Exhibit O
The Honorable Richard A. Jones

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.

DECLARATION OF NANCY KELLY
I, Nancy Kelly, 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 managing attorney of the Immigration Unit at Greater Boston Legal Services (GBLS), located at 197 Friend Street, Boston, Massachusetts 02114. I am also assistant director of the Harvard Immigration and Refugee Clinic, a section of which is located within GBLS.

3. Both Greater Boston Legal Services and the Harvard Immigration and Refugee Clinic provide representation to immigrants in a variety of matters, including, among other things, applications for asylum and other forms of relief from persecution and/or torture; applications for special immigrant juvenile status; and applications for immigration protection for survivors of domestic abuse and other violence. In addition to individual client representation, we are involved in advocacy on a broad range of issues involving immigrant rights and the proper application of the immigration laws. We are involved in training attorneys, law students and community advocates; advocating for legislative, regulatory, policy and procedural change; and providing amicus support in cases raising significant issues in the interpretation of the immigration laws.

4. All of our work is done without charge to the clients. In our client work, we often provide advice and assistance to individuals proceeding with their cases on a pro se basis. This is so because there are extremely limited pro bono resources available to individuals facing removal proceedings and because the posture and pace of removal cases require individuals to comply with strict time deadlines and complicated rules that are extremely difficult to navigate without competent assistance.
5. Examples of situations in which we assist individuals proceeding on a *pro se* basis include the following:

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

   b. Assisting individuals in filing motions to change the venue of their removal proceedings to the Boston Immigration Court. Often individuals detained after crossing the southern border are released from detention and allowed to travel to resettle with family or friends in Massachusetts. In many cases, the underlying removal case has already begun prior to the individual’s release from detention, and venue of that case has vested in a court in Texas, Arizona or California. It is
impractical, and often impossible, for an individual residing in Massachusetts to
obtain a lawyer and adequately prepare a case for presentation in Texas, Arizona or
California. To effect a transfer of that case to Massachusetts, where the client resides,
requires the filing of a Motion to Change Venue and often an appearance before the
original court. As we reside and practice in Massachusetts, attorneys in my programs
cannot enter appearances and agree to travel to a court in a distant location to present
a case. In such cases, we often assist the client by preparing a motion to change
venue, filing that motion with the appropriate court, and assist arranging their
telephonic appearance should a hearing be scheduled in her case and should the
specific court allow for it.

c. In a clinic setting, evaluating claims of individuals to relief from removal, advising
them how best to proceed should they not be able to obtain representation, and
assisting them in preparing necessary papers to ensure that they are not deemed by the
court to have abandoned their cases.

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

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

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

[Signature]

Nancy Kelly
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.

DECLARATION OF JULIANN
BILDHAUER, KIDS IN NEED OF
DEFENSE

The Honorable Richard A. Jones
I, Juliann Bildhauer, 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 an attorney admitted to practice in the state of Oregon. I am the Co-Director of Legal Services for Kids in Need of Defense (KIND), a non-profit legal services organization. I am based in Seattle, Washington, and, as part of KIND’s management team, I supervise staff in multiple field offices across the United States. Prior to joining KIND, I was the Director for Volunteer Advocates for Immigrant Justice, a project based in Seattle and launched in 2003 to provide pro bono representation to detained immigrants in removal proceedings.

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

4. In addition to legal services, KIND engages in regional initiatives, policy recommendations, and advocacy. KIND’s Child Migrant Return and Reintegration Project helps children who are returning to Guatemala and Honduras to do so safely, and helps them to access

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education, training, counseling, and other social services, seeking to offer an alternative to migration. KIND also advocates for changes in law, policy, and practices to improve the protection of UAC in the United States, and is working to improve the protection of child migrants throughout Central America and Mexico.

5. The Seattle office is currently the only KIND office that serves not only children who have been released from federal custody to adult caretakers in Washington State, but also UAC who are in the custody of the federal Office of Refugee Resettlement’s Division of Children’s Services (“ORR”). ORR contracts with several facilities in Washington State that provide a total of 113 beds for short-term and long-term stays. UAC in Washington State may be held in foster care, shelter care, or facilities with a higher level of security, termed “staff-secure” facilities; some of the facilities offer therapeutic care.

6. KIND conducts Know Your Rights (KYR) presentations and legal screenings for every child held in ORR custody in Washington State. The KYRs provide information about why the child is in custody, an overview of removal proceedings and information about some forms of relief which may be applicable to the children. During or after a KYR presentation, children may pose questions about the information presented, such as whether they are eligible for specific forms of relief. In responding to the questions, the presenter (who may be a lawyer, paralegal or program assistant) may be perceived under EOIR’s interpretation of the regulations as offering legal advice despite providing the caveat at the opening that the presentations are general information.

7. If ORR finds that a child does not have an immediate or pending option to be released from custody to the care of a suitable relative or other adult (termed a “sponsor”), KIND’s Seattle office provides legal representation for the detained child. In 2016, KIND’s Seattle office conducted
KYR presentations and legal screenings for 381 children (265 children in ORR custody, and 116 children released to sponsors living in Washington State), and placed 138 cases with counsel. KIND’s Seattle office currently carries an open caseload of approximately 400 children’s cases, and serves an average of 31 new children per month.

