

CONTEMPLATING A REBELLIOUS APPROACH TO REPRESENTING UNACCOMPANIED IMMIGRANT CHILDREN IN A DEPORTATION DEFENSE CLINIC

BILL ONG HING*

In response to the surge of unaccompanied immigrant children at the border in the summer of 2014, I expanded my pro bono work with students and started a law school deportation defense clinic. With the hard work of a full-time immigration attorney and a paralegal, the Clinic has attracted three to four students each semester (including summers) who receive three to six units of credit. Within a few months, the Clinic accepted dozens of cases that were transferred to northern California from detention facilities across the country. The pressure to accept such a large number of cases so quickly came from funding sources and from other legal services providers who were having difficulties managing their own caseloads. The clients uniformly suffer from trauma as well as cultural challenges. In the meantime, with Jerry López's vision of rebellious lawyering in mind, I have been committed to practicing law and running the Clinic in a collaborative fashion. As this work under pressure has unfolded, we have failed to be perfect. Triage often forces us to shortcut the type of collaboration that is needed to focus on the detailed needs of individual clients or develop allied relationships and institutional partnerships. Yet some remarkable things have been accomplished. The Clinic's staff, students, and I strive to not, in López's words, "be overwhelmed by the daily detail of work" or to get frustrated over the "lack of fully developed theoretical help," and try to pursue a rebellious vision of lawyering amidst the high case volume and multiple client needs.

INTRODUCTION

[S]ome lay and professional people do manage to coordinate their fight against subordination through a different understanding of lawyering. These people refuse to be overwhelmed by the daily detail of work, just as they refuse to believe that the regnant idea is either natural or inevitable. Instead, they manage somehow to re-approach their

* Professor of Law, University of San Francisco School of Law. Many thanks to Jacqueline Brown Scott and Vanessa Saldivar for their inspiration and day-in-day-out dedication to migrants from Central America.

work, to make it up as they go along, with no master plan, and by fits and starts. . . . [T]hey also learn to recognize [regnant] habits, to resist them, to overturn them, to substitute others in their place. Rather than letting themselves get nothing but frustrated over the lack of fully developed theoretical help, they try . . . to draw on marginalized experiences, neglected institutions and dormant imagination to redefine what clients, lawyers, and others can do to change their lives.¹

The Spring semester (2016) has started off with a bang. As we ring in the new year, news breaks that the Obama administration has engaged in raids to round up unaccompanied children and family units (women with children) who have been ordered deported, but who have not departed.² The targets of the raids are those unaccompanied minors and mothers with children who have been part of the surge of migrants fleeing the violence of the northern triangle of Central America—Honduras, El Salvador, and Guatemala—since 2014. Most of the targets were ordered deported *in absentia* because they did not show up for their immigration court removal hearings.³ They also were either unrepresented or did not receive notice of their hearings.⁴

In response to the surge of unaccompanied immigrant children (UACs) at the border in the summer of 2014, I expanded my *pro bono* work with students and started a deportation defense clinic at the University of San Francisco School of Law.⁵ Fortunately, I was able to hire excellent and experienced full-time staff: an attorney and paralegal.⁶ The Clinic has attracted three to four students each semester (including summers) who receive three to six units of credit. Within a few months, we accepted dozens of UAC cases that were transferred

¹ GERALD P. LÓPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* 29 (1992).

² See Lisa Rein, *U.S. Authorities Begin Raids, Taking 121 Illegal Immigrants into Custody over the Weekend*, WASH. POST, Jan. 4, 2016.

³ Under 8 U.S.C. § 1229a(b)(5)(A), an alien who has received “written notice [of the removal hearing and who] does not attend . . . shall be ordered removed in absentia if the [government] establishes by clear, unequivocal, and convincing evidence that the written notice was so provided and that the alien is removable.”

⁴ Benjamin Johnson, *Don't Target the Vulnerable*, THE HILL, June 21, 2016.

⁵ Our clinic is certainly not the first that is representing unaccompanied minors. For better or worse, however, ours is the only one that is driven by funding to accept a very large caseload due to funding requirements. So our experience is far different from that of a clinic that is more conventional in caseload size that might be representing such minors. See Julie Marzouk, *Ethical and Effective Representation of Unaccompanied Immigrant Minors in Domestic Violence-Based Asylum Cases*, 22 CLIN. L. REV. 395 (2016).

⁶ The law school was able to access funding for representing UACs that was made available from the City and County of San Francisco and the California legislature. See Elise Foley, *San Francisco Supervisors Vote to Provide Lawyers for Kids Facing Deportation*, HUFFINGTON POST, Sept. 17, 2014; Alex Dobuzinskis, *California Sets up Fund for Legal Representation of Immigrant Children*, REUTERS, Sept. 27, 2014.

to northern California from detention facilities across the country. The pressure on us to accept such a large number of cases so quickly came from funding sources and from other legal services providers who were having difficulties managing their own caseloads. While we have done our best to get out from under a constant state of triage (because ICE and the immigration courts have instituted “rocket dockets” for the UACs),⁷ time and case pressures are steady. Essentially, we have two caseloads: (1) UACs, comprised of youth ranging in age from 8 to 19 and (2) adults with children (AWCs), consisting mostly of women and children, some as young as a few months old.

The high-pressured situation creates a real challenge to representing UACs and AWCs with a rebellious vision extolled by Jerry López to which I am committed. Working with children in a manner that seeks to demystify the process and incorporate them in discussions of strategies and approach is a struggle, as we come to rely heavily on guardians—sometimes older, undocumented siblings already in the United States. Relatedly, representing non-English-speakers from different cultures creates a special challenge for representatives—including some students and me—who are not completely fluent culturally and linguistically. Perhaps the biggest challenge is to work with clients who have been traumatized and need mental health counseling as their cases progress. Seeking counseling for ourselves and our students also is important because of the constant stories of trauma that we hear from our clients. In the midst of case and caseload pressures, we are challenged to seek allies across fields, disciplines, and institutions to prepare the individual cases competently while simultaneously battling the White House and the Department of Homeland Security over their misguided policies of making UAC deportations one of their highest immigration enforcement priorities.⁸ This includes working with policy advocates as well as litigators, many of whom do not practice in the rebellious vision.

As this work under pressure has unfolded, we have failed to be perfect. Triage often forces us to shortcut the type of collaboration that is needed for focusing on the detailed needs of individual clients or developing allied relationships and institutional partnerships. Yet with a rebellious vision constantly in the back of our minds, some remarkable things have been accomplished. The Clinic’s staff, students, and I are striving to not be “overwhelmed by the daily detail of work” or to get “frustrated over the lack of fully developed theoretical help,”

⁷ See Dianne Solis, *Rocket Dockets may be Jettisoning Justice for Immigrant Children*, DALLAS MORNING NEWS, Aug. 27, 2014.

⁸ See Julia Edwards, *U.S. to Put Child Migrants on Fast Track in Deportation Hearings: Official*, REUTERS, July 8, 2014.

and try “to draw on marginalized experiences, neglected institutions and dormant imagination to redefine what clients” and we can do “to change their lives.”⁹

This article is largely a personal reflection on the relatively short time—eighteen months—that the Clinic has been in operation. In a sense, this is a running account of the semester, including some ups and downs, distractions, and detours that occur in the course of any semester. I begin in Part I with a description of the context in which the need for the Clinic arose. In that part, I describe the influx of minors and women with children from Central America in 2014 and the enforcement response of the Obama Administration. This includes a brief description of the conditions that compelled the migrants to flee to the United States. In Part II, I take the time to describe the Clinic staff and students. I do so because I want the reader to have an informed image of the players who are interacting with the clients and other parties. Hopefully, our backgrounds will help establish the commitment that we bring to the Clinic work. I then turn to the basic work of the Clinic in Part III by describing some cases and the work that was done. My intent here is to provide some sense of the clients as well in order to understand such things as the trauma, for instance, the clients have experienced. In Part IV, I raise a particular challenge that those working on asylum cases face—the concern with secondary trauma. The threats are real, and I feel that seeking mental health allies falls squarely within the rebellious vision. I then turn to an aspect of the clinic and rebellious lawyering in Part V that relates to working with a grassroots organization and its organizing activities. In my view, that type of work is a critical aspect of the rebellious vision. In Part VI, I reflect more specifically on the Clinic and the challenge of operating in a rebellious vision. I discuss rebellious theory in the context of what we are doing, and assess how we are measuring up at this point. I then close with some final reflections.

Taking the time to do this reflection through the lens of rebellious lawyering theory is important to me, because I want to remain true to that Lópezian philosophy that I heartily embrace. The accounts of Clinic life and adventures that I share here are stories that occurred during the most recent Clinic semester. Those stories or chapters touch upon many aspects of rebellious lawyering, but certainly not all.

I. THE CONTEXT

Immigrants and immigrant rights advocates knew we were in trouble when a Ku Klux Klan “knight” called for shooting UACs ar-

⁹ LÓPEZ, *supra* note 1, at 29.

iving at the border and the Obama administration prioritized the removal of UACs and children arriving at the border with other family members. Indeed, the Loyal White Knights of the Klan advocated a “shoot-to-kill” border policy, and one North Carolina Klan leader said the policy should apply to UACs: “If we pop a couple of ‘em off and leave the corpses laying on the border, maybe they’ll see we’re serious about stopping immigrants.”¹⁰ Although the White House initially labeled the influx of UACs a “humanitarian crisis,”¹¹ the Department of Homeland Security and Department of Justice responded by sending a “surge” of immigration judges and government attorneys to the border to start deportation hearings immediately and handling countless hearings remotely, while sending similar messages to immigration courts around the country that UAC-related cases should be prioritized.¹²

During fiscal year 2014, more than 68,000 unaccompanied alien children from Honduras, El Salvador, Guatemala, and Mexico reached the southern U.S. border.¹³ An equivalent number of family units—AWCs, primarily women and children—arrived as well.

The sharp increase has generated tremendous media coverage and speculation by elected officials and others about the reasons for the surge.¹⁴ In reality, the problem is enormously complex. The Women’s Refugee Commission found through interviews with 151 such youth that their migration arose out of longstanding, complex problems in their home countries—that is, the growing influence of youth gangs and drug cartels, targeting of youth by gangs and police, gender based violence, rising poverty, and continuing unemployment.¹⁵ Over 77 percent of the participants cited violence as the main reason children were fleeing their countries.¹⁶

Violence in the home countries is a definite factor. Honduras and El Salvador are two countries with the highest murder rates in the world. Children are at great risk of gang violence. Collaboration between drug cartels and gangs has led to a significant increase in vio-

¹⁰ Leslie Savan, *The KKK Wants a ‘Shoot to Kill’ Policy to Include Migrant Children*, THE NATION, July 30, 2014.

¹¹ Ryan Grim, *Shocking Photos of Humanitarian Crisis on U.S. Border Emerge*, HUFFINGTON POST, June 6, 2014.

¹² See Alan Gomez, *Obama Orders ‘Surge’ to Border to Speed up Deportations*, USA TODAY, June 20, 2014.

¹³ Haeyoun Park, *Children at the Border*, N.Y. TIMES, Oct. 21, 2014.

¹⁴ *Id.*; *Why are so Many Children Trying to Cross the U.S. Border?*, BBC NEWS, Sept. 30, 2014; Jerry Markon & Joshua Partlow, *Unaccompanied Children Crossing Southern Border in Greater Numbers Again, Raising Fears of New Migrant Crisis*, WASH. POST, Dec. 16, 2015.

¹⁵ Sonia Nazario, *Child Migrants, Alone in Court*, N.Y. TIMES, Apr. 10, 2013.

¹⁶ *Id.*

lence, with children and teens being the primary targets. According to the University Institute on Democracy, Peace and Security at the National Autonomous University of Honduras, 920 Honduran children were murdered between January and March of 2012.¹⁷ In El Salvador, gangs have increasingly targeted children at their schools, resulting in El Salvador having one of the lowest school attendance rates in Latin America.

Human and drug trafficking is occurring. Due to the influence of cartels in Mexico and at the border, the current migratory experience is very much connected with human and drug trafficking. The United Nations High Commissioner for Refugees (UNHCR) reported that organized criminal groups coerce children into prostitution and to work as hit men, lookouts, and drug mules.¹⁸ Drug traffickers may target minors in their home country and force them to traffic drugs across the border and once they are in the United States. Because these youth often travel alone and are escaping death in their home countries, they often are faced with no choice but to carry drugs or work for drug cartels in order to cross the border. Gang and drug trafficking in Central America also are increasingly recruiting girls to smuggle and sell drugs in their home countries, using gang rape as a means of forcing them into compliance. Many gangs are targeting younger girls, some as young as nine-years-old, for rape and sexual assault. Gangs also use the threat of rape as a tactic to gain money through extortion and kidnapping.¹⁹

A. Detention of Unaccompanied Children

The Office of Refugee Resettlement (ORR), a branch of the Department of Health and Human Services, is the federal agency responsible for the care and custody of unaccompanied children. Under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, unaccompanied, non-Mexican children who lack authorization to enter the United States must be transferred to ORR custody within 72 hours of their arrest instead of being subject to expedited removal procedures.²⁰ For several years, ORR has operated temporary shelters throughout the United States to house children while ORR caseworkers seek to reunify them with family members or fam-

¹⁷ WOMEN'S REFUGEE COMMISSION, FORCED FROM HOME: THE LOST BOYS AND GIRLS OF CENTRAL AMERICA, Oct. 2012, at 9.

¹⁸ UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, CHILDREN ON THE RUN (2014); FRANK DE WAEGH, UNWILLING PARTICIPANTS: THE COERCION OF YOUTH INTO VIOLENT CRIMINAL GROUPS IN CENTRAL AMERICA'S NORTHERN TRIANGLE 5 (2015).

