33 CARDOZO L. REV. 331, 337 (2011).

As we reflect on the past decade of Study Group activities, I think it would be fruitful to make note of the wide range of initiatives, and then to return to discuss more fully three landmark projects already identified: the New York Immigrant Representation Study, the New York Immigrant Family Unity Project, and the Immigrant Justice Corps.

I. A BRIEF CATALOG OF STUDY GROUP INITIATIVES

The New York Immigrant Representation Study, a foundational Study Group initiative, began in 2010. We hoped to document the areas of the most urgent representational needs of indigent noncitizens facing removal in New York, with the eventual goal of advancing recommendations about necessary resources and strategies. Our findings about the scope of the need were published in 2011²⁸ and were followed by a report in 2012 that set forth a solution to address this need: the creation of a system of institutionally provided counsel for those facing deportation.²⁹

In just over five years after the New York Representation Study, the New York Immigrant Family Unity Project (NYIFUP), discussed in more detail later, came into being. It is the nation's first public defender system for immigrants facing deportation.³⁰ NYIFUP, fueled through the efforts of the Vera Institute of Justice, has pioneered universal representation for detained indigent immigrants in deportation proceedings in New York.³¹

Another Study Group initiative, about which I will offer a snapshot now and then describe in more detail below, is the Immigrant Justice Corps (IJC), an organization that provides legal representation to poor immigrants.³² Termed “groundbreaking” by the *New York Times*,³³ IJC is a national fellowship program wholly dedicated to recruiting and training young lawyers who make immigration law their careers.³⁴ IJC's solution to the representation crisis is to populate the immigration bar with well-trained and high-caliber attorneys, creating a generation of leaders with a lifelong

28. *Accessing Justice I*, *supra* note 2, at 363–65.

29. N.Y. IMMIGRANT REPRESENTATION STUDY STEERING COMM., *ACCESSING JUSTICE II: A MODEL FOR PROVIDING COUNSEL TO NEW YORK IMMIGRANTS IN REMOVAL PROCEEDINGS* (2012) [hereinafter *ACCESSING JUSTICE II*].

30. JENNIFER STAVE ET AL., VERA INST. OF JUSTICE, *EVALUATION OF THE NEW YORK IMMIGRATION FAMILY UNITY PROJECT: ASSESSING THE IMPACT OF LEGAL REPRESENTATION ON FAMILY AND COMMUNITY UNITY 2*, 26 (2017), https://storage.googleapis.com/vera-web-assets/downloads/Publications/new-york-immigrant-family-unity-project-evaluation/legacy_downloads/new-york-immigrant-family-unity-project-evaluation.pdf [https://perma.cc/S6EY-7N8R].

31. *Id.* at 26.

32. IMMIGRANT JUST. CORPS, <http://justicecorps.org> [https://perma.cc/HVW2-6PNQ] (last visited Oct. 4, 2018).

33. Kirk Semple, *Seeking Better Legal Help for Immigrants*, N.Y. TIMES (Jan. 28, 2014), <https://www.nytimes.com/2014/01/29/nyregion/service-program-will-recruit-law-school-graduates-to-help-represent-immigrants.html> [https://perma.cc/P73S-7UBZ].

34. *See The Fellowship*, IMMIGRANT JUST. CORPS, <http://justicecorps.org/fellowship/> [https://perma.cc/M6PM-CEKD] (last visited Oct. 4, 2018).

commitment to immigrant justice.³⁵ Each year, IJC recruits and trains talented law graduates (Justice Fellows) and college graduates (Community Fellows) for two-year fellowships and pairs them with not-for-profit legal-service providers and community-based organizations.³⁶

In four years, since September 2014, IJC has assisted over 44,000 immigrants and their family members, with a 93 percent success rate in cases completed.³⁷ To date, there have been 140 fellows³⁸ and 92 percent of IJC fellows stay in the field.³⁹ IJC is having a transformative effect, remaking the bar, providing skilled lawyers to populate nonprofits and NYIFUP-supported programs, and making all the difference for immigrants and their families facing deportation. In April 2018, Justice Ginsburg met with the fellows of the Immigrant Justice Corps,⁴⁰ and Justice Sotomayor did so in the summer of 2014⁴¹ and again in 2017. That so many of the participants in today's program consist of Immigrant Justice Corps fellows is testament to the program's extraordinary impact.

