

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit Washington
public benefit corporation; and YUK MAN
MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT OF
JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as
Disciplinary Counsel for the Executive Office
for Immigration Review,

Defendants.

No. 2:17-cv-00716

DECLARATION OF JAIME
DROZD ALLEN IN SUPPORT OF
PLAINTIFFS’ MOTION FOR
PRELIMINARY INJUNCTION

Note on Motion Calendar:
June 30, 2017

1 I, Jaime Drozd Allen, declare the following:

2 1. I am a partner with Davis Wright Tremaine LLP (“DWT”) and am counsel of
3 record for Plaintiffs in this matter. I have personal knowledge of the facts stated in this
4 declaration and am competent to testify to the same.

5 2. Attached hereto as **EXHIBIT A** is a true and correct copy of excerpts from the
6 Verbatim Report of Proceedings for the May 17, 2017 Temporary Restraining Order hearing
7 heard before Judge Richard A. Jones.

8 3. Attached hereto as **EXHIBIT B** is a true and correct copy of the Declaration of
9 Kursten Phelps, Director of Legal and Social Services at Tahirih Justice Center.

10 4. Attached hereto as **EXHIBIT C** is a true and correct copy of the Declaration of
11 R. Linus Chan, Clinical Professor of Law and Supervisor of Detainee Rights Clinic at the
12 James H. Binger Center for New Americans at the University of Minnesota Law School.

13 5. Attached hereto as **EXHIBIT D** is a true and correct copy of the Declaration of
14 Lisa Weissman-Ward, Clinical Supervising Attorney for Stanford Law School Immigrants’
15 Rights Clinic.

16 6. Attached hereto as **EXHIBIT E** is a true and correct copy of the Declaration of
17 Cristina Dos Santos, Senior Attorney for the Immigration Program at the Community Legal
18 Services in East Palo Alto.

19 7. Attached hereto as **EXHIBIT F** is a true and correct copy of the Declaration of
20 Jon Bauer and Jessica Anna Cabot with the University of Connecticut School of Law Asylum
21 and Human Rights Clinic.

22 8. Attached hereto as **EXHIBIT G** is a true and correct copy of the Declaration of
23 Caroline Devan Sennett, Staff Attorney and Site Supervisor for the Hartford Office of the

1 International Institute of Connecticut.

2 9. Attached hereto as **EXHIBIT H** is a true and correct copy of the Declaration of
3 Muneer I. Ahmad, Clinical Professor of Law within the Worker and Immigrant Rights
4 Advocacy Clinic at Yale Law School.

5 10. Attached hereto as **EXHIBIT I** is a true and correct copy of the Declaration of
6 John Keller, Executive Director of the Immigrant Law Center of Minnesota.

7 11. Attached hereto as **EXHIBIT J** is a true and correct copy of the Declaration of
8 Richard Stolz, Executive Director of OneAmerica.

9 12. Attached hereto as **EXHIBIT K** is a true and correct copy of the Declaration of
10 Susan Roche, Executive Director of the Immigrant Legal Advocacy Project in Maine.

11 13. Attached hereto as **EXHIBIT L** is a true and correct copy of the Declaration of
12 Cheryl Little, Executive Director of Americans for Immigrant Justice.

13 14. Attached hereto as **EXHIBIT M** is a true and correct copy of the Declaration of
14 Judy London, Directing Attorney of the Immigrants' Rights Project for Los Angeles Public
15 Counsel.

16 15. Attached hereto as **EXHIBIT N** is a true and correct copy of the Declaration of
17 Frances Miriam Kreimer, Senior Attorney at the Deportation Defense and Legal Advocacy
18 Program at Dolores Street Community Services.

19 16. Attached hereto as **EXHIBIT O** is a true and correct copy of the Declaration of
20 Nancy Kelly, Managing Attorney of the Immigration Unit at Greater Boston Legal Services.

21 17. Attached hereto as **EXHIBIT P** is a true and correct copy of the Declaration of
22 Juliann Bildhauer, Co-Director of Legal Services for Kids in Need of Defense (KIND).

23 18. Attached hereto as **EXHIBIT Q** is a true and correct copy of the Declaration of
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1 Lynn Marcus, Professor of the Practice and Co-Director of the Immigration Law Clinic at the
2 University of Arizona James E. Rogers College of Law.

3 19. Attached hereto as **EXHIBIT R** is a true and correct copy of the Declaration of
4 Paul S. Zoltan, founder of the Refugee Support Network and liaison with Houston Asylum
5 Office of the American Immigration Lawyers Association.

6 20. Attached hereto as **EXHIBIT S** is a true and correct copy of the Declaration of
7 Valerie Anne Zukin, Lead Attorney Coordinator for the Northern Collaborative for Immigrant
8 Justice and attorney for the Justice & Diversity Center of The Bar Association of San
9 Francisco.

10 21. Attached hereto as **EXHIBIT T** is a true and correct copy of the Declaration of
11 Alison Pennington, Immigration Senior Staff Attorney at Centro Legal.

12 22. Attached hereto as **EXHIBIT U** is a true and correct copy of the Declaration of
13 Daniel Werner, Director of the Southeast Immigrant Freedom Initiative, a project of the
14 Southern Poverty Law Center.

15 23. Attached hereto as **EXHIBIT V** is a true and correct copy of the Declaration of
16 John H. Fleming, Pro Bono Partner at Eversheds Sutherland (US), LLP.

17 24. Attached hereto as **EXHIBIT W** is a true and correct copy of Declaration of
18 Ellyn Haikin Josef, Pro Bono Counsel at Vinson & Elkins, LLP.

19 25. Attached hereto as **EXHIBIT X** is a true and correct copy of the Declaration of
20 Stacey Slater, Pro Bono Partner at Nixon Peabody, LLP.

21 26. Attached hereto as **EXHIBIT Y** is a true and correct copy of the Declaration
22 from Rene A. Kathawala, Pro Bono Counsel at Orrick, Herrington & Sutcliffe LLP.

23 27. Attached hereto as **EXHIBIT Z** is a true and correct copy of the Declaration of
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1 Leah E. Medway, Pro Bono Counsel at Perkins Coie LLP.

2 28. Attached hereto as **EXHIBIT AA** is a true and correct copy of the Declaration
3 of William A. Van Nortwick, Jr., Partner-in-charge of Pro Bono at Akerman LLP.

4 29. Attached hereto as **EXHIBIT BB** is a true and correct copy of the Declaration
5 of Audra J. Soloway, Partner and Co-Chair of Public Matters Committee at Paul Weiss Rifkind
6 Wharton & Garrison LLP.

7 30. Attached hereto as **EXHIBIT CC** is a true and correct copy of the Declaration
8 of Harrison J. Frahn, Litigation Partner at Simpson Thacher & Bartlett, LLP.

9 31. Attached hereto as **EXHIBIT DD** is a true and correct copy of the Declaration
10 of Kathryn Fritz, Managing Partner of Fenwick & West LLP.

11 32. Attached hereto as **EXHIBIT EE** is a true and correct copy of the Declaration
12 of David A. Lash, Managing Counsel for Pro Bono and Public Interest Services at O'Melveny
13 & Myers LLP.

14 33. Attached hereto as **EXHIBIT FF** is a true and correct copy of the Declaration of
15 Claire Loeb Davis, Seattle chair of the Pro Bono Committee at Lane Powell PC.

16 34. Attached hereto as **EXHIBIT GG** is a true and correct copy of the Declaration
17 of Maureen P. Alger, Pro Bono Partner for Cooley LLP.

18 35. Attached hereto as **EXHIBIT HH** is a true and correct copy of the Declaration
19 of Marjorie Press Lindblom, Counsel and Co-Chair of the Pro Bono Management Committee at
20 Kirkland & Ellis LLP.

21 36. Attached hereto as **EXHIBIT II** is a true and correct copy of the Declaration
22 and accompanying exhibit of Edward B. Murray, Mayor of the City of Seattle.
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1 I declare under penalty of perjury under the laws of the United States of America that
2 the foregoing is true and correct to the best of my knowledge and belief.

3 EXECUTED at Seattle, Washington, this 8th day of June, 2017.
4

5 By: /s/ Jaime Drozd Allen
6 Jaime Drozd Allen, WSBA #35742
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CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2017, I filed the foregoing using CM/ECF which will cause a copy to be sent to the following:

Attorneys for Defendants Jefferson B. Sessions, III Attorney General of the United States; United States Department of Justice; Executive Office for Immigration Review; Juan Osuna; Jennifer Barnes

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By s/ Jaime Drozd Allen
Jaime Drozd Allen, WSBA #35742
Attorney for Plaintiffs

Exhibit A

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

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|---|---|-------------------------------------|
| NORTHWEST IMMIGRANT RIGHTS PROJECT ("NWIRP"), a nonprofit Washington public benefit corporation; and YUK MAN MAGGIE CHENG, an individual, |) | C17-00716-RAJ |
| |) | SEATTLE, WASHINGTON |
| |) | May 17, 2017 |
| Plaintiffs, |) | Temporary Restraining Order Hearing |
| v. |) | |
| |) | |
| JEFFERSON B. SESSIONS III, in his official capacity as Attorney General of the United States; UNITED STATES DEPARTMENT OF JUSTICE; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; JUAN OSUNA, in his official capacity as Director of the Executive Office for Immigration Review; and JENNIFER BARNES, in her official capacity as Disciplinary Counsel for the Executive Office for Immigration Review. |) | |
| Defendants. |) | |

VERBATIM REPORT OF PROCEEDINGS
BEFORE THE HONORABLE RICHARD A. JONES
UNITED STATES DISTRICT JUDGE

APPEARANCES:

| | |
|---------------------|-----------------------|
| For the Plaintiffs: | Jaime Drozd Allen |
| | James H. Corning |
| | Davis Wright Tremaine |
| | 1201 Third Avenue |
| | Suite 2200 |
| | Seattle, WA 98101 |

Proceedings stenographically reported and transcript produced with computed-aided technology

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For the Defendants:

Victor Mercado-Santana
Gisela Westwater
Gladys Steffens Guzman
U.S. Department of Justice
Civil Division
450 5th Street N.W.
Washington, DC 20001

1 THE COURT: Let me ask you this, counsel. I'm trying to
2 look at the practical impact of the regulation and see if there's
3 some options or alternatives.

4 Are there any alternatives? In other words, is there any way
5 for NWIRP to assist immigrants by offering what I characterize as
6 light or low-cal legal services, for guiding them in the right
7 direction, without filing a notice of appearance?

8 MR. MERCADO-SANTANA: Yes. NWIRP has the ability to
9 provide many forms of legal assistance. In fact, many of the
10 things that NWIRP is claiming that they cannot do because of this
11 letter, they can actually do. For example, NWIRP wants to
12 engage -- wants to provide know-your-rights presentations to
13 immigrant populations; they want to be able to at least have
14 consultations with individuals. Those practices are not
15 prohibited by the regulation because those practices do not
16 trigger the clause that discusses engaging in auxiliary
17 activities.

18 THE COURT: Well, would you consider auxiliary
19 activities, for example, if there's a legal clinic? And I think
20 most cities -- and Seattle certainly does -- have legal clinics
21 and forums that a program provides, access-to-justice programs.
22 In those circumstances, if a lawyer is giving any type of advice
23 to an individual who comes and presents them with, for example,
24 any kind of issue affecting their status and says, "What do I do
25 with this document," once that lawyer answers that question, are

1 they required to file that notice?

2 MR. MERCADO-SANTANA: Not necessarily, because providing
3 advice --

4 THE COURT: "Not necessarily" puts the lawyer in an
5 awkward and challenging position, doesn't it, counsel? Doesn't
6 that chill the effect of that lawyer's ability to represent their
7 client?

8 MR. MERCADO-SANTANA: No, it doesn't chill their ability
9 to represent the client. But the moment that the -- as a matter
10 of practice before the immigration court, the moment that the
11 attorney provides advice and then engages in additional action to
12 advance their case before the immigration court, at that moment,
13 there is a -- for the purposes of federal practice, there is
14 representation before the immigration court, and it is important
15 for the parties to know who is the person that is engaging in
16 that representation so that the practitioner becomes subject to
17 the jurisdiction of the Court, can be sanctioned if there are any
18 errors, any malpractice, the parties know who the person is, so
19 that the client can present an ineffective assistance of counsel,
20 which is a very common filing in immigration courts. And in
21 knowing who the practitioner is, there is a very strong interest
22 that is advanced in the filing-of-the-notice-of-appearance
23 requirement once the attorney engages in those additional
24 actions.

25 THE COURT: Well, let me ask a question, counsel. One

1 of the arguments or the concepts advanced by NWIRP is that they
2 have high-volume responsibility.

3 MR. MERCADO-SANTANA: Uh-huh.

4 THE COURT: And because of that high-volume
5 responsibility, they max out at some point in time, in terms of
6 the number of individuals they can actually represent without
7 engaging in ineffective assistance of counsel. So my question to
8 you is, is there any way that they could continue to assist large
9 amounts of immigrants without taking on each immigrant as a full
10 client? Because as I interpret your regulation, once you touch
11 it -- it's essentially a no-touch rule -- if you touch it, it's
12 yours, full representation to the end.

13 MR. MERCADO-SANTANA: Well, two things, Your Honor.
14 First of all, the regulation is not just you have a contact with
15 the person and then you have representation. The regulation is
16 about circumstances, when the attorney or the attorney
17 practitioner engages in additional conduct.

18 Now, going to the question about how NWIRP can practice in
19 light of this regulation, I cannot make any comments or
20 suggestions about what NWIRP should or should not do in the sense
21 that I'm not familiar with their organization in that sense. But
22 in general terms, NWIRP is still allowed to consult with
23 individuals, to provide know-your-rights presentations, they can
24 still prepare forms, they can still engage in many of the average
25 activities that they want to engage in so long as they don't

1 engage in acts that constitute providing advice and providing
2 actual additional assistance that is to be presented before the
3 immigration court.

4 THE COURT: Let me ask this, counsel. If an attorney
5 gives advice to a client, a prospective client, or someone that
6 comes to them, and the attorney dictates a motion, the client
7 types the motion, has the rule been triggered at that point in
8 time?

9 MR. MERCADO-SANTANA: If the client were to go ahead and
10 present it before the immigration court without the attorney,
11 then the rule, yes, it would be triggered. Because even
12 something like the writing of a brief, the preparation of
13 substantive legal argument, is recognized as the practice of
14 law, and having an individual present complicated arguments to
15 the Court in order to advance their case before the immigration
16 court, then, yes, there is representation.

17 I also would like to note that this rule regarding the entry
18 of appearances, that, in essence, pretty much prohibits practices
19 like ghostwriting. It is a practice that many federal courts
20 have found not to be permissible, at least for the purposes of
21 federal practice. In fact, in the notice and comments, when EOIR
22 first presented this rule, they articulated the rule was modeled
23 after Rule 11, the rule regarding sanctions in federal court.
24 Some tribunals that have reviewed the practice of ghostwriting,
25 where an attorney prepares the filing for an individual that is

1 THE COURT: Well, from a practical standpoint, counsel.

2 MR. MERCADO-SANTANA: Yes.

3 THE COURT: So recognizing that that's more probably
4 than not the circumstance, and recognizing that the requirement
5 of filing a notice of appearance any time you touch a case would
6 be the effect of your rule, and that each of these agencies,
7 assuming that there's more than one, would max out or cap out at
8 some point in time, doesn't the effect of your rule seriously
9 decrease the amount of people that can actually be assisted or
10 helped in immigration-consequences cases?

11 MR. MERCADO-SANTANA: It might decrease the amount of
12 people that might be helped, but that is outweighed by the
13 compelling need of the immigration court system to ensure that
14 those who actually are represented enjoy the full representation
15 of the advocate. And whether NWIRP decides to represent or not
16 represent a person, that is a decision that they must take into
17 account given their limited resources. But as a matter of
18 policy, the immigration courts have determined that once an
19 attorney engages in these practices, then they need to represent
20 the individual in order to ensure the quality of the
21 representation and enforce any disciplinary action, if necessary.

22 THE COURT: Okay. Counsel, you just mentioned the magic
23 word, "quality of representation."

24 MR. MERCADO-SANTANA: Uh-huh.

25 THE COURT: And I don't think that you dispute that

1 it is that's supporting that, that's getting behind the mask,
2 that anyone is filing paperwork or pleadings anonymously?

3 MR. MERCADO-SANTANA: Well, it is -- I mean, yeah, the
4 organization is saying that they did it, but the regulation of
5 practice before the immigration court is regulation of
6 practitioners, of individuals. And by not disclosing who the
7 person is, the interests of the immigration court, in being able
8 to regulate the individuals who practice, was frustrated by not
9 disclosing who the particular individual was.

10 THE COURT: Then let me ask you this, counsel: Your
11 organization received, I think it was just two letters from an
12 immigration judge about "What am I supposed to do with this,"
13 correct?

14 MR. MERCADO-SANTANA: Yeah, they received notice from
15 the immigration court.

16 THE COURT: Okay. So based upon the evidence that you
17 have in terms of the enforcement of that regulation, does EOIR
18 have evidence of any poor representation on the part of NWIRP?

19 MR. MERCADO-SANTANA: Based on the record, we don't have
20 any of that currently, right now, regarding NWIRP representation.
21 However, at the end of the day, these are rules of ethical
22 conduct, ethical behavior, which are designed for the general
23 protection of the public in order to ensure that practitioners
24 are good, in order to ensure that all of those attorneys deserve
25 the privilege of advocating for people, and they need to be

1 applied evenly to all practitioners regardless of who they are
2 affiliated with.

3 So even though there may not be any evidence on the record
4 regarding NWIRP's precise quality of representation, the rules
5 must apply to all practitioners, regardless of who they are.

6 THE COURT: Well, counsel, was there ever any indication
7 that you had from any communication that you had from a
8 particular immigration judge or from any source that NWIRP was
9 deficient in any respect, that it filed false statements, engaged
10 in frivolous behavior or misconduct, or failed to even meet the
11 minimum standards of professional conduct? Was any of those
12 facts or concerns ever raised to your organization to pinpoint
13 NWIRP as the target or the scope of your cease and desist letter?

14 MR. MERCADO-SANTANA: At this moment, I don't have any
15 information regarding that, Your Honor. But, again, these are
16 rules that ought to apply to everyone, regardless of who they
17 are, in order to continue showing society, and the individuals
18 that are in immigration court can know that who is representing
19 them and knowing that -- and showing society that we, as
20 attorneys, comply with minimal standards imposed on us.

21 THE COURT: All right. Counsel, again, I'm trying to
22 dovetail exactly what it is that your regulation addresses. And
23 when I asked you about what appears to be transparent disclosure
24 by NWIRP, by the fact that they put their name on their pleading,
25 and in terms of your reference to they didn't tell you exactly

1 know who it is, we're disclosing our entity -- not
2 individually -- but you clearly know the organization. If the
3 immigration judge had concerns who that organization was or who
4 was serving in that representative capacity, couldn't they have a
5 show cause or some type of order issued for the benefit of that
6 organization to say, "What capacity are you providing for us?"

7 MR. MERCADO-SANTANA: Well, the authority for
8 discipline would be by a referral to the disciplinary counsel.

9 As to the concerns regarding the notation, the issue is that,
10 as a matter of policy, the immigration court made a determination
11 that once an advocate provides advice and engages in additional
12 activities to advance their claim before the immigration courts,
13 that advocate is engaging in representation.

14 There are many concerns about notario fraud, there are many
15 concerns about quality of representation, of making sure that
16 the parties know who the advocate is in a case, which is why this
17 notice of appearance is required, and that is why the agency made
18 the determination that it is important, for purposes of
19 immigration practice, given the enormous amount of fraud, the
20 need of the parties to know who is doing the representation,
21 that's why the notice of appearance is required. It actually
22 would benefit the litigants that appear before the immigration
23 court.

24 Earlier I had mentioned an ineffective-assistance-of-counsel
25 claim. In immigration court, an individual can try to reopen a

1 case because of ineffective assistance of counsel. That requires
2 the parties knowing who the counsel is. This so-called *Lozada*
3 requirement. And in many of those cases, one of the many
4 inquiries is making sure, finding out -- making sure that people
5 know who the advocate is so that the individual can tell the
6 advocate of his ineffectiveness, provide opportunity for the
7 advocate to respond, and file a complaint with the appropriate
8 bar jurisdiction. If the parties cannot agree, before any
9 problems happen, on who the advocate is, because they didn't file
10 a notice of appearance, that would hinder the ability of
11 litigants in immigration court to reopen their case when one of
12 its advocates might have provided ineffective assistance and a
13 need to reopen the case.

14 And so far -- I mean, so far, yes, the record does not
15 reflect that NWIRP has engaged in any ineffective assistance or
16 anything like that, but if in the future something were to
17 happen -- because even the best of us commit error -- if in the
18 future something were to happen, and one of these individuals who
19 appears pro se with complex pleadings prepared by NWIRP
20 attorneys, and that person later, in the future, needs to present
21 an ineffective assistance of counsel against an advocate in
22 NWIRP, it would cause difficulty for that person to present a
23 claim before the agency because there was never an indication of
24 who the advocate was.

25 THE COURT: You're talking about the individual as

1 appearance in every single case that they have, and they reach
2 their limits or maximum in terms of what services that they can
3 provide? Doesn't that provide a chilling effect on NWIRP's
4 behavior, and in effect, impact the intended beneficiaries? In
5 other words, the ones facing the dire consequences are the ones
6 that can't get legal representation if NWIRP is capped out in
7 terms of who they can actually represent?

8 MR. MERCADO-SANTANA: Well, Your Honor, it doesn't
9 unduly chill their ability to continue their mission if they --
10 because at the moment that -- if they're working with an
11 individual, the moment that their work becomes practice before
12 the immigration court, at that moment, they should file their
13 notice of appearance and actually advocate for the individual in
14 court instead of letting them go on their own and face an
15 immigration court system on their own. If they're helping them,
16 if they're providing legal advice and assistance to these people,
17 they should appear before the immigration court.

18 And whether to take a case or not, whether to provide that
19 additional assistance, that is a question that NWIRP should
20 consider, given their resources. And they do recognize they have
21 limited resources. But that is something that they should
22 consider. And the government is not stopping them from doing any
23 of the other actions that they engage in. It's not stopping them
24 from approaching individuals who want legal assistance and
25 providing them advice about their rights. It's not providing

1 them -- it's not blocking them from advocating for immigrants
2 before the press, before other groups, before the government.
3 It's not stopping them from many of the actions that they allege
4 in their complaint and in their motion.

5 The only thing that the immigration court is saying is that
6 the moment that your actions have advice and constitute auxiliary
7 activities, at that point, they're actually engaging in
8 representation before the immigration court and appearance is
9 required.

10 THE COURT: Counsel, let me get back to a couple cases
11 that I asked plaintiff about. I just want to ask you the same.
12 Both *Button* and *In re Primus* involve state regulations and
13 attorneys soliciting clients. This case involves federal
14 regulations and actual representation. Does that place this case
15 outside the realm of *Button* and its progeny, is the first
16 question.

17 MR. MERCADO-SANTANA: This case is clearly
18 distinguishable from all of those cases, because in *Button* and in
19 *Primus*, those are cases really about looking for clients, getting
20 those clients. The regulations here are in no way stopping NWIRP
21 from seeking people, from talking to them about their rights, to
22 providing know-your-rights presentations at any immigration
23 facility. In fact, the EOIR does provide them funds to engage in
24 many of these assistance programs.

25 So the only limitation here is about what happens once you

1 take action in order to minimize this practice happening again in
2 the future.

3 THE COURT: Well, I can't tell, counsel, but doesn't it
4 appear that there was a pattern or practice of tolerance created
5 by EOIR's nonenforcement of this regulation until just now, just
6 at this time, with just this particular agency?

7 MR. MERCADO-SANTANA: Well, the immigration court has
8 not waived any rights to enforce this regulation based on
9 conversations with the agency. The agency has implemented -- has
10 enforced this regulation, but it's kind of a hard regulation
11 to -- it's hard to enforce when you don't know who the particular
12 person is. So, yeah, there are issues. But it doesn't change
13 the fact that the individual in federal court -- I'm sorry, in
14 the government, who is actually in charge of enforcing the
15 regulation, took action after learning about the practices of the
16 organization.

17 THE COURT: And, counsel, are you aware or do you know
18 how many other cease and desist communications are outstanding,
19 or is this the only one that's outstanding that you're aware of,
20 from your client's perspective?

21 MR. MERCADO-SANTANA: I'm not aware of any specific
22 example in other circumstances. But my understanding is, there
23 has been enforcement in other cases. I just don't have any
24 particular information about any other cases to represent to the
25 Court.

1 THE COURT: But do you think you have other
2 circumstances where a cease and desist letter was issued to a
3 nonprofit organization under circumstances as now before this
4 Court? That's my question.

5 MR. MERCADO-SANTANA: That is my understanding. But I
6 would have to, in order to provide a definite answer, I would
7 like to consult with the agency to provide a more clear, detailed
8 response to that question. But at the end of the day, EOIR, the
9 disciplinary counsel's office, is the one that is in charge of
10 enforcing this regulation. So even if the immigration court in
11 Seattle or Tacoma might have interpreted it differently, or made
12 this agreement, they are not the individuals who are charged with
13 enforcing the regulation.

14 THE COURT: And just to be clear -- and I think you've
15 conceded this point -- the regulation does not bar the plaintiffs
16 from making statements at community workshops, the KYR, the
17 know-your-rights events, or legal clinics; is that correct?

18 MR. MERCADO-SANTANA: That is correct, so long as they
19 don't cross the line to actually providing advice and auxiliary
20 activity, which, in a memo from the Legal Orientation Program,
21 agencies like NWIRP have been provided guidance of where those
22 lines lay.

23 THE COURT: All right.

24 MR. MERCADO-SANTANA: But they can still engage in those
25 activities.

1 THE COURT: So you don't have any problem with someone
2 at a legal clinic providing advice; is that correct?

3 MR. MERCADO-SANTANA: There is no problem with providing
4 advice, so long as they don't take the additional step of
5 providing auxiliary activities that advance the case before --

6 THE COURT: So if someone comes to a legal clinic and
7 says, "I have a legal form, I need to fill in the blanks, but I
8 need someone to assist me and give me some coaching or legal
9 advice on what I should include," does that cross the line, in
10 your interpretation?

11 MR. MERCADO-SANTANA: It depends if the attorney is
12 engaging in providing legal advice and is providing any
13 additional assistance. If the individual comes for help to
14 understand the form, to have the form explained to them, to
15 understand what the form means, to understand how to best answer
16 the question, it may not trigger the requirement; however -- but
17 the requirement triggers once the actions are taken to advance
18 the case before the immigration court.

19 THE COURT: Doesn't it require a lawyer to be placed in
20 an awkward position? That they never will know, if there's a
21 moving target, if they crossed the line or crossed the bar of
22 giving advice or merely coaching, to the fact that they now need
23 to transition into providing a formal notice? How is the lawyer
24 supposed to know?

25 MR. MERCADO-SANTANA: Well, the lawyer would know if --

1 I mean, based on their experience, they understand what --
2 lawyers understand what providing legal advice is. There is
3 clearly a difference in providing legal advice and providing
4 assistance, providing information. There's also a difference
5 between helping somebody prepare forms versus providing an
6 individual substantive information and aid and assistance in
7 order to present -- to apply the facts to the legal law, to the
8 legal framework.

9 THE COURT: So in your interpretation, you don't think
10 that that presents a chilling effect upon the lawyer or the
11 lawyer's ability to provide representation for their client under
12 those circumstances?

13 MR. MERCADO-SANTANA: It would not cause an undue burden
14 on the lawyer. Lawyers have the knowledge and experience of
15 distinguishing between providing legal advice and providing legal
16 information. And the EOIR has provided guidance in order to
17 provide -- to provide guidance in order to narrow -- to give a
18 better understanding to practitioners about what is permissible
19 and what is not permissible.

20 THE COURT: So if my understanding is correct of what
21 you are saying is, it's a burden, but it's just not an undue
22 burden; is that correct, counsel?

23 MR. MERCADO-SANTANA: That is correct, Your Honor.

24 THE COURT: Anything else that you want to add, counsel?

25 MR. MERCADO-SANTANA: I just would like to quickly add,

Exhibit B

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit Washington
public benefit corporation; and YUK MAN
MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT OF
JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

DECLARATION OF KURSTEN PHELPS

I, Kursten Phelps, declare as follows:

1. I am over the age of eighteen, am competent to testify as to the matters below, and make this declaration based on personal knowledge.
2. I am Director of Legal and Social Services at the Tahirih Justice Center, a national non-profit that provides free legal and social services to immigrant women and children who have

1 experienced gender-based violence. Tahirih has offices in four cities nationwide – Baltimore,
2 MD; Greater Washington, D.C.; Houston, TX; and the San Francisco, CA, Bay Area. As
3 Director of Legal and Social Services, I oversee Tahirih’s program standards, monitoring,
4 evaluation and learning; facilitate best practices, programmatic consistency and quality; and
5 oversee program metrics tracking and reporting.
6

7 3. Tahirih provides full-scale and limited scope representation to immigrant women and
8 girls, and their qualifying family members, who are eligible for humanitarian relief under existing
9 immigration laws. Tahirih attorneys represent individuals and families who are making affirmative
10 applications as well as those who are in removal proceedings. Tahirih attorneys handle asylum
11 applications, petitions under the Violence Against Women Act, battered spouse waiver petitions,
12 petitions for U and T visas for crime and human trafficking victims, applications for Special
13 Immigrant Juvenile Status, and applications for adjustment of status for immigrant clients who
14 previously or concurrently obtained one of the previously iterated forms of relief.
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16

17 4. To the best of my knowledge, from January 1, 2016 to May 25, 2017, Tahirih has
18 served 855 individuals with either limited or full scope immigration legal services. We provided 685
19 individuals with limited scope services. Of these, 225 told us that they were in removal proceedings.
20

21 5. Our limited scope services include brief counsel and advice about potential eligibility
22 for relief, assistance preparing forms or motions for filing before USCIS or EOIR, including changes
23 of address, motions to change venues, motions to reopen in absentia orders, and I-589 applications
24 for asylum.
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1 6. Tahirih provides limited scope assistance in three ways. First, we serve a small
2 number of individuals through office visits. Second, we provide workshops and clinics, staffed with
3 *pro bono* attorneys that we train. Tahirih's Houston office does this monthly, in collaboration with
4 other local non-profit immigration legal services providers, and Tahirih's Greater Washington D.C.
5 office does this quarterly. Third, Tahirih's Houston office provides weekly in-court screenings and
6 assistance to *pro se* respondents at the Houston Immigration Court.
7

8 7. Tahirih can provide limited and full scope representation to only 1 in 10 individuals
9 who seeks our help. Tahirih's Houston office estimates that it provides limited scope asylum
10 assistance to 8 to 10 single mothers with children each week. The average number of hours spent on
11 an asylum matter in removal proceedings exceeds 100 hours. There are simply not enough resources
12 for us to provide full scale representation to every potentially eligible individual or family that
13 comes to us each week.
14

15 8. As counsel is not appointed by the government at no cost to immigrants facing
16 removal, without organizations like Tahirih, many of those who qualify for protection under U.S.
17 law would go unrepresented before the courts. Unrepresented survivors of gender-based violence,
18 the majority of whom are traumatized, have limited or no English proficiency, and are indigent –
19 remain unaware of legal options, miss critical deadlines, risk deportation, file complicated forms on
20 their own, or rely on the assistance of untrained, unregulated, and often unethical preparers.
21 Furthermore, unrepresented respondents are more likely to file error-ridden and insufficient
22 applications; it serves the interest of judicial economy for immigration judges to conduct
23 proceedings with respondents who have accessed the expert assistance of competent, ethical *pro*
24 *bono* attorneys to prepare high-quality applications for relief.
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Exhibit C

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit Washington
public benefit corporation; and YUK MAN
MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT OF
JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

DECLARATION OF R. LINUS CHAN

I, R. Linus Chan, declare as follows:

1. I am over the age of eighteen, am competent to testify as to the matters below, and
make this declaration based on personal knowledge.

2. I am a Clinical Professor of Law and Supervisor of the Detainee Rights Clinic within
the James H. Binger Center for New Americans at the University of Minnesota Law School.

1 3. The James H. Binger Center for New Americans, established in 2013, was designed in
2 formal partnership with the *pro bono* programs of several of Minnesota’s preeminent law firms and
3 the state’s leading immigration non-profit organizations. The Center was created in response to a
4 critical, unmet need for *pro bono* legal services in Minnesota’s immigrant and refugee communities.
5 Nearly 400,000 Minnesota residents are foreign-born, including many refugees and asylees who fled
6 their home countries because of war, persecution, and human rights abuses. Hundreds of non-citizens
7 are detained in Minnesota on any given day and often lack the resources to hire a lawyer to engage in
8 often complex litigation.
9

10 4. The Detainee Rights Clinic, within the James H. Binger Center for New Americans,
11 provides representation, including legal advice and limited-scope services for *pro se* individuals in
12 removal proceedings in Minnesota.
13

14 5. The Clinic provides full representation of detained individuals facing removal from
15 the United States. This includes representing clients in immigration hearings both at the Immigration
16 Court level and at the Board of Immigration Appeals level. With only two practicing attorneys and
17 concentrating on taking cases for student participation and teaching we are extremely limited in the
18 number of full representation cases we can take.
19

20 6. The Clinic also goes to the various immigration detention centers to provide a “legal
21 orientation program” These visits consists of both presenting a short know your rights presentation
22 to detainees and sitting down with individuals to help answer their questions. The questions that
23 detained individuals have run the gamut, from “how long will I be detained” to providing
24 information on how to file for a habeas petition, and to how to prepare for upcoming hearing. Often
25 asylum seekers who are detained are in need of English evidence or articles that explain their
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1 country conditions as Immigration Court rules do not allow evidence in their native languages. This
2 is a tremendous burden.

