

DIVE IN Get Involved with AILA



ON APRIL 11, JOIN AILA AND FIGHT FOR IMMIGRATION SOLUTIONS NATIONAL DAY OF ACTION

On Thursday, April 11, hundreds of AILA members from around the country will hit the halls of Congress for our 2013 National Day of Action, and we hope you're one of them. We'll provide all the resources and information you need to be an effective advocate, so join us as we call on Congress to create a common sense immigration policy that recognizes the hardships and contributions of new Americans and aspiring citizens.





FIGHT FOR IMMIGRATION SOLUTIONS

AILA Grassroots Advocacy Associate Anu Joshi encourages members to take a stand with AILA and hit the halls of Congress on National Day of Action, April 11, 2013. <u>Registration is free!</u>





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SHOP > COMING SOON!

SHOP > THE ESSENTIALS



REGISTER > SEMINARS

FEB 28 I WEB SEMINAR <u>Don't Mess with Taxes</u> MAR 14 I AUDIO SEMINAR <u>Os & Ps & Bears, Oh My</u>

MAR 19 | AUDIO SEMINAR <u>F-1 Students at</u> <u>Troubled Schools</u>

MAR 21 I WEB SEMINAR <u>Preserving and Maintaining</u> <u>U.S. Permanent Residence</u>

MAR 28 | AUDIO SEMINAR





AILA 2013 Midyear CLE Conference Recordings



Launching an Immigration Practice (Online Tutorial)



Updates and Common Pitfalls in Degree Equivalency (Audio Recording)

JANUARY-FEBRUARY 2013 // VOL. 4 ISSUE 1

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MEMBERSHIP BENEFITS

BECOME ONE WITH AILA: SPEND A LITTLE, GAIN A LOT



by Cletus Weber

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asked one of AILA's newest members to list the most important benefits of AILA

membership so we could discuss them and spread the word. This is what we believe being AILA is all about:

Love

Okay, so maybe not love, but certainly friendships. AILA makes it easy to become BFFs with fellow lawyers committed to professional growth in one of the most interesting, dynamic, frustrating, and personally rewarding areas of law. Opportunities abound to find mentors, referrals, or simply comrades in fighting the good fight.

Keys to the Universe

Well, at least the keys to achieving a successful and fulfilling career in immigration law. AILA's online message center is a 24/7 reminder that you are never as much of a newbie—or superstar—as you think you are. Through this one tool alone, which is totally free with membership, you can gain instant access to a nationwide network of virtual partners ready to help you at a moment's notice without asking for half your earnings.

Inside Scoop

AILA's massive network of experienced liaisons with applicable agencies keeps you informed of upcoming changes and can help with certain case-specific issues at CBP, DOL, DOS, ICE, SSA, and USCIS (CSC, NSC, TSC, VSC, NBC, AAO, local offices, etc.). The AILA network also provides tremendous opportunities and resources in advocacy and media communications. AILA chapters provide similar information and support at the local level.

"IF YOU'RE NOT UP TO DATE ON INFONET, YOU ARE PRACTICING DANGEROUSLY."

—James W. Austin Missouri/Kansas Chapter member ere is what I tell people just starting out: Take advantage of your AILA membership!! Educationally speaking, you need four things when starting out:

- 1. Overall treatise of the law.
- 2. Detailed studies of specific issues.
- 3. Source of continual updates.
- 4. Other immigration lawyers to talk to.

AILA can give you all of this. [T]he absolute best deal is if you can ... subscribe annually to <u>AILALink</u>

(free trial subscription for [new members]). You get an electronic version of <u>Kurzban's</u> and almost every treatise published by AILA in the last 10 years. Plus a whole lot more.

While you are on <u>Agora</u>, look at all of the CLE recordings and podcasts [and articles] THAT ARE FREE! My quick count shows over 200 <u>free educational products</u>.

To keep continually updated, nothing comes close to matching the information on AILA's

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AILA has literally hundreds of opportunities to participate. Sign up for a local or national committee and start meeting and working with other AILA members on important projects, from CLEs to pro bono clinics. Of course, you have to invest time and effort, but these opportunities don't cost you a dime. And they can be some of the best ways to learn the law, meet mentors, and develop career-long friendships.

Significant Savings

Big discounts on all of the following:

- Publications, including <u>Kurzban's Immigration</u> <u>Law Sourcebook</u> (chapter-and-verse treatise), and <u>Business Immigration: Law &</u> <u>Practice</u>, AILA's latest treatise
- <u>National and chapter CLEs</u> including audio and web seminars, and inperson conferences
- <u>AILALink</u>, an online immigration law research library

InfoNet. And it is free! Set your homepage to the <u>Recent Postings</u> page. This is the ultimate list of everything happening in immigration law in real time. Every day, read the title and blurb for every single new posting. This is the only way to know what is happening in immigration. For more in-depth info, read the liaison meeting minutes and practice advisories. My opinion: If you're not up to date on InfoNet, you are practicing dangerously.

Attorneys have to study!

You need to interact with other immigration attorneys. You cannot practice in a vacuum. Nobody but immigration attorneys will

Truly Free Freebies

- Mentor program
- <u>Case assistance</u> through liaison
- <u>Ethics and practice management advice</u>
- <u>Podcasts</u>

Find a

Member

• <u>Fastcase</u> (access to federal case law research)

Message Center Mentor Directory

- <u>Sections</u>, <u>Interest Groups</u>, and <u>Listserves</u>
- New Members Division
- Career Center and Immigration Lawyer Search
 - <u>Recent Postings Alerts</u> and the daily <u>AILA8</u>

• <u>VOICE: An Immigration Dialogue</u> and more! Whatever your level of experience and whatever your interest in immigration law, you simply get more by being a member of AILA. Please join or renew now.

> <u>Cletus Weber</u> is co-founder of Peng & Weber PLLC. He has served as editorin-chief of AILA's Guide to PERM Labor Certification and chair of the AILA Board of Publications.

> > understand you. Additionally, the law we practice is so strange that we are all insecure. You have to confirm with others that what you think you know is really so! Use the AILA InfoNet Message Center. Use the New Members Division (NMD) listserve. Go to chapter functions. Go to NMD functions. Use the AILA mentor directory. Go to the annual conference and spend your time with others who share your problems. All of these, complements of your AILA membership!

VOLUNTEER OPPORTUNITIES

DIVE IN, GET INVOLVED!

AILA has more than 50 <u>liaison</u> <u>committees</u> committed to serving the needs of its members—from grassroots advocacy efforts and public outreach programs to writing articles for AILA publications and speaking at conferences and events. More than 300 members are appointed annually. Chapters also provide opportunities for involvement at the local level.

WHAT THE AILA AMICUS COMMITTEE CAN DO FOR YOU



by Sheeba Raj

Sometimes, we could use a little help from our friends. And the AILA

Amicus Committee has served as a "friend" to fellow AILA members, as well as decision-making bodies, by submitting supplemental briefs addressing thorny legal issues. "We go in. We take a complex issue. We try to get to the heart of it in a way that advances jurisprudence on behalf of immigrants," said Deborah S. Smith, chair of the committee. "That's what we try to do in all of our <u>briefs</u>." Smith commented that the committee simply addresses questions of law, not the merits of a particular case.

A Message from T. Douglas Stump, AILA President-Elect

invite all AILA members to volunteer to serve on a 2013–14 national committee by accessing AILA's new <u>online volunteer</u> <u>portal</u> and telling us about your volunteer preferences and activities. To be considered for a national committee, select "National Committee Member," in response to the first question and choose your top three committee interests. Our goal is to put together a team of talented and hardworking members to lead our national committee efforts in the coming year.

aila.org

She explained that "[t]he topics we address typically are cutting-edge litigation issues of importance to the immigration bar and our clients, such as deference by the judiciary to agency decisions, judicial review bars to agency decisions, due-process-related issues in business immigration adjudications, and a number of other areas" During the 2011–12 committee year, the committee submitted approximately 30 briefs, many of which addressed state immigration enforcement. A complete list of priorities for the 2012–13 committee year is available on InfoNet.

The committee often entertains requests for supplemental briefs on questions of law from courts and administrative appellate tribunals, such as the Board of Immigration Appeals, the Board of Alien Labor Certification Appeals, and the Administrative Appeals Office. "We prioritize those requests," said Smith. "It is important to [the] Amicus Committee and to AILA that when our opinion is requested, … we try very hard to provide it. It shows that they think highly of what AILA thinks about a matter." The Amicus Committee recommends to the National Executive Committee any cases suitable for briefing. "Sometimes we have several requests that we consider and recommend at once, but then we might not receive any requests for a number of weeks," Smith said. The Executive Committee exercises final authority to approve or reject the requests. Nevertheless, approved requests for amicus may not bear out for many reasons, including if a case is mooted, Smith noted.

Message Center Mentor Directory

There are <u>14 AILA members</u> who volunteer their time on the committee—one member assigned to each of the U.S. circuit courts of appeals—with the exception of the Ninth Circuit, which has three members—and Smith, who chairs the committee. If you would like help from the Amicus Committee, contact any of these members. You may also submit your request to <u>amicus@aila.org</u> or via <u>this online form</u>.

<u>Sheeba Raj</u> is the staff legal editor and reporter for *VOICE*.

AILA committee and volunteer work has never been more important. The practice of immigration law today has been shaped by years of hard work by AILA committees and volunteers. As an effective volunteer, you can combine your depth of knowledge, dedication to task, and diplomacy to achieve positive results. In the process, you will

enhance your practice skills, build your network, and achieve a sense of satisfaction in bettering the practice and the law.

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To be considered for a slot on a national committee, please <u>submit your volunteer</u> <u>information</u> by Wednesday, March 6, 2013. AILA members can access the online portal to volunteer for non-committee activities (speaking, editing, writing, etc.) at any time throughout the year.

AILA is an amazing association. Working together, we can achieve anything we put our minds to. I look forward to working with you in the coming year.

CASE ASSISTANCE

LIAISE WITH AILA'S LIAISON DEPARTMENT FOR HELP WITH A CASE



by Matthew Blaisdell

f you've exhausted all of your resources and wits in trying to work with the government, <u>I suggest reaching out to AILA's Liaison</u> <u>department</u>. Here's why:

A client of mine was born in the United States, but departed as an infant with her family. She returned with her uncle to apply for a passport. After submitting her application, several special agents of the Department of State (DOS), together with an agent from the New York Police Department, leveled charges of smuggling (among others) against my client and her uncle. After completing my research, collecting evidence, and perusing AILA's available resources, I hit a wall with Consular Affairs. I decided to reach out to the Liaison department for additional expertise.

What I received was beyond my expectations. Senior Liaison and Information Associate Lynn Lee forwarded my request to the chair and vice chair of the AILA Liaison DOS Committee, Anastasia Tonello and Marisa Casablanca, respectively. Additionally, Director of Liaison Robert Deasy forwarded my inquiry to Carmen DiPlacido of the AILA/USCIS Field Operations Committee, who in turn consulted an AILA member with extensive DOS and Diplomatic Security Service (DSS) experience.

The results were extremely useful in developing a strategy to communicate with DOS/DSS, rebut their allegations, and establish my client's citizenship.



When I hit additional roadblocks, I brought them to the attention of the Liaison department, who immediately conducted additional research and responded quickly and effectively.

As I stated in my correspondence with the Liaison de-

MORE ON GOVERNMENT CHALLENGES:

Top Ten Government Errors & How to Correct

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E-mail liaisonhelp@aila.org

Robert Deasy, Esq. Senior Director

Betsy Lawrence, Esq. Associate Director

Lynn Lee, Esq. Senior Liaison and Information Associate

Kate Voigt, Esq. Liaison and Information Associate

Rachel Pulda Liaison and Information Associate



partment in September 2011, "This is why I love AILA: the commitment to help find solutions for immigrants and their advocates I don't know how a solo practitioner could competently practice without you all."

Seriously, where else are you going to get this kind of help? When you hit that wall, consider the Liaison department. I'm a fan.

New York Chapter member <u>Matthew Blaisdell</u> is a solo practitioner in Brooklyn and focuses on family-based benefits and removal defense.

About Liaison

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AILA's Liaison and Information Department helps members resolve their toughest case problems by publicizing the information members need to know to effectively represent their clients and through individual case liaison assistance. For example, AILA Liaison can contact USCIS service centers directly to try to resolve cases that have hit roadblocks, including cases that are past the normal processing times. Each service center has distinct procedures for requesting liaison assistance, so it is important to read the respective case liaison assistance page before submitting an inquiry. In addition, AILA Liaison offers practice tips that provide both procedural guidance and legal analysis for navigating tricky issues, including expedite requests, premium processing, G-28 problems, cases on hold because of terroristrelated inadmissibility grounds, and more.

