At CILA, we often get asked about how to make working with pro bono attorneys more successful. As immigration practitioners we are aware that immigration cases, if followed from beginning to end, can take an inordinate amount of time, several years or more. There are many factors and reasons for this lengthy case time period, but the reality is that it can make it extremely difficult to place a case with a pro bono attorney. Making a 5-year commitment, for example, to a pro bono case is much more than most attorneys can contemplate.

Special immigrant juvenile status (SIJS) cases often compound this problem because they require an attorney to work in two areas of law that may be new to them. Many pro bono attorneys are not experts in immigration law when they agree to take a case, but with SIJS they also need to dip their toes into practice areas such as family, guardianship, probate, and/or dependency law. One of the solutions to both issues—the lengthy case and multiple subject areas—is to split the SIJS case up into the state court portion of the case and the immigration side of proceedings.

Generally, the state court process necessary to get the required determinations and order is shorter than the immigration part of the case, making it arguably the easier part of a SIJS case to refer to a pro bono attorney. In researching how this might work, CILA came across three distinct models that legal service providers use to place SIJS state court cases with pro bono attorneys or to get support in pro bono case management.

Model One Example: Use Your Network
The first model we explored is being used by the legal service provider the National Immigrant Justice Center (NIJC), a program of the Heartland Alliance based in Chicago, Illinois. We spoke with Hillary Richardson, who is the Managing Attorney of NIJC’s Non-Detained Kids Project. Richardson began working in immigration law with NJJC after previously practicing family law in Illinois. In an effort to try to tackle the amount of cases that needed attorneys, she began a pro bono program for the state court portion of SIJS proceedings by initially reaching out to her friends still practicing family law. She tried to get them and other family law attorneys involved with SIJS state court proceedings by offering free continuing legal education (CLE) trainings in exchange for accepting a pro bono case.
This worked for the first couple of years while the program was getting established. The attorneys were mostly solo practitioners and those that typically act as guardian ad litems. However, once Richardson began to tap into NIJC’s wider network of law firms, the program really began to flourish. Now the pro bono program at NIJC’s Non-Detained Kids Project uses mostly brand-new associates at bigger law firms. Although these new attorneys may not have experience in family law, they often have enthusiasm and/or experience with litigation, which goes a long way. It stands to reason that larger firms are keen for their new attorneys to get significant court room experience without having to charge it to a client, so the experience benefits them as well.

Richardson says that one of the keys to success in her program is “frankness and examples.” Additionally, Richardson explained, “there is a fair amount of education and management of expectations required.” NIJC has dedicated time to developing templates and memos for the pro bono attorneys to use so that the legal basis and explanation for these cases is consistent. But every court room and case is different, so they also spend time guiding attorneys through specific issues. There is also management of the cases, to make sure that they are moving along and to remind the pro bono attorneys that they have obligations to the clients and need to talk with the client extensively before drafting and filing the documents in a case. One of the benefits of working with larger firms is that NIJC can require them to pay for an interpreter, something solo attorneys rarely have the budget to do.

It is important, as Richardson pointed out, that the person at the legal service provider who is managing the pro bono program is licensed in the state where the pro bono attorneys are taking cases to court. Richardson supervises only Illinois cases, where she is barred, and NIJC has struggled to place cases in nearby Indiana, as she cannot give advice on Indiana state law. To ease this burden, NIJC has started a partnership with Chicago Legal Volunteer Services, a local nonprofit that does family law work. Chicago Legal Volunteer Services and various guardian ad litems in the area work with NIJC to give advice to the pro bono attorneys on state court matters such as complicated procedural issues.

**Model Two Example: Partner with Other Nonprofit Organizations**

CILA discovered this model when speaking with Immigration Counseling Service (ICS), which is the legal services provider for a long term foster care (LTFC) group home in Oregon. Unlike some other jurisdictions, under a specific Oregon statute, youth in LTFC can obtain a dependency order while in Office of Refugee Resettlement (ORR) custody, and dependency is one of the vehicles to get a qualifying SIJS order in Oregon. Like NIJC, ICS has partnered with a local nonprofit on the state court portion of SIJS, but instead of just giving advice, this nonprofit takes the entire dependency case.

To find out more about this model, CILA spoke with Jennifer Stoller, Staff Attorney at Youth, Rights & Justice (YRJ), Attorneys at Law, in Portland, Oregon, ICS’s nonprofit partner. Youth, Rights & Justice is a nonprofit law firm whose attorneys are appointed by the court to represent children, youth, and parents involved in the foster care and juvenile justice systems; they use a public defender model. According to Stoller, the organization’s relationship with ICS began more than 10 years ago when, similar to NIJC, an attorney at ICS reached out to a friend at YRJ to see if they might be able to help with dependency orders for children in an ORR shelter. Now, ICS contacts YRJ when a youth arrives at LTFC so YRJ can be involved during the screening process. From the initial screening through the point when a case is filed in court, YRJ works on a pro bono basis for
the youth in LTFC. Once the dependency case is filed in state court, YRJ then gets appointed by the judge as the youth’s public defender, which then allows their work on the case to be funded by the state.