The Study Group has also partnered with bar organizations to recruit more pro bono lawyers and worked with other organizations to devise training sessions for deferred law firm associates so that they could spend their deferral years representing immigrants. Young lawyers would thus enter law firm practice with an understanding of immigration law and a commitment to immigration pro bono cases.

Similarly, the Study Group created a pilot project to foster greater law firm pro bono activity. The idea was to challenge the private bar to take on more pro bono asylum cases, as well as increase firms' ability to do so by creating a greater capacity to screen potential clients, conduct intake interviews, place new pro bono cases with law firms, and mentor the attorneys in those cases. This pilot project served as a model for an expanded program and encourages action by other foundations and firms.

The Study Group promoted the creation of law school clinics, the leading example being the Kathryn O. Greenberg Immigration Justice Clinic at the Benjamin N. Cardozo School of Law. The Cardozo Law clinic has been so successful that it has recently received significant multiyear funding from our philanthropic partners for its work.

The Study Group has also facilitated collaboration with elected officials and government agencies. The Study Group worked with then-Attorney

35. *Our Story*, IMMIGRANT JUST. CORPS, <http://justicecorps.org/our-story> [<http://perma.cc/EUX3-VG8N>] (last visited Oct. 4, 2018).

36. *Id.*

37. Immigrant Justice Corps Fact Sheet, *supra* note 1.

38. *Id.*

39. *Our Story*, *supra* note 35.

40. Liz Robbins, *Justice Ginsburg Urges New Citizens to Make America Better*, N.Y. TIMES (Apr. 10, 2018), <https://www.nytimes.com/2018/04/10/nyregion/supreme-court-ruth-bader-ginsburg-naturalization-ceremony.html> [<https://perma.cc/V2B4-YTEV>].

41. See Benjamin Mueller, *For Immigration Lawyers, a Surprise Speaker Who Asks Them to Change Lives*, N.Y. TIMES (Sept. 4, 2014), <https://www.nytimes.com/2014/09/05/nyregion/for-immigration-lawyers-a-surprise-speaker-justice-sonia-sotomayor-of-the-supreme-court.html> [<https://perma.cc/8E9F-SP2U>].

General Eric Holder, Senator Charles Schumer, and others in addressing the immigrant representation problem and in 2010, the Attorney General announced the creation of a Legal Orientation Program in New York, which gives not-for-profit providers greater opportunities to advise immigrants in groups and individually.⁴² Study Group members have joined with state, local, and federal governments to examine how consumer law could be used to attack the problem of fraudulent legal services. Additionally, in response to federal efforts to address immigration fraud, the Study Group, together with the American Immigration Lawyers Association and other organizations, sponsored two days of intensive training in immigration law for nonimmigration lawyers.⁴³ Recognizing the substantial unmet needs in upstate New York, Study Group members have supported the work of Albany Law School and Prisoners' Legal Services of New York in their joint project to provide pro bono representation at the Ulster, New York, immigration court.

The Study Group organized two major conferences, one at Fordham Law School and one at Cardozo Law (the latter with retired Justice John Paul Stevens), which led to a series of studies and reports published in the *Fordham Law Review*⁴⁴ and *Cardozo Law Review*.⁴⁵ Reporting in the *New*

42. *Legal Orientation Program for Custodians of Unaccompanied Alien Children*, U.S. DEP'T JUST., <https://www.justice.gov/eoir/legal-orientation-program-custodians-unaccompanied-alien-children> [<https://perma.cc/M6AW-6KW4>] (last visited Oct. 4, 2018).

43. *See, e.g., Immigration Training for Non-Immigration Lawyers*, IMMIGR. ADVOCATES NETWORK, https://www.immigrationadvocates.org/calendar/event.383929-Immigration_Law_Training_For_NonImmigration_Lawyers [<https://perma.cc/RZS9-VKNE>] (last visited Oct. 4, 2018).

44. *See, e.g., Robert A. Katzmann, Deepening the Legal Profession's Pro Bono Commitment to the Immigrant Poor*, 78 *FORDHAM L. REV.* 453 (2009) (discussing articles, reports, and commentaries of the Study Group).

45. *See, e.g., Katzmann, supra* note 27.

York Times,⁴⁶ *New York Daily News*,⁴⁷ *New York Law Journal*,⁴⁸ and *El Diario*⁴⁹ has brought our activities to the attention of a larger audience.