¹⁹ DE WAEGH, *supra*, note 18 at 9.

²⁰ Lazaro Zamora, *Unaccompanied Alien Children: A Primer*, BIPARTISAN POLICY CENTER, July 21, 2014.

ily friends in the United States. In response to the dramatic increase in numbers of children apprehended by Customs and Border Patrol in 2014, ORR opened three large facilities housed on military bases: Joint Base San Antonio – Lackland in San Antonio, Texas, Fort Sill Army Base in Oklahoma, and Port Hueneme Naval Base in Ventura, California.²¹ Immigrant rights advocates raised serious concerns about the conditions in which children were held at these facilities and the difficulty in gaining access by attorneys and legal workers due to security procedures at these military facilities.²²

B. Detention of Families

In another policy change in 2014, Immigration and Customs Enforcement (ICE) began detaining families apprehended at the border, rather than releasing them from custody to appear for removal proceedings at a later date.²³ ICE opened a family detention center in Artesia, New Mexico, in July and opened a second family detention center in Karnes City, Texas, in August. The conditions in the Artesia facility were so bad that complaints by detainees and volunteer advocates led to its closure within a few months.²⁴ Another facility opened in Dilley, Texas, and as of July 2015, all the ICE family detention centers are under court order to abide by conditions suitable for the housing of children and to be more reasonable in allowing children to be released to friends and relatives in the United States.²⁵

As UACs and AWCs have been released, they end up in large numbers in certain areas of the country—including northern California and throughout California’s Central Valley—the geographic area that provides cases for the USF Immigration and Deportation Defense Clinic.

II. THE DEPORTATION DEFENSE CLINIC STAFF AND STUDENTS

The Clinic is a reflection of the work that is done and the individuals who do the work with the clients. Given what they have fled, our clients, in my opinion, are very sympathetic from human rights and refugee rights perspectives. The Clinic staff and students we have attracted are deeply dedicated to our clients’ representation. In part,

²¹ Sarah Bronstein, *Update on Unaccompanied Children and Families*, CATHOLIC LEGAL IMMIGRATION NETWORK, INC., Aug. 2014.

²² *Id.*

²³ Zamora, *supra* note 20.

²⁴ Brianna Lee, *The Child Migrants Crisis Has Faded, but Family Detentions are Forging Ahead*, INT’L BUS. TIMES, Dec. 5 2014.

²⁵ Cindy Carcamo, *U.S. Must Release Child Migrants Held in Family Detention*, *Court Says*, L.A. TIMES, July 6, 2016; *Flores v. Lynch*, No. 15-56434, 2016 WL 3670046 (9th Cir. July 6, 2016).

this is important to understanding how the work of a stressful caseload gets done. But their backgrounds also provide a glimpse of whether they are ready to embrace a rebellious vision of practice. At the very least, knowing the background of the staff and students provides a partially informed image of the players who are interacting with the clients and other parties.

Jacqueline Brown Scott, supervising attorney. Sometime in 2011, Jacqueline approached me with the idea of a UAC representation clinic. In her private practice, she regularly volunteered through the Bar Association of San Francisco to represent undocumented immigrants at the immigration court; she could sense the ever-increasing flow of UACs from Central America. However, not until the 2014 surge was I able to raise sufficient funds to hire Jacqueline. My early conversations with Jacqueline before 2014 left me impressed with her knowledge and interest in the issues, but only after bringing her on board could I see what a fabulous attorney she is. She is a brilliant lawyer and an expert on a range of immigration topics, but especially in the areas of asylum and Special Immigrant Juvenile Status (SIJS) that are so relevant to the unaccompanied minor cases that dominate our caseload. After graduating from USF, she clerked for the San Francisco immigration court for two years. She began practicing immigration law after that, while collaborating with several groups, including the Catholic Legal Immigration Network, Community Legal Services of East Palo Alto, the National Center for Refugee & Immigrant Children, and API Legal Outreach. Before coming on board, she traveled as a volunteer to represent women and children being detained at notorious ICE detention facilities in New Mexico and Texas. Not surprisingly, Jacqueline received numerous awards, including the Wiley Manuel Award from the State Bar of California, Barrister of the Year from the Bar Association of San Francisco, the State Bar President's Pro Bono Service Award, and pro bono awards from the American Immigration Lawyers Association (AILA).

Vanessa Saldivar, paralegal and casework coordinator. Vanessa grew up in rural Oregon. She worked for several years with Catholic Charities in Portland and Gresham first as a child specialist, providing support and case management to Spanish-speaking families affected by domestic violence. She eventually became a Board of Immigration Appeals Accredited Representative,²⁶ representing victims of crime

²⁶ Non-attorney accredited representatives may assist noncitizens in immigration proceedings before the Executive Office for Immigration Review's immigration courts and Board of Immigration Appeals, before the Department of Homeland Security, or both. Some accredited representatives may assist noncitizens only before DHS. All accredited representatives must be designated by an organization that is recognized by the Board.

primarily through U Visa petitions and Violence Against Women Act (VAWA) self petitions. She then worked as a legal assistant for a private immigration firm in Bend, Oregon, for a couple years. When the ICE family detention center in Artesia, New Mexico opened, her boss agreed to let Vanessa go to volunteer. But after witnessing the inhumanity of what was happening to the women and children detained, she stayed on to serve as the AILA facilitator for *pro bono* attorneys volunteering to represent detainees in Artesia. She remained until the Artesia facility was closed, thanks in part to her coordination of reports and declarations by volunteers that contributed to exposing the conditions to mainstream media.²⁷ Not surprisingly, Vanessa was honored by the AILA Oregon chapter for her work. When she packed her bags and started driving back to Oregon, Jacqueline, who met Vanessa in Artesia, intercepted her and convinced her to work with us at the Clinic.

In the Spring 2016 semester, four students are enrolled in the clinic. Two—Kaitlin and Ned—were second year law students who were returning from the Fall semester. Both are fluent Spanish speakers. The other two—Nuha and Brooke—are 3Ls who had taken my basic immigration law course as well as my Rebellious Lawyering seminar the year before. Neither is fluent in Spanish. Both also happened to be interested in criminal defense work and related criminal-immigration issues.

Kaitlin is from Indiana. I first met her a year before she started law school. She attended a prospective student event at the law school with her father, who was helping her check out the school and San Francisco. At the time, Kaitlin was working for the Immigrants' and Language Rights Center, which is part of Indiana Legal Services in Indianapolis, where she did a range of work—including asylum assistance—as a paralegal. My hunch about Kaitlin when I met her, which has proven to be correct, is that she would be a great student and an even greater asset to the Clinic. Kaitlin's interest in immigration law grew out of learning Spanish, being around immigrant communities, traveling and living internationally, and her work at the Rights Center. She loves working with people from all over the world and discovering the incredible strength, grace, and grit in each immigrant's story. She was inspired by the personal connections immigration lawyers had with clients and motivated by the direct impact lawyers could have in giving such crucial counsel, support, and empowerment during

Organizations must apply to the Board for recognition as well as accreditation of its representatives. 8 C.F.R. §§ 292.2, 1292.2.

²⁷ See, e.g., Wil S. Hylton, *The Shame of America's Family Detention Camps*, N.Y. TIMES, Feb. 4, 2015 (mentioning Vanessa, previously known as Vanessa Sischo).

a truly life-changing moment in a client's life.

Once Kaitlin became aware of the Deportation Defense Clinic at USF, she wanted to participate. The summer after her first year, I hired her to do research on the multiple lawsuits filed challenging various aspects of the Obama administration's treatment of UACs. Then beginning in the Fall of her second year, she applied and was accepted into the Clinic. Since then, she has had the opportunity to become immersed in many aspects of asylum law. She has worked on asylum cases from start to finish—from meeting with asylum clients to preparing their declarations to representing clients at their removal hearings in Immigration Court or at their interviews in the Asylum Office. During the spring semester, Kaitlin worked on aspects of five different cases.²⁸ Once or twice every semester, each Spanish-speaking student like Kaitlin and Ned also appears with Jacqueline at the immigration court's master calendar rocket docket to interview unrepresented UACs and AWCs who need assistance in their preliminary hearings. In the Fall of 2015, Kaitlin also was one of three students who accompanied Jacqueline to volunteer at the Dilley, Texas immigration family detention center for a week. At the infamous border detention center, Kaitlin witnessed the chaos, intimidation, and abusive conditions asylum seekers experience in the centers. She had difficult conversations about the most painful moments in a client's life, but also had the opportunity to share in their joy when the judge or asylum official informed them they were granted asylum. She tells me that the Clinic has truly been the highlight of law school so far and that she is grateful for these experiences that have made her a better law student, advocate, and person.

Ned is from Taos, New Mexico. After graduating from college, Ned migrated to San Francisco and became a paralegal at a boutique immigration firm. His job was demanding and included a mix of clerical, legal, interpreting and managerial responsibilities. He represented asylum clients from around the globe, but he had a special interest in LGBT, gender, and gang based asylum claims. As a gay man himself, Ned was most proud of his major role in the successful claim of a gay applicant from Russia. After three years at the firm, Ned found himself in law school.

Ned also was in the Clinic in Fall 2015 and, like Kaitlin, volunteered in Dilley, Texas. At Dilley, Ned and the others provided legal counsel and critical advocacy to dozens of detained women and children asylum-seekers facing deplorable conditions. This experience

²⁸ While some clinicians may subscribe to a philosophy of working on one or two cases at a time, I have never felt compelled to follow a "standard" practice, yielding instead to the competence of the student and caseload demands.

tested Ned's ability to respond and produce in a constant state of emergency and under high stakes/high pressure conditions. He conducted group and individual presentations on asylum law and bond procedure for monolingual Spanish speakers.

I first encountered Nuha and Brooke in the summer of 2014 when I was reviewing applications for my upcoming *Rebellious Lawyering* seminar in the Fall. The seminar is a course about what creative public interest lawyers do—not just any creative public interest lawyers, but those who respect their clients (and even consider their clients as partners who share responsibility in addressing clients' legal problems), who look for opportunities to collaborate with allies that can help resolve clients' problems, who look for creative strategies—including through legislation or media work—to solve problems, and who are committed to learning about the socioeconomic background of clients and their communities with the belief that that education will assist lawyers in becoming better at their craft. From that starting point, we learn to understand what that approach means, how it is implemented by a variety of programs, and how the various elements of rebellious lawyering can be refined. The programs that we study range from the local ACLU office to programs such as Bay Area Legal Aid, the San Francisco Mayor's Office of Disability, Legal Services for Children, Catholic Charities, Pangea Legal Services, Asian Americans Advancing Justice - Asian Law Caucus, the Employment Law Center, and public defenders offices. The course includes substantial readings and guest speakers. Additionally, each student is required to have an externship placement, and the weekly class meetings include discussions on whether those externship programs practice in a rebellious manner. I also work closely with placement supervisors to develop a broader community education project. For most projects, that means meeting with folks who are implementing or planning the project and helping to move the project along each week. This may involve helping to plan, conducting community outreach, working with community organizers, and doing some legal and nonlegal research, or coordinating efforts. In addition to the *Rebellious Lawyering* seminar, I devote one or two classes in my basic immigration law course, which is a prerequisite to the clinic, to rebellious lawyering in the immigration context. For that discussion, I require readings by Jerry López, Julie Su,²⁹ Ingrid Eagly,³⁰ and me.

Because I do not get the chance to offer the *Rebellious Law-*

²⁹ Julie Su, *Making the Invisible Visible: The Garment Industry's Dirty Laundry*, 1 J. GENDER RACE & JUST. 405 (1998).

³⁰ Ingrid V. Eagly, *Criminal Clinics in the Pursuit of Immigrant Rights: Lessons from the Lonchero*, 2 UC IRVINE L. REV. 91 (2012).

ying seminar often, I give preference to 3L students for a class that is limited to twenty students. Nuha and Brooke had just completed their first year of law school, so they were at a disadvantage the semester they applied for the seminar.

Nuha became interested in immigration law and criminal defense in large part because of her cultural experiences as a first generation Syrian Muslim woman. She grew up in Southern California, and the plight of immigration always has been recognized within her household. After 9/11, she witnessed members of Arab, Muslim, and South Asian communities unjustly prosecuted, deported, or mistreated as a result of their ethnic and religious identities. With the operation of Guantanamo Bay Prison and the enforcement of the U.S. Patriot Act, she sought out law school in an attempt to disrupt the status quo. Fluent in Arabic, during her 2L year, Nuha landed a job as an interpreter for another professor whose project included interviewing dozens of former Guantanamo detainees. She also volunteered at the Arab Resource and Organizing Center working on asylum cases and representing applicants at the Asylum Office. During Fall 2015, I hired Nuha as my primary research assistant to help me on a paper related to police shootings in places like Ferguson, Missouri, Black Lives Matter and its local partners, and connections to the pro-Palestinian movement. Jacqueline and I figured that given Nuha's passion, work with Arab asylum applicants, and experience as an interpreter, she could well handle the challenges of the Clinic and how to work with her own interpreter for Spanish-speaking clients.

Brooke went to college in Salt Lake City and immediately began participating in social justice and community organizations. She loved working directly with people in the community who often were members of the most oppressed and vulnerable groups. In Salt Lake City, she worked mainly with the immigrant and refugee population at the International Rescue Committee and as an English tutor for adult immigrants. During summers, she was a community organizer in Oakland, California, working with Oakland youth to fight against the militarization of their schools. Her experience working with youth in Oakland opened her eyes to the injustice and racism youth of color face and how their immigration status can make them targets for law enforcement. Brooke decided to go to law school to obtain more skills to help marginalized communities. She volunteered on asylum cases at Catholic Charities and interned with the San Francisco Public Defender's Office.

