

Pro Bono A Special Report

Summer on the Border

Fried, Frank summer associates go to Texas to learn about asylum work.



BY KAREN GRISEZ

Sitting in a detention center in Harlingen, Texas, near the Mexican border is not the typical sort of work one imagines for summer associates. But for a group of summer associates from Fried, Frank, Harris, Shriver & Jacobson this year, getting pro bono experience on behalf of detained asylum seekers and other immigrants was all part of their two-week stint with the Pro Bono Asylum Representation Project.

The five students, along with the senior Fried, Frank attorneys supervising them, worked on behalf of asylum seekers who were detained after attempting to enter the United States at the Mexican border without proper entry documents, as well as with other immigrants with legal difficulties. The Pro Bono Asylum Representation Project, called ProBAR, allows summer associates to get exposure to Fried, Frank's well-known asylum practice.

For years, summer associates interested in asylum work could take a short training session from one of the immigration advocacy groups in Washington, D.C., and then get involved in an ongoing case Fried, Frank was handling. In early 2003, however, the American Bar Association's Commission on Immigration made a special request: It saw that ProBAR was representing more clients than ever before, with a particular increase in the number of unaccompanied minors in detention. Due to the growing caseload, and the loss of some longtime volunteers, firms were asked to consider sending attorneys or summer associates to volunteer at ProBAR. Fried, Frank has offered this experience to summer associates for two years.

ProBAR is a joint project of the ABA, the American Immigration Lawyers Association (AILA), and the State Bar of Texas. Most of ProBAR's clients are asylum-seekers from Latin America who were detained at the border. Others have lived in the United States for many years, either as permanent residents or as the undocumented, and are eligible for relief from deportation, despite their immigration violations, because of family ties or for other reasons.

Since most of ProBAR's clients speak Spanish, volunteers with

Spanish language skills were especially needed. Benefits to the clients were obvious: They gain access to high-quality representation provided by volunteers with enough time and resources to develop their claims, assemble corroborating documentation, and prepare them to testify at their hearings.

Because there is no right to appointed counsel in immigration proceedings, which are considered civil in nature, a person who cannot afford to hire a lawyer is forced to represent himself unless he obtains pro bono counsel. This is true whether the individual is an adult or a child, is detained or at liberty, and speaks any English or not. Not surprisingly, the percentage of applicants winning their asylum cases has been estimated to be about four times higher for those represented by counsel.

HANDS-ON EXPERIENCE

Participating summer associates also gain from their experience in several ways. They get the opportunity to use their foreign language skills, to have the direct client contact all young lawyers crave, to gain in-depth knowledge of the political situation in their client's native country, and to complete a major writing assignment. Most importantly, they get the hands-on experience of conducting hearings under the Immigration Court's student practice rules, including the preparation of opening and closing statements, presentation of direct examinations, and the defense of cross-examinations by government counsel.

What do the summer associates think of the experience? Chuck Dender, a 2003 summer associate from Fried, Frank's D.C. office, puts it this way: "I knew from the first day we started work at ProBAR that those two weeks would be the most fantastic experience of my summer. It was real work—with the real hours and real stress—but I knew sitting in the detention center with my client while preparing a motion and a brief that it was a direct experience that could not be duplicated by summers at any other major firm."

Dender, who assisted a longtime permanent resident from Mexico in winning cancellation of removal and thereby avoid-

ing deportation, also credits his ProBAR experience for his decision to accept Fried, Frank's offer. "I decided during my time at ProBAR not to put in applications elsewhere. I was an older law student, ready to do real work. I decided if Fried, Frank was willing to give me this much responsibility as a second-year student, it would offer me the best associate opportunities as well."

Fried, Frank's participation also benefits a major initiative of both the ABA and AILA. (Immigration is one of the ABA's top legislative priorities this year, but the right to due process and access to counsel in immigration proceedings have long been ABA policy as well.) Out-of-pocket costs of the program are relatively low: Food and lodging in Harlingen are much less expensive than in more urban areas. The ProBAR structure lends itself well to a summer program. ProBAR staff screen incoming cases to identify those with the greatest chances of success.

Immigration judges in Harlingen, well aware of ProBAR's reliance on volunteers and eager to encourage pro bono service by major firms, often exercise flexibility in scheduling hearings when the summer associates will be in Texas. Thus, ProBAR offers the chance for summer associates to take a case from start to finish in a short time. Finally, ProBAR offers a clear recruiting advantage. Participating summer associates are exposed to one of the firm's major pro bono practice areas and get a close look at one of its vibrant partnerships with legal services providers. They are then more likely to come to the firm after graduation. Indeed, now that the program has operated for two summers, prospective

summer associates may even be attracted to the firm by hearing about the possibility of a stint on the border.

WINNERS

The biggest winners may well be the clients. In 2003, four Fried, Frank summer associates assisted one Mexican man in retaining his permanent residence through cancellation of removal, and won asylum for a Honduran activist who had received death threats and been pursued after organizing community resistance to the government's efforts to seize and develop valuable coastal lands owned for generations by his indigenous tribe. This year's summer associate volunteers are seeking asylum for a French-speaking man from the Ivory Coast whose parents and brother were killed by government forces, and a Honduran orphan who fled to the United States after deciding he did not want to belong to a street gang there, as well as pursuing cancellation of removal for an undocumented Mexican mother of five U.S. citizen children, ranging in age from 1 year old to 9 years old.

As Dender notes, the ProBAR opportunity is one not currently offered by many other major firms. ProBAR would like other firms to get involved. Its staff encourages summer associate and attorney volunteers for periods of as little as one week throughout the year.

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