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Legislators give back through pro bono

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SPRINGFIELD — Targeted for execution by a notorious gang in his native Guatemala, one immigrant in Chicago had nowhere to turn until a state legislator helped him gain asylum in the United States.

Rep. James B. Durkin, R-Western Springs, recalled the six-year legal battle as “gut-wrenching” at times, but the lawyer-legislator said he took the pro bono case because “it was the right thing to do.”

It’s just one example of lawyers in the Illinois General Assembly giving back to their communities through pro bono legal work and volunteering.

Durkin said he met Diego, the Guatemalan immigrant, in 2004 through the Heartland Alliance for Human Needs & Human Rights. Durkin said he only wanted to use Diego’s first name to protect his identity.

Diego’s previous attorney went on maternity leave and he needed an attorney for a series of court dates that were approaching quickly, Durkin said.

Durkin took the case pro bono and represented Diego before an administrative judge in the U.S. Department of Homeland Security (DHS).

Durkin said Diego moved at the age of 18 to the United States from Guatemala, where he grew up on the streets. He had been forced to join a notorious street gang in Guatemala called Mara 18, which is known for acts of brutality. Durkin said Diego tried to quit the gang, but they threatened to kill him, causing Diego to flee to the U.S.

Durkin found Diego housing in a group home for young men in similar situations and the pair worked for months through a translator preparing Diego to testify in his asylum hearing, Durkin said.

“He was a frightened, malnourished, abused young man and it took him time to get a comfort level with me,” Durkin said. “When I put him on the stand, I just can’t imagine what went through his head. His whole life was flashing before his eyes and his testimony would bear so much weight on the decision of the immigration court.”

Durkin said Diego didn’t even know his own age let alone read or write when he arrived in the U.S. Diego was so

malnourished, Durkin said, that when he began eating on a regular basis, he outgrew the shoes and clothes Durkin bought him in three months.

Diego’s cousin in Guatemala was murdered by the gang for not disclosing Diego’s location, Durkin said. He arranged telephone testimony from Diego’s sister in Guatemala through the U.S. Embassy. Durkin said she testified that men who have scars from tattoo removal are killed on sight by gang members because removing a gang tattoo is a sign of disrespect.

Durkin said the judge in Diego’s case granted asylum, but an internal review board in DHS overturned the decision because of Diego’s status as a gang member.

Durkin said Diego never committed a violent crime in Guatemala and shouldn’t have been considered a gang member because he was forced to join the gang.

Durkin and Diego appealed the internal review board’s decision to the 7th Circuit Court of Appeals, which reinstated Diego’s asylum status, Durkin said.

“It was an amazing moment when the court said it would grant our application,” Durkin said. The case ended a few months ago, Durkin said, but he and Diego still keep in touch.

Diego now attends community college and works two jobs, Durkin said.

“All he wants to do is work and contribute to society,” Durkin said. “He made the decision that he’s not going to sit around and do nothing.”

Durkin said pro bono work should be a priority for all attorneys.

“I think that everyone should try to provide pro bono services because it’s the right thing to do,” he said.

Sen. Michael J. Noland, D-Elgin, said he sometimes takes various types of pro bono cases through his private practice. He said he often handles Social Security cases, charging clients only out-of-pocket costs. His legislative duties limit the number of cases he can take, Noland said.

“They call it a part-time job, but it’s really a full-time job,” he said with a laugh.

Still, he said he tries to take pro bono cases whenever he can.

“My motivation for doing it is the same

motivation I have for serving in the General Assembly,” Noland said. “My motivation is public service, even though it drives my wife crazy.”

Rep. Louis I. Lang, D-Skokie, said being an attorney helps him better serve his constituents when they come to him for help.

“In my case, because I’m an attorney, I’m often able to make a call or two and help them with a specific problem,” Lang said. “I usually know where to go or where to send them.”

Lang said he tries to avoid potential conflicts of interest by not taking court cases involving his constituents, but he does try to help in other ways.

“I’m not sure it’s appropriate for me to represent my constituents as their attorney in a case,” Lang said. “But if I can’t help a constituent with an issue, I’m more than happy to help them find another attorney who can take their case pro bono or at a discounted rate.”

Rep. Kelly McGuire Burke, D-Evergreen Park, said her law license is inactive, but that doesn’t stop her from volunteering her time and legal knowledge.

Burke leads a yearly mock trial project at the school her children attend. She said the junior high school children take on the roles of prosecution, defense, witnesses and more when they hold a mock criminal trial at the courthouse in southwest suburban Bridgeview.

Burke said leading the mock trial program arose from her prior work with The Chicago Bar Association and it’s now her favorite thing to do.

“The experience opens the kids’ eyes to career possibilities in law enforcement or the legal field,” Burke said. “It’s very interactive and it gets them thinking on their feet in a way that complements their learning in the classroom.”

The kids often surprise Burke, she said, because of their ability to grasp legal questions and concepts with no prior training.

“It’s uncanny how some of them are able to just figure it out,” Burke said. “There is always one kid, every year, where you just think, ‘Wow, they would be a good lawyer.’”