As for me, I started my legal career as an immigration attorney with San Francisco Neighborhood Legal Assistance Foundation in 1974, doing deportation defense and family immigration visas. When I

started teaching fulltime at Golden Gate University in 1979, I started one of the first two law school immigration clinics in the country—the other being at Columbia University run by Harriet Rabb. I got recruited to Stanford in 1985 to start and direct its first immigration clinic. By 2000, I was directing all the clinics (including the immigration clinic) at U.C. Davis School of Law. Along the way, I have been a standard podium teacher and scholar as well. I also founded the Immigrant Legal Resource Center in 1979 and volunteered as its executive director for over two decades. When I came to USF about seven years ago, I did not contemplate starting another immigration clinic until the surge of UACs in 2014 pulled me back to the clinical world.

Jacqueline, Vanessa, Kaitlin, Ned, Nuha, Brooke, and I were the core team of the Spring 2016 Clinic. However, along the way, three USF undergraduates served as interpreters for Nuha and Brooke, as well as for our clients at the Asylum Office and in practice direct examination sessions.

III. CLIENT WORK

At the beginning of each semester, Jacqueline, Vanessa, and I conduct an intensive training session for the Clinic students on law, procedure, client counseling and interviewing, and case preparation. Those lessons are reinforced throughout the semester during weekly group case review sessions, as well as one-on-one meetings with each student. My basic immigration law course is a prerequisite for enrollment into the Clinic, although the courses can be taken simultaneously. This semester, all four students have already taken the basic immigration law course. Applying the law to practice is another matter, of course. However, all four students are relatively advanced. Kaitlin and Ned worked in immigration law prior to law school, and both were in the Clinic last semester. Nuha has done asylum work already at the Arab Resource and Organizing Center, and Brooke worked on UAC cases at Catholic Charities as part of the Rebellious Lawyering seminar.

In this section, I turn to the basic work of the Clinic by describing some cases and the work that was done. My intent here is to provide some sense of the clients as well in order to understand such things as the trauma, for instance, that the clients have experienced. I also want to provide some idea of the pressure and responsibility the students face in their work. No doubt as they do their work, they also face the basic stress or pressures of daily life as fulltime law students. But honestly, Jacqueline and I make it very clear during our interviews of Clinic applicants and at orientation that the Clinic work must be their

highest priority, and we have received little push back on that position.

A. *Hearing Preparation*

Laura is a 21-year-old female client who fled Honduras because she was targeted by MS-13 gang members who had a vendetta against her brother. Ned has been working with her for several weeks now, and her hearing is scheduled in a couple weeks, on April 20. When Ned was assigned the case in the Fall semester, only the basic framework of the case had been developed. Laura was a client that Jacqueline accepted after volunteering and meeting Laura at a rocket docket master calendar. They met at the law school a few days later, and Jacqueline conducted a lengthy interview, prepared the asylum application, and submitted the application at a subsequent follow up appearance at the immigration court. Part of Jacqueline's work up to that point was to develop a preliminary case theory for asylum eligibility. In the Fall, Ned was assigned the responsibility of working with Laura to develop a lengthy supporting declaration, gather supporting statements from witnesses if possible, and researching relevant country conditions evidence to be submitted to the court. As with so many of our clients, Ned learned of Laura's survival skills in fleeing violence in Honduras and her amazing ability to cope, first in ICE detention, then finally making her way to northern California. This semester, Ned must work with Laura and prepare her for direct examination.

Laura's mother and father separated when Laura was only eight days old. Her mother had to work in the fields and do domestic work for other families to make ends meet for her own. Laura stayed home to care for younger siblings. Although she did not have much of a relationship with her father, when Laura was thirteen, he invited her to the town where he lived to visit him for Christmas for about five days. However, during a holiday party at her father's house, she was drugged by one of his friends and raped. The people at the party were using drugs, and Laura was given a drink. Shortly after drinking what she thought was a soft drink, she started feeling drowsy and disoriented. She woke up the next day in another home. She had been stripped of her clothes and was in great pain; she realized she had been raped.

When Laura told her father about what happened, he did not believe her. In fact, her father beat her with a belt, blaming her for whatever happened. After she went home to her mother, her mother also did not believe Laura. So on her own, Laura went to a doctor who confirmed that she had been raped. Laura was traumatized and became very depressed and suicidal. She attempted suicide on two oc-

casions. The doctor referred her to a psychologist for counseling, which proved helpful.

Meanwhile, as her older brother Daniel got older, he started to get into a lot of trouble and became involved with the MS-13 gang. Initially, he just hung out with members socially, often meeting up just to drink and take drugs like marijuana and cocaine. However, as Daniel became deeper and deeper involved in drug use, he became addicted and more aggressive. He started selling drugs for the gang. Daniel attacked Laura three times, and the police arrested and detained him for over two months.

When Laura was sixteen, she started dating Agustin, who was about six years older. She eventually moved in with Agustin and his mother, and they had a daughter, Ana. Agustin, who had previously lived in the United States, soon returned to the United States to find work, in order to help support the family. His mother was ill and unable to work, so Laura and Ana continued to live with her.

Meanwhile, MS-13 started to get more aggressive with Laura's brother Daniel. He owed them drug money, so they recruited him to rape and kill in addition to selling drugs. He was told that if he refused, they would target his family. Instead, he fled into hiding, and he continues to move around only in disguise. Gang members went to Laura's mother demanding to know where Daniel was. She felt so threatened, that she moved into hiding herself in a very poor barrio. She lives in constant fear and is afraid to leave home by herself. She is so distraught, that a week or so before Laura's deportation hearing, Laura learned that her mother had attempted suicide.

One day in October 2014, when Laura was living with Agustin's mother, Laura was home with her daughter Ana and two nieces. She heard a knock on the door and answered. Three men were at the door, whom she immediately recognized as MS-13 because of how they were dressed and the tattoos on their arms and necks. One asked: "Are you Laura, the sister of Daniel?" She responded yes, and the inquisitor said they were there for Ana. She asked why, and he yelled: "Give us the girl or you die!" He pulled out a knife, and Laura slammed the door shut and locked it. She grabbed the three children and ran out the back door. She saw a neighbor and shouted to her to call the police. She saw the men running away, but Laura proceeded to the police station which was five or six minutes away. When she got to the station, no one was there and the door was locked.

Laura went back to the house and later called Agustin. She was upset. Three days later, she packed some belongings into a backpack and left with Ana. She felt that she could never be safe in Honduras. Getting through Mexico was especially harrowing for Laura, as it has

been for countless others. It took her weeks, but she made it to the United States where she was taken into ICE custody upon attempting to enter.

Ned's job is to prepare Laura for direct examination at her upcoming deportation hearing. We have trained the Clinic students on direct examination, and they have read Board of Immigration Appeals (BIA) decisions on how immigration judges and the BIA assess credibility. As with any courtroom testimony, the demeanor of the client witness is critical, but students have learned that credibility will turn quite heavily on consistency of the testimony—internally, but also when compared with the client's detailed declaration that was previously submitted and any other supporting documents or evidence.

Laura has suffered from severe trauma, and that affects her life, including how her preparation proceeds. Jacqueline told me that at an early meeting, she gave Laura a coloring book to doodle with while she interviewed Laura. More relaxed, Laura was able to open up quite a bit with Jacqueline. Last semester after the second or third meeting, Laura opened up to Ned, who has a very kind and gentle demeanor; she told him about the rape—the first time she had mentioned it to anyone in the Clinic. Since arriving in San Francisco, Laura has been able to receive more counseling at a community mental health center.

Ned begins the direct examination prep by meeting again with Laura for two hours about two weeks before the hearing date. He is very familiar with the facts in the case and has prepared some draft questions. Jacqueline sits in to observe and takes notes. Ned explains the process that will take place at the hearing, and shares with Laura the concepts of credibility and testimony consistency. She asks questions about who will be at the hearing; Ned explains. Ned then goes through his preliminary draft of questions with Laura. With feedback from Jacqueline after the meeting, Ned redrafts the direct examination questions and emails them to Jacqueline and me. Ned has learned for the first time that Laura's mother recently attempted suicide because of all the stress and anxiety from which she is suffering. From his experience and hours of Clinic case review discussions, Ned knows that learning new facts from asylum clients is not uncommon, even after many meetings. Ned knows that he has to work all that in and to explain to Laura why that information is useful to the case. Ned knows that we will be going over and over the testimony with Laura. He explains to Laura the Clinic's obsession with consistency and details, because of the scrutiny that the immigration judge, the government attorney, and potentially the Board of Immigration Ap-

peals will have about her testimony.³¹

Another prep meeting is scheduled a week before the hearing. Now we get more formal. For the first time, Ned does not speak with Laura in Spanish. We bring in Michael, one of our undergrad interpreters, to serve as the court interpreter for this practice. I sit in to serve as the government attorney to raise objections during cross. Most of the objections are to leading questions or assuming facts not in evidence. We explain to Laura the objections that have been raised to Ned's questions. Ned, like most students and neophyte trial attorneys, is a bit frustrated at how to ask certain questions in a non-leading manner to elicit the desired answer. The session lasts about two hours. Laura is tired, but she has done well. Having observed Laura for the first time in this setting, I tell her that her demeanor appears forthright and her mannerisms are natural. Of course, she is nervous, but nothing that indicates a lack of trustworthiness. I think she comes across very credibly. I tell her that; she is thankful.

We all meet again two days before the hearing. Ned has reworked the direct exam questions again. Michael the undergrad interpreter is present again. This time Laura had to bring four-year-old Ana with her, because no one was available to babysit. Ana is chatty—wanting everyone's attention—not only her mother's. Michael, the undergrad, gives her colored markers for the erasable white board in the room. Jacqueline comes in a little late because another client had popped in unexpectedly. When Jacqueline sees Ana at the white board, Jacqueline runs back up to her office and returns with coloring books and crayons for Ana. Ned only goes over certain sections of the direct examination with Laura. Jacqueline and I explain to Laura that the government will cross examine her. We ask relatively straightforward cross examination questions to give Laura a feel for what might happen. We stop after an hour and a half. Laura is exhausted; Ana has been distracting to all of us (more to us Clinic folks than to her mother Laura). Laura did not do well during the examination; she was tired, and she comes across that way. We fear that we have overworked her, and hope that she recovers by hearing time, otherwise her lethargy may reflect poorly on her credibility. At every prep session, some new fact or nuance comes up. Some new items might affect consistency and credibility if not presented in the right context. We explain that to Laura. She always understands and helps to clarify and to re-state. Ned revises the direct examination questions again; Jacqueline and I review the questions with Ned over the next day and a half.

The day of the hearing, Ned, Jacqueline, and I meet Laura at 8

³¹ Matter of A—S—, 21 I.&N. Dec. 1106 (BIA 1998) (asylum applicant credibility determined by inconsistencies and omissions in testimony).

am, 30 minutes before the hearing is to begin. Jacqueline and I have both explained to Laura that the immigration judge—Cynthia Alvarez (not her real name)—is someone whom we both know. Someone who is fair. The judge is an old friend of mine, as are five of the other immigration judges in San Francisco. Cynthia had worked for Catholic Charities once upon a time, and I came close to hiring her years ago at the Immigrant Legal Resource Center. Jacqueline knows most of the immigration judges because she clerked at the court right out of law school. Jacqueline also knows the government attorney, who likely will be rigorous in cross examination.

Laura is nervous. That's to be expected. Ned is nervous, and that's to be expected as well. Jacqueline and I reassure both Laura and Ned that they are well prepared. Jacqueline focuses on Laura, and I can see the trust that Laura has in Jacqueline.

After we enter the courtroom, we acknowledge the court interpreter who already is present. We encourage a little conversation between the interpreter and Laura, just so that Laura can hear her voice. The interpreter is new to us. She's good—clear, calm, concise throughout; careful to clarify with the court's permission whenever necessary.

The judge enters and begins the case. She's on the record, pointing out that Ned, a second year law student, is appearing on behalf of the respondents—Laura and her daughter Ana, who does not need to be present due to her age. After some preliminaries, direct examination begins. Ned and Laura are close to perfection. The government attorney raises few objections—those that are raised are off base. In fact, with responses from Ned and the judge's understanding of what's going on, the examination goes off without any hiccups. The direct examination runs over an hour, including a handful of clarifying questions from the immigration judge.

A short recess is called, and during that time we assure Ned and Laura that they did great. Laura is relieved but still nervous. There are some clarifications that will need to be made, and we warn Laura that the government attorney may ask about certain things that were stated in the declaration differently than in her testimony. Laura understands quickly.

During the direct examination, the government attorney was typing away, as if creating a transcript of her own even though a recording was being made. She often asked the interpreter to repeat a translation, just so that she could type it down correctly. I'm wondering if, as transcriptionist, she actually is paying close enough attention to what actually is being said to conduct an effective cross-examination.

As the cross examination begins, I am impressed that the govern-

ment attorney seems not only to have listened, but also has thought through some tough questions: Why is Laura's sister seemingly safe in Honduras if Laura is worried that MS-13 is targeting the family? Why doesn't Laura have a letter of support from a different relative who had been attacked? Why didn't Laura ask her mother for medical verification that her mother had attempted suicide?

The cross examination is going on much longer than we had anticipated. Unfortunately, I have to step out of the courtroom to take an important call that I had previously scheduled with much difficulty. It's with a high advisor in the Clinton campaign—a former student—with whom I want to lay the groundwork for getting immigration policy proposals to the campaign on behalf of the Immigrant Legal Resource Center. The call takes about 15 minutes. Ordinarily, I would ask for a recess to take the call, but since Jacqueline also is in the courtroom to supervise Ned, I elected to step outside without requesting a recess.