AILA Liaison also works closely with government agencies on broader policy issues to ensure that members have the latest information on agency policy and practice. Several times a year, AILA Liaison committee members meet with government representatives, both through in-person meetings and telephonically. Before the meetings, the liaison committees submit specific case questions from AILA members, as well as questions that arise from observing broader trends. After the meetings, AILA Liaison publishes the meeting notes on InfoNet. These notes serve as a valuable tool to learn about the government's latest policy determinations and procedural guidance on emerging issues. In addition to meeting notes and practice tips, AILA Liaison provides countless InfoNet resources to members, including federal agency contact information, best practices guides, local liaison contact information, and more.

RESEARCH & INFORMATION



AILA'S WEBSITE IS MORE THAN JUST A WEBSITE, IT'S YOUR NUMBER ONE MEMBER BENEFIT!

by Andrea Chempinski

nfoNet is the name of <u>AILA's website</u> and research database, and is your window to the latest news and information impacting your immigration practice. **And it's FREE to all members!** As a member, you have access to all the documents on InfoNet, currently more than 24,000 of them! The majority of the documents comprises primary-source material and includes:

- Agency materials (memos, cables, letters, guidance, press releases, FAQs, Q&As, meeting minutes, reports, and studies) from DHS, USCIS, DOS, DOJ, EOIR, and more.
- Select cases and decisions (U.S. Supreme Court,

NEED HELP NAVIGATING INFONET? This <u>presentation</u> explains it all in detail.

federal circuit courts of appeals, BALCA, AAO, BIA).

• *Federal Register* notices and text of specific legislation (enacted and proposed, both federal and state).

In addition, InfoNet contains numerous practice tips, guidance, analysis, summaries, and announcements. <u>But don't feel overwhelmed by trying to locate</u> <u>a document</u>. InfoNet uses a powerful Google search to help you easily find what you're looking for. Use the <u>Advanced Search</u> to filter your results to a specific database, a date range, a document type, or even search within a Featured Topic—everything from AC21 to the Western Hemisphere Travel Initiative. You can find direct links to myriad resources on advocacy, liaison, conferences, publications, the career center, even information about AILA chapters.

Sign up for e-mail notifications of new postings and have them delivered to your inbox by setting up <u>Recent Postings Alerts</u>. Filter your content by time of day, type of document, and topic.

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Message Center Offers Plethora of Advice, Guidance

Find a

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by Diane R. Chappell-Daly

> he AILA InfoNet Message

Center, which can be accessed through <u>AILA's InfoNet</u>, provides AILA members with invaluable wisdom offered by experienced immigration lawyers nationwide. The variety of anecdotes and opinions helps practitioners obtain a bird's eye view of how the law is applied in districts around the country, allowing them to advise clients more confidently about their options. In addition, it has fostered a culture of collegiality that has advanced our profession.

For those new to AILA, bear in mind the following tips as you post queries and sift through the discussion threads:

- Read "<u>Posting Tips &</u> <u>Etiquette</u>" and "<u>Message</u> <u>Center Rules</u>" under the AILA InfoNet Message Center FAQ.
- Research your topic before posting a question on the Message Center. The resources on InfoNet, as well the previous discussion threads on the Message Center, may already provide answers.
- Distill your question into its essential legal elements. While facts are important, it is unlikely that your colleagues will wade through a detailed narrative. If possible, state your question in two to three sentences.

If you do not receive a response to your posting, try again in a different forum, or request help from AILA's Mentor Program. Share the outcome of your case, so that we may all benefit from your experience.

Mentor

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Message Center

Use the Message Center as a learning tool, even when you don't have a dilemma. Get updates on hot topics by browsing the recent postings and discussion threads. For example, the postings in December address changes and challenges regarding the Individual Tax Identification Number application procedure.

Log-on to the Message Center regularly and see how the insight shared by your fellow practitioners can be a boon to your own practice!

Upstate New York Chapter member Diane R. Chappell-Daly has been practicing immigration law in Syracuse since 1994.

InfoNet is more than just a research tool. The website offers a variety of ways for you to connect with or seek assistance from your fellow members. The top resource for this is the <u>Message Center</u>, where you can post a question to the membership in one of more than 70 topical forums. Take a moment to explore your number one benefit today!

<u>Andrea Chempinski</u> is AILA's associate director of online services.



Take InfoNet wherever you go. Simply go to www. aila.org on your mobile device to get immediate access to the mobile InfoNet homepage. Then use your InfoNet User ID and password to log in.

RESEARCH & INFORMATION

COMPUTER RESEARCH IS A MUST, AND FREE ACCESS TO FASTCASE MAKES IT EVEN EASIER!

by Brian K. Bates

hen I attended law school more than 30 years ago, computer-aided legal research was in its infancy. It was taught as an option, whereas learning to research the hard way by reading headnotes in the reporters, checking citators, etc., was mandatory. Today, law students are taught precisely the opposite. They are required to learn the computerized re-

Fastcase— Free Access to Caselaw, Courtesy of AILA

AILA has provided its members with free access to Fastcase's vast database of federal case law since April 2012, a database that includes U.S. Supreme Court decisions, all federal circuit and district courts, and Board of Immigration Appeals precedent decisions. The Fastcase benefit is one more example of AILA's ongoing effort to provide its members with the latest tools and resources to assist in their practice.

To start your research, log in to <u>AILA InfoNet</u>



INFORMATION OVERLOAD? C

search systems marketed by the legal publishers, and have little, if any, training in how to do legal research the old-fashioned way. This makes young lawyers much more adept at—and dependent on—the proprietary software of the legal publishers. Of course, it's provided free of charge to them while they are in law school. The very large bills come later when the young lawyers start trying to earn a living.

When I got a job in a small immigration law firm, I learned how expensive those old, bound *Federal Reporters* were and how much time it took to constantly update them. And the new computer-aided research services were even more expensive. The costs could not be justified in a small firm, and when such research was needed for an appeal or a federal lawsuit, we literally left the office to spend an afternoon, or even a day or two, in the nearest law library.

And, of course, much of what an immigration law firm needed—BIA decisions, agency memoranda, etc.—was not even available through the main-

and click on the Fastcase icon on the right-hand side of the home page. The Advanced Case Law Search, also accessible from the start page, is Fastcase's full-featured search function. Here, you can perform three different types of searches: keyword (Boolean), natural language, or citation searches. The Advanced Search also provides sophisticated searching and sorting tools to help you get the most from your research.

By default, your search results are sorted by relevance. However, you can also choose to sort by decision date, or by how often each case in your results list has been cited in other cases. Sorting your search results is a powerful way

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stream legal publishers. For that, we had small specialty publications produced by obscure publishers who charged an arm and a leg because we were a small market. And we had AILA and its monthly mailings, which, back then, were literally sent by the U.S. Postal Service, not e-mail, in the late 1970s! Of course, my experiences and impressions are not unique—anyone who practiced immigration and nationality law in a boutique firm at that time confronted the same issues.

As our national bar association, AILA has moved to address those issues. During the last 20 years or so, AILA has provided more and more resources to its membership: treatises written by our own experts; codes that we once had to buy from the government or try to find elsewhere; and, finally, <u>AILALink</u>, our own computer-aided legal research system designed specifically to meet the needs of immigration lawyers. AILA has made great strides over the years to provide more of the resources its members need, so

to bring your best results to the top of your list.

Fastcase includes many resources to help you get started—from webinar trainings to on-demand tutorials, and from live help on the site to a downloadable user guide, which you can print for quick reference. You'll find all these resources and more under ''Help Options'' on your start page. You also can download the <u>Fastcase application</u> to your mobile device from the iTunes store.



A law library at your fingertips!

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| Advanced Ceselaw Search | Casarian Kasarian Kayan Kayan | PAQs User Galde Tuterials Live Chel E-mail Support |

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With free access to all AILA members, Fastcase makes research easy with options for quick searches and more advanced searches. It even offers several help options to get you started.

they can rely on themselves and less on corporations for whom we are still a comparatively "small market." These resources have been made available to AILA members at a reasonable cost. You can't expect much for free from anyone these days, but at least our association does not have publication profits as it sole *raison d'être*.

And then AILA added something else. A few months ago, I noticed the new Fastcase icon on <u>AILA InfoNet</u> (scroll down on the right, below the fold). Since then, I have been using Fastcase to do word searches of BIA and federal case law. It's fast and relatively easy to use because the search logic is as intuitive as any I have seen. And I almost always find good case law that I didn't know was out there. It's free with AILA membership! Given the steep cost of other computer-aided research services, **Fastcase by itself virtually justifies your AILA membership**.

Texas Chapter member <u>Brian K. Bates</u> is the managing partner of Reina & Bates Immigration Law Group in Houston. He previously served on AILA's Board of Governors and as Texas Chapter chair. In 1998, Bates was awarded the Sam Williamson Mentor Award.

RESEARCH & INFORMATION

AILALINK, AN ELECTRONIC COMPENDIUM OF PRIMARY AND SECONDARY IMMIGRATION SOURCES—WITH BENEFITS!



by Danielle M. Rizzo

have been using <u>AILALink</u> daily for several years. This research tool is

comprehensive and well-organized; it also features an excellent search function.

Comprehensive

<u>AILALink</u> contains a comprehensive library of primary and secondary sources related to immigration law. Primary sources include the Immigration and Nationality Act, all of 8 Code of Federal Regulations (CFR), and relevant portions of other sections of the CFR. It also houses immigration-related public laws dating back to 1995 and federal and administrative decisions, as well as agency memoranda, liaison minutes, and the full text of several government manuals. Secondary sources include all of AILA's publications.

One word of caution: the federal cases included in AILALink are limited to those with direct relevance to immigration law. There may be other cases on point that are not included. It is, therefore, prudent to also search AILA's <u>Fastcase database</u>, to which AILA members have free access. <u>Learn more here</u>.

"I FEEL MUCH MORE CONFIDENT IN MY PRACTICE NOW THAT I HAVE SO MANY RESOURCES AVAILABLE TO ME."

> -Camille Mackler New York Chapter member

TESTIMONIALS What Are AILA Members Saying About AILALink?

am now not sure how I ever managed to effectively practice without [AILALink]. It might not be the best, most comprehensive research program out there, but access to the AILA publications alone make it worth it. I feel much more confident in my practice now that I have so many resources available to me.

"[I]T COULD BE Argued that [Ailalink]'s All You need 90% Of the time."

—Jeffrey Zimskind Philadelphia Chapter member

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AILALink is easy to navigate via the table of contents, which appears and remains as a side panel on the screen alongside the substantive content. It is grouped into logical sections with drop-down menus to reveal internal content. This format facilitates a visual understanding of the layout of the material, and helps users commit its structure and content to memory. In addition, the content is hyperlinked, making it easy to cross-reference related documents.

Excellent Search Function

Perhaps the most beneficial aspect of AILALink-

and the one that allows me to impress my clients by quoting regulations on the fly during consultations—

is the search function. Without having any idea where to start, you can simply input a key word or phrase and discover exactly where it appears in every primary and secondary source. All in all, it is an incredible value.

<u>Danielle M. Rizzo</u> is an attorney with the Law Offices of James D. Eiss, where she limits her practice primarily to employment-based nonimmigrant and immigrant visas. She serves as chair of AILA's Upstate New York Chapter and serves on AILA's Customs and Border Protection Liaison Committee.

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CHANGE IS AFOOT! Improvements to AILALink are in the works, so be on the lookout for more details in the coming months.

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ou severely handicap yourself if you don't have AILALink, which includes the statutes and regs, *Kurzban's*, *CBP Inspector's Field Manual*, *USCIS Adjudicator's Field Manual*, and a ton of other stuff that comes in handy. Together with the updates and document postings on InfoNet (like liaison minutes), and bookmarks to all the important government sites, it could be argued that [AILALink]'s all you need 90% of the time.

"AILALINK GIVES ME INSTANT ACCESS TO THE GOVERNMENT RESOURCES, AS WELL AS ALL MAJOR AILA PUBLICATIONS."