When working with the LTFC youth, Stoller says that “we are very clear that [YRJ] does not do the immigration portion of the case.” The organization has a specific skill set, and that is what allows them to assist LTFC youth so effectively in getting family court orders that later form the basis for a SIJS case. Given their position as public defenders in the foster care and juvenile justice systems, YRJ has been able to advocate with and educate state court judges, the district attorney, and other state agencies about SIJS so that the cases are now more routine.

Stoller points out that at the moment YRJ only has the capacity to do dependency proceedings for ICS’s clients. Although there are other methods of obtaining the required state court order in Oregon, due to staff and funding shortages, YRJ focuses on dependency proceedings, which requires both parents to have abused, abandoned, or neglected the child. However, Stoller recognizes that there is a whole population of youth released from ORR shelters that could benefit from YRJ’s expertise. Youth, Rights & Justice is becoming known for its work on dependency orders for immigrant youth and now gets referrals from people in the community as well, including their Mam interpreter and other law firms. The partnership between ICS and YRJ is mutually beneficial and an interesting hybrid pro bono model.

There is often a misconception that when a nonprofit accepts funding from the Legal Services Corporation (LSC), which was established in 1974 by an act of congress and funds a great many legal aid organizations around the country, the organization is not allowed to work with undocumented individuals. This stems from a 1996 appropriations act in which Congress prohibited LSC funding recipients from providing “legal assistance for or on behalf of any [noncitizen].” However, LSC issued an advisory opinion in 2016 that concluded that SIJS met the requirements of exceptions to the “any [noncitizen]” rule:

- Recipients may represent noncitizen parents and, in some instances, noncitizen guardians of noncitizen children subjected to battery, extreme cruelty, sexual assault, human trafficking, stalking or other U-visa-listed activities, as long as the legal assistance is directly related to obtaining relief from the abuse for the child. Proceedings in which noncitizen parents or guardians petition for SIJS on behalf of their noncitizen children are proceedings directly related to obtaining relief from the abusive situation for the child.

Therefore, it is possible for immigration legal service providers to work with other legal aid agencies to do the state court portion of SIJS.

**Model Three: Family Law Attorneys as Mentors**

One thing you might be wondering at this point is why not just enlist the family, guardianship, probate, and/or dependency law bars to take these cases. Attorneys in these areas are much more likely to be solo or small firm practitioners. Taking pro bono cases, while an admirable goal, can be difficult when there are not more attorneys to share the burden of case dockets and making payroll. Nevertheless, these attorneys have an enormous wealth of expertise in their subject area that can really benefit pro bono attorneys and immigration practitioners alike. One solution that can allow family, guardianship, probate, and/or dependency law attorneys to assist, without having to take on the responsibility of a whole case, is a mentorship model.
Receiving the mentorship of an experienced practitioner can be particularly helpful in procedural matters, for example. If the pro bono attorney has never taken a family law case and is not a litigator, they will need guidance on how things work in court, how to serve respondents, and how to get evidence into the record, to name a few. A call with a mentor walking the pro bono attorney through these matters can make a world of difference in how the case goes in front of the judge in court, potentially making a grant with the needed determinations more likely.

A typical family law attorney may not have experience with some of the issues that can arise in SIJS cases. If possible, work with a family law attorney with specific SIJS experience so that they may have had more exposure to these unique issues to provide mentorship. Alternatively, the pro bono program can develop materials focused on these specific issues to complement the family law attorneys' mentorship.

**Conclusion**

CILA hopes this feature on different creative models to break up a SIJS case and engage pro bono attorneys in the state court portion helps pro bono coordinators manage some challenges that frequently arise in children’s cases. By breaking up cases into different portions for pro bono engagement, this might be what it takes to get more people involved in a pro bono capacity and to help more youth have representation while they seek legal relief. We hope that this resource helps encourage some ideas and creative thinking for how your organization can partner with other local attorneys and organizations to provide support, mentorship, and representation for children and youth.

CILA is grateful to NIJC, Chicago Volunteer Legal Services, ICS, and YRJ for their work and to Richardson and Stoller for sharing information about their pro bono programs and efforts. If your organization has a creative model for pro bono engagement or ideas and resources to support and train pro bono attorneys, contact cila@abacila.org to share your experience. Check out CILA’s [webpage](#) on Creative Pro Bono Models for more ideas for pro bono programs.