By the time I return to the courtroom, cross and redirect have been completed. Apparently, nothing too damaging has been done to Laura's credibility. The courtroom discussion is whether the government attorney needs to hear from a psychologist that we have standing by a phone to testify about Laura's PTSD and how that might affect her credibility. The government attorney waives, then says she doesn't think the psychologist's testimony is necessary.

At that point, the immigration judge announces that she finds that Laura's testimony is credible and consistent. Laura, Ned, Jacqueline, and I breathe a collective, but silent, sigh of relief. The judge declares that she grants asylum. She turns to the government attorney and asks her whether the government will appeal. If yes, then the judge says she will issue a much lengthier decision with detailed credibility findings. At that point, the government attorney says that no appeal will be filed. Asylum granted. Case closed!

In the hallway outside the courtroom, we all embrace. Laura is crying tears of joy. She's grateful. We complement her. We will be in touch for final paperwork. In the meantime, Jacqueline explains to Laura the process of going upstairs to a different office to immediately have her ankle monitor removed.³²

³² When Laura was detained by ICE in Texas, she was able to demonstrate that she had a credible fear of persecution in Honduras. Therefore, she was eligible to be released in order to apply for asylum by either agreeing to wear an ankle bracelet or posting a \$1500 bond. She had no money to post bond. The monitoring bracelets are quite common in immigrant communities; mostly women who are seeking asylum are fitted with GPS-enabled ankle bracelets, receive phone check-ins and surprise home visits by immigration officials. Tiziana Rinaldi, *Many Women Seeking Asylum in the US have been Released from Detention — but with Ankle Monitors*, PRI's THE WORLD, Mar. 10, 2016.

In the course of the semester, both Nuha and Brooke do their own client preps, using student interpreters, in preparation for the Asylum Office and/or for SIJS. With assistance from Mary, an undergrad interpreter, Nuha helps two sisters from El Salvador, Lizett (age 18) and Susana (age 13). It took awhile for the younger sister to understand the importance of what is going on in their situation and to open up to Nuha. Over time, Nuha develops a good relationship with the sisters—one wants to be a nurse, the other a lawyer. Their mother initially came to the United States without them. They lived with an aunt who was abusive. A grandmother was harsher toward Susana. Susana had to cook and clean. After the grandmother found that Lizett was not really her grandchild (different father from Susana), the grandmother made Lizett do more housework. They lived in the middle of the gang turfs. One gang member from MS-13 flirted with Lizett. This caught the attention of 18th Street gang members, who then threatened her. She got a threatening text as well. People knew that their mother was in the United States and they wanted money. The sisters fled to the United States shortly after that and ended up in an ORR shelter in Texas for a couple months. Nuha completes the multitude of forms necessary for SIJS on Lizett's behalf in Santa Clara County. The petition is granted two weeks before Lizett turned eighteen. Susana's Asylum Office interview takes place on May 16; it too is granted. Nuha had been an Arabic interpreter herself in asylum matters. In reflecting on needing and using a Spanish interpreter, she has this reflection: "When working with an interpreter, I had to remember that a lot gets lost in translation, including but not limited to the tone of the speaker. I had to speak in sentences that were concise and clear, to not confuse the interpreter or complicate the translation process. I made an effort to ensure my client that while a language barrier existed, I was aware of and sensitive to the cultural differences at hand."

Brooke spends a lot of time during the semester also working with two UAC sisters: Aida and Amagda from El Salvador. Their stories—like the stories of many clients—have many complicated facts. Brooke's basic task for the sisters is working with them through a student interpreter—Miriam—to prepare their written declarations to support their asylum applications. Their mother, Lorena, also needs to submit a supporting declaration because she knows so much of the backstory. She fled El Salvador first. Because of a debt that her husband owed, Lorena was approached by gang members who sliced her hand and threatened to kill her and her daughters. They moved to live with grandparents (Lorena's husband was already in United States). Lorena continued selling empanadas in the market place, but then her

friend also got harassed, and later that friend was killed; MS-13 carved initials on the body. So Lorena fled without Amagda and Aida in 2013 because she did not have enough money to bring them with her at that time. Amagda and Aida stayed with grandparents, but then an uncle gets murdered by gang members; his body was unrecognizable. This uncle had been their surrogate dad. Another neighbor got murdered, and gang members told Aida she had to join the gang or get killed. At one point they stopped Aida on the bus and threatened her. So Aida fled with the aid of a cousin Oscar; after she fled, the gang members continued to ask about her. Oscar fled because he had been attacked by the MS-13. When they got to the U.S. border, Aida and Oscar were separated, and he got deported. When Oscar was deported, he got assaulted again by MS-13. After Aida fled, Amagda ended up at her boyfriend's home and got pregnant. Amagda was approached by the gangs as well, and they threatened her and her newborn daughter, so she fled. Today, Amagda, a 15 year old, has a baby and is breastfeeding. Miriam, the student interpreter, has translated documents for Brooke. Also, during the semester, Brooke interviewed Lorena the mother, after Brooke represented her at a master calendar hearing to set a final hearing date. Brooke learns that Lorena was a child during the civil war in the 1980s. As a child, she had to hide from guerrillas. Her parents dug a hole in the backyard, where the family hid when soldiers came to the neighborhood. At times, Lorena stayed down in the hole for days. When Lorena fled to the United States, she did try to raise money to bring Amagda and Aida, but could not raise enough. Lorena's crossing into the United States was bad; at the end, she had to stand overnight in the river. The smuggler had left the group she was with. One of Lorena's cousins, Francisco, is an MS-13 member. He threatened to kill the grandmother who was trying to get him to stop. Lorena says that Francisco ordered the killing of another cousin, Rufino, who was beaten to death. Francisco is in jail now. Brooke learns from Lorena that when she got attacked in the market place, the gang wanted the key and deed to her house in order to use it as a gang execution site.

B. Stockton's Marvin and Marvin

Stockton, California, is a Central Valley town—the seat of San Joaquin County. Stockton has a long, rich history that includes a role during California's gold rush era, as a river port development linking agriculture with the railroad lines. Stockton also is home to Marvin and Marvin. Marvin, the seventeen-year-old, is a UAC who fled to the United States from Guatemala because of gang violence. Marvin, the 30 year old, used to live in Guatemala a few houses away from Mar-

vin, the teen. Marvin, the adult, fled Guatemala ten or twelve years ago and settled in Stockton, where he now works for a painting contractor.

When Marvin the teen made it to the U.S. border, he was immediately apprehended by the border patrol, then spent a couple days in the cold, refrigerator-box-like holding facilities—the detainees call them *hieleras*. After ICE officials determined that Marvin the teen was from Guatemala (and not Mexico), he was transported to an ORR facility in upper state New York, where he eventually was able to reach Marvin the adult with the aid of Catholic Charities staff.

Marvin the adult had a vague recollection of Marvin the teen, because Marvin the teen was only a small kid when the older Marvin fled to the United States. Adult Marvin is a kind gentleman. He has opened his heart and limited resources to teen Marvin, because he understands the life that teen Marvin has fled.

Because of the huge caseload, the Clinic has recruited *pro bono* attorneys to assist with a handful of the cases.³³ One, Karen, is a former student of mine who has retired. She prepared the paperwork for a state court guardianship order on the Marvin and Marvin case. The case involved obtaining a predicate order for a SIJS application for permanent residence, based on abuse, neglect, or abandonment by a parent. Clinic students from the past semester helped Karen with preparation of the seemingly countless state court forms that are necessary for the guardianship petition in, of all places, the probate department of the state superior court. In support of the petition, Karen and the students worked with Marvin the teen to prepare his declaration, which reads, in pertinent part:

1. Until I fled Guatemala last June 2014, I lived at home with my parents in Aldea Los Planes, Acatenango, Chimaltenango, Guatemala. My five sibling also lived with us: two older brothers, Eddie, Daniel, two older sisters, Reina, and Noe, and one younger sister, Heidi.
2. A lot of fierce, violence gang activity took place in Aldea Los Planes. The main gang was the 18th Street Gang. The violence often involving killings and kidnappings. Sometimes [the corpses] of killing victims would just appear on the streets and neighborhoods. The gangs also assaulted the buses and people just walking at night.
3. These gang assaults were constantly happening in my town.

³³ I realize that using *pro bono* attorneys in the Clinic may not be something that other law school clinics have considered. Given the challenge of our huge caseload, we are experimenting with the use of recruiting *pro bono* attorneys to help in the Clinic with student assistance. So far, this has worked well for us. The large size of our caseload is unusual for law school clinics as well. That is a reflection of funding demands.

Towns people, including my family, could readily see what had happened. The aftermath of the violence was all around us. For example, when a bus was assaulted the word would spread and someone would tell us and we would go look.

4. I recall this type of violence my entire life in Guatemala. Gangs were not always local, but their members often came and stayed in the area where I lived.
5. Gang members would threaten me and tell me to join them. This began happening intensively when I was 15 and 16 years old. They would tell me that they would give me money, that I would have a better life, and that I would get protection. I refused.
6. I was physically assaulted by gang members; they hit me several times. They left scars and they did it with a pocket knife. One time they hit me with a gun on my face, and this left a scar on my lip. I lost two front teeth because of the attacks. These assaults took place mostly in my neighborhood. This would happen on my way to the store or to work. Usually this happened when I was by myself, and four or five gang members would attack me.
7. This happened to other people in my family. The gang members told me not to tell the police or even my parents. I did not tell my parents, because I was warned that things would be worse for everyone if I complained. When my parents saw my bruising and bleeding, I would tell them that I fell or just got into a fight. I was worried that if I told them about the 18th Street Gang attacks on me, my parents would get attacked.
8. The gangs were everywhere. My family could not help me; the gangs would tell me that they could kill me if I told my family something or also if I told the police. I had no other relatives or friends in Guatemala who could protect me.
9. The police were not helpful. They never arrived in time to do anything. If we called them, they would arrive when everything was already over, and they would arrive late, I think because they were also afraid.
10. The assaults on me continued for a long time. I decided to flee because the last time I was attacked, right before I left, the gang members warned me that if I did not join them, they would kill me or someone in my family. My family was also threatened when they were walking in town. I believe the gang targeted me because I was the youngest boy in the family. I know other friends were also scared, and I know that others in my situation had been killed or kidnapped by the gang.
11. I left Guatemala last June, when I was 16 years old. I was afraid that the gangs would do something to me or something to my family. The threats and assaults reached a point that I could not take. I had to leave.

12. I left in secret, without telling my parents. I heard about others who fled to the United States. I knew that it would be dangerous to cross Guatemala and Mexico. I was not sure if I would make it to the United States or if I would be able to stay if I reached the United States. But I had to do it because of the threats and assaults on me and my family. I finally told my parents when I was arrested crossing into Arizona.
13. I left Guatemala around June 25, 2014, with the little money I had from cutting wood and field work. I took a bus to the capital of Guatemala and from there I went to Chiapas, Mexico, and from Chiapas I left somewhere else, I don't remember the name. I had enough money to pay for the buses at first but the trains I did not pay. Others that I met and I would get up on top of trains and ride; that was scary. However, it was on top of the trains that I traveled most of the way here. I did not pay a smuggler.
14. I crossed the United States border with some friends, the ones I met on the way, somewhere around Sonora. But, that was where we were caught. This was around July 15, 2014.
15. I was taken into custody and after a few days, I was transferred to a juvenile facility in New York. From there, I contacted Marvin, a family friend, who lived in Stockton, California.
16. I did not remember Marvin, well, but I knew that he was my parents' neighbor. My parents are close to his parents. I contacted him for the first time when the detention officials gave me a chance to make one call and they told me I had 5 minutes to talk to someone. I called my parents and my parents told me that they were going to look for someone who could help me. Immigration officials gave me a second call and my dad told me he got the number of Marvin, and that is how we connected with each other. He completed all the federal paperwork to become my custodian and went through a background check. Officials released me to Marvin on August 14, 2014.
17. I talk to my parents perhaps two or three times per month. They support the idea of Marvin being my guardian.
18. If I were to return to Guatemala, my parents would be unable to protect me from the gangs and the gang violence. The police also would not be able to adequately protect me.
19. I like my life in Stockton. I feel better because no one hits me, and I am not threatened anymore. Marvin is very good to me. We talk, go to the park, shop and go out to eat. I am happy. He enrolled me in school and encourages me to study and to be a good person. He does not want me to lose educational opportunities. He treats me well. He gives me food and he pays the rent. He buys me clothes and everything.
20. I did okay in school this last year, I did sort of good. It is diffi-

- cult to learn English when one is already older. But I worked hard. I have made new friends who are good and well behaved.
21. There are some computers at school where one can stay after school after classes are over to learn English. You put on headphones to listen and you learn by repeating back what the headphones say. I use these computers often.
 22. I want to stay in the United States. I want to stay because I do not want to go back and suffer through the same things again. I am afraid that if I go back the same thing will happen again.
 23. I need the support of Marvin so that I am cared for and so that I am able to navigate the educational and legal systems to make sure that my basic needs are met. He is making sure that I am healthy and happy. I want to create a productive life for myself, but I cannot do it on my own.
 24. Thus, I request that the Court allow me to continue to reside in the United State with Marvin as my guardian.

A special request has been made to schedule the guardianship hearing immediately, because Marvin the teen is about to turn 18 in two weeks. At the time, California state law requires that the child be under age 18 in order to obtain the SIJS predicate order.³⁴ We are warned by the folks behind the counter at the County Clerk's Office, that the probate court judge does not like these last minute requests. However, we decide to proceed because, if we are successful, SIJS will serve as a basis for terminating deportation proceedings,³⁵ and if we fail, at least we have asylum to fall back on. In other words, Marvin and Marvin understand that in a sense we have two bites at the apple, although a successful SIJS process avoids an asylum route that can be much more challenging. The students use their conventional research and writing skills to fully brief the propriety of issuing such orders at the eleventh hour. They explain the arguments to Marvin and Marvin.

