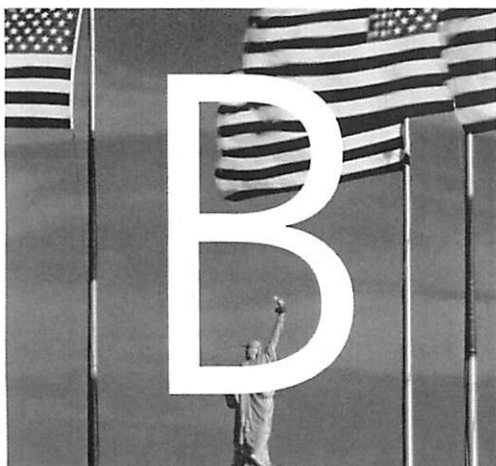


Immigration Appellate Law and Advocacy Clinic



By the time his case reached Cornell's immigration clinic, "G," a greencard holder, was being held in detention, awaiting deportation. In 2005, eight years earlier, he'd been arrested for aggravated assault in Texas, found guilty, and in a one-sentence decision, ordered back to Ethiopia. That set immigration proceedings into motion, starting a long series of appeals about whether he was mentally competent



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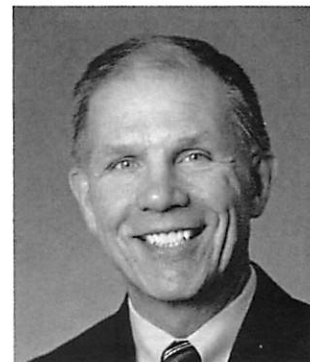
— Stephen Yale-Loehr '81

to understand the charges against him, and if he was, where he would be sent.

As an Ethiopian national and an ethnic Eritrean, he could be deported to whichever country would take him. But there was good reason to believe he'd be tortured in either place: for his ethnicity in Ethiopia, or for his avoidance of compulsory military service in Eritrea.

"When we first started, I thought it was going to be a hard case," says **Stephen Yale-Loehr '81**, who co-directs the clinic, which generally focuses on four cases each spring. "Because G had serious problems of mental illness, including schizophrenia, we didn't have a lot of facts to work with, and the facts that were already in the record didn't look very strong. There was no clear error by the immigration judge, and when you have a weak evidentiary record, with no opportunity to submit new evidence, it's hard to win an appeal unless you have a convincing legal argument. We were looking at some long odds."

Yale-Loehr assigned the case to **Meredith Carpenter '13** and **Alex Harris '14**, who traded strategies back and forth until they found two that looked promising. First, they argued that the immigration judge had failed to properly evaluate G's mental competency, and that by allowing G to represent himself without counsel, the judge had not provided proper due process safeguards to ensure G's right to meaningfully participate in the proceedings. Second, using the United Nations Convention Against Torture, Carpenter and



Stephen Yale-Loehr '81



Meredith Carpenter '13



Alex Harris '14

Harris gathered evidence, in general as well as in G's specific case, to satisfy the legal standard that he was "more likely than not" to be tortured if he were deported to Ethiopia, Eritrea, or both.

"I had never worked on a case with such a large record before, so being able to go through the file, pick out the relevant facts, come up with a theory, and structure a brief was a very important experience," says Carpenter. "It was completely different from being in a classroom—it was real life, with a real client, and a real-world application of our skills. Alex and I divided our duties, taking charge of different sections, then trading our work back and forth, so each of us took responsibility for the whole brief. Professor Yale-Loehr provided guidance at every step. He advised us on which theories would be best to pursue, reviewed every draft, and gave us constructive comments. He didn't make his own changes to the brief—he gave us the information we needed to make the changes and submit the brief ourselves."

It worked. The Board of Immigration Appeals agreed that G was not mentally competent, and by allowing G to defend himself *pro se*, the judge had failed to provide sufficient safeguards. In May 2013, the board remanded the case back to immigration court, where the immigration judge ruled that the risk of torture was too great to return G to Ethiopia or Eritrea, and that G should be permitted to remain in the United States.

"On remand, G was given full relief, which we were very happy about," says Yale-Loehr.

"It was a pleasant surprise, because Meredith and Alex had some serious challenges in preparing their argument. They had to do a lot of research to put together a compelling brief on the client's behalf. And they did."

Capital Punishment: Post-Conviction Litigation Clinic



On a trip to South Carolina, **Moriah Radin '07** and **Amanda Scheldorf Steenhuis '08** visited the former homes of **Dorothy Edwards**, who'd been murdered in 1982, and **Edward Lee Elmore**, who'd been convicted of the crime less than 90 days later. The trial barely lasted eight days, including two for jury selection, and in the decades since, Elmore had been sitting on death row while the government's case slowly unraveled.

"To meet a man who's been sentenced to death for a crime he didn't commit gave us a sense of the seriousness of the work we had to do," says Radin, who currently works as a deputy federal public defender in Los Angeles. "Here was a real person facing real consequences, and it was a quick awakening of what it actually means to be a lawyer, and to have that huge responsibility of representing a client. It took a lot of creative thinking and an unstoppable commitment, just to keep overcoming whatever



Moriah Radin '07



Amanda Scheldorf Steenhuis '08



John H. Blume