



WINTER 2021

# Newsletter

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As we round out the end of 2021, it's a good time to reflect on the past year of pro bono work. Our pro bono client population has, in general, been more severely impacted by the pandemic than the average American, but we also saw some normalcy resume in terms of court operations and other access-to-justice issues being resolved as government agencies adjusted to remote work. Three clients finally received green cards after over five years of work on the part of Buckley case teams. We've had housing cases move forward after being stalled out for months. And, with a new administration in place, there is more hope that some of our clients serving unjust sentences may receive clemency or sentence commutations. Our work, however, continues and our clients' needs have only escalated in some respects. The recent crisis in Afghanistan, for example, resulted in mobilization of pro bono resources to assist refugees with fleeing the country, along with asylum cases that will need to be pursued. We are planning to represent several Afghan women in these efforts but recognize that there are steep hills to climb. Stay tuned.

Below is a snapshot of some of the important work being done by Buckley teams today and over the past several months. We hope these newsletters help everyone understand the impact of

pro bono work on the lives of our clients. Thank you for all that you do.

Regards,  
The Pro Bono Committee

## SUMMARIES OF RECENT WORK




# Immigration

### Green Cards secured for Honduran boys escaping abuse

In late 2014, **Leslie Meredith** and **Luigi de Guzman** began representing two brothers from Honduras. The boys had been abandoned by their abusive father and, after facing kidnapping threats in Honduras, fled the country and crossed the U.S. border unaccompanied, with the hope of joining their mother in Maryland. Upon arrival in the United States, the boys were immediately charged with unlawful entry and placed in removal proceedings. Even though removal proceedings are quasi-criminal in nature, there is no right to counsel in immigration court — even for children who do not speak English.

The brothers were referred to the firm through Kids in Need of Defense (KIND), an organization devoted to the protection of unaccompanied and separated children, and our team set to work on establishing their eligibility for Special Immigrant Juvenile Status as a defense to the removal proceedings and as a basis for obtaining legal permanent residency for them. In 2016, the team obtained an order after a hearing in Maryland state court awarding sole custody of the boys to their mother and terminating their father's parental rights. (This alone was no

easy feat, requiring telephone calls to various jails and detention facilities in four states in Mexico since the father's whereabouts were unknown.) With the custody order in hand, our team obtained approvals confirming that the boys were eligible for Special Immigrant Juvenile Status, but due to the large number of unaccompanied minors coming to the U.S. from Honduras, and changes to immigration policy and priorities following the change in presidential administration, securing these visas and terminating the removal proceedings was a slow, uphill road. Eventually we were able to terminate their removal proceedings, but due to a glitch in the immigration court's recordkeeping procedures, the order dismissing the removal proceedings was never docketed — thus necessitating another round of letters, phone calls, and escalations to various tiers of USCIS officers. The team's persistence ultimately paid off: one boy's green card arrived on August 9, and the other arrived recently. The boys are now young men, ages 17 and 19, and very grateful to have the peace of mind that their legal status is secured.

Along with Leslie and Luigi, several former paralegals made significant contributions to the case, including **Nicole Kerr** (who will be a summer associate again this year), **Jack Goldfield**, and **Kyle Zelenitz**. 

## Finally, a green card for Salvadoran teen

**Dana Kumar** and **Megan Whitehill** secured a green card for an undocumented teenager who fled gang violence and recruitment in El Salvador and came to the U.S. by himself in 2016, when he was only 14-years old. He was immediately placed in removal proceedings and sent to live with his mother in New York City. This case was referred to the firm by KIND. Our team first secured a victory in Queens County Family Court when the court appointed the client's mother as his custodian and granted Buckley's motion declaring it would not be in the teenager's interests to be sent back to El Salvador. With the family court orders in hand, the team then applied for Special Immigrant Juvenile Status with the federal immigration authorities.

The most challenging part of the case was how long it took to get the client his green card. Because of the large number of cases emanating from Central America, the immigration authorities often take years to adjudicate green card applications. The team had to wait until the appropriate time to file the application while dealing with changing agency priorities that shifted based on which presidential administration was in office. Once the application was in, the team's motion to terminate the client's removal proceedings was granted, and the green card was finally issued in the fall of 2021. The client had dealt with quite a few pandemic-related difficulties, so it was an especially rewarding time to secure this victory for him and his mother. **Debbie Morales** and **Amparo Tamayo** provided invaluable assistance to the team. 🏡




## Housing

### Eviction thwarted

**Don Meier** and **Jackson Hagen** represented an elderly D.C. resident facing eviction for over two years before resolving the case recently to avoid eviction. In late 2019, the team reached a favorable agreement for the client, settling the landlord's eviction action along with remedying certain client concerns, following filings and mediation related to conditions in the client's unit and alleged non-payment of rent. However, the landlord later moved for, and ultimately obtained, a redeemable judgment for possession under the terms of the settlement agreement, arguing that our client had violated that agreement.

