

Spring 2018 Service-Learning, Professor Harris

**University of the District of Columbia David A. Clarke School of Law**  
**Service-Learning Spring 2018**  
**Wednesdays 2:15-4:00pm<sup>1</sup> Room 508**

Professor Lindsay Harris, Office 422, [Lindsay.harris@udc.edu](mailto:Lindsay.harris@udc.edu)  
Office phone: (202) 274-7326, Cell phone: (650) 224-3643

**Background and History of this Course:**

Since Spring 2007, UDC David A. Clarke School of Law has offered a version of this course, beginning with the *Katrina and Beyond: Disaster Law* course. This was created as a response to Hurricane Katrina and the legal issues raised by the natural and governmental disaster that nearly destroyed New Orleans and the surrounding Gulf Coast region in August 2005. In later years, the focus of the service-learning program shifted to Mississippi and also to the Arizona-Mexico border. Since 2015, students have traveled to family detention centers, located in southwestern Texas, to provide legal assistance to detained mothers and children. This year, we will travel to the immigration detention center in Berks County, Pennsylvania, where fathers, mothers, and children are held.

Professor Harris will teach the seminar course and lead the service-learning trip and Dean Broderick will join us. In addition, we may invite first-year law students with some immigration background to participate in the Spring Break trip and to attend course sessions as possible. We have also invited a licensed clinical social worker to join us on the trip.

**Service-Learning: the Role of Social Justice and Humanitarian Action in  
Becoming and Being a Lawyer**

What is meant by service-learning? How is it different from the clinical experiences at UDC-DCSL? Other forms of experiential learning, most notably clinical education, focus on skills development, career enhancement, academic and substantive knowledge, or a combination of these objectives. Programs described as service-learning, however, while sharing the aforementioned goals, place primary value on the *service contribution* and on the *humanitarian participation* of the students *and* the teachers. In other words, the focus is on the outcomes of our volunteer activities.

Service-learning outcomes are achieved for, and in coordination with the communities and people who are the direct beneficiaries of the services. Our work is based on the needs and the direction of the beneficiaries themselves and the creation of enduring relationships forged between us and the communities we travel to, wherever we “do service.” This aspirational goal of a continuing relationship is one of the reasons we decided, this semester, to travel to Berks County, Pennsylvania, rather than Texas. Although the Texas family detention centers are larger, more than 35 law schools have traveled, and continue to travel, down to the border. Because the proximity of the Berks detention center provides opportunities for meaningful and continued

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<sup>1</sup> Class will often go past 4pm, as indicated on the syllabus for each class, particularly before Spring Break. To make up for this, some classes are cancelled following the Break.

engagement, we will be serving our more local detained community this March.

Each year, in service-learning, we immerse ourselves in a new setting. This may involve operating outside of our comfort zones. Service-learning is also value-driven, motivated by the core goals of civic engagement, problem-solving, service to others, and acting for the broader public good. These values are the basis for best practice lawyering, whether in future primary legal practice or through *pro bono* legal work. By combining hands-on social action and humanitarian service with skills-learning and problem-solving, this course is like a short-term, concentrated, legal Peace Corps for UDC law students and professors.

### **Course Goals**

The goals of this course in Spring 2018 are to:

- Gain an understanding of the policies and procedures in place governing the adjudication of claims for protection in the United States.
- Learn how to advocate in a high-pressure, high stakes setting with detained immigrant clients, within a dysfunctional bureaucratic system.
- Develop interviewing, declaration drafting, counseling, and courtroom skills
- Provide pro bono legal services to a detained population of parents and children.
- Develop an understanding of the wider system for humanitarian immigration relief.
- Prepare students for clinical work, employment and internship opportunities within the U.S. government and the NGO community and/or the representation of asylum seekers in pro bono practice.

### **Credits**

This is a three credit course credits. Two credits are awarded for participation in the seminar exercises and writing assignments and one credit is awarded for participation in the week-long service-learning trip.

### **Time Commitment**

This class will meet on Wednesday afternoons from 2:15-4pm, or sometimes until 4:30 or 5:15 before Spring Break. To ensure that we have an appropriate number of instructional hours, some weeks class will not meet, as indicated in the schedule below. We are a very small class and so it is critically important that each participant comes to class prepared and ready to engage.

The main time commitment for this course is during your Spring Break. To be clear, you will be devoting *all week* to working within a detention center. There will be very little time for studying or anything else while we are in Pennsylvania. We will travel to and from the detention center as a group. Each day, we will try to ensure there is time alone and for processing in a group if desired.