3
4 7. Additionally, the local immigration court has reached out to us and other providers to
5 either provide full representation, or to help with cases that have been significantly delayed due to
6 language barriers and the cases have stalled as Respondents struggle to fill out applications. We have
7 helped on numerous occasions finding volunteer translators to help with forms and help with
8 providing English documentation of country conditions.
9

10 8. Because representation of detained people remains extremely limited, the Clinic (as
11 well as other direct service providers) get inundated with requests from family members and
12 detainees for help. Often the requests fall short of full representation, but may include questions
13 about availability of relief, how to file certain forms such as U-Visas or I-130 forms, how to prepare
14 a bond request or habeas petition, or even how to get in contact with other legal agencies (criminal
15 attorneys, getting health records, family court cases) etc. Much of the time full representation and
16 filing an E-28 in court is not only unnecessary but inappropriate.
17

18
19 9. The cease and desist letter and its potential scope of interpretation is extremely
20 disturbing. Not only would it cut off basic legal information to people most in need, but it implies
21 that the government and the Department of Justice has a role in policing attorneys' relationship with
22 clients. As a law school teacher, one emphasis we have made clear at the University of Minnesota is
23 that lawyers are not just Court advocates, but are counselors and advisors. This type of letter
24 threatens our ability to provide basic legal information to clients, that cannot be transmitted via
25 fliers, handouts or mass presentations.
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1 10. The Clinic’s ability to provide legal information to detainees and family members
2 would be extremely curtailed and cause confusion and likely over-conservative interpretations as to
3 the scope of the cease and desist letter if such actions are upheld by a federal court. We would not be
4 able to provide individual consultations with detainees at legal orientation programs and requests for
5 assistance could only be answered if we decide to take a full case for representation.
6

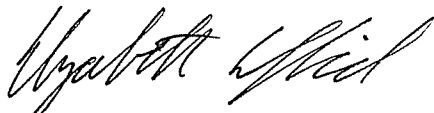
7 11. The detained population, many who are not fluent in English, and may be victims of
8 trauma or suffer from mental health issues will be left even more isolated and vulnerable. Taking
9 away basic interactions with attorneys will hurt them, and likely hurt the removal process itself. The
10 system is already replete with examples of people forced to navigate a labyrinth of complex rules,
11 technical interpretations and interlocking statutes. Preventing lawyers from giving guidance to these
12 people will make things much worse.
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15 I declare under penalty of perjury of the laws of the State of Minnesota and the United States
16 that the foregoing is true and correct to the best of my knowledge and belief.
17

18 Executed this 31st day of May, 2017 in Minneapolis, Minnesota

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20 Linus Chan, Detainee Rights Clinic

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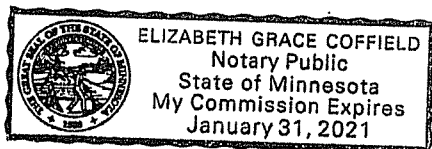


Exhibit D

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS PROJECT (“NWIRP”), a nonprofit Washington public benefit corporation; and YUK MAN MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official capacity as Attorney General of the United States; UNITED STATES DEPARTMENT OF JUSTICE; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; JUAN OSUNA, in his official capacity as Director of the Executive Office for Immigration Review; and JENNIFER BARNES, in her official capacity as Disciplinary Counsel for the Executive Office for Immigration Review,

Defendants.

No. 2:17-cv-00716

DECLARATION OF LISA WEISSMAN-WARD

I, Lisa Weissman-Ward, declare as follows:

1. I am over the age of eighteen, am competent to testify as to the matters below, and make this declaration based on personal knowledge.

2. I am the Clinical Supervising Attorney for the Stanford Law School Immigrants’ Rights Clinic (“Clinic”). Together with the clinic director, Jayashri Srikantiah, I supervise law

1 students in providing a wide range of direct services, including removal defense work before the
2 Immigration Court, the Board of Immigration Appeals, the Federal Courts of Appeals and the United
3 States Citizenship and Immigration Service). Under our supervision, students also engage in
4 advocacy and policy work, much of which is aimed at ensuring access to justice for immigrants and
5 their families.

6
7 3. The advocacy and policy work of the Clinic often focuses on expanding public and
8 private funding for legal services for noncitizens facing removal and on empowering noncitizens to
9 represent themselves in removal proceedings where counsel is simply not available.

10 4. The Clinic is a member of the Northern California Collaborative for Immigrant
11 Justice, a collaborative whose principal goal is advocating for increased access to legal services for
12 individuals in removal proceedings. In 2014, the Clinic, on behalf of the collaborative, published the
13 first report in California that examined and analyzed the role and impact of counsel for detained
14 immigrants in removal proceedings. The report was instrumental in helping to secure increased
15 funding for detained removal defense attorneys in Northern California.

16
17 5. The Clinic is also a member of the Northern California Rapid Response coalition, a
18 coalition made up of government entities, non-profits, law school clinics, community based
19 organizations, and private practitioners. The coalition seeks to ensure access to information,
20 education, and legal services for noncitizens subject to increased enforcement/raids/arrests. I
21 recently organized, planned and facilitated a 100 + person convening focused on local rapid response
22 networks, local capacity, and the need to be able to provide legal services, including limited scope
23 advice to pro se individuals.

24
25 6. Under my supervision, Clinic students have created and distributed many pro se
26 materials that provide information and resources to individuals who are unable to secure
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1 immigration counsel. The Clinic has prepared the following materials: a Pro Se U Visa Manual; a
2 Pro Se Guide to Defending Oneself in Reinstatement of Removal Proceeding; a Pro Se Guide for
3 individuals subject to ankle monitors as part of the Intensive Supervision Appearance Program; and
4 a Pro Se Guide for Asylum Seekers in removal proceedings before the San Francisco Immigration
5 Court. Each of these guides has the goal of providing legal advice to pro se individuals in removal
6 proceedings. It is my understanding that noncitizens have used these guides to defend themselves
7 against removal when they have been unable to secure full scope legal representation.
8

9 7. Under my supervision, Clinic law students have served as pro bono “Attorneys of the
10 Day (AOD)” through the Bar Association of San Francisco’s AOD program. As AODs, law
11 students and I have conducted intakes, preliminary legal assessment screenings, and have
12 represented pro se respondents during their master calendar court appearances. The representation
13 has been limited in scope, without the entry of a Form G-28, and has entailed providing legal advice
14 as is appropriate.
15

16 8. In addition to the advocacy and policy work associated directly with the Clinic, I am a
17 faculty advisor for one of the most popular and well-staffed pro bono programs at the law school: the
18 Immigration Pro Bono. This pro bono project involves students attending intake nights at a local
19 immigration non-profit, Community Legal Services of East Palo Alto. During these intake nights,
20 students, under my supervision or that of other trained immigration attorneys, are responsible for
21 conducting intakes and engaging in screenings in order to make preliminary assessments relating to
22 possible avenues to securing lawful immigration status (or to maintaining lawful immigration
23 status). Much of the Immigration Pro Bono work is focused on providing limited scope pro bono
24 legal assistance. Students participate in general intake nights as well as asylum clinic intake nights.
25 During the asylum clinic intake nights, students assist noncitizens to prepare and respond to
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1 questions in the Form I-589. In the 2016-2017 school year, there were approximately 60 students
2 who participated in this pro bono program.

3 9. I am extremely concerned with the cease-and-desist letter, dated April 5, 2017 from
4 the Office of General Counsel of the Executive Office of Immigration Review to the Northwest
5 Immigrant Rights Project (NWIRP). The letter appears to be an attempt to limit and thwart NWIRP
6 (and many others, including the IRC's) ability to provide consultations and advice to pro se litigants.
7 The letter also appears to require that a nonprofit (or any attorney for that matter) either commit to
8 full legal representation of noncitizens seeking legal advice or to refrain from engaging with the
9 immigrant all together. I have learned from years of experience that it is simply impossible to
10 choose between one and the other. The Clinic does not have the capacity to agree to represent (full
11 scope) every individual with whom it consults. Our students are assigned cases that allow for
12 pedagogical engagement and teaching opportunities. We are only able to provide our students with
13 close supervision and critical feedback because of our limited caseload.
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18 I declare under penalty of perjury of the laws of the State of California and the United States that the
19 foregoing is true and correct to the best of our knowledge and belief.

20
21 Executed this 31st day of May, 2017 in Stanford, California.

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Lisa Weissman-Ward

Exhibit E

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit Washington
public benefit corporation; and YUK MAN
MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT OF
JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

**DECLARATION OF
CRISTINA DOS SANTOS FOR
COMMUNITY LEGAL SERVICES IN
EAST PALO ALTO**

I, Cristina Dos Santos, declare as follows:

1. I am over the age of eighteen, am competent to testify as to the matters below, and
make this declaration based on personal knowledge.

2. I am employed at Community Legal Services in East Palo Alto (CLSEPA). CLSEPA
provides legal assistance to low-income individuals and families in East Palo Alto and the
surrounding community. CLSEPA’s practice areas include immigration, housing, and economic

1 advancement. Our mission is to provide transformative legal services, policy advocacy, and impact
2 litigation that enable diverse communities in East Palo Alto and beyond to achieve a secure and
3 thriving future.

4 3. I am a Senior Attorney in CLSEPA's Immigration Program, and I am the Supervisor
5 of the Humanitarian Relief Program.

6 4. CLSEPA holds monthly asylum workshops where our staff provides an overview of
7 the defensive asylum process to members of the community. Attendees are invited to return to
8 receive assistance in filling out both the biographic and substantive information in the Form I-589,
9 an immigration form which must be completed in the English language. CLSEPA clearly identifies
10 on the Form I-589 that the individuals were assisted at a *pro se* workshop by including a sticker with
11 CLSEPA's contact information in the box that requests the preparer's information. The organization
12 estimates that it helps several hundred people annually in this manner, and local immigration judges
13 regularly refer clients to its asylum workshops.

14 5. CLSEPA also visits the Mesa Verde Detention Center together with other
15 organizations once a month. Per the immigration court's request, and with the permission of the
16 Office of the Chief Counsel, CLSEPA staff and volunteers assist unrepresented respondents with
17 applications for immigration relief. Specifically, CLSEPA staff and volunteers help detainees fill out
18 applications for relief that were provided to them by immigration judges and that must be filed at a
19 future hearing in immigration court.

20 6. The cease-and-desist letter that the Department of Justice, Executive Office for
21 Immigration Review (EOIR) sent to the Northwest Immigrants Rights Project (NWIRP) regarding
22 the assistance that NWIRP provides to *pro se* petitioners caused CLSEPA great concern about the
23 asylum workshops that we hold, as well as the assistance we provide at Mesa Verde.
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Exhibit F

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit Washington
public benefit corporation; and YUK MAN
MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT OF
JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

**DECLARATION OF JON BAUER AND
JESSICA ANNA CABOT OF THE
ASYLUM AND HUMAN RIGHTS CLINIC
OF THE UNIVERSITY OF
CONNECTICUT SCHOOL OF LAW**

1 We, Jon Bauer and Jessica Anna Cabot, declare as follows:

2 1. We are both over the age of eighteen, are competent to testify as to the matters below,
3 and make this declaration based on our personal knowledge.

4 2. Jon Bauer a Clinical Professor of Law at the University of Connecticut School of Law
5 and is the Director of the Asylum and Human Rights Clinic. Jessica Anna Cabot is the William R.
6 Davis Clinical Teaching Fellow in the Asylum and Human Rights Clinic.

7 3. The Asylum and Human Rights Clinic (“Clinic”) is an in-house clinic at the
8 University of Connecticut School of Law. The Clinic is a nine-credit, one-semester course where
9 law students represent asylum-seekers from the beginning of their cases, through to the adjudication.
10 We ask our students to be prepared to dedicate thirty hours each week throughout the semester to
11 working on their client’s case. It is an intense commitment, but no fewer hours would be sufficient
12 for students to complete an asylum case within one semester. We run the clinic during both the
13 spring and fall semesters, and we complete about ten cases per year.

14 4. In an effort to expand the number of asylum-seekers we can assist, assist detained
15 asylum-seekers who have great difficulty obtaining access to lawyers,- and to expose our students to
16 the realities of the immigration detention system in the U.S., we have started a week-long, spring
17 break service trip, called the Immigration Detention Service Project, to assist asylum seekers
18 detained in York County Prison in York, PA. The project is open to law students who are not able to
19 enroll in the intensive, full-semester Clinic, but are willing to devote their spring break to providing
20 *pro bono* service to detained asylum-seekers. The group usually consists of about twelve law
21 students, six supervising attorneys and a group of interpreters and social workers. In advance of the
22 trip to York, the participating students receive a day-and-a-half of intensive training on asylum law
23 and client interviewing skills.

1 5. The assistance that we can provide on this trip is severely limited by the academic
2 calendar. We cannot provide full representation in a single week, but we do help draft asylum
3 applications and detailed declarations of the asylum seeker's past persecution or future fears. We
4 collect and index country conditions information available online, but not accessible to the detainees.
5 We help prepare the asylum-seekers for what will happen during their hearing and prepare to testify
6 and tell their stories. On average, we provide these services to ten asylum seekers over the course of
7 the week.

8
9 6. This service project is quite demanding. All participants spend their vacation
10 working twelve to fifteen hours a day, and spending significant time every day in York County
11 Prison. The response from students, however, is extremely positive. They love being a part of
12 something so meaningful. For many of the participating students, their experience inspires them to
13 pursue clinical work representing immigrants during the remainder of their time in law school, and
14 fosters a commitment to make *pro bono* representation of immigrants a part of their post-law school
15 legal career. The detainees also are very appreciative, even though we cannot provide them with full
16 representation, and we cannot be present for their final hearings. The results of our representation in
17 terms of success of the claims of relief are hard to quantify because of the small sample size, but of
18 the six people we assisted in March 2017 whose final hearings have since taken place, four of them
19 were granted relief—66%. To put this in perspective, overall, less than five percent of unrepresented
20 detained asylum-seekers are granted asylum.

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24 7. Because of the nature of our legal clinic, we cannot represent large numbers of
25 asylum-seekers, but this service project allows us to double our impact, and assist detained asylum-
26 seekers who would otherwise have no options. It has huge benefits not only in terms of increasing
27 access to justice for detained immigrants, but pedagogically for our students. Moreover, the
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1 immigration judges at York County Prison know about our project and fully support it and
2 appreciate our presence. If EOIR enforced the interpretation of the rule in the manner described in
3 the cease-and-desist letter, this service trip would be impossible, and everyone involved would be
4 the loser. We appreciate the need to protect people from those attorneys who would seek to take
5 advantage of them, but this interpretation of the rule goes too far. It would completely prevent us
6 from being able to provide any meaningful assistance to detained asylum seekers. Additionally, it is
7 not in agreement with the ABA model rules on limiting the scope of representation in rules 1.2(c)
8 and 6.5.
9

10 We declare under penalty of perjury of the laws of the State of Connecticut and the United
11 States that the foregoing is true and correct to the best of our knowledge and belief.
12

13 Executed this 31st day of May, 2017 in Hartford, CT.

14 

15 _____
16 JON BAUER

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19 _____
20 JESSICA ANNA CABOT

Exhibit G

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT ("NWIRP"), a nonprofit Washington
public benefit corporation; and YUK MAN
MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT OF
JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

**DECLARATION OF
CAROLINE DEVAN SENNETT**

I, Caroline Sennett, declare as follows:

1. I am over the age of eighteen, am competent to testify as to the matters below, and make this declaration based on personal knowledge.
2. I am the Staff Attorney and Site Supervisor for the Hartford Office of the International Institute of Connecticut. The International Institute of Connecticut is a statewide

1 nonprofit human services agency that provides services to new immigrants and refugees
2 in Connecticut to help them become self-sufficient, integrated and contributing members
3 of the community.

- 4 3. The International Institute of Connecticut's BIA-accredited Legal Services Program
5 works to provide a full array of legal immigration services, including applications for
6 naturalization, family-based petitions and applications, deferred action requests, asylum
7 applications, deportation defense, VAWA self-petitions, and applications for T and U
8 visas. We provide representation before both USCIS and EOIR, including deportation
9 defense. Services provided range in scope from legal orientation, pro-se assistance and
10 limited scope services, to full representation in removal proceedings.
- 11
- 12 4. Our organization provides pro bono representation to survivors of torture and human
13 trafficking through the Survivors of Torture program and Project Rescue, our anti-
14 human-trafficking program. Frequently, the clients of these programs are in removal
15 proceedings before EOIR or have past orders of removal. Our organization also works
16 with a network of pro bono attorneys to arrange for representation for individuals who are
17 seeking relief in removal proceedings.
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- 19 5. Because of limited resources, we are not able to accept the majority of cases that are in
20 removal proceedings before EOIR. The International Institute of Connecticut provides
21 direct representation to an average of 140 respondents in removal proceedings each year.
- 22
- 23 6. When a potential client is in removal proceedings, the International Institute of
24 Connecticut performs an initial screening, identifies potential grounds of relief, and
25 explains a Respondent's rights and obligations in an immigration court proceedings.
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1 Those obligations include the requirement that the individual attend court dates and
2 notify the court of any change of address.

- 3 7. By providing basic legal advice, such as explaining the address change requirement, the
4 requirement that the Applicant attend hearings (or be removed in absentia), the one-year
5 filing deadline for asylum filings, and forms of relief from removal, etc., caseworkers
6 ensure that even those Respondents who may not be eligible for further services with the
7 International Institute of Connecticut, can preserve their ability to seek relief before
8 EOIR.
- 9
10 8. Where a Respondent has failed to update the court of an address change, caseworkers
11 help the Respondent to complete a Form EOIR-33 Change of Address Form. If a
12 Respondent is ordered to appear in a different court than Hartford EOIR (something that
13 frequently occurs when the Respondent is released from ICE custody or when the
14 Respondent was issued an NTA at or near a border), caseworkers may assist the
15 Applicant in completing a *Pro Se* motion to change venue. This is a particularly crucial
16 service in circumstances where a Respondent is not literate in any language and is unable
17 to read or write.
- 18
19 9. Because many immigration documents are solely available in English and many
20 Respondents do not read, write, or understand English, completing basic paperwork –
21 even a change address form (which is critical to ensuring that the Respondent is receives
22 notice of hearings before immigration and preventing orders of deportation in absentia) –
23 may be difficult or impossible for Respondents who lack assistance. Additionally, the
24 complexity of the legal immigration system presents significant hurdles for even those
25 Respondents who are fluent in English. For example, most are unfamiliar with basic rules
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1 governing document submission such as the requirement that a copy of a form filed with
2 EOIR must also be filed with the Office of Chief Counsel (ICE) or understand how to
3 complete of a Certificate of Service, etc.

4 10. Our organization routinely files applications and petitions with USCIS for individuals
5 who are in removal proceedings before EOIR. These include applications for
6 employment authorization (Form I-765), where an individual is eligible for employment
7 and FOIA Requests (Form G-639), in cases where the Respondent requires access to
8 his/her immigration history. In some instances, filing a FOIA request to obtain the
9 Respondent's immigration history is necessary to determine eligibility for relief and the
10 organization's ability to represent an individual.

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13 11. Our organization was troubled to read the cease-and-desist letter that NWIRP received
14 from EOIR. Of particular concern was the explanation of precluded representation
15 including, "study of the facts of a case and the applicable laws couple with the giving of
16 legal advice and auxiliary activities..." This is essentially the purpose of an attorney's
17 intake or initial consultation for an individual in removal proceedings – to examine the
18 facts of a Respondent's case as they relate to eligibility for relief under law and to advise
19 the Respondent concerning potential grounds of eligibility for relief and the requirements
20 of those grounds of relief. Without performing this analysis, it would be impossible for
21 the attorney to determine whether the attorney can accept the case. It would also prevent
22 the Respondent from acquiring information necessary to making an informed decision
23 about whether the Respondent wishes to retain a given attorney for representation.

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25
26 12. As interpreted, this rule would prevent attorneys from consulting with potential clients,
27 from examining grounds of relief, and from advising Respondents concerning basic steps
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1 that they must take to preserve their eligibility for relief, such as filing for asylum within
2 one year of entering the United States.

3 13. In the event that this rule is enforced as contemplated, our organization would be unable
4 to assist Respondents with basic filings intended to prevent an in absentia order and allow
5 the individual to have his or her case decided on the merits (such as changing address and
6 changing venue). In an area of law where many individuals lack financial resources and
7 the ability to understand the complex procedures of immigration court, Respondents are
8 extremely vulnerable to becoming victims of fraud and bad legal advice.

9
10 14. Our organization has represented respondents before EOIR who were victimized by
11 unlicensed practitioners who charged them thousands of dollars and failed to file an
12 asylum application within the one-year deadline.

13
14 15. I have also met with numerous individuals who were “advised” not to attend their initial
15 master calendar hearing and told that if they did so, they would be taken from EOIR in
16 handcuffs and removed from the country. This information is incorrect, but caused
17 Respondents to believe that if they attended their hearings, they would not be able to
18 remain in the United States when, in fact, it was necessary for them to attend their
19 hearings in order for them to seek relief.

20
21 16. Even in cases where our organization was unable to provide full representation in court,
22 an initial screening can ensure that a Respondent understands his or her rights and fulfills
23 necessary obligations (such as changing address, changing venue, and attending hearings)
24 which permit that Respondent to preserve relief until he or she can file before the court,
25 be matched with a volunteer attorney, or hire private counsel.
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1 17. Although it would be ideal if all Respondents before EOIR had representation, most do
2 not. A Respondent before EOIR is only entitled to the attorney that the Respondent can
3 afford to hire, which is often none at all. Compulsory representation of all individuals
4 who are in proceedings and who are provided with legal advice would not resolve this
5 issue. Instead, it would deprive Respondents of crucial access to basic legal advice.
6

7 18. I declare under penalty of perjury of the laws of the State of Connecticut and the United
8 States that the foregoing is true and correct to the best of my knowledge and belief.
9

10 Executed this 31st day of May, 2017 in Hartford, CT.
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14 CAROLINE DEVAN SENNETT
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Exhibit H

The Honorable Richard A. Jones

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Plaintiffs,

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capacity as Attorney General of the United
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IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

DECLARATION OF MUNEER I. AHMAD

1 I, Muneer I. Ahmad, declare as follows:

2 1. I am over the age of eighteen, am competent to testify as to the matters below, and
3 make this declaration based on personal knowledge.

4 2. I am a Clinical Professor of Law within the Worker and Immigrant Rights Advocacy
5 Clinic (WIRAC or “the clinic”) of the Jerome N. Frank Legal Services Organization (LSO) at Yale
6 Law School. The clinic is located at 127 Wall Street, New Haven, CT 06511.

7
8 3. Under the supervision of attorneys like myself, law student interns within WIRAC
9 represent immigrants, low-wage workers, and organizations in labor, immigration, criminal justice,
10 civil rights, and other matters. The clinic works on cases in all stages of the removal process—in
11 Immigration Court, before the Board of Immigration Appeals, and in the U.S. Courts of Appeals for
12 the First and Second Circuits—as well as in federal district courts and state courts in the region.
13 WIRAC has represented both detained and non-detained clients, and the clinic regularly works on
14 issues that affect the national conversation about immigrant rights, including advocacy against
15 detainer use and family detention, challenges to the Executive Order on the Muslim travel ban, and
16 defense of the Deferred Action for Childhood Arrivals program.
17

18
19 4. One of WIRAC’s cases includes a habeas class action, *Reid v. Donelan*, Case No.
20 3:13-cv-30125, in the U.S. District Court of Massachusetts and the U.S. Court of Appeals for the
21 First Circuit. As *Reid* class counsel, WIRAC represents all immigrants detained under 8 U.S.C. §
22 1226(c) for over six months in Massachusetts who have not been afforded a bond hearing. Within
23 the clinic’s capacity as class counsel, clinic members regularly visit the four immigration detention
24 facilities in Massachusetts—Bristol County, Franklin County, Plymouth, and Suffolk County—in
25 order to meet detainees and screen for potential class members, to whom WIRAC may provide
26 limited legal advice, such as information on appealing to the Board of Immigration Appeals or filing
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1 petitions for review and habeas petitions to challenge post-removal detention. The clinic also seeks
2 pro bono counsel representation for *Reid* class members who have bond hearings scheduled pursuant
3 to the District Court order. For some class members, WIRAC has provided bond-only representation
4 as well as limited assistance on their immigration cases. The clinic has had almost 90 *Reid* class
5 members in total since 2014, and the clinic regularly meets or speaks with dozens of detainees each
6 semester.

7
8 5. Effective representation as *Reid* class counsel depends on the clinic's ability to
9 communicate with and provide assistance, including limited assistance, to detainees in
10 Massachusetts. Most detained individuals that WIRAC meets are pro se in their removal proceedings
11 and cannot afford an attorney. While these individuals may potentially become *Reid* class members,
12 they face tremendous barriers in litigating their immigration cases because of difficulty in
13 communicating with outside parties or following complicated procedures for appeals. Thus, while
14 the clinic cannot formally represent all potential or actual class members in their removal
15 proceedings, it provides limited pro bono assistance on discrete tasks, such as reaching out to law
16 enforcement agencies for U-visa certification, or filing petitions for review and motions for stay of
17 removal.
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20 6. In addition to the clinic's representation of detained individuals in *Reid v. Donelan*,
21 WIRAC provides limited pro bono legal assistance through the Legal Orientation Program (LOP) at
22 the immigration detention facility in Franklin County. Since 2007, WIRAC has been the only legal
23 services organization that is certified to visit and provide LOP services to detained individuals at that
24 facility. In that capacity, the clinic visits the facility at least once or twice a semester, gives a Know
25 Your Rights presentation, conducts intakes of dozens of detainees, and follows up with letters
26 providing detailed legal advice on their immigration cases. WIRAC provides these services in both
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1 English and Spanish, and often has capacity for additional languages. While the clinic does not have
2 the capacity to formally represent most of the individuals it meets, WIRAC provides critical
3 information such as: an explanation of the forms of relief that are available to each detainee;
4 instructions on how to appeal cases and contest their detention; country conditions research and
5 documentation for asylum, withholding and Convention Against Torture claims; and general
6 resources on U-visas, *Padilla* habeas petitions, and bond hearings. Thus, detainees at Franklin,
7 particularly those who are pro se, rely heavily on WIRAC's capacity to continue providing pro bono
8 legal services.
9

10 7. Based on the experiences detailed in the paragraphs above, I am seriously concerned
11 about the cease-and-desist letter sent from the Executive Office for Immigration Review (EOIR) to
12 the Northwest Immigrant Rights Project (NWIRP), and the implications of EOIR's interpretation of
13 the Rules and Procedures of Professional Conduct for Practitioners on immigrant rights advocacy
14 groups like WIRAC.
15

16 8. According to EOIR's position in the cease-and-desist letter, *any* attorney who assists
17 in the preparation of a pro se motion would be required to enter a formal appearance. This places
18 organizations like WIRAC in a untenable position: either overextend our capacities to take on full
19 representation of a few individuals, or cease providing pro bono legal services altogether to
20 detainees who otherwise have little to no alternative resources. Detainees in Massachusetts, and at
21 Franklin County in particular, would be forced to represent themselves in removal proceedings and
22 risk being deported, despite having relief available, without the limited but crucial legal services that
23 we provide. Moreover, the clinic's representation of detained individuals as *Reid* class counsel
24 would be severely constrained if it could not provide limited advice on their immigration cases
25 beyond their bond hearings.
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1 9. I believe that rules like 8 C.F.R. § 1003.102(t) are meant to discipline practitioners,
2 often non-lawyers, who take advantage of immigrants to charge fees to file paperwork without
3 formally entering an appearance. However, EOIR's interpretation of the rules to cover attorneys
4 providing pro bono legal advice and assistance to pro se individuals purposely distorts the meaning
5 of the unauthorized practice rules. Based on the clinic's experiences, I believe EOIR's interpretation
6 seeks to, and will, chill organizations like WIRAC who only intend to provide as much quality, free
7 legal assistance to as many individuals who would otherwise not afford any such aid.
8

9 I declare under penalty of perjury of the laws of the State of Connecticut and the United
10 States that the foregoing is true and correct to the best of my knowledge and belief.
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12 Executed this first day of June, 2017 in Washington, DC.

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MUNEER I. AHMAD

Exhibit I

The Honorable Richard A. Jones

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IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

**DECLARATION OF JOHN KELLER,
ESQ.**

I, John Keller, declare as follows:

1. I am over the age of eighteen, am competent to testify as to the matters below, and make this declaration based on personal knowledge.

2. I am the Executive Director of Immigrant Law Center of Minnesota (ILCM) a 501(c)(3) nonprofit organization. ILCM’s main office is located in St. Paul, Minnesota, with four additional offices across the state of Minnesota.

3. ILCM is Minnesota’s largest provider of free legal immigration services, education, and policy services to low-income immigrants and refugees. More than 4,000 individuals across

1 Minnesota receive legal assistance each year from ILCM, through full representation, brief advice,
2 or brief services. In addition to 25 staff members, ILCM's robust pro bono program benefits from
3 more than 250 trained attorneys who provide a wide variety of services to Minnesota's immigrants
4 and refugees. ILCM is also one of the state's premier providers of immigration law-related
5 educational services, and is a local leader in the drive to promote fair and just public policy in the
6 area of immigration reform.
7

8 4. ILCM attorneys and accredited representatives provide legal services to low-income
9 individuals who are in removal proceedings before the Executive Office of Immigration Review
10 (EOIR), as well as to low-income individuals with matters before the U.S. Citizenship and
11 Immigration Services (USCIS). These services include full representation as well as limited-scope
12 services for individuals in removal proceedings. Our limited-scope services enable us to provide
13 information to a far greater number of people than we are able to assist through direct representation
14 alone. In the last year, we assisted more than 322 low-income individuals in removal proceedings,
15 through full representation or limited-scope services. Examples of these services and advice include:
16

- 17
- 18 a. ILCM collaborates with other immigration legal service providers to travel regularly
19 to county jails and conduct legal orientation presentations and screenings for persons
20 detained by Immigration and Customs Enforcement (ICE). Through this
21 collaboration, ILCM attorneys speak one-on-one with detained individuals about their
22 legal cases, which includes providing assessments of possible relief, offering
23 information and materials about the immigration court process, and discussing what
24 supporting evidence should be obtained for immigration court purposes. The
25 attorneys may also provide materials to guide detainees through *pro se* representation,
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1 as the vast majority of the detained individuals who consult with ILCM attorneys
2 cannot afford to pay for representation.

3 b. ILCM is a member of the Minnesota Detention Project. This project is a collaboration
4 of local immigration services providers, through which limited-scope services are
5 provided to unrepresented individuals who are detained by ICE and in removal
6 proceedings. ILCM and other project attorneys provide free legal consultations to
7 detainees at initial hearings; this may include review of the file, explanation of the
8 proceeding, review of the case for potential relief from removal, explanation of the
9 person's legal options. ILCM attorneys have provided individualized, limited-scope
10 services to more than 71 detained individuals between June 1, 2016 and June 1, 2017.

11
12
13 c. ILCM operates the Detention Line, a telephonic helpline that provides immediate
14 assistance and information to individuals detained by ICE, and to the families and
15 friends of detained persons. Staff and volunteers answering telephone calls may
16 provide information about immigration court procedures, detention, and available
17 online resources. They also explain the Minnesota Detention Project so that the caller
18 understands that there will be a free attorney available to consult with him or her at
19 the first hearing if he or she is otherwise unrepresented. Between June 1, 2016, and
20 June 1, 2017, ILCM assisted 140 callers.

21
22 d. ILCM attorneys participate in the Minnesota Children and Family Immigration Court
23 Project (MCFIC). This project, created at the request of the local immigration court,
24 provides screenings to unaccompanied children and to families with children at the
25 time of the first master calendar hearing. Attorneys from ILCM and other local legal
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1 service providers gather information from the children and families in order to refer
2 cases to legal counsel for full representation whenever possible.

3 5. In addition, as a part of ILCM's Pro Bono programming, ILCM expected to launch a
4 program in the summer of 2017 through which pro bono attorneys would assist pro se respondents in
5 cancellation of removal applications. The intended program would have assisted detained individuals
6 who were screened by ILCM attorneys as eligible for cancellation of removal. ILCM proposed to
7 pro bono attorney partners that the partners would oversee the completion and filing of pro se
8 applications, such that unrepresented, detained individuals could pursue a legal relief for which they
9 qualify. The pro bono attorneys would advise and assist on applications, but would not have entered
10 appearances with EOIR. EOIR's cease and desist letter kept ILCM from pursuing this planned pro
11 bono project.
12
13

14 6. Finally, ILCM attorneys and accredited representatives regularly engage in
15 educational presentations and screening events in communities throughout Minnesota. At many of
16 these events, ILCM screens attendees to determine eligibility for legal relief or answer questions
17 about individual cases. In 2016, ILCM reached an estimated 7,705 people through 248 in-person
18 advocacy, education, and informational presentations. The number of presentations grew
19 significantly after the election.
20

21 7. Through limited-scope services, ILCM is able to provide basic information, legal
22 advice, and limited representation, which give unrepresented individuals the opportunity to ask
23 questions and better understand their legal rights and responsibilities and of the legal proceedings.
24

25 8. EOIR's interpretation of 8 C.F.R. 1003.17(a) would limit or eliminate ILCM's ability
26 to provide legal services in the examples laid out above, which in turn would have a severe negative
27 impact on the communities ILCM serves.
28

1 9. First, under a broad interpretation of the regulations, ILCM’s consultations with and
2 advice to unrepresented individuals might be viewed as “preparation” that amounts to
3 “representation,” because such consultations necessarily involve engagement with the facts of a case
4 and the applicable laws, coupled with the giving of advice. An interpretation of these services as
5 “representation” would require ILCM staff to submit a Form EOIR-28 for every individual in
6 removal proceedings who is provided with a consultation specific to his or her case.
7

8 10. Because ILCM does not have capacity to undertake full representation of every
9 person its attorneys and representatives screen, EOIR’s interpretation would require ILCM to
10 discontinue these consultations with hundreds of individuals each year.
11 That in turn would increase the number of individuals appearing before EOIR without any
12 preparation or understanding of the proceedings, as the vast majority of individuals we screen do not
13 have the resources to hire private attorneys. This would hamper the court’s efficiency, as
14 immigration judges would absorb the burden of explaining the process to each *pro se* respondent,
15 rather than rely on ILCM and others to do so.
16

17 11. In addition, through ILCM’s Pro Bono Project, ILCM conducts initial and ongoing
18 assessments of legal cases that are assigned to pro bono attorneys. ILCM attorneys provide guidance
19 to pro bono attorneys throughout each legal case, and help these attorneys navigate substantive and
20 procedural aspects of the cases. Under a broad interpretation of the regulatory meaning of
21 “representation,” ILCM’s attorneys might be required to submit Form EOIR-28 in each case for
22 which they provide advice to an individual who becomes pro bono attorney’s client. This would
23 curtail ILCM’s ability to provide ongoing support to pro bono attorneys and their clients.
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25 12. ILCM’s limited-scope services provide crucial access to legal information for
26 individuals who have to represent themselves in proceedings before EOIR. This access increases the
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1 likelihood that someone will better be able to defend himself or herself against removal, and
2 provides some assurance that pro se respondents understand the charges against them and the
3 proceedings. It also ensures that at least some individuals will be able to access legal representation
4 through referrals by ILCM staff. Finally, it increases the efficiency of the court by ensuring that
5 respondents have some understanding of the proceedings.
6

7 13. Without these projects and programs, the impacts will be severe. Fewer individuals in
8 removal proceedings in Minnesota will be referred to the legal services they need. Vulnerable
9 individuals will be harder to identify and connect with appropriate resources; approximately 20% of
10 the individuals to whom we provide limited-scope services are victims of trafficking or violent
11 crime. *Pro se* respondents will have to confront complex immigration laws and legal procedures
12 with even less information than they currently receive. The impact will be particularly detrimental
13 for detained individuals, as detention already severely limits their access to counsel, resources and
14 information. Ultimately, the harm will fall not only on pro se respondents, but also on their partners,
15 children, and communities in Minnesota.
16

17 14. Finally, a broad interpretation of the regulations will create a significant burden for
18 the local EOIR and the ICE Office of Chief Counsel (OCC). Limited-scope services such as those
19 provided by ILCM create efficiencies for the immigration court and ICE counsel, which would
20 otherwise have to expend significantly greater resources on each case. Currently, local immigration
21 judges rely on, and have consistently welcomed, ILCM and other legal services providers to explain
22 the proceedings and to assist pro se respondents in understanding their legal cases. The Minnesota
23 Detention Project in particular has received unwavering support from EOIR and ICE OCC due to the
24 increased efficiencies and fairness it creates.
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1 I declare under penalty of perjury of the laws of the State of Minnesota and the United States
2 that the foregoing is true and correct to the best of my knowledge and belief.

