

# SF Public Defender Immigration Unit

2023 Budget Supplemental

*Recovery of attorney fee  
award in Zepeda-Rivas v.  
Jennings)*



*Immigration Unit, March 7, 2020*

# OVERVIEW

May 23, 2017:

The Public Defender launched its Immigration Defense Unit in 2017. The SF Board of Supervisors funded the unit to help provide legal representation for immigrants who were detained but couldn't afford to hire a lawyer in their deportation cases.



DONALD TRUMP

## SF Public Defender Launches New Immigration Court Unit

By Bay City News • Published May 23, 2017 • Updated on May 23, 2017 at 11:41 pm



A newly created unit of defense attorneys dedicated to representing immigrants faced with deportation began work in San Francisco's federal immigration courts Tuesday. Mark Matthews reports.

A newly created unit of defense attorneys dedicated to representing immigrants faced with deportation began work in San Francisco's federal immigration courts Tuesday.

The new Immigration Unit in the San Francisco Public Defender's Office, one of only three such programs in the country, is the result of a deal negotiated by Supervisor Sandra Lee Fewer in March.

Mayor Ed Lee agreed to authorize the use of \$200,000 in salary savings in the public defender's budget to hire three deputy public defenders and a paralegal through the end of this year.

# Immigration Defense Unit today

- ▶ **Deportation defense** for detained immigrants in California's immigration courts
  - ▶ 8 attorneys
  - ▶ 5 support staff (Two social workers, one paralegal, one senior legal process clerk, one investigator)
- ▶ **Padilla advice**: written legal consultation to public defenders about the immigration consequences of a criminal plea bargain, and assistance with mitigation of immigration consequences with District Attorney and Court.
- ▶ **Post-Conviction Relief (vacatur)** for immigrants who were illegally convicted because they were not advised about the adverse immigration consequences of their plea

# Immigration Defense Unit

## Universal Representation Model

- Do not screen cases
- Choose designated days to go into court, accept all cases on docket
- Work with Immigration Court and Non-Profit partners to improve quality of representation
- Client-focused representation, zealous representation in all cases

## Challenges in removal defense practice

- ▀ Detention facilities in remote locations
- ▀ Video conference hearings
- ▀ Legal landscape worsening, especially during Trump Administration

# Immigration Unit Evaluation Results (2017— 2019)

- 49.6 % released from custody (207 clients in 1.5 year period)
- 5 times more likely to win case than individuals without representation
- Significantly reduced bond amount
- More than 50% of clients been here more than decade
- More than 50% of clients have USC spouse or child

GOLDMAN SCHOOL  
OF  
PUBLIC POLICY  
UNIVERSITY OF CALIFORNIA BERKELEY

## *Closing the Representation Gap for Detained Non-citizens: An Evaluation of the San Francisco Public Defender's Immigration Unit*



Chelsca Muir  
Spring 2019

The author conducted this study as part of the program of professional education at the Goldman School of Public Policy, University of California at Berkeley. This paper is submitted in partial fulfillment of the course requirements for the Master of Public Policy degree. The judgements and conclusions are solely those of the author, and are not necessarily endorsed by the Goldman School of Public Policy, by the University of California or by any other agency.



# COVID Pandemic – *Zepeda-Rivas v. Jennings*

Case No. 3:20-cv-02731 (Northern District Cal)

- ▶ ICE's Northern California detention facilities presented a direct risk to the lives and safety of individuals in custody
- ▶ Congregate living spaces, one facility housed near 100 people per housing unit, crammed together in double bunk beds less than six feet apart.
- ▶ Immigration Judges did not have legal authority to release individuals on bond due to health risks.
- ▶ Litigation was the only way to protect our clients. This is often a crucial tool to support immigrant families as a compliment to removal defense in immigration court.



# COVID Pandemic – *Zepeda-Rivas v. Jennings* Case No. 3:20-cv-02731 (Northern District Cal)

- ▶ Public Defender Mano Raju authorized filing a lawsuit to protect the health and lives of people incarcerated
- ▶ TRO granted, set bail hearing process where individuals could seek release through federal court.
- ▶ 2020-2022: Filed 238 Bail Applications, 4363 SF Public Defender attorney hours
- ▶ Co-counseled with ACLU NorCal, LCCR, ACLU SoCal, Cooley LLP, Lakin & Wille LLP.

COURTHOUSE NEWS SERVICE

## Judge Scolds ICE for Failing to Protect Detainees From Coronavirus

*A federal judge on Tuesday skewered Immigration and Customs Enforcement for failing to take simple actions to ensure the safety of detainees at two California detention centers amid the Covid-19 pandemic.*

NICHOLAS IOVINO / April 28, 2020



Detainees head toward the gym at Caliber Juvenile Detention Center in Shreveport in April 2020 (AP Photo/Vol Harvey, The Times)

SAN FRANCISCO (CN) — A federal judge on Tuesday skewered Immigration and Customs Enforcement for failing to take simple actions to ensure the safety of detainees at two California detention centers amid the Covid-19 pandemic.

# ATTORNEY FEE AWARD

## *Zepeda-Rivas v. Jennings*

Case No. 3:20-cv-02731 (Northern District Cal)

- ▶ Health and Safety Protections
- ▶ Detention population reduced significantly
- ▶ Attorney fee award to SF Public Defender: \$1,051,298

COVID-19 Immigration Health Employment

2 minute read - January 31, 2022 12:50 PM PST - Last Updated a year ago

### ICE settles claims over COVID spread at California detention centers

By Daniel Wiessner



Immigrants sit in a cell for incoming ICE detainees at the Adelanto immigration detention center, which is run by the Geo Group, in Adelanto, California, U.S., April 13, 2017. REUTERS/Lucy Nicholson

Summary Law firms Related documents

- Lawsuit alleged unsafe conditions at cramped facilities
- Settlement includes population caps, vaccine mandate for staff
- Case resulted in hundreds of detainees being released



# Budget Supplemental and Annual Salary Ordinance Amendment

1. **Budget Supplemental Ordinance** to appropriate the settlement award funding of \$1,051,298 to SF Public Defender
2. **Amendment to Annual Salary Ordinance** to allow SF Public Defender to use the settlement funds to add 1 attorney and 1 paralegal to the Immigration Unit for FY 2022-2024

# THANK YOU!!!