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

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

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could result in the forfeiture of procedural protections to which UAC are entitled under the law, or may otherwise be prejudicial to their asylum claims.

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

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

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

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

\(^1\) Available at: https://www.justice.gov/sites/default/files/pages/attachments/2016/12/21/friendofcourtguidancememo091014.pdf.

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

13. Assisting with *pro se* Motions to Change Venue is another example of activity that is an essential service to unrepresented children, but could be construed as *pro se* assistance. In a small but significant number of cases, a released child may permanently leave a region served by a KIND field office, and may seek KIND’s assistance in filing a *pro se* Motion to Change Venue. While a Change of Venue motion is not complicated for an attorney, the requirements to serve and file the motion along with a Change of Address Form can exceed the capacity of both child and caretaker, particularly if there are language and literacy barriers. Entering an appearance on behalf of a child living outside the geographic areas served by KIND will generally not be practicable, so KIND staff have assisted such children in filing motions *pro se*. This service is essential because a child whose Motion for Change of Venue is not timely and properly filed is at risk of an *in absentia* order of removal, which in turn adds complications and time pressure to the child’s legal case.

14. Although KIND believes its services and practices are consistent with the letter and spirit of EOIR’s regulations, the April 5, 2017 letter from EOIR to Northwest Immigrants’ Rights Project (NWIRP) (“April 5 Letter”) raises several concerns for KIND. The April 5 Letter acknowledges that the purpose of the rule is to hold accountable “attorneys who do not provide adequate representation to their clients,” but there is no allegation that the *pro se* assistance by NWIRP, if rendered to a client, would have been found wanting. As explained above, the line between *pro se* assistance and “friend of the court” assistance is not always bright. The April 5

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Letter therefore creates an incentive for children’s advocates such as KIND to withhold free assistance of the type they have previously rendered to the benefit of unrepresented children as well as the court. Many children coming before the Immigration Court in areas KIND serves may fall outside the population that KIND is authorized to serve, by agreement with funders; moreover, free or affordable high-quality legal assistance is not always readily and timely available to all children needing it. Thus, one effect of the April 5 Letter is to limit the ability of released children to receive interim assistance while seeking representation. For children in detention, the barriers to securing representation are even higher, and detention further impedes the pro se child’s limited ability to access information, collect evidence, and prepare to represent himself or herself before the Immigration Court. Where an appearance by counsel of record is not practicable, competent assistance to pro se respondents by experienced providers is not a full substitute, but it may offer some minimal protection of the due process rights of vulnerable children. EOIR’s interpretation of its rules should recognize this important purpose of pro se assistance.

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

Executed this ___7th___ day of June, 2017 in Seattle, Washington.

Juliann Bildhauer, Esq.
Co-Director of Legal Services
Kids in Need of Defense (KIND)
DECLARATION OF LYNN MARCUS

The Honorable Richard A. Jones

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

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

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

5. Our ability to provide advice and limited services to pro se individuals, including those in removal proceedings, enhances the quality of education we are able to provide. Through this work, law students are exposed to a variety of immigrants with a range of personal and cultural backgrounds and legal problems. The "advice and brief services" component of the program thus 

1 A law fellow working under the supervision of Co-Director Nina Rabin has enabled us to expand our capacity for direct representation, but the respondent population she assists is limited to detainees.
enables them to work on a range of skills, from interviewing and counseling to legal analysis, research, and writing. The people we assist typically are unable to afford direct representation, and often, they either do not fit within the scope of services provided by local nonprofit organizations or they cannot obtain help there for reasons such as limited capacity. Thus, if we were to restrict our students to providing only advice, we would not only limit their educational opportunities, but we would also be teaching them to turn their backs on indigent people in need of assistance that they, as a result of their education and training, are in a position to provide free of charge. This is the opposite of the sense of ethical responsibility that we, as legal educators, seek to instill in our students.

6. While the number of people we are able to help is limited, our services are an important part of the patchwork of legal services available to low income people in removal proceedings. The capacity of nonprofit organizations in Southern Arizona to represent immigrants free of charge in removal proceedings is extremely limited. The Immigration Unit of Southern Arizona Legal Aid, Inc. focuses most of its limited resources on immigration benefits filed with U.S. Citizenship and Immigration Services, such as applications for U visas (for certain victims of certain types of crimes) and petitions for legal residence under the Violence Against Women Act. The same is true for Catholic Community Services, except that it also engages in refugee resettlement and assists with family visa petitions. Because cases in immigration court tend to be resource intensive, and because the demand for their services in general often exceeds capacity, these organizations are able to represent relatively few individuals in removal proceedings. I believe that, because of these limitations, these organizations have elected not request inclusion in the list of free legal service providers maintained and distributed by the Executive Office of Immigration Review. In fact, our

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Clinic is one of only two entities under the heading, “Tucson Immigration Court” that appears on the list of free legal service providers maintained and distributed to respondents by the Executive Office of Immigration Review. The other entity under that heading only assists children. Thus, even when we screen the case of a pro se respondent and find that he or she has a potential defense or claim to relief, we may not be in a position to represent the individual ourselves, and there may not be a nonprofit law office to which we can refer him or her. However, as I will explain, our limited assistance makes a critical difference in some cases.

