



Episode 83: Lawyers in Action – The Immigration Crisis

Alison Monahan: Welcome to the Law School Toolbox podcast. Today we've got a special episode for you. We are honored to be talking to several volunteer lawyers, who sprung into action at airports around the country to help people caught up in the chaos that ensued after President Trump issued his executive order on immigration. This executive order, issued at the close of business on Friday, January 27th, resulted in a slew of deportations and detentions of travelers who were traveling with what they thought were valid visas.

It's also generated a number of emergency injunctions in federal courts around the country. So, we are going to talk about all of this.

Your Law School Toolbox hosts are Alison Monahan, that's me, and Lee Burgess. We're here to demystify the law school and early legal career experience, so you'll be the best law student and lawyer you can be. We're the co-creators of the Law School Toolbox, the Bar Exam Toolbox, and the Catapult Career Conference. I also run the Girl's Guide To Law School.

If you enjoy the show, please leave a review on iTunes or your favorite podcast app. If you have any questions don't hesitate to reach out to us. You can always reach us via the contact forum on lawschooltoolbox.com and we'd love to hear from you.

With that, let's get started.

We'd like to welcome to the podcast Sarah Sherman Stokes, who is a clinical instructor at Boston University School of Law, and she runs the immigration rights clinic. Thank you, Sarah for joining us today on the podcast.

Sarah Stokes: Of course, my pleasure, happy to be here, in these uncertain times.

Lee Burgess: Exactly! Can you just tell us a bit about yourself and the work that you do at BU?

Sarah Stokes: Absolutely, I teach here in the immigrants rights clinic at Boston University School of Law. I also teach immigration law here. In the immigrants rights clinic we represent adults and children, refugees fleeing human rights abuses, abused, abandoned, and neglected children, asylum seekers, and detainees. Pretty much we represent a number of the most vulnerable non-citizens who are facing deportation from the United States. Students represent them, students act as the primary attorneys in those cases; of course, on my bar license.

Lee Burgess: Thankfully, yes.

Sarah Stokes: Yes. But, that's what we do, and unfortunately our work has become, in some ways ... We've always been fighting this fight, I've been doing this work at some capacity for a number of years. But, in the last week in particular, this work has taken on new relevance and new importance and new urgency.

Lee Burgess: Absolutely. So, how did you find out about the executive order last week?

Sarah Stokes: I think probably like many immigration lawyers it was on social media ... I think it was probably on social media that I first saw the leaked memo. Because there was three immigration related executive orders that came down last week. It was either on social media or on one of the many dorky immigration lawyer list serves that I'm on where people get really down and dirty with the immigration nationality act. Kind of parsing the different statutes, and looking at the different regulations, stuff like that.

So, people were leaking this information and then I, like many other people, were kind of, over the weekend, watching the fallout and seeing what was happening at airports. On Saturday night, I put my kids to bed and my parents stayed at my house and I drove myself to the airport for the protest, like many other people. That was my first glimpse into how urgent and how real this was. This is not a drill, this is really happening.

Lee Burgess: Right.

Sarah Stokes: There were a number of lawyers. There were several hundred people, maybe more, at Logan airport on Saturday night. It was that night that there was a complaint filed in federal court and then early on Sunday morning. A judge in Boston federal court, or a federal court here in Boston, issued a temporary restraining order. This has been really generous.

Lee Burgess: You know, I think what was so amazing to me is I was also watching a lot of this unfold on social media and we belong to one of the same lawyer groups, which is how we were able to be connected. I think for me what was amazing was reading the accounts of people chanting, "Let the lawyers in." Which I thought was just so powerful because when, in most of our lives, have we ever heard anyone chant for the lawyers? I don't know if I can find a moment in history, recent history, where I've heard people chant for the lawyers.

I thought that was really powerful.

Sarah Stokes: I know.

Lee Burgess: Yeah, and then I-

Sarah Stokes: We're such a marginalized group.

Lee Burgess: Exactly. And then I also heard, and I think it was out of Boston, but I also read an account where it was mostly women lawyers who came to argue for that restraining order in Boston. And they had, many of them had been at a gala together and were arguing in federal court in formal gowns. Holding the immigration rights acts in their hands. To me, when you dream about the power of the law those images, to me, I don't think I'll ever forget them. And I wasn't there.

Sarah Stokes: Right, right. Yeah, absolutely, I completely agree with that. I think there's a great Boston Globe article written about how this all unfolded and to me it read basically like a movie script. I imagine it basically being some Hollywood script where this team, this army of women lawyers rushes to federal court. I think one of the only men in the courtroom was actually the assistant US attorney who, you know in the movie version, would of course be played by Mark Wahlberg. Because he must be in all Boston related movies.

Lee Burgess: Totally.

Sarah Stokes: But the judge was a woman. And it was Susan Church, I know Susan Church and Heather Yonson, Heather Doyle, who were some of the real forces behind this and were really on the front lines and are really just tremendous, tremendous attorneys. They're also all, they're all badass immigration attorneys, they're also all moms. They were in the middle of things like rock climbing with their kids or skiing or hockey practice and they had to leave those things and run over to Logan airport or over to federal court.

It's pretty inspiring really. It's pretty amazing to see. Lawyers really showed up on Saturday and have continued to show up in a really powerful way all week. Which I think is ... We are not always on the side of good. Right?

Lee Burgess: Yep.

Sarah Stokes: There are lawyers that have done some really, really bad things. It's really inspiring for me as a law professor, and I think and hope for my students, to see lawyers showing up in this way. And supporting one another and being on the right side of the law, quite frankly.

