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president's PAGE / By Palma R. Yanni

Doing the Right Thing, the Noble Thing: Pro Bono

"Every morn brought forth a noble chance, and every chance brought forth a noble knight."

—Winston Churchill on Dunkirk, quoting Alfred Lord Tennyson's *Morte d'Arthur*

EVERY LAWYER has a professional responsibility to provide legal services to those unable to pay, and AILA has a strong tradition of providing pro bono services. Opportunities are available nationwide through chapter committees, coordination with immigration courts and the BIA, and relationships with nonprofit organizations providing legal services to the indigent. One program that would welcome us all is the South Texas Pro Bono Asylum Representation Project (ProBAR) founded in 1989 to represent detainees.

A First-Hand Look

In February 2004, ABA President-Elect Robert J. Gray, Jr., invited representatives from the founding organizations of ProBAR (ABA, State Bar of Texas, and AILA) and the Texas Equal Access to Justice Foundation to join him in Harlingen, Texas, for briefings and tours of immigration facilities and to celebrate 15 years of ProBAR. We traveled to a border patrol station where agents offered glossy newspapers, gave a polished Power Point presentation, and had us examine some tools of the trade—special flashlights and night vision goggles that cost up to $30,000 apiece. We took those costly items on a "ride-along"—in specially outfitted Ford Expeditions used to patrol narrow paths along the Rio Grande—in a designated conservation area. That night, neither an ocelot nor a migrant was seen crossing the border.

The next day, we traveled to a shelter for unaccompanied minors in Los Fresnos. Girls were playing kickball in flip-flops because they were less likely to leave the shelter to walk endless miles in the barren countryside without proper shoes.

We moved on to the Port Isabel Processing Center (PISPC), in an even more remote area, which endures searing heat most of the year. PISPC, a medium security prison, houses up to 800 detainees at a time and approximately 10,000 men and women annually. Most detainees are border crossers—apprehended through the use of those flashlights, night vision goggles, and impressively outfitted Expeditions. PISPC has new residential facilities called "pods"; a medical facility soon to be expanded to treat detainees from all over the United States; a large cafeteria; a small courthouse for hearings; and a tiny library that doubles as a barber shop. Detainees' clothing is color-coded: red for aggravated felons, orange for "criminal aliens," and black for others. Most inmates appeared barely out of their teens. These alleged violators of civil laws spend their days locked in the pods under the constant, dehumanizing scrutiny of guards. They are marched to meals and allowed one hour outside each day.

ProBAR: A Second Home

Found amongst this massive show of governmental money and might, is a charming three-story house crammed with files, desks, tables, and copiers: the home of ProBAR. The staff consists of a coordinator, a legal orientation program attorney, a children's attorney, and two paralegals. With the assistance of hundreds of volunteer attorneys, law students, and legal assistants, ProBAR provides representation to thousands of detainees and unaccompanied children each year.

ProBAR volunteers travel to South Texas for final preparation and filing of applications for relief and to represent clients in merits hearings. Volunteers may spend as little as a week, or as long as several months at ProBAR. Immigration judges make efforts to accommodate volunteer attorneys so their cases can go forward during their visit to Harlingen.

ProBAR's remarkable success record in 2002 includes winning 70 percent of asylum and withholding cases, and 100 percent of cancellation and §212(c) cases. Unfortunately, the number of detainees increases dramatically each year, PISPC continues to expand, and the crying need for defenders of noncitizens simply escalates in South Texas.

ProBAR's Children's Assistance Project has won political asylum for minors and has obtained permanent residence status for many of them as special immigrant juveniles. The day we toured, a child received a grant of asylum, which prompted this question from a delegation member, "Where will that child sleep tonight?" Sadly, the answer was that for at least a few months, the child would remain at the shelter. But on a happier note, that child's future has been redeemed through the hard work of pro bono lawyers.

"Every person who comes down—be they a seasoned partner at a law firm or a young law student—walks away a better lawyer and a better person," said ProBAR Director Meredith Linsky. To get involved, contact Meredith at (956) 425-9231 or e-mail *ProBARTX@worldnet.att.net*.

Seize the noble chance; become a noble knight. ILT

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