3 Executed this 6th day of June, 2017 in St. Paul, Minnesota.
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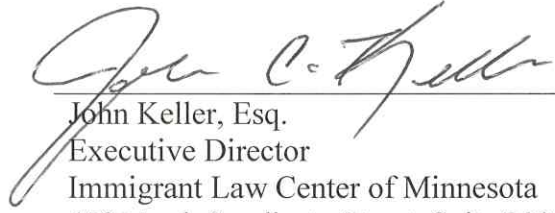
5
6 
7 John Keller, Esq.
8 Executive Director
9 Immigrant Law Center of Minnesota
10 450 North Syndicate Street, Suite 200
11 Saint Paul, Minnesota 55104
12 651-641-1011
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Exhibit J

The Honorable Richard A. Jones

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BARNES, in her official capacity as
Disciplinary Counsel for the Executive Office
for Immigration Review,

Defendants.

No. 2:17-cv-00716 RAJ

ONE AMERICA’S
DECLARATION REGARDING
DOJ CEASE & DESIST LETTER

Richard Stolz declares as follows:

1. Declarant. I am an American citizen who came to the United States from Korea with my parents when I was 3 years old. I am now the Executive Director of OneAmerica. I am over 18 years of age, have personal knowledge of the matters stated below, and am competent to testify to them.

2. Roadmap. To provide context for this OneAmerica declaration, paragraphs 3-5 briefly summarize who we are, who we serve, and who we rely upon. Paragraph 6 then describes several

1 harms that the Department of Justice’s cease & desist letter imposes upon OneAmerica and the
2 Washington residents we serve. Paragraph 7 then summarizes how the Department of Justice
3 imposing those harms is not consistent with the justice for all promised in our nation’s pledge of
4 allegiance.

5 **3. Who We Are.** Originally organized under the name “Hate Free Zone”, OneAmerica
6 was founded immediately after September 11, 2001 to address the post 9/11 backlash against
7 America’s immigrant communities. A registered 501(c)(3) organization and Washington
8 nonprofit corporation, we are the largest immigrant advocacy organization in our State, and play
9 a leading role in national coalitions working, speaking, and advocating in the immigrant rights
10 and due process arenas. For example, we participate as amicus in deportation litigation, submit
11 filings in support of individuals facing deportation, and run the law-related immigrant and
12 refugee assistance programs discussed in paragraph 6 below. We also conduct direct outreach,
13 leadership development, and organizing programs through which we empower immigrants and
14 refugees to advocate on their own behalf, collectively, on local, state and national matters that
15 directly impact themselves, their families, and communities

16 **4. Who We Serve.** We serve immigrants and refugees throughout the State of Washington,
17 including over 1,000 families a year in the Puget Sound, Vancouver (WA), and Yakima areas. Put
18 bluntly, we serve newcomers who have journeyed here to work and live in the freedom of the
19 America that President Reagan described as the world’s “shining city on a hill”, the America whose
20 statue of liberty declares with a large bronze plaque at its base: “Give me your tired, your poor,
21 your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send
22 these, the homeless, tempest-tost to me, I lift my lamp beside the golden door!” We provide
23 assistance and organization to newcomers to help them fully realize the promise of our nation.

24 **5. Who We Rely Upon.** Paragraph 6 below describes several of the services we provide
25 to advance fundamental principles of democracy and justice in our State’s immigrant
26 communities. In providing these services, we heavily rely upon the legal assistance of key allies

1 like Northwest Immigrant Rights Project and pro-bono attorneys. We rely upon them because
2 OneAmerica lacks the resources to employ the legal counsel needed to assist the immigrants and
3 refugees we serve. The legal knowledge, skills, and assistance that Northwest Immigrant Rights
4 Project and pro-bono attorneys provide us are critical to enabling the immigrants and refugees
5 we serve to successfully make their way through the maze of legal technicalities, requirements,
6 hurdles, traps, landmines, and barriers set up under federal law.

7 **6. Real World Harms.** The following subparagraphs summarize just three areas of harm
8 to OneAmerica and the Washington residents we serve that flow from the Department of Justice's
9 cease & desist letter:

10 **(a) Know Your Legal Rights Project.** OneAmerica conducts know-your-legal-rights
11 trainings in Seattle, SeaTac, Tukwila, Kent, Auburn, Tacoma, Redmond, Shoreline, Everett,
12 Mount Vernon, Vancouver (WA), Ellensburg, Yakima, and Everett to inform immigrants and
13 refugees of their legal rights and how to exercise them in our democracy. Providing this legal
14 assistance is a complicated endeavor because new immigrants and refugees face a complex legal
15 web of forms, paperwork, statutes, regulations, rules, and judicial proceedings. Neither
16 OneAmerica nor the people we serve, however, have the resources to hire legal professionals to
17 provide the legal knowledge and skills essential for these trainings and ensuing follow-up with
18 individuals who need additional legal aid. We therefore depend upon the active pro-bono
19 assistance of lawyers and federally accredited non-lawyer representatives trained and
20 knowledgeable in this field of the law who are authorized by the Department of Justice through,
21 e.g., its Board of Immigration Appeals (BIA) to provide immigrants legal assistance.

22 Because of these attorneys upon whom we rely, a significant component of our know-your-
23 legal-rights trainings occurs when people have an opportunity at the end to come up to the
24 participating attorneys, ask individual questions, and receive individual legal advice on matters such
25 as legal assistance on which government forms that individual needs to file and how to properly
26 answer specific questions on those forms. The legal assistance that Northwest Immigrant Rights

1 Project (NWIRP) and its affiliated attorneys provide to OneAmerica and the individuals we serve
2 is therefore essential. It's legal assistance that can begin with those attorneys helping guide an
3 immigrant or refugee with his or her initial legal paperwork at the training, and then (depending
4 on the attorney's other legal commitments) proceed to additional legal assistance as the legal
5 process for that individual progresses.

6 If the Department of Justice requires an attorney who steps in at any point to help an
7 immigrant or refugee in need of legal assistance relating to their immigration proceeding to also
8 commit to continue providing legal assistance until that individual's legal proceedings are over,
9 the Department of Justice effectively hamstrings our know-your-legal-rights project by
10 preventing our participating attorneys from temporarily stepping in on an emergency basis to
11 help an immigrant or refugee in need of legal assistance at an important point in their
12 immigration proceeding. For example, requiring an attorney to formally enter a notice of
13 appearance with the immigration court, Executive Office of Immigration Review (EOIR), or BIA
14 would bind that attorney to then provide that individual with legal representation for the duration
15 of that individual's immigration proceedings – which is a substantial long-term commitment
16 since, for example, legal proceedings before the EOIR can go on for years. As the Department
17 of Justice must be well informed enough to know, that is not a long-term commitment that the
18 pro-bono counsel upon whom our know-your-legal-rights project depends can make. In this
19 way, the Department's cease & desist letter is analogous to the federal government ordering an
20 EMT to cease & desist providing medical assistance to persons in emergency situations unless
21 that EMT commits to continue providing that person's needed medical assistance until that
22 person recovers (or dies). Since an EMT cannot make that long-term commitment, such a cease
23 & desist order would effectively halt EMT medical assistance to persons in emergency
24 situations.

25 In short, enforcement of the Department of Justice's cease & desist letter does not curtail the
26 existing need for the competent legal assistance our know-your-legal-rights project provides to

1 immigrants and refugees. Enforcement would instead curtail the availability of that needed legal
2 assistance and our know-your-legal-rights project's ability to provide it. As the Department of
3 Justice is surely well informed enough to know, an immigrant or refugee unable to secure
4 competent legal advice faces loss of liberty (detention), loss of property (through scams and "help"
5 from legal advisors not authorized or accredited by EOIR, BIA, etc.), and even loss of life
6 (deportation back into the danger from which the immigrant or refugee fled). The Department of
7 Justice endangering the life, liberty, or property of immigrants and refugees in this way imposes
8 significant and immediate harm on OneAmerica and the individuals and communities we serve.

9 **(b) New Americans Program and Citizenship Clinic Program.** OneAmerica also
10 coordinates a "new Americans" program to provide limited legal services regarding immigration
11 and naturalization to newcomers to our country. Every year since 2009, OneAmerica has also
12 coordinated a joint "citizenship clinic" program with the American Immigration Lawyers
13 Association to provide legal assistance to immigrants and refugees on citizenship day in April. For
14 example, our April 2017 citizenship clinics were conducted in Tacoma, Vancouver (WA), and
15 Yakima.

16 The cease & desist letter's effect on these programs is similar to its effect on our know-your-
17 legal-rights project, because: these programs coordinate with volunteer lawyers throughout the
18 State to provide the legal knowledge and skills essential for these programs and ensuing follow-up
19 with individuals who need additional legal aid; these programs depend upon the active pro-bono
20 assistance of lawyers knowledgeable in this field of the law; the legal assistance provided by those
21 attorneys is essential to these programs' ability to help guide immigrants and refugees through
22 the legal process since that assistance provides needed legal advice such as whether the person
23 qualifies to submit the applications and follow-up help properly filling out the necessary forms;
24 and the practical effect of requiring an attorney who steps in at any point to help an individual in
25 this legal process to also commit to continue providing legal assistance until that individual's
26 legal proceedings are over would effectively hamstring the capacity and efficacy of these

1 programs by, for example, preventing an attorney from stepping in to help an immigrant or
2 refugee in need of legal assistance at any point of their immigration proceeding unless that
3 attorney is able to commit to continue providing that individual's needed legal assistance – a
4 substantial time commitment that the Department of Justice must be well informed enough to
5 know a volunteer attorney can very rarely make.

6 As with our know-your-legal-rights project, enforcement of the Department of Justice's
7 cease & desist letter does not curtail the existing need for the legal assistance our new Americans
8 and citizenship programs provide to immigrants and refugees. Enforcement instead curtails the
9 availability of that needed legal assistance and our programs' ability to provide it. The Department
10 of Justice is surely well informed enough to know that immigrants and refugees unable to secure
11 competent legal advice face the previously-noted loss of liberty (detention), property (though scams
12 & unqualified "help"), and life (deportation into danger). By hamstringing our new Americans and
13 citizenship clinic programs, the Department of Justice endangers the life, liberty, or property of
14 immigrants and refugees. This imposes significant and immediate harm on OneAmerica and the
15 individuals and communities we serve.

16 **(c) Immigrant Legal Defense Project.** OneAmerica is also in the process of providing
17 limited legal services through counsel and legal professionals under the City of Seattle's recently
18 established immigrant legal defense fund. This legal defense project includes lawyers and legal
19 navigators ("promotoras") to assist immigrants and refugees in legal proceedings including
20 proceedings before EOIR. The cease & desist letter imposes a direct threat to OneAmerica's
21 undertaking because this legal defense project will directly employ lawyers and legal staff
22 knowledgeable in this field of the law; and the practical effect of requiring attorneys who step in
23 at any point to represent an individual in their legal defense to commit to continue providing that
24 defense until the individual's legal proceedings are over would hamstring this project. That is
25 because preventing this defense project's attorneys and federally-accredited non-lawyer
26 representatives from stepping in to help an immigrant or refugee in need of defense assistance at

1 any point of their proceeding unless he or she also commits to continue providing that defense
2 thereafter mandates a substantial long-term time commitment that the Department of Justice
3 must be well informed enough to know an annually funded city project cannot promise.

4 As with the the other OneAmerica projects noted earlier: enforcement of the cease & desist
5 letter does not curtail the need for this project’s legal defense services; enforcement instead curtails
6 the availability of those needed legal defense services; immigrants and refugees unable to secure a
7 competent legal defense face the previously-noted loss of life, liberty, and property; and the
8 Department of Justice endangering immigrants and refugees in this way imposes significant and
9 immediate harm on OneAmerica and the individuals and communities we serve.

10 **7. Summary.** Starting a new life as an immigrant or refugee in a new country is hard. And
11 once an immigrant or refugee arrives in the United States, he or she must successfully make his or
12 her way through the multitude of legal requirements, technicalities, and barriers erected by our
13 federal government. An effective, low-cost way for the federal government to make successful
14 passage even harder would be for it to affirmatively take measures to keep needed legal
15 assistance away from immigrants and refugees.

16 That’s precisely what the cease & desist letter does here.

17 I noted President Reagan’s “shining city on a hill” observation at the beginning of my
18 declaration. He more fully explained this in his January 11, 1989, farewell speech to the nation:
19 “I’ve spoken of the shining city all my political life, but I don’t know if I ever quite
20 communicated what I saw when I said it. But in my mind it was a tall, proud city built on rocks
21 stronger than oceans, wind-swept, God-blessed, and teeming with people of all kinds living in
22 harmony and peace; a city with free ports that hummed with commerce and creativity. And if
23 there had to be city walls, the walls had doors and the doors were open to anyone with the will
24 and the heart to get here. That’s how I saw it, and see it still.” But as the examples described in
25 paragraph 6 above illustrate, the Department of Justice’s cease & desist letter instead operates to
26 jam the door shut for those needing competent legal assistance to get through the imposing wall

1 of laws, rules, and regulations that the federal government has erected. In short, the cease &
2 desist letter operates to shut the previously-quoted “golden door” over which the statute of
3 liberty shines her torch.

4 Personally, that’s not the America I believe in. Our pledge of allegiance pledges justice
5 for all – not just the “us” who’ve already been here a while. And the defendants in this case are
6 part of the Department of Justice – not the Department of “Just Us”. I am not a lawyer, and do
7 not know all the legalisms involved in this case. But I do know the harm that enforcement of the
8 Department’s cease & desist letter would impose on OneAmerica and on the immigrants and
9 refugees we serve. And as outlined above, that harm is real. It’s direct. It’s substantial. And
10 once inflicted, it’s irreversible.

11
12 I declare under penalty of perjury that the foregoing is to the best of my knowledge true
13 and correct. Executed at Seattle, Washington this 5th day of June, 2017.

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Richard Stolz

Exhibit K

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit Washington
public benefit corporation; and YUK MAN
MAGGIE CHENG, an individual,

No. 2:17-cv-00716

Plaintiffs,

DECLARATION OF SUSAN ROCHE, Esq.

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT OF
JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

I, Susan Roche, Esq., declare as follows:

1. I am over the age of eighteen, am competent to testify as to the matters below, and
make this declaration based on personal knowledge.

2. I am the Executive Director of the Immigrant Legal Advocacy Project (ILAP), and an
attorney admitted to the Maine Bar.

1 3. ILAP is a 501(c)(3) organization, and Maine's only statewide immigration legal aid
2 organization. ILAP provides affirmative and defensive direct legal services to over 2,000 clients
3 each year; conducts education and outreach events for over 1,000 individuals; and participates in
4 systemic advocacy on issues that impact immigrants in Maine.

5
6 4. ILAP is recognized by the Department of Justice (DOJ), and is the only entity in
7 Maine that is listed on the DOJ's List of Pro Bono Service Providers. Most low-income immigrants
8 in Maine have nowhere else to turn for assistance in their removal proceedings.

9
10 5. ILAP has two full-time and two part time staff attorneys, and lacks the capacity to
11 provide full representation to every individual in Maine who needs immigration law assistance. We
12 leverage *pro bono* assistance to the maximum extent possible, with over 160 volunteer attorneys
13 who represent asylum seekers in affirmative and defensive cases. But we still cannot meet the
14 demand.

15
16 6. ILAP provides limited assistance to those we are unable to represent, to ensure that
17 they have accurate information and assistance in completing motions and immigration applications,
18 when appropriate and when resources permit. Each year ILAPs provides limited assistance in
19 approximately 1,000-1,500 matters, including affirmative and defensive cases.

20
21 7. Through ILAP's Detention Project, we provide limited assistance to individuals who
22 are detained by Immigration and Customs Enforcement (ICE) in Maine. ILAP staff and volunteers
23 provide group and individual know-your-rights presentations, individual consultations, and in some
24 cases limited assistance to detained individuals. Sometimes we are able to provide full representation
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1 to the most vulnerable clients, but in the majority of cases we only have the capacity to provide
2 consultations and limited assistance.

3
4 8. ILAP is concerned with respect to the Department of Justice's letter instructing the
5 Northwest Immigrant Rights Project (NWIRP) to cease and desist from assisting unrepresented
6 immigrants in removal proceedings. With limited funding resources, immigration legal aid
7 organizations like NWIRP and ILAP lack the staff capacity to provide full legal representation to
8 every individual who needs an attorney but cannot afford one. While full representation is the
9 preference, free legal consultations and limited assistance can be critical to someone who is
10 unrepresented and confused by the complex immigration court system and laws.
11

12
13 9. If the DOJ's cease and desist letter is applied to ILAP and we are forced to eliminate
14 our *pro se* legal assistance, we would be unable to help a majority of our clients. This would leave a
15 vulnerable segment of our population with no access to accurate information or legal guidance. They
16 would likely turn to non-lawyers in the community who may provide inaccurate information or take
17 advantage of their circumstances. Without access to justice, Maine residents will be deported to
18 countries where they face harm or family separation without ever understanding their rights or legal
19 options.
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1 I declare under penalty of perjury of the laws of the State of Maine and the United States that
2 the foregoing is true and correct to the best of my knowledge and belief.

3 Executed this 5th day of June, 2017 in Portland, Maine.

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6 Susan Roche, Esq.

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Exhibit L

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit Washington
public benefit corporation; and YUK MAN
MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT OF
JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

DECLARATION OF CHERYL LITTLE

I, Cheryl Little, declare as follows:

1. I am over the age of eighteen, am competent to testify as to the matters below, and
make this declaration based on personal knowledge.

2. I am the Executive Director of Americans for Immigrant Justice (“AI Justice”), a non-
profit law firm located in Miami, Florida.

1 3. For over two decades, AI Justice has been dedicated to protecting and promoting the
2 basic human rights of immigrants through a unique combination of free direct services, impact
3 litigation, policy advocacy and reform, and public education at local, state and national levels.
4

5 4. Since 1996 AI Justice has served nearly one hundred thousand (100,000) immigrants,
6 including unaccompanied children; survivors of domestic violence, sexual assault, human trafficking
7 and other serious crimes, as well as their children; immigrants in detention and facing removal
8 proceedings; refugees and those seeking asylum; as well as immigrants seeking assistance with
9 requests for deferred action, work authorizations, legal permanent residence, and citizenship.
10

11 5. Like most non-profit organizations, AI Justice has limited financial resources with
12 which to provide its free legal services, which is why all clients satisfy strict income requirements in
13 order to receive services.
14

15 6. Because of limited funding and resources, AI Justice attorneys cannot represent many
16 of the individuals who they encounter who are in need of legal assistance, including persons located
17 at faraway detention centers or jails, therefore AI Justice assists such individuals in routine
18 proceedings as Friend of the Court and in preparing *pro se* applications and documents on a limited
19 basis.
20

21 7. Many of those *pro se* individuals are detained and facing removal proceedings and
22 would otherwise have no access to an attorney if AI Justice staff did not regularly provide
23 educational/informational sessions at detention centers. Other such *pro se* individuals are among the
24 thousands of immigrants who routinely transit through Miami, either transferred to an out-of-state
25 detention center or traveling on to reunite with family members located in other parts of the United
26 States, and who AI Justice cannot individually represent due to distance and limitation of resources.
27
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1 8. AI Justice's ability to assist these individuals *pro se* would be immediately
2 jeopardized by the Department of Justice's issuance of a cease-and-desist letter similar to the one
3 received by NWIRP. Moreover, the Executive Office for Immigration Review's interpretation of the
4 relevant rule eliminating *pro se* legal assistance would unjustifiably prevent AI Justice from helping
5 a highly vulnerable and extremely needy population.
6

7 9. Part of AI Justice's mission is to ensure that immigrants are treated justly, and to help
8 bring about a society in which the contributions of immigrants are valued and encouraged.
9 Eliminating *pro se* assistance to immigrants would hamper AI Justice's mission and efforts to aid
10 individuals with compelling claims to justice and to advance and defend their basic rights.
11

12 I declare under penalty of perjury of the laws of the State of Florida and the United States
13 that the foregoing is true and correct to the best of my knowledge and belief.
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15 Executed this 31st day of May, 2017 in Miami, Florida.

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18 CHERYL LITTLE
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Exhibit M

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit Washington
public benefit corporation; and YUK MAN
MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT OF
JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

DECLARATION OF JUDY LONDON

I, Judy London, declare as follows:

1. I am over the age of eighteen, am competent to testify as to the matters below, and make this declaration based on personal knowledge.

2. I am employed as a directing attorney of the Immigrants’ Rights Project at Public Counsel in Los Angeles, California. I am admitted to practice law in the State of California, the

1 United States Central District of California Court, and the U.S. Court of Appeals for the Ninth
2 Circuit.

3 3. Public Counsel is a pro bono law firm based in Los Angeles, California. Founded in
4 1970, Public Counsel's primary goals are to: (1) protect the legal rights of disadvantaged children;
5 (2) represent immigrant victims of torture, persecution, domestic violence, trafficking, and other
6 crimes; and (3) foster economic justice by providing underserved communities with access to quality
7 legal representation. In support of these goals, Public Counsel represents indigent immigrants from
8 around the world in their claims before the United States Citizenship & Immigration Services, the
9 Executive Office for Immigration Review, and the federal courts. Our legal services include know
10 your rights trainings, counsel and advice, limited scope services, full scope representation, and
11 impact litigation on behalf of immigrants. In 2016, we served an estimated 2,000 individuals who
12 sought our assistance with their immigration matters.
13
14

15 4. Public Counsel has played a critical role in efforts to expand access to counsel for
16 immigrants. We are co-counsel in *Franco-Gonzalez v. Holder*, the first class action lawsuit to
17 establish a right to appointed counsel for detained immigrants deemed incompetent as a result of a
18 serious mental disorder. We are also co-counsel in *J.E.F.M. v. Sessions*, a class action lawsuit
19 seeking to vindicate children's right to counsel in removal proceedings. We are likewise at the
20 forefront of policy and advocacy efforts to create publicly-funded programs for immigrants in
21 removal proceedings. Public Counsel is dedicated to this work because we know that the ability to
22 access legal counsel is the single-most important determining factor as to whether an immigrant will
23 be successful in securing relief from removal. And we firmly believe that nobody should be deported
24 simply because they lack a lawyer.
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1 5. Public Counsel is unable to provide full representation to every immigrant that seeks
2 our assistance. Each year, we turn away hundreds of requests for help because we do not have the
3 resources to serve the large number of individuals who contact us. In some cases, when we cannot
4 offer full representation, we provide limited scope services. This may include counsel and advice,
5 assistance with drafting pro per motions (for example, to change venue where a case is calendared in
6 a different city or state), or completing a pro per notice of appeal to the Board of Immigration
7 Appeals within the short jurisdictional deadline for the filing of such notices. Where appropriate,
8 Public Counsel notes its participation in the preparation of materials for a pro per respondent.
9 Without this assistance, many of these individuals would lack any access to legal help.
10

11 6. I have reviewed the “cease and desist” letter sent by the Executive Office for
12 Immigration Review (EOIR) to the Northwest Immigrants’ Rights Project (NWIRP), dated April 5,
13 2017. After reviewing the letter, I am concerned that the critical limited scope services Public
14 Counsel offers to low-income immigrants described above could be jeopardized by EOIR’s
15 allegation that such actions violate federal regulations. EOIR criticizes NWIRP for engaging in
16 “preparation” and “practice” of materials on behalf of pro se individuals for whom they are unable to
17 take on full representation in removal proceedings. These terms, as defined in 8 C.F.R. § 1001.1, are
18 extremely broad. Indeed, “preparation, constituting practice” is defined as “the study of the facts of a
19 case and the applicable laws, coupled with the giving of advice and auxiliary activities, including the
20 incidental preparation of papers.” 8 C.F.R. § 1001.1(k). EOIR’s “cease and desist” letter to NWIRP
21 makes clear that it interprets this regulation expansively, putting Public Counsel’s ability to provide
22 limited scope services in jeopardy for fear that we will face censure or sanctions.
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26 7. Notably, there is no option to take on limited representation of an immigrant in
27 removal proceedings (other than for bond proceedings only). Nor is it possible for an attorney who
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has entered her appearance before the immigration court to withdraw from representation absent court approval. Given the significant resources and long-term commitment that each removal case requires, Public Counsel is simply unable to take on full representation of all of its clients. If our ability to provide limited scope services to pro se immigrants is curtailed or eliminated, we would be forced to turn away those for whom we cannot provide full representation without any assistance at all, knowing that they will almost certainly not be able to obtain full representation elsewhere. This would be a devastating loss for our immigrant community.

I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 31st day of May, 2017 in Los Angeles, California.

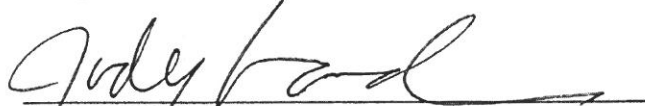

JUDY LONDON

Exhibit N

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT ("NWIRP"), a nonprofit Washington
public benefit corporation; and YUK MAN
MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT OF
JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

**DECLARATION OF FRANCES MIRIAM
KREIMER**

1 I, Frances Miriam Kreimer, declare as follows:

2 1. I am over the age of eighteen, am competent to testify as to the matters below, and
3 make this declaration based on personal knowledge.

4 2. I am the Senior Attorney at the Deportation Defense and Legal Advocacy Program at
5 Dolores Street Community Services (“DSCS”), in San Francisco, CA. I have been licensed to
6 practice law in California since 2012, Bar Number 284979.

7 3. DSCS is a multi-issue, multi-strategy organization. Our mission is to nurture
8 individual wellness and cultivate collective power among low-income and immigrant communities
9 to create a more just society.

10 4. Our services prioritize vulnerable individuals whose due process rights are at greatest
11 risk, including survivors of domestic violence and gender-based violence, individuals experiencing
12 homelessness, individuals who have been found to be incompetent to represent themselves,
13 unaccompanied minors, and others unable to afford private legal representation.

14 5. DSCS’s Deportation Defense and Legal Advocacy Program represents individuals in
15 removal hearings, and engages in advocacy to build the collective power of the city’s immigrant
16 communities and fight for systemic change, including advocacy through the Northern California
17 Collaborative for Immigrant Justice (promoting access to legal services for individuals in removal
18 proceedings).

19 6. DSCS’s Deportation Defense and Legal Advocacy Program also provides a variety of
20 limited services to the immigrant community, including legal orientations and consults and limited-
21 scope services for *pro se* individuals in removal proceedings, because we do not have the resources
22 to assume representation in all the cases in need of immediate legal assistance.
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1 7. Specifically, our office routinely shares *pro se* guides and resources with
2 unrepresented respondents, and provides limited-scope advice and assistance with urgent form
3 preparation, including preparation of Forms I-589 (Application for Asylum and or Withholding of
4 Removal) to comply with the one-year filing deadline, and urgent motions to change venue for
5 indigent clients unable to attend Immigration Court proceedings in distant jurisdictions. In such
6 cases, we provide written and oral notice so that individuals understand the limited scope of our
7 services.
8

9 8. Attorneys in our office have also participated as pro bono Attorneys of the Day
10 (“AOD”) through the Bar Association of San Francisco’s AOD program. As AOD, we conduct
11 legal screenings and appear on behalf of respondents in a limited capacity, without the entry of a
12 Form G-28.
13

14 9. Our organization was deeply concerned about the cease-and-desist letter received by
15 the Northwest Immigrant Rights Project, as it potentially implicates our own activities.
16

17 10. Our communities would be deeply prejudiced by the elimination of the *pro se*
18 assistance we provide. We generally provide *pro se* assistance only as an avenue of last resort, for
19 individuals who have no other means of complying with the relevant deadlines.
20

21 11. Depriving the community of this resource could directly result in indigent asylum
22 seekers losing their only opportunity to comply with the one-year asylum filing deadline and
23 consequently being ordered deported to countries in which they face a well-founded fear of
24 persecution.
25

26 12. Depriving the community of this resource could also directly result in indigent
27 individuals receiving *in absentia* removal orders due to their inability to timely change venue and
28 their financial inability to attend a distant court hearing.

1 I declare under penalty of perjury of the laws of the State of California and the United States
2 that the foregoing is true and correct to the best of my knowledge and belief.

3 Executed this 1 day of June, 2017 in San Francisco, CA.

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5 _____
6 FRANCES MIRIAM KREIMER
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Exhibit O

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit Washington
public benefit corporation; and YUK MAN
MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT OF
JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

DECLARATION OF NANCY KELLY

1 I, Nancy Kelly, declare as follows:

2 1. I am over the age of eighteen, am competent to testify as to the matters below, and
3 make this declaration based on personal knowledge.

4 2. I am the managing attorney of the Immigration Unit at Greater Boston Legal Services
5 (GBLS), located at 197 Friend Street, Boston, Massachusetts 02114. I am also assistant director of
6 the Harvard Immigration and Refugee Clinic, a section of which is located within GBLS.
7

8 3. Both Greater Boston Legal Services and the Harvard Immigration and Refugee Clinic
9 provide representation to immigrants in a variety of matters, including, among other things,
10 applications for asylum and other forms of relief from persecution and/or torture; applications for
11 special immigrant juvenile status; and applications for immigration protection for survivors of
12 domestic abuse and other violence. In addition to individual client representation, we are involved
13 in advocacy on a broad range of issues involving immigrant rights and the proper application of the
14 immigration laws. We are involved in training attorneys, law students and community advocates;
15 advocating for legislative, regulatory, policy and procedural change; and providing *amicus* support
16 in cases raising significant issues in the interpretation of the immigration laws.
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19 4. All of our work is done without charge to the clients. In our client work, we often
20 provide advice and assistance to individuals proceeding with their cases on a *pro se* basis. This is so
21 because there are extremely limited pro bono resources available to individuals facing removal
22 proceedings and because the posture and pace of removal cases require individuals to comply with
23 strict time deadlines and complicated rules that are extremely difficult to navigate without competent
24 assistance.
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1 5. Examples of situations in which we assist individuals proceeding on a *pro se* basis
2 include the following:

3
4 a. Assisting individuals to complete and file asylum applications to comply with the
5 one-year filing deadline imposed on asylum applications or to comply with a deadline
6 set by an Immigration Judge. By statute, an individual seeking to apply for asylum in
7 removal proceedings must file her application with the Immigration Court within the
8 one-year period immediately following her arrival in the United States. In addition,
9 Immigration Judges often set deadlines for the filing of asylum applications. Failure
10 to file a timely application can result in a permanent disqualification for asylum.
11 While individual asylum applicants face strict deadlines, they usually do not qualify
12 for employment authorization and cannot hire a private attorney to provide
13 representation. We have assisted individuals in completing asylum applications to
14 comply with filing deadlines and thus preserve their ability to pursue their cases while
15 they continue to seeking an attorney to provide full representation. It is our practice
16 for the attorney assisting in the preparation of any form to identify themselves as
17 preparer on that form.

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21 b. Assisting individuals in filing motions to change the venue of their removal
22 proceedings to the Boston Immigration Court. Often individuals detained after
23 crossing the southern border are released from detention and allowed to travel to
24 resettle with family or friends in Massachusetts. In many cases, the underlying
25 removal case has already begun prior to the individual's release from detention, and
26 venue of that case has vested in a court in Texas, Arizona or California. It is
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1 impractical, and often impossible, for an individual residing in Massachusetts to
2 obtain a lawyer and adequately prepare a case for presentation in Texas, Arizona or
3 California. To effect a transfer of that case to Massachusetts, where the client resides,
4 requires the filing of a Motion to Change Venue and often an appearance before the
5 original court. As we reside and practice in Massachusetts, attorneys in my programs
6 cannot enter appearances and agree to travel to a court in a distant location to present
7 a case. In such cases, we often assist the client by preparing a motion to change
8 venue, filing that motion with the appropriate court, and assist arranging their
9 telephonic appearance should a hearing be scheduled in her case and should the
10 specific court allow for it.
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13 c. In a clinic setting, evaluating claims of individuals to relief from removal, advising
14 them how best to proceed should they not be able to obtain representation, and
15 assisting them in preparing necessary papers to ensure that they are not deemed by the
16 court to have abandoned their cases.
17

18
19 6. The numbers of individuals seeking assistance in the Boston area far exceeds the
20 resources available to provide free representation. Consequently, because of our limited
21 resources, we and other non-profit organizations are forced to routinely turn away individuals
22 who would otherwise qualify for our services. The advice and limited assistance we provide
23 allows those we serve to comply with filing deadlines while continuing to attempt to obtain
24 full representation, and, if necessary to proceed on a *pro se* basis with an understanding of
25 the legal issues relevant to their claims.
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1 7. The issuance of the cease-and-desist letter from the Executive Office for Immigration
2 Review raises serious concerns about our ability to provide a meaningful assistance to some
3 of the most vulnerable immigrants facing removal from the United States, who are unable to
4 secure full representation and who will be unable to meaningfully participate in their cases
5 without advice and assistance. Compliance with this letter would prevent us not only from
6 assisting clients in the preparation of forms and applications for submission to the court but
7 also from providing evaluations of their claims and advice regarding how best to proceed
8 with counsel should that be necessary.
9

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11 8. Greater Boston Legal Services and the Harvard Immigration and Refugee Clinic
12 provide services to low-income immigrants and no cost. The individuals we represent are
13 often recently released from immigration detention, unable to communicate in English, and
14 completely unfamiliar with the legal system in the United States. They are often children or
15 young mothers seeking protection against return to extreme danger. They are expected to
16 navigate an extremely complex immigration process, to meet strict procedural deadlines, and
17 to present cases which are often substantively legally challenging. They are unable to obtain
18 permission to legally work in the U.S., often for years while their cases progress through the
19 system. They are therefore unable to obtain representation from private immigration
20 attorneys, the services of whom are often prohibitively expensive. Without some form of
21 assistance, these immigrants cannot offer any meaningful defense to removal, risk defaulting
22 in their cases, and face a very real possibility of removal to the countries from which they
23 seek refuge.
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1 I declare under penalty of perjury of the laws of the State of Massachusetts and the United
2 States that the foregoing is true and correct to the best of my knowledge and belief.

3 Executed this 4th day of June, 2017 in Boston, Massachusetts.

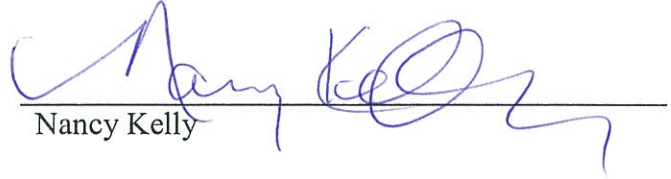
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6 Nancy Kelly

Exhibit P

The Honorable Richard A. Jones

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his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

**DECLARATION OF JULIANN
BILDHAUER, KIDS IN NEED OF
DEFENSE**

1 I, Juliann Bildhauer, Esq., declare as follows:

2 1. I am over the age of eighteen, am competent to testify as to the matters below, and
3 make this declaration based on personal knowledge.