7. The brief, limited services our Clinic is able to provide to pro se respondents sometimes enables us to bridge gaps in legal representation. For example, by helping pro se respondents prepare asylum applications, our students have been able to ensure that the respondents preserved their eligibility for asylum by filing within the one-year-from period required by law. In most of these instances, I have been able to refer the cases to attorneys, but various circumstances prevent me from being able to refer the cases quickly, making our in-Clinic work on the applications critical. Prompt preparation of the applications can be critical not only to preserving the individuals’ ability to qualify for asylum, but also to enabling them to qualify for work authorization during the period in which the cases are pending before the Immigration Court and, in some cases, the Board of Immigration Appeals.

8. Even services that are more limited in nature, such as drafting a letter to the immigration judge on behalf of an applicant explaining the need for additional time to investigate a claim or prepare a visa application to file with USCIS, may help ensure that an individual is able to

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2 The listings, by state, are available at https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

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

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

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

11. Being forced to either provide full representation or no assistance at all to indigent respondents would also thwart my work and the work of my colleagues in the Asylum Services Committee ("ASC" or "Committee"). The Committee originated in 2002 as the "Asylum Program

\(^4\) For example, I recently wrote a letter on behalf of a respondent whose case was screened by a law student under the supervision of the Clinic’s Co-Director, Nina Rabin. The respondent had two potential claims: a claim to U.S. citizenship (acquired at birth abroad to a U.S. citizen parent) and an asylum claim. I was able to find a nonimmigration lawyer willing to help the client seek and track down evidence for the citizenship claim, but that attorney was in no 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.
of Southern Arizona,” in the wake of the closing of a law office in Tucson that provided free legal services to indigent asylum seekers (The law office closed due to insufficient resources.). Over the years, the ASC has maintained several of its original members, including myself and, has gained others who likewise share a commitment to providing access to representation to individuals seeking asylum and related forms of protection under U.S. immigration laws. At times, collaborating with a nonprofit organization, we have been able to raise sufficient funds to support staff members who provided protection seekers with direct representation. Presently, in collaboration with Catholic Community Services, which manages the account that holds the funds we have raised, we are able to offer immigration lawyers low fees in a limited number of cases so that they may represent asylum seekers on a “pro bono,” rather than a “low bono” basis.5

12. Since the ASC has no staff to screen the cases of asylum seekers, we rely mostly on either the Clinic or a private immigration lawyer to perform this task. The private attorney who helps us with this work is not in a position to represent respondents in removal proceedings due to health considerations, but she provides us with invaluable services by screening the cases as well as by providing various forms of limited assistance to respondents while the cases are being considered for “low bono” funds or while referrals are pending. Frequently, she helps respondents prepare asylum applications so that the applications may stamped by the court clerk for purposes relating to work authorization and/or to ensure that applicants are able to meet their filing deadlines. In some cases, she drafts pro se change of venue motions so that the cases will be transferred to Immigration Court in Tucson, making it far easier for me to find a local attorney willing to take the case. If this

5 Despite the generosity of the private immigration bar, we deem the low bono services model essential to maintaining free services for indigent asylum seekers. This is largely because the immigration bar is inundated with requests for pro 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.

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

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

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

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

No. 2:17-cv-00716

DECLARATION OF PAUL S. ZOLTAN

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.

DECL. OF PAUL STEVEN ZOLTAN – 1

Case No. 2:17-cv-00716
I, Paul Steven Zoltan, 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 an attorney licensed to practice in Texas (Texas Bar No. 24038129). I am the sole proprietor of the Law Office of Paul S. Zoltan, 8610 Greenville Avenue, Suite 100, Dallas, Texas 75243.

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

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

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

DECL. OF PAUL STEVEN ZOLTAN – 3

Case No. 2:17-cv-00716
7. Beyond this, RSN's clinics have led to the placement of at least 26 participants with pro bono attorneys. Additionally, RSN has scripted and will soon produce a videotaped pro se mock trial video to prepare individuals before attending their asylum hearings.

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

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

10. EOIR's unprecedented prohibition would also affect me in my private practice. On a pro bono basis, I have many times helped aliens in removal proceedings with motions to change venue or notices of appeal. I never charge a fee unless I enter my appearance. By assisting unaccompanied alien children with changes of venue, in particular, I have prevented their being ordered removed in absentia in some faraway city — and I have advanced EOIR's stated goals of helping these children "understand the nature of the proceedings" and ensure they can "effectively present evidence."

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

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

Paul S. Zoltan

DECL. OF PAUL STEVEN ZOLTAN – 4
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
Immigrant Justice ("NCCIJ"), which is one of the removal defense collaboratives that JDC leads and coordinates. The NCCIJ focuses specifically on the provision of legal services to, and increasing legal representation for, detained immigrants, including the Pro Bono Attorney of the Day ("AOD") Program for the detained dockets.