—Ari Sauer Mid-South Chapter Chair

will let you in on one of the secrets of my success. I walk around all day carrying a copy of Kurzban's, the INA, and 8 CFR, just to make sure I can answer any question my clients and colleagues throw at me. I take them with me to USCIS and even bring them home with me. How do I lug these heavy books around all day, you ask? I have a subscription to AILALink, AILA's online library, which gives me instant access to the government resources, as well as all major AILA publications. As long as I have Internet access, I can find the answer to my questions.

EDUCATION

AILA'S ANNUAL CONFERENCE: LEARNING, NETWORKING, AND EXPLORING



by Gayle Oshrin

A ILA's annual conference (AC) draws approximately 3,000 people from around the world for four days of education, networking, and fun. Whatever your interests or educational needs, there is a track to fulfill it, so if you only attend one educational event this year, make sure it is AC.

Learning

Attendees will have the opportunity to choose from more than 100 sessions in business and family immi-

gration law, removal defense, and law practice management. Sessions led by seasoned attorneys in immigration law, along with government speakers, will cover the latest news and hot topics. And if you're a newer practitioner, the fundamentals track offers a nuts-and-bolts overview of the entire practice area.

Networking

But remember to step outside the "classroom" to mingle with fellow attorneys before, in between, and after the sessions. Use the networking opportunities to share dilemmas and feedback with each other. These interactions may pay off down the road when you receive client referrals, as well as information for procedures in different jurisdictions or practice areas. And personal connections developed at AC can last a lifetime.



AILA Is Your Portal to Distance Learning: Get Those Last-Minute CLE Credits

by Dan Berger

ALLA's podcasts, audio seminars, and web seminars are comparatively affordable and offer valuable information to the practitioner.

Podcasts

Much like a radio show, the podcasts are billed as informational and informal, and sound more like a conversation than a presentation. Some even offer CLE credit. Usually about 20 to 30 minutes long, new ones are released on the first Friday of each month. In February, the third installment of the <u>''What's Best and What's</u> <u>Next?'' series</u>, focusing on best practices and new developments at the U.S. Department of State, will become available (the first two were on <u>U.S. Citizenship and</u> <u>Immigration Services (USCIS)</u> <u>International Operations</u> and then <u>U.S. Customs and Border Patrol</u>).

In addition to the regular monthly podcasts, AILA's Ethics Committee and Practice

aila.org



Annual Conference Recordings—Full Set!



Exploring

Of course, attending sessions and networking all day long can exhaust you, so rejuvenate yourself by indulging in many social activities offered by AILA. You can also venture out on your own and explore the tourist attractions of <u>San Francisco</u>, where this year's <u>conference will take place</u>.

Every year, AC is held in a different city. But one thing's for sure—you'll return to your office with valuable knowledge, a wad of business cards, and great memories!

New York Chapter member <u>Gayle Oshrin</u> is an associate with Wormser, Kiely, Galef & Jacobs LLP in New York City and serves as a director on the AILA Board of Governors.

"[N]ETWORKING OPPORTUNITIES GALORE WITH COLLEAGUES AS WELL AS GOVERNMENT OFFICIALS"

Message Center

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—Michelle Mendez Washington, <u>D.C. Chapter member</u>

Each year, AILA holds a great annual conference that combines engaging speakers who are experts in their subject matter, thorough and practical written materials, one-of-a-kind events highlighting the best of what the host city has to offer, a comprehensive option of products and services for anyone practicing immigration law, and, last but not least, networking opportunities galore with colleagues as well as government officials.

't miss the 2013 annual conference in San Francisco! AGÖRA

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Management Committees are developing quarterly podcasts that tie into other projects at AILA. The Ethics Committee's latest podcast is on <u>balancing</u> <u>candor to the tribunal with</u> <u>confidentiality to the client</u> to accompany <u>this article</u> on the same topic. The Practice Management Committee has organized a technology series. Last year, it offered '<u>Maximizing</u> <u>Your Outlook</u>,'' '<u>Best Tips from</u> <u>ABA Techshow 2012</u>,'' and "<u>Moving to Mac</u>." It has now added "<u>What a Disaster! Is</u> <u>Your Technology Ready?</u>" as a follow-up to the <u>October issue of</u> <u>Immigration Practice News</u>.

<u>Visit the Podcasts page</u> on Agora to peruse myriad topics.

AILA Audio and Web Seminars AILA audio and web seminars are

a convenient way to stay abreast of new developments and obtain CLE credit for nearly all of them. Audio seminars are presented live and last for 90 minutes with a Q&A. Web seminars are audio seminars accompanied by a PowerPoint presentation online. Registration for seminars opens about two to three months in advance.

New England Chapter member Dan Berger is a partner at the Northampton, MA, firm of Curran & Berger, LLP.

PUBLICATIONS

CHOCK FULL OF NUGGETS AND SPECIAL NUANCES



by Leslie A. Holman

Business Immigration: Law & Practice

......

by Daryl Buffenstein and Bo Cooper has become my "go-to" business immigration resource. I say this because unlike prior and other business immigration publications, it contains both the fundamental laws that guide and govern the practice of business immigration, and the special nuances and unwritten procedural requirements that we are unfortunately forced to follow but could not, before this publication, find memorialized in a single treatise.

For example, I recently struggled with the issue of marginality in an E-2 Treaty Investor case. For many years I relied on, among other things, showing that an investor had access to sources of income other

than the investment enterprise and thus



would not need to rely on the income generated by the enterprise to support the investor to demonstrate that an enterprise was not marginal. Unfortunately, while older cases and adjudications have considered such alternative income sufficient to overcome a negative marginality determination, recent trends have shown this to no longer be the case. I wanted to document this recent change but I could not put my finger on where I obtained the information.

I found it in the Buffenstein & Cooper treatise. Amazingly, it steered me to the January 2010 DOS Committee Liaison Minutes. The book has many such nuggets, and I think that its creativity in providing cites to alternative and non-traditional sources is what makes it so valuable, comprehensive, and unique.

For what it's worth, I no longer use an investor's alternative income to provide a showing of non-marginality.

Leslie A. Holman is the founder of Holman Immigration Law in Burlington, VT, and first vice president of AILA.

"Having been one of the peer reviewers on two chapters of AILA's *Business Immigration: Law & Practice* treatise, I can honestly say this is the most comprehensive book on business immigration ever to be produced. For those with a business immigration practice, it is an absolute must-have."

—Deborah Notkin New York Chapter member "This treatise is the best I have read with regards to all topics related to business immigration. In only a month, I have already utilized it in analyzing multiple cases. The citations make the book even more informative than most other treatises on the subject matter."

—Maurice Goldman Arizona Chapter member "Business Immigration: Law & Practice provides a comprehensive resource for practitioners looking for one convenient place to find the relevant authorities on a wide range of business immigration issues."

-Ester Greenfield Washington State Chapter member

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DARYL BUFFENSTEIN BO COOPER

"Business Immigration: Law & Practice is an indispensable tool for attorneys practicing employment-based immigration. Given the growing complexities and obstacles facing immigration practitioners, this sophisticated resource provides constructive counsel and invaluable insights to help one confront some of the most pressing impasses today."

—Rita Sostrin Southern California Chapter member "AILA has long needed a comprehensive treatise on business immigration, and *Business Immigration: Law* & *Practice* meets that need beautifully. It combines detailed and thorough legal analysis with practical advice designed to allow the practitioner to give the client the best possible service. This book is indispensable for anyone who does business immigration or would like to expand their practice in this area."

—Dagmar Butte Oregon Chapter member "I want to compliment AILA on a phenomenal book! Within minutes after opening the package, we were already using the book to assist us in the preparation of a response to a very difficult RFE. The specificity of the citations, including references to guidance memoranda. liaison minutes. AAO, and BIA decisions, gave us readily available tools with which to construct and draft a compelling and persuasive response. I used the book to research a particularly obscure question about H-1B practice. I found the answer quickly, and footnoted with specific regulatory citations. I can honestly say AILA's Business Immigration: Law & Practice has made me a better, more effective business immigration lawyer. The only problem I have with the book is that I always have to hunt around the office for it. My staff has me waiting at the end of a long line to use it! Thanks for giving our members a critical, indeed essential, tool with which to effectively navigate and unravel the tangled web of statutory provisions, regulations, guidance, and precedent decisions we call immigration law."

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—David Leopold Ohio Chapter member and National Executive Committee general counsel

PUBLICATIONS

AN 'EXCELLENT PRIMER ON FORMS OF IMMIGRATION RELIEF'



by Sean R. Hanover

My firm teaches classes on immigration court practice, so I was quite excited to see the most recent version of AILA's <u>Representing Clients in Immigration Court</u> by CLINIC. The book comes from a long pedigree of accomplished AILA immigration titles, and I was delighted that the work continues the good, thorough, practice of explaining the law both legally and anecdotally.

.....

The thrust of the work takes the reader through the various forms of relief, and how they apply to cases before the court. The four major areas are general review of inadmissibility/deportability, cancellation of removal, various forms of prosecutorial discretion/waivers, and asylum-withholding-CAT relief, which are thoroughly covered. Additionally, various non-traditional relief forms are also discussed. For example, chapter 11 deals with naturalizing out of proceedings, and chapter 12 deals with administrative review of removal orders (overview of relief through BIA).

The strength of the work, however, is not in forms, but rather in a very comprehensive review of how the various relief types apply to different cases. The section on waivers is especially helpful. Pages 172 to 175 cover INA §212(h)/§212(i) and include a review of government discretion and how to apply. The reader will come to know Eva and her drug charges quite

well (examples used in the book).



The references to BIA decisions really make the book shine; a novice practitioner will find the "Matter or XXXX" references quite helpful when writing briefs. A good example of this can be found in the asy-lum-withholding-CAT section (Chapter 9), between pages 249 and 262. Fortunately, each major section of the book provides this level of depth. The discussion of *Matter of Acosta* on page 253 is noteworthy—although gang-based social groups are not discussed, and that is a growing area of asylum claims currently (especially from South America).

This work is excellent as a primer on forms of immigration relief. The more experienced attorney will find this a good refresher piece. Regardless of your practice level, however, once read, the practitioner will have a strong understanding of available forms of immigration relief, and how to discuss the same with his or her clients in the office.

Washington, D.C. Chapter member <u>Sean R. Hanover</u> is the principal attorney at Hanover Law, P.C.



What Are People Saying About AILA8?

"Love it! Concise, attractive, pertinent topics, links to more info, short message!!! Great job. Really like it." —Carlina Tapia-Ruano

"Easy to use, quick, concise, and, I think, terrific thank you!!!!" —Dagmar Butte



""... I LOVE AILA8! It is by far the most useful e-mail I get!" — Marty Rosenbluth

"I love the new format! It's the things I want in my news when I'm busy—accessible and relevant." — Emily Assunta White

AILA8 is your **FREE** daily e-newsletter that allows you to read the *top 8 immigration news items of the day in 8 minutes or less*. **Save time, save your inbox, read AILA8!**

Missed an issue or a link? AILA8 is archived on InfoNet for your convenience.



PUBLICATIONS

BUILDING YOUR IMMIGRATION MUSCLE by AILA Publications

A s members of AILA, you are part of an elite group of attorneys who have chosen to follow a complex area of law. We like to think that AILA's publications help

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you navigate this complicated world, and many of you have shared your thoughtful comments and praise for the authors and editors who devote their time to providing these timely and well-written resources.

With the intention of offering AILA members myriad ways in which to successfully aid clients, one such

"WE COULDN'T Manage Without Kurzban's."

—**Sarah Woelk** Texas Chapter member

For 27 years, Casa Marianella in Austin, TX, has provided shelter and case management services for asylees, asylum seekers released from detention, and other immigrants who need assistance. In 2010, Casa Marianella opened a legal clinic to provide legal support to current and former Casa residents, as well as to members of the Austin community. The two lawyers at the legal clinic make due with no office phone, a spotty wireless connection, and TV trays as desks, but we couldn't manage without *Kurzban's*.

The core work at Casa Marianella involves individuals who have been released from detention and who are seeking asylum or withholding. But because we consult with anyone who meets our income guidelines, we also get many questions about areas of immigration law that are new to us. In those cases, we try, at the very least, to figure out if and where help might be available. Luckily, no matter what kind of question comes our way, *Kurzban's* always gets us started. For example, on the rare occasions that an individual from a visa-waiver country has come to Casa Marianella (after a lengthy overstay, of course), we have been able to deliver the (almost always) bad news straight out of *Kurzban's*.