Although much more could be said about each of these initiatives, I will now focus on three that have been particularly innovative, which I mentioned earlier: (1) the New York Immigrant Representation Study; (2) the New York Immigrant Family Unity Project; and (3) the Immigrant Justice Corps.

II. NEW YORK IMMIGRANT REPRESENTATION STUDY

The first of these is the New York Immigrant Representation Study (NYIRS). In the immigration law field, it was a common refrain that having an attorney makes a significant difference for people who risk being deported. But, as my great mentor Senator Daniel Patrick Moynihan said, “You’re entitled to your own opinion, but not to your own facts.” In that spirit, I believed that the Study Group needed to assemble comprehensive data so that the problem could be better defined and addressed. To that end, Study Group members undertook the NYIRS, which was chaired by Professor Peter Markowitz of Cardozo Law, Professor Stacy Caplow of Brooklyn Law School, and attorney Claudia Slovinsky.⁵⁰ The study, conducted with the support of the Leon Levy Foundation and the Governance Institute, was a two-year project in collaboration with the Vera Institute of Justice.⁵¹ The two reports that were issued as a product of that study provide, for the first time ever, comprehensive data about the scope of the immigrant

46. Bernstein, *supra* note 24; Sam Dolnick, *As Barriers to Lawyers Persist, Immigrant Advocates Ponder Solutions*, N.Y. TIMES (May 3, 2011), <https://www.nytimes.com/2011/05/04/nyregion/barriers-to-lawyers-persist-for-immigrants.html> [https://perma.cc/CB9N-Q2T7]; Liz Robbins, *New Citizens Hold Their Heads High, 102 Floors Above New York*, N.Y. TIMES (Aug. 15, 2017), <https://www.nytimes.com/2017/08/15/nyregion/naturalization-ceremony-one-world-trade.html> [https://perma.cc/T54Z-DPQ4]; Kirk Semple, *In a Study, Judges Express a Bleak View of Lawyers Representing Immigrants*, N.Y. TIMES (Dec. 18, 2011) [hereinafter Semple, *Bleak View*], <https://www.nytimes.com/2011/12/19/nyregion/judges-give-low-marks-to-lawyers-in-immigration-cases.html> [https://perma.cc/ZG3H-6EYY]; Kirk Semple, *Judge Proposes a National Lawyers Corps to Help Immigrants*, N.Y. TIMES: CITY ROOM (Mar. 19, 2013, 12:49 PM) [hereinafter Semple, *Judge Proposes*], <https://cityroom.blogs.nytimes.com/2013/03/19/judge-proposes-a-national-lawyers-corps-to-help-immigrants> [https://perma.cc/NM8W-NJWH]; Semple, *supra* note 33.

47. Editorial, *All-American Legal Eagles*, N.Y. DAILY NEWS (Sept. 24, 2014, 4:00 AM), <http://www.nydailynews.com/opinion/editorial-all-american-legal-eagles-article-1.1950408> [https://perma.cc/8YFH-B7LF].

48. See generally Mark Hamblett, *Lawyers Target ‘Assembly Line’ Practice, Abuse of Poor Immigrants*, 243 N.Y.L.J., Jan. 4, 2010, at 1; Mark Hamblett, *Study, Forum Stress Plight of Unrepresented Immigrants*, 245 N.Y.L.J., May 4, 2011, at 1; Mark Hamblett, *Summit Participants Discuss Efforts to Find Competent Lawyers for Poor N.Y. Immigrants*, 247 N.Y.L.J., Jan. 30, 2012, at 1.

49. Griselda Nevarez, *NYC to Provide Attorneys for Detained Immigrants Facing Deportation*, EL DIARIO (June 26, 2014), <https://eldiario.com/2014/06/26/nyc-to-provide-attorneys-for-detained-immigrants-facing-deportation> [https://perma.cc/7JTA-HZ2D].

50. ACCESSING JUSTICE II, *supra* note 29, at i.

51. *Accessing Justice I*, *supra* note 2, at 360.

representation challenge in New York (published in the 2011 report)⁵² and a plan for addressing it (published in the 2012 report).⁵³

I will review a few of the findings from the 2011 report that most strikingly show the depth of the problem. First, a significant percentage of immigrants appearing before the New York immigration courts do not have representation. Sixty percent of immigrants who were detained during the pendency of their deportation proceedings did not have counsel by the time their cases were completed.⁵⁴ Further, 27 percent of immigrants who were *not* detained during the pendency of their deportation proceedings did not have counsel by the time their cases were completed.⁵⁵ According to the providers surveyed, cases in which noncitizens are held in detention during the deportation proceedings were least served by existing immigration attorneys, particularly nonprofit or pro bono resources.⁵⁶