D.C. allows a tenant to "redeem" a judgment for possession at any point before the eviction actually takes place, and all evictions were halted during the pandemic. In working with the client to oppose the eviction,

we found that the landlord's indicated redemption amount and going-forward monthly rent in the landlord's filings post-judgment were significantly inflated by amounts improperly added to the tenant's share of the rent following entry into the settlement agreement. We made filings with the court disputing certain of the charged amounts as improper, and argued that in light of those errors and an intervening emergency rental assistance payment made on behalf of our client by Catholic Charities DC, the judgment had already been redeemed.

After briefing this issue and preparing for a hearing, which was twice delayed at the landlord's request, the landlord agreed to the dismissal of the case. This result was particularly satisfying, as we were able to reach a solution that not only allowed our client to remain in place and avoid the ongoing threat of eviction, but also made the client more secure going forward, with a fresh start and credit towards future rent. Don and Jackson were supported by **Caitlin Kasmar**, **Nicole Reeber**, and former staffer **Elizabeth Preuss**, as well as our contacts at Legal Counsel for the Elderly. 




## Criminal Justice

### Seeking relief for harsh sentencing

Through the firm's ongoing relationship with the National Association of Criminal Defense Lawyers, we were asked to assist with its Return to Freedom Project, which helps individuals serving overly harsh sentences seek relief via clemency, compassionate release, or expungement. The R2F Project combines a number of different initiatives under one banner, including the Cannabis Justice Initiative, on which we are focusing at this time on behalf of two clients.

One was convicted pursuant to a plea agreement in 2009 for conspiracy to distribute marijuana. He was sentenced to 180 months and has served almost 13 years of his sentence. We are in the initial stages of establishing contact with our client and his family and evaluating the grounds on which to seek relief, but we anticipate filing a motion for compassionate relief based on arguments addressing excessive sentencing, trial penalty, family circumstances, and rehabilitation.

The other case is similar. Our client was convicted pursuant to a plea agreement in 2012 for conspiracy to distribute marijuana and has served nearly 10 years of his 20-year-sentence. We are in the initial stages of this matter as well, but we anticipate filing a motion for compassionate relief based on similar arguments used in the first case.

The two teams include **Michael Chu, Sarah Davis, Avi Erdfarb, Lauren Erker, Alexis Murray, Cierra Newman, Geoffrey Warner,** and **Surur Yonce.** **Caitlin Kasmar** and **Bree Murphy** are providing oversight and guidance on both matters, and **Maria Gelabert** is supplying paralegal assistance to both teams. 

## Motion for reduction in sentence under the Maryland Juvenile Restoration Act

**Steve vonBerg** and **Luigi de Guzman**, with assistance from **Jon Langlois, Caitlin Kasmar,** and **Bree Murphy**, recently filed a motion for reduction in sentence for our pro bono client, a 46-year-old man who has served nearly 30 years of a life sentence for a murder he committed as a juvenile. Significantly, the State of Maryland is not opposing our motion, based on Steve and Luigi's extensive advocacy with the Office of the Baltimore City State's Attorney.

Our client was tried and convicted as an adult and sentenced to life plus 20 years in prison — the maximum possible sentence for an adult under the law. His age at the time of the offense was not considered during sentencing. At the time of his sentencing, it was the policy of the state of Maryland to deny parole to those serving life sentences in all

cases, even for those convicted as juveniles, which recent U.S. Supreme Court holdings have ruled to be unconstitutional.

Effective October 1 of this year, any person sentenced to life in prison as a juvenile who has served at least 20 years in prison is entitled to a hearing under the newly enacted Maryland Juvenile Restoration Act, which codifies the recent SCOTUS rulings.

During his time in prison, our client has matured from an impulsive teenager from a tragic background into a model inmate. He has completed nearly every educational and vocational program available to him and his behavioral record has been outstanding. Fifteen years ago, he assisted multiple law enforcement agencies to disrupt the criminal activities of the Black Guerrilla Family, a violent prison gang, which resulted in (1) several dozen BGF gang members and corrupt prison officials receiving lengthy prison sentences and (2) our client being stabbed 14 times and nearly killed in retribution, and spending the remainder of his sentence in protective custody (basically the equivalent of solitary confinement).

We expect a hearing will be scheduled. 🏠




## Disability Rights

### Obtaining necessary accommodations for prisoners

**Jay Williams, Michael Chu, Josh Felty, Cecilia Caunca, and Maria Gelabert** represent two individuals currently incarcerated in Virginia prisons run by the Virginia Department of Corrections in separate, but similar, matters. VDOC has refused to grant each client the accommodations each is owed under the Americans with Disabilities Act and Rehabilitation Act. Without these necessary accommodations, both

clients are left to navigate a hazardous prison environment at substantial disability, putting their health, safety, and overall well-being at risk. By the time the team got involved in these cases — on referral from Interfaith Action for Human Rights — each client had filed separate lawsuits in federal court.