Kurzban's is abundantly annotated with references to statutes, regulations, BIA decisions, federal court opinions, treaties, and legislative history. The sensible arrangement and the detailed index make it surprisingly easy to navigate *Kurzban's*, despite its bulk. *Kurzban's* is always the starting point for our research and the place we go when we want to

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Immigration Law Sourcebook. Kurzban's is published every two years and is an ongoing labor of love taken on by author Ira J. Kurzban, who spends countless hours, days, weeks, and months updating and adding primary and secondary source information that has proven to be indispensable to many users. With more than 2,000 cases added to this edition alone, not to mention countless citations to statutes, regulations, memos, and cables, this book is used by immigration practitioners, federal and immigration court judges, and ICE and USCIS officials, as well as cited in numerous court decisions.

But don't take our word for it; following are a few of the 6,000 purchasers that have taken the time to say how crucial *Kurzban's* is to day-to-day practice:

verify what we think we already know. [W]e're ecstatic to have won our own copy of the 13th edition for the bargain price of 17 syllables (one of five winners of the 2012 *Kurzban's* Haiku Contest).

"KURZBAN'S HAS ALLOWED MY LEGAL PRACTICE TO MAINTAIN QUALITY RESEARCH WITHIN A CLIENT-CONSCIOUS BUDGET."

—Keith Southam Chicago Chapter member

rite of passage in a legal writing class is no doubt the loss of computer access for a research question. My question was simple enough, but after 30 minutes, I had no idea. With just 30 seconds online, though, I found the answer. That experience shaped my attitude toward legal research. I was born in the 1980s, and while I remember consulting paper dictionaries and encyclopedias, I have not done so for a long time. Only after law school ... did I reevaluate my attitude.



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Online searches bring back site after site that describe personal experiences with immigration, or blog after blog that attempts to distill immigration law for public consumption. Instead of repeating personal stories or blog postings, *Kurzban's* reveals actual standards and procedures complete with full legal citations. That is the true value to a practitioner. *Kurzban's* has, to my surprise, become my

PUBLICATIONS

first stop in most legal research. That research may then branch in various ways, but the foundation is, more often than not, a few paragraphs of *Kurzban's*. In that way, *Kurzban's* has allowed my legal practice to maintain quality research within a client-conscious budget.

"KURZBAN'S HELPS US START OUR RESEARCH WITH RELEVANT AND CURRENT CASES AND GO FROM THERE."

—**Diana Bieber Locke** *Philadelphia Chapter member*

Kurzban's is an indispensable tool for attorneys at the Pennsylvania Immigration Resource Center (PIRC). Particularly in our work with immigrants detained in York, we are responding to questions about immigration law from thousands of individuals each year. Many will never have an attorney representing them in their removal proceedings; nevertheless, they are seeking legal answers on a wide range of issues that impact their cases, from §245(i) eligibility to the Visa Waiver Program, to the timing of I-751 battered spouse waivers.

Kurzban's is invaluable in serving these individuals. A brief review of Kurzban's over lunch can provide us as PIRC attorneys with a quick outline to fill in our understanding of whatever issue came up that morning. We can have an answer about the law by the afternoon. Sometimes, when English literacy isn't an issue, we may even bring Kurzban's, sharing a page or two with a detainee on a topic they've asked about. This is another great benefit of Kurzban's in our practice: the format and language of Kurzban's make it useful not only for attorneys, but also accessible and informative for pro se litigants or family members of detainees.

Most importantly, ... *Kurzban's* provides a reliable starting point for research. While never substituting for primary research, it is a trusted launch pad for more in-depth review of case law or regulations. Thanks to the frequent updates, *Kurzban's* helps

IMMIGRATION LANGEBOC SOURCEBOC us start our research with relevant and current cases and go from there.

During my first semester of law school, the senior attorney where I was volunteering pulled me aside and introduced me to *Kurzban's*. I try to do the same for every intern I work with. I feel it is one of the best tools I can give them. **♦**

"KURZBAN'S HAS BEEN A GREAT RESOURCE TO KEEP MY KNOWLEDGE SHARP AND MY CASE LAW LIBRARY FRESH." --Nolan Garrido

South Florida Chapter member

A good publication for a law practitioner is often referred to as the ''Bible'' for its respective subject area. *Kurzban's Immigration Law Sourcebook* definitely belongs in this category as any competent immigration attorney's holy book. It is a onestop shop for case law and nuances of immigration law for virtually any case that I could encounter in my law practice. The book is



written in plain language and is clearly designed to be read by immigration attorneys wanting a nuanced understanding of the immigration system and its related case law. In addition to citizenship, visas, and removal defense, the book also includes many chapters on lesser known areas of immigration law, which is great for those rare cases that you might see come through your office.

By placing all of the pertinent case law and regulations at my fingertips, I have solved many client issues simply by flipping through a few pages. My practice was able to run smoothly and I felt more confident about my skillset, particularly when I was first learning how to practice immigration law. That said, even as a more experienced attorney, *Kurzban's* has been a great resource to keep my knowledge sharp and my case law library fresh.

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I don't normally gush about books, much less a reference book, but *Kurzban's* is like no other. If you are a practicing immigration attorney, you need to own this book. **♦**

"[KURZBAN'S] IS THE FIRST PLACE I LOOK WHENEVER I HAVE A QUESTION." —Yova Borovska Central Florida Chapter member

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use *Kurzban's Immigration Law Sourcebook* in my daily practice. It is the first place I look whenever I have a question. AILALink has also made it available online, which allows for convenient access from outside of my office. **♦**





Looking to Reduce Health Insurance Costs?

One of your association benefits is the ability to obtain a free no-cost, no-obligation individual or group health insurance quote. Most plans renew in the 1st quarter of each year, so this is an excellent opportunity to contact MMIC and obtain alternate health insurance quotes to compare!

If you wish to obtain a health insurance quote to cover yourself and family, or a small group health insurance quote to cover employees, please go to our website: www.mmicinsurance.com/AILA

All health insurance quotes will be e-mailed within 48 hours. If questions or need help deciding which plan is right for you, please contact us directly:

Phone: 800-349-1039 E-mail: quotes@mmicinsurance.com

COMMUNITY

GOT AN ETHICS QUESTION? AILA'S PRACTICE & PROFESSIONALISM CENTER HAS THE ANSWER



by Reid F. Trautz

Although many state bars offer an Aethics hotline to their members, most of those lawyers staffing it are unfamiliar with immigration-specific scenarios in which ethics dilemmas arise. AILA's Practice and Professionalism Center offers resources to help members navigate those issues.

For example, the <u>Immigration Ethics Resource Library</u> contains links to professional conduct rules in all U.S. jurisdictions, as well as to those promulgated by the <u>Executive Office for Immigration Review</u> and <u>U.S. Citizenship and Immigration Services</u>. Lawyers practicing before those agencies are bound by those rules and the rules of professional conduct in the state(s) in which they are licensed. In addition, the library contains links to helpful ethics opinions that

ABOUT PRACTICE & PROFESSIONALISM
Practice Management Tips
Pro Bono Opportunities
Legal Ethics
Consumer Protection

address common issues. Whenever you have an ethics dilemma, this is the place to start.

There also are excellent articles and podcasts on InfoNet providing general ethical guidance, as well as guidance on specific immigration situations. AILA's Ethics Committee recently published two articles that are now available: "<u>Withdrawal of Representation in</u> <u>Immigration Practice</u>" and "<u>When a Client Lies: Balancing Candor and Confidentiality</u>."

And, of course, the Practice & Professionalism Center provides confidential, free, one-on-one guidance.

Don't wait until you face a tough ethics dilemma. Build time into your schedule to educate yourself on these important issues. However, if you need additional guidance with an ethics dilemma, rest assured that this free consultation service is available.

<u>Reid F. Trautz</u> is the director of AILA's Practice and Professionalism Center.

FOR MORE ON ETHICS

Ethics Honky-Tonk Jam Session (Recording)

GORA Purchase >

Check Out These Free Member Resources!

Using the New Social Media: Ethics Issues (Recording)



Ethics in a Brave New World (eBook) Navigating the Social Network (.PDF)

FREE! >

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by Leslie A. Holman

he immigration process is

rife with evolving laws and regulations that are inconsistently applied to cases. Often, the only way to get critical, up-to-the minute information on the state of adjudications is by asking a fellow practitioner. AILA's Mentor Program provides that opportunity.

AILA mentors are members, with at least five years' experience in a particular subject area, who generously volunteer their time and knowledge with fellow members. Their contact information. as well as the preferred method of contact. appears in the mentor directory, which can be found on the righthand side of InfoNet. Thus, getting speedy assistance from a peer is literally only a phone call or e-mail away.

Once you get connect with a mentor, he or she can clarify a particular law or regulation, recommend sources to research. shed light on regional nuances and adjudicatory trends, or help navigate an ethical dilemma.

The most effective way to get meaningful assistance from a mentor is to first research the issue, explain your problem to the mentor and the information you have found, and then ask the remaining questions. By following these steps, your mentor will quickly warm up to you and both of you will embark on a fruitful discussion.

As a mentor, every question I am asked either makes me smarter because I am forced to think of something that might not have crossed my mind, or I am introduced to another fact pattern that throws a monkey wrench into the way things "should" work.

LAUNCHING AN IMMIGRATION PRACTICE

Once in awhile, I consult a mentor when I need guidance. In fact, I did so recently because I had trouble analyzing the new iCert filing requirements for H-2Bs, despite reading all the guidance and FAQs. The mentor I called was glad to speak with me because she, too, had been struggling with the issue. Simply put, I consider the Mentor Program as my personal CLE without cost.

Mentor Directory

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I have met some of my now-closest friends through my participation in the program, and at every conference I attend, someone always thanks me for having helped them in the past.

I encourage all AILA members, both new and seasoned, to become involved in the Mentor Program. I promise you won't regret it. By paying it forward, we gain satisfaction from helping others and increase the likelihood of clients getting quality representation.

New England Chapter member Leslie A. Holman is the founder of Holman Immigration Law in Burlington, VT. and the current first vice president of AILA. In 2008, she was awarded AI-LA's Sam Williamson Mentor Award.

NEW! Launching an **Immigration Practice** FREE! > AGORA

COMMUNITY



Federal Court Litigation Section

The Federal Court Litigation

Section (FCLS) provides AILA members with a forum to share case strategies, network with fellow litigators, and learn the finer points of federal court litigation. The section offers a thriving listserve used by members to exchange information and ideas. Members also have access to an expanding bank of sample briefs and pleadings. The <u>FCLS website</u> contains a wealth of federal and district court information, issue-based practice advisories, links to the <u>American</u>

ENHANCE YOUR PRACTICE THROUGH FEDERAL LITIGATION— JOIN AILA'S FEDERAL COURT LITIGATION SECTION



by Danielle Rosché

You've worked hard to establish a relationship with your clients. You

know their cases and they trust you, so when their case hits a snag, trust yourself to advocate for them in federal court.

After graduating from law school and joining my firm in 2009, all our litigation cases were referred out. In the end, this meant that many of our clients who would have strong federal claims did not seek relief because they didn't want to hire a second attorney. As a new practitioner, I never liked telling my clients that all I could do for them was to keep calling U.S. Citizenship and Immigration Services (USCIS) or their congressional representative for assistance. But moving this litigation in-house allows, for example, faster filings, faster release, and, in the long run, reunites clients with their families as they fully prepare a defense and appeal rather than sit in detention. Drawing strength from my youthful energy and righteous indignation, I persuaded the partners to allow me to train in federal litigation and join AILA's Federal Court Litigation section.

Establishing a federal litigation practice gives you the power as a zealous advocate to take your clients' cases to the final stage. Federal litigation helps protect clients in front of the Executive Office for Immigration Review and stop agency delay. And from challenging

Check Out These Litigation Resources!

Litigating Immigration Cases in Federal Court (Book)



Federal Court Litigation Masters (Recording) Perspectives on Federal Court Litigation (Recording)



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Immigration Council's (AIC) Legal Action Center, the AILA Amicus Committee, and additional online resources.

The FCLS hosts quarterly conference calls to discuss current legal issues and circuit court updates, and to share strategies and experiences. The most recent teleconference featured discussion of several legal issues, including INA §212(e) waiver litigation, general prosecutorial discretion issues, and retroactivity following <u>Garfias</u>-

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Rodriguez v. Holder, No. 09-72603 (9th Cir. 2012). Several circuit court representatives gave updates, while both the Legal Action Center and the Amicus Committee gave periodic updates. A recording of the call is available on Agora, free for AILA members.