Lee Burgess: Yeah, I find it heartens when some of the social media groups that I'm a part of, the non-profit organizations that are really coordinating a lot of these efforts ongoing at the airports, since this is not over, by any stretch of the imagination. They're talking about how they are, they have long lists of volunteers, and they're coordinating trainings. And the trainings are so crowded with lawyers who want to be trained doing habeas petitions that they can't ... they're offering web versions.

I mean, to me, just this idea that lawyers all over the country are really, those in the profession already are really stepping up and feeling a call, that I can only imagine that the tone on campus has to be somewhat the same. Do you feel a shift in the campus, with what's going on?

Sarah Stokes: Yeah, I do. I think what's important, I think it's great, and it's really exciting to see all the energy. This drive to do something. The students want to be told, "Where can I plug in? How can I be supportive? How can I help?" I've gotten a number of emails from students, all different kinds of students. Not necessarily students who are in the immigration clinic, but really from all over the law school. Emailing me and saying, "Either I have language skills and I want to help." Or just, "I see this, I'm outraged, what can I do?"

It's really wonderful. I brought some students to the airport to observe and interview arriving travelers on Monday afternoon. And the students I brought on Monday they had no background in immigration law. They actually are in our IP and Entrepreneurship clinic but they were so outraged about what they had heard and it actually was affecting some other clients. They wanted to drop everything and come.

Tomorrow morning, Friday morning, I'll be taking another group of students in coordination with AILA, the American Immigration Lawyers Association, and the ACLU. They're sort of in charge of staffing the airport, make sure we have people there to ensure compliance with the order. We'll be going back and again I've had a lot of interest in going back and being present.

Just one thing that I do want to mention, because you said it's like we've got more lawyers than we know what to do with. My hope is that we can direct some of that energy to other efforts too.

Lee Burgess: Yeah.

Sarah Stokes: Because there's always been immigration, refugee, and asylum work ongoing. Right?

Lee Burgess: Right.

Sarah Stokes: It didn't start with this executive order, and it's not gonna end when this executive order is, hopefully, overturned by a court of law. Or when this president is no longer in power. That work is not gonna be over. I hope that this, as horrible as this moment is, as scary as this moment is, frankly as unconstitutional as this moment is, I hope it can be a kind of a galvanizing force to compel people to get involved in these issues for the long term. Even if they're not practicing immigration law, to take a pro bono case, or otherwise volunteer their time. Because these people, these stories, these families, were here before and they will be here after.

Lee Burgess: That's very true. When I practiced big law my firm had a pro bono partner who focused on asylum work. We were able to do asylum work, some of our pro bono cases. That was my first introduction to immigration. Showing up in immigration court, not having any idea what I was doing. But doing my best and really getting a window, it's been years ago, but into what it was like to be an immigrant. To have that fear. It is a group of people that are, and many of them children, or moms, who really do need protection and people to shepherd them through something so incredibly scary.

I can only imagine how scary it would be if you were flying on an airplane and then you got stopped. I don't even like to get stopped by TSA and go through my bags, let alone stopped and told I can't walk into the country.

Sarah Stokes: Right, and I think that uncertainty, and fear, is just pervasive. Being at the airport on Monday we were waiting with a lot of family members who were waiting for their loved ones. Including a number of teenage and adult children who were waiting for a parent to return, from Iran or Iraq. The fear and trepidation was palpable.

I remember sitting, in particular, with a young man who, his friends had come with him to the airport, to support him, because he wasn't really sure what was going to happen. His father was an elderly green card holder from Iraq. We waited with this young man and his friends and we're just making small talk, they were in their early 20's. So, we were just going in between chit chatting about things that twenty year olds talk about and then the pressing reality of what was actually unfolding. Or could be unfolding behind the scenes. Because we were not permitted to go back into secondary inspection.

Lawyers had been forbidden from going back into secondary inspection. We were waiting and one hour after the flight landed he wasn't out. And two hours after the flight landed he wasn't out. And three hours after the flight landed he wasn't out. And this young man's father didn't have a cell phone. There was no way for this young man to contact him and so were just waiting.

It was, that uncertainty and that fear and that powerlessness, was really palpable and really hard. Now he did finally emerge after over three and a half hours of questioning in secondary inspection. But that was something that he had not been subject to, that was certainly something he had not been subject to, prior to the announcement of the executive order during his prior trips back to the United States.

Lee Burgess: Yeah, I can only imagine, the kind of thickness in the air. Because that's so heavy and I think that it's that acknowledgment of it can be really intimidating and scary when the government exerts power like that. Then you're cut off from communication, you're cut off from your loved ones, and what do you do but wait?

Sarah Stokes: Right. We approached customs and asked them, several times, I went with him, he went by himself, the young man would just say, "Can you at least tell me, you know, where he is?" They couldn't.

Lee Burgess: Yeah.

Sarah Stokes: Or excuse me, they wouldn't.

Lee Burgess: Right.

Sarah Stokes: I'm pretty sure they could, but wouldn't. That was sort of what was unfolding on Monday. Frankly it could have been much worse but for the incredible work of this team of mostly women lawyers who was knocking down the doors of federal court on Saturday, late on Saturday night. It's really incredible.

Lee Burgess: Yeah, it is so amazing. One of the things you said that I thought was really powerful was talking about the fact that there's always been a need for folks to be engaged in the immigration process. Because of the importance of legal representation for these folks, some of whom are the most vulnerable. I think maybe for all of us lawyers out there, and law students, who are feeling impassioned by what they see going on around them it's not just going be immigration where we need advocacy in this ongoing political climate.