The students from the previous semester, Alexandra and Lorena, and I arrive at the San Joaquin courthouse. We meet Marvin and Marvin and review their respective declarations, in case they are asked to testify. We don't know for sure, because the procedures for probate court guardianship vary from county to county in California. In fact, in some counties, the parties wait in the hallway, while a court investigator goes into the courtroom to present the case. In San Joaquin County, we know the judge wants us in the courtroom. The students and I have reviewed the arguments that have to be made to the probate court judge about jurisdiction, the federal law, the state law, the policies behind SIJS, and the necessity and propriety of signing the SIJS order that day.

³⁴ California Probate Code § 1510.1 (2015).

³⁵ 8 U.S.C. §§ 1101(a)(27)(J); 1255(h).

We expect pushback from the judge, but get none. Apparently, he has read the pleadings. He peers over his bench and acknowledges Marvin and Marvin. He states that everything appears to be in order and signs the paperwork. The appearance is thankfully uneventful.

The judge did not provide translation to Marvin and Marvin during the five minute proceeding, so after we are dismissed, we all retire to an attorneys' conference room in the building. We explain what just happened and the final formalities that lie ahead for terminating deportation proceedings against teen Marvin and the application for lawful permanent resident status.

At that point, adult Marvin whispers to me that he wants to speak with us privately—outside of teen Marvin's presence. We huddle off into a corner as we ask teen Marvin to step outside. Adult Marvin thanks us again and says he's been getting some pushback about going to school from teen Marvin. Teen Marvin just wants to quit school and find a job. Adult Marvin wants us to encourage the younger Marvin to stay in school.

At that point, the former Clinic student Lorena takes over. Prior to coming to USF, coincidentally, she worked for the school district in Stockton. She knows of possible resources. She goes over that information with both Marvins and promises to provide them with more information in a few days.

As the students and I debrief on the drive back to San Francisco, we are reminded once again about how the Clinic's job (and the job of most immigration lawyers) seems to end once we obtain relief for the client. But the client's life ahead provides many more challenges that we do little to touch upon. We resolve to have a longer conversation with both Marvins about what lies ahead, although we are arguably clueless about what they in fact may encounter in their day to day lives. We resolve to find more resources to share with them. We resolve to find more information to share about San Joaquin county. We resolve to find more allies to work on these challenges for all of our clients.

IV. CONCERN WITH SECONDARY TRAUMA

At our weekly case review the day before Spring Break is about to begin, we begin the session with a discussion with our undergraduate interpreter students about the UAC and AWC process. As much as we try to demystify the asylum and/or SIJS process for our clients, we missed doing this general overview for the student interpreters, which is an oversight on our part. Understandably, the student interpreters have asked for the overview, so that they can do their jobs better. All three also are interested in attending law school someday.

I give the overview. I go over what happens at the border: how everyone who presents themselves at the border without documents or who gets caught is placed in frigid holding facilities for up to 72 hours; how UACs from Mexico essentially are turned back immediately, while UACs from Guatemala, El Salvador and Honduras are sent off to ORR detention facilities scattered around the country; how men are sent off to ICE detention centers such as the one in Berks, Pennsylvania; how women with children are sent to the family detention centers in Dilley or Karnes, Texas, that are run by private prison companies GEO Group and Corrections Corporation of America.³⁶ I explain how everyone is placed in removal proceedings initially, but that UACs seeking asylum get a chance at the Asylum Office first; adults on the other hand file their asylum applications in removal proceedings before immigration judges. UACs who are eligible for SIJS also can seek that route initially in state court after informing the immigration court. The undergrads have plenty of questions, and the Clinic law students help to answer and have questions of their own. For example, the undergrads want to know what it takes to win asylum and about the conditions at the Texas detention centers. I talk a bit about well-founded fear, knowing that in the weeks ahead, the students will be exposed to the nuances of credibility findings and the need for intensive preparation for hearing testimony. Ned and Kaitlin provide rich descriptions about what they saw and experienced at the Dilley detention center.

The Clinic students then go through the weekly routine of updating everyone on their cases, including client conferences, preparation for Asylum Office interviews, client preparation for immigration court proceedings, preparation of witness declarations, and further information on the overall cases. As we get to Kaitlin, she talks about a Mexican client Andrea, whose case is being wrapped up because asylum has been granted. Kaitlin has just spoken with Andrea's mother Nayeli. Nayeli's sister, Andrea's aunt, has been kidnapped by drug cartel members. The cartel gave her one day to leave her ranch and family, and if she didn't, they said they would kill her in front of her family and children. She left to meet the cartel and they took her to Tijuana, and Nayeli's family hasn't been able to reach her and they haven't heard anything from her since then. Nayeli and Andrea understandably are frightened and very worried.

This kind of very recent trauma isn't a new experience for Kaitlin (and recall Ned's client Laura, whose mother attempted suicide). Besides the fact that Kaitlin had volunteered at the Dilley detention

³⁶ Rachel Roubein, *Here's How Hard it is for Unaccompanied Minors to Get Asylum*, THE ATLANTIC, July 15, 2014.

center with Jacqueline in October, where almost everyone they encountered was deeply affected by fresh trauma, something similar happened to one of Kaitlin's other clients, Luz, from El Salvador. A month before her deportation hearing in February, one of Luz's female cousins, about 20 years old, who lived in the same neighborhood was kidnapped by the MS-13 gang. Her family saw the gang put her in a car and take her away. They didn't hear anything from her after that. Then two days before Luz's hearing, a male cousin in the same neighborhood was killed by gang members. The immigration judge focused a lot on questioning Luz about the recent events. It was devastating for Luz, but she was still able to testify well, and she was so happy to find out she wouldn't have to go back to El Salvador when the judge granted asylum.

At this point in the case review, Kaitlin is speaking in a matter of fact manner. She never strikes me as being super emotional, but I worry about the toll on Kaitlin—and the other students—when hearing about traumatic client experiences so often. I am concerned about Kaitlin's needs as well as the client's. I ask Kaitlin about her conversation with the client's mother Nayeli. "I spoke to Nayeli over the phone when she told me that her sister had been kidnapped by the cartel. It was very hard for her to talk about the kidnapping and tell me what had happened because it had happened only weeks before. Her family was still hoping that they might hear from her, yet they hadn't heard anything for over two weeks by then. She started crying when she told me about what had happened. She said her family was struggling to keep hoping for good news and were worrying about all the things that her sister might have suffered at the hands of the cartel."

I ask, "And how were you feeling, Kaitlin?" She says, "I was heartbroken to hear the news from Nayeli. I couldn't fathom the grief of not knowing what had happened to your sister, especially when she was last seen being smuggled into a car by a cartel. I tried to comfort her as much as I could and told her I hoped her family would hear good news soon. We talked about what she knew about the kidnapping and the last time she had heard from her sister. She was grateful for the support, but I could tell she was grappling with the reality of all the things the cartel could have done to her sister in the weeks they had not heard from her.

"I spoke to Nayeli in person when she told me that her cousin had been kidnapped and another cousin had been killed. She is such a strong woman and we had already talked about very difficult events in her life, including witnessing her partner being killed by gang members and dealing with the rape of her 3 year old son. She started to cry

when she told me the news of her cousin's kidnapping. Nayeli described how she had watched her cousin grow up in the same neighborhood where she grew up. She was devastated by the news and the gangs' continued cruelty. I told her I hoped that her family would hear good news soon and that her family would be safe from the gangs' violence."

Kaitlin's response is emblematic of maturity and humanistic qualities—qualities that are apparent in every responsibility she has taken on as my research assistant and in the Clinic. These qualities may have been groomed in her legal services work prior to law school, but I want to believe that the calm, measured approach that Jacqueline, Vanessa, and I try to model for our students has helped. Other students that I have had in other clinics certainly fall short of Kaitlin's maturity, so we are blessed to have her in our Clinic. Nonetheless, I reminded Kaitlin about the psychologist whom I had invited in the Fall to talk with all of us about secondary traumatization. Dr. Yvette Flores told us about how attorneys, first responders, health and mental health professionals can experience trauma symptoms upon hearing client accounts of their traumatic experiences. Common reactions include anxiety, sadness, disbelief, and any of the trauma symptoms reported by the client. Dr. Flores's recommendations to us included:

- Frequent debriefings
- Balance the workload – do not take only asylum cases, for example
- Get support and/or mental health consultation
- Be aware of how you cope with stress
- If you have personal history of trauma most likely you will be triggered
- If you have history of trauma – go to therapy or consult with your religious leader
- Work out/exercise/dance
- Yoga
- Avoid alcohol or anything that disrupts your sleep
- Obtain support and consultation at work
- Do whatever helps you maintain or regain your faith in humanity
- Remember that there are good people out there and you are one of them
- Remember that your work is important

I remind Kaitlin that USF also provides on-campus psychological counselors available for students. Kaitlin responds: "Sure, it's definitely a good idea generally for anyone working with clients who have gone through so much trauma as this. This kind of support is especially important for those who work full time with these clients. At

least as students, we're only doing it part-time, so the rest of our schedules breaks up any intense sessions with clients. That being said, I'm pretty sure we all had nightmares after Dilley. I think personally, since I've worked with other immigrant clients before the Clinic, I've become more used to hearing the terrible events, figuring out their legal effect, and trying not to really think about them emotionally while I'm not with the client. My work before was usually talking with clients over the phone though, so meeting with clients in person makes things even more memorable and vivid.

"When I heard the news from Luz, it was also hard for me to try to comfort her. It was really hard for me to hear how the gangs had targeted yet another member of her family. I immediately thought of my own cousins and how terrible it would be to hear similar news.

"Also, as we don't have backgrounds in counseling or therapy, at some point I'd love to learn more about different approaches to sensitive ways of asking clients to start talking about the really traumatic events, asking them about the precise factual and emotional details we need, and supporting them as we talk through the events."

Kaitlin's advice on bringing someone in to teach us how to bring out and discuss traumatic events with our clients is something we need to do. While Jacqueline, Vanessa, and I have worked with trauma victims for years, our approach and advice on discussing traumatic events with our clients—to be calm, to be sensitive, to consider mindfulness exercises, to take your time—need supplementing. We must keep an eye out for allies who can collaborate with us for our own mental health and that of our clinic students. To that end, we are taking advantage of relevant trainings and resources provided by allies when we can. For example, for the Fall 2016 semester, we are requiring our Clinic students to enroll in a one-day training on "Cultivating Resilience" sponsored by the Center for Gender and Refugee Studies, featuring an expert from Survivors International. Through discussion and interactive exercises, the training will focus on best practices for working with survivors of trauma. The objectives of the training include increasing the ability to recognize signs of vicarious traumatization, increasing the ability to cope with these signs and symptoms, and enhancing overall professional health and longevity.³⁷

As Jacqueline, Vanessa, and I discuss our Clinic clients who have counseling needs, we also regularly make referrals to places that provide mental health services. While some resources are available in San Francisco, Oakland, and San Jose, our clients in more outlying communities—especially those in the Central Valley—do not have such

³⁷ Email from Christine L. Lin, Managing Attorney, Center for Gender & Refugee Studies, to author, Aug. 5, 2016 (on file with author).

services readily available. Those are definitely allies that we need to find.

V. COMMUNITY ORGANIZERS, THE GRASSROOTS, AND *MOVIMIENTO REUNIFICACIÓN FAMILIAR*

In the middle of March, I get a call from Monica López and Berta Hernandez, two of the principal organizers of *Movimiento por la Reunificación Familiar*. They ask if I can be sure to come to the next group meeting in order to discuss and be a resource on questions they have about proposed changes that the San Francisco Board of Supervisors is contemplating to the city's sanctuary ordinance. I agree, and tell them I will attend the group's meeting the following week.

I am quick to fulfill any request that is made by *Movimiento*. The group is comprised of a number of individuals, principally from San Francisco and Oakland, who came together shortly after UACs and AWCs began arriving in the San Francisco Bay Area in large numbers. They were disturbed by the fact that the Obama administration made the detention and deportation of these Central Americans such a high priority. They want to be as informed as possible about the issues, do whatever they can to stop this enforcement strategy, and provide social and political assistance to the affected individuals. They are deeply committed to using community education, organizing, and activism to bringing about social change. In fact, some members of the group even have signed up to be foster parents and guardians for some UACs or to provide moral support to AWCs. Over time, *Movimiento* has regularly engaged in protests, letter writing campaigns, community education efforts, and lobbying efforts to try to change enforcement policies directed at Central American migrants or to at least keep these issues alive in the public conscience.

The members of *Movimiento* have interesting backgrounds. The vast majority are Latino/a. Some, like Berta, work for community-based organizations. Others, like Monica, work for schools, a range of small businesses, or as domestic workers. Some of the women are stay-at-home parents. Another key leader, Edgar Ayala, is a Guatemalan-born graphic artist, community organizer, and political activist. All are deeply committed to the plight of UACs and AWCs. Given the members' backgrounds, their commitment, and their significant time commitment, any request they make of me is difficult for me to refuse. Ten to thirty members generally attend the *Movimiento* meetings.

As the AWC surge of 2014 emerged, two groups began to meet regularly and organize in the San Francisco Bay Area. One was a group of legal services providers, including Centro Legal de la Raza, Pangea Legal Services, the Immigrant Legal Resource Center, Catho-

lic Charities, the Bar Association of San Francisco, Community Legal Services in East Palo Alto, Legal Services for Children, the Lawyers' Committee for Civil Rights, Dolores Street Community Services, Asian Pacific Islander Legal Outreach, Central American Refugee Center, Immigration Center for Women and Children, and La Raza Community Resource Center. The other group was *Movimento*. The summer of 2014, both groups met weekly—the legal services group on a weekday, while *Movimento* met every Saturday. I attended both meetings.

