WELCOME to our Spring 2018 issue, informing you about activities throughout our department. While learning more about your colleagues’ accomplishments and plans, you also may find specifics applicable to your work. See inside for all of our news. In this issue, we present an ABA member who is dedicating time and energy to the public interest. Wendy Wayne is Director of the immigration Impact Unit with the Committee for Public Counsel Services, and she is a member of the ABA Commission on Immigration. We are pleased to feature Ms. Wayne’s work and story in this issue.

The Division has been pleased to curate the public interest law web portal on the ABA web site. The portal appears at the bottom of every ABA web page and offers direct access to information about relevant ABA programs, job openings, dues discounts, publications, awards, internships, career resources, and more throughout the ABA. The portal also incorporates our public interest law links organized by subject matter. Visit the web portal directly at http://ambar.org/publicinterest.

Education, tips, and career guidance are important to our members. To provide and highlight useful content, we partner with the ABA’s Center on Professional Development to sponsor/cosponsor webinars of interest to you. Through this partnership, all members of our Division’s entities are eligible for free or reduced rates. See listings in our Calendar on pages 4-5 and visit our home page or the public interest law portal for new offerings.

I would like to thank our wonderful Division staff for their contributions to this e-newsletter over the years, and to say good-bye to you, our readers and inspiring members. I will be retiring from the ABA shortly, and a structural reorganization is pending. It has been my pleasure to keep you informed about your colleagues’ important work and in each issue to celebrate the career story of a member whose life is dedicated to the public good.

The ABA home page is http://www.americanbar.org. For now, visit the Division at http://ambar.org/publicservices. Our web site also serves as an additional entry point to the web sites of your respective ABA groups.

Sincerely,
Elissa C. Lichtenstein, Director
ABA Division for Public Services
RECENT EVENTS AND PROGRAMMING

The Commission on Homelessness and Poverty and its Homeless Youth Legal Network (HYLN) convened a Midyear Meeting roundtable, “U.S. and Canadian Legal Needs of Homeless Youth Learning Exchange: Improving Outcomes by Removing Legal Barriers.” The session drew over 40 U.S. and Canadian lawyers, advocates, and street-youth providers to discuss Canadian and U.S. strategies to identify existing legal resources for homeless youth, unmet needs, gaps in services, referral systems, and more, as well as current campaigns and model responses. The interactive roundtable highlighted Canadian models, recent research on legal needs of street-involved youth, and the ABA HYLN – a new initiative aimed at increasing legal services for youth and young adults experiencing homelessness by fostering greater capacity and connectivity. The group also discussed the effective use of pro bono and how to launch new or expanded efforts to remove legal barriers for homeless youth, as well as the recent ABA-led “International Summit on the Legal Rights of Street-Connected Children and Youth,” a program hosted in partnership with A Way Home Canada. Read more about this roundtable session here.

The Commission hosted the ABA International Summit on the Legal Rights of Street-Connected Children and Youth in Brazil on November 28-29, 2017. The Summit was a great success, with 100+ experts and youth from around the world. Participants shared a common goal: to work together to foster implementation of the mandate provided by the United Nations General Comment No. 21 on Children in Street Situations (UN Comment). To read more about the Summit, click here.

The Commission on Immigration’s Children’s Immigration Law Academy (CILA) hosted a national webinar on "Immigration Legal Research and AAO Appeals," with Elissa Steglich, Clinical Professor at the University of Texas School of Law Immigration Clinic, to address practice tips for filing a successful appeal before the Administrative Appeals Office on Special Immigrant Juvenile Status case denials.

The Commission’s Immigration Justice Project (IJP) hosted a visit by ABA President-elect Robert Carlson in early February. Mr. Carlson accompanied IJP staff to immigration court on a mental health case and observed the IJP Legal Orientation Program at the Otay Mesa detention facility.

CILA hosted a training, “An Interdisciplinary Approach to Representing UCs." 75 participants attended from legal service providers in El Paso, Dallas, Austin, San Antonio, Harlingen, and Houston. CILA also hosted a statewide UC Asylum Working Group call, in which participants discussed updates and trends before the Houston Asylum Office and local immigration courts.

On February 3, the Commission co-sponsored an ABA Midyear Meeting program with the ABA Commission on Hispanic Legal Rights & Responsibilities, “Lessons Across Borders: What the U.S. and Canada Can Teach One Another About Establishing a Successful Immigration and Asylum Policy.” See this link.