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a finding of mandatory detention to seeking faster and fuller disclosure under the <u>Freedom of Information</u> <u>Act (FOIA)</u>, options for federal litigation abound once you start looking for them.

Federal litigation also allows you to challenge unjust agency interpretations. Before starting our litigation practice, we would often tell clients that although the law was unclear, or possibly even interpreted in an unjust manner, we couldn't take their case because, under the agency's interpretation, we would lose. Now with federal litigation, we are able to take a proactive role in challenging those interpretations and regulations that are ultra vires. Although it's important to fully disclose the risks and costs to the clients, once they are on board, taking these types of cases is incredibly satisfying.

Being comfortable in federal court is another useful skill when handling affirmative applications with USCIS or FOIA requests. Although many USCIS functions are discretionary, USCIS does not have the discretion to avoid adjudicating a case. This is especially so when there are certain cases, such as those relating to naturalization and FOIA, where statutes



and regulations set a clear time-frame for adjudication. When a client's case stalls, a writ of mandamus is a powerful tool to jumpstart action or find a misrouted file. As the law is clearly established in these types of matters, new practitioners can comfortably enter the arena of federal litigation with a simple nuts-andbolts case and some guidance from an AILA mentor.

Message Center

Besides helping your clients assert their rights, federal litigation offers another reward: attorney's fees under the Equal Access to Justice Act (EAJA). The <u>November/December 2012 issue of VOICE</u> has a great article on the issue of EAJA fees. Federal litigation can be prohibitively expensive for indigent or working poor clients. EAJA fees allow you to share some of the risk with your client for the double reward of beating the government and then making them write you a check for the honor.

When clients have been wronged, they don't want you to suggest another attorney for them if they'd like to pursue litigation. With the resources and advice of AILA's Federal Court Litigation section, federal litigation is within the grasp of all attorneys. Having the ability to take your cases to federal court provides a cheaper alternative for your client, maintains important relationships, enhances the reputation of your firm, and, in the end, is just plain fun!

San Diego Chapter member <u>Danielle Rosché</u> is an associate at Feldman Feldman & Associates in San Diego.

COMMUNITY



Global Migration Section

The Global Migration Section

(GMS) boasts a diverse membership of AILA attorneys and international associates (foreign attorneys who are not licensed in the United States and, therefore, are ineligible for AILA membership) from across the world. Join this burgeoning community of global migration practitioners and enjoy benefits, such as networking opportunities, education and publications, teleconferences, a quarterly digest; and much more.

The GMS hosts quarterly conference calls to discuss

GOING GLOBAL HAS NEVER BEEN EASIER----JOIN AILA'S GLOBAL MIGRATION SECTION



by Ruslan Bocancea

he <u>Global Migration Section</u> (GMS) comprises AILA members and in-

ternational associates who are interested in furthering the practice of global migration. It provides a forum for members to share ideas and to receive mentorship on global migration–related issues.

The GMS has helped me gain a reputation for being able to identify reputable practitioners worldwide. Recently, a partner at a large law firm in Minneapolis asked me to help her locate an attorney in Poland who is familiar with Polish bribery laws and the U.S. Foreign Corrupt Practices Act. I sent an e-mail to the GMS's listserve seeking recommendations. It took less than 30 minutes to receive more than 10 referrals, including three personal phone calls. The law firm's partner was very grateful. I have since received one U.S. immigration–related referral from this firm, which was the result of my assistance.

The GMS also enabled me to secure several reputable international clients. Recently, a well-known law firm in the Netherlands was seeking Romanian counsel familiar with Romanian visa issues. One of the firm's corporate clients wanted to temporarily

Join AILA's GMS at the <u>2013 Global Forum</u>, to be held on June 26 in San Francisco. The conference will feature informative sessions and provide an opportunity to network with practitioners from around the world.







international updates and last met on November 26, 2012, to discuss implementation of the new <u>Blue</u> <u>Card Directive in the European</u> <u>Union in Germany, Italy, and the</u> Netherlands. <u>A recording of the</u> <u>call is available on Agora</u>. The GMS is hosting its next call on Feb. 27 and will focus on China and Hong Kong. Be sure to check the <u>calendar of events</u> for upcoming calls and meetings.

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The GMS also publishes the quarterly <u>Global Migration</u> <u>Digest</u>. The publication offers comprehensive updates regarding a wide range of countries. <u>The</u> most recent edition highlights dual citizenship issues in Germany, a foreign workers class action lawsuit in Canada, a comparison of U.S. and Australian immigration systems, as well as general updates from Italy. Be on the lookout for the <u>next Global</u> <u>Migration Digest</u>.

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transfer several Indian-born IT specialists from the Netherlands to Romania to provide consulting services to a large international financial institution. Fortunately, several GMS members recommended my work. I ended up advising the law firm and its corporate client on securing the temporary business visas. This opportunity would not have been possible without being a member of the GMS.

Finally, the section's <u>digest</u> is an excellent educational resource that keeps me up to date on recent global migration developments, whether it involves Canada's specialized knowledge workers, the new exit-entry law in China, or even the German's *Beibehaltungsgenehmigung* (yes, this is a real word).

> To learn more about the GMS or to join the section, please contact AILA at <u>member-</u> <u>ship@aila.org</u>.

Minnesota/Dakotas Chapter member <u>Ruslan Bocan-</u> <u>cea</u> is the principal of the Bocancea Law Firm. He practices immigration law in Minneapolis and Bucharest, advising individuals and companies on immigration and visa matters.

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COMMUNITY

THE NMD LISTSERVE WON'T HELP IN COURT, BUT IT WILL HELP YOU PREPARE BEFORE





by Sean R. Hanover

While waiting for my case to begin in Baltimore immigration court, I had the pleasure of speaking to an attorney practicing in the Washington, D.C.-metro area just like I do. Her bailiwick was actually criminal defense, but she found herself leaning more and more toward immigration law. That day, she was representing a convicted drug offender. As my firm deals with such criminals, our interests overlapped.

The attorney asked me how one could learn more about immigration procedures and types of relief available for tough cases. Naturally, <u>Kurzban's Immigration Law Sourcebook</u> and other guidebooks came to mind. But while those are helpful in their own way, I recommended a rather unconventional source: the AILA New Member Division (NMD) listserve. She hadn't seen that coming! She was surprised I would suggest joining a listserve as a way to learn more about tackling immigration challenges. She imagined it was a good place to ask questions, but could not fathom how it would help her if she did not know what to ask.

The NMD listserve is much more than a query service. It is a library, a living repository of sample documents, briefs, and experiences offered by seasoned attorneys. And because of the dynamic exchanges among colleagues, they can enjoy an array of opinions on almost every major topic. Also, the listserve is mutually beneficial because up-and-coming attorneys are less likely to "wander away" with wrong or irrelevant answers, and experienced attorneys feel satisfied after helping them, not to mention learning a new thing or two from this treasure trove of information!

The idea of a platform where immigration attorneys shared ideas and challenged each other intrigued her. She expressed concern, however, about the technology. Is it easy to use? I told her to simply enter the credentials and permit mail from AILA. I also suggested that she create a separate e-mail folder to receive the incoming NMD mail by creating a rule to move the messages from the general mailbox to a separate folder when NMD is in the subject line. Otherwise, her regular e-mail inbox could get overloaded quickly.

This vibrant sounding board is a boon for new and



The NMD Listserve is AILA's busiest discussion list, providing a forum for members to ask q if using an I-102 to support an I-485 appeal is all Greek to you, come to the NMD listserve at about I-102s in the NMD listserve archive that is right on point. <u>Subscribe today</u> to become a avalanche of e-mails! Learn how to manage your listserve preferences.





Grassroots Advocacy Requires AILA Member Support: Be a Part of the Annual National Day of Action!

by Anu Joshi

Join AILA on April 11, as we call on Congress to create a commonsense immigration policy that recognizes the hardships and contributions of new Americans



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and aspiring citizens. The <u>Annual</u> <u>National Day of Action</u> typically brings hundreds of AILA members and their clients from around the country to Washington, D.C., to educate members of Congress and their staff about the problems plaguing our immigration system. <u>Registration for the event is free</u> for both members and nonmembers alike, so please consider bringing your clients, family, and friends.

Right now, Republican and Democratic elected leaders are coming together to discuss real-world solutions to move the country forward, but we need to make sure they do the hard work of getting a good bill passed. Bring your real-world experience and your clients' stories to Washington, D.C. The day will start with a morning briefing at the Washington Court Hotel on Capitol Hill. Then, armed with breakfast, lobby training, and materials, you'll hit the halls of Congress to educate and lobby your members. For lunch, we'll convene in the **Rayburn House building and will** hear from members of Congress on their outlook on immigration in the 113th Congress. That evening, it's back to the Washington Court Hotel with your complimentary admission to the American Immigration Council's American Immigrant Achievement Awards.

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For more about what's happening with immigration reform, check out <u>AILA on the Issues</u>.

<u>Anu Joshi</u> is AILA's grassroots advocacy associate.

experienced practitioners alike. In many ways, it is worth the entire expense of <u>an AILA membership</u>. As we parted, I reminded the attorney that the listserve, like anything else, is only valuable if she uses it.

.....

Washington, D.C. Chapter member <u>Sean R. Hanover</u> is the principal attorney at Hanover Law, P.C.

uestions to an audience of their peers. For example, nd let a colleague walk you through it! There is a post part of this online community, but be ready for an



The American Immigration Council <u>invites you</u> to Washington, D.C. to celebrate the remarkable accomplishments of immigrants and advocates at the **Immigrant Achievement Awards on April 11!**

Honorees (to date): Gen. Colin L. Powell Cristeta Comerford Shireen Alihaji



COMMUNITY

EXPAND YOUR PROFESSIONAL NETWORK WITH FREE AILA TOOLS

Build Your Client Base with AILA's Immigration Lawyer Search

A s a member of AILA, consider joining AILA's <u>Immigration Lawyer Search</u> (ILS), which is free to all members who meet the criteria outlined below. ILS allows potential clients, employers, and other attorneys to search for AILA attorneys who meet their specific needs in just a matter of seconds! Users of the site, which can be found at <u>www.ailalawyer.com</u>, may search by practice area, language, and geographic location.

ILS is a great way to build your client base no matter what area of immigration law you practice. The probability of landing at least one client in a matter of months is pretty high according to the site's statistics. In 2012, more than 55,000 potential clients visited the site. The site averaged approximately 164 visitors per day, more than 70 percent of which were first-time visitors. Also, there were more than 71,000 unique searches based on the type of immigration law practiced, the highest being removal defense at nearly 949 in an average month.

This spectacular marketing service for your practice is free for AILA members who meet the following criteria:

- Be an approved AILA member for at least two years;
- Carry professional liability insurance with a minimum of \$100,000 of coverage;
- Have completed at least nine hours of continuing legal education classes within the last year.
- Be licensed and in good standing with a state bar.



For more about Immigration Lawyer Search, including additional statistics, please <u>e-mail</u> <u>membership</u> or call 202-507-7635.

For Job Seekers and Employers, the AILA Career Center Is the Go-To Place

All A's Career Center offers a platform for immigration attorneys to post ads to fill vacancies with the most qualified candidates, and it allows those who are seeking employment to search a wide array of openings. All job postings are reviewed by AILA be-


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fore being made available online to protect our users from illegitimate postings. Additionally, these ads can be shared with members of the Legal Job Exchange, which includes the American Bar Association and other associations.

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Ads posted on the Career Center's page, unlike those on most job boards, are not restricted to a standard appearance. When entering the content of their job postings, employers can change fonts, add colors, organize content into templates, insert bullet points, and much more, in HTML.

What's more, our pricing is low, and extremely competitive when compared with other job boards. Also, AILA members and their firms receive discounted prices. <u>Rates</u> depend on several factors, such as the nature of the position advertised, the dura-

tion of the ad, and the employer's choice to disseminate the ad through the Legal Job Exchange. Nonprofit organizations can re-



ceive a promotional code for free job postings by emailing <u>classifieds@aila.org</u>.

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To see the job board, go to the <u>Career Center</u> and select the link to enter as an employer or as a job seeker. New users will need to create an account. Job seekers can post up to five documents and specify which ones are private or searchable by employers. In turn, employers can review these résumés once they have registered with at least one job posting.