The legal services group meeting was what one might expect. Discussions on such things as case strategies, resource sharing, trainings, working with the immigration court on finding representation for the unrepresented, and *pro bono* attorney recruitment were common. Eventually, that group also was successful in convincing the state, certain local governments, and private funders to provide resources for representation.

The weekly *Movimento* meetings were a consistent check in about what was happening to the UACs and AWCs in court, in the community, in schools, and what progress if any was happening on the national policy scene. I was first notified about the existence of *Movimento* and invited to attend a meeting by a Catholic Charities paralegal with whom I had worked on San Francisco immigrant rights issues. At that first meeting, I was bombarded with questions about the rights of UACs, the immigration court process, what was happening in DC, and how to influence policy. I was struck by the thirst for information that *Movimento* members had and happy to share what I knew. Over time, I was struck by the fact that I was pretty much always the only attorney who attended these meetings. I often recruited an attorney to join me to talk about what he or she was working on, but none of these attorneys took up my invitation and the invitation of other group members to attend regularly.

I have tremendous respect for the dedication and hard work that legal services attorneys in the San Francisco Bay Area demonstrate when it comes to the representation of UACs and AWCs. For that matter, many of these attorneys show similar commitment to other challenging removal defense cases, such as the representation of detained immigrants. For the most part, these attorneys engage in strong aspects of the rebellious lawyering vision, such as respecting their clients, demystifying the process for clients, being willing to learn from their clients, and working with allies such as with each other or with ACLU-type impact litigators.

However, some of the attorneys in this arena are quite regnant. For whatever reason—lack of training or instincts that are quite con-

ventional—these attorneys approach their UAC and AWC clients from a knight-in-shining-armor perspective. Certainly, they have to get the facts from their clients to support a claim of past or well-founded fear of persecution, but after that, these attorneys do little to collaborate with the client or demystify the process. Their approach is very much one of, “I’ll let you know what to do to win the case,” rather than, “here’s what is required and why,” “what do you think?,” and “here’s what we can do together.” Their approach is very much simply another subordinating experience for the client. Fortunately, without rebellious lawyering training, in terms of client representation, Jacqueline and Vanessa operate in an instinctual, rebellious fashion. From my perspective, many policy advocate allies in Washington, D.C. suffer from a related symptom of regnant practice; they either have come up with their policy positions without seeking much input from immigrants themselves or have to rely on second hand accounts through random input from community advocates they may encounter. Very seldom do they systematically establish relationships with immigrant communities, much less develop their positions from meaningful immigrant input.

The regnant qualities of the conventional lawyers I have encountered in this arena manifest themselves most starkly in the context of working with grassroots allies who think and problem solve in different domains or with different strategies. When legal services attorneys do not take the time to regularly engage with *Movimento*, my conversations with them about *Movimento* generally reveal either a total lack of comprehending its potential, a laziness to learn more about its potential, or a hesitance to participate because “that’s not what lawyers do.” Unpacking their views on a one-to-one basis is an undertaking that is a slow process for me.

The clinic students are well aware of my critique of regnant immigration lawyers and my belief in embracing challenge and training to navigate different worlds. Our weekly meetings include hard conversations about effective advocacy strategies and social change, as well as case review and collaboration with clients and allies. When it comes to the work I started with *Movimento* during the summer of 2014, at least one student usually accompanies me to *Movimento* meetings. For example, Kaitlin attended one meeting with me that featured noted journalist/activist Roberto Lovato, who spoke on how to get humanistic media coverage of the plight of UACs. This semester, a student in the basic immigration course, Crystal Araujo, worked with Alameda County members of *Movimento* to draft an account of a UAC-led self-help group in Hayward, California, working to create more interest in school and extracurricular activities. In Fall 2014, five

Rebellious Lawyering seminar students attended several *Movimento* meetings to gather information to help with the organization's outreach and social media campaign. In the Spring of 2015, Vanessa attended to present an update on conditions at the ICE family detention centers in Texas.

So it was not unusual that after I received the call from Monica López and Berta Hernandez about coming to the next *Movimento* meeting to discuss a local political proposal, I recruited Ned to come along with me. Prior to the meeting, I had him prepare a short presentation on the proposed amendments to the San Francisco sanctuary ordinance. His analysis not only reviewed what the changes would mean operationally, but also included a political analysis of the legislation that discussed the positions taken by the mayor as well as members of the board of supervisors and other immigrant rights advocates. After the presentation and discussion, the group decided to oppose the amendments and planned a series of community informational meetings and visits to city hall.

I wish that Clinic students had even more time and opportunity to work with *Movimento* or similar grassroots organizations. I believe and have been told by students that the work is meaningful and critical to their development as rebellious lawyers. For now, the Clinic caseload demands that most of their clinic activities be concentrated on casework.

VI. REFLECTIONS ON THE CLINIC AND REBELLIOUS LAWYERING

Not many [folks] like being told they could have done something better. So who really wants to hear that they must rethink what they probably already take pride in doing well? Who really wants to discover that they remain in many ways part of the problem and not part of the solution? It's just not a message that sells well, perhaps particularly to people who've put sweat, tears, and dreams into their vocations.

. . . .

None of these people has thoroughly worked out the answers to all the questions they confront. None of them has entirely escaped the inconsistencies and contradictions. None is immune from frustrations and failures. What each does understand, however, is that there's no self-executing blueprint for changing law practice any more than there is a magic plan for changing the world.³⁸

Because of the dire circumstances faced by UACs and AWCs, I am absolutely committed to zealously representing them and supporting their representation by Jacqueline, Vanessa, and the Clinic stu-

³⁸ LÓPEZ, *supra* note 1, at 381-82.

dents. At the same time, I am equally committed to training students in the Lópezian rebellious vision. After eighteen, intensive months, this article serves as a vehicle for me to reflect on how successful I have been in combining these two commitments. I have provided a mere glimpse of the Clinic work up to this point. As I write this reflection, much more is swirling in my mind. The goal of maintaining a rebellious framework in a clinic where the caseload is filled with pressure—substantively and emotionally—is a challenge. Collaborating with deserving clients, talented and dedicated staff (Jacqueline and Vanessa), committed students, and some creative and dedicated community allies helps tremendously. But maintaining the rebellious framework in the forefront of my mind is necessary, otherwise falling into a more conventional approach to representation would be too easy, given the caseload pressures. Without a “blueprint” or “magic plan,” our attempts at practicing in a rebellious framework has no doubt been riddled with “inconsistencies and contradictions,” as we struggle to “rethink” the work that we “take pride in doing [seemingly] well.”³⁹

The interrelated elements or principles that I try to keep in mind include:

- Educating clients and communities to support resistance, including demystifying legal processes;
- Opening ourselves to being educated by clients, communities, and allies;
- Recognizing that there is no need to romanticize the client’s knowledge or vision;
- Highlighting the importance of collaboration;
- Respecting and working with clients instead of creating yet another subordinating experience for them;
- Taking on the extremely challenging battles that collaborative advocacy leads to, despite the odds;
- Integrating and navigating many worlds.

A. Educate Clients and Communities to Support Resistance, Including Demystifying Legal Processes

*[Rebellious lawyers] must understand how to educate those with whom they work, particularly about law and professional lawyering.*⁴⁰

Community legal services offices commonly engage in community education. For example, the Asian Americans Advancing Justice -

³⁹ *Id.*

⁴⁰ *Id.* at 37.

Asian Law Caucus in San Francisco relies on community education and organizing as a key strategy in effectively providing much-needed services.⁴¹ Similarly, Legal Services of Eastern Missouri publishes and distributes informational materials and conducts community outreach programs to educate the low-income community about their legal rights and responsibilities.⁴² In López's view, rebellious lawyers also are educators because in seeking to demystify the law, "[t]hey must understand how to educate those with whom they work, particularly about law and professional lawyering."⁴³ But to López, the goal of community education is more than transmitting information about legal rights or benefit eligibility rules. Wherever groups of lower-income people meet or can be brought together, López sees opportunities for rebellious advocates to nurture and further their resistance to social, political, and economic subordination by "train[ing] groups of subordinated people to represent themselves and others."⁴⁴

The idea of teaching self-help and furthering resistance with UAC and AWC clients is something that we try to keep in mind in the clinic. Of course, we do our best to keep clients informed about asylum or SIJS processes and procedures. And we work with other organizations who are litigating or advocating for deprioritizing the deportation of UAC and AWC clients. However, we are only now beginning to consider and learn more about incorporating the clients themselves into these efforts. The fact that their deportation is among the highest priorities in DHS makes the direct participation of UACs and AWCs in political resistance a logistical challenge. The individuals and families are in the middle of their proceedings. Raising issues of resistance with them while they are in the middle of such stressful circumstances is difficult. A somewhat high profile example of such participation, however, was the statements issued by some of the individuals who were victims or ICE raids at the very beginning of the year.⁴⁵ Otherwise, the Clinic needs to be on the lookout more for opportunities for clients who may be interested in such efforts. Are other immigrant groups willing to work with these clients? Certainly, there have been protests over the deportation of Central Americans.⁴⁶ However, cov-

⁴¹ See Asian Law Caucus, *About*, <http://www.asianlawcaucus.org/who-we-are/about> (last visited June 13, 2016).

⁴² See Legal Services of Eastern Missouri, *LESM Services*, <http://www.lsem.org/lsem-services/lsem-services-overview/> (last visited June 14, 2016).

⁴³ LÓPEZ, *supra* note 1, at 37.

⁴⁴ Gerald P. López, *Training Future Lawyers to Work with the Politically and Socially Subordinated: Anti-Generic Legal Education*, 91 W. VA. L. REV. 305, 373-74 (1989).

⁴⁵ See, e.g., Tom Dart, *Detainees in ICE Raids Speak Out as Lawyers Scramble to Stop Deportations*, THE GUARDIAN, Jan. 7, 2016.

⁴⁶ See, e.g., Danica Jorden, *White House Protest Against Enhanced Deportations of Central Americans*, ZNET (Jan. 5, 2016), <https://zcomm.org/znetarticle/white-house-pro>

erage of those events cites representatives from immigrant rights groups and sympathetic individuals, but no one actually facing deportation. A self-help UAC support group has been established in Hayward, California. And locally, we are considering attempting to introduce a handful of our clients to *Mujeras Unidas y Activas*, a local organization that has established a network for survivors of violence.

B. Be Open to Being Educated by Clients, Communities, and Allies

[Rebellious lawyers] must open themselves up to being educated by all those with whom they come into contact, particularly about the traditions and experiences of life on the bottom and at the margins.⁴⁷

Partly from a sense of humility, López reminds us that we must be open to being educated by those with whom we work. Rebellious lawyers “must open themselves up to being educated by all those with whom they come into contact, particularly about the traditions and experiences of life on the bottom and at the margins.”⁴⁸

A key element of López’s vision is that subordinated groups usually have expert knowledge about forces of repression and have developed skills for handling them. López urges lawyers to respect and tap into such knowledge and skills, as well as to endeavor to develop their own analogous “feel” for how things work in communities and institutions.⁴⁹ Learning from our subordinated clients is critical and “remarkably complex and enigmatic work—with multiple and even elusive dimensions, presenting massive conceptual and empirical challenges, and cultural and interpersonal dynamics more daunting and even more self-defining than we are accustomed to handling.”⁵⁰

One need only think of the survival skills that our clients fleeing violence from Central America have had to develop in order to understand their problem-solving talents. Our students and we have heard countless stories of children being separated from parents and transferred to the care of grandparents, of moving into teeming, poorer neighborhoods to hide from gang members, and of course, of surviving the treacherous journey through Mexico to get to the United States. In the face of their victimization, parents did their best to help their children get educated, and children did their best to maintain a

test-against-enhanced-deportations-of-central-americans/; *16 Arrested in San Francisco Protest over Deportation of Central American Immigrants*, KRON4.com (Jan. 26, 2016), <http://kron4.com/2016/01/26/16-arrested-in-san-francisco-protest-over-deportation-of-central-american-immigrants/>. See, e.g., Jorden, *supra* note 46; *16 Arrested*, *supra* note 46.

⁴⁷ LÓPEZ, *supra* note 1, at 37.

⁴⁸ *Id.*

⁴⁹ *Id.* at 57-62.

⁵⁰ Gerald P. López, *The Work We Know So Little About*, 42 STAN. L. REV. 1, 10 (1989).

semblance of a social life. No doubt, we have learned much from our clients about their lives and their survival skills that have infused our approach to asylum law. Those lessons have affected how we tell their stories in the context of their testimony, supporting declarations, and trial briefs.

C. *Eliminate Needless Romanticization of Clients*

*Together with the client, the lawyer must combat monopolized conversations without abandoning her obligation to challenge her client—to critique as well as appreciate his understanding of his situation, the legal culture, and the strategies he pursues.*⁵¹

In López's view, subordinated people's knowledge and stories are not necessarily better than those of lawyers—both groups are essential to the struggle “to fundamentally transform the world.”⁵² To make such change, López explains, subordinated groups and their attorneys “do not want simply to add to each other's knowledge—a bit of this and a bit of that coexisting easily. Instead, they desire to challenge what each knows—how each gained it, what each believes about it, how each shares and uses it.”⁵³ As an alternative to emphasizing lower-income clients' fragility or placing them on a pedestal, López urges lawyers to engage their clients as true equals, worthy not only of respect but also of caring confrontation.⁵⁴

Over time, the skilled rebellious lawyer and her clients develop respect for each other's views; in the process, the lawyer becomes mature enough to be open-minded to those other views and to challenging questions.

