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At Dykema, we view pro bono legal service as a responsibility and a commitment that our lawyers willingly accept. However, there is another dimension to pro bono service that comes through clearly in the stories for this issue of *The Dykema Difference*: opportunities for our lawyers to grow personally and professionally. You will read about some of the most challenging issues that any lawyer can handle, including asylum cases, help for human trafficking victims, disability and child support payment controversies, and more. No matter what their discipline, the Dykema lawyers who successfully resolved these problems welcomed the chance to not only make a real and substantial difference in the lives of their clients, but also to expand their own professional capabilities.

Whether it involves a brief for the U.S. Supreme Court or a hearing before an administrative law judge, Dykema lawyers give our pro bono clients the same care and dedication that we bring to all our client matters. That's the essence of professionalism, and it defines how we approach our pro bono work as individual lawyers and as a firm. It's also an approach that others have noticed and recognized. In 2009, the Legal Aid and Defender Association and Community Legal Resources, two pro bono agencies, both honored Dykema with their annual Law Firm of the Year awards. For us, such honors are not an end in themselves, but they do symbolize how successfully we use our skills and abilities when given the opportunity to make things better in the lives of people who need our help.

Regards,

Charles A. LeMoine
Chairman
Pro Bono Committee

Dykema Wins Asylum for Two Refugees



Securing asylum is a difficult challenge that requires proving that the applicant faced past persecution and has a well-founded fear of future persecution if returned to their home country. Dykema lawyers met this test in two recent cases.

Chicago corporate associate **Sean Dudley**, under the supervision of member **Chuck Baum**, filed a asylum application for a Honduran woman who escaped to the United States without her daughters after the children's father relentlessly abused her after she joined an evangelical church. Twice she and her children tried to flee within Honduras, but the man found and returned them to continue the abuse.

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"Asylum can only be granted for persecution due to protected issues, such as exercise of political or religious rights," Sean explains. "Our client clearly suffered religious persecution, and our research uncovered a Department of State report that showed the Honduran government would make no effort to end such persecution particularly when it was coupled with domestic violence. In essence," Sean adds, "we were able to show she would not be safe anywhere in the country if she were returned." Under Chuck's supervision, Sean prepared the case and handled the asylum court proceedings. "It was definitely a hard experience for me and an emotional



experience for my client to relive her past abuse," Sean says. But Sean secured asylum for the client, enabling his client to live and work in this country with hope of eventually gaining custody of her children.

Detroit real estate associate **Laura Weingartner** faced a similar challenge when she was asked to take on the asylum case of a student political activist from Cameroon. The student had been a member of various political parties that opposed Cameroon president Paul Biya, and he had been imprisoned, beaten and tortured multiple times, and denied educational program opportunities that he was otherwise entitled to receive.

"Not having coordinated an evidentiary trial before, I was nervous but determined," Laura recalls. "The U.S. government lawyers took an adversarial stance opposing the asylum, and their tough questioning, making my client relive truly harrowing experiences, was definitely difficult for both of us to handle." At a hearing in March 2009 the government stressed inconsistencies in the student's testimony. However, Laura's initial case was so strong that the hearing was extended to a new date in November 2009. At that proceeding Laura presented supporting affidavits from a physician and a psychologist, both trained in treating victims of torture, who fully supported the student's account of his ordeal. The hearing judge decided that the student had a "well-founded fear of future torture," and granted asylum. Laura devoted several hundred hours of work to the representation, but found the effort was well worth it. "The stakes were the highest I've ever been involved with, because a person's life literally depended on my efforts," she says now. "My relief when asylum was granted is indescribable."

Educating the Supreme Court about a Crisis



When **Suzanne Sahakian**, a member of Dykema's Chicago office, first saw the National Immigrant Justice Center email request for pro bono help to assist on *Hui & Gonsalves v. Castaneda* shortly before Thanksgiving 2009, she was immediately engaged by the difficult facts involved and the legal issues they presented.

"After practicing for more than 25 years the *Castaneda* case was obviously a worthwhile and challenging opportunity."

Francisco Castaneda, an immigrant detainee at the San Diego Correctional Facility of U.S. Customs and Immigration Enforcement (ICE), died of penile cancer after being denied a skin biopsy by two Public Health Service doctors at the facility. However, Suzanne says, "as amicus, we portrayed the horrific healthcare conditions in the sprawling labyrinth of over 650 detention facilities that ICE oversees." Suzanne spent more than 100 hours researching the issues involved, in part with the help of Chicago associate **James Golden**. "Our goal in the brief was to give the Court some additional perspective on the health care crisis that affects almost 400,000 immigrant detainees," she explains. "We wanted to show the Court, 'this problem is here and it's real.'"

The Supreme Court heard the case on March 2 and Suzanne hopes the NCIJ brief will give the Justices a broader context for deliberation in making their ruling later this year. "There's something very special about doing a brief for the Supreme Court's consideration," she says. "You know the issue is important, that the points you make will be read, and that they can have an impact on many lives."

Help for Human Trafficking Victims

The United Nations UNESCO Human Trafficking Project estimates that up to four million people a year worldwide are forced into various forms of human trafficking. Dykema lawyers helped secure the freedom of two such victims who were brought to the United States.

The Coalition to Abolish Slavery and Trafficking (CAST) asked **Monica Frasca**, a litigation associate in the Los Angeles office, to take the case of a Brazilian woman who was brought to California by her employers and forced to work

virtually around the clock as a domestic servant. Establishing her status as a trafficking victim was difficult because she came to the country legally and voluntarily with her employers. However, Monica, a former Deputy District Attorney, worked with law enforcement officials (including the FBI) to demonstrate that the employers' treatment of the woman amounted to trafficking. Ultimately the enforcement agencies removed the woman from her employer's home and granted her the T nonimmigrant visa accorded to human trafficking victims.