So maybe one of the things that we can all do is start to think about the pieces of the political and legal landscape that we find that really are meaningful to us and start getting educated. Start joining the organizations who, you know list serves, who are going to be able to facilitate whatever next wave of our response is going to be necessary, when the next thing happens.

Because it might be our First amendment issues. You know I'm just seeing some of this stuff happening in UC Berkeley come out about the protests in UC Berkeley. Federal funding and when it's appropriate for federal funding to be cut off. There's going to be plethora of stuff.

Sarah Stokes: Right, I think that's the message. When I talk about immigration, it's been happening, it's going to keep happening. I think the blueprint for a racist and xenophobic and frankly anti American immigration policy was written over a hundred years ago. This is a pattern of Chinese exclusion acts, internment of Japanese, there's a pattern here. These kinds of messages, this kind of rhetoric, and these kinds of executive orders, are not new. In fact for any storied immigration lawyer they are quite familiar.

But as you say, there's room to do good as a lawyer, whatever kind of lawyer you are. My passion is immigration, that's where I plug in, and that's where I feel like I can do the most meaningful work, but that's going to be different for every law student and every attorney. We're going to need administrative law

scholars and constitutional law scholars. We're going to need people that know commercial law. We're going need people that know ... there's going be, unfortunately, there are going to be opportunities to do what's right and to do what's good in all areas of the law.

So, it's about helping students find where they can plug in and play to their strengths.

Lee Burgess: If I was an incoming law student, somebody who'd just applied to law school, or a first or second year law student, I think electives, you were listing off some of the electives that you teach around immigration in the law schools, would be a great way for students to start to try to find their passions. I took a First Amendment class when I was in law school that was really fascinating and covered a bunch of nuances of constitutional law around the First Amendment that I didn't have the opportunity to learn in Con Law because-

Sarah Stokes: No need.

Lee Burgess: There's no time, in a four-unit Con Law class to cover in detail the First Amendment. Or even federal courts classes that are going to teach you about how some of these constitutional challenges play out in the court system. But I think you can use the school to really find the areas that you want to throw yourself into. And even if you're a big law lawyer or you go to firm route, pro bono programs are pretty amazing. I know we've interviewed somebody else in this podcast who's a big firm tax lawyer who showed up at the airports and was able to assist in many ways.

Sarah Stokes: I should say I think just because someone is a non-citizen doesn't mean the challenges they face are all related to immigration status. They might face challenges around tax issues, around employment law, around all kinds of other areas of the law. Where I'm not an expert necessarily in those areas, I may be an expert in that persons immigration status, but other people are experts in how their immigration status interfaces with other aspects of the law.

That's incredibly important in this context, but also just in the larger context of thinking about where law students and attorneys can do good and can make a difference. We, at the airport on Monday, and I'm sure tomorrow again, we had all kinds of lawyers at the airport. Criminal law attorneys, immigration attorneys, corporate lawyers, people doing M and A, all kinds of different stuff. What motivated them was wanting to be present and bear witness and try to be supportive in whatever way they could.

Lee Burgess: I was talking to a friend of mine from college who was at SFO and I had asked him if he wanted to talk about his experience on the podcast. He said, "Well, I don't practice immigration, I didn't know what to do. So, I was just writing down names on lists. And like showing them where the lawyers were, who knew what

they were talking about." Just like, "So I'm not sure that I was a lawyer advocate, I was just doing my part. Holding up signs. Trying to direct people."

Sarah Stokes: Right, and that's an important role too.

Lee Burgess: Yeah, that's true and he speaks multiple languages. He was trying to help people who needed help with translation. So, I think that showing up is just a big part of it.

Sarah Stokes: Absolutely. Showing up is a huge part of it. I mean that's a part of being a professional too, right? Part of, half the work is showing up, I think someone famous probably said that. I think that's an important thing to pass on to law students as they make their way out into the world. Sometimes it's just being there. Sometimes it's being in the right place at the right time and being willing to do the hard work, whatever it may be.

Lee Burgess: So, I think the one interesting thing about the clinics is the fact that students were already in doing some of this law. Then they were really able to go into the airports led by their professors and be present at this very critical time. I think it says a lot about the clinic process, because often times I know a lot of the clinics I know about at schools in the bay area are all about representing those who need our class of people who really need the representation. Child advocacy clinics, family law clinics, immigration clinics, even some investment clinics where people are trying to recover money that may have been falsely taken away from them.

So, I do think that, as a law student, really trying to engage with the clinic process at your school, if this is something you're interested in, is a great gateway to advocacy.

Sarah Stokes: Absolutely. I'm totally biased. I'm a big clinic proponent and I make that pitch every chance I get. So here's my official clinic pitch.

Lee Burgess: I'm happy to hear it. Let's hear it. I love the clinic pitch.

Sarah Stokes: Let me just step back for a moment. I think that any kind of experiential education is tremendously valuable. It's a really nice compliment to the kind of learning that students are doing in their podium or doctrinal classes. Which is really important and I don't want to diminish the value of that. It is extremely important, it's foundational, and we couldn't do the work that we do without it. But I think that pairing that kind of deep analytical thinking with the deep kind of analytical thinking that you do actually in practice is really valuable for students.

There's social science research that shows, I think from Harvard Business School, that shows that we learn better when we learn then do and then reflect on

what we've done. That's really the model that, in its most basic form, that's the model that we employ in the clinic and I think that most clinical professors and instructors employ, is that learn, do, reflect. Or plan, do, reflect.