Second, the Department of Homeland Security's (DHS) detention and transfer policies created significant obstacles for immigrants facing removal to obtain counsel. DHS transferred almost two-thirds (64 percent) of those detained in New York to far-off detention centers—most frequently in Louisiana, Pennsylvania, and Texas—where they faced the greatest obstacles to obtaining counsel, a practice which subsided when DHS changed its detainee-transfer policy in 2012.⁵⁷ Individuals who were transferred elsewhere and who remain detained outside of New York were unrepresented 79 percent of the time.⁵⁸

Third, the two most important variables affecting the ability to secure a successful outcome in a case (defined as relief or termination) are having representation and being free from detention. The absence of either factor in a case—being detained but represented or being unrepresented but not detained—decreases the success rate dramatically.⁵⁹ When immigrants are detained and unrepresented, the rate of successful outcomes decreases even more substantially.⁶⁰ The success rates are as follows: (1) for individuals represented and released or never detained, 74 percent have successful outcomes;⁶¹ (2) for individuals who are unrepresented but released or never detained, 13 percent have successful outcomes;⁶² (3) for individuals who are represented but detained, 18 percent have successful outcomes;⁶³ and (4) for individuals who are unrepresented and detained, 3 percent have successful outcomes.⁶⁴

52. *Id.* at 363–65.

53. ACCESSING JUSTICE II, *supra* note 29, at 18–25.

54. *Accessing Justice I*, *supra* note 2, at 363.

55. *Id.*

56. *Id.* at 364.

57. *Id.* at 363.

58. *Id.*

59. *Id.* at 363–64.

60. *Id.*

61. *Id.* at 363.

62. *Id.* at 364.

63. *Id.*

64. *Id.*

It is clear from the data that having a lawyer makes a substantial difference. But the report also found that deficient performance by lawyers providing deportation defense services create more problems for noncitizens facing deportation. In its survey, New York immigration judges rated nearly half of all legal representatives as inadequate in terms of overall performance, meaning that the attorneys did not investigate the case, could not respond to questions about the facts or the law, did not meet deadlines to file documents, and sometimes even failed to appear in court.⁶⁵

The study also showed that the two greatest impediments to increasing the availability and quality of legal services for immigrants are a lack of funding and a lack of resources to build a qualified core of experienced attorneys who can provide deportation defense.⁶⁶ These dramatic findings underscore the immensity of the task before us and help us understand where to focus resources most immediately.

The second part of the New York Immigrant Representation Study, released in December 2012, was devoted to developing concrete proposals to address the immigrant representation crisis in New York.⁶⁷ The study's steering committee—a group of experts from diverse legal institutions—was tasked with using the data from NYIRS's first report and other available information to make realistic short- to medium-term proposals.⁶⁸ The committee set forth a blueprint for a system whereby a small group of competitively selected providers would deliver public defender-type universal representation to indigent detainees facing deportation.⁶⁹

The project they proposed would ensure universal representation, with screening for income eligibility only, as well as providing basic support services such as translation and interpretation services, social work, and mental health services.⁷⁰ It would also be implemented through existing institutional providers to minimize administrative complexities and would work in cooperation with other key institutional actors such as DHS and the immigration court system.⁷¹ Finally, it would be overseen by an organization that could provide centralized oversight and project management and would derive its funding primarily or significantly from a reliable public revenue stream.⁷²

III. NEW YORK IMMIGRANT FAMILY UNITY PROJECT

The New York Immigrant Representation Study's recommendation for a program of government-funded detainee defense has become a reality five years later with the New York Immigrant Family Unity Project. New York

65. *Id.*

66. *Id.* at 364–65.

67. *See generally* ACCESSING JUSTICE II, *supra* note 29.

68. *Id.* at 1.

69. *Id.* at 2.