### **Class Preparation**

Given the small size of the class, it will be obvious to your peers and to me if you have not prepared for class. For some classes, we will bring in guest lecturers to prepare us to provide excellent and informed legal representation at Berks. For each class, you are expected to read, to review any audio or video materials assigned, and to come prepared to engage in the exercises and class discussion.

### **Required Reading Materials**

The mandatory reading materials for this course will be available electronically on TWEN from week to week. You must register as a participant of this course on TWEN as soon as possible, as the syllabus, readings, and other resources will be posted on TWEN. Any readings outside of the required texts will be provided with adequate notice either online via TWEN or in-class. You will also be required to relevant view audio-visual materials (movies, documentaries, news stories).

The one required book to purchase is: Lauren Markham, *THE FARAWAY BROTHERS*, 2017, which is available for purchase at most bookstores and online. Let Professor Harris know ASAP if you are having trouble getting hold of this book.

### **Attendance**

Attendance is required and your grade for participation will suffer if you are not present and prepared for class. Please contact Professor Harris immediately in relation to potential problems with attendance. Punctuality is also required for all class sessions.

### **Assessment**

Your grade for this course will be assessed in the following way:

- Class participation will constitute **30%** of your grade. Your grade will reflect not only the frequency of your participation, but your level of engagement and understanding of the material reflected in your questions and comments.
- Your engagement in the work at the Berks family detention center will constitute **30%** of your grade. Similar to a Clinical course, you will be graded on the competencies – oral, written, practice management, legal analysis, problem-solving, and professional responsibility.
- Your participation in the report-back event to the rest of the law school will constitute **10%** of your grade.
- The written assignments in this class constitute **20%** of your grade.

At the end of the course, you will produce a reflection. You must email this to me by **Monday April 23 at 10am**.

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Paper drafts and your reflection paper must be on time. Illness and other unavoidable mishaps may excuse late written work, computer malfunctions do not. Meeting deadlines is a big part of being a good attorney, so you need to develop this habit. *Late submissions will absolutely affect your grade on the assignment.*

### **Disability Accommodations**

If you need accommodations for a disability, please contact Dean Devieux-Adams.

**\*Content Notification:** *Students may find some of topics we discuss in seminar, and, indeed the cases we work on disturbing or traumatizing. If you suspect that the material is likely to be emotionally challenging for you, please see the Professors if you are comfortable or Academic Dean Tamara Devieux-Adams to discuss any concerns you may have.*

*If you feel the need to step outside briefly during a class discussion, you may do so without academic penalty. You will, however, be responsible for any material you miss. Thus, please make arrangements to get notes from another student or see the Professors.*

<p>Week 1: Weds Jan. 10 2:15-4:30</p>	<p><u>Introductions and Family Detention</u></p> <p>Please make sure that you set aside some time to prepare for our first class together. The assignments include listening to a 17-minute radio clip, watching a one hour film, one article, and one short personal writing assignment. I estimate that it will take you approximately 3 hours to prepare for this first class. Please do the following:</p> <ul style="list-style-type: none"> <li>• <b>Written Assignment:</b> <i>Personal Immigration History:</i> Write a brief (1-2 page, single spaced) description of your or your family’s immigration history. When and under what circumstances did you or your family migrate to the United States? You may also consider how the circumstances of the migration impacted your or their lives in the U.S. upon arrival and even today. Feel free to include immigration histories to countries other than the United States as appropriate. If you have little access to information about family migration between nation states, you may also write about family history of migration within the United States. Please note at the top if any/all material should remain confidential or if you consent to being called on in class regarding your answer</li> <li>• <b>Prepare</b> to come to class and share your goals for the course and what you hope to gain from the experience.</li> <li>• <b>Listen</b> to the radio clip here: <a href="https://www.revealnews.org/episodes/inside-trumps-immigration-crackdown/">https://www.revealnews.org/episodes/inside-trumps-immigration-crackdown/</a> starting at minute 21 and ending at 38 minutes. This discusses the case of a four-year-old, child, Carlos, and his mother, Lorena, who were held at Berks for more than two years. It also features some of the attorneys, including Bridget Cambria, who we will meet at Berks.</li> <li>• <b>Watch</b> “<i>The Least of These</i>” – the film focuses on the first family detention center in Tyler Texas, at the T. Don Hutto detention center. It is one hour long and available online at: <a href="https://vimeo.com/179342261">https://vimeo.com/179342261</a>.</li> <li>• <b>Read:</b> Stephen Manning, <i>The Artesia Report</i> (2015), available online at: <a href="https://innovationlawlab.org/the-artesia-report-story/">https://innovationlawlab.org/the-artesia-report-story/</a></li> </ul>
<p>Week 2: Weds Jan 17 2:15-4:30</p>	<p><u>Asylum Law 101 Substantive Law &amp; Process</u></p> <p><i>Skim:</i></p> <ul style="list-style-type: none"> <li>• <a href="#">1951 Refugee Convention &amp; Protocol relating to the Status of</a></li> </ul>