I think experiential education is extremely valuable. I know it's cliché to say, but we wouldn't tell a doctor to perform brain surgery if she had never practiced doing that in medical school, right?

Lee Burgess: Let's hope not.

Sarah Stokes: Exactly, and yet, there is this expectation, though I think it's changing. That lawyers should be able to hit the ground running on day one when they haven't really done any lawyering in law school. If they haven't done a clinic, or an externship, or a semester in practice, or something else like that. I see such tremendous growth and development in my clinical students over the course of the year. I teach in a year-long immigrants rights clinic here at BU.

It's pretty tremendous to see the growth and development of the law students over the course of the year. They really go from acting more like an intern, expecting me to tell them what to do. My hope is, and the trajectory that I usually see, is that by the second semester they're coming to me and saying, "Okay, so there was this problem, I researched it, here are the three things I think we could do, and here's the option I think we should choose."

That's where I want them to get. They're doing the thinking and the learning and the reflecting for themselves. Before coming to me to check in. Rather than coming to me first and saying, "Help, what do I do?" Which is often, and understandably, their first reaction. I just think being able to have that kind of learning environment, before you're actually a lawyer, being able to have that learning experience when you have the support and supervision of a clinical professor is so valuable.

Also, I found that I've had a lot of students that don't really know what kind of law they want to practice. Being in a clinic and taking that deep dive into a certain subject matter, getting to know clients face to face, can be extremely powerful. I think a lot about a student I had one who came in, had a career in the military, and then came into the clinic. He really knew nothing, by his own admission, about immigration. But wanted to challenge himself, had heard this was a good clinic, and he's now an immigration lawyer in Chicago.

Lee Burgess: That's awesome.

Sarah Stokes: That was never part of his thought process going into law school. I think that speaks to the power of clinics and that power of connecting with the client and finding your niche.

Lee Burgess: And maybe he was at O'Hare this weekend, you never know.

Sarah Stokes: Yeah, very possible. I should email him. I'd like to think he was there. That would've been pretty cool.

Lee Burgess: Yeah, well, thank you so much. I think it's a really important message for law students and to realize that through these programs in your law schools you can gain the skills that you're going to need to do whatever sort of advocacy you decide to do. But if engaging in the political climate is the type of advocacy you'd like to do, you never know, maybe even your clinic will facilitate you getting to be on the ground in these critical times. Thank you for all of the work that you do at BU, if I was a BU student I would definitely send you an email, to ask how I can get in your clinic.

So, if you're listening to this and you go to BU you should reach out.

Sarah Stokes: Feel free to shoot me an email. Happy to talk any time about the clinics here.

Lee Burgess: Wonderful, well, it's great to have another law mama on the podcast today and I thank you so much for your time.

Sarah Stokes: Thank you so much for covering this issue.

Alison Monahan: Okay, great, thanks.

I'm here with Cindy Grossman, who is a law firm partner. Cindy spent part of her weekend at Newark airport working on, well I guess we could say, the people who were impacted by this executive order that President Trump issued on immigration. So Cindy, welcome, thank you so much for coming.

Cindy Grossman: Thanks for having me.

Alison Monahan: Oh, it's definitely our pleasure. So, just give me a little bit of background, is this something that you practice normally, or not?

Cindy Grossman: No, this is way out of my comfort zone.

Alison Monahan: Okay, cause you're a tax lawyer, right?

Cindy Grossman: I do. Yes, I do tax planning for high net worth individuals. My firm is basically a private client service firm and we typically do not deal in issues where people's personal liberties are at stake. So this was a totally new experience for me.

Alison Monahan: It actually sounds like your normal work might be as far as possible from what you were actually doing.

Cindy Grossman: Pretty much, I think these are ... Well, I say that except that, in terms of the people that we're dealing with. Because there was so much confusion over the weekend as to how the ban was supposed to be implemented, there were, we very well could have had clients caught up in it. Because we do a lot of international planning and cross border planning. So we have a lot of non US clients that certainly could have been impacted by this had they been traveling.

Alison Monahan: Yeah, that's a really interesting-

Cindy Grossman: The actual work.

Alison Monahan: Right. No, I mean that's a really interesting point. I think one of the things obviously that shocked people the most here was that a lot of these people were green card holders.

Cindy Grossman: Oh yeah. These are not, I mean, of course, refugees and people that are really truly trying to escape terrible situations were caught up in this, unfortunately, but there were just doctors, scientist, professors, people that don't fit your typical category of people being denied entry got swept up in this ban.

Alison Monahan: I think of all my friends who are, who have green cards and never thought twice about the fact that they could just suddenly be denied at the border.

Cindy Grossman: Right.

Alison Monahan: I have a number of friends who were like, "Oh, you know, I had a green card for ten years." They're going to finally decide to get citizenship for some random reason, but they're like, "Thank goodness, because this could've been me."

Cindy Grossman: Right.

Alison Monahan: So how did you get involved with this?

Cindy Grossman: After the election, I joined a group called lawyers for good government. And I think they started off as just a Facebook group of down trodden lawyers.

Alison Monahan: I think initially it was lawyers of the left, when I joined it. Back in the day.

Cindy Grossman: Yes! Then it morphed from that I think there are actually plenty of Republicans in there as well now. It's just people that were sort of upset at the breakdown of processes that happened during the election. That's where it started and then when the immigration ban was passed a sub group was created out of that group, to deal with the immigration issue.

