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Uncertain Times Have Boosted Pro Bono

Much attention to pro bono lawyering has focused on the border, but there has been a sustained effort defending the rights of immigrants for longer than that.

By **Marnie Berk** | August 14, 2018

For New York law firms there has always been considerable risk in naming the current occupant of the White House, whoever it happens to be, and I don't plan to name the latest one here, either.

Still, over the last couple of years at New York Lawyers for the Public Interest, we've seen a marked rededication to the pursuit of justice through pro bono

engagement from our partner attorneys, particularly in the area of immigration. And I don't think that's coincidental.

Believe me, to use an increasingly familiar turn of phrase, it's been...huge. And it's not hard to see why: Recent headlines about family separation may have prompted one protester to scale the Statue of Liberty, but the steady drip of immigration horror



stories began long before that.

The 2017 death of Carlos Mejia-Bonilla while in the custody of Immigration and Customs Enforcement (ICE) followed repeated requests for proper medical care. He told his family that he wasn't receiving the care he desperately needed. Sadly, he was right. NYLPI, in partnership with pro bono counsel at Dechert, is preparing to file a lawsuit on behalf of Mr. Bonilla's daughter.

It's worth noting that while the immigration attitude, policy and rhetoric of America's federal leadership has taken a marked turn for the worse since the administration changed in 2017, human beings in ICE detention have experienced routinely dangerous conditions for longer than that, including delays in receiving medical attention, denial of requests for off-site specialized care and inadequate treatment for acute pain.

Much attention to pro bono lawyering has focused on the border, but there has been a sustained effort defending the rights of immigrants for longer than that. We continue to litigate with our pro bono partners at Simpson Thacher & Bartlett in the case of Michelet Charles, for example. A green card holder who relies on daily medication to treat bipolar and schizoaffective disorders, Mr. Charles was abandoned on the street in Manhattan during freezing weather after winning his immigration hearing, in early 2016. Shortly after his release, Mr. Charles required a two-month admission to an inpatient psychiatric facility when beforehand, he had successfully managed his mental health for years.

Yet there is no denying that we are living, now, in darker times. A marked and terrifying increase in aggressive ICE action has caused nonprofits and service providers alike to question how to continue effective operations and ensure that their immigrant clients have access to their services.

The long battle for civil rights and social justice has entered a startling era of uncertainty, and in the midst of that, lawyers have increasingly felt the rising sense of justice denied that draws so many of us to practice in the modern profession, in the

first place.

The significant increase in immigration arrests—including in and around courts, public buildings, places of worship and schools—has caused feelings of panic in immigrant communities. Many of our own clients have expressed fear of going to court and to health care providers to receive life-saving medical care because of the perceived dangers of immigration enforcement.

In response, with help from our pro bono partners at firms including Stroock & Stroock & Lavan, we developed guidelines to help nonprofits protect themselves and their clients in the face of increased immigration enforcement. The guide, produced in partnership with expert attorneys, nonprofits and social service leaders, has helped those working in the immigration space to navigate complex and frightening questions in this area.

Naturalization is also key for many immigrants in overcoming a host of obstacles and, of course, it means that they can hold our leaders accountable by voting. Our pro bono partners at Simpson Thacher, at Fried, Frank, Harris, Shriver & Jacobson and at Cleary Gottlieb Steen & Hamilton have helped to naturalize approaching a thousand people since 2016.

Of course, pro bono attorneys have always been an invaluable part of New York's legal landscape. But there is no doubt that right now, we are in the midst of an ongoing and extraordinary call-to-arms. Based on the evidence, it's only a matter of time before the next opportunity for impactful engagement arises.

Marnie Berk is the director of pro bono programs at New York Lawyers for the Public Interest (NYLPI.org).

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