	<p><a href="#">Refugees</a>, for the purpose of understanding the international law on which our asylum system is based.</p> <ul style="list-style-type: none"> <li>• Department of Homeland Security, Nadwa Mossaad, <a href="#">Annual Flow Report: Refugees and Asylees: 2015</a>. (Nov. 2016)</li> <li>• USCIS: Asylum &amp; Withholding of Removal Relief Convention Against Torture Protections (<a href="#">Fact Sheet</a>).</li> </ul> <p>Read:</p> <ul style="list-style-type: none"> <li>• Form I-589 Application for Asylum</li> <li>• <i>Matter of A-R-C-G-</i>, 26 I. &amp; N. Dec. 388 (2014)</li> <li>• <i>Matter of M-E-V-G-</i>, 26 I. &amp; N Dec. 227 (2014)</li> <li>• <i>Hernandez-Avalos v. Lynch</i>, 784 F.3d 944 (4<sup>th</sup> Cir. 2015)</li> <li>• <i>Ortega Oliva v. Lynch</i>, 740 F.3d 902 (4<sup>th</sup> Cir. 2015)</li> </ul>
<p>Week 3: Weds Jan. 24 2:15-4:30</p>	<p><u>Expedited Removal and the Immigration Detention system</u></p> <p>Watch:</p> <ul style="list-style-type: none"> <li>• <i>No Sanctuary</i>, <a href="http://vimeo.com/user36179554/nosanctuary">http://vimeo.com/user36179554/nosanctuary</a></li> </ul> <p>Read:</p> <ul style="list-style-type: none"> <li>• Gus Bova, Melissa del Bosque, Jen Reel and Emma Pérez-Treviño, Texas Observer, <a href="#">America Beyond Detention</a> series (2017)</li> <li>• NYT – <i>The Road, or Flight, from Detention to Deportation</i> (Feb. 20, 2017)</li> <li>• Grassroots Leadership – <i>Payoff: How Congress Ensures Private Prison Profit with an Immigrant Detention Quota</i> (2015)</li> </ul> <p>Skim:</p> <ul style="list-style-type: none"> <li>• COMPAS – <i>Immigration Detention in America: A History of its Expansion and a Study of its Significance</i> (2010)</li> </ul>
<p>Week 4: Weds Jan. 31, 2:15-4:00</p>	<p><u>Understanding Gang-Violence and the Journey North</u></p> <p>In class, we will watch the film, <i>Sin Nombre</i>. If you have already seen the film, please talk to Professor Harris about alternatives. Professor Harris will be traveling and Clinical Instructor Saba Ahmed will start the film.</p> <ul style="list-style-type: none"> <li>• Read: THE FARAWAY BROTHERS pp. 1-72</li> </ul>
<p>Week 5: Weds. Feb 7 <i>Class is from 2:15-5:15pm</i></p>	<p><u>Interviewing Principles &amp; Simulations</u></p> <ul style="list-style-type: none"> <li>• Sana Loue, <i>A Guide to Better Client Interviews</i>; 89-07 Immigr. Briefings 1 (1989)</li> <li>• Credible Fear Interview Prep Guidance – worksheets to use while we are at Berks.</li> <li>• Read: THE FARAWAY BROTHERS 73-112</li> </ul>
<p>Week 6: Weds Feb 14 <i>Class is from 2:15-5:15pm</i></p>	<p><u>Declaration Drafting &amp; Working with Survivors of Trauma</u></p> <p>Read:</p> <ul style="list-style-type: none"> <li>• Stacy Caplow, <i>Putting the “I” in Wr*t*ing: Drafting An/A Effective Personal Statement to Tell a Winning Refugee Story</i>, Brooklyn Law School</li> </ul>