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

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

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

7. JDC is alarmed by the cease-and-desist letter that the Northwest Immigrant Rights Project ("NWIRP") received from the Executive Office for Immigration Review ("EOIR") on April 5, 2017, because the spirit behind the letters will severely limit access to justice and the JDC’s programs. So few of the individuals served by JDC are able to obtain full-scope representation. JDC is only able to secure full-scope pro bono representation for some of the individuals it provides with legal screenings, and the percentage is particularly small in regards to the detained immigrants.

Thus, JDC’s provision of limited legal assistance is the only legal assistance that many detained individuals ever obtain, and those who proceed without any legal assistance often waive all of their rights to take removal orders initially, or, where they elect to defend against removal pro se, their cases can toil for several months, or sometimes years, due to their inability to navigate the system.

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

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

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

Valerie Anne Zukin

² See n.1, supra.
Exhibit T
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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
families by providing bilingual and culturally competent legal representation, education, and advocacy. The mission of Centro Legal is to protect and expand the rights of low-income people, particularly monolingual Spanish-speaking immigrants. Centro Legal’s decades-long track record of quality legal services has made it a trusted community institution for immigrants who are fearful and hesitant to seek necessary services. Today, Centro Legal provides legal consultations, limited-scope services, full representation, and legal referrals to over 5,000 clients annually in the areas of immigration, housing and employment. Centro Legal is located in Oakland, California.

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

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

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

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

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

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

9. When Centro Legal first began the Mesa Verde Project, access to the detainees was extremely restrictive. However, when the San Francisco Immigration Court and the Office of the
Chief Counsel began to see the impact of providing know-your-rights and legal consultations to the
detainees to the efficiency of the immigration court system, Centro Legal’s access to the Mesa Verde
facility improved.

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

11. It is well-documented that without access to legal assistance, detainees face
overwhelming obstacles to succeeding on their claims for relief. Detainees generally have extremely
limited access to legal materials, restrictions on outside visits from family and friends, and strict
limitations on phone calls and correspondence. This pattern holds true at all immigration detention
facilities, but is particularly evident at facilities in more isolated and rural locations, including three
of the four Northern California detention facilities: Mesa Verde Detention Center, Rio Cosumnes
Correctional Center and Yuba County Jail. The isolation of detention generates feelings of
helplessness and hopelessness among the detainees. Given the lack of access to counsel and family,
the language barriers and the lack of familiarity with U.S. immigration laws and the immigration
court system, many detainees opt to accept an order of removal to their countries of origin rather

DECL. OF Alison Pennington – 4

Case No. 2:17-cv-00716
than pursue legitimate claims for relief. However, providing detainees with information about the
different forms of legal relief available to them and giving them the tools – through individual
consultations, pro se assistance and pro se materials – to exercise these rights dramatically increase
detainees’ willingness to remain in detention and pursue their case.

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

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

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

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

16. The limited-scope legal assistance that Centro Legal provides is critical to the immigrant communities that Centro Legal serves. Far fewer individuals in detention would succeed in securing bond or ultimate relief in their cases without the legal information, legal consultations, pro se materials and pro se assistance provided at the detention facilities and through the Attorney of the Day Program. In addition, without the pro se workshops, pro se applicants will fill out forms incorrectly, miss filing deadlines, improperly file documents without translation, arrive in court unprepared to succeed in their case and ultimately, will fail to win the relief to which they are entitled. Hundreds, if not thousands, of people will be deported unnecessarily, resulting in families being separated and immigrant communities shattered. Because Centro Legal is not able to meet the overwhelming need for immigration legal services that our communities face, our limited-scope services are essential to preventing the deportation of our community members and preserving the wellbeing and vitality of the communities we serve.
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 7th day of June, 2017 in Oakland, California.

Alison Pennington
Exhibit U
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.
2. I am the director of the Southeast Immigrant Freedom Initiative (SIFI), a project of the Southern Poverty Law Center located in Decatur, Georgia.

3. The SIFI project is a new initiative of the Southern Poverty Law Center to provide pro bono legal representation to immigrants detained in the southeastern United States. By ensuring that skilled attorneys are available, at no charge, to protect the due process rights of detained immigrants, SIFI endeavors to win every meritorious removal defense case arising out of recent and anticipated immigration enforcement actions.

4. The SIFI project is led by the Southern Poverty Law Center. It has begun at the Stewart Detention Center in Lumpkin, Georgia. It will later be expanded to other detention centers throughout the Southeast, including the Irwin County Detention Center in Ocilla, Georgia; the LaSalle Detention Facility in Jena, Louisiana; and the Folkston ICE Processing Center in Folkston, Georgia.

5. The SIFI project works exclusively with detained immigrants in removal proceedings.

6. The SIFI project, both through its paid staff and its pro bono volunteers, routinely appears on behalf of respondents only in their bond proceedings and not in their removal proceedings.

7. The SIFI project, both through its paid staff and its pro bono volunteers, routinely meets with detainees to consult with them about their cases and the may later decide, for reasons either related to the project’s capacity limitations or to the substance of the detainee’s case, that the project cannot represent the detainee at all.