These cases are particularly challenging for a few reasons. For example, each client, because their disability needs are not met, risks being wrongly disciplined for supposed “non-compliance” with prison orders or regulations. Disciplinary actions have serious consequences ranging from job restrictions, negative parole determinations, loss of good-time credit, and even solitary confinement. Additionally, while client access is always a problem in providing pro bono services for incarcerated individuals, here that problem is particularly acute because each client is disabled. We originally could not get an initial call scheduled with one of the clients because he did not have access to a properly accommodating phone. Eventually we managed to secure him access to such a phone, but it required significant back-and-forth with VDOC.

We are currently engaged in settlement negotiations with the defendants in both cases and are prepared for further litigation if necessary, in order to ensure VDOC meets the accommodations to which our clients are morally and legally entitled. 




## Voting Rights / Democracy

### Seeking answers on the 2020 Census' citizenship question

Since 2018, Buckley has represented Campaign Legal Center, a nonpartisan organization with a mission to advance democracy through

law at the federal, state, and local levels, in its effort to obtain documents from the Department of Justice related to its decision to request that a citizenship question be added to the 2020 Census. While DOJ has produced some of the documents subject to CLC's Freedom of Information Act requests, it continues to withhold relevant and responsive information on the disputed basis that it is protected by the deliberative process privilege in Exemption 5 of FOIA. DOJ's position is that the disputed documents and communications are privileged because they were created before DOJ submitted its request to the Census Bureau. However, multiple federal courts, including the Supreme Court, have found that DOJ's asserted rationale for requesting the citizenship question — enforcement of the Voting Rights Act — was likely a contrived, post-hoc justification for a decision already made by another agency. Accordingly, CLC maintains that the deliberative process privilege does not shield these documents from disclosure because the relevant agency decision had already been made at the time the documents were created.

An appeal regarding a certain category of withheld documents is currently pending before the U.S. Court of Appeals for the D.C. Circuit. The remaining categories of withheld documents are subject to renewed motions for summary judgment currently pending before the U.S. District Court for the District of Columbia. Both decisions will contribute to this actively evolving area of law and the scope of the deliberative process privilege.

The team working on the case consists of **Adam Miller**, **Elizabeth Olien**, **Nancy Turner**, and **Jailyn Bunton** (and previously, former Buckley attorneys **Nadav Ariel** and **Josh Flood**). 

## SPOTLIGHT ON ...

### Kate Goodman

Kate is counsel in our Chicago office and

focuses on the federal and state regulatory needs of financial services companies. Her pro bono practice has included matters involving compassionate release, asylum requests, and housing discrimination.



## **What pro bono projects are you currently — or have recently been — involved in?**

I am currently working on an asylum matter in conjunction with the National Immigrant Justice Center and a team from one of our Chicago-based clients. Our pro bono client is a young woman who came to the United States from Mexico after enduring years of abuse from her partner and the father of her two children. We hold regular meetings with our client to gather information about her story to inform an affidavit that will be submitted in support of her asylum claim. We are still early in the process, but it has been especially rewarding getting to know our client and hearing about how her children are thriving here in the United States.

In recent years, I also worked with a team of Buckley attorneys to assist a client with his parole efforts in conjunction with the Maryland Juvenile Justice program. Our client was sentenced to life in prison when he was 13 and we were first approached to assist with his parole efforts after he had been incarcerated for more than 25 years. During our first meeting, the client informed us that he had filed a pro se writ of habeas corpus in Maryland court. We took that effort on and submitted briefs and presented oral arguments on his behalf. The court ultimately ruled that the claim was not ripe due to recent changes in the parole process that afforded him a new parole hearing. We assisted our client with preparing for that parole hearing and met with a parole commissioner. Our client's request for parole was deferred, as is common, and we are hopeful that his parole will be granted in the future.


## What spurred you to get involved?

I got involved with both cases because I recognize the responsibility I have as an attorney to use my skills to assist those who don't have access to the same resources, knowledge, and opportunities that many of us are fortunate to have. In both cases, our clients slipped through the cracks or were neglected by the formal institutions meant to protect vulnerable individuals.

## What has been the most rewarding or most surprising aspect of the work?

I have really enjoyed getting to know our clients on a personal level, including meeting their families and hearing about achieving milestones that may not have been previously possible. Our Juvenile Justice client is now working with another attorney, but our briefs and parole submission are being leveraged to support his current efforts. In addition, the ACLU will also be using our materials, on an anonymous basis, for an amicus brief in support of affording juvenile offenders additional opportunities for parole. It was rewarding to see that even where we did not get an immediate release for our client, our efforts would continue to help others in the same situation.

## How do you balance your pro bono work with the rest of your caseload?

Balancing various matters is always tough, but fortunately, the firm's emphasis on pro bono matters makes it a bit easier. When I know my billable matters will be especially time consuming and time sensitive, I look for pro bono matters that will not present similar time constraints. For example, our asylum client likely won't have a hearing on her case for at least a year or two, which permits flexibility in scheduling interviews and drafting her affidavit. 

# Pro Bono

Buckley has a strong commitment to public service and encourages all of its lawyers to participate in pro bono work as a means to hone their professional skills while contributing to the broader community. The firm's pro bono practice focuses on providing legal services to economically disadvantaged individuals as well as to non-profit organizations in our surrounding communities and throughout the United States.

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