The Standing Committee on Law and National Security hosted three programs this quarter on current national security law issues. In January, they welcomed Frances Townsend, a Senior Vice President at MacAndrews & Forbes who previously served as the President’s advisor for Homeland Security and Counterterrorism for four years. She also is a newly appointed Standing Committee member. Ms. Townsend participated in a moderated discussion with Advisory Committee Chair Harvey Rishikof about current issues in national security, including the recently reauthorized Foreign Intelligence Surveillance Act Section 702. The conversation was filmed on CSPAN2 and is available to view online.

In March, Spencer Fisher, Senior Counsel, National Counterintelligence and Security Center (NCSC), spoke before a Standing Committee audience. He gave an address on the mission of the NCSC, and strategies and tools that the U.S. government uses in its counterintelligence programs, including cyber operations, threats to the election systems, and the security clearance process. He also participated in a question-and-answer session with the audience.

The Committee co-sponsored a brown bag lunch with the Capitol Hill chapter of the Federal Bar Association. The program featured Chief Judge D. Brooks Smith of the 3rd Circuit Court of Appeals and Professor Ronald Collins of the University of Washington Law School, discussing the book, The Judge: 26 Machiavellian Lessons. The book and discussion focused on the inherent politics of serving in the judiciary in America.

The Standing Committee co-sponsored a multi-day symposium on March 23-24 at the Ohio State University Moritz College of Law, “National Security,
Emerging Technologies, and the Law: A Lawyer Jurga.” The event convened legal and technical experts from academia, the government, the military, and the private sector to discuss the nexus of new technologies, legal rights, and security concerns. The panels covered the possible applications of artificial intelligence in a national security context, balancing intelligence collection and privacy concerns in the digital age, the powers and restrictions of the government, and the ethics of national security and technology. The program connected an audience of legal practitioners, technical experts, and law students on this crucial topic.

The Standing Committee on the Law Library of Congress collaborated with the Center for Professional Development to offer a program as part of the ABA’s CLE Premier Speaker Series member benefit webinars. “How to Conduct Free Legal Research Online,” presented on March 19, featured Barbara Bavis, Bibliographic & Research Instruction Librarian at the Law Library of Congress. The program offered a comprehensive, lively introduction – with special guidance and tips – to the massive collections of the Law Library of Congress as well as key outside online legal research sources. The tutorial also will be offered in person at the ABA Annual Meeting in Chicago.

At the 2018 Midyear Meeting in Vancouver, British Columbia, the ABA House of Delegates approved three policy recommendations developed by Division entities.

Resolution 109, from the Standing Committee on the Law Library of Congress, urges the Congress to approve appropriations to the Library of Congress necessary to enable the Law Library of Congress to adequately staff, maintain, modernize, and enhance its services, collections, facilities, digital projects, and outreach efforts. The recommendation was cosponsored by the Sections of International Law; Dispute Resolution; Intellectual Property Law; and Environment, Energy, and Resources; Law Student Division; Law Practice Division, and Senior Lawyers Division, and was adopted unanimously by the House of Delegates.

In response to the ABA International Summit on the Legal Rights of Street-Connected Children and Youth, and the ABA’s commitment to removing legal barriers for these individuals, the Commission on Homelessness and Poverty sponsored two policy resolutions. Resolution 301, presented with the Section of Litigation, endorses the UN General Comment No. 21 on Children in Street Situations, and Resolution 113 calls for “integrated, systemic approaches within administrative, civil and criminal court contexts to address the special needs of youth and young adults experiencing homelessness.” Both measures passed overwhelmingly.

Click here for current ABA policy positions on election law matters.

ABA policy positions relating to cybersecurity may be found here.

ABA policy positions on homelessness and poverty may be found here.

To view ABA policy positions on immigration law, visit the Commission’s web site.

ABA policy positions relating to the Law Library of Congress may be found here.
The **Cybersecurity Legal Task Force** continues to work with the **ABA Journal** on their year-long spotlight on cybersecurity to identify topics and individuals to be interviewed. In the February issue, the **Journal** featured threat assessments and cybersecurity best practices at law firms, with an interview with Task Force Chair Ruth Bro and **Handbook** author Jill Rhodes. The March issue addressed “Cyberthreats 101: The biggest computer crime risks lawyers face.”

The Legal Task Force has sold over 1,000 copies of **The ABA Cybersecurity Handbook, Second Edition (2018)**. This edition published by cybersecurity experts on the Legal Task Force will enable readers to identify potential cybersecurity risks and prepare them to respond in the event of an attack. It addresses the current overarching threat, describes how the technology works, highlights key ethical issues and special considerations for lawyers and practitioners of all types.