8. The SIFI project also sometimes advises detainees with whom we meet that we believe they do not have any meritorious legal defense against removal. In those cases one of our goals is to convey our legal assessment clearly with the hope that in doing so, the
detainee may be less susceptible to fraudulent practitioners, including “notarios” who might seek to take advantage of them.

9. The SIFI project, both through its paid staff and its pro bono volunteers, sometimes advises detainees regarding how to answer potential questions from the Court, or what to say to the Court, in cases in which the project does not represent the detainee in removal proceedings.

10. The SIFI project sometimes assists detainees through the preparation and filing of simple pro se template motions, including motions to continue, in cases in which the project does not represent the detainee in removal proceedings. Among the situations in which we might assist with the preparation of a pro se motion to continue are cases in which the SIFI project needs more time to investigate and evaluate the merits of a case to determine whether we may represent the detainee, or when we have filed a bond motion for the detainee, but the Court has not yet held a bond hearing.

11. The SIFI project is in its very early stages. We anticipate that there are other situations in which our project could assist with pro se filings, including a motion to change venue, a motion to reopen, or a motion to advance, among others.

12. The SIFI project began at the Stewart Detention Center in part because it is among the largest detention center in the United States, with capacity to detain approximately 1,900 people.

13. Currently, the SIFI project has the capacity to do approximately ten client intakes per week. When operating at full capacity, which we anticipate will be in a matter of weeks, the SIFI project anticipates the ability to conduct approximately twenty client intakes per week. At that rate, the SIFI project could see as many as a thousand detainees per year.
only at the Stewart Detention Center. By 2018, when operating at all four planned detention centers, the SIFI project would anticipate conducting between three to five thousand client intakes per year.

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

15. The “cease and desist” letter sent by the Department of Justice (DOJ) to the Northwest Immigrant Rights Project (NWIRP) caused SIFI, and SPLC, grave concern. We know the NWIRP project staff to be professionals of the highest quality and unassailable ethics. Through its immigration law practice, the NWIRP has made enormous contributions to the advancement of immigrant rights over many years. The NWIRP provides high quality representation to their clients, and valuable advice to those it consults with but does not...
represent in court. And so it was with both sadness and great alarm that we received the news of the cease and desist letter sent by the DOJ to NWIRP.

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

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

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

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

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

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

______________________________

DANIEL WERNER
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

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

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

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

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

6. Our attorneys have also provided volunteer pro bono legal services on a more limited basis to undocumented immigrants with questions about their asylum cases in clinics or in “know your rights” meetings in communities, in which our lawyers may give advice with respect to proceedings in which the immigrants are representing themselves pro se, but where our lawyers do not become counsel of record or execute a formal engagement letter with the client. Often after a
“know your rights” presentation our lawyers are approached by individuals and may answer questions based on an individual’s particular circumstances, help an individual fill out forms, direct the individual to the correct form(s) to fill out, or provide a myriad of other types of legal advice on how to navigate the complex immigration system. These types of clinics and meetings, with provision of limited legal representation, can be critically important for immigrants where neither we nor other lawyers or organizations are in a position to represent the immigrant completely (with a notice of appearance and engagement letter). In such situations, the alternative to limited, helpful advice is not full representation – it is no advice at all, as there simply are not enough non-profit organizations and volunteer attorneys providing these services to represent all of the immigrants who need help. Our lawyers provide this limited help at “know your rights” presentations in addition to their regular billable work. They would not be in a position to take on full representation of all of the individuals they talk to after a know your rights presentation and the number of individuals obtaining legal advice would decrease significantly.

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

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

(a) Georgia Asylum and Immigration Network (“GAIN”);
(b) Kids in Need of Defense ("KIND") with offices in Washington, New York, Atlanta, Houston and elsewhere;

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

d) Catholic Charities;

e) Human Rights First; and

(f) The Center of Excellence.

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

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

11. For example, I know that the SPLC (splcenter.org) is involved with several other non-profits in a project called the "Southeastern Immigrant Freedom Initiative," or "SIFI." The project, launched only three months ago, has the ambitious objective of providing representation to all detainees at the Stewart Detention Facility in Lumpkin, Georgia who have valid claims, with the even more ambitious objective of expanding the project to other detention centers in the Southeast
over the next several months. We have participated with the SPLC in phase one of the project, and
are scheduled to participate through volunteer attorneys in phase two.

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

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

14. The limited representation we and the non-profits listed above have from time to
time provided to undocumented immigrants is similar to limited representation we occasionally
provide in connection with other pro bono clinics – for example, reviewing claims for indigent
tenants in landlord/tenant disputes – in conjunction with programs sponsored by a non-profit
organization or a court. In recognition of the important place such limited representation has in
connection with the significant societal goal of providing greater access for justice for indigent
persons, the Georgia Bar recently adopted a Bar Rule 6.5 expressly permitting such limited
representation. (This means that a lawyer from a firm like mine can give advice to a clinic
participant without, for example, checking all possible conflicts the firm might have, or entering a
notice of appearance in any lawsuit in which the limited representation client might be proceeding
_pro se_.)
15. I am aware that "notario fraud" or "notario abuse" has in the last decade been identified as a significant problem facing many undocumented immigrants who are seeking assistance with their possible asylum claims or other immigration issues. The American Bar Association in its "Fight Notario Fraud" project described the problem as follows:

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

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

16. I am aware that EOIR and advocates for immigrants have been concerned about this problem of notario fraud and abuse, and I understand that in response to this problem EOIR in 2008 adopted a new rule of professional conduct governing "practitioners who appear before [EOIR]."