While I have the utmost respect and admiration for the Central American clients with whom we work and from whom we learn, we have learned the need to challenge their views, as they challenge ours. For example, as we go through their often complex stories of life, subordination, fear, and persecution, we have to explain to our clients the framework of credibility through which immigration judges and asylum officers will evaluate their claims. Inconsistencies—even relatively minor ones—may form the basis for a negative credibility finding, jeopardizing the case.⁵⁵ Thus, as inconsistencies surface in our interviews with clients, we have to press them. On the other hand, we are challenged by the fact that pretty much all our clients are suffering

⁵¹ LÓPEZ, *supra* note 1, at 53.

⁵² See Ascanio Piomelli, *Appreciating Collaborative Lawyering*, 6 CLIN. L. REV. 427, 479 (2000) (describing López).

⁵³ LÓPEZ, *supra* note 1, at 53.

⁵⁴ *Id.*

⁵⁵ Matter of A—S—, 21 I.&N. Dec. 1106 (BIA 1998).

from some form of post traumatic stress, that affects memories, recollections, timeframes, and narrative capacity. All of those effects can be mischaracterized by us as inconsistencies or untruthfulness. At the same time, we often challenge our clients' assumptions about themselves because we respect their instincts and survival abilities that can be helpful in preparing their cases.

D. Collaborate, collaborate, collaborate

For all the importance of their immediate relationship, clients and lawyers work inescapably within a network of problem-solving practitioners. Every situation laces their collaboration into the efforts of other problem-solvers—the client himself, his family, friends, neighbors, community activists, organizers, public employees, administrators, policymakers, researchers, and funders.⁵⁶

The concept of collaboration, as advanced by López, is premised on other elements such as lawyers respecting their clients' abilities and knowledge, learning from clients and clients' communities, and reconceptualizing their role as community lawyers. López urges community lawyers to remain open to collaborating with lower-income individuals, groups, and institutions and to exploring social and political problem-solving approaches, rather than assuming that lawyers are always best suited to “represent” clients and that legal arenas are always the most appropriate forums for solving problems. He calls for an alliance of “co-eminent” practitioners—lawyers, clients, and other potential problem-solvers such as community activists, organizers, media, administrators, policy-makers, researchers, and funders, working with their clients as true equals.⁵⁷ The existence and relevance of lay problem-solvers are core elements of López's vision. Careful investigation of lower-income and subordinated communities reveals that many individuals and organizations are working to challenge subordination.⁵⁸

In what Lucie White labels the “third dimension” of lawyering for social change, lawyering is not a “unidirectional professional service.”⁵⁹ It should become a collaborative and communicative practice, demanding strategic innovation, and requiring critical reflection on the forces conditioning the subordination of the poor, as well as the ways the poor might resist and redirect those forces to achieve justice. Through such action and reflection, the poor and their lawyer-allies voice aspirations, identify concrete action strategies, and discover

⁵⁶ *Id.* at 37-38.

⁵⁷ *Id.*

⁵⁸ See Piomelli, *supra* note 52, at 480.

⁵⁹ Lucie E. White, *Collaborative Lawyering in the Field? On Mapping the Paths from Rhetoric to Practice*, 1 CLIN. L. REV. 157, 158 (1994).

grounds for political unity.⁶⁰

Ascanio Piomelli characterizes collaboration as a joint problem-solving partnership with clients, in which clients are involved in actually implementing remedial strategies. He argues that the central elements of rebellious practice include a commitment to engage in group problem-solving efforts as well as “collective attempts to challenge elements of the status quo,”⁶¹ and to do so in a manner that does not go over their clients’ heads.⁶² With this approach, clients not only get to decide what their lawyer will do; they also participate in carrying out those decisions, often by speaking out on their own behalf and/or working with community groups that best serve their needs. According to Piomelli, “[f]or all the importance of their immediate relationships, clients and lawyers work inescapably within a network of problem-solving practitioners. . . . Moving the world in the desired direction often depends on the identification and effective coordination of these practitioners.”⁶³

Collaborative lawyers thus commit to confronting and eroding the elitism that values the work of some individuals and groups but not that of others. They search for allies engaged in “domination-fighting,” a strategy that strives “to expand the circle of potential collaborators” and is premised on the understanding that “isolated individuals make far easier prey for societal wolves than does a united flock guarding each other’s backs.”⁶⁴

A new gloss that Piomelli adds is the concept that collaborative lawyering operates as a vision of true participatory democracy, exemplifying an effort to promote and deepen a democratic participation that allows communities to flourish and engage in joint public action.

⁶⁰ *Id.* White identifies three dimensions on which lawyering might be a catalyst for progressive social change. One dimension is “advocacy” which seeks to make the positive law more responsive to the social welfare needs of socially disempowered groups. This encompasses three familiar forms of public interest lawyering: litigation (to expand welfare entitlements or improve administration), lobbying (to increase resources or improve programs), and monitoring administrative agencies to enhance procedural fairness. A second dimension is advocacy which seeks to transform values in dominant cultures so as to encourage greater sensitivity to the injustices poor people face, greater respect for their life projects, and a clearer will to mobilize public resources on their behalf. The third dimension is advocacy that is focused on poor people’s own political consciousness, to enable them to see themselves and their social situation in ways that enhance their world-changing powers. This dimension also seeks to change the attitudes and self-concepts of lawyers themselves—our own political identities, relationships and commitments, enabling us to work more effectively with historically subordinated groups to achieve social justice. *Id.* at 157-58.

⁶¹ Piomelli, *supra* note 52, at 483.

⁶² See Ascanio Piomelli, *The Democratic Roots of Collaborative Lawyering*, 12 CLIN. L. REV. 541, 613-14 (2006).

⁶³ Piomelli, *supra* note 52, at 483.

⁶⁴ Piomelli, *supra* note 62, at 603.

In this framework, collaborative lawyers “strive to bring democracy to life by recognizing and building connections and capacities that can lead to effective collective action to combat societal subordination.”⁶⁵ Rather than asking their clients “What would you like me to do for you?” collaborative lawyers reframe the question as “What shall we do together?” and “Who shall we become as a result?”⁶⁶

Piomelli recognizes that part of both the challenge and allure of collaborative lawyering is that such a democratic approach cannot be faked and takes intense work to sustain.⁶⁷ Even though the collaborative lawyering approach runs counter to the traditional model of the lawyer as pre-eminent problem-solver who primarily works alone (or with fellow lawyers) and uses her expert legal knowledge, collaborative lawyers seek to integrate democratic values into their everyday practice because they believe that collaboration allows them to unleash their own full energies and potential.⁶⁸

The demand for collaboration in the representation of UACs and AWCs is vital to the Clinic. It’s not that we struggle to keep our head above water; in fact, in spite of the pressures and stress, I constantly marvel at Jacqueline’s ability to keep track of what is going on in every case in addition to taking on the primary responsibility of supervising the clinic students. But the demands of the case-driven environment would make it easy to slip into a conventional model of lawyering where our “pre-eminen[ce]” as problem solvers and “expert legal” knowledge would take over. Fortunately, opportunities to collaborate abound, and we consciously look for and act on such opportunities. Even before the formation of the San Francisco collaborative, Jacqueline was a regular *pro bono* volunteer at the Immigration Court master calendars that were coordinated by the Bar Association of San Francisco.⁶⁹ After the 2014 border surge began, I began meeting with service providers and community service agencies who were strategizing on issues of how to respond politically and socially to the influx of Central Americans to the San Francisco Bay Area. These entities were meeting two and three times a month. After the legal collaborative formed, in the Fall of 2014, Jacqueline became a regular resource for less experienced attorneys who were part of the group. With students—some not in the Clinic—I worked with policy-oriented programs—Jesuit Refugee Services in Washington, D.C., Kids in Need of

⁶⁵ *Id.* at 547-48.

⁶⁶ *Id.* at 600-601.

⁶⁷ *Id.* at 601.

⁶⁸ *Id.*

⁶⁹ A “master calendar” hearing is an immigration court hearing in which pleadings, scheduling, and case status issues are discussed.

Defense in Washington, D.C., the Immigrant Legal Resource Center in San Francisco, the Center for Gender and Refugee Studies in San Francisco, and ACLU that was contemplating a lawsuit on behalf of UACs seeking legal representation for their asylum cases.

A group of teen UACs with whom we work are becoming active in educating the public about the violence in Central America and the challenges they face here, while creating their own self-support network. A new collaboration with other Jesuit law schools and old collaboration with standard D.C. advocates have enabled us to access interested policymakers. Working with volunteers from PR firms and ad agencies, we are developing a strategy to try to get the UAC issue into the minds and culture of the general public.

We have found old allies, such as the Immigrant Legal Resource Center and Kids in Need of Defense, who have jumped into the UAC work. They and others are putting pressure on the Obama administration to back off on prioritizing UAC enforcement. They have provided resources for folks on the ground as well as policy makers, such as Senator Harry Reid and Representative Zoe Lofgren who have introduced legislation that would require government funded legal representation for UACs facing deportation.

Practicing UAC representation in the rebellious image is possible. But as with anything, the particular circumstances cause us to rethink our strategies of working with individuals, allies, and institutions. We continue to find that some personalities in those different entities are “naturals” when it comes to the rebellious approach. Some get on board with us immediately, while others are way ahead of us. Whatever the challenges, we do go out of our way in the López vision “to maintain contact with policymakers, lobbyists, think-tank types, and others working in seemingly remote bureaucracies, always doing [our] best to link what these folks do with what’s happening at the grassroots level.”⁷⁰

E. Respect and Work with Clients

*The regnant idea [of lawyering] imposes unjustifiably limited relations between those working against subordination and those strategies available to wage the fight. It does not permit anyone in the fight, whether lay or professional, to experience others [including the client] as part of a working team. And it laughs off anyone who wants to regard others as co-eminent practitioners.*⁷¹

Rebellious lawyers, in their collaborative efforts to avoid subordination, must avoid subordinating their own clients. López believes

⁷⁰ LÓPEZ, *supra* note 1, at 33.

⁷¹ *Id.* at 29.

that prevailing—regnant—lawyering practices disserve lower-income clients. All too often, the community lawyer fails “to appreciate clients’ goals of preserving dignity and maintaining some control [and the client’s own ability] to act against their own oppression.”⁷² López points out, for example, that “[t]ogether with the client, the lawyer must combat monopolized conversations without abandoning her obligation to challenge her client—to critique as well as appreciate his understanding of his situation, the legal culture, and the strategies he pursues. Yet at the same time, the lawyer must guard against the element of critique which squelches the client’s resourcefulness and imagination. . . .”⁷³ We should focus on creating, nurturing, and protecting settings where clients can safely and comfortably speak their minds. Such initiatives are aimed at preventing lawyers and clients from falling into inadvertent subordination. As Piomelli points out:

When solutions are implemented without the involvement of clients and lay organizations, attorneys assume center stage as the primary problem-solvers. Even if, as client-centered lawyers, we enable our clients to be the primary decision-makers, we commonly limit our clients’ choices to what we should do for them. As the primary implementers of the decisions we help our clients make, we most commonly follow two approaches: we litigate and/or we enter into negotiations (or some more formal type of alternative dispute resolution), often with other attorneys. Our training and role conceptions seem to predispose us that a “case” that cannot be resolved with advice and counseling necessarily requires us to litigate or settle it. With the adjudicatory forum and our legal training casting their “legalizing” influence, the range of issues, tactics, and solutions often narrows dramatically.⁷⁴

Piomelli recognizes that the “problem [for underprivileged clients] is not being represented, but always being represented—never being actively involved in speaking or acting directly on one’s behalf or with others.”⁷⁵ Collaborative lawyers ought to be striving to implement a “collective, cooperative approach to problem-solving [that] treats clients and communities as fully human partners.”⁷⁶

Avoiding subordination in the attorney-client relationship equates to lawyers truly valuing their clients’ informed judgment and skills, and recognizing the necessity of active roles for clients in the collaborative process. In the rebellious lawyering model, social change is accomplished by this partnership with and empowerment of clients

⁷² Piomelli, *supra* note 52, at 438-39.

⁷³ LÓPEZ, *supra* note 1, at 53.

⁷⁴ Piomelli, *supra* note 52, at 492.

⁷⁵ Piomelli, *supra* note 62, at 606.

⁷⁶ *Id.* at 601; *see also* López, *supra* note 50, at 30, 38.

and communities; the goal of collaboration becomes more than a simple “win.”

Jacqueline, Vanessa, and I refuse to subordinate our clients. We respect what they have been through and respect them as survivors of unimaginable horrors. When our students hear the stories of our clients and discuss them at case review meetings, we often take a deep breath and look at each other in silence, recognizing how much we have to learn from our clients about life. We hope that we all emerge with elevated spirits and an increased sense of worth. As we and our students work with our clients to develop their claims and storytelling abilities, it is always with the deepest sense of respect. We know and teach our student and clients that success in the asylum process is every bit about credibility in the storytelling.⁷⁷ Certainly at times, aspects of a client’s story can undercut a legal theory, but thus far, those facts or inconsistencies have not manifested in negative outcomes. Often, we have been fortunate that the UAC qualifies for special immigrant juvenile status that does not require a showing of fear of persecution under asylum standards. Nonetheless, in the world of asylum law, López could not be more right in reminding us that “law is not a set of rules but a set of stories and storytelling practices that describe . . . a culture composed of storytellers [and] audiences.”⁷⁸

F. Take on the Battles that Collaborative Advocacy Leads to, Even if the Odds Seem Insurmountable

Subordinated people don’t have much to work with, and those allied with them in their fight to change the world rarely command extraordinary resources. Indeed, they’re all given lots of reasons to believe they should do nothing but wait around for “big” chances to change things in a “big” way all at once—the kinds of chances and changes that tend to attract much attention, and about which our culture teaches us to dream.⁷⁹

López reminds us that on a day to day basis, the seemingly common, regular cases that we take on with our limited resources can lead to major change—that it’s a mistake to ignore their importance.⁸⁰ The challenge to make big change may be huge, “the wait can be long, and there’s no certainty [we will] be ready or able to do much with the opportunities that finally present themselves.”⁸¹ White similarly warns the rebellious lawyer that in collaborating with others and in recon-

⁷⁷ Matter of A—S—, 21 I.&N. Dec. 1106 (BIA 1998).