The **Standing Committee on Law and National Security**’s podcast series, **National Security Law Today**, presents episodes featuring an interview with an expert national security practitioner conducted by the members of the committee. The podcast has featured Brian Egan of Steptoe & Johnson and former State Department Legal Advisor; Amy Jeffress of Arnold & Porter and former U.S. Attorney; Jill Rhodes of OptionCare and former senior official in the Office of the Director of National Intelligence; Craig Silliman, the General Counsel of Verizon; and Adam Hickey, Deputy Associate Attorney General in the U.S. Department of Justice National Security Division. In the 21 episodes already released, guests discuss current issues in national security law, including economic sanctions, the Foreign Agents Registration Act (FARA), the Committee on Foreign Investment in the United States (CFIUS), cybersecurity, and national security in outer space. Podcasts continue through 2018 with episodes on prosecuting terrorism through the courts and national security law in the media. Visit the [Standing Committee’s website](http://www.abanationalsecuritylaw.org/podcast) to find episodes and links to the black-letter law discussed in the episode. The podcast is also available on [Soundcloud](https://soundcloud.com), [TuneIn](https://tunein.com), [iTunes](https://itunes.apple.com), [Google Play](https://play.google.com) and [Stitcher](https://stitcher.com).

The **Standing Committee on the Law Library of Congress** has arranged with ABA Governmental Affairs and the Law Library of Congress to incorporate a visit to the Law Library into the schedule for 2018 “ABA Day” registrants. Through presentations, docent-led tours, and a rare books display and talk on April 12, this visit will give participating ABA Day members an opportunity to receive a personalized introduction to the nation’s Law Library collections and expert personnel. To register, visit [here](http://www.abanationalsecuritylaw.org/2018/aba-day/law-library) (scroll to bottom of the web page).

**ON OUR CALENDAR**

**WEBINARS**

To contribute a member benefit for our public interest/public service/legal aid lawyers, our Division is cosponsoring the following webinars. Find more information at the individual links below. As programs are added, we post them on our [web site](http://www.abanationalsecuritylaw.org/webinars) and at the ABA [public interest law web portal](http://www.abanationalsecuritylaw.org/portal). Members of our Division’s committees, commissions, and task forces qualify for Sponsor Member pricing.

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**OTHER ACTIVITIES OF NOTE**

In an effort to continue its collaborative efforts and remain connected to street-youth activists around the world, the **Commission on Homelessness and Poverty** (in association with the [Homeless Youth Legal Network](http://www.abanationalsecuritylaw.org/compassion/homelessness/poverty)) has launched an international listserv. The listserv will allow participants to stay connected, exchange implementation strategies, and support one another in moving forward to improve outcomes for street-connected children and youth. If you are interested in joining the listserv, click [here](http://www.abanationalsecuritylaw.org/compassion/homelessness/poverty/listserv) to complete a short form.

The **Cybersecurity Legal Task Force** is hosting a CLE series on topics identified in the new edition of the **ABA Cybersecurity Handbook, 2nd edition**, including an ethics CLE webinar. Working with the Center for Professional Development, the series kicks off on April 16 with a free CLE (as part of the ABA’s CLE Premier Speaker Series) on the topic of cyber security and disaster preparedness.
April 10, 2018
SSD Hearings: Proving Mental Impairment
1:00 - 2:30 PM ET
1.50 General CLE Credit Hours
List price $195, ABA Members $150, Sponsors $95

April 11, 2018
Misleading Food Labeling and Advertising under the Lanham Act and the FDCA
1:00-2:30 PM ET
1.5 General CEL Credit Hours
List Price $195, ABA Members $150, Sponsors $95

May 1, 2018
The New Handshake: Online Dispute Resolution and the Future of Consumer Protection
1:00-2:30 pm ET
1.5 General CEL Credit Hours
List Price $195, ABA Members $150, Sponsors $95

May 31, 2018
Managing FMLA in the Workplace
1:00-2:30 PM ET
1.5 General CLE Credit Hours
List Price $195, ABA Members $150, Sponsors $95

ABA ANNUAL MEETING – August 2-7, 2018
Initial Sneak Peek
CHICAGO, ILLINOIS

The Cybersecurity Legal Task Force will produce one of the six ABA Annual Meeting CLE Showcase Programs in Chicago. “Cybersecurity Wake-Up Call: The Business You Save May Be Your Own” will take place on Saturday, August 4 at the Hyatt Regency Chicago from 10:00-11:30 am CT. The program will begin with keynote remarks by Raj De (Partner at Mayer Brown LLP and former General Counsel, U.S. National Security Agency). He will then join a moderated panel discussion including three Task Force members: Suzanne Spaulding (Senior Adviser, Center for Strategic & International Studies, and former Department of Homeland Security Under Secretary for the National Protection and Programs Directorate); Thomas Smedinghoff (Of Counsel, Locke Lord, and Handbook co-author); and Moderator Ruth Hill Bro (Task Force Co-Chair, Handbook co-author, and privacy attorney). Bro will lead a discussion on the current overarching threat and related technology issues, key legal requirements to protect data and disclose breaches, and vital steps to take now to lessen risks.