	<p>Legal Studies Research Papers (2008) (TWEN).</p> <ul style="list-style-type: none"> <li>• “Discussing Traumatic Memories”</li> <li>• DSM-V Criteria for diagnosis of PTSD &amp; Major Depressive Disorder</li> </ul> <p><i>Skim:</i></p> <ul style="list-style-type: none"> <li>• Lynette Parker, <i>Increasing Law Students’ Effectiveness When Representing Traumatized Clients</i></li> </ul>
<p>Week 7: Weds Feb 21 <i>Class is from 2:15-5:15pm</i></p>	<p><u>Negative Credible Fear Review Simulations</u> (with guest lecturer retired Immigration Judge Paul W. Schmidt).</p> <ul style="list-style-type: none"> <li>• **Packet for your simulation assigned on TWEN/by email.</li> </ul>
<p>Week 8: Weds Feb. 28 <i>Class is from 2:15-5:15pm</i></p>	<p><u>Ethics &amp; Working with an Interpreter:</u></p> <p>Read:</p> <ul style="list-style-type: none"> <li>• <a href="#">Pennsylvania Rules of Professional Conduct</a>.</li> <li>• Ethics Hypothetical Assignments</li> <li>• Working with an Interpreter – guidance from the UDC Law Immigration &amp; Human Rights Clinic &amp; from the Center for Gender and Refugee Studies</li> <li>• Report of the Commission for Historical Clarification, <a href="#">Guatemala: A Memory of Silence</a>, p. 11-12, 18-45.             <ul style="list-style-type: none"> <li>○ Guidance for working with interpreters (TWEN)</li> </ul> </li> </ul> <p>Watch:</p> <ul style="list-style-type: none"> <li>• Stephen Manning, Crowdsourcing a Refugee Rights Strategy, Ted Talk, <a href="https://www.youtube.com/watch?v=iX9fizzJfuU">https://www.youtube.com/watch?v=iX9fizzJfuU</a></li> </ul> <p>Supplemental Materials, available on TWEN:</p> <ul style="list-style-type: none"> <li>• USCIS Credible Fear Lesson plan for asylum officers</li> <li>• Matter of J-H-C-F-, Feb. 2018 decision on border and airport statements and credibility</li> <li>• Castro v. DHS, 3<sup>rd</sup> Circuit Opinion, August 2016.</li> </ul> <p><i>We will meet UDC alumna and local immigration attorney, Alicia Vanessa Altamirano, who will be coming on our trip as a third supervisor.</i></p>
<p>Week 9: March 5-9</p>	<p style="text-align: center;"><b>SERVICE LEARNING TRIP</b></p> <p>We leave DC on Sunday March 5 at 3pm, arriving in Berks County with time to check in and have a group dinner and to meet the attorneys we will be working with all week.</p> <p>We leave Berks by 2pm on Friday March 9, returning to DC to take the weekend to recuperate before going back into the semester.</p> <p><b><u>Daily Journals:</u></b> During the trip, you must take 5 minutes at least each evening or during a lunch or dinner break to reflect on the day. Please force yourself to write for these five minutes. You will save these daily journals and submit to</p>

	Professor Harris by <b>Tuesday March 13 at 12pm.</b>
Week 10: Weds. Mar. 14 <i>Classes after Spring Break are from 2:15-4:00pm.</i>	<p><u>Debrief Session</u> (daily journals are due the day before this class)</p> <p>Read:</p> <ul style="list-style-type: none"> <li>• Two brief articles on resilience (TWEN)</li> <li>• Ingrid Eagly &amp; Steven Shafer, <a href="#">A National Study of Access to Justice in Immigration Court, Summary</a>, p 1-10</li> <li>• Lenni Benson, <i>Immigration Adjudication: The Missing 'Rule of Law,'</i> Journal on Migration and Human Security (2017).</li> </ul>
Week 11: Weds. Mar. 21 2:15-4:00pm	<p><u>Post-Release Issues</u> (with Guest Lecturer, Kathryn E. Shepherd, American Immigration Council and the Immigrant Justice Campaign).</p> <ul style="list-style-type: none"> <li>• Access to Counsel</li> <li>• Raids</li> <li>• Ankle monitors</li> <li>• Notice</li> <li>• One year filing deadline</li> <li>• Problems for Central American cases</li> </ul> <p>Read:</p> <ul style="list-style-type: none"> <li>• Tiziana Rinaldi, <a href="#">Many women seeking asylum in the US have been released from detention — but with ankle monitors</a>, PRI's The World, March 10, 2016</li> <li>• Lindsay M. Harris, <i>The One Year Bar to Asylum in the Age of the Immigration Court Backlog</i>, Wisconsin Law Review, 1217-1224 (two stories of individuals barred by the filing deadline and immigration court backlog)</li> <li>• THE FARAWAY BROTHERS, p. 113-184</li> </ul>
Week 12: Weds. Mar. 28 2:15-4:00pm	<p><u>Moot for Report-Back Event to Law School</u></p> <p>Read:</p> <ul style="list-style-type: none"> <li>• Between now and when your final reflection is due, on Monday April 23, please finish THE FARAWAY BROTHERS," p. 185- 265.</li> </ul>
Week 13: Weds. Apr. 4	<p><b>No Class</b> -- Attend D.M.M.V. Trial in Arlington immigration court at 9am. *PLEASE NOTE, in the event that this trial is cancelled, alternate dates were sent out to the class and you should plan to attend one of those dates if possible.</p> <p><b>Assignment:</b> A 3-5 page, double-spaced, <b>written reflection</b> after attending this trial is due to Professor Harris by <b>Wednesday April 11 at 12pm (or one week after the date of your court observation, if you observe a different trial)</b>. Please <u>do not summarize what happened at the trial</u>, but rather your reactions to it. Did anything surprise you? Anger or upset you? Confirm suspicions that you had after our experience at Berks? Did the Judge behave in the way you expected? Did this trial bring to mind anything you have read so far in THE FARAWAY BROTHERS? Can you make any connection with that book?</p>
Week 14: Weds. Apr. 11	<b>No Class</b>