4 2. I am an attorney admitted to practice in the state of Oregon. I am the Co-Director of
5 Legal Services for Kids in Need of Defense (KIND), a non-profit legal services organization. I am
6 based in Seattle, Washington, and, as part of KIND's management team, I supervise staff in multiple
7 field offices across the United States. Prior to joining KIND, I was the Director for Volunteer
8 Advocates for Immigrant Justice, a project based in Seattle and launched in 2003 to provide pro
9 bono representation to detained immigrants in removal proceedings.
10

11 3. KIND has ten field offices in the United States, including one in Seattle. The other
12 offices are located in Atlanta, Baltimore, Boston, Houston, Los Angeles, Newark, New York, San
13 Francisco (with a satellite office in Fresno), and Washington D.C. (with a satellite office in Falls
14 Church, Virginia). KIND serves unaccompanied children (termed "UAC") in removal (deportation)
15 proceedings before the Executive Office for Immigration Review (EOIR) through a combination of
16 direct representation and pro bono representation, all provided free of charge. Working with more
17 than 460 law firm, corporate, law school and bar association partners, KIND trains and mentors pro
18 bono attorneys who represent children in their immigration cases. All of KIND's ten field offices
19 have provided representation or pro bono mentoring for UAC pursuing asylum, special immigrant
20 juvenile status, T and U visas, and other legal remedies.
21

22 4. In addition to legal services, KIND engages in regional initiatives, policy
23 recommendations, and advocacy. KIND's Child Migrant Return and Reintegration Project helps
24 children who are returning to Guatemala and Honduras to do so safely, and helps them to access
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1 education, training, counseling, and other social services, seeking to offer an alternative to migration.
2 KIND also advocates for changes in law, policy, and practices to improve the protection of UAC in
3 the United States, and is working to improve the protection of child migrants throughout Central
4 America and Mexico.

5 5. The Seattle office is currently the only KIND office that serves not only children who
6 have been released from federal custody to adult caretakers in Washington State, but also UAC who
7 are in the custody of the federal Office of Refugee Resettlement's Division of Children's Services
8 ("ORR"). ORR contracts with several facilities in Washington State that provide a total of 113 beds
9 for short-term and long-term stays. UAC in Washington State may be held in foster care, shelter
10 care, or facilities with a higher level of security, termed "staff-secure" facilities; some of the
11 facilities offer therapeutic care.
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14 6. KIND conducts Know Your Rights (KYR) presentations and legal screenings for
15 every child held in ORR custody in Washington State. The KYRs provide information about why the
16 child is in custody, an overview of removal proceedings and information about some forms of relief
17 which may be applicable to the children. During or after a KYR presentation, children may pose
18 questions about the information presented, such as whether they are eligible for specific forms of
19 relief. In responding to the questions, the presenter (who may be a lawyer, paralegal or program
20 assistant) may be perceived under EOIR's interpretation of the regulations as offering legal advice
21 despite providing the caveat at the opening that the presentations are general information.
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24 7. If ORR finds that a child does not have an immediate or pending option to be released
25 from custody to the care of a suitable relative or other adult (termed a "sponsor"), KIND's Seattle
26 office provides legal representation for the detained child. In 2016, KIND's Seattle office conducted
27

1 KYR presentations and legal screenings for 381 children (265 children in ORR custody, and 116
2 children released to sponsors living in Washington State), and placed 138 cases with counsel.

3 KIND's Seattle office currently carries an open caseload of approximately 400 children's cases, and
4 serves an average of 31 new children per month.

5
6 8. In the course of our work with detained UAC, KIND's Seattle staff may assist
7 unrepresented children being released to sponsors in preparing required "Change of Address" forms
8 that must be filed and served in Immigration Court.

9
10 9. Some detained UAC who wish to request asylum are dependent on *pro se* assistance
11 to prepare and file the initial application for asylum before leaving the detention facility. A child
12 leaves a detention facility when the child is released to a "sponsor," transferred to a different
13 detention facility or program, or reaches the age of 18, as ORR custody is limited to those under 18
14 years of age. Recently arrived children often do not speak, read, or write English, and generally do
15 not have an understanding of asylum law. Moreover, filing the asylum application while classified
16 as a UAC is associated with valuable procedural and substantive rights and protections that take into
17 account the special vulnerabilities of minors who migrate unaccompanied by a parent or a legal
18 guardian. The available window for preserving such rights and protections by filing an asylum
19 application as a UAC may be brief or uncertain, for example, if the Department of Homeland
20 Security (DHS) chooses to later contend that a child ceased to be a UAC and may no longer access
21 the associated protections. Yet in many cases it would not be practicable for KIND staff or pro bono
22 attorneys to enter an appearance as counsel for these children: for example, where release from ORR
23 custody to a location outside Washington State is imminent or foreseeable. Accordingly, for such
24 children, a lack of *pro se* assistance in completing and submitting their initial asylum applications
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1 could result in the forfeiture of procedural protections to which UAC are entitled under the law, or
2 may otherwise be prejudicial to their asylum claims.

3 10. Staff of KIND's Seattle office address the Immigration Court as "friend of the court"
4 on behalf of all unrepresented detained UAC. This includes informing the court as to the posture of
5 each child's case – for example, if reunification with a sponsor out of state is pending. In some
6 instances, KIND staff may also confirm to the court that a child has received a legal screening or that
7 legal relief is available, or may request a continuance while KIND recruits a pro bono attorney to
8 represent the child.

9
10 11. At KIND sites serving children after release from ORR custody, including KIND's
11 Seattle office, KIND staff frequently attend Immigration Court to represent clients, support pro bono
12 attorneys, and/or offer free legal screenings to unrepresented children, consistent with the particular
13 field office's mandate. In the course of performing these tasks, KIND staff often receive requests
14 from Immigration Judges to assist other children who are proceeding *pro se*, or may volunteer to
15 assist a *pro se* child. From time to time, such assistance has included: explaining immigration court
16 procedures to children and/or the adults accompanying them, offering guidance on registering a child
17 for school, providing a legal screening, providing the child with referrals to a legal service provider
18 for a consultation, manually completing court-mandated Change of Address Forms, guiding the
19 child on requesting a continuance of the proceedings, or helping the child and accompanying adult to
20 request consolidation of the proceedings with those of a sibling or other relative. Such assistance
21 appears to fall within the parameters of EOIR's guidance on appearances as a "friend of the court."
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1 See EOIR Office of Legal Access Programs, *Friend of the Court Guidance* (Sept. 10, 2014).¹

2 However, the distinction between “friend of court” activities and *pro se* assistance may be subject to
3 interpretation, for several reasons.

4 12. First, EOIR intends to confine the “friend of the court” to “a non-representational
5 role” (*id.* at 2), yet information permissibly provided to the Immigration Court by a “friend of the
6 court” may potentially impact the substance of a child’s case: for example, “identifying documents
7 that the Immigration Judge requests”; also, “updates regarding the status of pro bono placement of
8 the respondent’s case . . . may also aid the court in determining whether and for how long a
9 continuance may be warranted,” *id.* at 4. Moreover, while EOIR’s “friend of the court” guidance
10 directs the Immigration Judge to “clearly explain to the [child] respondent and his or her adult
11 custodian . . . that the Friend of the Court is not the respondent’s attorney and is only there to assist
12 the court at that day’s hearing” (*id.* at 3), many activities expressly permitted under the guidance
13 may undermine the clarity of that message. For example, the “friend of the court” may, among other
14 things, “sit at counsel’s table with the [child] respondent,” “[p]rovide logistical support with regard
15 to future hearings,” and “serve as a linguistic and logistical bridge between [a] child and [a]
16 community organization,” or “between the child and government agencies,” *id.* at 4-5. While “friend
17 of the court” assistance may beneficially “increase respondents’ comprehension of proceedings” (*id.*
18 at 3) as well as lessen children’s anxiety, it may be difficult to ascertain whether a child thereby is
19 led “to believe that the lawyer was representing the minor,” *id.* at 3. Finally, EOIR contemplates
20 that “it is for the court, in its discretion, to determine the scope of the Friend of the Court[’s role].”
21 *Id.* at 2. The examples discussed in EOIR’s guidance are “not exhaustive” (*id.* at 5). EOIR’s

26 ¹ Available at:

27 <https://www.justice.gov/sites/default/files/pages/attachments/2016/12/21/friendofcourtguidancememo091014.pdf>.

1 guidance notes that an attorney who “oversteps” the role may create an attorney-client relationship
2 with the child. *Id.* at 2. Thus, as the role is currently defined by EOIR, an attorney acting as “friend
3 of the court” lacks certainty about the limits on her role, and could unwittingly perform activities
4 that are deemed to constitute *pro se* assistance by the presiding Immigration Judge.

5 13. Assisting with *pro se* Motions to Change Venue is another example of activity that is
6 an essential service to unrepresented children, but could be construed as *pro se* assistance. In a small
7 but significant number of cases, a released child may permanently leave a region served by a KIND
8 field office, and may seek KIND’s assistance in filing a *pro se* Motion to Change Venue. While a
9 Change of Venue motion is not complicated for an attorney, the requirements to serve and file the
10 motion along with a Change of Address Form can exceed the capacity of both child and caretaker,
11 particularly if there are language and literacy barriers. Entering an appearance on behalf of a child
12 living outside the geographic areas served by KIND will generally not be practicable, so KIND staff
13 have assisted such children in filing motions *pro se*. This service is essential because a child whose
14 Motion for Change of Venue is not timely and properly filed is at risk of an *in absentia* order of
15 removal, which in turn adds complications and time pressure to the child’s legal case.
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19 14. Although KIND believes its services and practices are consistent with the letter and
20 spirit of EOIR’s regulations, the April 5, 2017 letter from EOIR to Northwest Immigrants’ Rights
21 Project (NWIRP) (“April 5 Letter”) raises several concerns for KIND. The April 5 Letter
22 acknowledges that the purpose of the rule is to hold accountable “attorneys who do not provide
23 adequate representation to their clients,” but there is no allegation that the *pro se* assistance by
24 NWIRP, if rendered to a client, would have been found wanting. As explained above, the line
25 between *pro se* assistance and “friend of the court” assistance is not always bright. The April 5
26

1 Letter therefore creates an incentive for children's advocates such as KIND to withhold free
2 assistance of the type they have previously rendered to the benefit of unrepresented children as well
3 as the court. Many children coming before the Immigration Court in areas KIND serves may fall
4 outside the population that KIND is authorized to serve, by agreement with funders; moreover, free
5 or affordable high-quality legal assistance is not always readily and timely available to all children
6 needing it. Thus, one effect of the April 5 Letter is to limit the ability of released children to receive
7 interim assistance while seeking representation. For children in detention, the barriers to securing
8 representation are even higher, and detention further impedes the *pro se* child's limited ability to
9 access information, collect evidence, and prepare to represent himself or herself before the
10 Immigration Court. Where an appearance by counsel of record is not practicable, competent
11 assistance to *pro se* respondents by experienced providers is not a full substitute, but it may offer
12 some minimal protection of the due process rights of vulnerable children. EOIR's interpretation of
13 its rules should recognize this important purpose of *pro se* assistance.
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16 I declare under penalty of perjury of the laws of the State of Washington and the United
17 States that the foregoing is true and correct to the best of my knowledge and belief.
18

19 Executed this __7th__ day of June, 2017 in Seattle, Washington.


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22 Juliann Bildhauer, Esq.
23 Co-Director of Legal Services
24 Kids in Need of Defense (KIND)
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Exhibit Q

The Honorable Richard A. Jones

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BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

DECLARATION OF LYNN MARCUS

1 I, Lynn Marcus declare as follows:

2 1. I am over the age of eighteen, am competent to testify as to the matters below, and
3 make this declaration based on personal knowledge.

4 2. I am a Professor of the Practice and Co-Director of the Immigration Law Clinic at the
5 University of Arizona James E. Rogers College of Law in Tucson, Arizona. I am also Chair of the
6 Asylum Services Committee, a local group affiliated with Catholic Community Services that raises
7 funds and arranges for the provision of legal services to indigent asylum seekers in Southern
8 Arizona. In addition, having practiced immigration law in Tucson for over 27 years, I am familiar
9 with the availability of legal services to immigrants in Southern Arizona.

10 3. The Immigration Law Clinic (“the Clinic”) provides law students with the opportunity to
11 gain hands-on experience with the law by providing services to low income immigrants in Southern Arizona.
12 As Co-Director, I supervise students providing two types of services: 1) direct representation in a small
13 number of cases – typically, one per student pair per semester – and 2) advice and brief services relating to a
14 variety of immigration matters. Many of the individuals we assist with both types of services are in removal
15 proceedings.

16 4. Our limited resources and the structure of the Clinic only enable us to undertake direct
17 representation, in conjunction with our students, in approximately four cases per semester.¹ It is through our
18 “advice and brief services” component that we are able to assist a larger number of respondents

19 5. Our ability to provide advice and limited services to *pro se* individuals, including
20 those in removal proceedings, enhances the quality of education we are able to provide. Through
21 this work, law students are exposed to a variety of immigrants with a range of personal and cultural
22 backgrounds and legal problems. The “advice and brief services” component of the program thus
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27 ¹ A law fellow working under the supervision of Co-Director Nina Rabin has enabled us to expand our capacity for direct
28 representation, but the respondent population she assists is limited to detainees.

1 enables them to work on a range of skills, from interviewing and counseling to legal analysis,
2 research, and writing. The people we assist typically are unable to afford direct representation, and
3 often, they either do not fit within the scope of services provided by local nonprofit organizations or
4 they cannot obtain help there for reasons such as limited capacity. Thus, if we were to restrict our
5 students to providing only advice, we would not only limit their educational opportunities, but we
6 would also be teaching them to turn their backs on indigent people in need of assistance that they, as
7 a result of their education and training, are in a position to provide free of charge. This is the
8 opposite of the sense of ethical responsibility that we, as legal educators, seek to instill in our
9 students.
10

11
12 6. While the number of people we are able to help is limited, our services are an
13 important part of the patchwork of legal services available to low income people in removal
14 proceedings. The capacity of nonprofit organizations in Southern Arizona to represent immigrants
15 free of charge in removal proceedings is extremely limited. The Immigration Unit of Southern
16 Arizona Legal Aid, Inc. focuses most of its limited resources on immigration benefits filed with U.S.
17 Citizenship and Immigration Services, such as applications for U visas (for certain victims of certain
18 types of crimes) and petitions for legal residence under the Violence Against Women Act. The same
19 is true for Catholic Community Services, except that it also engages in refugee resettlement and
20 assists with family visa petitions. Because cases in immigration court tend to be resource intensive,
21 and because the demand for their services in general often exceeds capacity, these organizations are
22 able to represent relatively few individuals in removal proceedings. I believe that, because of these
23 limitations, these organizations have elected not request inclusion in the list of free legal service
24 providers maintained and distributed by the Executive Office of Immigration Review. In fact, our
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1 Clinic is one of only two entities under the heading, "Tucson Immigration Court" that appears on the
2 list of free legal service providers maintained and distributed to respondents by the Executive Office
3 of Immigration Review.² The other entity under that heading only assists children.³ Thus, even
4 when we screen the case of a *pro se* respondent and find that he or she has a potential defense or
5 claim to relief, we may not be in a position to represent the individual ourselves, and there may not
6 be a nonprofit law office to which we can refer him or her. However, as I will explain, our limited
7 assistance makes a critical difference in some cases.
8

9
10 7. The brief, limited services our Clinic is able to provide to *pro se* respondents
11 sometimes enables us to bridge gaps in legal representation. For example, by helping *pro se*
12 respondents prepare asylum applications, our students have been able to ensure that the respondents
13 preserved their eligibility for asylum by filing within the one-year-from period required by law. In
14 most of these instances, I have been able to refer the cases to attorneys, but various circumstances
15 prevent me from being able to refer the cases quickly, making our in-Clinic work on the applications
16 critical. Prompt preparation of the applications can be critical not only to preserving the individuals'
17 ability to qualify for asylum, but also to enabling them to qualify for work authorization during the
18 period in which the cases are pending before the Immigration Court and, in some cases, the Board of
19 Immigration Appeals.
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22 8. Even services that are more limited in nature, such as drafting a letter to the
23 immigration judge on behalf of an applicant explaining the need for additional time to investigate a
24 claim or prepare a visa application to file with USCIS, may help ensure that an individual is able to
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26
27 ² The listings, by state, are available at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>.

28 ³ The other entity, the Florence Immigrant and Refugee Rights Project, also assists adults, but only adult detainees. The respondents appearing in Tucson Immigration Court are not in custody.

1 pursue claims available to him or her under the law.⁴ Lack of fluency in English or an inability to
2 adequately explain the circumstances of his or her case prevent the vast majority of the respondents
3 we see from being able to write effective letters to judges on their own.

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5 9. If our Clinic were required to choose between a) providing these individuals with no
6 assistance or b) entering notices of appearance and providing them with full representation
7 throughout the course of removal proceedings, resource limitations would dictate that we provide
8 them with no services, sometimes with tragic results for the respondents involved.

9
10 10. I am and have long been aware of the regulation that subjects attorneys to disciplinary
11 action should they assist respondents with their cases without filing notices of appearance with the
12 Executive Office of Immigration Review. I understand that a primary purpose of this regulation is to
13 maintain transparency in the representation process so that attorneys may be held accountable for the
14 work they do in immigration cases. For this reason, whenever I or law students working under my
15 supervision in the Clinic prepare letters, applications, or other documents on behalf of *pro se*
16 immigrants, it is my policy and practice to state, in the document, that we have prepared it.

17
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19 11. Being forced to either provide full representation or no assistance at all to indigent
20 respondents would also thwart my work and the work of my colleagues in the Asylum Services
21 Committee (“ASC” or “Committee”). The Committee originated in 2002 as the “Asylum Program
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24 ⁴ For example, I recently wrote a letter on behalf of a respondent whose case was screened by a law student under the
25 supervision of the Clinic’s Co-Director, Nina Rabin. The respondent had two potential claims: a claim to U.S.
26 citizenship (acquired at birth abroad to a U.S. citizen parent) and an asylum claim. I was able to find a nonimmigration
27 lawyer willing to help the client seek and track down evidence for the citizenship claim, but that attorney was in no
28 position to represent the individual in the event that sufficient evidence of citizenship could not be found, and thus, given
rules preventing limited representation, could not enter an appearance in the case. The respondent filed the letter and the
judge continued her case for three months to give her and her lawyer helping her a chance to investigate her claim to
citizenship.

1 of Southern Arizona,” in the wake of the closing of a law office in Tucson that provided free legal
2 services to indigent asylum seekers (The law office closed due to insufficient resources.). Over the
3 years, the ASC has maintained several of its original members, including myself and, has gained
4 others who likewise share a commitment to providing access to representation to individuals seeking
5 asylum and related forms of protection under U.S. immigration laws. At times, collaborating with a
6 nonprofit organization, we have been able to raise sufficient funds to support staff members who
7 provided protection seekers with direct representation. Presently, in collaboration with Catholic
8 Community Services, which manages the account that holds the funds we have raised, we are able to
9 offer immigration lawyers low fees in a limited number of cases so that they may represent asylum
10 seekers on a “pro bono,” rather than a “low bono” basis.⁵
11
12

13 12. Since the ASC has no staff to screen the cases of asylum seekers, we rely mostly on
14 either the Clinic or a private immigration lawyer to perform this task. The private attorney who
15 helps us with this work is not in a position to represent respondents in removal proceedings due to
16 health considerations, but she provides us with invaluable services by screening the cases as well as
17 by providing various forms of limited assistance to respondents while the cases are being considered
18 for “low bono” funds or while referrals are pending. Frequently, she helps respondents prepare
19 asylum applications so that the applications may stamped by the court clerk for purposes relating to
20 work authorization and/or to ensure that applicants are able to meet their filing deadlines. In some
21 cases, she drafts *pro se* change of venue motions so that the cases will be transferred to Immigration
22 Court in Tucson, making it far easier for me to find a local attorney willing to take the case. If this
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26 ⁵ Despite the generosity of the private immigration bar, we deem the low bono services model essential to maintaining
27 free services for indigent asylum seekers. This is largely because the immigration bar is inundated with requests for pro
28 bono services. It is also because, given the specialized nature of asylum cases and their time-intensive nature, relatively
few immigration lawyers are willing and able to represent asylum seekers.

1 attorney were ordered to desist from providing limited services to asylum seekers in removal
2 proceedings, the ASC would be unable to assist many of those we are presently able to help. The
3 individuals would suffer the consequences, and we would be unable to fulfill our mission of
4 providing a safety net for indigent asylum seekers in Southern Arizona.
5

6 I declare under penalty of perjury of the laws of Arizona and the United States that the
7 foregoing is true and correct to the best of my knowledge and belief.
8

9 Executed this 1st day of June, 2017 in Tucson, Arizona.
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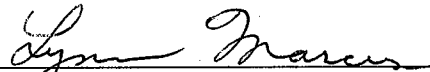
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Exhibit R

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit Washington
public benefit corporation; and YUK MAN
MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT OF
JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

DECLARATION OF PAUL S. ZOLTAN

1 I, Paul Steven Zoltan, declare as follows:

2 1. I am over the age of eighteen, am competent to testify as to the matters below, and
3 make this declaration based on personal knowledge.

4 2. I am an attorney licensed to practice in Texas (Texas Bar No. 24038129). I am the
5 sole proprietor of the Law Office of Paul S. Zoltan, 8610 Greenville Avenue, Suite 100, Dallas,
6 Texas 75243.

7 3. I have practiced exclusively immigration law since 1992. I have served the American
8 Immigration Lawyers Association as coordinator of the Dallas section and liaison with the Houston
9 Asylum Office. I have chaired the District 6A Grievance Committee for the Texas Bar, the advisory
10 board of the Dallas office of the International Rescue Committee, and the boards of directors of
11 Proyecto Adelante and the Center for Survivors of Torture. I have taught both Immigration Law and
12 Legal Writing and Reasoning at the University of Texas at Dallas. For my work with Dallas'
13 Refugee Support Network (described below), Legal Aid of Northwest Texas honored me last year
14 with the Louise Raggio Women's Legal Advocacy Award.
15

16 4. In the summer of 2014, I saw in my office an unprecedented number of Central
17 American youths who had fled the depredations of the region's powerful gangs. Many, if not most of
18 these had been placed in removal proceedings but were unable to afford legal representation. To help
19 these frightened newcomers to file applications for asylum, I collaborated with the Dallas office of
20 Catholic Charities Immigration and Legal Services to form the Refugee Support Network (RSN). In
21 recent months, the program moved to the Dallas office of RAICES, a non-profit organization that
22 counsels and represents undocumented immigrants.
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1 5. In the two-and-a-half years since RSN's founding, I have teamed with other
2 experienced immigration lawyers to supervise volunteers in the preparation of over 200 applications
3 for asylum (Form I-589). Through this legal clinic program, each RSN participant receives (a) an
4 orientation regarding their rights and responsibilities in removal proceedings; (b) a six-hour
5 workshop on eligibility for asylum; (d) technical review of completed I-589s; (e) tabbed, indexed,
6 and paginated packets of case-specific country conditions materials; (f) 8 CFR § 1003.33-compliant
7 translations of birth certificates and (when feasible) other supporting evidence such as police reports;
8 and (g) instructions for properly filing the applications and exhibits in immigration court.

10 6. Over half of the more than 230 volunteers I have trained serve only as interpreters;
11 among the remainder, 47 are attorneys. Most of the preparers are attorneys; all work under the close
12 supervision of at two or more experienced immigration attorneys – almost always me and a member
13 of the host agency's staff. The ratio of preparers to supervisory attorneys never exceeds 6:1.
14 The clinic's structure imposes ample checks upon all volunteers: (a) each volunteer, including
15 interpreters, must receive a two-hour training that stresses confidentiality, professional ethics, and
16 the avoidance of unauthorized practice of law; (b) supervisory attorneys hover over the preparers at
17 each stage, alert and engaged; (c) each preparer must submit for a supervisory attorney's approval a
18 comprehensive "Asylum Claim Inventory" devised for the workshop before completing the I-589
19 form; (d) a supervisory attorney must review the entire application before it may be read aloud to the
20 applicant in Spanish, then signed; (e) each completed form undergoes technical review, using a nine-
21 page checklist devised for the clinic; (f) at "packet pick-up," volunteers review proposed revisions
22 with the participant; and (g) only after one final review by the supervising attorney do volunteers
23 read aloud a *second* time, in Spanish, the entire contents of the application (now corrected) and hand
24 the noncitizen their application, in triplicate, as required for filing with the immigration court.

1 7. Beyond this, RSN's clinics have led to the placement of at least 20 participants with
2 pro bono attorneys. Additionally, RSN has scripted and will soon produce a videotaped pro se mock
3 trial video to prepare individuals before attending their asylum hearings.

4 8. The program enjoys an excellent reputation at the Dallas Immigration Court, where I
5 have several times heard judges praise the quality of RSN-prepared I-589s and supporting evidence.
6

7 9. If the Executive Office for Immigration Review (EOIR) Disciplinary Counsel is right,
8 and 8 CFR §§ 1003.17(a) and 1003.23(b)(1)(ii) forbid attorneys from helping unrepresented aliens in
9 any aspect of a case pending before EOIR, RSN would cease to be. The penniless aliens we assist
10 would turn to so-called *notarios* or, more likely, give up on the asylum process altogether.

11 10. EOIR's unprecedented prohibition would also affect me in my private practice. On a
12 pro bono basis, I have many times helped aliens in removal proceedings with motions to change
13 venue or notices of appeal. I never charge a fee unless I enter my appearance. By assisting
14 unaccompanied alien children with changes of venue, in particular, I have prevented their being
15 ordered removed *in absentia* in some faraway city – and I have advanced EOIR's stated goals of
16 helping these children "understand the nature of the proceedings" and ensure they can "effectively
17 present evidence."
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21 I declare under penalty of perjury of the laws of the State of Texas and the United States that
22 the foregoing is true and correct to the best of my knowledge and belief.

23 Executed this 26th day of May 2017 in Dallas, Texas.



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27 Paul S. Zoltan
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Handwritten signature of Paul S. Zoltan

Commission Expires 01-27-18

DECL. OF PAUL STEVEN ZOLTAN – 4

Case No. 2:17-cv-00716

Davis Wright Tremaine LLP
LAW OFFICES
1201 Third Avenue, Suite 2200
Seattle, WA 98101-3045
206 622.3150 main 206 757.7700 fax

Exhibit S

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit Washington
public benefit corporation; and YUK MAN
MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT OF
JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

**DECLARATION OF VALERIE ANNE
ZUKIN**

I, Valerie Anne Zukin, declare as follows:

1. I am over the age of eighteen, am competent to testify as to the matters below, and
make this declaration based on personal knowledge.

2. I am employed by the Justice & Diversity Center (“JDC”) of The Bar Association of
San Francisco. I am the Lead Attorney Coordinator for the Northern California Collaborative for

1 Immigrant Justice (“NCCIJ”), which is one of the removal defense collaboratives that JDC leads and
2 coordinates. The NCCIJ focuses specifically on the provision of legal services to, and increasing
3 legal representation for, detained immigrants, including the Pro Bono Attorney of the Day (“AOD”)
4 Program for the detained dockets.

5 3. JDC advances fairness and equality by providing *pro bono* limited legal assistance to
6 low-income people and educational programs that foster diversity in the legal profession. Through
7 its Immigrant Legal Defense Program, JDC (a) administers the AOD Program for the detained, non-
8 detained and non-detained juvenile dockets at the San Francisco Immigration Court; (b) provides
9 leadership and coordination within two removal defense collaboratives to provide legal
10 representation for indigent immigrants in Northern California; and (c) partners with other
11 organizations to coordinate Rapid Attorney Response in the event of immigration enforcement
12 actions.
13

14 4. Through these programs, JDC encounters and assists unrepresented immigrants at
15 court, in detention facility visits, and through legal calls. JDC attorneys and volunteer immigration
16 attorneys regularly provide unrepresented immigrants with limited legal assistance, including legal
17 advice regarding legal and judicial challenges to administrative proceedings, and tailored Know
18 Your Rights (“KYR”) legal orientations. The AOD and KYR advice and screening provide the
19 primary mechanism for identifying those who may qualify for representation through the immigrant
20 legal defense collaboratives which JDC leads and the regional partners with whom JDC coordinates.
21 JDC also provides self-help legal materials to those unable to obtain counsel, including templates for
22 legal filings. In addition, AODs appear on the record as a friend of the court on behalf of
23 unrepresented respondents.
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1 5. In all of these efforts, JDC carefully advises and obtains informed consent from each
2 individual assisted regarding the scope of the assistance that will and will not be provided.

3 6. JDC provides this limited legal assistance because there are scores of *pro se*
4 immigrants who are unable to obtain full-scope legal representation, and have no other legal
5 assistance available. Numerous studies have shown that access to legal counsel significantly impacts
6 the likelihood of success in defending against deportation.¹ JDC seeks to protect due process rights
7 and access to justice, as well as to ameliorate the significant disadvantage faced by those immigrants
8 who are unable to retain counsel or secure *pro bono* representation by providing vital limited scope
9 services.
10

11 7. JDC is alarmed by the cease-and-desist letter that the Northwest Immigrant Rights
12 Project (“NWIRP”) received from the Executive Office for Immigration Review (“EOIR”) on April
13 5, 2017, because the spirit behind the letters will severely limit access to justice and the JDC’s
14 programs. So few of the individuals served by JDC are able to obtain full-scope representation. JDC
15 is only able to secure full-scope *pro bono* representation for some of the individuals it provides with
16 legal screenings, and the percentage is particularly small in regards to the detained immigrants.
17 Thus, JDC’s provision of limited legal assistance is the only legal assistance that many detained
18 individuals ever obtain, and those who proceed without any legal assistance often waive all of their
19 rights to take removal orders initially, or, where they elect to defend against removal *pro se*, their
20 cases can toil for several months, or sometimes years, due to their inability to navigate the system
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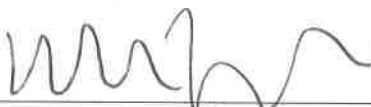
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25 ¹ Ingrid Eagly and Steven Shafer, American Immigration Council, *Access to Counsel in Immigration Court* (Sept. 2016),
26 available at: <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>; Northern
27 California Collaborative for Immigrant Justice, *Access to Justice for Immigrant Families and Communities: Study of*
28 *Legal Representation of Detained Immigrants in Northern California*, available at:
[https://media.law.stanford.edu/organizations/clinics/immigrant-rights-clinic/11-4-14-Access-to-Justice-Report-](https://media.law.stanford.edu/organizations/clinics/immigrant-rights-clinic/11-4-14-Access-to-Justice-Report-FINAL.pdf)
[FINAL.pdf](https://media.law.stanford.edu/organizations/clinics/immigrant-rights-clinic/11-4-14-Access-to-Justice-Report-FINAL.pdf); The New York Family Unity Project, *Good for Families, Good for Employers, Good for All New Yorkers*
(Oct. 2013), available at http://populardemocracy.org/sites/default/files/immigrant_family_unity_project_print_layout.pdf

1 competently. Additionally, JDC is often the only organization able to identify and refer cases for *pro*
2 *bono* representation.

3 8. EOIR's interpretation of the rule regarding the entry of appearance for attorneys
4 providing limited legal assistance would greatly limit, if not entirely prevent, JDC's provision of the
5 aforementioned services, because the EOIR rules do not permit the entry of appearance of an
6 attorney for services more limited in scope than removal and/or custody proceedings. *See* 8 C.F.R. §
7 1003.17; 80 Fed. Reg. 59,500 (Oct. 1, 2015) (amending 8 C.F.R. § 1003.17). As demonstrated by
8 numerous studies, the lack of access to legal counsel is hugely detrimental to the likelihood of
9 success in defending against deportation, which frustrates JDC's mission to increase access to
10 counsel.²

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13 I declare under penalty of perjury of the laws of the State of California and the United States
14 that the foregoing is true and correct to the best of my knowledge and belief.

15 Executed this 2nd day of June, 2017 in San Francisco, California.

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18 Valerie Anne Zukin

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28 ² *See* n.1, *supra*.

Exhibit T

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit Washington
public benefit corporation; and YUK MAN
MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT OF
JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

**DECLARATION OF ALISON
PENNINGTON**

I, Alison Pennington, declare as follows:

1. I am over the age of eighteen, am competent to testify as to the matters below, and
make this declaration based on personal knowledge.

2. Founded in 1969, Centro Legal de la Raza (“Centro Legal”) is a comprehensive legal
services agency focused on strengthening low-income, immigrant, and Latino individuals and

1 families by providing bilingual and culturally competent legal representation, and
2 advocacy. The mission of Centro Legal is to protect and expand the rights of low-income people,
3 particularly monolingual Spanish-speaking immigrants. Centro Legal's decades-long track record of
4 quality legal services has made it a trusted community institution for immigrants who are fearful and
5 hesitant to seek necessary services. Today, Centro Legal provides legal consultations, limited-scope
6 services, full representation, and legal referrals to over 5,000 clients annually in the areas of
7 immigration, housing and employment. Centro Legal is located in Oakland, California.

9 3. I am an Immigration Senior Staff Attorney at Centro Legal.

10 4. Centro Legal's immigration practice is focused on serving the needs of our most
11 vulnerable community members, including families living in poverty, long residing undocumented
12 immigrants and families, youth, victims of violent crimes, asylum seekers, and detained individuals
13 in removal proceedings. We represent clients in detained and non-detained removal defense, asylum
14 applications, family-based visa petitions, U visas for victims of violent crime, Deferred Action for
15 Childhood Arrivals ("DACA"), Special Immigrant Juvenile Status ("SIJS"), adjustment of status,
16 and naturalization. In the past year along, our Immigration Project conducted over 3,000 legal
17 screenings/brief consults and accepted close to 1,500 cases for full scope representation.
18
19

20 5. Centro Legal engages in a broad range of limited-scope forms of assistance given the
21 staggering shortage of immigration legal services attorneys. Limited-scope forms of assistance are a
22 crucial means of meeting the tremendous need for immigration legal services with Centro Legal's
23 limited resources. The forms of assistance that Centro Legal provides range from know-your-rights
24 presentations and individual consultations to immigrants detained in Northern California detention
25 facilities to workshops to assist pro se asylum seekers with filling out and filing asylum applications.
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1 These limited-scope services go a long way towards meeting the overwhelming need for
2 immigration legal services in the Northern California communities that we serve.

3
4 6. Centro Legal has worked closely and effectively with the San Francisco Immigration
5 Court and the Office of the Chief Counsel to increase access to know-your-rights and legal education
6 at the four Northern California immigration detention facilities. These facilities include West County
7 Detention Center, Rio Cosumnes Correctional Center, Yuba County Jail and Mesa Verde Detention
8 Facility.

9
10 7. Centro Legal's Mesa Verde Project is a prime example of the urgent need for limited-
11 scope legal services in the area detention facilities. Opened in March 2015, Mesa Verde Detention
12 Facility is an immigrant-only detention center with an average daily population of 400 individuals.
13 The facility is located in Bakersfield, California, and is a 4.5 hour drive from the Bay Area. Since the
14 opening of Mesa Verde, the detained immigration docket in San Francisco has nearly doubled. It is
15 estimated that less than 10% of the detainee population in Mesa Verde is represented by counsel.

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18 8. Through its Mesa Verde Project, Centro Legal conducts bimonthly know-your-rights
19 presentations via videoconferencing, and also provides limited pro se assistance, and limited pro
20 bono placement. At our bimonthly videoconferenced know-your-rights presentations, we reach an
21 average of 100 detainees per month. In addition, Centro Legal staff travels to the facility once per
22 month, conducts approximately 80 individual consultations per visit and provides approximately 15
23 detainees pro se assistance in their applications for relief.

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26 9. When Centro Legal first began the Mesa Verde Project, access to the detainees was
27 extremely restrictive. However, when the San Francisco Immigration Court and the Office of the
28

1 Chief Counsel began to see the impact of providing know-your-rights and legal consultations to the
2 detainees to the efficiency of the immigration court system, Centro Legal's access to the Mesa Verde
3 facility improved.