The Standing Committee on Law and National Security will sponsor a program at the Annual Meeting along with the Judicial Division on the ongoing threats to democratic institutions in the nation. The program will take place on Saturday, August 4 at 1:30 pm CT and will feature Advisory Committee Chair Harvey Rishikof and Suzanne Spaulding of the Center for Strategic and International Studies (former Department of Homeland Security Under Secretary for the National Protection and Programs Directorate) discussing both the threats to the American judicial system and how the courts can build resiliency in the face of growing cyber attacks.

The Standing Committee on the Law Library of Congress will offer its popular free CLE workshop, “How to Conduct Free Legal Research Online” on Friday, August 3, 9:00-11:00 am CT. Featuring Barbara Bavis, Bibliographic & Research Instruction Librarian at the Law Library of Congress, this workshop offers a comprehensive, lively introduction – with invaluable guidance and tips – to the massive collections of the Law Library of Congress as well as key outside online legal research sources.

UPCOMING 2018 ABA HOLIDAYS
(Offices closed)

May 28 – Memorial Day ● July 4 – Independence Day

PUBLIC INTEREST LAW PROFILE: MEET WENDY WAYNE

This column honors the accomplishments of ABA lawyers – especially those associated with Division committees and commissions – who are dedicating their time and energy to the public interest. Our website also presents these profiles.

In this issue, we are pleased to feature Wendy Wayne. Ms. Wayne is the Director of the Immigration Impact Unit at the Committee for Public Counsel Services (CPCS). She has been an immigration law specialist for CPCS since 2003, where she trains, advises and provides litigation support to court-
appointed attorneys throughout Massachusetts on the immigration consequences of criminal and civil cases. She argued *Commonwealth v. Sylvain*, 466 Mass. 422 (2013), in which the Supreme Judicial Court held that *Padilla v. Kentucky* is retroactive under Massachusetts common law. She served in 2011 on the Homeland Security Advisory Council Task Force on Secure Communities. In 2004, she received the Political Asylum and Immigration Representation (PAIR) Project’s Detention Attorney Award. Prior to becoming an immigration expert, Attorney Wayne was a trial attorney representing individuals charged with serious felonies. She previously served on the Board of Directors of the Massachusetts Association of Criminal Defense Lawyers, and she currently sits on the American Bar Association Commission on Immigration and the Massachusetts Access to Justice Commission.

**At what point in your life did you know that you wanted to dedicate your career to public service?**

I think I have always known. From a very young age, my parents instilled in me a strong belief that you must appreciate the privileges you have and help those in need. I have always worked with indigent individuals, both before law school as a mental health therapist in a state funded hospital, working with those suffering from mental illnesses and drug addiction to after law school as a public defender. My belief that every individual has a right to be heard and to be treated fairly has always driven my career choices.

**What were the major influences on your choices and career path?**

While working in the mental health field prior to law school, I considered various graduate programs that would allow me to grow in that career. After realizing that I was interested more in policy and wanted to be able to effectuate change on a broader scale, I decided to apply to law school. I attended Northeastern University School of Law because of its focus on social justice and public interest law. I didn’t think that I was interested in trial work, however, until my last internship when I worked at the public defender office where I remain today (albeit in a different position than when I began).

**What drew you to the different practice settings/sectors in which you have worked, and how did you manage the career transitions?**

I began my legal career as a trial attorney, representing indigent individuals charged with serious felonies. I quickly realized that I was representing the same population of individuals as those I had treated as a mental health/drug detox therapist. This is because so many people are involved in the criminal justice system due to drug addiction and mental health issues. In fact, within the first few months of becoming a public defender, I represented a woman charged with prostitution who was a heroin addict and had been my patient prior to law school.