I had been following the posts in the main group, just out of curiosity, and then saw that there was this immigration sub group. Then I joined that, again, just

wanting to get more information to know what was going on. That's when I started catching up on the posts from the last 12 hours, this was Sunday that I was looking at it so a lot had been happening.

I was absolutely blown away. By the organization and involvement by lawyers all over the country. It was such a beautiful thing because-

Alison Monahan: It was! I think suddenly lawyers were cool.

Cindy Grossman: Yeah, exactly, and as a tax lawyer, somebody who just kind of down in the nitty gritty of the tax code, or helping people save money on taxes, I don't really feel that primal lawyer call that much on a daily basis. When I was reading ... My daily job feels divorced from the Atticus Finch type lawyer. As I was reading these posts and seeing a lot of other lawyers like me, corporate lawyers, not necessarily immigration lawyers, everybody pouring all of their heart and soul into helping these people, I was like, "Oh, this is incredible. This is a great way to give back."

Really, I'm not an immigration lawyer but all lawyers know how to research and write. I thought, "Well, at the very least I can show up and do that." Support somebody who actually knows what they're doing. That's what I did. I live about twenty minutes from Newark airport. I got hooked up with the Newark group and signed up to volunteer at the airport with them on Monday.

That was great. It was very quiet while we were there. There was one family that was supposed to arrive in the afternoon. It turned out that they were actually on the next day, so we didn't actually have anybody coming in. There was one person that was detained while we were there. Unfortunately, we did not know about them until much later in the day. That's been one of the big challenges with this project is getting information on people coming in.

Alison Monahan: Yeah, I mean that's a huge issue, right?

Cindy Grossman: I mean we have this very unscientific way of doing it, which is looking for distressed people at baggage claim. People that expected somebody.

Alison Monahan: That's what's so crazy about the whole thing. Obviously, you can't contact your central ... the person who's really the client in the end, directly, because they're in detention.

Cindy Grossman: Right.

Alison Monahan: What are people doing?

Cindy Grossman: These are people that are coming from these other countries and they don't even, a lot of them don't even know that there's this army of lawyers sitting on

the other side of immigration waiting to help them. They don't necessarily know to ask for a lawyer. And customs and border patrol is not letting lawyers back there which is in the violation of the stay. That's been a real issue so we've actually been trying to figure out how to get ... it's really like an information sharing problem at this point.

How do we alert people that are trying to get to the United States that, "Hey, if you have a problem once you get here, you know, there is a group of lawyers right outside immigration and you need to figure out how to get to them."?

There has been discussion about figuring out how to create some sort of attorney client relationship with these people before they board their plane which involves getting a G-28 which is sort of a notice of appearance. Getting one filled out with that client's name on it with a lawyer's name on it and then having that person have that document with them as they board the plane. And maybe they could have a lawyer waiting for them.

Alison Monahan: Waiting for them where? Isn't that the issue?

Cindy Grossman: Yeah, yeah, and even if they have that form the problem is there's so much confusion on the enforcement side, with customs and border patrol, that I think that they're still trying to figure out how this is supposed to be enforced and what they are allowed to let detainees do. So even if somebody walked off the plane with this G-28 I'm not sure that that's going to help them. Customs and border patrol can still sit back there and hold them, keep them away from the lawyer. And the lawyer, it's not like we're going to go break down the door at customs.

Alison Monahan: Right, well, that's kind of one of the frustrating things about this, I think, is, as you mentioned earlier, you alluded to, there's a stay, there are various stays in place across the country. They're essentially, I think we can say, they're being ignored.

Cindy Grossman: Yeah.

Alison Monahan: It is this question of ... that would be a much longer discussion that we should probably have in a constitutional law class.

Cindy Grossman: Right.

Alison Monahan: It is this kind of fascinating separation of powers, sort of in the real-world thing, where the judicial branch is like, "Look, you have to do this." And the border patrol is basically like, "No, we're not gonna do it."

Cindy Grossman: It is, yeah, it is. I have never paid so much attention to constitutional law and learning about, "Okay, who's the enforcement arm of which branch?" 'Cause

now it really matters. If customs and border patrol is refusing to enforce the stay then who do you get to go and serve the order on them? And say, "Hey, you guys are in violation of this."

Alison Monahan: Yeah, exactly.

Cindy Grossman: Apparently, that's the US Marshall Service.

Alison Monahan: Right, and the Marshall's are saying they're controlled by the Attorney General so there's this whole circular situation.

Cindy Grossman: Exactly, exactly.

Alison Monahan: Let's not dive too deeply into that depressing aspect of things. Tell me a little bit more about what you actually did in this group of people that were there with you. Did you literally just show up at the international terminal and be like, "Hey, I'm here, give me something to do."?

Cindy Grossman: Like I said, it's shockingly organized for, we're on what, day four of this? So there are sign-up sheets, sign-up sheets that go around. Using sign up genius or Newark has a spreadsheet and Google docs, we just, we have slots open and everybody takes three hour shifts throughout the day. We're basically there from 7 a.m. until 1 a.m. Of course, if we found out about a flight coming in later than that somebody would be there.

When we sign up we usually make sure that there's at least one immigration lawyer at the airport with the other lawyers who may not be necessarily immigration lawyers. Then we usually have at least one Farsi or Arabic translator with us as well. There's just about five or six people at Newark. Newark is a much smaller and quieter operation than JFK. JFK has like an actual army of lawyers.