4
5 10. While Centro Legal's Mesa Verde Project has provided some level of critical
6 assistance to those detained there, the visits nevertheless fall far short of meeting the needs of the
7 detainees who, like many of their counterparts detained in the deserts of U.S. border states, face
8 insurmountable hurdles to accessing legal information or securing an attorney. Of the 400
9 individuals detained at Mesa Verde detention facility at any given time, Centro Legal is only able to
10 assist approximately one quarter of the population in a very limited manner. If Centro Legal were
11 restricted in its ability to provide even limited-scope legal services to this excessively vulnerable
12 population, only a sliver of the detainees in the Mesa Verde detention facility would receive critical
13 information about their immigration case and any assistance in pursuing their claims for relief.

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16 11. It is well-documented that without access to legal assistance, detainees face
17 overwhelming obstacles to succeeding on their claims for relief. Detainees generally have extremely
18 limited access to legal materials, restrictions on outside visits from family and friends, and strict
19 limitations on phone calls and correspondence. This pattern holds true at all immigration detention
20 facilities, but is particularly evident at facilities in more isolated and rural locations, including three
21 of the four Northern California detention facilities: Mesa Verde Detention Center, Rio Cosumnes
22 Correctional Center and Yuba County Jail. The isolation of detention generates feelings of
23 helplessness and hopelessness among the detainees. Given the lack of access to counsel and family,
24 the language barriers and the lack of familiarity with U.S. immigration laws and the immigration
25 court system, many detainees opt to accept an order of removal to their countries of origin rather
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1 than pursue legitimate claims for relief. However, providing detainees with information about the
2 different forms of legal relief available to them and giving them the tools – through individual
3 consultations, pro se assistance and pro se materials – to exercise these rights dramatically increase
4 detainees’ willingness to remain in detention and pursue their case.

5
6 12. Centro Legal also visits the West County Detention Facility in Richmond, California,
7 on a bimonthly basis to conduct know-your-rights presentations, individual consultations and limited
8 pro se assistance to detainees. In 2016 alone, approximately 1,500 people received legal rights
9 education and 800 people received a consultation through Centro Legal’s visits at West Country
10 Detention Facility.
11

12
13 13. Centro Legal immigration attorneys also participate bimonthly in the San Francisco
14 Immigration Court’s Attorney of the Day Program (AOD Program). The AOD Program has been
15 administered by the The Bar Association of San Francisco for over 25 years and consists of
16 volunteer immigration attorneys who assist unrepresented individuals at their master calendar
17 hearings on a particular day. The AOD provides legal advice, reviews and assists with filling out
18 forms, advocates on behalf of the person before the Immigration Judge and makes recommendations
19 of free or low-cost legal service providers based on the specifics of a person’s case.
20

21
22 14. Since 2015, Centro Legal has conducted workshops to assist pro se asylum seekers
23 with their asylum applications (I-589s). At the workshops, Centro Legal assists with filling out the I-
24 589s, prepares the applications for filing and instructs the pro se asylum seekers on how to properly
25 file the applications. Centro Legal also translates essential documents (i.e., birth certificates), as all
26 documents filed with the immigration court must be accompanied by a certified translation, and
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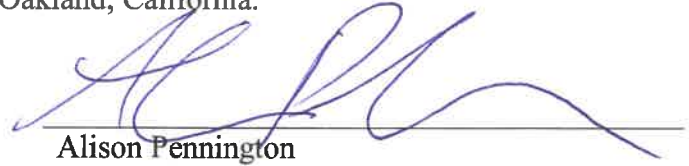
1 occasionally drafts simple motions, such as change of venue motions. Centro Legal places a sticker
2 identifying Centro Legal as the preparer of each I-589 for which pro se assistance was provided.
3 Centro Legal estimates that since 2015, Centro Legal has assisted several hundred asylum seekers at
4 its pro se workshops.

5
6 15. Centro Legal further holds general clinics at our office once per month where we
7 provide legal advice and limited-scope legal services, including filling out change of address forms
8 with the immigration court and assisting with simple motions, such as pro se change of venue
9 motions. We estimate that between 150-200 people attend our onsite office clinics every month.
10 Centro Legal also holds offsite clinics several times per month, where we provide legal advice and
11 limited-scope legal services, including changes of address.
12

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14 16. The limited-scope legal assistance that Centro Legal provides is critical to the
15 immigrant communities that Centro Legal serves. Far fewer individuals in detention would succeed
16 in securing bond or ultimate relief in their cases without the legal information, legal consultations,
17 pro se materials and pro se assistance provided at the detention facilities and through the Attorney of
18 the Day Program. In addition, without the pro se workshops, pro se applicants will fill out forms
19 incorrectly, miss filing deadlines, improperly file documents without translation, arrive in court
20 unprepared to succeed in their case and ultimately, will fail to win the relief to which they are
21 entitled. Hundreds, if not thousands, of people will be deported unnecessarily, resulting in families
22 being separated and immigrant communities shattered. Because Centro Legal is not able to meet the
23 overwhelming need for immigration legal services that our communities face, our limited-scope
24 services are essential to preventing the deportation of our community members and preserving the
25 wellbeing and vitality of the communities we serve.
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1 I declare under penalty of perjury of the laws of the State of California and the United States
2 that the foregoing is true and correct to the best of my knowledge and belief.

3 Executed this 7th day of June, 2017 in Oakland, California.

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6 Alison Pennington

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Exhibit U

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”);
and YUK MAN MAGGIE CHENG,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of
the United States; UNITED STATES
DEPARTMENT OF JUSTICE; EXECUTIVE
OFFICE FOR IMMIGRATION REVIEW; JUAN
OSUNA, in his official capacity as Director of the
Executive Office for Immigration Review; and
JENNIFER BARNES, in her official capacity as
Disciplinary Counsel
for the Executive Office for Immigration Review,

Defendants.

Case No. 2:17-cv-00716

**DECLARATION OF
DANIEL WERNER**

I, Daniel Werner, declare as follows:

1. I am over the age of eighteen, am competent to testify as to the matters below, and make this declaration based on personal knowledge.

- 1 2. I am the director of the Southeast Immigrant Freedom Initiative (SIFI), a project of the
2 Southern Poverty Law Center located in Decatur, Georgia.
- 3 3. The SIFI project is a new initiative of the Southern Poverty Law Center to provide *pro*
4 *bono* legal representation to immigrants detained in the southeastern United States. By
5 ensuring that skilled attorneys are available, at no charge, to protect the due process rights
6 of detained immigrants, SIFI endeavors to win every meritorious removal defense case
7 arising out of recent and anticipated immigration enforcement actions.
- 8 4. The SIFI project is led by the Southern Poverty Law Center. It has begun at the Stewart
9 Detention Center in Lumpkin, Georgia. It will later be expanded to other detention
10 centers throughout the Southeast, including the Irwin County Detention Center in Ocilla,
11 Georgia; the LaSalle Detention Facility in Jena, Louisiana; and the Folkston ICE
12 Processing Center in Folkston, Georgia.
- 13 5. The SIFI project works exclusively with detained immigrants in removal proceedings.
- 14 6. The SIFI project, both through its paid staff and its *pro bono* volunteers, routinely
15 appears on behalf of respondents only in their bond proceedings and not in their removal
16 proceedings.
- 17 7. The SIFI project, both through its paid staff and its *pro bono* volunteers, routinely meets
18 with detainees to consult with them about their cases and they may later decide, for
19 reasons either related to the project's capacity limitations or to the substance of the
20 detainee's case, that the project cannot represent the detainee at all.
- 21 8. The SIFI project also sometimes advises detainees with whom we meet that we believe
22 they do not have any meritorious legal defense against removal. In those cases one of our
23 goals is to convey our legal assessment clearly with the hope that in doing so, the
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1 detainee may be less susceptible to fraudulent practitioners, including “notarios” who
2 might seek to take advantage of them.

- 3
4 9. The SIFI project, both through its paid staff and its *pro bono* volunteers, sometimes
5 advises detainees regarding how to answer potential questions from the Court, or what to
6 say to the Court, in cases in which the project does not represent the detainee in removal
7 proceedings.
- 8 10. The SIFI project sometimes assists detainees through the preparation and filing of simple
9 *pro se* template motions, including motions to continue, in cases in which the project
10 does not represent the detainee in removal proceedings. Among the situations in which
11 we might assist with the preparation of a *pro se* motion to continue are cases in which the
12 SIFI project needs more time to investigate and evaluate the merits of a case to determine
13 whether we may represent the detainee, or when we have filed a bond motion for the
14 detainee, but the Court has not yet held a bond hearing.
- 15
16 11. The SIFI project is in its very early stages. We anticipate that there are other situations in
17 which our project could assist with *pro se* filings, including a motion to change venue, a
18 motion to reopen, or a motion to advance, among others.
- 19
20 12. The SIFI project began at the Stewart Detention Center in part because it is among the
21 largest detention center in the United States, with capacity to detain approximately 1,900
22 people.
- 23
24 13. Currently, the SIFI project has the capacity to do approximately ten client intakes per
25 week. When operating at full capacity, which we anticipate will be in a matter of weeks,
26 the SIFI project anticipates the ability to conduct approximately twenty client intakes per
27 week. At that rate, the SIFI project could see as many as a thousand detainees per year
28

1 only at the Stewart Detention Center. By 2018, when operating at all four planned
2 detention centers, the SIFI project would anticipate conducting between three to five
3 thousand client intakes per year.
4

5 14. In addition to client representation, the SIFI project plans to hire an “advocacy attorney”
6 at some point this calendar year. The role of that attorney will be to assist the SPLC in
7 identifying, investigating and bringing litigation geared toward enhancing the treatment
8 of detainees and protecting their rights, both in confinement and in Immigration Court.
9 Already the SIFI project is taking close note of issues related to the ability of our
10 volunteer attorneys to access our clients and other detainees in the detention centers and
11 in court. The project also has an interest in issues related to conditions of confinement
12 and detainee mental health care and medical care. Already, the SIFI project engages in
13 advocacy on behalf of the detainees it serves through our interaction with local court staff
14 and “ICE” field office leadership. In addition, SIFI and the SPLC generally have long
15 been a partner to immigrant advocacy organizations in Georgia and throughout the
16 southeast, including the Center of Excellence, the Immigrant Working Group, the
17 Georgia Latino Alliance for Human Rights, Catholic Charities, AILA and others.
18
19

20 15. The “cease and desist” letter sent by the Department of Justice (DOJ) to the Northwest
21 Immigrant Rights Project (NWIRP) caused SIFI, and SPLC, grave concern. We know the
22 NWIRP project staff to be professionals of the highest quality and unassailable ethics.
23 Through its immigration law practice, the NWIRP has made enormous contributions to
24 the advancement of immigrant rights over many years. The NWIRP provides high quality
25 representation to their clients, and valuable advice to those it consults with but does not
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27
28

1 represent in court. And so it was with both sadness and great alarm that we received the
2 news of the cease and desist letter sent by the DOJ to NWIRP.

3
4 16. SIFI was also alarmed by the cease and desist letter because we do not believe that the
5 regulations in question were designed or intended to curtail the work of reputable non-
6 profits like NWIRP, but rather to protect vulnerable immigrant populations against
7 unscrupulous “notarios” who do not have any legal education or training.

8
9 17. The DOJ interpretation of the regulations in question relating to limited legal services
10 would be crippling to SIFI’s work. It would dramatically reduce the number of clients we
11 could serve. It would mean that any in case in which the project had any inclination at all
12 that we could potentially decide in the future we wanted to represent the detainee in their
13 removal case, we would be forced to enter an EOIR- 28 at the outset of our involvement.
14 The practical impact of this would mean that we would interact with, and thus serve,
15 many fewer detainees as our capacity to represent clients in their merits cases, is, of
16 course, limited. By forcing SIFI to make the decision as to which detainees we can
17 represent at a much earlier stage in the process, we would be forced to decline a larger
18 number of cases to prevent the risk of getting into cases the project could not follow
19 through on with requisite diligence and professionalism. This would be a perversion, we
20 believe, of the regulation. It would have the impact of harming immigrant detainees and
21 denying them access to competent counsel; this using the vehicle of a rule that was
22 developed and implemented with the goal of protecting unrepresented immigrants from
23 fraud. The DOJ position in this matter, we believe to cruel effect, stands the rule on its
24 head.
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1 18. The impact of the DOJ position in this matter on the detained immigrants SIFI seeks to
2 serve would be substantial. A recent study found that six percent of detainees at the
3 Stewart Detention Center were represented by counsel, a statistic that we understand to
4 be in keeping with the situation at other detention centers in the southeast. Detainees who
5 are represented by counsel prevail in their cases almost ten times more often than those
6 who proceed *pro se*.
7

8 19. SIFI was instituted to address a long-standing and urgent need. There has never been a
9 project of our type and scope in the southeast United States, despite the many
10 immigration detention centers we have here. Our project has been met with tremendous
11 support both within our region and throughout the country, in no small part because
12 people understand how sorely our services are needed.
13

14 20. It is not hyperbole to say that were the DOJ's position in this matter to be vindicated, it
15 would cut SIFI off at the knees.
16

17
18 I declare under penalty of perjury that the foregoing is true and correct to the best of my
19 knowledge and belief.
20

21
22 Executed this 7th day of June, 2017, in Columbus, Georgia.
23

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26 
27 DANIEL WERNER
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Exhibit V

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit
Washington public benefit corporation; and
YUK MAN MAGGIE CHENG, an
individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his
official capacity as Attorney General of
the United States; UNITED STATES
DEPARTMENT OF JUSTICE;
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA,
in his official capacity as Director of the
Executive Office for Immigration Review;
and JENNIFER BARNES, in her official
capacity as Disciplinary Counsel for the
Executive Office for Immigration Review,

Defendants.

No. 2:17-cv-00716

DECLARATION OF JOHN H. FLEMING

DECLARATION OF JOHN H. FLEMING

I, John H. Fleming, declare as follows:

1. I am over the age of 18, and competent to testify as to the matters below, and make
this Declaration based on personal knowledge.

DECLARATION OF JOHN H. FLEMING
Case No. 2:17-cv-00716

EVERSHEDS SUTHERLAND (US) LLP
999 Peachtree Street, N.E., Suite 2300
Atlanta, Georgia 30309-3996
404.853.8000 main; 404.853.8806 fax

1 2. I am the Pro Bono Partner of Eversheds Sutherland (US) LLP. Eversheds Sutherland
2 (US) is a law firm with almost 400 lawyers and United States offices in Atlanta (where my office is
3 located), Washington, New York, Houston, Austin and Sacramento. In February of this year our
4 legacy U.S. firm, Sutherland, joined with the global firm Eversheds, with offices in 28 countries
5 outside the U.S., to form Eversheds Sutherland.
6

7 3. I have practiced at Sutherland since 1976 and have been a partner since 1981. I
8 practiced in commercial litigation for most of that time, and, like most of the lawyers at this firm,
9 also did occasional pro bono work for indigent clients and non-profit organizations. I have been the
10 pro bono partner at Sutherland (and more recently Eversheds Sutherland (US)) since 2013, with
11 responsibilities for overseeing our pro bono programs throughout the firm's U.S. offices.
12

13 4. During my time as pro bono partner, one of the major areas of pro bono involvement
14 by our attorneys has been in providing representation to undocumented immigrants who have
15 claims for asylum or other bases to oppose removal from the United States.
16

17 5. In many cases we have taken on full representation of an immigrant seeking asylum
18 or withholding a removal based on the convention against torture or other grounds, filing notices of
19 appearance before the EOIR and the Immigration Court, if applicable, as attorneys of record in the
20 proceedings.
21

22 6. Our attorneys have also provided volunteer pro bono legal services on a more limited
23 basis to undocumented immigrants with questions about their asylum cases in clinics or in "know
24 your rights" meetings in communities, in which our lawyers may give advice with respect to
25 proceedings in which the immigrants are representing themselves *pro se*, but where our lawyers do
26 not become counsel of record or execute a formal engagement letter with the client. Often after a
27

28
DECLARATION OF JOHN H. FLEMING
Case No. 2:17-cv-00716

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1 “know your rights” presentation our lawyers are approached by individuals and may answer
2 questions based on an individual’s particular circumstances, help an individual fill out forms, direct
3 the individual to the correct form(s) to fill out, or provide a myriad of other types of legal advice on
4 how to navigate the complex immigration system. These types of clinics and meetings, with
5 provision of limited legal representation, can be critically important for immigrants where neither
6 we nor other lawyers or organizations are in a position to represent the immigrant completely (with
7 a notice of appearance and engagement letter). In such situations, the alternative to limited, helpful
8 advice is not full representation – it is no advice at all, as there simply are not enough non-profit
9 organizations and volunteer attorneys providing these services to represent all of the immigrants
10 who need help. Our lawyers provide this limited help at “know your rights” presentations in
11 addition to their regular billable work. They would not be in a position to take on full
12 representation of all of the individuals they talk to after a know your rights presentation and the
13 number of individuals obtaining legal advice would decrease significantly.

16 7. Our firm does not have substantial in-house immigration expertise. For this reason,
17 and because of the particular nature of immigration proceedings involving indigent clients, we
18 almost always work closely with one or more non-profit legal service providers in connection with
19 our pro bono immigration work, relying on the non-profit providers for vetting cases, training and
20 backup.

22 8. A non-exclusive list of the non-profit legal service providers with whom we have
23 worked on immigration matters includes the following:

24 (a) Georgia Asylum and Immigration Network (“GAIN”);

1 (b) Kids in Need of Defense (“KIND”) with offices in Washington, New York, Atlanta,
2 Houston and elsewhere;

3 (c) The Southern Poverty Law Center (“SPLC”), with various offices in the Southeast;

4 (d) Catholic Charities;

5 (e) Human Rights First; and

6 (f) The Center of Excellence.

7
8 9. In addition, we have participated in the Georgia Immigration Working Group, which
9 includes representatives of other firms, immigration lawyers (and the American Immigration
10 Lawyers Association), some of the non-profits noted above, and law professors. This group seeks,
11 among other things, to coordinate efforts to achieve representation of a greater number of
12 undocumented immigrants with valid claims than are being served by resources currently available.

13
14 10. From working with the non-profits listed above, I am aware that at least some of
15 those groups, in addition to occasionally providing full representation of individuals, also conduct
16 clinics and provide limited representation and advice to immigrants, in removal proceedings or
17 otherwise, where full representation is not available because of lack of resources. I am also aware
18 that these limited representations can be critically important, even lifesaving, for this grossly under-
19 represented population.

20
21 11. For example, I know that the SPLC (splcenter.org) is involved with several other
22 non-profits in a project called the “Southeastern Immigrant Freedom Initiative,” or “SIFI.” The
23 project, launched only three months ago, has the ambitious objective of providing representation to
24 all detainees at the Stewart Detention Facility in Lumpkin, Georgia who have valid claims, with the
25 even more ambitious objective of expanding the project to other detention centers in the Southeast
26

27 DECLARATION OF JOHN H. FLEMING
Case No. 2:17-cv-00716

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1 over the next several months. We have participated with the SPLC in phase one of the project, and
2 are scheduled to participate through volunteer attorneys in phase two.

3 12. As reflected in SPLC's website concerning the SIFI project, phase two anticipates a
4 screening process that would involve limited representation and advice. (Phase three will build on
5 those screening efforts and limited advice to seek to find full representation for those with valid
6 claims.)
7

8 13. My understanding is that presently only six percent of the detainees at Stewart are
9 represented by counsel. There is absolutely no way that SPLC and its volunteer attorneys could
10 immediately represent all of the remaining detainees on a full "attorney of record" basis, and the
11 limited representation approach will be essential in trying to achieve the objective of providing
12 more representation to those with valid claims.
13

14 14. The limited representation we and the non-profits listed above have from time to
15 time provided to undocumented immigrants is similar to limited representation we occasionally
16 provide in connection with other pro bono clinics – for example, reviewing claims for indigent
17 tenants in landlord/tenant disputes – in conjunction with programs sponsored by a non-profit
18 organization or a court. In recognition of the important place such limited representation has in
19 connection with the significant societal goal of providing greater access for justice for indigent
20 persons, the Georgia Bar recently adopted a Bar Rule 6.5 expressly permitting such limited
21 representation. (This means that a lawyer from a firm like mine can give advice to a clinic
22 participant without, for example, checking all possible conflicts the firm might have, or entering a
23 notice of appearance in any lawsuit in which the limited representation client might be proceeding
24 *pro se.*)
25
26

27 DECLARATION OF JOHN H. FLEMING
Case No. 2:17-cv-00716

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1 15. I am aware that “notario fraud” or “notario abuse” has in the last decade been
2 identified as a significant problem facing many undocumented immigrants who are seeking
3 assistance with their possible asylum claims or other immigration issues. The American Bar
4 Association in its “Fight Notario Fraud” project described the problem as follows:

5
6 Unscrupulous “notarios” or “immigration consultants” have become
7 an increasingly serious problem in immigrant communities
8 throughout the United States. Often using false advertising and
9 fraudulent contracts, notarios hold themselves out as qualified to help
10 immigrants obtain lawful status, or perform legal functions such as
11 drafting wills or other legal documents. Unethical notarios may
12 charge a lot of money for help that they never provide. Often, victims
13 permanently lose opportunities to pursue immigration relief because a
14 notario has damaged their case.

15 https://www.americanbar.org/groups/public_services/immigration/projects_initiatives/fightnotariofraud.html

16 16. I am aware that EOIR and advocates for immigrants have been concerned about this
17 problem of notario fraud and abuse, and I understand that in response to this problem EOIR in 2008
18 adopted a new rule of professional conduct governing “practitioners who appear before [EOIR].”
19 See Professional Conduct for Practitioners, 73 Fed. Reg. 76, 914 (Dec. 18, 2008) (“the Rule”),
20 codified at 8 C.F.R. §§ 1001, 1003 & 1292.

21 17. I am aware that this lawsuit was triggered by a letter from EOIR disciplinary counsel
22 to Mr. Matt Adams of the Northwest Immigrant Rights Project (“NWIRP”) dated April 5, 2017. I
23 have reviewed that letter (as redacted to mask names of parties). In it, disciplinary counsel for
24 EOIR takes the position that NWIRP with its limited (and free) representation of immigrants who
25 appear before EOIR violates the Rule, and instructs NWIRP to “cease and desist” from this practice.

26 18. What NWIRP apparently has been doing in the Northwest is very similar to what
27 SPLC is doing in the Southeast, and volunteer pro bono lawyers from our firm and many others are

28
DECLARATION OF JOHN H. FLEMING
Case No. 2:17-cv-00716

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1 doing throughout the country. From the standpoint of maximizing the access of indigent,
2 undocumented immigrants to free legal advice impacting their asylum and other immigration
3 claims, DOJ's apparent current interpretation of the Rule (as forbidding this type of limited
4 representation) would be disastrous.

5
6 19. It thus appears in this matter that EOIR is relying on the Rule, plainly intended to
7 protect immigrants against abuse, exploitation and unwarranted expense, to attempt to prevent those
8 immigrants from receiving free legal assistance they very desperately need.

9 20. There are many more undocumented immigrants with valid claims who need advice
10 and representation than can possibly be represented fully, with attorneys entering notices of
11 appearance in their cases. The voluntary limited representation efforts provided by NWIRP, SPLC,
12 the other non-profits noted above (and numerous others throughout the country) and by pro bono
13 lawyers from firms like ours and legal departments, are critically important in trying to protect due
14 process rights and access to justice for this very marginalized group.

15
16 21. In short, while the Rule was purportedly enacted to protect immigrants against
17 notario fraud and abuse, what NWIRP and other non-profits and volunteer attorneys are doing in
18 volunteer limited representation efforts is nothing like notario abuse – it is providing these
19 individuals with services they desperately need, for free. The government should not be permitted
20 to use a rule meant to protect immigrants from abuse to build additional barriers to their tenuous
21 access to justice.

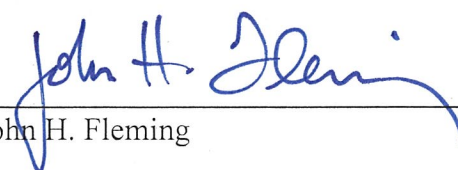
22
23 22. I declare under penalty of perjury of the laws of the state of Georgia in the United
24 States that the foregoing is true and correct to the best of my knowledge and belief.

25 Executed this 6th day of June, 2017 in Atlanta, Georgia.

26
27 DECLARATION OF JOHN H. FLEMING
Case No. 2:17-cv-00716

EVERSHEDS SUTHERLAND (US) LLP
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John H. Fleming

DECLARATION OF JOHN H. FLEMING
Case No. 2:17-cv-00716

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Exhibit W

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF WASHINGTON
3 AT SEATTLE

4 NORTHWEST IMMIGRANT RIGHTS
5 PROJECT ("NWIRP"), a nonprofit
6 Washington public benefit corporation; and
7 YUK MAN MAGGIE CHENG, an individual,

8 Plaintiffs,

9 v.

10 JEFFERSON B. SESSIONS III, in his official
11 capacity as Attorney General of the United
12 States; UNITED STATES DEPARTMENT OF
13 JUSTICE; EXECUTIVE OFFICE FOR
14 IMMIGRATION REVIEW; JUAN OSUNA, in
15 his official capacity as Director of the
16 Executive Office for Immigration Review; and
17 JENNIFER BARNES, in her official capacity
18 as Disciplinary Counsel for the Executive
19 Office for Immigration Review,

20 Defendants.

Case No.: 2:17-cv-00716

**DECLARATION OF ELLYN HAIKIN
JOSEF IN SUPPORT OF NORTHWEST
IMMIGRANT RIGHTS PROJECT'S
MOTION FOR PRELIMINARY
INJUNCTION**

21 I, Ellyn Haikin Josef, hereby declare under penalty of perjury as follows:

22 1. I make this declaration in support of Plaintiff Northwest Immigrant Rights Project's
23 ("NWIRP") Motion for Preliminary Injunction. The following statements are based upon my personal
24 knowledge or on information and belief where indicated. If called upon to testify, I would testify
25 competently to the matters contained herein.

26 2. I am the Pro Bono Counsel of Vinson & Elkins, LLP (V&E). V&E is an international
27 private law firm with over 600 lawyers, practicing in offices located in Austin, Dallas, Houston, New
28 York, Palo Alto, Richmond, San Francisco, Washington D.C., London, Beijing, Hong Kong, Taipei,
Tokyo, London, Moscow, Dubai and Riyadh. Our lawyers are committed to excellence, offering
clients experience in handling their transactions, investments, projects and disputes across the globe.
Established in Houston in 1917, the firm's time-tested role as trusted advisor has made V&E a go-to
law firm for many of the world's leading businesses.

1 3. In the nearly 10 years since I have served Vinson & Elkins as their firm-wide Pro Bono
2 Counsel, I have managed the Firm's pro bono practice, distributed hundreds of pro bono matters,
3 supervising many of those matters myself, created dozens of larger pro bono projects, spoken on pro
4 bono topics internally and externally, speaking often to a variety of audiences about pro bono programs
5 in general, and about specific pro bono subject areas, including pro bono immigration work handled
6 at V&E. In addition to my role at V&E, I have served on the legal advisory board of Children at Risk,
7 the board of Lone Star Legal Aid, the board of Houston Volunteer Lawyers, and the board of the
8 Association of Pro Bono Counsel. In each of these roles, my job has been to advocate for the proper
9 delivery of legal services to those in need in our community.

10 4. V&E is profoundly committed to pro bono work. Over the past six years, as a
11 representative sample, V&E has donated 167,775 pro bono hours, valued at more than \$60 million in
12 fees, to individuals and organizations who would otherwise not be able to afford representation. All of
13 this pro bono work is performed at no cost to the client, without seeking or obtaining payment of any
14 kind from clients.

15 5. Our profession teaches us that pro bono is an ethical responsibility of all lawyers, and
16 to that end, V&E has woven pro bono work into the fabric that is our firm culture. We expect our
17 lawyers to contribute, and meet the professional obligations of our profession. To that end, we provide
18 many different opportunities to participate in pro bono work – in different subject areas, and with
19 different levels of representation, ranging from full representation of clients to limited scope
20 representation and clinic participation.

21 6. Based on the current legal needs are in our communities, V&E has made its work in
22 the immigration area a priority in its pro bono practice. In 2016, in our Houston office alone, and as a
23 representative sample of our domestic offices, V&E lawyers handled nearly thirty (30) full
24 representation immigration matters, totally nearly two thousand hours of pro bono time. These cases
25 are handled in all of our US offices, and account for a large percentage of V&E's total pro bono
26 contribution. These matters are all handled in partnership with local legal service providers, ones who
27 operate similarly to NWIRP, whose staff mentor and guide V&E lawyers throughout the matters.

1 7. As is my practice as Pro Bono Counsel, I routinely engage in discussions with our
2 legal service providers about the legal needs in the communities in which we office, to determine
3 future pro bono projects, and where our lawyers would be helpful. In 2015, I began discussions with
4 Neighborhood Centers, now BakerRipley, a legal service provider who provides immigration services
5 to low-income Houstonians. They were aware of our full representation immigration work, and
6 inquired if we would be willing to host a limited scope Citizenship Workshop with their staff. This
7 would involve V&E lawyers assisting legal permanent residents through the naturalization process,
8 preparing the necessary documents that will ultimately be submitted to the US government by either
9 the client or by the legal service provider. This would be a limited scope representation, and the
10 responsibility of the V&E lawyer would end, at the conclusion of the naturalization paperwork. On
11 July 29, 2015, V&E hosted this clinic, and 8 V&E lawyers assisted twelve individuals in the course of
12 an evening. Due to the success of this clinic, V&E hosted a second limited scope immigration clinic
13 in partnership with Kids In Need of Legal Defense (KIND), to conduct intake for Special Immigrant
14 Juvenile Status matters, assisting in the screening of what would become full representation cases in
15 the future. Five V&E lawyers assisted five families in the screening and preparation of their SIJS
16 matters, which will then be handled by KIND internally, or distributed for full representation. V&E
17 has two more limited scope immigration clinics scheduled in 2017, including a DACA clinic in
18 partnership with Catholic Charities.

19 8. While the work of our full representation continues, the incorporation of limited scope
20 clinics into V&E's pro bono immigration practice has only enhanced V&E's program, and increased
21 the assistance we are able to give to immigrants in need in our community. The clients participating
22 understand that they will be receiving specific assistance from an attorney at the clinic, but that they
23 will have to continue without further representation from that attorney or firm. In my experience, the
24 clients who participate in these clinics receive important legal advice and/or documents, that will assist
25 them going forward in their matters.

1 9. It appears from a reading of the letter dated April 15, 2017 from Jennifer J. Barnes,
2 Disciplinary Counsel of the Department of Justice, to Matt Adams of NWIRP, that the position of the
3 Department of Justice is that an attorney who participates in these above-described limited scope
4 clinics is engaging in “representation” within the meaning of the letter, and would therefore require
5 the entry of a formal appearance of that attorney, and a full representation of that client by the lawyer
6 for the entirety of the matter. Our lawyers would then risk being obligated to take on full representation
7 of every clinic participant that they assist.

8 10. As stated above, many V&E lawyers do assist immigrants in full representation, but
9 there are other lawyers, still inspired by the obligations of our profession to engage in pro bono work
10 and assist those without access to counsel, who are unable, unwilling or otherwise not inclined to take
11 on this type of full-scope representation. Their assistance in these clinics, nonetheless, provides a
12 valuable service to those in need of help. If the interpretation in the letter is upheld, lawyers who are
13 unable to commit to full representation, would simply not provide their legal services to these clients
14 who are in need. V&E would then be forced to stop the practice of participating in these limited scope
15 clinics, thereby leaving many immigrants without any legal advice or counsel, and the legal service
16 providers would be forced to turn away countless clients in need, as they would not be otherwise able
17 to provide or find lawyers to provide service to this number of now unserved immigrants in need.

18 11. As a law firm who stands for the premise that pro bono work is an obligation and a
19 privilege of our profession, our priority is that those in need in our communities are able to obtain legal
20 assistance. In order for the lawyers to be able to provide that assistance, the rules must be set up to
21 allow for limited scope representation, and not limit or obligate lawyers to a full-representation model,
22 which would eliminate an important service in the legal community, would overwhelm the resources
23 of the legal service providers, and would leave many immigrants without the life-saving legal advice
24 that they require.

25 I declare under penalty of perjury under the laws of the United States that the foregoing is true
26 and correct. I have personal knowledge of the matters stated above, except as to those matters stated
27 on information and belief, which I believe to be true.

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Executed on this 7th day of June 2017, in Houston, Texas.

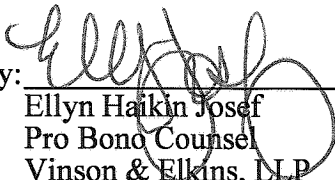
By: 
Ellyn Haikin Josef
Pro Bono Counsel
Vinson & Elkins, LLP

Exhibit X

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit
Washington public benefit corporation; and
YUK MAN MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT
OF JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA,
in his official capacity as Director of the
Executive Office for Immigration Review; and
JENNIFER BARNES, in her official capacity
as Disciplinary Counsel for the Executive
Office for Immigration Review,

Defendants.

Case No.: 2:17-cv-00716

**DECLARATION OF STACEY SLATER IN
SUPPORT OF NORTHWEST
IMMIGRANT RIGHTS PROJECT’S
MOTION FOR PRELIMINARY
INJUNCTION**

I, Stacey Slater, hereby declare under penalty of perjury as follows:

1. I make this declaration in support of Plaintiff Northwest Immigrant Rights
Project’s (“NWIRP”) Motion for Preliminary Injunction.

2. I am the Pro Bono Partner at Nixon Peabody LLP (“NP”). NP is an international
law firm with over 600 lawyers practicing in 12 offices in the United States and a few offices
abroad. I have been the Pro Bono Partner at NP since 2005, and was a litigation partner before
that time. NP has a strong commitment to pro bono. In 2016, NP attorneys provided close to

DECL. OF STACEY SLATER - 1
CASE NO. 2:17-CV-00716

NIXON PEABODY LLP
Attorneys at Law
437 Madison Avenue
New York, NY 10022-7039
(Main) 212-940-3000 (Fax) (866) 947-2473
Email: sslater@nixonpeabody.com

1 29,000 pro bono hours. While NP's pro bono practice extends to several areas of law,
2 immigration is a significant focus and many of our attorneys represent immigrants who cannot
3 afford to pay for legal services. Because only a handful of our attorneys specialize in
4 immigration law, however, this work is almost always performed under the supervision of full-
5 time immigration attorneys at non-profit legal service providers ("providers" or "legal service
6 providers").

7 3. We have represented many asylum seekers over the years both at proceedings in
8 the Asylum Office and in the Immigration Courts. We have represented many unaccompanied
9 children from Central America and elsewhere who are seeking Special Immigrant Juvenile
10 Status. We have represented countless victims of domestic violence, helping them to apply for U
11 Visas and VAWA relief. In these matters, NP attorneys rely on our legal service providers, who
12 refer almost all of our pro bono immigration clients to our firm. These providers, who have
13 immigration expertise, provide training, supervision and mentoring to our lawyers. The legal
14 service providers typically do not file notices of appearance when supervising the cases, either in
15 Immigration Court or before the USCIS. If these providers were required to file notices of
16 appearance in order to mentor us on our immigration matters, as I understand the Department of
17 Justice to be arguing, it would be time consuming and difficult to administer, as we would need
18 to consult with the provider on every detail of the matter, and each communication or filing. This
19 would likely result in a large decrease in the number of immigrant clients we could assist.

