

Immigrant Teen's Plight Inspires Wiley Rein Pro Bono Team



- Pro bono case alleges mistreatment at juvenile confinement center, which can house 60 children
- Cases like this one can take an emotional toll on litigants

By [Bruce Kaufman](#)

Wiley Rein's pro bono team knew it would be heart-wrenching to interview the prospective civil rights plaintiff, a 17-year-old Mexican immigrant with acknowledged mental health problems.

The lawyers had been contacted by the Washington Lawyers' Committee for Civil Rights and Urban Affairs based on Wiley Rein's familiarity with immigration matters and past involvement in pro bono litigation over conditions of juvenile confinement.

Now, the two groups were considering filing a putative class action on behalf of dozens of immigrant children confined for illegal entry into the U.S. to the Shenandoah Valley Juvenile Center in Staunton, Va., a federal government contractor.

During the interview, the boy "tearfully recounted" a recent suicide attempt.

That was the moment that "galvanized our commitment to bring this case, as quickly as we could," Theodore Howard, Wiley Rein's pro bono partner, told Bloomberg Law.

The anonymous plaintiff "engages in significant and continuous self-harm" because of inhumane confinement, according to the suit, which also alleges that he and others at the facility "languish without necessary mental health services."

The center denies the allegations that it provides inadequate care to its detainees.

"Shenandoah Valley Juvenile Center believes the allegations of the complaint to be without merit and looks forward to the opportunity to present evidence at trial that will allow a jury to reach the same

conclusion,” defense attorney Jason A. Botkins, with Litten & Sipe in Harrisonburg, Va., told Bloomberg Law.

Pro Bono Cases Take Toll

In addition to Howard, a number of other Wiley Rein employees are assisting in the case, including special counsel Megan Olsen and associates Sara Baxenberg, Ryan Frazee, Vesna Harasic-Yaksic, Usha Neelakantan, and Derrick Petit; staff attorney Bradley Tobias; and legal assistants Josephine Gibbens, Rachelle Senior and Rachel Tuteur.

Pro bono cases can take an emotional toll on litigants, in part because many of the suits involve fragile individuals at moments of great weakness.

But the Wiley Rein pro bono team is persevering because it shares a commitment to shielding the incarcerated, especially minor immigrant children, from unconstitutional conditions of confinement, Howard said.

These children have done “nothing wrong apart from fleeing horrific conditions of crime and violence in their native countries and coming, each by themselves, to the United States in search of a better, safer life,” Howard said.

Thousands of immigrant children enter the U.S. alone each year, many from Latin America, according to [government figures](#).

The plaintiffs are asking that the Department of Health and Human Service's U.S. Office of Refugee Resettlement be required to adopt policies that satisfy the same constitutional standards of “humaneness and decency” for unaccompanied minor immigrants as for adjudicated juvenile delinquent children born in the U.S., Howard said.

The suit is a putative class action, and seeks to represent all unaccompanied immigrant children at the facility, which can house as many as 60.

Victoria A. Palmer, a spokeswoman for the HHS Office of Communications for the Administration for Children and Families, told Bloomberg Law that HHS does not comment on pending litigation.

However, in similar litigation in the Northern District of California, the government [argued](#) that “aliens unlawfully in the U.S. have limited rights,” that current placement centers comply with [federal standards](#) for unaccompanied children entering the U.S., and that existing legal procedures adequately protect unaccompanied immigrant children.

Other Significant Pro Bono Cases

In recent years, Wiley Rein's pro bono team has [worked](#) on a wide variety of legal matters, including those related to political asylum, landlord/tenant law, custody disputes, Social Security/disability claims, workers' compensation, copyright issues, and employment disputes.



From left to right: Associate Usha Neelakantan, Pro Bono Partner Ted Howard, Staff Attorney Bradley Tobias, Legal Assistant Rachelle Senior, and Associates Ryan Frazee and Sara Baxenberg. (Not present: Special Counsel Megan Olsen; Associates Vesna Harasic-Yaksic and Derrick Petit; and Legal Assistants Josephine Gibbens and Rachel Tuteur.)

Wiley Rein's pro bono practice receives the full support of the firm and all of its resources, Howard said.

Additionally, every pro bono matter must be performed under the same standards that apply to paid client matters.

Digging deeper into the pro bono program, Howard explained that Wiley Rein provides associates with up to 50 hours of "billable" credit for pro bono work, and all pro bono work is considered in the annual associate evaluation process and bonus determinations.

Wiley Rein also holds an annual pro bono awards program each year, honoring individual and team efforts for the most significant achievements for pro bono clients during the year, he said.

The litigation against the Shenandoah Valley Juvenile Center is one of several significant pro bono cases that have garnered Wiley Rein's attention in recent years. Others include:

- Supreme Court Amicus Brief: On behalf of more than 70 non-profit groups, Wiley Rein authored an [amicus brief](#) in *Maslenjak v. United States*, No. 16-309, an immigration case over whether a naturalized U.S. citizen may be stripped of citizenship and deported because of a false statement while applying for

citizenship where the information was not material to the government's citizenship determination. The Supreme Court unanimously [ruled](#) for the petitioner in June.

- Unfair Debt Collection Class Action: In collaboration with the Legal Aid Society of the District of Columbia, Wiley Rein obtained a favorable [settlement](#) on behalf of tenants in a proposed class action that alleged unfair debt collection practices.
- Maryland Civil Liberties Case: Wiley Rein [represented](#) the American Civil Liberties Union of Maryland and 11 individuals in a pro bono case stemming from government officials' unlawful compilation of personal information. A favorable decision from the Maryland Court of Special Appeals [held](#), on an issue of first impression, that a private right of action on the part of affected individuals is provided by law and the case was remanded for trial.

The juvenile confinement case is [Doe v. Shenandoah Valley Juvenile Center](#), W.D. Va., No. 5:17cv00097, status conference 1/9/18.

In addition to Wiley Rein, the plaintiffs in the Shenandoah Valley Juvenile Center are represented by Christine T. Dinan, Jonathan M. Smith, and Matthew K. Handley, with the Washington Lawyers' Committee.

Litten & Sipe represent the center.

To contact the reporter on this story: Bruce Kaufman in Washington at bkaufman@bloomberglaw.com

To contact the editor responsible for this story: Steven Patrick at spatrick@bloomberglaw.com