



## **2020 AILA Virtual Immigration Court Conference: A Practical Skills Training**

*Are you an attorney new to removal defense and unsure of how to begin? Then let our faculty of experts help you get started and become a fearless lawyer by walking you, step-by-step, through the life of a case. They will provide you with the tools and resources you'll need to successfully navigate client selection, case preparation, and in-court advocacy in all hearings—master, individual, and custody redetermination (bond). You will leave this practical, interactive conference equipped with the essential techniques—presented through both substantive discussions and mock trials—necessary to help you litigate assertively and provide excellent representation for your clients in court.*

*All registrants will receive the conference recording. All times listed are Eastern Time.*



*The need for fearless legal counsel in removal proceedings has never been greater. This program is presented as part of AILA's **Fearless Lawyering** series, which empowers the removal defense bar with the latest tactics, tools, and strategies.*

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### **THURSDAY, AUGUST 20, 2020**

9:55 am–10:00 am

#### **WELCOME AND INTRODUCTORY REMARKS**

*Michael S. Vastine, Conference Program Chair, Miami Gardens, FL*

10:00 am–11:00 am

#### **CLIENT INTAKE: DEVELOPING YOUR LEGAL STRATEGY**

*Zealous representation in removal proceedings requires that attorneys study the facts of each case carefully to determine the best legal strategy for defending clients. During an initial consultation, practitioners must build client rapport and gather relevant information. They also must identify areas of weakness in the case and plan for the possible outcomes of DHS background investigations. Panelists*

*(DL) = Discussion Leader*

*\* = invited, not confirmed*

*Note: All sessions and events are subject to change without notice.*

*will address how to gain client trust, identify and document potential forms of relief from removal, and determine client and attorney responsibilities to further the ultimate goals of the representation. Panelists also will advise on defining expectations from the outset and creating a litigation roadmap to help guide both you and the client through the various steps of the case.*

- Creating an Effective Immigration Intake Process, Litigation Checklist, and Calendars
- Comprehensive Freedom of Information Act (FOIA) Requests and Background Checks
- Assessing Case Viability and Available Relief: When Present, When Not
- Honing Skills Necessary to Build Client Rapport, Obtain and Gather Relevant Information
- Case Analysis and Opening Memorandum

*Faculty:*

*Edward W. Neufville III (DL), Conference Program Committee,  
Silver Spring, MD*

*Kristin Ann Knudson, Lakewood, CO*

*Jonathan S. Greene, San Diego, CA*

*Nita Kundanmal, Hackensack, NJ*

11:00 am–11:30 am **VIRTUAL COFFEE BREAK**

11:30 am–1:00 pm **IMMIGRATION COURT 101**

***Part 1: Discussion***

*Through an interactive program mixing substantive teaching with courtroom scenarios, the panelists will provide an overview of the procedures and hearings involved in a removal proceeding.*

- Sources of Authority: Statutory, Regulatory, Sub-Regulatory
- Types of Hearings and Overview of the Proceeding
- Understanding the Charging Document
- Burdens of Proof in Immigration Proceedings
- Pleadings to the Notice to Appear (NTA)
- Continuances for Preparation or to Pursue Collateral Relief

***Part 2: Mock Initial Master Calendar Hearings***

*Panelists will explain how to prepare for and appear at the initial master calendar hearing. They also will help you visualize the process so that you feel more comfortable once you enter the courtroom.*

- Requesting a Continuance
- Requesting a Merits Hearing for a Relief Application

*Faculty:*

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*Susan Girardo Roy (DL), Conference Program Committee, Princeton Junction, NJ*

*Jeremy L. McKinney, AILA 1st Vice President, Greensboro, NC*

*W. Michael Sharma-Crawford, Kansas City, MO*

*Valerie A. Zukin, San Francisco, CA*

1:00 pm–1:30 pm **VIRTUAL COFFEE / LUNCH BREAK**

1:30 pm–3:00 pm **BEST PRACTICES FOR INDIVIDUAL HEARINGS: CASE BUILDING AND PRESENTATION**

***Part 1: Discussion***

*For clients who are found removable, the focus shifts to determining whether there are any forms of relief for which they are eligible. The speakers will discuss how to build a case for relief from removal from start to finish, with a focus on the practical and strategic considerations that are critical to successful litigation.*