If you talked to somebody at JFK that would be you'd get a totally different theme from them. Anyway, we basically just, we didn't have anybody coming in while I was there so we sat around the table. There was a lot of talk about the discussion and actually it was a great learning opportunity because we had, when I was there, there were two immigration lawyers, no, three immigration lawyers and then three of us were not. The three of us who weren't got a crash course in immigration.

Alison Monahan: Interesting.

Cindy Grossman: I learned what a G-28 was. I learned a lot, got a run down on the executive order from an actual immigration lawyer, which was really helpful. Then they told us how to interact with customs and border patrol. It was a neat ... I felt like a first-year associate.

Alison Monahan: Right.

Cindy Grossman: It was just kind of fun. Just learning from the masters. We had, it was a great, a really diverse group too. Which I thought was really wonderful. We had two Hispanic lawyers, one of whom worked in big law, and the other one was with a non-profit. And then me, and then there was a retired lawyer who, I think she did corporate law. There was a young woman attorney who was Egyptian who had worked with refugees in the past and I think she works for a non-profit now as well.

Then we had our Arabic translator, we had two Arabic translators. One was a woman who grew up in Missouri but her parents were from Qatar. And then a young man who grew up in the North East, went to Middlebury, and works for a Jordanian school. He works out of North, for a school in Jordan, so he was fluent in Arabic and French. And then our Egyptian attorney. I think she also spoke Farsi. We had it pretty much covered.

Alison Monahan: It's kind of amazing that all of these people just sort of self-organized on such short notice to be-

Cindy Grossman: Yeah, it was really-

Alison Monahan: That's impressive.

Cindy Grossman: Yeah, it really was. That's the thing that has totally bowled me over, is the organization that this ... I mean we have a centralized area for documents and it's organized even across the airport to some extent. There's a daily call that happens, where somebody from each airport signs on. And they share information about potential detainees and we talk about the traffic flow and what's going on and what kind of interactions we're having with customs and border patrol.

There's a huge amount of information sharing going on across the country between these lawyers. I sat in on the Newark call and it was fascinating 'cause you're hearing from people at DFW, which has a much more active situation than we did. They have actual detainees there, there's this huge number of lawyers there, so it was interesting just to get that snap shot of what's happening across the country.

Then there's also this great resource sharing that's happening. People are putting copies of all of the lawsuits that have been filed in the central location. Then people can look at those and, as lawyers do, copy and paste and make it your own.

Then people have been compiling just immigration resources for lawyers that aren't immigration lawyers. There's this great set of documents that I got onto

and I could just sort of read and get this crash course in immigration law. It makes you feel a lot better showing up, especially someone like me, who doesn't really have any idea what I'm doing in immigration.

To at least have some sense of, kind of get my bearings with the documents, then at least I can be a little more helpful with the lawyers who are actually immigration attorneys. The organization and the information sharing has been really spectacular. Again, it just blows my mind that it's really only been four days and it's already at this amazing organization level.

Alison Monahan: Are people ... what's the situation, you know, I'm talking to you on Wednesday, so what are people ... are people still at most of these airports? It seems like a lot of people are just not being allowed to board from wherever they're coming from. Even if they theoretically should be allowed in at this point.

Cindy Grossman: Yeah, so it's interesting to see how the conversation has shifted. From Saturday to Monday to today. So Saturday, obviously, was this major emergency situation where people were actually being put on airplanes and turned around.

Alison Monahan: Which is crazy.

Cindy Grossman: Yeah, and so they were ... I think there was one, I can't remember where it happened, but somebody actually chased an airplane down. They went out on the tarmac and pulled this guy off the airplane. Wow, crazy. You had that and then once there was clarification about ... once the stay was in place and they were no longer actually putting people on planes, that sort of happened in conjunction with the airlines saying, "Oh, okay, well we're not actually let anybody else on the planes, at their departure city."

And so that I think really slowed the traffic down. There was sort of self-selection going on by the airlines in the originating countries. Then what started happening is the airlines were letting people on that weren't necessarily covered by this ban and those people are getting picked up and usually having to go through pretty intensive secondary screening even though they are not part of ... they have no connection with one of the seven countries. They might be from some other Middle Eastern country. I've heard of Indians-

Alison Monahan: I've heard Mexicans.

Cindy Grossman: -citizens getting detained. Mexican. A lot of these are anecdotes, so I don't really know.

Alison Monahan: It's hard to say. I've heard ... I'm actually living in Mexico City right now. I'm on a lot of Mexico City groups. They're not legally related but people are, "Oh, my daughter flew to LAX and this is what happened." I mean I have no idea if that's true but it's at least concerning.

Cindy Grossman: Yeah, I heard a story today about a woman, and this was Saturday, but she's a legal permanent resident, from Tobago. She made it over here and then was going through secondary screening and they asked her what her religion was and she told them she was Muslim. Then they asked her party affiliations, she said she was a Democrat, and they put her on a plane back.

Alison Monahan: Wow.

Cindy Grossman: Those are the types of stories I'm hearing. There's no way to verify them. Kind of heard second hand but there's a lot of them.

Alison Monahan: I'm hearing a lot of them, exactly. I'm hearing a lot of them from different places and different airports and it's definitely concerning. I think that's part of the problem with this information ban. No one knows what's happening. I heard of people, I don't know if it was SFO or somewhere, where they're really filing freedom of information act requests to try to figure out, "Are you holding people?"