But the Career Center doesn't just provide a place to advertise openings. People seeking jobs in the immigration law field can avail themselves of numerous benefits, including professional résumé writing assistance, career coaching, reference checking/employment verification, discounted test prep services, career tips, and social networking profile development.



Visit the <u>Career Center</u> today and see how it can help you fulfill your employment needs!

Expand Your Professional Network with AILA's LinkedIn Group

With nearly 3,000 AILA members and nonmembers, AILA's LinkedIn group allows you to stay on top of the ever-changing world of immigration law. Increase your knowledge base by initiating and/or contributing to discussions. For instance, did you run across an article that you are keen to discuss with other immigration lawyers? Or do you have a question about DACA eligibility and want input from other members? Post it on the discussion forum and see the variety of perspectives that pop up. Also, check out the reminders posted regularly by AILA staff about CLE opportunities through in-person conferences, audio seminars, and web seminars. Last but not least, strengthen existing professional relationships and foster new ones by sharing your profile and adding more "connections."

Also Follow AILA on Facebook, YouTube, Twitter, and now Pinterest!

GET COMPETITIVE RATES THROUGH AILA'S PROFESSIONAL LIABILITY INSURANCE PROGRAM

he Hanover Insurance Group offers AILA members professional liability insurance that covers errors and omissions committed during the practice of law. It covers all attorneys in a firm, inde-

pendent contractors, those who serve as Get Quote "of counsel," and non-lawyer employees, including representatives accredited by the Board of Immigrawww.aila.org/getquoted tion Appeals. "At The Hanover, we know that our insured attorneys consider their reputation as one of their most valuable assets," said Gayle Wissinger, lawyers professional liability product manager at The Hanover Insurance Group. "We understand the risks and issues surrounding their business and livelihood, and have designed a customizable program to protect those needs."

What You'll Pay

Premiums are determined by a variety of factors, such as the location of the firm, the limit and deductible selected, the type of risk management practices within the firm, disciplinary experience, and the areas of practice. Some practice areas are more likely to generate claims, so attorneys who engage in these practices will pay a higher premium. Once a policy is underwritten, the premium would typically not be

A Satisfied Customer

first purchased the AILA Lawyers **Professional Liability** Insurance in 2003. The next year, the insurance came in handy when I had to retain a defense attorney to respond to a bar complaint (as opposed to when such complaint finally would go to hearing years later).

In my state of Washington, 80 to 200 of the 2,000 bar disciplinary actions per year (out of 28,000 Washington attorneys) are against immigration attorneys (mostly against the 40 removal defense attorneys; there are 412 members in AILA's Washington Chapter). The AILA Professional **Liability Insurance**

adjusted until the time of renewal, said Wissinger. "So if the insured, perhaps, brings in an associate lawyer some time during the policy term, we're not going to make an additional charge for that lawyer until we get to the renewal and then we will add them to the policy," she explained.

Additional Coverage

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The Member Advantage

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> The policy provides additional benefits, including a \$50,000 supplemental limit for defense of disciplinary complaints. "This typically involves assisting the insured lawyer with his [or] her initial written response to the complaint, as well as representing the lawyer during any hearings to determine guilt and appropriate sanctions," Wissinger said. Other benefits include a \$50,000 supplemental limit for defense of employment practices claims, and reimbursement for income lost during time spent defending the claim in a deposition, trial, etc. This protection is a differentiator for The











has allowed others and me to practice removal defense work. I switched to Hanover when it was first offered by AILA to benefit from the malpractice defense attorney cap increase from \$10,000 to \$50,000 (\$100,000 as a rider). Because it costs \$100,000 to defend a Matter of Lozada claim through the Washington state disciplinary hearing, the increased cap is critical.

Hanover also allowed me to increase my overall cap from \$1 million to \$4 million, allowing me to take multistate employer I-9 cases and expand the types of cases handled by my office. All this for only \$2,700

"THE AILA PROFESSIONAL LIABILITY INSURANCE HAS ALLOWED OTHERS AND M RACTICE REMOVAL DEFENSE

-Bart Klein Washington Chapter member

per year. While some members do not report a cost savings (my costs came down from

\$6,000), the extra \$50,000 cap coverage was the reason for their switch.

Hanover and is included without an extra charge, she noted.

Liability payments stemming from criminal acts are not covered under the policy. So, say, an insured is charged with fraud. According to Wissinger, the company will defend the allegations, but is not responsible for indemnity for that part of the claim if the court deems the insured guilty of fraud.

Risk Aversion

The Hanover also offers risk management services with Hinshaw & Culbertson, LLP, a national law firm that specializes in the defense of professional liability claims. The firm's website, which only policy holders can access, provides a wealth of resources, including articles about risk management and templates for many forms and documents typically used in a wellmanaged law office, such as engagement letters, nonengagement letters, client intake check lists, and many others. The site also offers an online continuing education class worth three credits.

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Our clients say it best. Here is just one: "... At last we succeeded! My 1140 was approved today. I really appreciate you on this. Your Evaluation did magic (with 3 year degree, EB2)."

> All 3-year degrees and many other education situations are at risk.

We have reversed many denials to approvals.



LOOKING TO INVEST WISELY? ABA RETIREMENT FUNDS CAN HELP

by Michael Moniz

he ABA Retirement Funds Program was created 50 years ago on the belief that the legal community's unique retirement needs would be best served by a program developed exclusively for law firms.

The program provides comprehensive and affordable retirement plans, such as 401(k)s, to law firms of all sizes-even solo practitioners. It is organized as a not-forprofit corporation by the American Bar Association, and currently services nearly 3,800 member firms and bar associations with more than \$4.5 billion in assets under management (as of December 31, 2012).

Through our partnership with the American Immigration Lawyers Association, our 401(k) plans are available to you with no out-of-pocket expenses regardless of your firm's size. Designed as a member benefit, the program leverages the size of the legal community to provide its members with products and services usually only reserved for the largest corporate retirement plans.

Reducing Liability

The program reduces member firm fiduciary liability while saving owners and administrators valuable time and resources. As a result of its oversight design, the program provides member firms with the most protection from fiduciary liability as defined by the Employee Retirement Income Security Act of 1974. The entire program is overseen by the ABA Retirement Funds board of directors and their staff who meet at least quarterly to review the affairs of the program. In addition, the investment fiduciary, trusteeship, and custody are provided by the Northern Trust Investments, Inc., and its affiliate, The Northern Trust Company (Northern Trust), a leading global asset management and asset servicing company with 120 years of experience. Unlike most 401(k) plans, the trustee of the program has discretionary authority and control over the investments of the program's assets. As a result, the only fiduciary responsibility retained by an employer adopting the program is the selection of the program and the continued use of the program.

Tailored to Your Needs

The program's investment menu is custom designed to suit the needs of every type of investor. Whether you are a sophisticated investor, an investor who takes a more hands-on approach to making decisions, or a less experienced investor who lacks the time or interest in making investment decisions, the program has a diverse selection of investment options to help every participant meet his or her retirement goals.

The program's bundled service approach allows member firms to focus on the success of their practice. Services include trusteeship, record keeping, tax reporting, compliance testing, investment management, and participant communication-all from a

Fiduciary: A person with the authority to make decisions regarding a pl **TERMINOLOGY**

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single source—at no additional cost to member firms or participants. The program simplifies the complexities associated with administering and participating in a retirement plan.

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A Long History of Success

As one of the longest standing member benefits affiliated with the American Bar Association, the ABA Retirement Funds Program has been helping law firms of all sizes meet their retirement goals for the past 50 years. Looking ahead, we are committed to building on our success of helping member firms hire and retain quality employees, control expenses, and assist them with their fiduciary responsibilities through a comprehensive and affordable retirement benefit Program.

For plan sponsors that may be sold registered units of the program's collective investment funds, this material must be preceded or accompanied by a <u>program</u> <u>prospectus</u>. Certain units of the collective investment funds that serve as investment options under the program are exempt from securities registration. In those instances, the prospectus serves as the program disclosure document. Please read the information carefully before investing. For e-mail inquiries, contact joinus@abaretirement.com.

Michael Moniz is vice president and divisional sales director for the ABA Retirement Funds Program. Securities offered through ING Financial Advisers, LLC (Member SIPC). The ABA Retirement Funds Program, ING Financial Advisers, LLC, and Northern Trust are all separate, unaffiliated companies and are not responsible for one another's products and services.

an's assets or important administrative matters. aving fiduciary responsibility for holding plan assets. **"THROUGH OUR PARTNERSHIP WITH THE AMERICAN IMMIGRATION LAW YERS ASSOCIATION, OUR 401(K) PLANS ARE AVAILABLE TO YOU WITH NO OUT-OF-POCKET EXPENSES REGARDLESS OF YOUR FIRM'S SIZE."**

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AILA NEGOTIATES SIGNIFICANT DISCOUNTS ON LIFE'S BIG, AND LITTLE, NECESSITIES

ILA offers a number of ways to help members save money on practice-related products and services. Through the <u>AILA Law-</u> <u>yers Member Advantage</u> program, active members are eligible for exclusive discounts and savings. When you see the AILA Lawyers Member Advantage logo, you'll know the vendor has established a relationship with AILA to provide you with exclusive services and/or discounts.





Health Insurance That Fits Your Needs

Mass Marketing Insurance Consultants, Inc. (MMIC) offers free health insurance quotes for AILA members. The <u>landing page</u>, which was built specifically for AILA members, gives eligibility rates in different states.

"Based on the information provided via website, by the AILA member, our company provides a minimum of two health insurance quotes showing five different price options with summary of benefits [that] reflect the plan [the] member requested," explained Ed Sterczek, owner of MMIC. "The health insurance quotes MMIC issues are no cost[,] no obligation proposals with no additional administrative or consulting fees assessed by MMIC to AILA members." Within seven days after the quote is e-mailed to the AILA member, the administrative department follows up with an email. If it receives no response to the follow-up e-mail, then it sends a reminder e-mail seven days after that.

"[U]nlike dealing directly with companies or other brokers who are not Affinity Partners with associations, if your member, who is insured, has any type of problem, whether it's a claim problem or an underwriting problem, we're there to assist them [through] a 1-800 number, as opposed to calling an insurance company and doing nothing but prompts and waiting, not knowing whom to go to," said Sterczek.

On account of medical inflation, insurance companies typically increase rates annually. When it comes time for an insured to renew his or her plan, an MMIC agent gets the proposed renewal from the insurance company first and critiques it. Then, the agent calls the insured and explains the existing plan and premium rate, as well as the options offered by the current company and different ones. Finally, the agent recommends to the insured the best way to go.

Best of all, when a member signs up for a new plan or a renewal, the insurance company pays MMIC for its consulting and brokerage services, said Sterczek.

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—Emily Sumner *Washington, D.C. Chapter member*

have been fortunate to have enjoyed health insurance coverage my entire career. Like many attorneys, this insurance was provided by my employer until I chose to become my own employer in September 2011. Although I am a healthy person, I have had a surprising number of "medical adventures" that have historically been of interest to insurers, and not in the best of ways. Knowing that health insurance premiums can be expensive, especially in light of those adventures, I explored several options before starting my firm. I found that adding myself and my son to my husband's work-provided health insurance plan was going to be astronomically expensive, so I was thrilled that MMIC was able to offer a plan that was more affordable, and

BeyondPay: An Easy Way to Ensure Your Employees Get Paid

• n most instances, payroll is like a four-letter word," said Rick Brown, CEO of BeyondPay. But with 650 clients and a 98 percent retention rate, BeyondPay is well-equipped to help AILA members handle their payroll needs.

"[O]ver the last three, four years, [because of] the evolution of technology, our ideal client has become someprovided reasonable coverage. Setting up the policy was easy, and Mr. Sterczek and his staff were pleasant and straightforward, allowing me to accomplish this important task with a minimal investment of time.

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The thing that has impressed me the most about MMIC was the renewal process. They proactively sent me a letter explaining that the premiums for my current policy would be increasing by some unacceptable percentage, and outlined a list of other, less expensive options. This is exactly the kind of client service I aim to offer my own clients—proactive, informative, and allowing me to make a quick but informed decision. While I know Mr. Sterczek and his staff are limited by the health insurance companies' offerings, they were able to find a great PPO plan for less than half the cost of my original policy.

I have recently contacted MMIC about the possibility of adding my spouse, and about obtaining a policy for a new employee. In both instances, they were immediately responsive, as usual. I am truly grateful for this valuable AILA benefit, and highly recommend that fellow AILA members investigate this option.