20 4. Additionally, some of our pro bono immigration work involves participating in
21 limited-scope immigration clinics. In a limited-scope clinic, potential clients are usually
22 screened by the legal service provider. They are told that attorneys from a private firm are
23 available to help them for a limited period of time, regarding a specific issue, on a pro bono
24 basis. The clients understand and agree that they will receive assistance from an attorney on the
25 day of the clinic only, and will thereafter have to continue without further representation from
26 that attorney or his/her firm. They often sign a waiver form indicating that they understand the

1 limited scope nature of our representation and the limited role of the organizing legal service
2 provider. Again, at these clinics, our lawyers typically work under the supervision of experienced
3 immigration attorneys at the legal service providers. Limited scope clinics play a crucial role in
4 helping immigrants because there simply are not enough resources to provide full representation
5 to everyone who needs it.

6 5. NP has worked with legal service providers in limited-scope clinics for
7 immigrants in several of our offices. For example, In New York City, some of our lawyers have
8 volunteered at immigration clinics at the Immigration Court at 26 Federal Court Plaza, together
9 with several legal service providers, where we conducted in-take to assess eligibility for Special
10 Immigrant Juvenile Status, asylum, U Visas, VAWA, DACA and other forms of immigration
11 relief. I have personally volunteered at this immigration clinic on two occasions. After I
12 conducted the in-take, my role was completed.

13 6. In San Francisco, our attorneys and staff volunteer at citizenship workshops with
14 a collaborative of legal services providers and community-based organizations, as intake
15 screeners, translators, and form-fillers, assisting people seeking to complete citizenship
16 applications through that process. Each monthly workshop serves several hundred potential
17 applicants, and results in approximately 100-200 completed citizenship applications.

18 7. In December 2016, our Los Angeles office sent several of our LA attorneys,
19 together with several in-house clients, on the Justice Bus to do a Naturalization Clinic, which
20 was organized by a California legal services provider. Our lawyers helped 27 pro bono clients
21 living in rural areas complete the voluminous documentation required to be naturalized as U.S.
22 citizens.

23 8. Attorneys in our Boston office have participated in a clinic, together with a local
24 legal service provider, advising legal permanent residents in completing their applications for
25 naturalization.

26 9. I understand that the Department of Justice argues that an attorney is required to

1 enter a formal appearance, and represent an immigrant for the entirety of his/her immigration
2 proceeding, whenever that attorney provides limited advice to the immigrant in a clinic setting.
3 If this argument is upheld, I believe this will have a chilling effect on pro bono counsel's
4 willingness and ability to represent immigrants in clinic settings. NP is not in a position to enter
5 an appearance in immigration proceedings for every immigrant our lawyers assist at a clinic. We
6 are able to help many more immigrants because of the limited-scope nature of these clinics than
7 we would be able to help if we were required to be engaged for a full scope representation for
8 every one of them.

9 I declare under penalty of perjury under the laws of the United States that the foregoing is
10 true and correct.

11
12 Dated: June 7, 2017

13 By: Stacey Slater
14 Stacey Slater

Exhibit Y

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
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Plaintiffs,

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Executive Office for Immigration Review; and
JENNIFER BARNES, in her official capacity
as Disciplinary Counsel for the Executive
Office for Immigration Review,

Defendants.

Case No.: 2:17-cv-00716

**DECLARATION OF RENE A.
KATHAWALA IN SUPPORT OF
NORTHWEST IMMIGRANT RIGHTS
PROJECT'S MOTION FOR
PRELIMINARY INJUNCTION**

I, Rene A. Kathawala, hereby declare under the penalty of perjury as follows:

1. I make this declaration in support of Plaintiff Northwest Immigrant Rights Project’s (“NWIRP”) Motion for Preliminary Injunction. The following statements are based upon my personal knowledge or on information and belief where indicated. If called upon to testify, I would testify competently to the matters contained herein. This declaration provides this Court with (i) the harm that will occur if the preliminary injunction requested by Plaintiff is not issued, and (ii) the significant public interest that attaches to Plaintiff’s request for relief.

My Background

2. I am the Pro Bono Counsel for Orrick, Herrington & Sutcliffe LLP (“Orrick”), resident in our New York City office. I am admitted to practice law in the State of New York, the federal district courts in Manhattan and Brooklyn, the Second Circuit Court of Appeals and the Fourth Circuit Court of Appeals. I am a member of the Association of Pro Bono Counsel, an

advisory board member for the Harvard Law and International Development Society, and am an active member of the New York City Bar Association's Pro Bono and Legal Services Committee. I regularly speak at national and international pro bono conferences sponsored by organizations such as the American Bar Association/National Legal Aid & Defender Association, PILNet and the Pro Bono Institute. I have more than twenty years of experience representing clients in all aspects of immigration law, including removal defense proceedings involving complex claims. In my position, I facilitate the participation of Orrick attorneys in immigration law matters, including in limited scope clinics that we regularly participate in across the country. I have received specific recognition for my pro bono immigration law representation, including the Phillip Burton Immigration Lawyering Award from the Immigrant Legal Resource Center.

About Orrick and Its Pro Bono Program

3. Orrick is a global law firm focused on serving the Technology, Energy & Infrastructure and Finance sectors with over 1,000 lawyers practicing in twenty-six offices worldwide. We have eleven offices in the United States – Seattle, Houston, Irvine, Los Angeles, Menlo Park, New York, Portland, Sacramento, San Francisco, Santa Monica and Washington, D.C.

4. Orrick's pro bono program has been praised for the dedication of its lawyers to supporting diverse causes with tangible results – including high-profile immigration disputes, civil rights litigation and grassroots global development through an innovative impact finance initiative. The firm's commitment to serving its communities worldwide is underscored by the full participation of lawyers across the globe on important matters for low-income clients, including those involving immigration law. In 2016, greater than 90% of U.S.-based lawyers (including greater than 80% of U.S. partners) and greater than 50% of lawyers based in Europe

and Asia, worked at least 20 pro bono hours: *The American Lawyer* ranked us number five by breadth of commitment in 2016. The American Bar Association recently selected Orrick for its prestigious 2017 Pro Bono Publico Award given annually to one large law firm for its pro bono work and impact.

5. Orrick strategically allocates its pro bono resources to ensure that each lawyer's work has the maximum impact for the client and the community. In 2016, Orrick lawyers worked over 70,000 pro bono hours valued at over \$40 million in fees. We define pro bono work as the provision of legal services for which the firm neither seeks nor obtains payment from clients. Referring specifically to the limited-representation immigration clinics discussed below, in no instance has Orrick sought or received any fees, payment or remuneration of any kind whatsoever from anyone for services provided in any legal clinic.

6. Orrick and its lawyers are committed to providing pro bono services to fulfill our professional and community responsibility to assist those who otherwise would go unrepresented. The American Bar Association as well as the Bars of each of the states where we have offices, including Washington, California, New York, Oregon, Texas and Washington, D.C., also consider providing pro bono legal services to those in need to be an important duty and responsibility that goes along with the privilege of being an attorney. Orrick, its management and its lawyers are committed to fulfilling this responsibility.

The Harm That Would Result If the Preliminary Injunction is Not Issued

7. Orrick's pro bono work is very diverse. One of the significant substantive areas that attracts lawyers in each of our offices to volunteer their time is for clients seeking help with immigration law issues. Because Orrick does not specialize in immigration law, however, this work is generally performed in cooperation with the mentoring offered by full-time immigration

attorneys at our partner legal services organizations, including the Northwest Immigrant Rights Project in Seattle, Kids in Need of Defense (in many of our cities), CAIR Coalition in Washington, D.C., the Houston Immigration Legal Services Collaborative in Houston, the Legal Aid Foundation of Los Angeles in Los Angeles, the Legal Aid Society, Brooklyn Defender Service and the City Bar Justice Center in New York City, One Justice and the Lawyers' Committee for Civil Rights of the San Francisco Bay Area in San Francisco, and Community Legal Services of East Palo Alto in Silicon Valley. Despite the best efforts of our pro bono program to maximize the number of clients we represent full-scope, only a relatively small number of Orrick attorneys have developed comprehensive immigration law expertise to be able to represent immigration law clients full-scope.

8. As a result, a substantial part of Orrick's engagement in pro bono immigration work involves participating in limited-scope immigration clinics. In a limited-scope clinic, potential clients are typically initially screened by attorneys or other staff from a nonprofit legal services organization. The potential clients are informed that attorneys from a private firm, such as Orrick, are available to assist them for a limited period of time, regarding a specific issue, such as naturalization, adjustment or temporary protected status. The clients understand and agree that they will receive assistance and counseling from an attorney at the clinic, but will thereafter have to continue without further assistance or representation from that individual attorney or his or her firm. In my ten plus years managing Orrick's pro bono program full-time, limited-scope immigration clinic work has provided important assistance to numerous individuals in understanding their legal rights and being able to exercise them.

9. In engaging our lawyers in limited scope representation of immigrants, we are following well-accepted pro bono practices recognized by state and national bar associations across

the country. For example, in my home state of New York, our Permanent Commission on Access to Justice has “continue[d] to encourage the use of limited-scope legal assistance as an efficient and efficacious way to serve low-and moderate-income individuals confronting legal challenges to essentials of life issues.” Indeed, former New York State Chief Judge Jonathan Lippman “has frequently remarked some legal representation or legal assistance is always preferable for litigants who would otherwise proceed unrepresented in civil matters that implicate family and personal stability, health, employment, education and housing, which can have life-altering consequences.” TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., *Report to the Chief Judge of the State of New York* (2015), available at http://www.nycourts.gov/accesstojusticecommission/PDF/2015_Access_to_Justice-Report-V5.pdf (last accessed June 6, 2017). This perspective has also been consistently promoted nationally. For example, Legal Services Corporation President James Sandman has advocated for the use of limited-scope services as a critical tool to bridge the justice gap, provided that the limited assistance is competently and ethically delivered and the client is informed of the limited nature of the services. *Id.* Rethinking the legal services delivery model is critical, according to Mr. Sandman, and limited-scope assistance is a key element in the collective effort to offer some form of civil legal assistance to every person in need. *Id.* Limited scope representation offers other benefits as well. *See, e.g.*, NINA SIULC ET AL., VERA INST. OF JUSTICE, LEGAL ORIENTATION PROGRAM: EVALUATION AND PERFORMANCE AND OUTCOME MEASUREMENT REPORT, PHASE II, at 48 (2008) (finding that participation in know-your-rights sessions by detained immigrants reduced case adjudication time by an average of thirteen days), available at <https://storage.googleapis.com/vera-web-assets/downloads/Publications/legal-orientation-program-evaluation-and-performance-and-outcome-measurement-report-phase->

[ii/legacy_downloads/LOP_evaluation_updated_5-20-08.pdf](#) (last accessed June 6, 2017).

10. Against this background, Orrick partners with nonprofit legal services organizations, including some of them who are identified in paragraph 7 herein to provide immigration advice at legal clinics, providing counseling regarding immigrants' rights and options under U.S. immigration law, and assisting in filling out applications for naturalization, asylum, U visas, Special Immigrant Juvenile Status, Temporary Protected Status, relief under the Violence Against Women Act, and Deferred Action for Childhood Arrivals. At these clinics, Orrick lawyers commonly work under the supervision of and with experienced immigration attorneys. Through these clinic partnerships, nonprofit legal services organizations can leverage their legal skills and expertise through private law firm attorneys who may lack expertise, to provide even more individuals with access to justice. Orrick also assists in helping our partner organizations to organize immigration clinics, including a monthly clinic in Washington, D.C. in addition to sending volunteers to that clinic on a regular basis.

11. Orrick's records reveal that over the last five years, Orrick attorneys have participated in no less than 25 immigration clinics with nonprofit legal services organization partners. Through these clinics, Orrick has assisted approximately 175 individuals and worked no less than 300 attorney hours.

12. Notwithstanding Orrick's substantial commitment to pro bono immigration work, our firm does not have the experience and expertise of our nonprofit legal services organization partners. Many Orrick lawyers are unable to enter an appearance in immigration proceedings for every individual they assist in an immigration clinic, nor to undertake the full representation of the more than thirty five additional pro bono immigration clients, on average, to whom Orrick has provided assistance each year.

13. I have read the letter dated April 5, 2017, from Jennifer J. Barnes, Disciplinary Counsel of the Department of Justice (“DOJ”), to Matt Adams of NWIRP (“the DOJ Letter”), which is identified as Exhibit I to NWIRP’s Complaint in this matter. I have also reviewed NWIRP’s Complaint (Docket. No. 1), DOJ’s opposition brief to NWIRP’s motion for a temporary restraining order (Docket. No. 14), and the transcript of the hearing on the motion in this matter (Docket. No. 36).

14. The DOJ Letter indicates that an attorney’s participation in an immigration legal clinic involves “representation” within the meaning of the DOJ Letter because it includes “preparation” and “practice” as those terms are defined in the DOJ Letter, which appears to include providing any legal advice. If, as DOJ’s attorneys have argued in this case, lawyers are required to enter a formal appearance and represent an individual for the entirety of their immigration proceeding whenever they “provid[e] individual substantive information and aid and assistance . . . to apply the facts to the legal law,” then this is likely to occur or may well occur every time Orrick lawyers advise an individual at an immigration clinic.

15. If the DOJ’s interpretation of Orrick’s lawyers’ obligations about immigration practice is upheld, lawyers from Orrick who participate in clinics would be very reasonably concerned that they would be obliged – under threat of disciplinary action – to file a formal Notice of Appearance for every individual they help at a clinic, and to agree to represent each individual for the entirety of their immigration matter. I can state unequivocally that if providing assistance at legal clinics requires a formal appearance and full representation, Orrick will end its participation in immigration clinics and assistance in the provision of this critically needed legal assistance. Orrick is not in a position to take on more than thirty-five additional full-scope pro bono cases each year, in addition to maintaining its current regular paying clients and our

substantial pro bono program. In sum, if the DOJ's apparent interpretation of its ethical rules is in the end upheld, Orrick will not participate in immigration clinics, therefore causing significant harm to those who otherwise would have received important limited scope advice.

The Public Interest Would Be Served if the Preliminary Injunction Were to Issue

16. If the DOJ position is upheld in this matter, clients would be deprived access to counsel. This would further shift the balance in immigration proceedings against those who need it most. Further, Orrick lawyers would be denied the opportunity to offer their pro bono services to clients who they have the ability to help in an area of interest and substantial need. Clients who we counsel at legal clinics may very lose their life if their immigration claim is not granted. In 1956, in *Griffin v. Illinois*, 351 U.S. 12, 19 (1956), the United States Supreme Court observed that "there can be no equal justice where the kind of trial a man gets depends on the amount of money he has." This principle applies here too when Orrick lawyers (and presumably many more volunteers at other law firms and legal services organizations across the country) will be prevented from providing legal assistance to clients seeking legal access to our immigration system. Given the access to justice chasm that has existed for far too long, it is critical to the rule of law that interested volunteer lawyers be able to assist clients as far as they are able.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. I have personal knowledge of the matters stated above, except as to those matters stated on information and belief, which I believe to be true.

Executed on this 6th day of June 2017 in New York, New York.



Rene A. Kathawala

Exhibit Z

The Honorable Richard A. Jones

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Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

DECLARATION OF LEAH E. MEDWAY

I, Leah E. Medway, declare as follows:

1. I am over the age of eighteen, am competent to testify as to the matters below, and make this declaration based on personal knowledge.

2. I am the firmwide Pro Bono Counsel of Perkins Coie LLP (“Perkins Coie”). Perkins Coie is a national law firm with sixteen offices in the United States, three in China, and approximately 1,000 attorneys. I am based in our firm’s headquarters in Seattle, Washington. As

1 Pro Bono Counsel, I oversee all aspects of the firm's pro bono program. In addition to my
2 administrative duties, I also participate in pro bono legal work, both supervising other attorneys'
3 efforts and undertaking representations myself.

4
5 3. Perkins Coie attorneys perform pro bono legal services in a variety of areas, with a
6 significant amount of this work focusing on immigration. Our immigration work is extensive and
7 wide-ranging. It includes the following: a) direct representation of clients seeking asylum and
8 withholding of removal; b) direct representation of clients applying for U Visas, T Visas, VAWA,
9 special immigrant juvenile status and deferred action for childhood arrivals ("DACA"); c) direct
10 representation of clients before the Board of Immigration Appeals and United States Circuit Courts
11 of Appeal; d) amicus briefs on immigration topics before various courts, including the U.S. Supreme
12 Court; e) limited scope direct representation of immigrant youth seeking DACA; f) limited scope
13 representation of detained clients at bond hearings; g) limited scope advice and referral, and intake,
14 at immigration legal clinics; h) know your rights presentations to individuals and to nonprofits
15 assisting immigrants; i) legal counsel to nonprofit immigrant rights groups; j) guidance to
16 immigrants and families at airports following the President's Executive Order imposing a travel ban
17 and assistance in litigation opposing the travel ban; k) assistance in litigation challenging
18 discriminatory or unfair immigration policies, including the travel ban; and l) limited representation
19 of immigrants in detention facing deportation.

20 4. When possible, we are engaged by individuals to represent them in their full case
21 seeking one or more specific forms of relief (e.g. asylum). Even if we are providing limited
22 representation, such as representing an individual at one bond hearing, we will typically bring the
23 individual in as a client of the firm with the limited nature of our engagement spelled out. However,
24 there are instances where we assist people as part of our broader work for an immigrant rights
25 organization, who do not become official clients of the firm. For example, a Perkins Coie attorney
26 spent a week at the detention center in Dilley, Texas working for the CARA Project and during this
27 time she assisted many clients, mainly women and children, to prepare for their credible fear
28 hearings. Attorneys from law firms across the country have done similar work at Dilley and other
detention facilities. Due to the extremely large number of clients being detained and facing
deportation, immigration groups have collaborated with each other and with private law firms to

1 assist as many clients as possible to ensure they are not deported without having their case heard.
2 Given the very high success rate volunteer attorneys have at these hearings, it is evident that many of
3 the clients detained are at least potentially eligible for some form of relief. Our attorneys also
4 routinely assist people in clinic settings where they provide advice and referral only.

5 5. Perkins Coie has been part of the public conversation on immigrant rights through our
6 amicus briefs in multiple cases, including *Washington v. Trump* and related litigation challenging the
7 President's Executive Order instituting a travel ban. We are also part of a current class action
8 litigation with NWIRP and several ACLU chapters (*Wagafe v. Trump*) challenging the Controlled
9 Application Review and Resolution Program.

10 6. In all of the aforementioned work, Perkins Coie relies heavily upon our nonprofit
11 community partners, such as NWIRP. NWIRP has expertise in immigration that most of our
12 attorneys do not have, and they operate in the community to work directly with immigrants in need.
13 They are in the best position to screen individuals to determine what forms of relief they are eligible
14 for and then to either assist those people or refer them to a broad network of volunteer attorneys.
15 And when they refer clients to firms such as Perkins Coie, they mentor our attorneys and provide
16 critical technical assistance to ensure we are providing the best possible service.

17 7. My initial reaction to the cease-and-desist letter that NWIRP received from the
18 Executive Office for Immigration Review (EOIR) was disbelief. Groups such as NWIRP are at the
19 forefront of advocacy for immigrants. There is no right to counsel in immigration court. The
20 number of immigrants facing possible deportation (and with that facing grave harm or possibly
21 death), is staggering. There are not enough legal aid attorneys or pro bono attorneys to come close
22 to representing all of those in need of help. Thus, the majority of people do not have attorneys to
23 represent them in deportation proceedings. Given the serious risks involved, it is imperative that
24 individuals receive some legal guidance, however brief or limited in scope that might be. The
25 Department of Justice's cease-and-desist order threatens to preclude a significant number of
26 immigrants in deportation proceedings from receiving any legal assistance in their cases.

27 8. If EOIR's interpretation of the rule were to stand, this would limit Perkins Coie's
28 ability to provide limited scope assistance at detention centers, in legal clinics, and otherwise
working in conjunction with NWIRP and groups like them. In Seattle and in cities across the United

1 States where Perkins Coie operates, there are significantly underserved populations in desperate
2 need of legal help. This is the case not only with immigrant clients facing deportation. For example,
3 our attorneys assist survivors of domestic violence in legal clinics where we help them prepare
4 declarations and advise them to go into court alone to seek a protection order. This type of work is
5 at the core of who we are as a law firm and as attorneys with an ethical obligation to help those in
6 need through pro bono legal service. To stifle our ability to help clients in need simply because we
7 cannot provide full scope direct representation lacks compassion and is counter-productive to the
8 human and humane goal of helping those in need of legal services.

9 I declare under penalty of perjury of the laws of the State of Washington and the United
10 States that the foregoing is true and correct to the best of my knowledge and belief.

11 Executed this 6th day of June, 2017 in Seattle, Washington.

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14 LEAH E. MEDWAY
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Exhibit AA

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
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IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as
Disciplinary Counsel for the Executive Office
for Immigration Review,

Defendants.

No. 2:17-cv-00716

DECLARATION OF William A.
Van Nortwick, Jr.

I, William A. Van Nortwick, Jr., declare as follows:

1. I am over the age of eighteen, am competent to testify as to the matters below, and
make this declaration based on personal knowledge.

DECLARATION OF William A. Van Nortwick, Jr.
(Case No. 2:17-cv-00716)
Page 1 of 6

41932477;1

Akerman LLP
50 North Laura Street
Suite 3100
Jacksonville, Florida 32202
904.798.3700

- 1 2. Akerman LLP (“Akerman”) is an AmLaw 100 law firm with 23 offices across the
2 United States: Austin, Texas; Boca Raton, Florida; Chicago, Illinois; Dallas, Texas;
3 Denver, Colorado; Fort Lauderdale, Florida; Houston, Texas; Jacksonville, Florida; Las
4 Vegas, Nevada; Los Angeles, California; Madison, Wisconsin; Miami, Florida; Naples,
5 Florida; New Orleans, Louisiana; New York, New York; Orlando, Florida; Salt Lake
6 City, Utah; San Antonio, Texas; Tallahassee, Florida; Tampa, Florida; Tysons Corner,
7 Virginia; Washington, D.C.; and West Palm Beach, Florida.
8
- 9 3. I am a member of the Florida Bar and served as a judge on Florida's First District Court
10 of Appeal from 1994 to 2015. I am a Partner at Akerman, and serve as the firm's
11 Partner-In-Charge of Pro Bono, overseeing the firm's pro bono practice. I serve on the
12 Commission on Homelessness and Poverty of the American Bar Association, and the
13 Pro Bono Standing Committee of The Florida Bar, and I am an appointed member of
14 the Florida Supreme Court Commission on Access to Civil Justice, a coordinated effort
15 of system stakeholders created by the Florida Supreme Court to address solutions to the
16 unmet civil legal needs of disadvantaged, low income, and moderate income Floridians.
17 I recently chaired the Commission's inaugural Access to and The Delivery of Legal
18 Services Subcommittee, which prepared a 2016 report on expanding access to justice by
19 coordinating effective delivery of legal services to low-income Floridians.
20
- 21 4. Akerman has a robust pro bono practice with a signature focus on child advocacy. As an
22 important and central part of the firm's Pro Bono Initiative, many of our lawyers
23 provide pro bono legal services directly to immigrants and to nonprofit organizations
24 that serve immigrant and refugee communities across the country and around the globe.
25 Collectively, our lawyers and professionals log hundreds of hours annually in pro bono
26

1 service to immigrants in the United States, spanning every step of the immigration
2 process from affirmative asylum, to defending removal, to applying for naturalization.

3 5. Akerman is also an active member of the collaborative Tent Partnership for Refugees, a
4 network of private sector entities seeking to develop effective solutions to ending the
5 global crisis of human displacement.

6 6. Akerman lawyers represent the best and brightest in the legal field. Our professionals
7 are routinely recognized as the top industry performers in their fields of expertise, and
8 our clients expect and receive excellent professional service. For many of our lawyers,
9 the practice of immigration law lies outside the area of their regular commercial
10 practice. However, Akerman professionals are committed to providing the highest level
11 of service to *all* clients, which includes the clients we represent on a pro bono basis.
12

13 7. Currently, Akerman provides direct representation to immigrants with legal claims
14 pending in Florida, New York, and California. Given the firm's national presence, our
15 ongoing outreach to immigrant communities, and the growing need for legal assistance
16 for people with immigration concerns, we expect that both our full and limited
17 representation of immigrants will continue to grow across the country.
18

19 8. In order to fulfill our promise of first-rate service to individuals with immigration needs,
20 Akerman relies on our legal services, public interest, and law school clinic partners
21 ("our partners") to carefully review and assess the clients they refer to us, and to
22 provide ongoing training, support, and mentorship for our lawyers.
23

24 9. If our partners are unable to continue to provide legal services for immigrants,
25 Akerman's pro bono immigration practice will be at risk. Without the continued
26

1 mentorship and expertise of our partners, Akerman may be unable to continue our pro
2 bono practice in this space.

3 10. Even with the pro bono commitment of Akerman and other law firms, the vast majority
4 of immigrants facing removal are unrepresented. A 2016 comprehensive study found
5 that only 37 percent of immigrants in removal proceedings were represented by counsel
6 – and among detained immigrants, that number falls to a mere 14 percent.¹

7
8 11. As the work of the Florida Commission on Access to Civil Justice revealed, our justice
9 systems are less effective and less efficient when litigants proceed without access to
10 legal resources. The Commission’s Access to and The Delivery of Legal Services
11 Subcommittee concluded that while the available resources of legal services
12 organizations and pro bono lawyers simply cannot provide full representation to every
13 low-income litigant, a vital component to closing the justice gap is the provision of
14 limited legal advice and “unbundled” legal representation, and the use of technology to
15 allow litigants to access legal information and services. (See Exhibit A, “Final Report of
16 the Access to and The Delivery of Legal Services Subcommittee”). This conclusion
17 stands true, as well, in immigration proceedings.

18
19 12. Should the position of the Executive Office of Immigration Review be upheld, legal
20 services organizations, public interest law firms, and law school clinics will be unable
21 to continue many of the programs they have developed to provide immigrants with tools
22 and knowledge to proceed through the court system. As our partners contract their
23 ability to provide services to this population, pro bono programs at Akerman and other
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26 ¹ Eagly, Ingrid and Steven Shafer, “A National Study of Access to Counsel in Immigration Court,” *University of Pennsylvania Law Review* 164, no. 1 (December 2015): 1–91.

1 law firms will lose our ability to effectively support pro bono lawyers volunteering their
2 services. When we cannot provide ongoing training, mentorship, and guidance to our
3 pro bono lawyers, our lawyers cannot continue to practice in this space. The ultimate
4 effect would be a widening of the justice gap in immigration court, and a decrease in the
5 system's overall effectiveness and efficiency in the delivery of justice.

6
7 I declare under penalty of perjury of the Laws of the State of Florida and the United
8 States that the foregoing is true and correct to the best of my knowledge and belief.
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11 Executed the 5th day of June, 2017, in Jacksonville, Florida.

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13 
14 WILLIAM A. VAN NORTWICK, JR.

Exhibit BB

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit Washington
public benefit corporation; and YUK MAN
MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT OF
JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA, in
his official capacity as Director of the Executive
Office for Immigration Review; and JENNIFER
BARNES, in her official capacity as Disciplinary
Counsel for the Executive Office for Immigration
Review,

Defendants.

No. 2:17-cv-00716

**DECLARATION OF AUDRA J.
SOLOWAY, PARTNER & CO-CHAIR OF
THE PUBLIC MATTERS COMMITTEE,
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP IN SUPPORT OF
MOTION FOR PRELIMINARY
INJUNCTION**

I, Audra J. Soloway, declare as follows:

1. I am over the age of eighteen, am competent to testify as to the matters below, and make this declaration based on personal knowledge.

2. I am a Litigation Partner at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul, Weiss”). Paul, Weiss is a firm of more than 900 lawyers. The firm’s largest office is in New York, which is where I practice.

1 3. I have served as the Chair or Co-Chair of the firm’s Public Matters Committee since
2 2014. In this role, I have oversight responsibility for the firm’s Pro Bono Program, which is
3 managed by a full-time Pro Bono Counsel. As a result, I have a depth of knowledge of the firm’s
4 pro bono activities and priorities. I also maintain an active pro bono practice in a diverse range of
5 subject matters.

6 4. Throughout our firm’s history, Paul, Weiss has maintained an unwavering
7 commitment to providing pro bono legal assistance to the most vulnerable members of our society
8 and in support of the public interest. This commitment is a part of the firm’s identity, and is
9 embraced by every member of the Paul, Weiss community.

10 5. In 2016 alone, Paul, Weiss provided more than 70,000 hours of pro bono legal
11 assistance. This work ranged from large scale impact litigation to limited-scope one-day clinic
12 assistance.

13 6. Immigration work is an area of high priority for our Pro Bono Program. The vast
14 majority of our immigration practice involves the representation of low-income immigrants in
15 asylum cases and minors seeking Special Immigrant Juvenile Status (“SIJS”). Paul, Weiss makes
16 this significant commitment to pro bono immigration work because of the vulnerability of the client
17 population and the high stakes involved (*e.g.*, death, serious physical and psychological harm,
18 imprisonment, denial of the ability to live safely as “out” for LGBTQ individuals, and other forms of
19 intolerable persecution). As a result of our long-time focus in this practice area, we understand that
20 full service immigration work is complex and requires vastly more resources than many other types
21 of pro bono work. Further, immigration cases often continue for many years due to the
22 overburdened immigration court dockets. These factors combine to make immigration cases
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1 particularly challenging for law firms and serve to limit the number of full representation cases that
2 our firm and, I believe most firms, can accept.

3
4 7. A significant portion of our asylum docket consists of full representation cases for
5 clients who suffered persecution in their home countries based on their LGBTQ and/or HIV+ status.
6 We consider this work an extension of the firm's broader commitment to protecting the rights of the
7 LGBTQ community—the most high-profile example being our work to achieve marriage equality in
8 *United States v. Windsor*. In some instances, we have partnered with in-house counsel from large
9 corporations on pro bono immigration projects. Because corporations generally lack the resources to
10 provide full representation, in-house counsel may choose to collaborate with law firms on “limited
11 scope” pro bono projects. For example, Paul, Weiss recently launched a limited scope legal clinic
12 for unrepresented immigrants seeking asylum based on their LGBTQ or HIV+ status (the “Asylum
13 Clinic”). Paul, Weiss operates the Asylum Clinic in cooperation with a New York-based legal
14 services organization, along with corporate in-house counsel. The purpose of the Asylum Clinic is
15 to relieve some of the burden on the cooperating legal services organization, which has been
16 inundated with requests for assistance from low-income LGBTQ clients seeking immigration relief.
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20 8. At the Clinic, Paul, Weiss attorneys and in-house counsel meet with eight to ten
21 clients per Asylum Clinic and assess each client's potential claim for asylum or other form of
22 immigration relief. Clients are advised of the limited scope nature of the clinic, including the fact
23 that the attorneys involved will not provide full representation (*i.e.*, will not enter a notice of
24 appearance on their behalf in Immigration Court or with any federal government department or
25 agency). If the client consents to this limited legal service, s/he is asked to sign an agreement
26 memorializing the limited nature of the relationship. The Asylum Clinic was never intended to
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1 operate on a full representation model. To the contrary, this project is appealing because of its
2 limited scope nature: it allows in-house attorneys and Paul, Weiss attorneys who do not have the
3 capacity to take on a full representation asylum case to make a difference in the life of a vulnerable
4 immigrant and assist an overburdened legal services organization without engaging in a full-scope
5 representation.

6
7 9. The Asylum Clinic requires Paul, Weiss attorneys to study the facts of each case and
8 apply the relevant law to assess the merits and/or weaknesses of the case. In certain situations, Paul,
9 Weiss attorneys may provide clients with guidance as to possible claims for relief. After each clinic,
10 Paul, Weiss attorneys provide the cooperating legal services organization with an evaluation of each
11 case—setting forth both the relevant facts and legal conclusions regarding the merits and any
12 challenges identified during the Clinic. The legal services organization then uses the Paul, Weiss
13 assessments to determine whether clients will receive assistance in obtaining full representation from
14 pro bono counsel.
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18 10. The firm's involvement in the Asylum Clinic is just one example of our work in a
19 variety of limited scope pro bono efforts, including additional projects that also implicate federal
20 law. In another example, our attorneys review and analyze documents for veterans' disability
21 matters in order to assist several legal services organizations to assess the factual basis for claims of
22 service-connected disabilities in cases before the U.S. Department of Veterans Affairs.
23

24 11. Limited scope pro bono efforts are vital, and thus have become a robust part of law
25 firm pro bono practice, because they allow our attorneys to provide pro bono assistance to a far
26 greater number of vulnerable clients than we could through the traditional full representation model.
27 Paul, Weiss simply cannot accept for full representation all of the clients our attorneys work with
28

1 during limited scope pro bono projects. In the immigration context, the firm is already devoting
2 substantial resources to full representation cases. Since 2010, Paul, Weiss attorneys spent over
3 16,000 hours on behalf of close to 20 clients in defensive asylum cases before the immigration
4 courts. During that same period, our attorneys spent over 11,000 hours assisting over 20 immigrant
5 children seeking SIJS relief.
6

7 12. All of the firm's full representation pro bono immigration cases are referred by local
8 or national legal services organizations. Each of those organizations provides active "mentoring" for
9 every case referred to Paul, Weiss. This is a common model for pro bono immigration work due to
10 the complexity of the relevant law and practice rules, and the fact that most large firms do not have
11 established immigration practices for paying clients. Through this mentoring model, an immigration
12 lawyer at the referring legal services organization provides advice, reviews and provides input on
13 draft filings, and assists in developing strategies to address challenges in each of our full
14 representation immigration cases. Those legal services attorneys do not appear in any of our cases,
15 and our clients consent to this limited scope mentoring role.
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18 13. I have personal knowledge of the matters stated above, except as to those matters
19 stated on information and belief, which I believe to be true.
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1 I declare under penalty of perjury of the laws of the State of New York and the United States
2 that the foregoing is true and correct to the best of my knowledge and belief.

3 Executed this 7th day of June, 2017 in New York, New York.

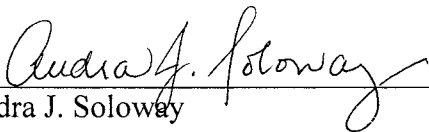
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Exhibit CC

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS PROJECT (“NWIRP”), a nonprofit Washington public benefit corporation; and YUK MAN MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official capacity as Attorney General of the United States; UNITED STATES DEPARTMENT OF JUSTICE; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; JUAN OSUNA, in his official capacity as Director of the Executive Office for Immigration Review; and JENNIFER BARNES, in her official capacity as Disciplinary Counsel for the Executive Office for Immigration Review,

Defendants.

Case No.: 2:17-CV-00716

DECLARATION OF HARRISON J. FRAHN IN SUPPORT OF NORTHWEST IMMIGRANT RIGHTS PROJECT’S MOTION FOR PRELIMINARY INJUNCTION

I, Harrison J. Frahn, hereby declare under penalty of perjury as follows:

1. I make this declaration in support of Plaintiff Northwest Immigrant Rights Project’s (“NWIRP”) Motion for Preliminary Injunction. The following statements are based upon my personal knowledge or on information and belief where indicated.