Cindy Grossman: Right, right. There's no way to know. We were told specifically on Monday when I was there, I checked in with border patrol two or three times, and there's one officer that we had been speaking with who had been fairly cooperative with us, or at least friendly. So we would always ask for him. And when our shift change and it was my turn to go out I kind of got the runaround from them. They said, "Oh, he's on the phone." And I said, "Okay, I'll wait 'til he gets off the phone."

I waited and then they came out maybe five minutes later and said, "Can I help you?" I said, "Well, I'm trying to speak to this officer who I was told was on the phone." They're like, "Oh no, he's over in Terminal C." "Huh."

Alison Monahan: Hmm, interesting. Like, "Why does he not want to talk to me?"

Cindy Grossman: They're doing things like normally the office, the customs and border patrol office is open. The doors open, the window is open, so you can see in there. They've shut the window. They've shut the door. They've lowered the blinds. It's just weird, cagey stuff like that.

Alison Monahan: Yeah, I think there's just a lot of very strange ... I mean, to be fair, I don't think they have any idea what they're supposed to be doing either.

Cindy Grossman: Yeah, exactly.

Alison Monahan: It's like nobody really knows what the situation is. Or what exactly ... I feel like there's a lot of ... I feel sympathy for a lot of people involved in this situation, let's put it that way.

Cindy Grossman: Yeah. They are trying to do their jobs ... and Saturday was such a mess.

Alison Monahan: It was a disaster.

Cindy Grossman: Yeah, it was a total disaster. I do sympathize with all of the law enforcement trying to make sense of this thing. I'm sure that they're getting conflicting reports. And then it doesn't help to have this army of lawyers sitting outside, banging down your door.

Alison Monahan: Well, an army of protesters too.

Cindy Grossman: Trying to get information. Yeah, and the protesters too, yeah. It was kind of a high-

Alison Monahan: Definitely interesting times. All right, well, I don't want to take too much of your time. But if people are interested in getting involved with this, a lot of our audience is law students, some young lawyers, do you have any sense of what people could be doing if they're interested in helping out?

Cindy Grossman: The first thing I would say, speaking from personal experience, don't worry about not having experience.

Alison Monahan: Right.

Cindy Grossman: There are plenty of people that are willing to help and there's lots of materials out there that have been compiled. Law students can certainly help and even lawyers that are not immigration attorneys should not feel intimidated or like they're out of place, or they shouldn't do this. I definitely encourage everybody too. I think the best place to start is to get on the Facebook group for lawyers for perfect government.

Alison Monahan: And we can link to that.

Cindy Grossman: And join. Yeah. Join the immigration sub group and that's where ... and actually I think lawyers for good government has a website too. Actually, no. I was on their website earlier and it didn't really have, it didn't link you up to the people.

Alison Monahan: Right.

Cindy Grossman: You know that are like actually implementing this. I think that the Facebook group is better for that. It's not ... it's kind of airport by airport so JFK has this great website, those people have, like this professional social media team on this, I think their website is nobanjfk-

Alison Monahan: Yeah, I've seen that hashtag. We'll find it and link to it in the show notes.

Cindy Grossman: Okay. So yeah, they have this great website set up. Newark does not have a website, but you can get to us through Twitter. I think all the major airports do

have Twitter accounts. VFW, Dulles, JFK, us, and I think LAX has one too. That might actually be the best place to start, just because then you don't have to sift through all of the Facebook posts trying to find the various sign up links. You can just Tweet, Tweet at the airport, not at the airport, but Tweet at the lawyer, the airport lawyer Twitter handle.

Alison Monahan: Okay, we'll find some of those.

Cindy Grossman: I've got those, I can send those to you.

Alison Monahan: Perfect.

Cindy Grossman: If you want to include them, just for the major airports.

Alison Monahan: We will.

Cindy Grossman: If people want to get a good sense of what's going on, and they have some extra time, then yeah definitely get on the Facebook page. That way you can sort of read through the stories and there's a lot of calls for help on there. "Hey, I heard about this family coming in from X country. You know, they're coming in through LAX, can we make sure that there's somebody from LAX there." You know, "Somebody notify ACLU." It's pretty cool how coordinated it is, but anyway, there's still no central repository for the sign ups.

Alison Monahan: Right? That makes sense. As you said, it's been what, three or four days at this point? I think it's amazing the work that you've done, that everyone else has done, if nothing else getting all this information out into the public view. A lot of people are understandably very outraged about it.

Cindy Grossman: Right.

Alison Monahan: So definitely a crazy, difficult situation. Particularly I think on Saturday and Sunday and I think it sounds like it's going to be ongoing for a while. Is this something you're interested in possibly staying involved with?

Cindy Grossman: Yeah, actually, it's something that I was interested just after the election I figured that immigration was something that was going to be an issue. I didn't quite think it was going to be this drastic.

Alison Monahan: Not quite this ...

Cindy Grossman: I was thinking more along the lines of ... Right?

Alison Monahan: It's gone a little crazier than anyone expected. A lot faster than anybody expected.

Cindy Grossman: Exactly, so, one of the benefits was I'd already had that on my radar as wanting to get involved and do some pro bono work in the immigration area. I just moved to New Jersey over the summer from Texas so I don't really have the lay of the land here and I don't know the organizations that are on the ground here doing that kind of work. So it was great being at the airport because I met a guy from Catholic charities and he said, "Oh yeah, you can volunteer with us. We do training and everything for you." I was like, "Oh, great. Now I know where to go."

Alison Monahan: Yeah, I feel like this whole situation in some ways is basically like training the next generation of lawyers fighting the good fight out there. Maybe people got a little lazy for the last eight years.