	<p>Read:</p> <ul style="list-style-type: none"><li>• Between now and when your final reflection is due, on Monday April 23, please finish THE FARAWAY BROTHERS, p. 185- 265.</li></ul>
Week 15: Weds. Apr. 18	<p><b>No Class</b></p> <p><b>Assignment:</b> Please note that your <b>final reflection</b> on the service-learning experience is due on <b>Monday April 23 at 10am, submitted to me by email.</b> What has most surprised you about your experience? What was the most powerful take away from the service-learning experience? How have you grown as an advocate this semester? Is there anything that you regret? Is there anything you wish you had known before embarking on this experience? Has anything about the trip or the semester changed or affirmed your plans for your own future, personally and professionally? How did you respond to reading THE FARAWAY BROTHERS? Was there anything illuminating or surprising about that book or story for you?</p> <p>This reflection should be thoughtful. There is no specific page requirement, but I am expecting you to do a deep dive into reflecting on your experience this semester. Recall that your written assignments are 30% of your grade.</p>
Week 16: Weds. Apr. 25	<p>Last Class – Celebration &amp; Reflection</p>

## Recommended Readings

### Working with Trauma Survivors:

- Listen to: Sisonke Msimang, *Letting Your Heart Break*, The Moth, <https://medium.com/bill-melinda-gates-foundation/letting-your-heart-break-5087773a2b0b#.tm277s3rv>
- *Letter to My Future Self*, Warrior Writers, 2008
- Lipsky, *Finding Balance*, Trauma Stewardship Ch. 8 and 11, 2009
- Hernandez et al., *Vicarious Resilience: A New Concept in Work with Those Who Survive Trauma*, 46 Family Process 234, 2007
- Saul, *Refugees in New York City: From Clinic to Community*, Collective Trauma, Collective Healing, 2014
- Tan, *Joy on Demand: The Art of Discovering the Happiness Within*, 2016, Ch. 6
- Mathieu, *Warning Signs of Compassion Fatigue and Vicarious Trauma*, Compassion Fatigue Workbook Ch. 6 (2012)
- Professors Silver, Portnoy, and Koh Peters, *Burnout, Vicarious Trauma, and Other Emotional Realities in the Lawyer/Client Relationship*, Touro Law Review (2004) [\*focus on Professor Koh Peters\*]
- Brown, *The Gifts of Imperfection*, pp.63-75
- Akitunde, *Why We Need Self-Care in the Face of Race-Based Trauma*, mater mea, July 8, 2016 at <https://www.matermea.com/blog/black-lives-matter-we-need-self-care>

## Recommended Readings

### Family Separation and Detention:

- “The Five-Year-Old Who Was Detained at the Border and Persuaded to Sign Away Her Rights,” *The New Yorker* (Oct. 11, 2018)
- *Dora. et. al. v. Sessions*, Civil No. 18-cv-01938 (PGF) (D.D.C 2018)
- “Trump Administration Tries to Undo Limits on Detention of Immigrant Minors,” *The Houston Chronicle*(Sept. 8, 2018).
- “Migrant Children Moved Under Cover of Darkness to a Texas Tent City,” *The New York Times* (Sept. 30,2018)
- “Inside the Vast Tent City Housing Migrant Children in a Texas Desert” (Oct. 12, 2018)
- “Trump Plans to Expand Immigration Detention Boosts Private Prison Companies: Report,” *The Hill*(July 3, 2018)
- *Matter of M-G-G-*, 27 I&N Dec. 469 (A.G. 2018) (Certification Order)
- “Trump Administration Removes all Migrant Teens from Giant Tornillo tent camp,” *The Washington Post* (Jan. 11, 2019)