Wednesday, February 25, I was at the Birmingham airport to fly to San Diego to meet with and promote the ABA’s 1-year-old Immigration Justice Project. The IJP, one of three immigration projects of the ABA, was begun with seed money from an ABA Enterprise Fund grant from the Board of Governors, and has also secured other funding, including from the Immigration Courts. Jan accompanied me. The flights out, on Delta through Atlanta, were uneventful, and we even landed early. Stephanie Ortbals-Tibbs of the ABA’s Communications staff met us at the airport and served as our driver for almost our entire visit.

Thursday morning began with a meeting with Liz Sweet, the IJP Director. Liz drove me to the Otay Mesa Immigration Detention Facility outside of San Diego to witness the Legal Orientation Presentation ("know your rights") by IJP staff for new detainees at the facility. This is the first aspect of the Project, intended to inform detainees about the process they find themselves in, and trying to determine if any of them may have valid defenses to deportation, including, incredibly, whether some may be U.S. citizens. The orientation is done by one of the small IJP staff four days a week at the Otay Mesa facility, and twice a week downtown for people who have received their "Notice to Appear" (essentially the equivalent of a summons and complaint) but have bonded out of detention prior to their hearings. As might be expected, the orientation was done in Spanish for this particular group of detainees. They sometimes do the orientation in other languages, as well, depending on need.

This particular facility is run by a private contractor, Corrections Corporation of America ("CCA"), but obviously has Immigration and Customs Enforcement (ICE) officers on site as well. It is an imposing facility, with double and triple razor wire in addition to 10-foot fences, and for all intents and purposes looks and feels like a prison. Since these individuals are in civil confinement, the appearance was somewhat incongruous to me, especially in comparison to the detention camps at Guantanamo Bay Naval Station, which I visited almost two years ago.

There were about 18 people waiting on us in one of the courtrooms at the facility for the orientation—13 men and 5 women—all dressed identically in slippers and prison-type uniforms with "DETAINEE" stenciled across the back. The IJP presentation was very professional and understandable. Liz acted
as my interpreter for the presentation, as my Spanish is not fluent enough to follow completely. It appeared that two or three of the detainees might have possible defenses to deportation, including one who might well be a U.S. citizen, while others had several relatives who were citizens or whose family might be severely impacted if they were deported. Any detainees in that situation remained to talk to the IJP lawyer individually afterwards.

We returned to San Diego before lunch, allowing me to attend a meeting of the IJP Advisory Board at the offices of DLA Piper, which has graciously donated office space for the project's offices. (Fortunately, I did have a chance to say hello to Robert Brownlie, the managing partner of the DLA Piper office in San Diego to thank him for his firm's generosity in donating the office space for the IJP). Advisory Board attorneys include private lawyers at San Diego firms, and hopefully will increase the number of pro bono attorneys volunteering to represent detainees after screening of the cases by the IJP staff.

Following the Advisory Board meeting, we had the opportunity to meet with two IJP clients who had been successfully represented by the project's lawyers. As it turns out, one was indeed a U.S. citizen. However, in deportation proceedings, the burden of proving citizenship is on the detainee, His relevant papers were not readily available, he needed legal help in proving his citizenship. Despite the fact that he was a citizen, his brother had been determined to be a citizen, and his father had served in the U.S. Army, he remained in detention for some 4 ½ months before finally being released. Another client was a permanent legal resident who was picked up by local police on an open container violation. That ultimately led to detention and possible deportation. Again, even though he had lived legally in the U.S. since he was 9 years old (over 40 years), he was in detention for almost 6 months until the IJP ultimately prevailed in his case and he was released.

That evening we went to the offices of the San Diego County Bar Association, which was hosting a meeting of all the various bars in the county, and also hosting a reception for me. President of the SDCBA Jerriilyn Malana, SDCBA Director Ellen Miller, and President of the Federal Bar Association (local chapter) Allison Goddard were all there (the FBA was having a CLE luncheon at the federal courthouse the next day featuring the project). I promoted the IJP to the assembled San Diego bar leaders, inviting them to encourage their members to volunteer as pro bono lawyers for the project. Jerri, Ellen, and North County Bar members Tom Penfield and Jennifer Creighton were kind enough to take Jan and me out for dinner after the reception at Bertrand's at Mister A's, a San Diego landmark.

Thursday morning I was back to DLA Piper for a telephone interview on the project with the local NPR affiliate. Then it was the FBA CLE at the San Diego Federal Courthouse, with Liz, Ninth Circuit Judge Margaret McKeown, and Immigration Judge Rico Bartolomei, among others. Chief U.S. District Judge Irma Gonzalez graciously allowed the use of her courtroom for the presentation and
lunch. We had attracted an audience of over 100 San Diego lawyers, and hopefully we recruited some of them to volunteer to take a case from the project. After that, Liz, Stephanie and I then went out to the offices of the San Diego Union-Tribune, to meet with Ruben Navarrette of the editorial board, again to try to inform them of the year old project in the hopes of obtaining some additional press on the IJP.

The conclusion of my trip to San Diego was a tour of Judge McKeown's chambers in San Diego, meeting her law clerks and explaining to them the importance of ABA membership, and a dinner at Judge McKeown's home that evening with many bar and judiciary leaders.

The next morning it was another Delta flight through Atlanta to Birmingham so I can unpack and repack for the next week's schedule. It was definitely a productive trip to San Diego.