Washington, D.C. Chapter member <u>Emily Sumner</u> is the founding member of Sumner Immigration Law, PLLC, located in Richmond, VA.

one who realizes that they can no longer do 'business as usual," Brown said. "They need to take advantage of technology. They need to streamline operations. They need to become efficient. They need to become profitable." In that vein, if 100 percent of an employer's employees use direct deposit, BeyondPay can deliver a paperless payroll, which is more cost-efficient than paper delivery, he said. The money can be allocated among several accounts without additional charge. Also,

the platform allows employers to see the check register, as well as reports, before finalizing the payroll. That is, they can determine how much cash they will need for a certain payroll and view actual pay stubs. Brown said that this preview should yield a payroll that's 100 percent accurate.

Beyond Pay charges employers with a flat-rate fee of \$75 a month for five employees or less, whether they want to run a weekly, bi-weekly, or semi-monthly payroll. For the sixth employee or more, the employer will be charged \$1.50 per transaction involving generating a check or a direct deposit.

But BeyondPay's expertise is not limited to just payroll. For additional fees, AILA members can also opt for a platform that integrates payroll, time and attendance, HR, and workers' compensation. "When you finish reviewing hours in time and attendance, your payroll is done because the hours are already in the same system," Brown explained. "When you change someone's address in HR, it's already changed in the payroll system, again, because they're pulling data from the exact same spot."

Regarding the time and attendance module, employers can choose a basic level that allows employees to punch in and out or an advanced level that allows them to allocate their time to various clients, which facilitates billing.

The platform can be customized to allow timesheets of certain employees to pass through a specific chain of command. "For example, a partner's timesheet can go directly to the payroll person," Brown explained. "A paralegal's timesheet might flow to the partner to approve then go to the payroll person."

As for workers' compensation, BeyondPay offers a system where employers can pay premiums each time payroll is processed, rather than estimating payroll at the beginning of the year, paying a large premium up front, and risk coming up short at the end of the year when the insurance company audits the payroll and says more money is owed. "With our product, there's no upfront payment," Brown explained. "Every time we process your payroll, we submit the payroll file to the insurance carrier. The carrier will calculate an actual premium based upon your actual payroll," which is withdrawn from your account. So, if an employer processes a bi-weekly payroll, it will make 26 payments during the year. "Therefore, the likelihood of any audited adjustment at year end is basically zero ... It is tremendous from a cash-flow perspective and it eliminates that year-end audit surprise, which no one likes," he added.

Also, since it is a Web-based product, employers and employees can access it anywhere, even on iPads, iPhones, and Android phones. Nevertheless, security levels can be set up, so different people can have access to different data.

Customer support is also available. Once an AILA member retains BeyondPay, a trainer will explain the entire process by way of a virtual meeting using Go-ToMeeting software. Also, if the member encounters a problem online, a customer service representative can view the same page and provide assistance remotely. And if the client still feels uncomfortable handling the issue, the representative can take the reins and complete the task. For example, a person might process a normal payroll, but not bonus checks. Since generating bonus checks is done so infrequently, a representative can take care of that.

> For issues needing extra time for a resolution, members can check the status by accessing the Web-based ticketing system at any time.

> > Call 1-800-277-9904 or visit <u>BeyondPay online</u> to get free payroll for 30 days!

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— **Tony Torres** *Business Manager, Tomlinson Law Group, P.C.*

where a very small firm, with only two attorneys and two staff. However, we have a very busy office. The size of our office means that everyone works hard and everything that we do has to be streamlined. We are constantly looking for ways to make the things we do every day cheaper or more efficient. BeyondPay is not only cost-effective, but they are flexible and helpful whenever we have an extraordinary request.

Tomlinson Law Group, P.C. opened in June 2012. Before that, our owner, Erica Tomlinson, had been a partner in another firm where they used one of the larger payroll processing companies. A wonderful aspect of starting a new business is that you get a chance to evaluate everything you do and make changes where possible. As the firm's business manager, I was looking into various payroll processors when Erica passed along BeyondPay's information because

she had seen it in an AILA benefits e-mail. I wrote an e-mail to BeyondPay requesting more information and received an e-mail response from their CEO, Rick Brown, that very same day. In an era when it's nearly impossible to speak to a human at a company, much less a CEO, that stood out in my mind. In his response, Rick gave me an uncomplicated introduction to BeyondPay and its pricing structure, talked about the importance of their relationship with AILA, and encouraged me to follow up with him personally. The personal nature of the company was impressive.

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The biggest reason we signed up with BeyondPay was not simply price, but value. They give us an option to do all of our payroll matters electronically, including direct deposit, which is a big plus for us. They offer live customer service that is readily available with real answers instead of responses off a computer screen. Finally, BeyondPay is always willing to show me a way to make processing payroll or performing other HR duties easier. BeyondPay does all of this for about half the price of any other companies we got a quote from.

Overall, Tomlinson Law Group, P.C. has been extremely happy with BeyondPay. I hope that other AILA members can use their services as effectively as we have.

Tony Torres is the business manager for Northern California Chapter member Erica L. Tomlinson's firm, Tomlinson Law Group, P.C.

Let Your Clients Charge It with TSYS Merchant Solutions

T<u>SYS Merchant Solutions</u> offers credit card processing support to AILA members. Generally, the merchant fee starts at 1.59 percent if the credit card is presented during the transaction. The rate could actually be lower if a consumer gives a debit

card. Rates could also be slightly higher if (1) a corporate card or rewards card is used or (2) an AILA member manually enters the credit card number on a terminal or the key pad on the phone.

Transactions also can be processed on the Blackberry and Android, as well as the iPhone, iTouch, and the iPad.

TSYS's contracts with merchants last for three years, which is the industry standard. However, based the on activity of an AILA member and negotiations with the merchant advocate on TSYS's end, an AILA member can request a one-year contract.

Make Conference Calls on the Cheap with InterCall

nterCall offers AILA members special rates on audio and web conferencing. For example, AILA members would be charged 4 cents a minute, per caller (up to 125), including the AILA member, rather than the standard 10 cents a minute for audio conferencing. Web conferencing costs 15 cents a minute rather than 17 cents. Members pay for only the minutes used, so there's no minimum fee.

InterCall audio conferencing also can be integrated with Microsoft Office 365, which allows members to run their practice from the cloud. "Instead of having your office suite on your C-drive, it's on a cloud network that's hosted for you, so when the new Microsoft Office comes out, you don't have to go to Best Buy or something and buy it," explained Michael Oliver, Affinity marketing manager for Meridian One Corporation, the company that manages AILA's partnerships with various vendors. "You automatically get the update because of your license through the cloud technology. Users of Microsoft Office 365 can benefit from built-in anti-virus and spam fighting technology, as well as a guarantee of 99.9 percent uptime. Uptime is the period of time when the service is available. "Microsoft offers service credits to customers if their uptime falls below certain thresholds," Oliver said.

"[T]HE SAVINGS IS ENORMOUS."

—**Bernie Wolfsdorf** *Past AILA President and Southern California Chapter member*

Box, Ship, Track for Less with FedEx

Shipping reams and reams of documents to clients, opposing counsel, and government agencies is part and parcel of a running law practice, so why not save money by opening a FedEx account through your AILA membership? There's no volume requirement, so the discount depends on the service, the size of the package, and the destination. You can save up to 26 percent on FedEx Express and up to 12 percent on



FedEx Ground. You can also receive reduced rates on certain FedEx Office business services. For example, get up to 20 percent on select printing and copying services, and up to 10 percent on certain graphics production and finishing services.

Each quarter, you will receive correspondence reminding you how much money you saved during that time, which reinforces the AILA membership discount.

Call 1-800-MEMBERS or visit <u>the special AILA-FedEx webpage</u> (enter your membership ID and pass-code T4YKQB on the left-hand side of the page) to create an account and make the best use of your hard-earned money!

"WE SWITCHED TO INTERCALL BASED ON PRICING. WE USE IT REGULARLY AND HAVE BEEN SATISFIED WITH IT."

– **Denise Hammond,** *Washington, D.C. Chapter member*

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know many AILA members are not fully using their affinity benefits ... negotiated on behalf of AILA, because I was one. [M]ake a New Year's resolution (even if late)—don't waste money in 2013. We have received huge benefits from using AILA's affinity member benefits, such as our massive savings with FedEx. I encourage you all to use this program because the savings is enormous.

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Get Big Savings Through GEICO

by Karen Burns, GEICO Marketing/Events Manager

Protecting your assets is very important. After all, you have worked your whole life to obtain them. Your AILA membership and GEICO are here to help.

GEICO and AILA are proud to be working together to offer exceptional insurance products and a great savings opportunity on <u>auto insurance</u>. As an AILA member, you could qualify for an exclusive discount in addition to GEICO's already low rates.

Simply go <u>online</u> or call 1-800-368-2734 to start a simple, no-obligation rate quote. Don't forget to mention your AILA affiliation to see how much more you could save with your exclusive member discount. GEICO can help you with your insurance needs on homeowner's, renter's, condo, motorcycle, boat, PWC, ATV, and RV insurance. As an added bonus, every time a member of AILA completes a quote for <u>car insurance</u>, GEICO financially supports AILA's programs and services.

New GEICO policyholders report an average annual savings of more than \$500, so you could be saving a lot of money. But there's more to GEICO than just great rates. GEICO policyholders receive 24/7, professional service. When it comes to claim handling, GEICO is able to settle many claims within 48 hours of being reported, and sometimes a check can be written on the spot. That's why GEICO customers report a 97 percent customer satisfaction rate.

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Hewlett Packard: <u>AILA members</u> can enjoy discounts of 5 to 20 percent off Hewlett Packard printers, desktops, monitors, laptops, and servers. But be sure to search for "smart buy" promotions that offer deep discounts on certain merchandise for a limited time. Just go to <u>HP's website</u>, type "smart buys" in the search field in the upper right-hand side of the page, and check out the hundreds of products and services available to you at a cheaper cost. Order online or call 1-888-202-4465.

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Dell: Visit <u>DELL's Affiliate Purchase website</u> or call to receive an additional 3 to 6 percent discount off web pricing on certain DELL products. You can also call 1-866-746-4977. <u>Remember to use AILA's Member ID</u>.

Save Money on Your Next Ride with Hertz

No matter where you travel—domestically or internationally—use the <u>Hertz Customer Discount Pro-</u> <u>gram</u> to get discounts throughout the year. Call 1-800-654-2210 or visit <u>Hertz online</u>. Just present your AILA member card at the time of the rental.



TRIBUTES

A TRIBUTE TO A HERO: REMEMBERING MICHAEL MAGGIO

by Andres Benach

knew what I had to do. The judge had just chewed me out for losing my cool with a clerk in the court over scheduling a case. I was wrong to have done it, but I was under a tight deadline. A child would ageout if this case was not scheduled and he would be separated from his parents and siblings. I trudged down to Michael Maggio's office and confessed what had happened. I told him how I was sorry for damaging the reputation of the firm. Michael patiently listened with his arched eyebrow and I waited for the hammer to fall. He broke into a wide smile and said, "[Forget*] them, you're dealing with a kid's life here!" Michael knew of my frustration in getting the case on the docket and reminded me that our client, a kid, was depending on me to get something done. That was pure Michael-a kid is depending on you. You control the fate of that kid. Does he attend the Univer-



sity of Maryland School of Engineering or does he get returned to Ecuador where he had not lived in over a decade? Michael was ready to give so much to make sure that this kid got his chance.

Michael was among the generation of immigration lawyers who transformed immigration law from a seedy backwater to matters worthy of serious legal

Celebrating Life, Celebrating Service: A Tribute to Elizabeth Gervais-Gruen

aving celebrated her 100th birthday on February 4, Elizabeth Gervais-Gruen received just 10 days earlier, the gift of a lifetime—honorary membership from the AILA Board of Governors for personifying excellence and serving as a role model for fellow immigration attorneys.

Elizabeth immigrated to the United States when she was 8 years old. She earned her undergraduate and law degrees from St. John's University; she was one of only two women in a class of 200. She first delved into U.S. immigration law by providing pro bono assistance to WWII-era refugees. Beginning in the 1950s, Elizabeth conducted a consular-oriented immigration practice at posts





Find a Member



Save the Date! Fifth Annual Maggio + Kattar Founder's Day Benefit

Honoring Empowering Women International April 10, 2013, 6–8 pm Pepco Edison Place Gallery 701 Ninth Street N.W. Washington D.C. 20068 Every year, Maggio + Kattar (M+K) honors the memory of its founder, Michael Maggio, with a Founder's Day reception for the benefit of an organization that reflects the values that Michael worked to uphold and advance during his distinguished career. This year, M+K is proud to honor the work of Empowered Women International with an exciting evening of art, food, and entertainment celebrating the achievements of empowered women.

