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## Pro Bono – Law Firms

# From The Pro Bono Trenches: A Spectator's Guide To The Chesterfield Smith Fellowship At Holland & Knight

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### HOLLAND & KNIGHT LLP

I still remember exactly how I felt the day I began working at Holland & Knight as a Chesterfield Smith Fellow in the firm's Community Services Team.

I was elated yet daunted that I was selected for this unique opportunity. Smith Fellows spend their first two years at Holland & Knight performing only pro bono work under the supervision of Holland & Knight partners, frequently working on major cases where the firm co-counsels with nationally-recognized advocacy organizations.

Nine months later, it is mind-boggling to realize that a job could become a mission and exceed even the greatest of my expectations. As a Smith Fellow in Holland & Knight's Miami office, the majority of my pro bono cases consist of

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immigration matters co-counseled with the Florida Immigrant Advocacy Center (FIAC), Florida's premier legal services organization for indigent immigrants, asylum-seekers and newcomers. Because of the urgent need for pro bono assistance in this area, I have had the privilege of successfully representing more than 50 immigrants and asylum-seekers from over 15 different countries during the course of the last nine months.

In my first case, Holland & Knight was appointed by the Court of Appeals for the Eleventh Circuit to serve as appellate counsel for a Colombian asylum seeker. The Immigration Judge and the Board of Immigration Appeals had denied the client asylum despite credible

evidence that he had been beaten, kidnapped and shot at by members of the guerrilla Revolutionary Armed Forces of Colombia (FARC) because of his political opinion. With the expert assistance of numerous colleagues in our Miami office who recognize the importance of pro bono work, I briefed the case and conducted oral argument before the court. The court vacated the decision denying asylum to my client and remanded the case to the Immigration Judge for further proceedings. This case provided my first insight into how conscientious, hard-working lawyers can turn around even the bleakest of cases by providing zealous advocacy where none was previously available.

Next, FIAC had just visited the Wakulla County Detention Facility in Crawfordville, Florida, and was concerned by the alarming group of more than sixty individuals detained indefinitely by immigration authorities at this facility. Under recent Supreme Court precedent, *Zadvydas v. Davis*, 533 U.S. 678 (2001), immigrants can file *habeas corpus* petitions in federal court seeking their release under an order of supervision if immigration authorities have been unable to deport them after six months in custody.

Holland & Knight agreed to represent two indefinite detainees: a man from the British Virgin Islands who had lost status in the United States and could not be deported because he had lost his passport and the British Government refused to

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accept his U.S. documentation as proof of his British Overseas Territories citizenship; and a man born in Morocco to a woman who had been ruthlessly raped and who could not be recognized as a Moroccan citizen because citizenship can only be transmitted by the father under Moroccan law.

After filing habeas petitions in the United States District Court for the Northern District of Florida and litigating these matters until release was recommended by the Magistrate Judge, immigration authorities finally agreed to release both of Holland & Knight's clients, as well as dozens of other indefinite detainees whose removal was not foreseeable.

While these cases were memorable, I will never forget the first pro bono client I helped secure release from immigration custody. This client was a Jamaican born woman in her mid-twenties. Immigration authorities detained and sought to deport her because she had pled guilty to a shoplifting offense when she was a teenager. After researching her case, I realized that my client was in fact a United States citizen by operation of law because her mother had naturalized before my client turned 18. I immediately moved for a custody re-determination and, within the week, my client was released from jail. Had my United States citizen client not had access to pro bono representation, she would almost certainly have been erroneously deported to Jamaica and her three young children would have been forced to grow up in the United States without a mother.

Additionally, I have learned that even individual representation can have an impact upon the lives of many similarly situated individuals. For instance, when Holland & Knight agreed to represent a Honduran child with his petition for special immigrant juvenile (SIJ) status, not a soul could have envisioned this his case would have far-reaching implications. SIJ status is an immigration remedy available to abused, abandoned or neglected immigrant children for whom a juvenile court has determined are dependent and eligible for long-term foster care. Prior to 2005, if an applicant for SIJ status lived in Florida, that applicant was deemed ineligible for SIJ status if they turned 18 prior to final adjudication of their appli-

cation by U.S. Citizenship and Immigration Services (USCIS).

In order to alleviate this problem, the Florida Legislature enacted a statute which allows non-citizens to remain dependent upon a juvenile court until their 21st birthday so long as they are applying for SIJ status. My client happened to be the first person that applied for SIJ status after the Florida statute was passed. Immigration authorities in Florida, however, decided not to grant any SIJ petitions if the new statute played any role in determining the petitioner's eligibility for SIJ status. Upon extensive briefing of the issues in the case, however, USCIS finally decided that the Florida Legislature was attempting to protect the welfare of all children in the custody of its courts, including undocumented aliens, and that abused, abandoned and neglected non-citizens from ages 18-21 will be able to qualify for special immigrant juvenile status under the new Florida Statute. This SIJ case not only represented a victory for my client, but was a victory for all abused, abandoned and neglected immigrant children in Florida.

Finally, I have been most impacted by working on an asylum case for a Cameroonian political activist that took months to finally win. In Cameroon, my client was repeatedly detained and tortured by the Francophone leadership of Cameroon because he was a prominent Anglophone activist. In seeking asylum in the United States, my client suffered every conceivable misfortune. First, upon arrival in the United States, he was wrongfully prosecuted and convicted for using a false British passport to enter the United States in contravention to United States' international treaty obligations, even though the Cameroonian government had confiscated his Cameroonian passport and he would have spent the rest of his life in jail had he not escaped with a false passport to flee the country. I prepared for my client's asylum for months, gathering numerous expert witnesses and affidavits and even contacting my client's attorney in Cameroon and members of his political party to serve as fact witnesses. At his trial, during my client's compelling testimony, the government attorney stipulated to my client being granted asylum even before I could even

question any of these other witnesses I had prepared.

The Immigration Judge thanked Holland & Knight for representing this obviously worthy victim of persecution and even apologized to my client for everything that had happened to him in the United States. Two nights later, I received the following email from my client's lawyer in Cameroon:

*Dear Leon: You cannot imagine the joy of an entire village here in Cameroon when he himself called to speak to his mother. I did not myself imagine that court decision would have such a tremendous impact on an entire community. I have been asked by [his] relations who were about to attribute the wonderful news to me to thank you on their behalf and wish you God's blessings and guidance in all your endeavors. Please accept therefore the best wishes of a people who will never be able to reward you financially but whose daily prayers go along with you.*

After receiving this email on my Blackberry in the middle of having dinner, I immediately started crying. I do not know why I started crying, because there was no reason to cry after reading such a wonderful and inspiring email. But at that moment, I was so thankful that Holland & Knight would expend such resources to help people like my clients and I was overjoyed that they had hired me to be the agent for positive change in so many of my clients' lives.

Today I understand why I cried when I read that email. It is because I realized that for each of my clients who receive help, there are a thousand other people equally deserving of pro bono representation that will never be helped because the focus at many law firms has shifted to profit and pro-bono work that will help firms gain clients, fame and exposure, but not necessarily help indigent individuals in dire need. It is my hope that lawyers and law firms heed stories such as my clients' from the pro bono trenches and learn to prize the positive societal changes that can result from the representation of even a single client. As a Smith Fellow, I have seen first-hand the truth of the famous saying, "you may only be one person in the world, but you may also be the world to one person."