Cindy Grossman: That is the biggest, I think that is the biggest take away for lawyers from this is that we've all just sort of relied on the ACLU being there and other non-profit organizations filling in the gaps and representing these under-served clients. I think this was a big wake up call for the rest of us. We do our pro bono and, "Oh, I might go set up, you know, organize a non-profit for somebody and do their corporate filing or whatever."

And yes, while that is valuable work, I think that it's a wake-up call for all of us that okay, we need to hone the rest of our skills. I'm doing a CLE tomorrow on habeas petitions and I haven't looked at that since law school.

Alison Monahan: Oh, god yeah.

Cindy Grossman: It's something that, given the environment that we're in, we all need to dust off those very basic civil rights type skills. Learn, refresh our memory as to how the different branches of our government work, and be ready to act, to call it out first of all, when it's not working the way that it's supposed to be. Then to do something about it, to really push back. I think that's how we got into this situation generally, as a country, is we took our democracy for granted. I think that that is ending, I think we're all waking up.

Alison Monahan: I think it has ended, yes. No one is feeling too complacent now about-

Cindy Grossman: Exactly. And you know lawyers are ... I had this great feeling this week, I was like, "Yeah, lawyers are necessary!"

Alison Monahan: Well I think that's one of the things. I think, as we wrap up, that's one of the things that's worth pointing out. Is I think sometimes people who are thinking about, "Oh, maybe I could do this." But they get intimidated. This stuff is actually really fun and really empowering, I find.

Cindy Grossman: A hundred percent, yeah. This isn't ... I didn't go to law school to be a civil rights lawyer, or anything like that, but it's something that every lawyer can do and

contribute to. Which, I think, it's like this wonderful bonus of our profession, we have this very specific skill set and it's very useful, and we don't always use it. But we can. And there are so many opportunities. And there's going to be a lot more in the next four years. We should all seize them, because it really is a wonderful opportunity and I've never been so proud of this profession.

Just seeing everybody jump in, participate, just as an aside, I know you're recording, but I gotta say this, I saw something, you know there's the conspiracy theories on the right wing that George Soros is funding all of this.

Alison Monahan: That he's paying people to protest.

Cindy Grossman: As I was walking my daughter to school this morning I was like, "Let's do a math problem, sweetheart. There are five lawyers at Newark airport every day from 7 a.m. to 1 a.m. Let's say the average billable hour rate between those lawyers is \$300 an hour. They're there seven days a week." And we calculated it and it was something like \$200,000 a week.

Wow, and it's like, "I don't think George Soros is going to fund that." That's one airport.

Alison Monahan: Yeah, that's one airport, and that's a pretty small airport.

Cindy Grossman: That's the smallest lawyer presence of all of the airports. Go do that at JFK and you've got quite the legal bill.

Alison Monahan: It's really amazing, it really is, what people are willing to do.

Cindy Grossman: Yeah, if you tally up the financial cost of this, I mean obviously, everybody is happy to do this for free, but if you tally up the value of the hours that are being spent, oh my god, it's astronomical.

Alison Monahan: Yeah, absolutely, when you think about it that way you're just like, "Whooaa!" This is a lot of lawyer money time being spent, which is amazing.

Cindy Grossman: Exactly, so you know, the next time somebody complains about lawyers billing by the hour, you say, "Well yeah, we do and we're expensive but you know what? When it really counts, we're ready to work for free."

Alison Monahan: We have skills. Yeah, exactly.

Cindy Grossman: And we give them away! We have the skills and we give them away. When it's really ... things are on the line, we're happy to do it. It was great. A very reaffirming experience.

Alison Monahan: Yeah I saw someone Tweet out, someone Tweeted, "I take back every lawyer joke I've ever made. You guys are on the ground." I mean people were literally sitting on the ground, writing petitions right at JFK, which, you see that picture and it's just like, "Wow, this is, you know, a really great thing." I mean obviously, we would prefer not to be having to do it, but given the situation this is amazing.

Cindy Grossman: Exactly. Every airport looks like that too. It's so funny even in Newark one of the girls brought a printer, so we're sitting there, outside. Of course, being lawyers everybody hunts down the coffee shop and so everyone's sitting outside the coffee shop at Newark. We had a bunch of people sitting around this makeshift, just tables pushed together, there's a printer sitting on a chair, there's cords everywhere, makeshift signs in English and Arabic and Farsi. It was kind of hilarious. We were all calling it the Newark office, or the Newark remote office.

Alison Monahan: Awesome. I just thought of another, I think there's a Twitter account called help the lawyers, that people can Tweet out what they need, the printer reminded it. Like, "Oh, we need more toner, we need this." People looking for a practical way to do some good, they can't necessarily go and sit there, but you might be able to send over the Amazon drone to deliver the printer cartridge or something.

Cindy Grossman: That account is really good at ... they're connected to all of the other, all the airport accounts. They're really good if somebody says, "Hey, I'm your Newark guy if you need help." They'll Tweet at us and reach out and then we'll let them know if there's anything needed, that's also a great ... that's actually a good account to get information from too. I was following it this morning and seeing what they were posting and they've got, they posted some pictures of lawyers at the airport and there's some updates on general stuff going on. Yeah, that's a good account as well.

Alison Monahan: Awesome. Well, Cindy, thank you so much for your time, and for what you're doing. This was super interesting and if any of our listeners are interested in getting involved you can check the show notes and we will link to all these things that we've talked about.

Cindy Grossman: All right. Thanks so much Alison.

Alison Monahan: Thank you.

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Thanks again for listening and we'll talk soon.