Join M+K on April 10, then participate in AILA's National Day of Action on April 11.

consideration. He was one of those lawyers that everyone knows by just their first name—Denyse, Ira, Marc, Ted, Warren, and Ron. Michael was a relentless advocate, but he did it with a sense of humanity and grace. Michael understood people at every level, and his ability to identify a wrong was legendary. Michael rarely looked at books in his consultations. He listened to the client, and, if he decided that there had been injustice, Michael then figured out how to fix it. Our job was to make Michael's vision for a case come to life, to make the law what it should be. Michael listened and led with his heart and we followed.

It has been five years since we lost Michael. For about four of those years, I swore I saw him in Washington's Dupont Circle at the farmer's market, on his way to tennis with Jose, or on the street in Philadelphia where I bumped into him randomly. I saw him in the many restaurants where the entire staff owed their lives in America to Michael; where Michael soaked in his friends, fine pasta and delicious wine; where Michael would address the busboys in his *gringo* Spanish, always trying to make a connection. Those visions do not happen too much anymore, but I hear him all the time in my head, "A kid is depending on you."

Take a page from Michael's book: Listen and care, do more, work harder. And don't forget to eat good food and drink good wine.

*He did not say "forget."

<u>Andres Benach</u> worked with Michael Maggio for seven years. Benach is currently a principal at Benach Ragland LLP.

throughout Europe.

In 1976, Elizabeth relocated from New York to Chapel Hill, NC. When the legacy Immigration and Naturalization Service opened a Charlotte sub-office, she was one of the seven attorneys who founded what is now AILA's Carolinas Chapter. Within six months, she became its chapter chair.

Elizabeth served on AILA National's Board of Governors for eight years and attended almost every board meeting for two decades. She also served as

TRIBUTES

chair of the North Carolina State Bar Association's Immigration and Nationality Committee and worked tirelessly with AILA and other attorneys throughout the Carolinas, providing training to help attorneys competently represent foreign nationals. Long before AILA established a formal mentor program in 1991, Elizabeth had mentored hundreds of lawyers throughout the United States. Until she pared down her immigration practice a couple of years ago, scores of attorneys called on Elizabeth for guidance each year. No query ever went unanswered. In assisting fledgling as well as skilled attorneys, she invariably encouraged them to either join AILA or to become more actively involved in the association's activities.

AILA LOSES GENEROUS SPIRIT, GENTLE SOUL: CARMEN A. DIPLACIDO

by Denise C. Hammond and Jonathan Ginsburg

A ILA mourns the loss of Washington, D.C. Chapter member Carmen A. DiPlacido, an extraordinary lawyer known as much for his gentle spirit as for his expertise in citizenship, naturalization, and consular practice. He had enormous practical knowledge and institutional memory—and generously shared it all.

Carmen, who passed away on February 1, was a selfless mentor, serving on AILA's various committees and working groups, including the Department of State Liaison Committee, Border/Security Issues Committee and Border Watch Taskforce, and the AILA/DHS International Enforcement Liaison Committee. He most recently served as a member of the Field Operations Liaison Committee.

Before entering private practice in 1997, Carmen enjoyed a distinguished 27-year career in the U.S. Department of State, where he occupied several positions, including director of the Office of Citizens Consular Services; director of the Office of Policy Review and Interagency Liaison, Overseas Citizens Services; acting deputy assistant secretary of state for Passport Services; and acting deputy assistant secretary of state for Overseas Citizens Services. One of Carmen's exemplary contributions was the landmark Child Citizenship Act of 2000, which he authored with his trademark fairness and compassion—to imbue derivative citizenship.

In addition to his service to AILA, Carmen advocated for individuals with special needs, serving as the president of the board of directors of <u>Porto Charities</u>, <u>Inc.</u>, a charitable organization dedicated to actively helping people with developmental or intellectual disabilities, their community, and their environment.

Carmen is survived by his wife, Ann, and his daughter, Christie.

Denise Hammond of Hammond Immigration Law PC and **Jonathan Ginsburg** of Fettmann Ginsburg are members of the Washington, D.C. Chapter.

"I ALWAYS FELT THAT HE WAS LOOKING AFTER ME."

—Eleanor Pelta AILA's Immediate Past President, 2011-12



In 1999, the Carolinas Chapter established the Elizabeth F. Gervais-Gruen Mentoring Award, and bestowed upon Elizabeth the honor of being its first recipient in recognition of more than four decades of mentoring attorneys through-

Fond Memories

Eleanor Pelta:

had known him since my first year practicing law. I was a "baby" immigration lawyer working on a very unusual case involving citizenship by birth of an illegitimate child, and Carmen was at the State Department —maybe in Overseas Citizens Services-I can't remember exactly where, but he very patiently guided me through what I would have to do to prove this child's citizenship; and then, when I put everything together and sent it, he issued an opinion confirming citizenship by birth and my client's child applied for a passport. He was so ready and eager to help me and he really wanted to approve that case.

In all those years that we were friends and colleagues, I always felt that he was looking after me. Several times, I called him and asked him to be co-counsel on complex cases with me. He would out the United States.

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In 2000, Elizabeth received the Sam Williamson Mentoring Award—an appropriate award, especially due to her enduring friendship with Sam and Sophia Williamson and their family.

Find a

Member



never let me retain him—he just gave me lots of great, free advice and mentored and helped me.

He really was a dear, sweet, gentle person with a generous soul. Many people, including myself, are going to miss him terribly.

David Leopold:

Cof mine. He was also a great public servant and, later, an outstanding advocate. Most Elizabeth was a leading supporter of the American Immigration Law Foundation (now American Immigration Council) from its inception, as well as a founding member of the Foundation's Legal Action Center.

Mentor

Directory

importantly, Carmen was a wonderful person. He had a big heart and a gentle soul. I will miss him.

Daryl Buffenstein:

Message Center

Extremely sad and so very much the end of an era. Carmen, when in government and outside it, was in the rare mold of Steve Fischel and Dick Scully. He had superb intellect, enormous practical knowledge, huge institutional memory, and unstinting and consistent generosity in sharing it all. They just don't make guys like that anymore.

Steven Ladik:

Carmen was a man of great intellect, reason, and humor. He brought all three of these characteristics to his work within the citizenship division of the Department of State and in private practice, where so many AILA members were touched in an unforgettable way by his presence.

Essentials of Immigration Law, 3rd Ed. (July 2012)

PNSWers!

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AILA Members: \$79 \$109 Regular



Essentials of Immigration Law, 3rd Ed.

> Deferred action

> Deportation > Unlawful presence > Adjustment of status

What does it all mean?

> Deportation

> Prosecutorial discretion

offers explanations of key definitions and concepts to help law students, paralegals, and attorneys understand the inner workings of U.S. immigration law.

Recommended for use as a class-adopted text for law schools and undergraduate courses in immigration law.



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Find Your Balance with AC Yoga!

hile many attendees at <u>AILA's annual con-</u><u>ference</u> are hurriedly gulping down their first cup of coffee, bagel in hand, a dedicated and growing number are gracefully making their way through gentle sun salutations, following the simple rhythm of their breath. In fact, some annual conference attendees now plan their daily schedules around the morning yoga sessions.

The annual conference yoga sessions take place on Thursday, Friday, and Saturday mornings, typically 7:30–8:30 am, and are open to all levels of ability and mobility. No prior yoga experience is necessary. Classes are led by AILA Associate Director of Publications Danielle Polen, a Yoga Alliance-registered instructor who has practiced and taught yoga in the Washington, D.C.-area for more than a decade.

"I always look forward to Danielle's yoga sessions at the annual conference, which I've been attending from the first year they were offered, and try to plan my schedule around the session times in the morning," said **Annie J. Wang**, New York Chapter member. "The yoga classes provide me with the opportunity to maintain my practice while I'm away from home and have enriched my conference experience in a holistic way."

Southern California Chapter member **Ruji Totari** often can be found sitting in quiet meditation before her fellow practitioners enter the room. "The best thing about the AILA convention for me is to start a long day with yoga class. Thank you [for providing] true balance between yoga and the law."

Long-time annual conference attendee and D.C. Chapter member **Lesley R. Amano** said that although she attends for the CLE, "what I look for-



<u>Register</u> for this year's annual conference and join Danielle for yoga in San Francisco!

ward to most is Danielle's yoga class. Upon arrival in the conference city, after checking in to the hotel, the first thing I do is locate the room where the following morning's yoga class will be held. That little scouting stroll has become an annual ritual that helps get me settled." Amano wouldn't miss it for the world. "The class itself is a needed antidote to the stresses of travel and too much sitting. Danielle makes everyone feel welcome, whether they are there every year, or whether it is their first time in a yoga class. The class is a great opportunity to reconnect with colleagues and keep focused on why we do what we do. In fact, there are certain people whom I look forward to seeing in the yoga class specifically, because I might not run into them otherwise in such a large conference."

Attend the 2013 annual conference in San Francisco and help AILA yogis celebrate 10 wonderful years of practicing together. We hope to see you there! Namaste.

<u>Danielle Polen</u> is Associate Director, Publications. She is also an experienced, registered yoga teacher through the Yoga Alliance.

WHAT'S HAPPENING!

THE 4-1-1:

Indiana Chapter chair **D. Michael Wallman** passed away on Dec. 15, 2012. AILA appreciates his contributions to the Association and extends its condolences to his loved ones.

South Florida Chapter member **Rebecca Lauren Sosa** has been awarded the 2013 Florida Bar Young Lawyers Division Pro Bono Service Award.

Noah Klug, chair of the AILA Bangkok District Chapter, has moved from Fragomen's Melbourne, Australia office to the local Melbourne firm, Nevett Ford Lawyers.

Rome District Chapter member **Melissa Chavin** has opened her new office in Munich, Germany.

Washington, D.C. Chapter members **Jim Tom Haynes**, **Joy Alegría Haynes**, and **Amy Novick** have re-named their law firm Haynes Novick Immigration.

Southern California Chapter member **Eileen Chun-Fruto** has joined the investor and entrepreneur practice group at Stone & Grzegorek LLP as a senior attorney.



Mid-South Chapter member **Brittany Thomas** has joined Grant Konvalinka & Harrison PC in Chattanooga.



Texas Chapter member **John A. Nechman**, as well as his law firm and its partners, were recognized for their longstanding advocacy for those living with HIV/AIDS. They received the 2012 Shelby Hodge Vision Award from AIDS Foundation Houston.

Nevada Chapter member **M. Edwin Prudhomme** received the Grand Decoration of Honour in Gold with Star for Services Award for his service as honorary consul of the Consulate General of Austria in Los Angeles.

Texas Chapter member **Kathleen Campbell Walker** has been selected by Texas Lawyer as its "Go-To Lawyer" in Texas for immigration law. She has also been named the 2013 chair of the Greater El Paso Chamber of Commerce.

Texas Chapter member **Lisa R. Donaldson**, née Rios, married on July 28, 2012.

CELEBRATING

Thomas P. Adams 2/1/1988 Neville Asherson 1/27/1988 Januario G. Azarcon 2/12/1988 Mario Bozza 2/5/1988 Joseph DiCesare 2/18/1988 Michael P. DiRaimondo 1/14/1988 Barbara B. Federman 2/16/1988 Richard L. Gershberg 2/26/1988 Min S. Hung 1/29/1988 Glen M. Krebs 1/20/1988 Ann L. Lamdin 1/12/1988 Stephen M. Perlitsh 1/6/1988 Richard B. Solomon 2/5/1988 Hayes C. Stover 2/1/1988 Millie M.L. Sumcad 1/7/1988

YEARS OF AILA MEMBERSHIP

30 years

Lewis Druss 1/6/1983 Kevin J. Fitzgerald 2/15/1983 Harvey A. Schein 1/31/1983 Michael J. Zavatsky 2/18/1983



Robert David Baizer1/1/1978Rogelio A. Del Pino1/1/1978James R. Gotcher III1/1/1978

Paul Parsons 1/1/1978 Seymour Rosenberg 1/1/1978

40 YEARS Walter G. Vartanian 1/1/1973



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