- Rules and Deadlines: The *Immigration Court Practice Manual*, Standing Orders, and Filing Deadlines
- Timing, Planning, and Credibility: Working with Your Client to Develop, Document, and Present the Claim
- Evidence, Discovery, and Resources: What Evidence and Resources Are Out There and How Do You Identify, Obtain, and Work with Them?
- The Written Word: Written Versus Oral Motions, Prehearing Statements and Briefs, Written Closings

***Part 2: Mock Individual Hearings***

*These mock individual hearings will portray issues involved in presenting evidence and testimony in support of two forms of relief from removal, but with some twists. Panelists will give you a preview of what to expect when litigating before the immigration court based on real-life experiences. They also will provide expert commentary about the scenarios presented.*

- Mock Individual Hearing for Asylum
- Mock Individual Hearing for Lawful Permanent Resident Cancellation of Removal

*Faculty:*

*Ava Benach (DL), Washington, DC*

*Ruben Luis Reyes, AILA Board of Governors, Phoenix, AZ*

*Denise Slavin, Former Immigration Judge, St. Augustine, FL*

*Ilana Etkin Greenstein, Conference Program Committee, Senior Technical Assistance Attorney, Immigration Justice Campaign, Brookline, MA*

3:00 pm–3:30 pm **VIRTUAL COFFEE / LUNCH BREAK**

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- 3:30 pm–4:30 pm      **RELEASE FROM CUSTODY: THE BOND HEARING, LAW, AND FACTS**  
*Getting your client out of custody makes all the difference in defending them. If you win bond, you gain unlimited access to your client to prepare to defend them. In addition, the family is reunited and the court process is slowed down, frequently opening doors to more opportunities for relief. Panelists will provide practitioners new to immigration litigation with a practical roadmap for dealing with the detained client, contesting mandatory detention, and then building and arguing the merits of case for bond, including the use of witnesses, criminal records, contesting government records and arrest reports, and more.*
- Finding Your Client in ICE Detention Facilities, Determining Eligibility for Bond and/or Release from Custody, Requesting a Bond Hearing
  - What Is a *Joseph* Hearing?
  - Making the Case That Your Client Is No/Low Flight Risk or Danger to the Community, Alternatives to Custody
  - Posting Bond with ICE, Motions for Change of Venue
  - Changed Circumstances, Addressing Criminal Conduct, DHS’s Appeal Rights
- Faculty:*  
*Javier N. Maldonado (DL), Conference Program Committee, San Antonio, TX*  
*Aaron Hall, AILA ICE Liaison Committee Vice Chair, Denver, CO*  
*Minda A. Thorward, Seattle, WA*  
*Raquiba Huq, Edison, NJ*
- 4:30 pm–4:35 pm      **VIRTUAL COFFEE BREAK**
- 4:35 pm–4:50 pm      **AILA ADVOCACY AND PRACTICE RESOURCES UPDATE**  
*Laura Lynch, AILA Senior Policy Counsel, Washington, DC*
- 4:50 pm–5:00 pm      **VIRTUAL COFFEE BREAK**
- 5:00 pm–6:00 pm      **THE EFFECTIVE AND ASSERTIVE REMOVAL PRACTICE: HOW A COMPREHENSIVE DEFENSE LEADS TO ETHICAL EXCELLENCE**  
*Our panel of experts will discuss best practices for defense counsel in recurring scenarios with ethical and constitutional dimensions. Emphasis will be placed on the advocate’s duty to zealously and courageously defend all clients—even those with flaws—via a thoroughly considered, well-planned, multi-pronged strategy.*
- Ethically Navigating Criminal Charges and Mitigating Problematic Convictions
  - Effectively Assuming the Role of Successor Counsel During or After Proceedings: Ethics and Best Practices
  - Zealous Assertion of Available Defenses—Including Utilizing Government Witnesses and Evidence—to Contest Client Misconduct or Fraud