2. I am a litigation partner at Simpson Thacher & Bartlett LLP (“Simpson Thacher”). Simpson Thacher is a law firm with over 900 attorneys practicing in offices located in New York, Palo Alto, Los Angeles, Washington D.C., Houston, London, Beijing, Tokyo, Hong Kong, Seoul,

1 and Sao Paolo. Simpson Thacher has a long history of and an abiding commitment to public
2 service, and as such has a thriving, national pro bono practice led by a team of full time lawyers.
3 In 2016, Simpson Thacher attorneys provided over 48,000 hours of pro bono service, the majority
4 of which were legal services to low income individuals and communities. Simpson Thacher has
5 devoted a similar number of hours, or more, every year since it started to track pro bono hours.

6 3. I have practiced law at Simpson Thacher since 1996. Though my regular practice
7 is representing companies in high-profile, complex litigation, I have also devoted a substantial
8 amount of my time to providing pro bono legal services to immigrants through Simpson
9 Thacher's Pro Bono Program. I have represented individual asylum seekers in removal
10 proceedings in California, and I have supervised and directed a variety of immigration-related
11 projects with national scope, including most recently representing nonprofit immigration legal
12 services providers throughout the country as *amici* in a number of the litigations involving the
13 President's Executive Order regarding the entry of nationals from six predominantly Muslim
14 countries.

15 4. Simpson Thacher provides pro bono legal services in many different areas of law.
16 Currently, our largest pro bono practice area is immigration. For over 20 years, Simpson Thacher
17 has represented many hundreds of low income asylum seekers and immigrants in removal
18 proceedings in various Immigration Courts and Asylum Offices. More recently, our immigration
19 practice has expanded to meet the rising needs of immigrants seeking legal status who are fleeing
20 violence in other countries, whether from domestic abuse, gang activity, suppression of political
21 opinion, or discrimination. In addition to asylum seekers, Simpson Thacher's current
22 immigration practice now includes legal services to low income crime victims; victims of human
23 trafficking; undocumented children neglected or abandoned by parents, or who were brought to
24 the United States as children; victims of domestic violence; and those eligible to adjust status or
25 naturalize, among others.

26 5. In almost all of our pro bono immigration representations, Simpson Thacher works
27 with nonprofit legal services organizations which are staffed by full time immigration attorneys
28 ("nonprofit partners"). Our nonprofit partners in this area include in New York City: the City Bar

1 Justice Center, Sanctuary for Families, Her Justice, The Legal Aid Society of New York, Legal
2 Services NYC, Catholic Migration Services, The Door Legal Services, New York Legal
3 Assistance Group, Volunteers of Legal Services, and Human Rights First; in the San Francisco
4 Bay Area: Lawyers Committee for Civil Rights San Francisco, OneJustice, and Community Legal
5 Services of East Palo Alto; in Los Angeles: Public Counsel; in Washington DC: Catholic
6 Charities of the Archdiocese of Washington; and nationally: Kids in Need of Defense and
7 Immigration Equality.

8 6. Simpson Thacher relies on these nonprofit partners to screen clients for financial
9 eligibility, identify credible legal claims, and provide training, supervision, and expertise on
10 immigration law and practice to Simpson Thacher attorneys. We very rarely, if ever, represent
11 immigrant clients who have not been referred by a nonprofit partner committed to general
12 supervision of the matter. Currently, Simpson Thacher represents over 40 clients who have open
13 cases before an Immigration Judge, and many more with open cases before the United States
14 Citizenship and Immigration Services (“USCIS”).

15 7. With very few exceptions, these nonprofit partners do not file notices of
16 appearance when supervising cases they have referred to Simpson Thacher, either in Immigration
17 Court on form EOIR-28, or before the USCIS on form G-28. I understand that the change sought
18 by the Department of Justice (“DOJ”) would require nonprofit partners to commit to full legal
19 representation of every immigrant in removal proceedings, or refrain from providing any type of
20 legal assistance, even limited advice. If the nonprofit partners were required to file an appearance
21 in every case they referred to us, litigating those cases would become logistically burdensome for
22 Simpson Thacher lawyers, and would take significantly more time given the need to consult the
23 nonprofit partner on every communication or filing. Based on my experience and judgment, such
24 a change would significantly reduce the number of immigration matters Simpson Thacher would
25 take as a part of our pro bono program. It’s a matter of simple math: if we annually devote
26 30,000 pro bono hours to immigration matters, but each immigration matter in the future takes
27 twice as many internal resources as before, we can serve only half as many clients. There is a
28 large unmet need for this work already, and the DOJ’s new policy would make worse an already

1 bad situation for these underserved individuals. Because Simpson Thacher has represented many
2 hundreds of immigrants in removal proceedings, this would result in a substantial loss of legal
3 resources for our client communities.

4 8. Another critical part of our immigration law services involves limited advice
5 clinics, which Simpson Thacher defines, according to the New York Rules of Professional
6 Responsibility Rule 6.5, Participation in Limited Pro Bono Legal Service Programs (“Rule 6.5”),
7 as “short-term limited legal services to immigrant clients without expectation by either the lawyer
8 or the client that the lawyer will provide continuing representation in the matter.”¹ During the
9 past five years, over 250 Simpson Thacher lawyers in New York, Washington DC and Palo Alto
10 have participated in numerous pro bono limited advice clinics, committing 1,800 attorney hours
11 and serving about 375 individuals.

12 9. At these limited advice clinics, Simpson Thacher lawyers have assisted individuals
13 in a variety of ways, including screening immigrants in removal proceedings for potential
14 immigration remedies, and giving general legal advice regarding how the immigration courts and
15 agencies work and what to expect from an active immigration case. Our attorneys have also
16 assisted with the preparation of applications that were filed pro se, including for Adjustment of
17 Status and Naturalization. We do not enter appearances when doing this type of work, but as
18 required by the Rules of Professional Responsibility, we do obtain the clinic participants’
19 informed consent as to the brief nature of our advice.

20 10. Limited advice clinics are compelling to law firm lawyers because the setting
21 allows them the opportunity to do pro bono work even if they do not have time to accept a full
22 scope engagement. Simpson Thacher encourages its attorneys to staff limited advice clinics when
23 they have time, and assures them that participation does not require a commitment of time beyond
24 the clinic meeting. In this way, limited advice clinics are especially attractive to our many
25 hundreds of corporate and transactional attorneys, whose practice does not lend itself to
26

27 ¹ An almost identical rule exists in California’s Rules of Professional Conduct, Rule 1-650,
28 Limited Legal Services Programs, and in the District of Columbia Rules of Professional
Conduct, Rule 6.5, Nonprofit and Court Annexed Limited Legal Services Programs.

1 representing an immigrant in Immigration Court.

2 11. In New York, where the majority of our limited advice clinics take place, lawyers
3 are governed by Rule 6.5, which requires us to collaborate with legal services organizations in
4 order to give limited advice. Simpson Thacher could be violating New York ethical rules if we
5 endeavored to staff limited advice clinics without a nonprofit partner.

6 12. Every one of the limited advice clinics staffed by Simpson Thacher lawyers was
7 created and staffed under the auspices of and with the supervision of immigration attorneys from
8 a nonprofit partner. Our nonprofit partners stated explicitly that we were invited to participate in
9 these limited advice clinics to add to their capacity to serve indigent individuals. They told us
10 there are not enough lawyers to provide full representation to even a fraction of the low income
11 immigrant population needing legal services but unable to afford to hire a lawyer. The limited
12 advice clinics take place in order to offer some services to a population with viable legal claims to
13 status in the United States, but which would otherwise go unserved due to a lack of resources.

14 13. If providing assistance at limited advice clinics required entering an appearance
15 and full representation to each individual appearing at a clinic, Simpson Thacher's participation in
16 these clinics would decrease substantially. Simpson Thacher does not have the capacity to
17 provide full representation to more immigrants that we currently represent.

18
19 I declare under penalty of perjury under the laws of the United States that the foregoing is
20 true and correct. Executed on June 6, 2017.

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23 By: 
24 Harrison J. Frahn

Exhibit DD

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit
Washington public benefit corporation; and
YUK MAN MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT OF
JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA,
in his official capacity as Director of the
Executive Office for Immigration Review; and
JENNIFER BARNES, in her official capacity
as Disciplinary Counsel for the Executive
Office for Immigration Review,

Defendants.

Case No.: 2:17-cv-00716

**DECLARATION OF KATHRYN J. FRITZ
IN SUPPORT OF NORTHWEST
IMMIGRANT RIGHTS PROJECT’S
MOTION FOR PRELIMINARY
INJUNCTION**

I, Kathryn J. Fritz, hereby declare under penalty of perjury as follows:

1. I make this declaration in support of Plaintiff Northwest Immigrant Rights Project’s (“NWIRP”) Motion for Preliminary Injunction. The following statements are based upon my personal knowledge or on information and belief where indicated. If called upon to testify, I would testify competently to the matters contained herein.

2. I am the Managing Partner of Fenwick & West LLP (“Fenwick”). Fenwick is a private law firm with over 350 attorneys practicing in offices located in Seattle, New York, San

1 Francisco, Silicon Valley, and Shanghai. Fenwick provides comprehensive legal services to
2 ground-breaking technology and life sciences companies at every stage of their lifecycle on
3 matters including venture capital financing, public offerings, joint ventures, mergers and
4 acquisitions, strategic relationships, intellectual property, litigation and dispute resolution, tax,
5 antitrust, and employment and labor law.

6 3. During the time that I have served as Managing Partner of the firm, I have served
7 as a member of the Legal Service Corporation's Pro Bono Task Force and co-chair of the
8 Subcommittee on Technology Best Practices in Pro Bono, and serve as a member of the Pro
9 Bono Institute's Law Firm Advisory Board. I have also co-chaired the Bar Association of San
10 Francisco's Pro Bono Committee. In 2015, I was honored by the public interest legal
11 organization OneJustice for my work in leading Fenwick's pro bono efforts. In addition to my
12 own regular practice, I have personally been actively involved in work on behalf of many pro
13 bono clients, including (among other matters) assisting individuals who sought political asylum
14 in the United States as well as participating in legal clinics focused on providing immigration
15 assistance, including under the Deferred Action for Childhood Arrivals (DACA) program.

16 4. Fenwick is deeply committed to pro bono work. Over the last three years,
17 Fenwick's records show that its attorneys devoted over 50,000 pro bono hours valued at over
18 \$20 million in fees. When I refer to "pro bono" legal activity, I am referring to legal assistance
19 that Fenwick provides for free, for which the firm neither seeks nor obtains payment from
20 clients. Referring specifically to the limited-representation immigration clinics discussed below,
21 in no instance has Fenwick sought or received any fees, payments, or remuneration of any kind
22 whatsoever from anyone for services provided in any legal clinic.

23 5. Fenwick and its attorneys are committed to providing pro bono services to fulfill
24 the attorney's professional and social responsibility to assist those who otherwise would go
25 unrepresented and, to the extent feasible, to ensure that those who participate in our nation's
26 legal processes understand their legal rights and are in a position to assert their rights. The
27 American Bar Association as well as the Bars of many states, including Washington, California,

1 and New York, also consider providing pro bono legal services to those in need to be an
2 important duty and responsibility that goes along with the privilege of being an attorney.
3 Fenwick and its attorneys are committed to fulfilling this duty and responsibility.

4 6. Fenwick's pro bono work covers many areas, but a significant portion of its
5 activity involves representation and assistance regarding immigration issues, provided to non-
6 citizens who cannot afford to pay for legal services and who would otherwise go without legal
7 assistance. Because Fenwick does not specialize in immigration law, however, this work is
8 commonly performed in cooperation with and under the general supervision of full-time
9 immigration attorneys at public interest legal organizations, including the Northwest Immigrant
10 Rights Project in Seattle, the Lawyers' Committee for Civil Rights of the San Francisco Bay
11 Area, Asian Pacific Islander Legal Outreach, California Rural Legal Assistance, Centro Legal de
12 la Raza, the Social Justice Collaborative, Kids in Need of Defense, and Community Legal
13 Services of East Palo Alto in Silicon Valley.

14 7. A substantial part of Fenwick's engagement in pro bono immigration work
15 involves participating in limited-scope immigration clinics. In a limited-scope clinic, potential
16 clients are typically initially screened by attorneys or personnel from a non-profit legal
17 organization. The potential clients are informed that attorneys from a private firm or corporate
18 legal department are available to assist them for a limited period of time, regarding a specific
19 concern, such as naturalization or DACA. The clients understand and agree that they will receive
20 assistance and counseling from an attorney at the clinic, but will thereafter have to continue
21 without further assistance or representation from that individual attorney or his or her firm. In
22 Fenwick's experience, limited-scope immigration clinic work has provided important assistance
23 to numerous individuals in understanding their legal rights and being able to exercise them.

24 8. Fenwick has worked with a number of non-profit organizations to provide
25 immigration legal aid at such limited-scope clinics, providing counseling regarding immigrants'
26 rights and options under U.S. immigration law, and assisting in filling out applications for
27 naturalization, asylum, U and T visas, Special Immigrant Juvenile Status, relief under the

1 Violence Against Women Act, and DACA. At these clinics, Fenwick attorneys always work
2 under the supervision of and with experienced immigration attorneys. Through these clinic
3 partnerships, financially strapped non-profit legal services organizations can leverage their legal
4 skills and expertise through private law firm attorneys to provide even more individuals with
5 access to justice.

6 9. Fenwick's records indicate that over the last five years, Fenwick attorneys have
7 participated in 39 such immigration clinics with non-profit legal aid organizations. Through
8 these clinics, Fenwick has served approximately 595 individuals for approximately 277 attorney
9 hours.

10 10. Fenwick has also participated in limited-scope immigration clinics alongside
11 attorneys from the legal departments of many corporate entities. Because of the nature of the
12 work of in-house counsel, these attorneys are usually not in a position to engage in pro bono
13 litigation or protracted pro bono representation. However, attorneys in in-house legal
14 departments are also eager to contribute legal services to individuals who would otherwise go
15 without legal assistance, and legal clinics have provided an important channel for such pro bono
16 services by a number of Fenwick's clients and other companies. Attached as **Exhibit A** is a true
17 and correct copy of an impact statement from OneJustice describing Fenwick's participation in
18 immigration clinic on April 13, 2017, along with attorneys from other private law firms as well
19 as corporate entities.

20 11. Notwithstanding Fenwick's substantial commitments to pro bono work over the
21 years, Fenwick is not a nonprofit legal aid organization. Fenwick attorneys are simply not in a
22 position to enter an appearance in immigration proceedings for every individual they assist in an
23 immigration clinic, nor to undertake the full representation of the more than one hundred
24 additional pro bono immigration clients, on average, to whom Fenwick provides some assistance
25 each year.

26 12. I have read the letter dated April 5, 2017, from Jennifer J. Barnes, Disciplinary
27 Counsel of the Department of Justice, to Matt Adams of NWIRP ("the DOJ Letter"), which is

1 identified as Exhibit 1 to NWIRP's Complaint in this matter. I have also reviewed NWIRP's
2 Complaint (Dkt. No. 1), the Department of Justice's ("DOJ") opposition brief to NWIRP's
3 motion for a temporary restraining order (Dkt. No. 14), and the transcript of the hearing on the
4 motion in this matter (Dkt. No. 36).

5 13. The DOJ Letter is not entirely clear. However, my best understanding of the
6 Letter is that under the DOJ's statement of the ethical requirements of immigration practice, an
7 attorney's participation in an immigration legal clinic involves "representation" within the
8 meaning of the DOJ Letter because it includes "preparation" and "practice" as those terms are
9 defined in the DOJ Letter, which appears to include providing any legal advice.

10 14. The statements made by the DOJ's attorney at the May 17, 2017 hearing on
11 NWIRP's motion for a temporary restraining order do not eliminate these concerns. I remain
12 concerned that there is not a clear distinction between "providing legal advice" (said by the
13 DOJ's attorney to require a formal appearance) and "providing assistance, providing
14 information" (said by the DOJ's attorney not to require a formal appearance). If, as the DOJ's
15 attorney stated, attorneys are required to enter a formal appearance and represent an individual
16 for the entirety of their immigration proceeding whenever they "provid[e] individual substantive
17 information and aid and assistance . . . to apply the facts to the legal law," then this is likely to
18 occur or may well occur every time Fenwick attorneys advise someone at an immigration clinic.

19 15. If the DOJ's interpretation of attorneys' obligations with regard to immigration
20 counseling were upheld, attorneys from Fenwick who participate in clinics would be very
21 reasonably concerned that they would be obliged—under threat of disciplinary action—to file a
22 formal Notice of Appearance for every individual they help at a clinic, and to agree to represent
23 each individual for the entirety of their immigration matter.

24 16. At best, the issue is fraught with uncertainty. But if providing assistance at legal
25 clinics requires a formal appearance and full representation, Fenwick will likely end its
26 participation in immigration clinics and assistance in the provision of this critically needed legal
27 assistance. Fenwick is not in a position to take on more than one hundred additional full-scope

1 pro bono cases each year, in addition to maintaining its current regular clientele and pro bono
2 efforts. If the DOJ's apparent interpretation of its ethical rules is in the end upheld, Fenwick—
3 and likely also the corporate legal departments—will simply cease to participate in immigration
4 clinics.

5 17. As a private firm engaging in pro bono work, Fenwick's concerns focus on the
6 need to protect the legal rights of those in possible peril from government legal action who
7 would otherwise go unrepresented. It is important to the rule of law that attorneys be able to
8 assist them as far as they are able.

9
10 I declare under penalty of perjury under the laws of the United States that the foregoing is
11 true and correct. I have personal knowledge of the matters stated above, except as to those
12 matters stated on information and belief, which I believe to be true.

13 Executed on this 20 day of June 2017, in San Francisco, California.

14
15 By: 
16 Kathryn J. Fritz

EXHIBIT A



Rural Justice Collaborative

Rural Justice Naturalization & DACA Renewal Clinic

*DLA Piper
Morrison & Foerester LLP
Bank of America
Baker & McKenzie LLP
Fenwick & West LLP
eBay*



Date: April 13, 2017
Location: Bay Point, CA
Partners: International Institute of the Bay Area and Ambrose Community Center
Impact: 22 Clients Served



Dear Rural Justice Collaborative Volunteers,

Because of your hard work and commitment to equal access to justice, 8 underserved Californians are now one step closer to filing their citizenship applications and 14 are better prepared to renew their DACA status. You should be proud of the positive impact you had on the east Contra Costa county community. Our clients are immensely grateful to have worked with you, as demonstrated by their feedback:

- *“A very professional group of volunteers that answered all my questions and were also very friendly!”*
- *“Everything was very informative. I really enjoyed my visit.”*
- *“I really don’t have the words on how much I appreciate the work everyone puts in. I had a great experience! Thank you all! This event is a star of hope for kids like me!”*



Thank you again for an amazing day in Bay Point! We hope your experience with the Rural Justice Collaborative was fulfilling and that you will keep in touch with OneJustice in the future.

The Rural Justice Collaborative Team

For more information about the Rural Justice Collaborative, please contact:
Lauren Roberts (415) 834-0100 ext. 313 or at lroberts@one-justice.org.



Exhibit EE

Trial Date:

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT ("NWIRP"), a nonprofit
Washington public benefit corporation; and
YUK MAN MAGGIE CHENG, an individual,

Plaintiff,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT
OF JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA,
in his official capacity as Director of the
Executive Office for Immigration Review; and
JENNIFER BARNES, in her official capacity
as Disciplinary Counsel for the Executive
Office for Immigration Review,

Defendant.

Case No.: 2:17-cv-00716

DECLARATION OF DAVID A. LASH
IN SUPPORT OF NORTHWEST
IMMIGRANT RIGHTS PROJECT'S
MOTION FOR PRELIMINARY
INJUNCTION

1. I am an attorney licensed to practice in California. I am over the age of 18 and know all the facts stated in this declaration of my own personal knowledge. If called to testify, I could and would competently testify to the truth of the following.

2. I am the Managing Counsel for Pro Bono and Public Interest Services at O'Melveny & Myers LLP. O'Melveny is a private law firm with more than 625 attorneys practicing in 15 offices around the world. I practice in the firm's Los Angeles office, located at

1 400 S. Hope Street, Los Angeles, CA 90071. O'Melveny is a full-service law firm providing a
2 wide variety of legal representation to its corporate clients.

3 3. As the firm's Managing Counsel for Pro Bono and Public Interest Services since
4 2006, I am responsible for the daily operations of O'Melveny's global pro bono program. I
5 review all potential pro bono matters presented to the firm for possible representation, I help
6 establish pro bono programs in our various offices, I collaborate with legal aid organizations
7 around the United States to develop and operate projects, including legal advice clinics, and I
8 help oversee all the firm's work in these arenas. As a result, I have extensive knowledge of the
9 firm's pro bono practice and activities.

10 4. Before joining O'Melveny, I served as the Executive Director at Bet Tzedek, The
11 House of Justice, one of largest providers of free legal services to the elderly, indigent, and
12 disabled in California. In my nine years at Bet Tzedek, I oversaw a staff of 25 full-time
13 attorneys, plus many hundreds of volunteer attorneys from private law firms who assisted the
14 organization's clients. Bet Tzedek provides free, high-quality, compassionate legal
15 representation through a variety of service delivery methods, from direct individual
16 representation to limited-scope legal information and advice delivered to members of the
17 community in clinic settings. For instance, Bet Tzedek lawyers and volunteers visited 30 senior
18 centers throughout Los Angeles County every month, helping to interview low-income seniors
19 and then assist them in navigating the legal system to ensure their access to the basic necessities
20 of life, including housing, health care, and protection from abuse. During my time at Bet
21 Tzedek, pro bono volunteers from private law firms were critical to these efforts, providing the
22 support that enabled the organization to serve more than 12,000 low-income people a year with
23 just a limited-sized staff.

24 5. Even before joining O'Melveny, I was aware of the firm's deep, historical
25 commitment to providing pro bono legal services to those most in need in our communities. In
26 the 1950s, O'Melveny became one of the nation's first major firms to formally charter its own

1 pro bono committee. Today, more than 90% of O'Melveny lawyers participate in the firm's pro
2 bono program, averaging more than 100 hours of pro bono work per attorney every year. Last
3 year, O'Melveny attorneys contributed more than 60,000 hours on behalf of the firm's pro bono
4 clients. O'Melveny's pro bono program has received many accolades, including the American
5 Bar Association's Pro Bono Publico Award, as well as consistently high rankings by *The*
6 *American Lawyer* as one of the country's leading pro bono programs.

7 6. When O'Melveny accepts a pro bono matter for representation or participates in a
8 limited-scope legal clinic overseen by a local legal aid organization, our attorneys do not receive
9 any fees, payments, or remuneration of any kind, and the firm has no expectation of receiving
10 any kind of compensation.

11 7. O'Melveny's longstanding commitment to pro bono is based on the conviction
12 that those in low-income and underserved communities, who cannot afford to pay for legal
13 counsel, should still have access to justice. Without attorneys, many people in our communities
14 would be denied the safety and dignity that so many of us take for granted. They would face
15 life-altering consequences, including homelessness, the loss of medical care, or the specter of
16 deportation, simply because they cannot afford an attorney to help them navigate the
17 complexities of our justice system.

18 8. Our law firm provides pro bono legal services in a variety of areas. The majority
19 of the pro bono cases we handle are referred to us by qualified legal service organizations, which
20 have the staff and expertise to assess legal needs and establish individual eligibility for legal aid
21 and pro bono representation. O'Melveny relies on these legal service organizations to screen pro
22 bono clients, as well as train and mentor the firm attorneys who donate their time to these
23 matters. The legal service organizations also identify the needs of the low-income community
24 and the best ways to meet those needs in the most efficient manner, whether through limited-
25 scope clinics or full-scope representations.

1 9. O'Melveny lawyers, for many years, have answered the calls for assistance we
2 receive from legal aid providers, including requests to participate in limited-scope clinics.
3 O'Melveny attorneys regularly attend such clinics, all of which are run and overseen by legal aid
4 staff attorneys.

5 10. Between January 1, 2016, and May 31, 2017, for example, O'Melveny lawyers
6 spent more than 1,600 hours participating in legal aid clinics. At these clinics, firm attorneys are
7 trained by legal aid experts to conduct intake interviews, provide guidance, and collect
8 information that the legal aid attorneys later can use to assess the need for full-scope
9 representation. Without clinics serving as a community's clearinghouse, many needy individuals
10 and families would go without legal assistance of any kind, leading to unjust evictions, wrongful
11 deportations, and other drastic consequences. The subject matter and focus of the clinics in
12 which our lawyers have participated include:

- 13 a. immigration eligibility, including interviews at detention facilities,
14 assessing eligibility for VAWA status, U-Visa eligibility, Special
15 Immigration Juvenile Status on behalf of minor children, and asylum;
16 b. citizenship and naturalization applications;
17 c. Deferred Action for Childhood Arrival ("DACA") applications;
18 d. conservatorships on behalf of families whose disabled children are turning
19 18;
20 e. end-of-life preparation for elderly Holocaust survivors;
21 f. housing matters;
22 g. public benefits eligibility assessment;
23 h. military veterans benefits;
24 i. military veterans discharge upgrade assessments;
25 j. name and gender change procedures;
26

- 1 k. domestic violence issues, including restraining orders and other services
- 2 for domestic violence survivors;
- 3 l. elder abuse restraining orders;
- 4 m. small business advice;
- 5 n. nonprofit governance and legal assistance;
- 6 o. assistance in remote geographic areas where other legal services are
- 7 unavailable; and
- 8 p. family law issues.

9 11. In my experience, these clinics, by strategic use and oversight of pro bono
10 volunteer attorneys, allow financially challenged legal aid organizations to leverage their limited
11 resources and provide far more assistance to those in need than the organizations would
12 otherwise be able to deliver on their own. In addition, O'Melveny lawyers often attend clinics
13 together with in-house attorneys from our corporate clients, to further scale the impact of our
14 collective pro bono efforts.

15 12. O'Melveny lawyers do not have the experience or capacity to provide full
16 representation to the many people they meet at these legal aid-operated clinics. Instead, their
17 participation allows the legal aid organizations to assess matters for many more potential clients
18 than the organizations otherwise could do for themselves without our assistance. The legal aid
19 organizations can then decide on the best course for the client: provide full representation, make
20 referrals, offer self-help information, or oversee pro bono representation. These clinic sessions
21 are thus the first step in a crucial lifeline for many individuals without access to lawyers.

22 13. At every clinic in which O'Melveny attorneys participate, each person seeking
23 assistance is asked to acknowledge, in writing, that no ongoing attorney/client relationship is
24 being formed. Our lawyers would not be able to participate and provide these valuable services
25 if engaging in a preliminary interview at the clinic would then obligate them to provide full
26 representation for each individual.

1 14. I have read the letter dated April 5, 2017, from Jennifer J. Barnes, Disciplinary
2 Counsel of the Department of Justice, to Matt Adams of NWIRP (Exhibit 1 to NWIRP's
3 Complaint in this matter). I also have read the Complaint. If the DOJ's interpretation means that
4 an attorney cannot participate in a limited-scope immigration clinic without becoming obligated
5 to provide full representation, then O'Melveny, and likely scores of other law firms, would be
6 unable to continue to participate in these clinics. Our law firm is not in the position to accept
7 every case from every clinic for full representation.

8 15. In 2016 alone, O'Melveny lawyers provided approximately 10,000 hours of full-
9 scope pro bono representation to individual immigration clients in matters involving asylum,
10 Special Immigrant Juvenile Status, Violence Against Women Act petitions, U-Visa applications,
11 T-Visa applications, and other forms of immigration relief. By also participating in various
12 clinics, we are able to provide additional assistance to immigrants (and others) who benefit from
13 limited-scope legal services.

14 16. In my experience, as both a legal aid executive director and a major law firm pro
15 bono director, it is essential to the delivery of legal services to the poor that pro bono attorneys
16 be able to assist low-income litigants in whatever ways are possible, to whatever degree is
17 feasible. For several generations, providing legal assistance through limited-scope clinics has
18 proved an important and effective tool for tens of thousands of pro bono attorneys from private
19 law firms. I personally have seen many low-income individuals and families who have benefited
20 immeasurably from this service delivery model.

21 17. The DOJ's approach will significantly hinder the ability of law firms like
22 O'Melveny to provide crucial legal services to vulnerable immigrants through the routine and
23 well-established clinic model.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 6th day of June, 2017.

Dated: June 6, 2017

O'MELVENY & MYERS LLP

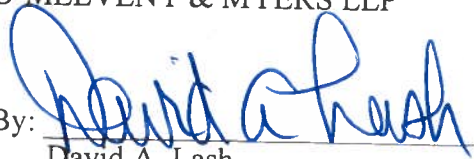
By: 
David A. Lash

Exhibit FF

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit
Washington public benefit corporation, *et al.*,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, *et al.*,

Defendants.

Case No. 2:17-cv-00716

**DECLARATION OF CLAIRE LOEBS
DAVIS IN SUPPORT OF THE
NORTHWEST IMMIGRANTS RIGHTS
PROJECT’S MOTION FOR
PRELIMINARY INJUNCTION**

I, Claire Loeb Davis, declare as follows:

1. I am the Seattle chair of the pro bono committee at Lane Powell PC (“Lane Powell”), a multi-specialty law firm with approximately 200 attorneys in offices located in Washington, Oregon, Alaska and London, England. I have personal knowledge of the facts contained herein and am competent to testify about the same.

2. In my capacity as the Seattle chair of the pro bono committee, I coordinate Lane Powell’s Seattle pro bono efforts. Lane Powell performs a wide variety of pro bono work, including but not limited to work in the area of criminal law, environmental law, and civil rights. In the past twelve months, Lane Powell attorneys and paralegals devoted approximately 12,000 hours to the firm’s pro bono efforts.

3. Immigration law constitutes a significant portion of Lane Powell’s pro bono practice. Over the past year, Lane Powell attorneys and paralegals have devoted several hundred

1 hours to immigration-related pro bono work. Lane Powell's immigration work includes
2 participating in limited-advice clinics, such as statewide citizenship clinics and citywide general
3 immigration advice clinics.

4 4. Lane Powell often partners with the Northwest Immigrant Rights Project
5 ("NWIRP"), in conjunction with other community organizations, to provide these services, and
6 would not be able to provide these services without the invaluable guidance and support of
7 NWIRP. NWIRP trains volunteer attorneys to enable them to provide these legal services to
8 underserved communities. If not for the training materials provided by NWIRP and NWIRP's
9 sponsorship of these clinics, Lane Powell would not be able to serve these clients. Participation
10 in these limited-representation clinics allows Lane Powell to provide legal services to a much
11 broader population than Lane Powell would be able to serve it could only take on full
12 representation.

13 5. For example, for the past two years, Lane Powell has participated in statewide
14 citizenship clinics. At these citizenship clinics, attorney volunteers conduct an initial consultation
15 and advise immigrants on completing their citizenship forms, including the N-400 form. At each
16 clinic, Lane Powell provided advice to between 10 and 15 individual clients. Working with other
17 community non-profit organizations, NWIRP provides the training materials and resources for the
18 volunteer attorneys at these clinics.

19 6. In the past year, Lane Powell has also provided limited representation services at
20 Seattle citywide immigration-related clinics, including a clinic at the University of Washington
21 and a clinic organized by the Council on American-Islamic Relations ("CAIR"). Lane Powell
22 participates in these clinics with the objective to advise several individuals at each clinic.

23 7. NWIRP's limited representation services have also played a crucial role in the pro
24 bono immigration cases in which Lane Powell provides full representation. For example, one of
25 Lane Powell's current asylum clients received the benefit of limited representation from NWIRP
26 when filing her initial application for asylum. Had Lane Powell's client not received the initial
27

1 limited representation from NWIRP, she would not have been able to file her asylum application
2 by the strict one-year deadline, and we would not have had the opportunity to represent her in her
3 court asylum proceedings.

4 8. Providing pro bono support to immigrants is an important component of Lane
5 Powell's commitment to help ensure that members of underserved communities receive full and
6 equal access to the justice system. The immigrants that Lane Powell represents, both in full
7 representation and in limited-representation capacities, are some of the people most in need of the
8 pro bono legal services.

9 9. If NWIRP, other legal rights organizations, and the pro bono programs of private
10 law firms were precluded from providing immigrants with limited-representation services, then
11 their combined services would reach only a fraction of the immigrants they current assist in
12 navigating the immigration, asylum, and citizenship system.

13
14 DATED: June 7, 2017

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16 By



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Claire Loeb Davis

Exhibit GG

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit
Washington public benefit corporation; and
YUK MAN MAGGIE CHENG, an
individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his
official capacity as Attorney General of the
United States; UNITED STATES
DEPARTMENT OF JUSTICE;
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN
OSUNA, in his official capacity as Director
of the Executive Office for Immigration
Review; and JENNIFER BARNES, in her
official capacity as Disciplinary Counsel
for the Executive Office for Immigration
Review,

Defendants.

Case No. 2:17-cv-00716

**DECLARATION OF MAUREEN P.
ALGER IN SUPPORT OF NORTHWEST
IMMIGRANT RIGHTS PROJECT’S
MOTION FOR PRELIMINARY
INJUNCTION**

I, Maureen P. Alger, declare as follows:

1. I am over the age of eighteen, am competent to testify as to the matters below, and

1 make this declaration based on personal knowledge.

2 2. I am Cooley LLP's ("Cooley") Pro Bono Partner and in that capacity manage
3 Cooley's firm wide Pro Bono practice. Cooley is a global private law firm with more than 900
4 lawyers across twelve offices in the United States, China and Europe. Cooley provides a full
5 range of legal services for public and private technology and life sciences companies and their
6 investors, including representation on transformative deals, complex IP and regulatory matters,
7 and high-stakes litigation.

8 3. I currently serve on the board of OneJustice and on the ABA Section of
9 Litigation's Pro Bono Committee. I have previously served on the boards of Western Center on
10 Law and Poverty and the Legal Aid Society of San Mateo County. I am a co-founder, former
11 board member and Emeritus Council member of the Association of Pro Bono Counsel. I have
12 previously chaired the Bar Association of San Francisco's Pro Bono Committee, the State Bar of
13 California's Pro Bono Coordinating Committee, and the State Bar of California's Standing
14 Committee on the Delivery of Legal Services. I was presented with the National Legal Aid &
15 Defender Association's Arthur von Briesen Award in 2014 for my leadership on pro bono legal
16 services and advocacy on equal justice issues.

17 4. Cooley's Pro Bono Practice is built on a long tradition and institutional
18 commitment to providing free legal services to individuals of limited means, organizations that
19 serve individuals of limited means, and community and education-focused nonprofit
20 organizations. We apply the same expertise and resources on behalf of our pro bono clients as
21 we do for all other clients. We encourage attorneys in every office and every practice group to
22 contribute on pro bono matters, consistent with the canons of professional responsibility
23 promulgated by the American Bar Association and the bars of many of the states in which we
24 practice. In 2016, Cooley timekeepers provided over 51,000 hours of pro bono legal services.

25 5. Cooley provides pro bono legal services in many substantive areas of law
26 including civil rights, constitutional law, environmental law, housing, human rights,

1 immigration, mental health advocacy, micro-enterprise advising, micro-finance, and nonprofit
2 advising. Our advocacy is often on behalf of children, survivors of domestic violence, seniors,
3 veterans, prisoners, and the homeless. Our Pro Bono Practice is built on partnerships with local,
4 regional and national legal services organizations that provide screening, training, and mentoring
5 in areas of the law in which we do not typically practice.