In another human trafficking case, **Heidi Naasko**, Pro Bono Counsel, secured a non-immigrant visa for a 15-year old girl who had been forced into prostitution after being brought to the United States. The girl was forced to work up to six days a week at two separate brothels and received very little of the money she earned. When she tried to leave, the trafficker threatened to hurt her family

members. Federal authorities found her after the local police were called during a minor disturbance at the trafficker's house. She was placed in foster care in Michigan when Dykema got the case. The girl barely spoke English and had no idea why she was moved to Michigan. Heidi sought a non-immigrant visa for her as a victim of human trafficking and, after a two-year process, secured it. Dykema is handling two other cases involving forced labor or prostitution of children and is committed to providing free legal services to these children who so desperately need it.

Securing Justice in an Egregious Child Support Case

Michigan child support law is written to address the all too common problem of parents with the means to pay court-awarded child support but who evade or ignore their responsibilities. However, **Dennis Haffey**, member of the Litigation Department in Bloomfield Hills office, recently handled a pro bono case in which a mentally disabled mother with no financial means was nevertheless assessed a substantial child support payment by an Oakland County Circuit Court—and was jailed for non-support when she was unable to pay. The case was so egregious that investigative filmmaker Michael Moore considered including it in *Capitalism—A Love Story*. Dennis, however, secured a happier result than the movie would have provided.

¹http://www.unescobkk.org/fileadmin/user_upload/culture/Trafficking/statdatabase/Copy_of_Graph_Worldwide__2_.pdf



Dennis' client, who came to him through the American Civil Liberties Union, held a real estate license but due to her disability had sold just one house in her career. But when she and her husband divorced, the judge in the case imputed income that extrapolated the woman's

commission on that one sale into a high annual income—and assessed a child support payment of \$1,130 per month against her. This was despite the fact that federal government and her doctors had already found her unable to work and therefore already receiving a means-tested disability benefit. When she was unable to satisfy her obligation, the woman was charged with felony non-support and jailed for more than 40 days, a criminal conviction that the ACLU is now working to reverse.

Returning to the same judge in the same court where the payment was imposed, Dennis demonstrated the clear financial and physical inability of his client to meet the assessed payment. "The judge realized that she overstepped her bounds," Dennis says, and reduced the required payment to \$25 a month. This more appropriate amount of child support is final, and allows Dennis' client to live without fear of being returned to jail.

Latest Success for Dykema/GM Pro Bono Partnership



Lawyers from Dykema and the General Motors legal department partner to represent low-income children and families who are served by Children's Hospital of Detroit. A number of these cases involve Social Security

disability issues, and in the latest Detroit litigation associates **Jennifer Boueri Chilson** and **Tim Kuhn**, along with GM lawyer James Williams and GM paralegal Lori Brown, won disability payments for a three-year old child with multiple medical conditions.

During the past two years, Jennifer worked with the child's Clinton Township, Michigan family to understand the complex renal hypoplasia condition that required treatment from 18 different doctors. The child's mother lost her job because of the time she needed to devote to caring for her son, and access to disability payments would ease the

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As part of our service to you, we regularly compile short reports on new and interesting developments in our pro bono program. Please recognize that these reports do not constitute legal advice and that we do not attempt to cover all such developments. Rules of certain state supreme courts may consider this advertising and require us to advise you of such designation. Your comments on this newsletter, or any Dykema publication, are always welcome. © 2010 Dykema Gossett PLLC.

family's financial burdens. Jennifer personally reviewed all medical records, drafted a supporting brief for a disability hearing to lay out the case why payments were merited, prepared the mother for the hearing. At the hearing, the Social Security Administration had no one present to dispute the request, and, as Jennifer recalls, "About 40 minutes after we began, the administrative law judge stopped me and said that he was done." Several weeks later the family received the full grant of benefits, retroactive to when the disability was first diagnosed.

Jennifer devoted well over 100 hours of work to the matter and, as she says, "I never had a more satisfying case and satisfying result. Demonstrating how this disease impacted the whole family made the outcome personally rewarding. It was professionally rewarding as well, because I was involved in areas of law that were new to me, and I truly enjoyed the challenge of handling something new and different. It was great to be the lead attorney in what turned out to be a real learning experience."

Dykema's Legal Aid Clinic



Dykema established a monthly pro bono legal clinic for students and families of Ferndale High School and Ferndale Middle School in Ferndale, Michigan in November 2009. Dykema's Free Legal Clinic is the first of its kind in Michigan.

The program has been well received in the community and we have taken a wide range of cases from child support to utility disputes, estate plans to addressing guardianship issues for participants in the clinic. The firm is looking at ways to expand the clinic in other markets. The clinic was developed to help students and their families by addressing family legal issues that disrupt a student's learning environment and impair academic success. Clinics are held at the school on the first Thursday of every month, and in them Dykema lawyers conduct 30-minute free and confidential consultations with clients to identify their legal problem and address potential remedies in matters such as family law, domestic violence, immigration, landlord/tenant issues, guardianship, veterans' benefits, consumer protection, estate planning and home contractor problems. Dykema's Free Legal Clinic operates in partnership with several non-profit organizations including the Family Law Assistance Project, Legal Aid and Defender Association, Lakeshore Legal Aid, the Michigan Poverty Law Project and Thomas M. Cooley Law School.