70. *Id.*

71. *Id.*

72. *Id.*

State is today the first state in the nation to provide such support, administered by the Vera Institute.⁷³ Thanks to support from two successive New York City Council Speakers, Christine Quinn and Melissa Mark-Viverito, in New York City, NYIFUP has been representing financially eligible, otherwise unrepresented detained immigrants since 2013 with funding from the City Council. During Speaker Mark-Viverito's term, funding went from \$500,000 to \$4 million.⁷⁴

New Yorkers in all upstate immigration courts will also now be eligible to receive legal counsel during deportation proceedings. The 2018 New York State budget included a grant of \$4 million to significantly expand the NYIFUP.⁷⁵ NYIFUP is a collaboration of the Vera Institute of Justice, the Northern Manhattan Coalition for Immigrant Rights, the Center for Popular Democracy, Make the Road New York, and the Immigration Justice Clinic of Cardozo Law School.⁷⁶ Representation is provided in New York City by Brooklyn Defender Services, the Bronx Defenders, and the Legal Aid Society; at Batavia by the Volunteer Lawyers Project of the Erie County Bar Association; and at Ulster by Prisoners' Legal Services of New York. As Oren Root, the Director of Vera's Center on Immigration and Justice and a great leader in the NYIFUP project, has observed, New York has become the first state to ensure that no immigrant will be detained and permanently separated from his or her family solely because of the inability to afford a lawyer.⁷⁷ Vera has projected that 48 percent of cases will end successfully for NYIFUP clients, amounting to a 1100 percent increase from the 4 percent success rate for unrepresented cases before NYIFUP.⁷⁸ Several cities and

73. *New York City Becomes First Jurisdiction in Nation to Provide Universal Representation to Detained Immigrants Facing Deportation*, VERA INST. JUST. (June 26, 2014) [hereinafter *New York City First to Provide Universal Representation*], <https://www.vera.org/newsroom/press-releases/new-york-city-becomes-first-jurisdiction-in-nation-to-provide-universal-representation-to-detained-immigrants-facing-deportation> [<https://perma.cc/5VQV-ELNP>].

74. *Launch of New York Immigrant Family Unity Project (NYIFUP)*, VERA INST. JUST. (Nov. 7, 2013), <https://www.vera.org/newsroom/press-releases/launch-of-new-york-immigrant-family-unity-project-nyifup> [<https://perma.cc/K5NV-HYE2>] (discussing the New York City Council's \$500,000 investment in the pilot for NYIFUP and Speaker Quinn's support for the initiative); *New York City First to Provide Universal Representation*, *supra* note 73 (announcing the City Council's \$4.9 million investment in the program for fiscal year 2015, made under the leadership of Speaker Mark-Viverito).

75. *New York State Becomes First in the Nation to Provide Lawyers for All Immigrants Detained and Facing Deportation*, VERA INST. JUST. (Apr. 7, 2017) [hereinafter *New York State Becomes First in the Nation*], <https://www.vera.org/newsroom/press-releases/new-york-state-becomes-first-in-the-nation-to-provide-lawyers-for-all-immigrants-detained-and-facing-deportation> [<https://perma.cc/2KJ4-E3MR>] (publicizing a \$4 million investment from New York State that made New York "the first state to ensure that no immigrant will be detained and permanently separated from his or her family solely because of the inability to afford a lawyer").

76. *Id.*

77. *Id.*

78. STAVE ET AL., *supra* note 30, at 3.

states, Vera also notes, have recently begun efforts to design similar programs⁷⁹ through the SAFE cities program.⁸⁰

IV. IMMIGRANT JUSTICE CORPS

If immigrants and the administration of justice are to be well served, then there must be not just representation, but quality representation. The problem is both the lack of lawyers and the absence of quality representation. A 2011 survey of New York immigration judges, undertaken for the NYIRS, showed that the judges viewed a shocking 47 percent of lawyers to be inadequate.⁸¹ To meet that challenge and to provide a new generation of quality lawyers, I called for the creation of the Immigrant Justice Corps,⁸² which was launched in January 2014 with substantial planning support and initial funding from the Robin Hood Foundation, with special appreciation to Veyom Bahl and Eric Weingartner.⁸³ The IJC, a national program, is the largest expansion of immigration legal services in New York City's history and the country's only fellowship program exclusively dedicated to meeting the urgent need for high-quality legal assistance for immigrants fighting deportation and those seeking lawful status or a path to citizenship.⁸⁴ IJC's Executive Director, Jojo Annobil, is a noted and inspiring immigration lawyer with twenty-five years of experience.⁸⁵