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

18. What NWIRP apparently has been doing in the Northwest is very similar to what SPLC is doing in the Southeast, and volunteer pro bono lawyers from our firm and many others are
doing throughout the country. From the standpoint of maximizing the access of indigent, undocumented immigrants to free legal advice impacting their asylum and other immigration claims, DOJ's apparent current interpretation of the Rule (as forbidding this type of limited representation) would be disastrous.

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

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

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

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

Executed this 6 day of June, 2017 in Atlanta, Georgia.
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 Ellyn Haikin Josef
In Support of Northwest
Immigrant Rights Project’s
Motion for Preliminary
Injunction

I, Ellyn Haikin Josef, 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 Pro Bono Counsel of Vinson & Elkins, LLP (V&E). V&E is an international private law firm with over 600 lawyers, practicing in offices located in Austin, Dallas, Houston, New 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.
3. In the nearly 10 years since I have served Vinson & Elkins as their firm-wide Pro Bono Counsel, I have managed the Firm’s pro bono practice, distributed hundreds of pro bono matters, supervising many of those matters myself, created dozens of larger pro bono projects, spoken on pro bono topics internally and externally, speaking often to a variety of audiences about pro bono programs in general, and about specific pro bono subject areas, including pro bono immigration work handled at V&E. In addition to my role at V&E, I have served on the legal advisory board of Children at Risk, the board of Lone Star Legal Aid, the board of Houston Volunteer Lawyers, and the board of the Association of Pro Bono Counsel. In each of these roles, my job has been to advocate for the proper delivery of legal services to those in need in our community.

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

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

6. Based on the current legal needs are in our communities, V&E has made its work in the immigration area a priority in its pro bono practice. In 2016, in our Houston office alone, and as a representative sample of our domestic offices, V&E lawyers handled nearly thirty (30) full representation immigration matters, totally nearly two thousand hours of pro bono time. These cases are handled in all of our US offices, and account for a large percentage of V&E’s total pro bono contribution. These matters are all handled in partnership with local legal service providers, ones who operate similarly to NWIRP, whose staff mentor and guide V&E lawyers throughout the matters.
7. As is my practice as Pro Bono Counsel, I routinely engage in discussions with our legal service providers about the legal needs in the communities in which we office, to determine future pro bono projects, and where our lawyers would be helpful. In 2015, I began discussions with Neighborhood Centers, now BakerRipley, a legal service provider who provides immigration services to low-income Houstonians. They were aware of our full representation immigration work, and inquired if we would be willing to host a limited scope Citizenship Workshop with their staff. This would involve V&E lawyers assisting legal permanent residents through the naturalization process, preparing the necessary documents that will ultimately be submitted to the US government by either the client or by the legal service provider. This would be a limited scope representation, and the responsibility of the V&E lawyer would end, at the conclusion of the naturalization paperwork. On July 29, 2015, V&E hosted this clinic, and 8 V&E lawyers assisted twelve individuals in the course of an evening. Due to the success of this clinic, V&E hosted a second limited scope immigration clinic in partnership with Kids In Need of Legal Defense (KIND), to conduct intake for Special Immigrant Juvenile Status matters, assisting in the screening of what would become full representation cases in the future. Five V&E lawyers assisted five families in the screening and preparation of their SIJS matters, which will then be handled by KIND internally, or distributed for full representation. V&E has two more limited scope immigration clinics scheduled in 2017, including a DACA clinic in partnership with Catholic Charities.

8. While the work of our full representation continues, the incorporation of limited scope clinics into V&E’s pro bono immigration practice has only enhanced V&E’s program, and increased the assistance we are able to give to immigrants in need in our community. The clients participating understand that they will be receiving specific assistance from an attorney at the clinic, but that they will have to continue without further representation from that attorney or firm. In my experience, the clients who participate in these clinics receive important legal advice and/or documents, that will assist them going forward in their matters.
9. It appears from a reading of the letter dated April 15, 2017 from Jennifer J. Barnes, Disciplinary Counsel of the Department of Justice, to Matt Adams of NWIRP, that the position of the Department of Justice is that an attorney who participates in these above-described limited scope clinics is engaging in “representation” within the meaning of the letter, and would therefore require the entry of a formal appearance of that attorney, and a full representation of that client by the lawyer for the entirety of the matter. Our lawyers would then risk being obligated to take on full representation of every clinic participant that they assist.

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

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

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 _______ day of June 2017, in Houston, Texas.