After working as a criminal defense trial attorney for over 10 years, I began to burn out due to the intensity of representing people in court every day. I loved working closely with clients but also wanted to do more training, policy and impact litigation. My organization happened to be hiring an immigration specialist at that time to advise and train public defenders on the immigration consequences of criminal conduct. I had no prior immigration law experience, but after a local law professor offered to mentor me and no one else in my agency applied for the job, I became the agency’s sole immigration specialist for approximately 3,000 court-appointed criminal defense attorneys in Massachusetts. It was a very steep learning curve for at least the first six months, but I loved learning a new, complex area of law that had such significant impact on the lives of our noncitizen clients. There are still not that many attorneys who truly specialize in this area of law, but in 2003 there were even fewer — those experts helped me tremendously in my first few years of doing this work, and they continue to provide support and expertise to me and the other two attorneys in my unit today.

**What is your greatest satisfaction in your current position?**

The greatest satisfaction is in being able to provide expertise in a complex area of law that is of utmost importance to noncitizens charged with crimes. Not many attorneys specialize in the interplay between immigration and criminal law, yet this expertise is vital for immigrants, many of whom may have lived in the U.S. for most of their lives and, if convicted without proper advice about the immigration consequences, may unwittingly plead to convictions that will result in permanent exile to countries they don’t know or even where they may face death. Many public defenders around the country do not have access to this type of expertise, even though it is now required in order to provide effective assistance of counsel under the 6th Amendment. I am grateful that I work for a statewide public defender agency that appreciates the importance of providing court-appointed counsel with this expertise for our immigrant clients.
What do you view as your greatest professional challenges?
Because my work focuses on noncitizens charged with crimes or with criminal histories, my clients are the least popular in our society. Immigration laws in place since 1996 carry disproportionately draconian consequences for those with criminal convictions and allow for virtually no discretion. A long-term green card holder convicted many years ago of shoplifting and given a one-year suspended sentence, thus never incarcerated, faces permanent exile from the U.S. — the same consequences facing someone convicted of the most serious violent offenses. However, there is little political will in any political party to advocate for changes to these laws, because of whom they impact. Moreover, although there may be viable defenses to removal (deportation) for some of these individuals, there is no right to government-funded counsel, so the majority of those facing removal, especially those in immigration detention, are forced to fight removal without legal assistance.

In your view, what seem to be the most acute challenges facing immigration advocates today?
The rhetoric that increasingly dominates discussions about immigration makes it more difficult to rationally discuss sound immigration laws and policy today. In addition to the rhetoric and vitriol, immigration policies have rapidly become more hostile and aggressive toward noncitizens. Immigration advocates are working harder and longer hours to combat these negative policies and enforcement practices. However, it is important for those working in this field to maintain balance between their work and personal lives, and this has become more challenging in the last year.

To what extent has ABA involvement helped in your career and goals?
My job focuses primarily on noncitizens involved in the Massachusetts judicial system. As a member of the ABA Commission on Immigration, however, I have been able to work on policies, resolutions, briefs, and other projects that have more impact nationally. For example, last summer, the Commission co-sponsored two resolutions passed by the ABA House of Delegates concerning issues important not only to my work in Massachusetts but also to noncitizens around the country. One resolution calls for government funded counsel for indigent individuals in removal proceedings, and the other calls for courthouses to be considered “sensitive locations,” thereby limiting immigration arrests in and around courthouses absent exigent circumstances. My involvement with the Commission also has allowed me to work on issues regarding other aspects of immigration law than the area in which I focus in my job.

What advice would you give law students and young lawyers considering a career in public interest law and public service?
Public interest work is incredibly rewarding if you pursue it for the right reasons. Know that it may require financial sacrifices because the pay often is lower than other types of legal work. Also, many organizations are underfunded, so there often is too much work for the number of staff. However, if you want to remain in public interest law and not burn out, it is essential to set appropriate limits on the amount of work you can undertake and to maintain a healthy balance between work and personal life.

Do you have advice for lawyers seeking to change course mid-career or in a late/senior career phase?
Do pro bono work in an area of public interest law that you want to learn. This is the best way to gain experience. There is much need for pro bono work in areas in which there is no government-funded counsel. However, don’t just dabble in different areas of law. Focus on one area that interests you and learn as much as you can about it. You will then develop the expertise to become a viable candidate for paying positions in the future.

What would you like readers to remember most about immigration advocacy?
Immigration law often is compared to tax law in complexity. It requires analysis of complex statutes, regulations, and case law. For noncitizens convicted of criminal offenses, it also involves analysis of the interplay between federal statutes, regulations, case law, and state criminal statutes and case law. Yet the majority of indigent individuals facing removal from the U.S. are forced to defend themselves within this legal labyrinth. Many have viable defenses to removal but are unable to articulate them without legal assistance. Fundamental fairness and due process — two pillars on which this country is founded and guaranteed to all who face legal process within the U.S. — requires that no one should be subjected to deportation without legal representation.