6 6. Cooley is engaged in regional and national conversations about how to use pro
7 bono as a tool to address the gap in access to legal representation generally, and in the
8 immigration context in particular. As part of these discussions, I have attended multiple
9 meetings hosted by former Vice President Joseph Biden at the White House complex over the
10 past several years, including an event specifically focused on meeting the legal representation
11 needs of immigrants. Additionally, the firm is actively participating in the Association of Pro
12 Bono Counsel's Immigration Task Force and in other discussions among a broad range of
13 stakeholders regarding access to counsel for immigrant children and families.

14 7. Immigration law is the largest substantive area of Cooley's Pro Bono Practice.
15 The firm does not have a paying immigration practice, or extensive internal expertise in
16 immigration law matters. Thus, in order to provide these critical legal services with the level of
17 expertise for which our Pro Bono practice is known, the firm partners with legal services
18 organizations with immigration lawyers on staff, including Northwest Immigrant Rights Project
19 in Seattle (NWIRP), and many other similar organizations around the country, including the
20 Lawyers' Committee for Civil Rights of the San Francisco Bay Area, CAIR Coalition, Casa
21 Cornelia Law Center, Catholic Charities, Centro Legal de la Raza, Community Legal Services of
22 East Palo Alto, Human Rights First, Kids in Need of Defense (KIND), OneJustice, Public
23 Counsel, and Rocky Mountain Immigrant Advocacy Network.

24 8. Cooley provides full-scope legal representation on immigration issues for many
25 pro bono clients, including representation on asylum, Special Immigrant Juvenile Status, DACA,
26 U visa, T visa, and Violence Against Women Act (VAWA) cases. The firm currently has 116

1 active full-scope immigration cases on its docket. In 2017 to date, more than one hundred
2 Cooley attorneys have been engaged in pro bono immigration cases, delivering more than 5,000
3 hours of pro bono services.

4 9. Despite the commitment of Cooley and other law firms to providing full-scope
5 pro bono representation where possible, the need for representation in immigration cases remains
6 overwhelming. We must regularly turn down many meritorious cases referred from our partner
7 organizations due to capacity constraints.

8 10. Limited-scope clinics provide an additional way pro bono attorneys can contribute
9 to filling the gap in access to legal representation and are therefore a crucial component of the
10 legal services delivery system. These clinics provide a mechanism for Cooley and other
11 volunteer pro bono attorneys, in cooperation with our legal services partners, to provide critical
12 legal information and limited legal advice to immigrants navigating our complex immigration
13 system who are unable to obtain full-scope representation.

14 11. In limited-scope clinics, volunteer attorneys explain to potential clients that they
15 are available to assist them on a pro bono basis (i.e., without charge) for a limited period of time
16 during the clinic regarding specific legal issues. The clients at these clinics agree to the limited
17 representation and verify that they understand that the representation does not extend beyond the
18 time spent with the volunteer attorney at the clinic on that particular day.

19 12. Cooley attorneys volunteer regularly at these limited-scope clinics, including
20 limited-scope clinics focused on providing immigration advice. Our participation in such clinics
21 is always under the supervision of experienced immigration attorneys employed by the legal
22 services organizations with which we partner. In 2016 and 2017, 43 Cooley attorneys
23 participated in limited-scope immigration clinics, delivering approximately 700 hours of pro
24 bono legal services.

25 13. I have reviewed the letter dated April 5, 2017, from Jennifer J. Barnes,
26 Disciplinary Counsel of the Department of Justice, to Matt Adams of NWIRP (Exhibit 1 to

1 NWIRP's Complaint in this matter), as well as NWIRP's Complaint (Dkt. No. 1), NWIRP's
2 Motion for Temporary Restraining Order (Dkt. No. 2), and the Department of Justice's (DOJ)
3 opposition to NWIRP's motion (Dkt. No. 14).

4 14. DOJ's letter to NWIRP appears to indicate that any time an attorney consults in a
5 clinic setting with an immigrant who is in removal proceedings about her case, that attorney is
6 required to file a notice of appearance for the entirety of that immigrant's removal proceedings.
7 My understanding is that this would be a new and novel interpretation of EOIR's rules governing
8 attorney conduct. If adopted and enforced, the practical effect of this interpretation will be that
9 many vulnerable immigrants who are unable to obtain attorneys to represent them throughout
10 their removal proceedings will have no access to legal guidance at all.

11 15. While Cooley has committed to providing a substantial level of free legal services
12 to those in need, capacity constraints and obligations to other clients dictate that we are able to
13 take only a certain number of full-scope representations. It would not be feasible for Cooley
14 attorneys to enter an appearance on behalf of every client served at a limited-scope immigration
15 clinic. If forced to do so under threat of disciplinary action, our attorneys would no longer be
16 able to participate in such clinics, and those clinics would likely be discontinued altogether. As a
17 result, hundreds, if not thousands, of immigrants, including minors and many with strong claims
18 for asylum or other relief, would be without any legal guidance in navigating the immigration
19 system and the immigration courts.

20 16. Cooley is committed to providing pro bono representation to immigrants and
21 others whose lives and liberty are in jeopardy because they cannot afford to pay attorneys to help
22 them navigate our complex court system. Providing limited scope assistance in a clinic setting,
23 supervised by expert attorneys from legal services organizations, is one of the primary ways our
24 attorneys put that commitment into action. The DOJ's interpretation of its rules as explained in
25 the DOJ letter would severely limit the contributions we are able to make to assist this vulnerable
26 population.

1 I declare under penalty of perjury under the laws of the State of California and the United
2 States that the foregoing is true and correct to the best of my knowledge and belief.

3 Executed on this 8th day of June, 2017 in Palo Alto, CA.
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7 Maureen P. Alger
8 Pro Bono Partner
9 Cooley LLP
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Exhibit HH

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS PROJECT (“NWIRP”),
a nonprofit Washington public benefit corporation; and
YUK MAN MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official capacity as
Attorney General of the United States;
UNITED STATES DEPARTMENT OF JUSTICE;
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW;
JUAN OSUNA, in his official capacity as Director of the
Executive Office for Immigration Review; and
JENNIFER BARNES, in her official capacity as Disciplinary Counsel
for the Executive Office for Immigration Review,

Defendants.

Case No.: 2:17-cv-00716

DECLARATION OF MARJORIE PRESS LINDBLOM IN SUPPORT OF NORTHWEST
IMMIGRANT RIGHTS PROJECT’S MOTION FOR PRELIMINARY INJUNCTION

I, Marjorie Press Lindblom, hereby declare under penalty of perjury as follows:

1. I make this declaration in support of Plaintiff Northwest Immigrant Rights Project’s (“NWIRP”) Motion for a Preliminary Injunction. This declaration is based upon my personal knowledge of the facts contained herein, or upon information and belief, as reflected below.
2. Kirkland & Ellis LLP (“Kirkland”) is an international law firm with over 1700 attorneys in private practice in Beijing, Chicago, Hong Kong, Houston, London, Los Angeles, Munich, New York, Palo Alto, San Francisco, Shanghai, and Washington DC. The firm’s primary areas of practice are all types of corporate transactions, business restructuring, commercial litigation, and intellectual property litigation and transactions.
3. I am Of Counsel to Kirkland, resident in the New York office of the firm. I have been with Kirkland for 39 years, as a litigation partner for 29 of them. My role since 2013 has been as Counsel and Co-Chair of the Firmwide Pro Bono Management Committee. As such, I am responsible, with my Co-Chair, Thomas D. Yannucci, in conjunction with the pro bono committee and the Firm’s management committee, for setting Firmwide pro bono policy and ensuring the effective achievement of the firm’s pro bono goals.

4. Kirkland's commitment to pro bono legal service is oriented toward improving our clients' lives, bettering our communities, and fulfilling our attorneys' professional responsibilities. Pro bono service is an essential component of the culture at Kirkland. Over 81% of the firm's U.S. attorneys contributed at least twenty hours of pro bono service in 2016. The firm donated over 100,000 hours of pro bono legal services in 2016. Kirkland has been recognized many times for excellence in pro bono service, including the Immigration Equality Safe Haven Award, the Sanctuary for Families Above and Beyond Award, the ABA Pro Bono Publico Award, the New York Center for Law and Justice Access to Justice Award, and the Thomson Reuters Foundation TrustLaw Award, among numerous others.
5. The Firm has a robust pro bono practice, including work in numerous areas including, but not limited to, asylum law, immigration-related remedies for crime victims and victims of domestic violence, naturalization assistance, immigration relief for victims of labor and sex trafficking, immigration assistance to unaccompanied minors and those who qualify for Deferred Action for Childhood Arrival, applications for advance parole, community development through legal support of microenterprise, nonprofit law, artists' intellectual property, personal bankruptcy, housing court matters, an array of veterans' matters, assistance to incarcerated mothers, clemency matters, death penalty appeals, advance directives, guardianship, LGBT rights, voting rights, and numerous other civil and human rights causes.
6. Although our attorneys often undertake full representation of individuals and organizations on a pro bono basis, many of our attorneys choose to serve clients on a limited scope basis in clinics sponsored by our legal service organization partners, and in programs offered by the courts in the cities in which Kirkland has offices. These programs are all intended to provide at least some degree of quality legal services to meet the enormous unmet need for legal advice.
7. Our attorneys provide limited scope screening and brief advice at clinics created by our legal service organization partners on topics including but not limited to veterans' benefits, legal issues facing the homeless, family law, legal guidance for incarcerated mothers, immigration remedies for victims of sex trafficking and domestic violence, individuals facing personal bankruptcy, housing court litigation, applications for orders of protection, guardianship, vacatur or expungement of criminal records, applications for advance parole, and many other areas of legal need. In each of these clinics, our attorneys are likely to screen clients to determine legal issues, provide basic legal advice, and sometimes to assist in preparation of documents or applications to the courts.
8. Our attorneys also participate in programs offered by the courts themselves to assist pro se individuals. These court-sponsored access to justice programs include housing law, human trafficking intervention, family law, and criminal law. In this context our attorneys will offer brief advice, assist in preparation of documents to be submitted pro se, or sometimes appear in court for single appearances before judges. Upon information and belief, the clients of these clinics and court programs are universally the poor or underserved. They are individuals who fall into the "justice gap" -- the countless number of Americans who cannot pay for private attorneys, but who have serious legal issues and do not have matters that guarantee them counsel.

9. Kirkland has created a substantial pro bono practice in immigration law. In an immigration context, we rely almost entirely on legal service partner organizations to screen those who have asked for help to determine their financial need and applicable legal issues, work with us in training our attorneys, create opportunities for our attorneys to serve, and follow up with our attorneys with mentoring and expertise as needed. It is extremely unlikely in an immigration context that the firm would take on a client that did not first come to us through one of our legal service organization partners. In our immigration work, the firm works closely with Sanctuary for Families, Immigration Equality, Community Activism Law Alliance, National Immigrants Justice Center, the New York Immigration Coalition, Make the Road, The City Bar Justice Center, Legal Services NYC, Catholic Charities, Volunteers of Legal Services, Kids In Need of Defense, Legal Aid Societies of several cities, and OneJustice, among others. These organizations are highly regarded and expert in all services that they provide to clients, whether in full representation or in limited scope advice.
10. Before every limited scope pro bono service is delivered by Kirkland's attorneys, the individuals being assisted are fully informed both by our legal service organization partners and our lawyers of the parameters of the services being rendered. The exact scope of the services is made clear in the clients' native languages. In the clinical context, the legal service organizations do not submit notices of appearance for these clients, and the firm does not execute retention letters with the individuals being served. Typically, the clients receiving limited scope advice or other services are informed of next steps to be taken pro se, and given resources, where available, for follow-up services.
11. Through limited scope representation, attorneys with limited time or expertise can contribute to pro bono service by enabling our legal service organization partners to screen and assist more clients than they would otherwise be able to serve without the additional support of volunteers from the private bar. The clinics' clients -- the ultimate beneficiaries of this service -- are typically grateful not to have to navigate our daunting legal system alone on a pro se basis, without any advice at all. While all of the needs of the limited scope clients are certainly not being met, at least some of them are, and they are being met by competent, capable, caring attorneys, who do their best to guide the clients as they move forward pro se. The clients know from the beginning of the relationship that the scope of the services will be limited, and they are not misled into relying to their detriment upon a lawyer who will not be there for them after the contemplated period of service has ended.
12. In addition, through clinic work and limited scope representation, our attorneys develop increasing levels of substantive understanding of new areas of law that are not central to the core practice of the firm, and they are often able to use that new knowledge to assist future pro bono clients on an ongoing full-representation basis. The clinic practices, in addition to providing advice to legal service organization clients who would otherwise not have counsel, and assisting the legal service organizations to better serve increased numbers of the poor and underserved, are effectively the "thin end of the wedge" to full representation, as lawyers become exposed to the compelling needs of the clients and the subject areas of their legal problems. Without this introduction to these areas of law, it is possible that these lawyers would not develop the affinity they have for helping these clients on a longer-term, full-representation basis.

13. Incidentally, we have seen at the firm that this relationship with these needy individuals and compelling legal issues also drives personal giving by pro bono volunteers to the legal service organizations and other organizations that serve the immigrant and other needy communities. In fact, the Kirkland & Ellis Foundation provides funds to be donated by our most committed pro bono attorneys on an annual basis, in addition to whatever personal funds they donate, to the legal service organizations or nonprofit clients of the firm of their choice. In addition to the value of the legal services they provide, there is an economic benefit to the underserved in lawyers providing these limited scope services.
14. In my home state, the New York Rules of Professional Responsibility Rule 6.1 strongly encourages every attorney to provide at least fifty hours of pro bono service, and to contribute financially to legal services for the poor. Rule 6.5, entitled Participation in Limited Pro Bono Legal Service Programs, explicitly provides that attorneys can engage in “short-term limited legal services [to provide] legal advice or representation free of charge ... with no expectation that the assistance will continue beyond what is necessary to complete an initial consultation, representation, or court appearance,” provided that the program is run in accordance with certain guidelines, and that the client is informed and consents to the limited scope of the representation. Kirkland adheres rigorously to all rules set forth in the Rules of Professional Conduct, and our legal service organization partners join with us in creating and staffing these clinics according to the rules, to help ensure that the needs of the community are being addressed in the most efficient and effective way possible with the available resources.
15. It is my understanding that NWIRP is being required by the Department of Justice to cease limited scope representation of immigrant clients in removal defense proceedings, under a federal regulation requiring that a notice of appearance be entered in all cases, thus committing the appearing attorney to a representation for the duration of the action. The intent of this regulation was to protect these vulnerable litigants from predatory behavior by inexperienced non-lawyers and those attorneys who would take their money and fail to follow through on the services for which the clients believe they have paid, and upon which they are relying. It is simple math to deduce that if attorneys who volunteer their services pro bono are forced to undertake full representation for every client, the number of clients who can be represented on a limited scope basis at the critical early stages of removal defense would be severely limited indeed.
16. Although we do not work directly with NWIRP, it is my understanding from our brothers and sisters at the bar in Washington State that NWIRP is a reputable organization that does excellent work with immigrants in deportation proceedings. In our experience, the dangers against which the rule is intended to protect, but which is now being used to inhibit the services of NWIRP, bear no resemblance to the work that is done by reputable legal service organizations partnering with ethical pro bono volunteers from the private bar. In Kirkland’s case, our poor immigration clients do not pay for services, they are fully informed of the limited scope nature of the services being provided, and they are assisted with resources and guidance for pro se follow-up to the brief advice that is being provided. It is a cruel irony to use a rule designed to protect poor litigants to instead deprive them of whatever minimal legal advice they could be receiving from trained public service lawyers and volunteers from the private bar.

17. Furthermore, it is worth noting that if poor people are prevented from utilizing limited scope legal services in an immigration-related context due to a fear of predatory conduct by bad actors, the Court will be hard-pressed to explain why the immigration context differs from any other context in which limited scope legal services are provided to poor litigants. One need only read the local legal press to learn about predatory conduct on the part of non-lawyers and unscrupulous attorneys. It is hard to envision how the Court would not soon find itself “protecting” litigants in Housing Court, Family Court, Bankruptcy Court, Civil Court, and perhaps even Criminal Court from both the nefarious actions of those who engage in predatory conduct against vulnerable populations in their time of need, and concomitantly from dedicated volunteer or public service attorneys who are trying to the best of their ability to be helpful in a limited scope context, as we are now seeing in the immigration context. It seems almost too obvious to state, but unethical behavior toward clients is not inextricably related to the limited scope legal services that are provided by reputable legal service organizations and their pro bono lawyer volunteers.

18. I have personal knowledge of the aforementioned statements, except where asserted upon information and belief, in which case I believe them to be true.

Executed this 8th day of June, 2017.



Marjorie Press Lindblom


State of New York

ss.:

County of New York

On the 8th day of June, 2017, before me Marjorie Lindblom, personally known to me, subscribed to the within instrument.

Subscribed and sworn to before me this 8th day of June, 2017.



Jacqueline Haberfeld, Notary Public

JACQUELINE HABERFELD
Notary Public, State of New York
No. 02HA6237084
Qualified in New York County
Commission Expires March 14, 2019

Exhibit II

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit
Washington public benefit corporation; and
YUK MAN MAGGIE CHENG, an
individual,

Plaintiffs,

vs.

JEFFERSON B. SESSIONS III, et al.,

Defendants.

No. 2:17-cv-00716

DECLARATION OF
EDWARD B. MURRAY

I, EDWARD B. MURRAY, declare as follows:

1. I am the Mayor of the City of Seattle. I am over 18 years of age, am competent to testify about the matters set forth herein, and submit the testimony below based on personal knowledge and information.

2. On April 17, 2017, the Seattle City Council unanimously passed Seattle Ordinance 125296 (the “Ordinance”). As discussed below, the Ordinance appropriated

1 \$1,000,000 to provide legal representation, and to provide guidance and referral services for
2 legal representation, to indigent Seattle residents and workers in immigration proceedings.

3 3. On April 28, 2017, in my capacity of Mayor of the City of Seattle, I signed the
4 Ordinance. A true and correct copy of the Ordinance is attached hereto as Exhibit A.

5 4. The Ordinance contained a number of recitals and findings, including the
6 following:

7 a. In a national study of access to counsel in U.S. immigration courts
8 published in September 2016, the American Immigration Council found that between 2007 and
9 2012 only 65 percent of non-detained individuals at the immigration court in downtown Seattle
10 were represented by an attorney. At the immigration court in Tacoma, only eight percent of
11 detained individuals were represented.

12 b. The study also found that immigrants who were represented by an attorney
13 were far more likely to succeed in their cases. Specifically, “detained immigrants with counsel,
14 when compared to detained immigrants without counsel, were ten-and-a-half times more likely
15 to succeed; released immigrants with counsel were five-and-a-half times more likely to succeed;
16 and never detained immigrants with counsel were three-and-a-half times more likely to succeed.”

17 c. In fiscal year 2016, the Seattle Immigration Court had 7,229 pending
18 cases, had an average wait of 548 days, and completed 2,979 cases. Over the same time period,
19 the Tacoma Immigration Court had 1,208 pending cases, had an average wait of 102 days, and
20 completed 1,883 cases.

21 d. The Northwest Detention Center in Tacoma currently has the capacity to
22 detain 1,575 individuals, a portion of whom are Seattle residents and workers.

1 e. According to a February 2, 2017, Pew Research Center report, Seattle is
2 among the 20 U.S. metropolitan areas with the largest populations of
3 undocumented/unauthorized immigrants.

4 f. More than 28,000 undocumented youth in Washington are the recipients
5 of the Deferred Action for Childhood Arrivals (DACA) program.

6 g. Providing funds to enable indigent persons to obtain legal counsel for
7 immigration related matters is a public function, providing necessary support for the poor and
8 infirm.

9 5. Section 2 of the Ordinance directs the Seattle Office of Immigrant and Refugee
10 Affairs (“OIRA”) to “enter into one or more contracts, through a competitive process, with non-
11 profit organizations to provide: a) legal representation in immigration matters, and/or b)
12 guidance and referral services for legal representation, to indigent persons living or working in
13 Seattle in need of civil legal representation for matters related to their immigration status.”

14 6. Section 2.a of the Ordinance further provides that “[a] determination of indigent
15 status shall be made for all persons seeking the appointment of counsel in immigration cases,”
16 and that the Director of OIRA “may contract with an individual or entity to make the
17 determination of indigent status.”

18 7. Section 3 of the Ordinance appropriates \$1,000,000 to OIRA for the purposes of
19 contracting with third parties to provide legal representation in immigration matters, and/or
20 guidance and referral services for legal representation, to indigent persons living or working in
21 Seattle who are in need of civil legal representation for matters related to their immigration
22 status.

EXHIBIT A



SEATTLE CITY COUNCIL

Legislative Summary

CB 118946

Record No.: CB 118946

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125296

In Control: City Clerk

File Created: 03/28/2017

Final Action: 04/28/2017

Title: AN ORDINANCE relating to the Office of Immigrant and Refugee Affairs; amending Ordinance 125207, which adopted the 2017 Budget, changing appropriations for the Office of Immigrant and Refugee Affairs to provide \$1,000,000 from the General Subfund in 2017 with an automatic carry-forward to 2018, solely to provide legal representation, or to provide guidance and referral services for legal representation, to indigent Seattle residents and workers in immigration proceedings; and establishing standards for the provision of legal representation and guidance and referral services for legal representation; all by a 3/4 vote of the City Council.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: González ,Burgess

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: Yes No

| Ver- sion: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|------------|--|------------|-----------------|--|-----------|--------------|---------|
| 1 | City Clerk | 03/28/2017 | sent for review | Council President's Office | | | |
| | Action Text: The Council Bill (CB) was sent for review. to the Council President's Office | | | | | | |
| | Notes: | | | | | | |
| 1 | Council President's Office | 03/31/2017 | sent for review | Gender Equity, Safe Communities, and New Americans Committee | | | |
| | Action Text: The Council Bill (CB) was sent for review. to the Gender Equity, Safe Communities, and New Americans Committee | | | | | | |

Legislative Summary Continued (CB 118946)

Notes:

- | | | | | | |
|---|--|------------|------------------------------------|--|------|
| 1 | Full Council | 04/10/2017 | referred | Gender Equity, Safe Communities, and New Americans Committee | |
| 1 | Gender Equity, Safe Communities, and New Americans Committee | 04/12/2017 | pass | | Pass |
| | Action Text: The Committee recommends that Full Council pass the Council Bill (CB). | | | | |
| | | | In Favor: 3 | Chair González , Vice Chair Burgess, Member Bagshaw | |
| | | | Opposed: 0 | | |
| 1 | Full Council | 04/17/2017 | passed | | Pass |
| | Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill: | | | | |
| | | | In Favor: 9 | Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant | |
| | | | Opposed: 0 | | |
| 1 | City Clerk | 04/21/2017 | submitted for Mayor's signature | Mayor | |
| 1 | Mayor | 04/28/2017 | Signed | | |
| 1 | Mayor | 04/28/2017 | returned | City Clerk | |
| 1 | City Clerk | 04/28/2017 | attested by City Clerk | | |
| | Action Text: The Ordinance (Ord) was attested by City Clerk. | | | | |
| | Notes: | | | | |
-

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D1b

CITY OF SEATTLE

ORDINANCE 125296

COUNCIL BILL 118946

AN ORDINANCE relating to the Office of Immigrant and Refugee Affairs; amending Ordinance 125207, which adopted the 2017 Budget, changing appropriations for the Office of Immigrant and Refugee Affairs to provide \$1,000,000 from the General Subfund in 2017 with an automatic carry-forward to 2018, solely to provide legal representation, or to provide guidance and referral services for legal representation, to indigent Seattle residents and workers in immigration proceedings; and establishing standards for the provision of legal representation and guidance and referral services for legal representation; all by a 3/4 vote of the City Council.

WHEREAS, on January 25, 2017, by *Executive Order: Border Security and Immigration*

Enforcement Improvements, President Trump declared the policy of the executive branch to secure the southern border of the United States through the immediate construction of a physical wall; to detain individuals apprehended on suspicion of violating federal or state law, including federal immigration law, pending further proceedings regarding those violations; to expedite determinations of apprehended individuals' claims of eligibility to remain in the United States; to promptly remove individuals whose legal claims to remain in the United States are rejected; to cooperate fully with states and local law enforcement in enacting federal-state partnerships to enforce federal immigration priorities, as well as state monitoring and detention programs that are consistent with federal law and do not undermine federal immigration priorities; and to hire an additional 5,000 Border Patrol agents; and

WHEREAS, on January 25, 2017, by *Executive Order: Enhancing Public Safety in the Interior*

of the United States, President Trump declared the policy of the executive branch to ensure faithful execution of United States immigration laws against all removable aliens consistent with Article II, Section 3 of the United States Constitution and 5 U.S.C. 3331;

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1 to make use of all available systems and resources to ensure the efficient and faithful
2 execution of the immigration laws of the United States; to ensure that jurisdictions that
3 fail to comply with applicable federal law do not receive federal funds, except as
4 mandated by law; to ensure that aliens ordered removed from the United States are
5 promptly removed; to support victims of crimes committed by removable aliens; to hire
6 an additional 10,000 immigration officers; to empower state and local law enforcement
7 agencies to perform the functions of immigration officers; to provide the Secretary of
8 Homeland Security with the authority to designate, in the Secretary's discretion and to
9 the extent consistent with law, a jurisdiction as a sanctuary jurisdiction; to ensure that
10 jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 are not eligible to receive
11 federal grants, except as deemed necessary for law enforcement purposes by the Attorney
12 General or the Secretary of Homeland Security; and

13 WHEREAS, these Executive Orders expand both the scope and speed of enforcement of
14 immigration laws, namely by expanding enforcement priorities and possibly expanding
15 expedited removal, thereby increasing the need for persons in immigration proceedings to
16 have legal representation; and

17 WHEREAS, immigration law is a highly specialized area of law requiring expertise and
18 knowledge of immigration law, immigration procedures, and immigration court
19 processes; and

20 WHEREAS, there is no right to civil legal representation in immigration proceedings, which
21 results in most individuals going through immigration proceedings without the advice
22 and assistance of legal counsel; and

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1 WHEREAS, the high cost of legal representation by private attorneys is compounded by the high
2 U.S. Citizenship and Immigration Services form fees, and the availability of
3 representation by non-profit organizations or pro-bono attorneys is far exceeded by the
4 number of individuals needing assistance; and

5 WHEREAS, in *Access to Counsel in Immigration Court*, the first national study of access to
6 counsel in U.S. immigration courts, published September 2016, the American
7 Immigration Council found that between 2007 and 2012 only 65 percent of non-detained
8 individuals at the immigration court in downtown Seattle were represented in court, and
9 at the immigration court in Tacoma eight percent of detained individuals were
10 represented in court; and

11 WHEREAS, the *Access to Counsel in Immigration Court* study also found that “detained
12 immigrants with counsel, when compared to detained immigrants without counsel, were
13 ten-and-a-half times more likely to succeed; released immigrants with counsel were five-
14 and-a-half times more likely to succeed; and never detained immigrants with counsel
15 were three-and-a-half times more likely to succeed”; and

16 WHEREAS, the King County Prosecuting Attorney, Dan Satterberg, stated in an opinion piece
17 published by *The Seattle Times* on March 24, 2017, “We are not safer when victims of
18 crime fear being deported if they call 911, talk to police, or come to the courthouse to get
19 protection. We are not safer when a victim of abuse thinks she must choose between
20 deportation or suffering more violence at the hands of her abuser. Unpunished violent
21 crime threatens us all,” and further elaborated, “My alarm isn’t theoretical. Last year our
22 office worked with 67 undocumented immigrants (more than 300 in the last five years) to
23 prosecute crimes ranging from murder and rape to domestic violence. Without that

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D1b

1 cooperation and trust of undocumented immigrants, we wouldn't have been able to get
2 some dangerous offenders off the streets," and

3 WHEREAS, the Center for American Progress published a report on January 26, 2017 titled, *The*
4 *Effects of Sanctuary Policies on Crime and the Economy*, concluding that "[t]he data
5 support arguments made by law enforcement executives that communities are safer when
6 law enforcement agencies do not become entangled in federal immigration enforcement
7 efforts. The data also make clear that, when counties protect all of their residents, they
8 see significant economic gains," based on analysis of Federal Bureau of Investigation,
9 U.S. Census Bureau, and Centers for Disease Control and Prevention data; and

10 WHEREAS, United States District Court Judge James Robart, who was nominated to the federal
11 court by President George W. Bush in 2004, was praised by United States Senator Orrin
12 Hatch for his "representation of the disadvantaged through his work with Evergreen
13 Legal Services and the independent representation of Southeast Asian refugees" during
14 confirmation of Judge Robart's nomination, and about which Judge Robart stated in his
15 Senate testimony, "I was introduced to people who in many times felt that the legal
16 system was stacked against them or was unfair. And one of the things, I think, that my
17 time there helped accomplish was to show them that the legal system was set up for their
18 benefit and that it could be, if properly used, an opportunity for them to seek redress if
19 they had been wronged"; and

20 WHEREAS, the cities of Los Angeles, San Francisco, New York, and Chicago have recognized
21 the urgent need to provide legal assistance and have provided funding ranging from \$1.3
22 million to \$6.3 million to address this need; and

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1 WHEREAS, in fiscal year 2016, the Seattle Immigration Court completed 2,979 cases, and the
2 Tacoma Immigration Court completed 1,883 cases; and

3 WHEREAS, in fiscal year 2016, the Seattle Immigration Court had 7,229 pending cases and an
4 average wait of 548 days, and the Tacoma Immigration Court had 1,208 pending cases
5 and an average wait of 102 days; and

6 WHEREAS, the Northwest Detention Center in Tacoma currently has the capacity to detain
7 1,575 individuals, a portion of whom are Seattle residents and workers; and

8 WHEREAS, on January 30, 2017, the City passed Resolution 31730, reaffirming Seattle as a
9 Welcoming City that promotes policies and programs to foster inclusion for all and
10 reaffirming the City's commitment to welcoming and supporting immigrants and
11 refugees from all nationalities, religions, and backgrounds; and

12 WHEREAS, according to a February 2, 2017, Pew Research Center report, *20 Metro Areas Are*
13 *Home to Six-in-Ten Unauthorized Immigrants in the U.S.*, Seattle is among the 20 U.S.
14 metropolitan areas with the largest populations of undocumented/unauthorized
15 immigrants; and

16 WHEREAS, more than 28,000 undocumented youth in Washington are the recipients of the
17 Deferred Action for Childhood Arrivals (DACA) program; and

18 WHEREAS, nearly one in five Seattle residents is foreign born and 129 languages are spoken in
19 the City's public schools; and

20 WHEREAS, the New American Economy (NAE) is a non-partisan coalition of over 500
21 government and business leaders who support immigration reforms that will help create
22 jobs for Americans; and

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1 WHEREAS, in February 2017 The City of Seattle’s Office of Immigrant and Refugee Affairs
2 (OIRA) joined with the NAE in their release of new research on the contributions of
3 immigrants in the Seattle-Tacoma-Bellevue Metropolitan Area; and

4 WHEREAS, the NAE’s data show that in 2014, immigrants in the Seattle-Tacoma-Bellevue
5 Metropolitan Area contributed to the local, state and federal economy through payment
6 of \$1.7 billion in state and local taxes and \$4.8 billion in federal taxes resulting in an
7 estimated \$16.9 billion spending power potential; NOW, THEREFORE,

8 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

9 Section 1. Findings. The Fifth Amendment to the U.S. Constitution states: “No person
10 shall ... be deprived of life, liberty, or property, without due process of law.” The Fourteenth
11 Amendment to the U.S. Constitution further provides that “No state shall make or enforce any
12 law which shall abridge the privileges or immunities of citizens of the United States; nor shall
13 any state deprive any person of life, liberty, or property, without due process of law; nor deny to
14 any person within its jurisdiction the equal protection of the laws.”

15 The City finds that persons living or working in Seattle who are accused of immigration
16 law violations and who are unable to afford legal counsel are unable to meaningfully exercise
17 their rights to due process and equal protection. The City further finds that to ensure that indigent
18 persons charged with violations of immigration laws are fully afforded their rights to due process
19 and equal protection, under the Fifth and Fourteenth Amendments, it is necessary to provide
20 them with access to legal counsel. The City further finds that providing funds to enable indigent
21 persons to obtain legal counsel for immigration related matters is a public function, providing
22 necessary support of the poor and infirm.

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1 Section 2. The Office of Immigrant and Refugee Affairs (OIRA) shall enter into one or
 2 more contracts, through a competitive process, with non-profit organizations to provide: a) legal
 3 representation in immigration matters, and/or b) guidance and referral services for legal
 4 representation, to indigent persons living or working in Seattle in need of civil legal
 5 representation for matters related to their immigration status. A non-profit organization may
 6 provide either the legal representation or guidance and referral services, or both.

7 a. A determination of indigent status shall be made for all persons seeking the
 8 appointment of counsel in immigration cases. The Director of the OIRA or the Director’s
 9 designee shall determine whether the person is indigent pursuant to the standards set forth in this
 10 Section. The Director or Director’s designee may contract with an individual or entity to make
 11 the determination of indigent status.

12 b. For purposes of this Section 2, the following definition applies:
 13 “Indigent” means a person who, at any stage of an immigration proceeding, is unable to
 14 pay the anticipated cost of counsel for the matter regarding immigration status because the
 15 person’s available funds are insufficient for the retention of counsel.

16 Section 3. In order to pay for necessary costs and expenses incurred or to be incurred, but
 17 for which insufficient appropriations were made due to causes that could not reasonably have
 18 been foreseen at the time of making the 2017 Budget, the appropriation for the following item in
 19 the 2017 Budget is increased from the fund shown below:

| Item | Fund | Department | Budget Control Level | Amount |
|-------|----------------------------|------------|---|-------------|
| 1.1 | General Subfund (00100) | Executive | Office of Immigrant and Refugee Affairs (OIRA) (00100-X1N00) | \$1,000,000 |
| Total | | | | \$1,000,000 |

20 Section 4. The appropriations provided in Section 3 of this ordinance shall be used only
 21 for legal representation, or to provide guidance and referral services for legal representation, to

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D1b

1 indigent Seattle residents and workers in immigration proceedings and for no other purpose, as
2 determined under Section 2 of this ordinance.


3 Section 5. The appropriations identified in Section 3 of this ordinance that are
4 unexpended or unencumbered in 2017 shall not lapse until December 31, 2018.

5 Section 6. The OIRA is requested to report back to the City Council's Gender Equity,
6 Safe Communities and New Americans Committee with an interim report by June 30, 2018, and
7 a final report by June 30, 2019, on the number of individuals, number of cases (specifying those
8 in Seattle and those in Tacoma), types of cases, and case outcomes this funding for legal
9 representation, and/or guidance and referral services for legal representation, to indigent Seattle
10 residents and workers in immigration proceedings was used for.

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1 Section 7. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by a 3/4 vote of all the members of the City Council the 17th day of
5 April, 2017, and signed by me in open session in authentication of its
6 passage this 17th day of April, 2017.

7 

8 President _____ of the City Council

9 Approved by me this 27th day of April, 2017.

10 

11 Edward B. Murray, Mayor

12 Filed by me this 28th day of April, 2017.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)