

Reflections on the Value of ILS Membership to U.S. Government Attorneys

My involvement with the Federal Bar Association's (FBA) Immigration Law Section (ILS) has been one of the most collegially satisfying experiences I have had during my career as a lawyer for the Department of Justice. When I was asked to write an article for this issue, my thoughts immediately went to the reasons why government immigration lawyers should join the ILS. But, when forced to sit down and articulate precisely why my membership has been so satisfying, I could not settle on just one reason. There are so many reasons to join the FBA's Immigration Law Section, yet I only have space here to explore a few.

The FBA Immigration Law Section Values Inclusion of All Attorneys

The Immigration Law Section's governing board has a clearly articulated policy of welcoming government lawyers and judges in addition to members of the private and public interest bars. Whether at the annual, fabulously fun conference seminar, the smaller monthly gatherings, or special events, like the recent asylum law seminar in Washington, D.C., the Immigration Law Section develops venues where we can all gather without antagonism and with a high degree of professional collegiality. In this way, the ILS is a true bar association, the kind where both sides are welcome at the table—usually to share a meal and not to argue and certainly not because one side is being served up on a platter. Wherever we gather, we sit shoulder to shoulder with other lawyers, and the branches and divisions and law firm distinctions fall away, permitting authentic education and engaged sharing of information. No one's guard is up, and there's no adversarial antagonism. It's amazing how human the "other side" becomes over barbecue or paella.

Moreover, the FBA's Immigration Law Section is incredibly respectful of the boundaries that government lawyers must preserve in the name of propriety. At ILS events, I am not baited to discuss ongoing litigation, or to comment upon or endorse controversial initiatives that look like advocacy for specific immigrant populations. Events are planned with an eye to the government procurement process and our sometimes-limited budgets for travel and education. At the conferences, I don't feel like the government lawyer in the room wearing the black hat (although I have been known to don

a black hat for impact). The questions we receive on ILS panels, or sometimes even if we're just in the room, are less confrontational than at other conferences, and more directed toward finding answers, identifying positions, and locating common ground. The Immigration Law Section's commitment to maintaining this open-door policy toward government lawyers creates unity among the members, even when sticky legal issues divide us when we return to our desks.

And last but not least, the ability to meet and speak with judges from various forums—including immigration judges, administrative law judges, members of the Board of Immigration Appeals, federal district court judges, and judges from the various courts of appeals—is literally priceless. I learn something new about presenting the government's case every time I have the privilege of preparing for and sitting on a panel with a judge.

Government Lawyers' Involvement Benefits Everyone in the Immigration Law Section.

The section's policy of inclusion provides an excellent opportunity for government lawyers to add dimension and breadth to others' perceptions of our role as attorneys for the Department of Justice and other various government agencies. Federal attorneys' involvement also improves the general perception by private and nonprofit attorneys of the government, putting a face to an occasionally faceless agency.

Federal government attorneys who participate in the Immigration Law Section reap numerous benefits. The yearly conference provides an opportunity to delve into new areas of immigration practice. For example, over the years, I have gained knowledge in many areas not yet a part of my civil litigation practice, including immigration bonds, workplace enforcement issues, and criminal immigration litigation issues. This knowledge helps to provide a broader feel for immigration law as a whole—and has provided significant background when new cases suddenly appear on my desk. At monthly meetings, I have met and had a chance to talk with government attorneys from many other agencies that are not involved in federal district court litigation, which has enabled me to answer out-of-the-blue queries from my non-immigration colleagues within the Department of Justice.

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This involvement also benefits the attorneys that appear opposite ILS members (and on rare occasions, on the same side). It is extremely easy to unilaterally demonize the other side, and we gain little by minimizing our opponents. My experience of the Immigration Law Section is that the intimate involvement of government lawyers on the board, in conferences, and in other events translates to greater understanding by the private bar and increased knowledge regarding agency priorities, litigation positions, and legal theories in general. Likewise, Immigration Law Section events are a way for me to put my finger on the pulse of what matters to the private bar and what barriers they face in obtaining answers to their queries from government agencies on behalf of their clients. This sort of peer-to-peer engagement does the entire immigration legal community an immense amount of good.

The ILS Helps Orient New Government Lawyers to All of the Movers and Shakers in the Immigration Legal Community

Whether one works for the federal government, in private practice, or for a nonprofit organization, the practice of federal immigration law is a highly specialized area. Even with thousands of immigration attorneys nationwide, the community still feels small. Over the course of a career, we work with many of the same colleagues, have worked for others, have met others as interns or on specific intra-agency details, and have engaged others as adversaries in unique, demanding cases. This kind of cumulative professional knowledge is critical to engaging in excellent legal work on behalf of the government agency you represent; and, thus, is critical for new government lawyers who haven't had the time to have a career full of encounters with various lawyers.

As a Specialty Bar Section, the ILS Enjoys a High Degree of Section Cohesion and Engenders Sincere Professional Respect and Understanding Among Its Members

No matter what side we are on as advocates, each of us knows the peculiar delight in being able to sit down and discuss the oddities of the Child Status Protection Act or arriving aliens or mandatory detention and have someone—anyone—know what we are talking about and be willing to listen. The everyday practice of immigration law creates a legal tribe, and the complexities of the federal immigration specialty are our unique language. The particular delight of sitting in a room with people who speak your same bizarre legal tongue, sprinkled with acronyms galore, creates a high degree of cohesion, and the diversity of membership from private, nonprofit, and government lawyers engenders a high degree of professional respect and understanding among ILS members.

This translates to improved working relationships in many cases, with our respective agency clients ultimately gaining. For the career government lawyer, simply having met and talked to attorneys from the private bar can be extremely useful when the next time you meet or converse over a potential settlement or a Rule 26 conference. Both sides are better able to understand what opposing counsel can do—and cannot do. And, where possible, both sides are more likely to work together to find a solution that works for both sets of clients.

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I strongly urge every government lawyer currently involved with the FBA's Immigration Law Section to reach out to your colleagues and invite them to attend any of our meetings. I have benefitted from my years with the section—and the more diverse the section becomes, the more valuable it becomes to all of its members. But don't just take my word for it. Drop in on an upcoming luncheon or conference and see for yourself! ☺

These are my personal views, and they do not represent the official position of the Attorney General of the United States, the Department of Justice, the Civil Division, the Office of Immigration Litigation, the District Court Section, or my colleagues at the Federal Bar Association.