In less than four years, IJC, heralded by the editorial pages of the *New York Times*⁸⁶ and the *New York Daily News*⁸⁷ for its innovative approach, has populated the immigration bar with well-trained and high-caliber attorneys, creating a generation of leaders with a lifelong commitment to immigrant justice, leveraging the latest technologies and fostering a culture of innovative thinking that will produce new strategies to reduce the justice gap for immigrant families, and ensuring that immigration status is no longer a barrier to social and economic justice. In less than four years, to reiterate, IJC has assisted more than 44,000 immigrants and their family members with a 93 percent success rate in its cases.⁸⁸ Justice Fellows, selected law school graduates, provide representation in complex immigration matters.⁸⁹ Community Fellows, selected college graduates, "conduct outreach, screen, and provide assistance with completing immigration benefit applications for low-income immigrants."⁹⁰ Presently there are seventy-four fellows who

79. *New York State Becomes First in the Nation*, *supra* note 75.

80. *SAFE Cities Network*, VERA INST. JUST., <https://www.vera.org/projects/safe-cities-network> [<https://perma.cc/HZ88-J26Y>] (last visited Oct. 4, 2018).

81. Semple, *Bleak View*, *supra* note 46.

82. Semple, *Judge Proposes*, *supra* note 46.

83. *Our Story*, *supra* note 35.

84. *Id.*

85. *Our Team*, IMMIGRANT JUST. CORPS, <http://justicecorps.org/our-team> [<https://perma.cc/52LS-YRCR>] (last visited Oct. 4, 2018).

86. Semple, *supra* note 33.

87. Editorial, *supra* note 47.

88. Immigrant Justice Corps Fact Sheet, *supra* note 1.

89. *Our Story*, *supra* note 35.

90. *Id.*

have substantially increased the capacity of over forty not-for-profit organizations throughout New York, and in New Jersey, Connecticut, and Texas,⁹¹ with further national expansion underway in several other states and cities.⁹² These host organizations include the Legal Aid Society, Catholic Charities of the Archdiocese of New York, The Door, Brooklyn Defender Services, and nontraditional partners like the New York Public Library and the Brooklyn Public Library.⁹³ With its rapid response team, IJC fellows have also travelled to Karnes, Texas, to provide assistance to more than 1000 detained Central American mothers and children (referred to as “Adults with Children”).⁹⁴ IJC is developing plans to replicate its model in other parts of the country.⁹⁵ IJC is currently staffed with a core team of six full-time employees.⁹⁶

I cannot adequately convey how extraordinary the Immigrant Justice Corps fellows are. They are selected after a highly competitive application process and include many first-generation immigrants and bilingual graduates from the country’s top law schools and universities.⁹⁷ The fellows bring their unique experiences and skills to the critical legal services they provide. Gloria Chacon, for example, born in Honduras to a single mother, fled her country and her family’s political persecution and came to the United States where an unscrupulous immigration attorney took financial advantage of her mother.⁹⁸ Gloria battled cancer, went to law school, and is now realizing her dream to represent immigrant children and their families because of the opportunity that the Immigrant Justice Corps gave her.⁹⁹ She was named New Yorker of the Week by a New York television station for her contributions to immigrant representation.¹⁰⁰ Luis Mancheno, an Immigrant Justice Corps fellow, born in Ecuador, similarly was featured in the *New York Times*, for his work as an immigration attorney, where he stated, “My job is to give voice to all the Luises out there, who are completely

91. Immigrant Justice Corps Fact Sheet, *supra* note 1.

92. *Our Story*, *supra* note 35.

93. *Id.*

94. *Id.*

95. *Id.*

96. *Id.*

97. *Meet the Fellows*, IMMIGRANT JUST. CORPS, <http://justicecorps.org/meet-fellows/> [<https://perma.cc/LNB6-ZDXM>] (last visited Oct. 4, 2018).

98. Eugene Chow, *Our City of Heroes*, ROBIN HOOD (Nov. 10, 2016), <https://www.robinhood.org/our-city-of-heroes> [<https://perma.cc/G7M5-KUXK>].

99. Erica Pearson, *Happy to Give Back: New York Attorney Aids Young Immigrants on the Same Path*, N.Y. DAILY NEWS (Apr. 7, 2015, 9:30 PM), <http://www.nydailynews.com/new-york/happy-give-back-new-york-attorney-aids-young-immigrants-article-1.2176991> [<https://perma.cc/DMJ2-7PBX>].

