

## Testimony to ABA Committee on Future of Legal Services

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Good morning. My name is Miguel Keberlein and I am the Director of the Immigrants and Workers' Rights Practice Group at LAF here in Chicago. LAF is the one of the largest civil legal services providers in the United States, and helps over 40,000 people each year. For almost 50 years, LAF has been fulfilling its mission to provide high-quality civil legal services to people living in poverty and other vulnerable groups. Through advocacy, education, collaboration, and litigation we empower individuals, protect fundamental rights, strengthen communities, create opportunities, and achieve justice.

LAF helps poor families and individuals resolve their non-criminal legal issues and get back on track. It makes justice work for all people – not just those who can afford an attorney. The complexity of our legal system, with its rules, deadlines, specialized vocabulary, and precedents, can be daunting enough for anyone without a lawyer, but it is even more daunting for poor people whose legal problems often put their jobs, their families, their homes, or their subsistence in jeopardy. Our work is instrumental in supporting families; preserving homes; maintaining economic stability; promoting safety, security, and health; addressing the needs of populations with special vulnerabilities; and protecting human and civil rights. By utilizing a holistic approach to tackle all the legal problems that threaten them, we help our clients help themselves with solutions that will last. LAF's full-time staff provides direct representation at every level, including: advice, letter-writing, negotiation, administrative advocacy, extended legal representation, litigation, and statewide community outreach to reach the most vulnerable populations. Divided into 5 practice groups specializing in specific areas of the law, LAF staff help struggling families get back on track.

The delivery of legal services is constantly evolving. We face many challenges and too often have limited resources to do the necessary work. By some estimates, there are 50% more people in Cook County eligible for LAF's services today than there were in 2008, but federal funding for services has declined to levels of the 1990s. And while there are more technological tools now available to legal services attorneys due to globalization and the economy, there are just as many new complex legal issues that stem from these same factors, such as human trafficking or medical repatriation. There has been a general push over the past decade to find more efficient and practical ways to offer legal services. The result has been that many more legal services agencies only provide brief services or advice to clients; or guide them to take on major legal claims pro se. Fewer agencies appear to be doing extended representation cases, and even fewer are able to provide full comprehensive services. And while brief services and advice do open the doors of justice to many more individuals and has a place in any legal services delivery model, there is ample evidence to support the claim that unrepresented individuals in legal proceedings more often than not fair much worse than those who are represented by counsel.

As an attorney who has spent his entire legal career in legal services, I have seen firsthand the dynamics of the power imbalance our clients face. Whether it be in a home eviction case, an immigration matter, wage theft, or loss of public benefits; our clients seek justice against government agencies and private entities that are more powerful, better resourced, and always represented by legal counsel. Our clients stand little chance of meaningful success against wrong-doers if they have to go it alone, even if they have received some advice on how to do so.

The practice group I direct at LAF provides representation in the areas of immigration, employment, and migrant farmworker law. I'd like to share a few examples with you to highlight the importance of extended representation cases to our clients. Each year, between 30-60,000 farmworkers are recruited to Illinois by some of the largest agribusinesses in the United States to detassel hybrid seed corn and work in other agricultural activities. Across the United States there are anywhere from 2.5 to 4.5 million farmworkers in any given year. On average, a migrant farmworker family of 4 earns roughly 15 thousand dollars a year, well below the poverty line. They move from state to state working the crops and then return home, possibly in the Rio Grande Valley in Texas or to Central Florida or to Mexico. Workers are recruited by these large corporations through farm labor recruiters, many who are fly-by-night operators. They promise to provide the needed labor to agribusinesses as long as the company will front the necessary money. There is almost no oversight on this system. One company here in the Midwest recently hired a farm labor recruiter after he had spent time in a Florida prison after being found guilty of human trafficking.

The large agribusiness operations try to set up the farm labor recruiters as independent contractors to insulate themselves from liability. Recruiters then use different techniques to induce workers to come to Illinois, everything from promising good wages and free housing to trafficking people. Once the workers arrive, they are housed in some of the most remote locations in the state at migrant labor camps away from public view. The largest migrant camp in Illinois is an abandoned hospital on a former Air Force base that houses up to 450 workers. Workers then routinely work 12-14 hour days for weeks on end. Federal and state wage laws exempt most farmworkers from overtime pay, so workers are only paid the minimum wage, if they are paid at all. There are no punch clocks in the fields and there is little government oversight, so farm labor recruiters have free reign over a very vulnerable workforce that is invisible to the general public. Workers are commonly exploited through wage theft, threats to their personal safety, human trafficking, sexual exploitation, and physical violence. Clients in these situations stand little chance of achieving any measure of justice without legal counsel providing full representation.

In a very recent case, one of our clients was trafficked into the United States and forced to work in a meat packing plant. Her trafficker kept her locked in a trailer when she wasn't working and sexually assaulted her daily. She endured this suffering for 7 years before she was able to escape with the help of LAF. Her case, like many others, raised multi-layered legal issues including: the need to secure safe, long-term housing for her and her two children; the need to prepare extensive applications for immigration relief and crime victim compensation; accessing healthcare and public benefits for her and her U.S. citizen children; seeking

individualized educational plans for her traumatized children; reporting her case to the FBI; changing the birth certificate of her daughter to reflect her correct name rather than the one the trafficker forced her to use; and seeking civil restitution against the trafficker and business that profited from her forced labor. None of these could have been accomplished with only advice or brief services.

There are many moral and ethical reasons for why people living in poverty and other vulnerable groups should not have to grapple with pressing civil legal matters without full legal representation. It is undeniable that legal services are underfunded to meet the needs of the growing population of individuals who are eligible for our services. We cannot turn away from our mission to provide access to justice for all and we must dedicate resources to providing brief services and advice where they can do the most good. However, we cannot escape the fundamental truth that access to justice alone is a hollow promise if we are not willing to go the distance needed to achieve justice for our clients through extended representation. I am hopeful that as new models for the delivery of high quality legal services emerge, extended representation will remain a central tenet of the work we all do.

I thank you for the opportunity to share my thoughts with you this morning and I welcome any questions you may have.