By:

Ellyn Haikin Josef
Pro Bond Counsel
Vinson & Elkins, LLP
Exhibit X
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Case No.: 2:17-cv-00716

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.

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

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

4. Additionally, some of our pro bono immigration work involves participating in limited-scope immigration clinics. In a limited-scope clinic, potential clients are usually screened by the legal service provider. They are told that attorneys from a private firm are available to help them for a limited period of time, regarding a specific issue, on a pro bono basis. The clients understand and agree that they will receive assistance from an attorney on the day of the clinic only, and will thereafter have to continue without further representation from that attorney or his/her firm. They often sign a waiver form indicating that they understand the
limited scope nature of our representation and the limited role of the organizing legal service provider. Again, at these clinics, our lawyers typically work under the supervision of experienced immigration attorneys at the legal service providers. Limited scope clinics play a crucial role in helping immigrants because there simply are not enough resources to provide full representation to everyone who needs it.

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

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

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

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

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

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

Dated: June 7, 2017

By: Stacey Slater

NIXON PEABODY LLP
Attorneys at Law
437 Madison Avenue
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Email: sslater@nixonpeabody.com
Exhibit Y
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 Siulec 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-
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
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
Pro Bono Counsel, I oversee all aspects of the firm’s pro bono program. In addition to my administrative duties, I also participate in pro bono legal work, both supervising other attorneys’ efforts and undertaking representations myself.

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

4. When possible, we are engaged by individuals to represent them in their full case seeking one or more specific forms of relief (e.g. asylum). Even if we are providing limited representation, such as representing an individual at one bond hearing, we will typically bring the individual in as a client of the firm with the limited nature of our engagement spelled out. However, there are instances where we assist people as part of our broader work for an immigrant rights organization, who do not become official clients of the firm. For example, a Perkins Coie attorney spent a week at the detention center in Dilley, Texas working for the CARA Project and during this time she assisted many clients, mainly women and children, to prepare for their credible fear 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
assist as many clients as possible to ensure they are not deported without having their case heard. Given the very high success rate volunteer attorneys have at these hearings, it is evident that many of the clients detained are at least potentially eligible for some form of relief. Our attorneys also routinely assist people in clinic settings where they provide advice and referral only.

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

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

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

8. If EOIR’s interpretation of the rule were to stand, this would limit Perkins Coie’s 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

DECL. OF LEAH E. MEDWAY – 3

Case No. 2:17-cv-00716
States where Perkins Coie operates, there are significantly underserved populations in desperate need of legal help. This is the case not only with immigrant clients facing deportation. For example, our attorneys assist survivors of domestic violence in legal clinics where we help them prepare declarations and advise them to go into court alone to seek a protection order. This type of work is at the core of who we are as a law firm and as attorneys with an ethical obligation to help those in need through pro bono legal service. To stifle our ability to help clients in need simply because we cannot provide full scope direct representation lacks compassion and is counter-productive to the human and humane goal of helping those in need of legal services.

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

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

[Signature]
LEAH E. MEDWAY
Exhibit AA
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 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)
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2. Akerman LLP ("Akerman") is an AmLaw 100 law firm with 23 offices across the United States: Austin, Texas; Boca Raton, Florida; Chicago, Illinois; Dallas, Texas; Denver, Colorado; Fort Lauderdale, Florida; Houston, Texas; Jacksonville, Florida; Las Vegas, Nevada; Los Angeles, California; Madison, Wisconsin; Miami, Florida; Naples, Florida; New Orleans, Louisiana; New York, New York; Orlando, Florida; Salt Lake City, Utah; San Antonio, Texas; Tallahassee, Florida; Tampa, Florida; Tysons Corner, Virginia; Washington, D.C.; and West Palm Beach, Florida.

3. I am a member of the Florida Bar and served as a judge on Florida’s First District Court of Appeal from 1994 to 2015. I am a Partner at Akerman, and serve as the firm’s Partner-In-Charge of Pro Bono, overseeing the firm’s pro bono practice. I serve on the Commission on Homelessness and Poverty of the American Bar Association, and the Pro Bono Standing Committee of The Florida Bar, and I am an appointed member of the Florida Supreme Court Commission on Access to Civil Justice, a coordinated effort of system stakeholders created by the Florida Supreme Court to address solutions to the unmet civil legal needs of disadvantaged, low income, and moderate income Floridians. I recently chaired the Commission’s inaugural Access to and The Delivery of Legal Services Subcommittee, which prepared a 2016 report on expanding access to justice by coordinating effective delivery of legal services to low-income Floridians.

4. Akerman has a robust pro bono practice with a signature focus on child advocacy. As an important and central part of the firm’s Pro Bono Initiative, many of our lawyers provide pro bono legal services directly to immigrants and to nonprofit organizations that serve immigrant and refugee communities across the country and around the globe. Collectively, our lawyers and professionals log hundreds of hours annually in pro bono
service to immigrants in the United States, spanning every step of the immigration process from affirmative asylum, to defending removal, to applying for naturalization.

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

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

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

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

9. If our partners are unable to continue to provide legal services for immigrants, Akerman’s pro bono immigration practice will be at risk. Without the continued
mentorship and expertise of our partners, Akerman may be unable to continue our pro
bono practice in this space.