100. John Schiumo, *NYer of the Week: Gloria Chacon Opens Doors for People New to Country*, NY1 (Nov. 5, 2016, 5:24 AM), <http://www.ny1.com/nyc/all-boroughs/nyer-of-the-week/2016/11/5/nyer-of-the-week--gloria-chacon-s-experience-escaping-threat-of-violence-in-her-home-country-inspires-her-to-be-advocate-for-immigrants> [<https://perma.cc/AM2J-RBDH>].

alone, completely resourceless, and who are fighting a gigantic system.”¹⁰¹ Sam Dillon, a two-time Pulitzer Prize winning reporter for the *New York Times*, decided to change careers and enroll in law school after reading the Study Group reports, and he too is serving as an Immigrant Justice Corps lawyer.¹⁰² Victor Cueva, originally from Lima, Peru, grew up as an undocumented immigrant in Hudson Valley; overcame great obstacles, including crooked lawyers who cheated his family; and graduated summa cum laude from college, returning recently to deliver a stirring commencement speech: “Never give up,” he said, “never forget where you come from.”¹⁰³

Equally inspiring are IJC Community Fellows, recent college graduates of such schools as Princeton, Yale, Harvard, Berkeley, Brown, John Jay, and Hunter, many of whom themselves are immigrants, eager to give back to their communities, situating themselves as fellows in nonprofits and community-based sites like public libraries which immigrants frequent.¹⁰⁴ To know all these fellows, Justice Fellows and Community Fellows, is to be encouraged about our country’s future. IJC has gone from an idea to a fully formed nonprofit—championed across the country as a new model for serving immigrant families—due, in no small part, to extensive financial and in-kind support from Robin Hood Foundation, JPB Foundation, Bloomberg Philanthropies, Leon Levy Foundation, Grove Family Foundation, New York Community Trust, Bernard and Anne Spitzer Charitable Trust, Pinkerton Foundation, J.M. Kaplan Fund, Oak Foundation, the Carnegie Corporation, Open Society Foundations, and Draper Richards Kaplan Foundation.¹⁰⁵ Several individual donors have also invested in IJC through family foundations.¹⁰⁶

The IJC program has many benefits. Primarily, of course, it makes a fundamental difference in the lives of immigrants and their families. Legal status is the gateway for immigrants seeking to be lifted from poverty and to enter the mainstream of economic and social life. IJC’s very existence raises awareness of the crisis of representation and encourages efforts to meet that

101. Alexandra S. Levine, *New York Today: Refugee, Immigrant and Citizen*, N.Y. TIMES (Feb. 27, 2017), <https://www.nytimes.com/2017/02/27/nyregion/new-york-today-refugee-immigrant-and-citizen.html> [https://perma.cc/A2E5-NBWN].

102. *Immigrant Justice Corps Announces 2015 Fellows*, IMMIGRANT JUST. CORPS (Apr. 29, 2015), http://143.95.90.1/wp-content/uploads/2015/04/IJC-Press-Release_Final.pdf [https://perma.cc/8Z3Z-7K7P].

103. Alice Kenny, *Best Commencement Speech of 2016: 4 Proven Secrets to Success by Former Undocumented Immigrant, Current High-Flying Catholic Charities Attorney*, CATH. CHARITIES ARCHDIOCESES N.Y. (June 8, 2016), <https://catholiccharitiesny.org/blog/best-commencement-speech-2016> [https://perma.cc/L7VP-NCJV]; see also Liz Robbins, *Program Providing Legal Help to Immigrants Will Expand Beyond New York City*, N.Y. TIMES (May 13, 2015), <https://www.nytimes.com/2015/05/14/nyregion/program-providing-legal-help-to-immigrants-will-expand-beyond-new-york-city.html> [https://perma.cc/6S2U-4CFG] (discussing Cueva’s decision to become an IJC Justice Fellow).

104. *Meet the Fellows*, *supra* note 97.

105. *Our Funders*, IMMIGRANT JUST. CORPS, <http://justicecorps.org/our-funders/> [https://perma.cc/LG7N-N4DL] (last visited Oct. 4, 2018).

106. *Id.*

crisis. It facilitates the resolution of cases and promotes the fair and effective administration of justice, thereby aiding already busy courts. For law schools, IJC provides new ways of thinking about how to provide legal services while at the same time enhancing job prospects for graduates at a time when the law market is tightening.