⁷⁸ LÓPEZ, *supra* note 1, at 43.

⁷⁹ *Id.* at 73.

⁸⁰ *Id.*

⁸¹ *Id.*

ceptualizing her role, the battles may become extremely challenging.⁸² Why engage in these impossible battles? What sense do they make if they result in an administrative or judicial loss or if the efforts are frustrated by law or politics? First of all, a “loss” is only a “loss” depending on who is defining its parameters. Much can still be gained from the effort. The gain may come from the unity of the effort, from the camaraderie, and from the sense of worth or even pride in fighting the battle. A sense of empowerment can be derived from the process as well as from being heard, or even from the freedom of expression. Secondly, who knows? You may actually accomplish the impossible! Think only of reparations and an apology for Japanese Americans who were interned. Forty years after the infamous internment during World War II, through years of hearings, letter-writing campaigns, lobbying efforts, and personal testimony, the injustice of internment was recognized: Congress provided small compensation to survivors, and a formal apology by Attorney General Richard Thornburgh.⁸³ White provides an example from Ghana where allies still come up with action strategies in spite of the impossible challenge of influencing the World Bank or IMF.⁸⁴

Advocacy with our clients on their individual cases, while challenging, do not involve what I would regard as insurmountable odds. In fact, in spite of the overwhelming caseload pressures, the Clinic has been fabulously successful, measured in asylum and SIJS grants preventing deportation.⁸⁵ We agree with López’s rejection of the standard message: “Don’t waste time and energy on the everyday; at least don’t exaggerate its importance.”⁸⁶ We refuse to “abandon the belief that working on the familiar everyday sometimes shakes things up [and] occasionally even provides the inspiration for structural changes. . .”⁸⁷ Our Clinic regular takes on clients who reside in rural Central Valley towns that other programs reject as too inconvenient or because the task of educating state courts on the nuances of SIJS is seemingly too daunting. One of us, but especially Jacqueline or Vanessa, is on the road to the Central Valley two or three times per month. But our determination has been rewarded with successes as we

⁸² Lucie E. White, *The Power Beyond Borders*, 70 *MISS. L.J.* 865, 872-74 (2001).

⁸³ Bill Ong Hing, *Nonelectoral Activism in Asian Pacific American Communities and the Implications for Community Lawyering*, 8 *ASIAN PAC. AM. L.J.* 246, 254-55 (2002).

⁸⁴ White, *supra* note 82, at 872-74.

⁸⁵ I understand that at the 2016 AALS Clinical Conference’s Immigration Working Group, there was a fair amount of discussion over how challenging the UAC cases were and how clinicians were experiencing denials or referrals of those cases to the immigration court. For now, I can only attribute our success to good fortune.

⁸⁶ LÓPEZ, *supra* note 1, at 73.

⁸⁷ *Id.*

remain “busy, scrutinizing commonplace experiences, taking advantage of the many small opportunities regularly neglected by other activists.”⁸⁸

Combatting the policy decision of the Obama Administration to make the removal of UACs and AWCs a top deportation enforcement priority has, however, been very challenging. The Administration’s strict enforcement response to the border surge partly was a response to criticism from the right, that the flow was a response to Obama’s generous DACA program for DREAMers.⁸⁹ Without fully assessing the wrong-headedness of its goals given the violence from which the migrants were fleeing, the Administration claimed to be sending a message to prospective migrants that they would be turned back quickly.

The battle against the Administration’s enforcement efforts has involved a monumental effort involving several facets with which we are involved. From Capitol Hill advocacy to litigation, the usual suspects—ACLU, the Immigrant Legal Resource Center, the National Lawyers’ Guild, MALDEF, the American Immigration and Nationality Lawyers Association, the U.S. Conference of Catholic Bishops—are involved. Media strategies and messaging campaigns are being waged. And of course immigrants themselves, from DREAMers and rising stars in the Central American community have emerged. This is not simply about U.S. policies, but about policies in the Central American region itself.

G. *Integrate and Navigate Many Worlds*

*[F]or all the instances of actual collaboration, most lawyers and clients never fully integrate into a conception of their job or into their strategic thinking the work of other problem-solving practitioners.*⁹⁰

...

You can hardly claim to have talked seriously about mobilization as a dimension of the rebellious idea of lawyering without talking seriously about the work of the professional organizer. Over the last fifty years or so, the professional organizer in this country seems increasingly linked to the idea of groups of mobilized people working together, taking on fights, extending themselves and their power in often unfamiliar and potentially radical ways. Indeed, by seemingly universal agreement, an organizer’s job is organizing—all the time, anywhere, any people. Organizers are trained to organize, paid to organize, and understood by others as doing their job when they or-

⁸⁸ *Id.*

⁸⁹ Roque Planas, *Don’t Blame Central American Newspapers for Influx of Undocumented Children*, HUFFINGTON POST, June 12, 2014.

⁹⁰ LÓPEZ, *supra* note 1, at 55.

ganize. Organizers apparently still set the tone, spiritually if not practically, for what working with groups should be all about in the fight for fundamental social change. What Leonard [a professional organizer] has to say, then—for all its subjectivity, limits, and provisional nature—may help us begin to make sense of how a professional organizer might understand work in the rebellious idea of lawyering against subordination.⁹¹

In López's vision, lawyers must be skilled legal technicians and engaged public citizens and activists. They must expertly navigate and integrate many worlds: the legal, the interpersonal, the social, and the political.⁹² White also notes the importance for "political lawyers to leave the shelter of their offices and give up the false sense of control that goes with one-to-one client representation."⁹³

Whatever success is achieved in combatting UAC and AWC enforcement policies will come about as a result of well-honed abilities to navigate and integrate many different worlds. From working with the migrants themselves to the media, funders, politicians, and like-minded allies, we need to become as well-heeled as possible in the various terrains. So during the course of this clinic semester, I have invited guest speakers from the Silicon Valley Community Foundation, staff from the San Francisco Board of Supervisors, and the school district. In past semesters, speakers have included mental health professionals, faculty from the USF School of Nursing who travel regularly to the Central Valley for a migrant clinic, and reporters from radio and print media. The purpose is not simply to listen and learn what they do, but how to influence and perhaps work with them in achieving social justice.

Community organizing is one important example of a world that lawyers should study and work with recommended by López.⁹⁴ My regular participation with the grassroots residents who make up *Movimiento por la Reunificación Familiar* is my most recent attempt at embracing community organizers. In my view, having students engage with *Movimiento* as part of their clinic experience is one way of giving them a sense that this can be a natural part of practicing law. *Movimiento* regularly strategizes on effecting change on UAC issues. Its aspiration is to work with old-school allies but also to create new disruptive approaches, integrating disparate disciplines and entities. Students tell me that witnessing how *Movimiento's* aspiration unfolds and contributing to its activities is very meaningful and eye-opening.

⁹¹ *Id.* at 335-36.

⁹² *Id.*

⁹³ Lucie White, "Democracy" in *Development Practice: Essays on a Fugitive Theme*, 64 TENN. L. REV. 1073, 1076 (1997).

⁹⁴ LÓPEZ, *supra* note 1, at 333-39.

CLOSING

In our Deportation Defense Clinic world with students centered in the middle of the demands of a huge UAC and AWC caseload, it's easy to get consumed by the day to day work. Obligations to funders mean maintaining a high caseload—through taking referrals from the immigration court, the Bar Association of San Francisco, Catholic Charities, other legal services providers, private attorneys, and word of mouth from our own clients. Maintaining a high caseload means a constant schedule of client intake, interviews, declaration prep, document prep, country conditions research, expert support, client prep for testimony before the immigration court, asylum office, or state court for SIJS appearances. Jacqueline, Vanessa and the Clinic students are consumed with this work. Monthly financial reporting requirements to funders fall on Vanessa. Jacqueline oversees most of the students' casework, and we run the weekly case reviews together. Jacqueline also meets monthly with other legal services supervisors for updates on strategies, local procedures, caseload distribution, and case demographics, as I concentrate on the funding world, policy strategies, and working with non-legal services allies.

But we want the day to day work to include regular work on policy advocacy. In February, when we learned that Harry Reid and Zoe Lofgren introduced legislation that would provide government-paid legal representation to unaccompanied children, we chimed in. In March, we contributed to Jesuit Refugee Services quarterly conference calls to check in on what other Jesuit law schools around the country are doing and to schedule a legislative advocacy day on UAC issues to lobby Congress in the summer. We also contribute to JRS's efforts to convince other law schools to send volunteers to the ICE family detention centers in Texas. We help promote the National Lawyers Guild's media and congressional efforts exposing the wrong-headedness of Operation Border Guardian raids on UACs and AWCs who have been ordered deported *in absentia*. We are part of a national SIJS working group concentrating on policy matters. We work with the Immigrant Legal Resource Center in its efforts to push the Obama administration to grant temporary protected status to those who have fled Central America's violence in recent years.⁹⁵

The miracle of clinical programs, that we've all experienced, is in providing real-life, real client experiences for our students who become totally invested in doing a great job for clients and who go on to

⁹⁵ ILRC & 270+ Human Rights Groups Ask Obama to Grant TPS for Northern Triangle Families Fleeing Violence, IMMIGRANT LEGAL RESOURCE CTR., (Jan. 25, 2016), <http://www.ilrc.org>.

devote much of their careers to public interest work. They proclaim that the clinic was the “best class” or experience they had in law school, and that makes us feel good. Truth be told, the phenomenon of being turned on by a particular class that proves to be career altering can be said for any number of non-clinical classes as well. I’ve heard students talk that way about their tax, intellectual property, antitrust, and family law seminar or podium courses. What’s different about the clinical courses I’ve taught at other schools and now at the University of San Francisco is the use of a rebellious approach. These clinic students get particularly turned on to the notion of respect for the client, working in partnership with the client, respecting the client’s own wisdom, not being the knight in shining armor, and looking for allies to help resolve our clients’ challenges and those of other clients who are in the same boat. And that approach is something that remains embedded in the students’ minds in practice after law school.

Jerry López’s framework for rebellious lawyering is my guide as I direct the Clinic. We learn from the clients. We respect our clients and do our best to not engage in subordinating maneuvers. We are constantly recruiting and looking out for more allies. We demystify the processes for our clients, as we work together on their storytelling abilities. We are navigating many different worlds. We are taking on the day-to-day cases as well as battles with seemingly insurmountable odds, yet we are thriving and not simply surviving.

So it’s the end of the semester. We call in Karl, a clinic student from last semester because one of his clients finally is scheduled for his asylum office interview. Karl meets and works with Andy the client and Michael the undergrad student volunteer interpreter for a few hours. The three are off to the asylum office without Jacqueline or me, because they have formed a team that is working on the case together. Karl has attended previous asylum office interviews with clients under our supervision; he is ready to do this on his own. Given the caseload and the confidence that we have in our students who have been trained and rehearsed, students appearing without an attorney supervisor at the Asylum Office is common for our Clinic. Kaitlin is working at a private immigration law firm this summer—a firm that has donated to funding our volunteer trips to the Texas detention center. Kaitlin and I schedule several meetings over the summer to work with our client Maria from El Salvador whose asylum hearing in the immigration court is scheduled for August 2. Jacqueline, two law students (Zulma and Gabriela) who will be in the Clinic this coming Fall, and two of the undergrad interpreters are fundraising for another volunteer trip to the Texas detention center scheduled for July 17 to 22. And Ned? On Friday, April 29, Ned and more than a dozen other

USF law students attend a protest rally against Donald Trump who is about to speak at the State Republican Convention in Burlingame, California, just south of San Francisco. Ned is one of five demonstrators arrested for failing to disperse and resisting arrest. He's held for about twelve hours before being released; his arraignment is scheduled for June 2.

In the middle of May just days before law school graduation, I am reminded that the emotional investment in your clients means that the day to day work can make you smile with pride, but also make you cry. Early in the week, I smiled when Jacqueline told me that one of our UAC clients from Guatemala, Jorge, for whom we've applied for asylum, had come by the office to invite Jacqueline to his high school graduation. Plus, he has been accepted to attend college at San Francisco State University! That is so cool, I thought, especially after recalling how he fled the 18th Street gang and narcos in Guatemala who were likely responsible for the disappearance of his brother.

That was Monday, but on Tuesday, I cried for a different client.

The client I cried over was Marvin the teen who lived in Stockton with Marvin the adult guardian. Marvin the teen also had fled Guatemala because the 18th street gang threatened him and his family for his refusal to join. Neither the police nor his parents could protect him; he was so lucky that Marvin the adult, a family friend, took him in. With students and volunteer attorney Karen, we were able to help Marvin the teen get his green card. But I cried on Tuesday, because we received word that teen Marvin had died in a swimming accident, just weeks after becoming a lawful immigrant—protected from the violence in Central America. Yet, in spite of the tragedy and like so many other UACs, Marvin deserved his fair chance at a peaceful and productive life here.

The Marvin tragedy, however, serves as impetus for more reflection on the Clinic juxtaposed with rebellious lawyering. Does it simply serve as another reminder that we need mental health allies in doing work fraught with trauma? Perhaps. Or maybe it means that part of our job as rebellious lawyers committed to collaboration is to convey the strength of collaboration to our clients in their daily lives beyond the course of the legal case. Or it may mean something different or nothing at all. But one thing the rebellious approach does leave me with is the challenge to keep thinking things through, to see how things can be done better with the next client or the next issue. And that gives me hope, because I also will be working with Jacqueline, Vanessa, students, and allies in thinking this through.