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

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

12. Should the position of the Executive Office of Immigration Review be upheld, legal
services organizations, public interest law firms, and law school clinics will be unable
to continue many of the programs they have developed to provide immigrants with tools
and knowledge to proceed through the court system. As our partners contract their
ability to provide services to this population, pro bono programs at Akerman and other

¹Eagly, Ingrid and Steven Shafer, “A National Study of Access to Counsel in Immigration Court,” University of

DECLARATION OF William A. Van Nortwick, Jr.
(Case No. 2:17-cv-00716)
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law firms will lose our ability to effectively support pro bono lawyers volunteering their
services. When we cannot provide ongoing training, mentorship, and guidance to our
pro bono lawyers, our lawyers cannot continue to practice in this space. The ultimate
effect would be a widening of the justice gap in immigration court, and a decrease in the
system’s overall effectiveness and efficiency in the delivery of justice.

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

Executed the 5th day of June, 2017, in Jacksonville, Florida.

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

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

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

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

7. A significant portion of our asylum docket consists of full representation cases for clients who suffered persecution in their home countries based on their LGBTQ and/or HIV+ status. We consider this work an extension of the firm’s broader commitment to protecting the rights of the LGBTQ community—the most high-profile example being our work to achieve marriage equality in United States v. Windsor. In some instances, we have partnered with in-house counsel from large corporations on pro bono immigration projects. Because corporations generally lack the resources to provide full representation, in-house counsel may choose to collaborate with law firms on “limited scope” pro bono projects. For example, Paul, Weiss recently launched a limited scope legal clinic for unrepresented immigrants seeking asylum based on their LGBTQ or HIV+ status (the “Asylum Clinic”). Paul, Weiss operates the Asylum Clinic in cooperation with a New York-based legal services organization, along with corporate in-house counsel. The purpose of the Asylum Clinic is to relieve some of the burden on the cooperating legal services organization, which has been inundated with requests for assistance from low-income LGBTQ clients seeking immigration relief.

8. At the Clinic, Paul, Weiss attorneys and in-house counsel meet with eight to ten clients per Asylum Clinic and assess each client’s potential claim for asylum or other form of immigration relief. Clients are advised of the limited scope nature of the clinic, including the fact that the attorneys involved will not provide full representation (i.e., will not enter a notice of appearance on their behalf in Immigration Court or with any federal government department or agency). If the client consents to this limited legal service, s/he is asked to sign an agreement memorializing the limited nature of the relationship. The Asylum Clinic was never intended to
operate on a full representation model. To the contrary, this project is appealing because of its limited scope nature: it allows in-house attorneys and Paul, Weiss attorneys who do not have the capacity to take on a full representation asylum case to make a difference in the life of a vulnerable immigrant and assist an overburdened legal services organization without engaging in a full-scope representation.

9. The Asylum Clinic requires Paul, Weiss attorneys to study the facts of each case and apply the relevant law to assess the merits and/or weaknesses of the case. In certain situations, Paul, Weiss attorneys may provide clients with guidance as to possible claims for relief. After each clinic, Paul, Weiss attorneys provide the cooperating legal services organization with an evaluation of each case—setting forth both the relevant facts and legal conclusions regarding the merits and any challenges identified during the Clinic. The legal services organization then uses the Paul, Weiss assessments to determine whether clients will receive assistance in obtaining full representation from pro bono counsel.

10. The firm’s involvement in the Asylum Clinic is just one example of our work in a variety of limited scope pro bono efforts, including additional projects that also implicate federal law. In another example, our attorneys review and analyze documents for veterans’ disability matters in order to assist several legal services organizations to assess the factual basis for claims of service-connected disabilities in cases before the U.S. Department of Veterans Affairs.

11. Limited scope pro bono efforts are vital, and thus have become a robust part of law firm pro bono practice, because they allow our attorneys to provide pro bono assistance to a far greater number of vulnerable clients than we could through the traditional full representation model. Paul, Weiss simply cannot accept for full representation all of the clients our attorneys work with
during limited scope pro bono projects. In the immigration context, the firm is already devoting substantial resources to full representation cases. Since 2010, Paul, Weiss attorneys spent over 16,000 hours on behalf of close to 20 clients in defensive asylum cases before the immigration courts. During that same period, our attorneys spent over 11,000 hours assisting over 20 immigrant children seeking SIJS relief.

12. All of the firm’s full representation pro bono immigration cases are referred by local or national legal services organizations. Each of those organizations provides active “mentoring” for every case referred to Paul, Weiss. This is a common model for pro bono immigration work due to the complexity of the relevant law and practice rules, and the fact that most large firms do not have established immigration practices for paying clients. Through this mentoring model, an immigration lawyer at the referring legal services organization provides advice, reviews and provides input on draft filings, and assists in developing strategies to address challenges in each of our full representation immigration cases. Those legal services attorneys do not appear in any of our cases, and our clients consent to this limited scope mentoring role.

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

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

[Signature]

Audra J. Soloway