By populating the field of immigration law with a cadre of dedicated lawyers, IJC will change the immigrant representation arena in much-needed ways. It is creating leadership for the next generation to help meet the legal and policy challenges in the years ahead. It summons lawyers to serve the noblest purposes of the law: to assist those in dire straits and in this way address a national problem. For young lawyers, the experience has a lasting impact on their careers as they experience how human beings benefit from their counsel and how families in danger of being torn apart can stay together. Some IJC lawyers will stay in the nonprofit world, while others who decide to enter private practice or work in government may become advocates for their firms' increasing pro bono involvement. They will also be leaders of individual philanthropic giving as their careers progress. They will contribute to public policy discussions with sophistication in the years ahead and their own experience will add to a body of knowledge that will enrich future research and analysis.

What can law firms do? To address the critical need for representation, IJC hopes to sustain and expand operations through a mix of philanthropic, government, and law firm support. The Federal Bar Council has sponsored an IJC fellow as has the law firm of Fragomen Del Rey, contributing greatly to IJC's program. IJC is working towards adding to the number of firms supporting fellows. Executive Director Jojo Annobil is also in discussion with firms interested in employing IJC fellows, post-fellowship, who might join the firm as associates and provide direct representation as well as supervise the firm's pro bono immigration representation effort. Several distinguished members of the bar have worked with IJC to promote IJC activities, including former ABA president James Silkenat, William Zabel, Robert Morgenthau, Robert Kaufman, Alina Das, Austin Fragomen, Michael Patrick, Careen Shannon, Sarah Burr, and Robert Juceam.

In sum, IJC has achieved many accomplishments to date. IJC has trained some 140 Justice Fellows and Community Fellows since its inception in 2014.¹⁰⁷ IJC's fourth class of Justice Fellows and Community Fellows arrived in September 2017, with now fifty-seven Justice Fellows and twenty-one Community Fellows in the field.¹⁰⁸ Over 44,000 immigrants and their families have been served by the program,¹⁰⁹ and fellows have won 93 percent of the completed cases they took on, avoiding deportation and keeping families together.¹¹⁰ IJC Community Fellows have filed more than

107. Immigrant Justice Corps Fact Sheet, *supra* note 1.

108. *Our Story*, *supra* note 35.

109. Immigrant Justice Corps Fact Sheet, *supra* note 1.

110. *Our Story*, *supra* note 35.

five thousand benefit applications with a success rate of 95 percent.¹¹¹ The Community Fellows have also saved low-income clients nearly \$2.9 million by requesting application fee waivers.¹¹² IJC has increased the capacity of some forty host organizations¹¹³ and has expanded to seven states and several cities therein: New York (New York City, Albany, Buffalo, Kingston, and the lower Hudson Valley region), New Jersey (Newark), Connecticut (New Haven), Texas (San Antonio), Florida (Miami), Maryland (Baltimore), and Virginia (Arlington).¹¹⁴ IJC has lawyers permanently working at the Karnes Family Detention Center assisting mothers with children from Central America to make their credible-fear claims and connect them to IJC fellows upon release to apply for asylum. IJC is considering requests to expand or replicate its model to cities where there is an acute need for representation.

IJC's board includes William Zabel as chair, founding partner of Schulte Roth & Zabel; Robert Morgenthau, former District Attorney of New York County; Professor Alina Das of NYU School of Law; former immigration judge Sarah Burr; Steven Kuhn, formerly of Pine River Capital; Robie Spector, foundation executive; and Stephanie Khurana, Managing Director of Draper Richards Kaplan, in addition to myself.¹¹⁵ IJC has also been featured in major news outlets, including the *New York Times*, *New York Daily News*, and *Los Angeles Times*.¹¹⁶

* * *

Nine years have passed since we last met at Fordham to confront the challenges of providing access to justice for immigrants. It is all the more fitting that we take time here, to discuss this matter of compelling human concern.

Much as has been done, there is much still to do. Our purpose today is not to rest on what has been accomplished, but rather to take stock of what has been done and discuss innovative proposals so that we can better meet the challenges of still-large unmet needs.

I thank you for your attention and your great courtesy.

111. *Id.*

112. Immigrant Justice Corps Fact Sheet, *supra* note 1.

113. *Id.*

114. *Id.*

115. *Our Team*, *supra* note 85.

116. *See supra* notes 46–49; *see also* Molly Hennessy-Fiske, *Immigrant Lawyers Handling a Border Surge: “This Really Is an Emergency Room Situation,”* L.A. TIMES (July 26, 2015, 3:00 AM), <http://www.latimes.com/nation/la-na-immigration-lawyers-20150726-story.html> [<https://perma.cc/7FK9-8VRC>].