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- Ethically and Effectively Managing Family Disharmony and Divorce
- Confronting Problematic Conduct of Prosecutors and Judges

*Faculty:*

*Cheryl David (DL), AILA Removal Defense Section Steering Committee Chair,  
New York, NY*

*Kelli Jo Stump, AILA Treasurer, Oklahoma City, OK*

*Lisa J. Kasdan, Hackensack, NJ*

*Charles Honeyman, Former Immigration Judge, Philadelphia, PA*

6:00 pm–6:30 pm      **VIRTUAL NETWORKING WITH FACULTY**

6:30 pm                **CONFERENCE CONCLUDES**

### **OnDemand Recordings from the 2020 AILA Virtual Annual Conference**

*Participants will also receive the following OnDemand, CLE-eligible recordings from the 2020 AILA Virtual Annual Conference.*

### **Essential Immigration Terms and Concepts**

*Panelists on this fundamentals session will provide an overview of the general concepts, terms, language, and rules that are essential to the practice of immigration law.*

- Nonimmigrant vs. Immigrant, Visa vs. Status, Visa Waiver vs. Visa Exempt
- Differences Between Visa Expiration, Petition Expiration Date, and Period of Admission
- Changing or Extending Status, Violations of Status, Overstays, Unlawful Presence
- Adjustment of Status vs. Consular Processing, Permanent Residence vs. Citizenship
- Definitions: Petition, Beneficiary, Applicant, Respondent

### **Removal 101: The Distinction Between Inadmissibility and Deportability**

*Panelists in this fundamentals session will introduce the grounds of inadmissibility and deportability, when they apply, and the differences between them.*

- Inadmissibility vs. Deportability: INA §212(a) and §237(a)
- Common Grounds of Inadmissibility
- Common Grounds of Deportability

### **Taking Care of Yourself While Taking Care of Others (Competence Issues)**

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*One of the greatest challenges immigration attorneys face is caring for themselves when working under pressure from clients, colleagues, and the government. Panelists will discuss best practices to avoid secondary trauma and how to manage a healthy work-life balance.*

- How Client Relationships and Case Overload Can Mirror Abusive Relationships
- Setting Expectations from the First Consultation and Beyond
- Strategies to Disengage Clients
- Self-Care Techniques Beyond Mindfulness
- Leaving Guilt Behind: How to Set Boundaries and Enjoy Life Outside of the Office

### **Marketing Essentials: Every Immigration Attorney Is Also an (Ethical) Salesperson (Ethics)**

*Marketing in the 21st century involves targeted messaging to niche audiences. Thus, in the current era of technology and social media, having a website and an online presence are essential to having a successful law practice. Panelists on this fundamentals session will discuss ethical marketing practices for articulating your true value proposition, how to sell (and soft-sell) your firm's services, and what you can and cannot do.*

- Tips for Marketing Your Firm to the Right Client
- Social Media and Online Marketing
- Reviews and Third-Party Advertisers
- Ethics Rules About Advertising and Website Content
- Avoiding an Inadvertent Attorney-Client Relationship

#### **CONFERENCE PROGRAM COMMITTEE**

*Michael S. Vastine, Conference Program Chair, Miami Gardens, FL*

*Devin T. Theriot-Orr, Conference Program Vice Chair, Kent, WA*

*Evangeline Abriel, Santa Clara, CA*

*Javier N. Maldonado, San Antonio, TX*

*Edward W. Neufville III, Silver Spring, MD*

*Susan Girardo Roy, Princeton Junction, NJ*

*Ilana Etkin Greenstein, Senior Technical Assistance Attorney, Immigration Justice Campaign, Brookline, MA*

*JJ Area, AILA Education Programs Manager, Washington, DC*

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