



FALL IMMIGRATION SKILLS CONFERENCE



November 14-15, 2019
Concordia School of Law
501 W. Front St.
Boise, Idaho, 83702

15 CLE credits, including 2 ethics credit pending

Dedicated Removal 101 Track

Discounted pricing [through October 25, 2019](#)

Tickets: <https://www.eventbrite.com/e/fall-immigration-skills-conference-2019-tickets-70844366407>

Speakers

Maria E. Andrade is the Executive Director of Immigrant Justice Idaho in Boise, Idaho.

Maria Baldini-Potermin is in private practice at Maria Baldini-Potermin and Associates in Chicago, Illinois.

Mark Barr is a Senior Associate Attorney at Lichter Immigration in Denver, Colorado.

Michael Bennett is a retired immigration judge in Saratoga Springs, Oregon.

Chris Christensen is in private practice at Christensen Legal PLLC in Boise, Idaho.

Nathaniel (“Nat”) Damren is Supervising Attorney in the Immigration *Padilla* practice at Brooklyn Defender Services in Brooklyn, New York.

Nicole Derden is a partner attorney at Derden Law in Meridian, Idaho.

Kate Evans is a clinical professor and director of the Duke Law School immigration law and policy clinic in Durham, North Carolina. She serves on the Board of Directors of Immigrant Justice Idaho.

R. Andrew Free is a Nashville, Tennessee-based attorney with a solo practice.

Kara Hartzler is an appellate attorney at the Federal Defenders of San Diego, Inc.

Carol King is a consulting attorney with offices in California who previously served as an immigration judge.

Angela Levesque is in private practice at Levesque Law PLLC in Meridian, Idaho.

Taylor Levy is in private practice in El Paso, Texas, and was previously an accredited representative legal coordinator at Annunciation House.

Thomas Monaghan is in private practice handling complex criminal matters in Boise, Idaho.

Jonathan Moore is an immigration specialist and accredited representative for the Washington Defender Association Immigration Project in Seattle, Washington.

Carlos Navarro practices criminal-immigration law at Stowell, Crayk & Brown in Salt Lake City, Utah.

Kathy Railsback is the director of the Immigration Law Clinic at the University of Idaho School of Law in Moscow, Idaho.

Manuel (“Manny”) F. Rios III is in private practice at Rios & Cruz in Seattle, Washington.

Benjamin Stein is the Legal Director of Immigrant Justice Idaho in Boise, Idaho.

Agenda

Thursday, November 14, 2019	
8:00 a.m. - 8:30 a.m.	Registration & Refreshments
8:30 a.m. - 9:30 a.m. Plenary Session Room 114	<p>Current Trends in Immigration Law <i>Mark Barr, Kate Evans, Manuel F. Rios III, IJ Michael Bennett (Ret.)</i></p> <p>Keeping up with all the policy changes, administrative decisions, and issues pending before the federal courts is nearly impossible. This panel will survey the status of important legal issues pending before administrative and federal courts and discuss how these new authorities purport to change immigration law practice before the courts. Also hear former immigration judges' perspectives as to the consequences of the new authorities.</p>
9:30 a.m. -10:30 a.m.	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: center;"><u>Track 1 (Room 114):</u></p> <p>Petition for Review of Administrative Orders <i>Kate Evans, Maria Baldini-Potermin</i></p> <p>Unhappy with a final order? Consider filing a petition for review. The panel will review the filing basics, seeking a stay of removal, predictable procedural issues, and the financial considerations.</p> <ul style="list-style-type: none"> • Jurisdictional Issues: Finality of administrative orders; jurisdiction stripping provisions of the INA • Preparing the petition, filing, and filing fees • Stays of removal • Working with the Office of Immigration Litigation • Mediation • Post-Order return from abroad • Fees through the Equal Access of Justice Act • Resources </div> <div style="width: 45%;"> <p style="text-align: center;"><u>Track 2 (Room 217):</u></p> <p>Removal Defense 101* <i>IJ Carol King (Ret.), Chris Christensen</i></p> <p>This track teaches essential procedural rules and substantive concepts required for the removal defense practitioner. Each session is taught by a retired immigration judge and practicing attorney. <i>*limited space.</i></p> <ul style="list-style-type: none"> • Jurisdiction of the court. • Sources of authority. • Inspection of Notice to Appear (NTA) • Master Calendar Hearing (MCH) purpose • Pre-MCH filings, motions, and preparation. • Allocation of burdens. </div> </div>
10:30 a.m. - 12:00 p.m.	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: center;"><u>Track 1 (Room 114):</u></p> <p>Affirmative Federal Remedies for Clients before U.S. District Courts <i>Andrew Free, Benjamin Stein</i></p> <p>Federal court can often afford your client a measure of justice that is not available before administrative agencies. Learn about the vehicles, statutes, and claims commonly used in immigration-related proceedings.</p> <ul style="list-style-type: none"> • Administrative Procedures Act (APA) claims. • Federal Tort Claims Act (FOIA), <i>Bivins</i> actions. • The basics of habeas corpus. • Choosing the cause of action. • Venue, timing, and attorney fees. </div> <div style="width: 45%;"> <p style="text-align: center;"><u>Track 2 (Room 217):</u></p> <p>Removal Defense 101, cont'd <i>IJ Carol King (Ret.), Chris Christensen, Kate Evans.</i></p> <p>Dive into the individual hearing and learn about pre-trial motion, preparing for particular forms of relief, detailed filing requirements, and tying up a winning case.</p> <ul style="list-style-type: none"> • Developing a case theory. Individual Hearings (IH) purpose. • Discovery and pre-trial motions. • Common forms of relief: cancellation, asylum and protection claims, adjustment, I-751, and 212(c). • Completing and filing applications with the CIS and EOIR. </div> </div>
12:00 p.m. - 12:20 p.m.	Break

<p>12:20 p.m. - 1:20 p.m. Plenary Ethics Session Room 114</p>	<p>Working with Trauma Survivors and Individuals with Diminished Capacity <i>Kathy Railsback & Nicole Derden</i></p> <p>Many immigration providers are encountering an increased number of clients who have suffered trauma, if not in their home country, at the U.S. border upon arrest, detention, family separation, and related experiences. Attorneys must be mindful of the potential ethical issues presented when working with clients who have a history of trauma, torture, or other harm as they investigate the case, ascertain the facts, and broach sensitive issues.</p> <ul style="list-style-type: none"> • How to ascertain the client’s objectives and effectively consult with the client about means of reaching the client’s objective - IRPC 1.2, IRPC 1.4(2). • How and when to assert special protections - IRCP 1.14. • Compare <i>Franco v. Holder</i> class protections, and <i>Matter of M-A-M</i> procedures to ethical obligations. • Tools to increase effective client screening and attorney wellness. • Understanding capacity limits. • Collaborating with mental health professionals. 	
<p>1:30 p.m. - 2:30 p.m.</p>	<p style="text-align: center;"><u>Track 1 (Room 114):</u></p> <p>Non-Judicial Removal Orders <i>Maria E. Andrade, Jonathan Moore</i></p> <p>More than 50% of all removal orders are not issued by judges, are carried out with limited procedural protections, but carry the same adverse consequences. In this session, panelists will discuss the types of summary removal orders, how to challenge them, and the procedural vehicles and standards for doing so.</p> <ul style="list-style-type: none"> • Administrative, expedited, and reinstatement of removal orders • Civil document fraud orders. • Agencies involved in summary removal orders. <p>How to determine which agency issued a removal order.</p>	<p style="text-align: center;"><u>Track 2 (Room 217):</u></p> <p>Removal Defense 101, cont’d <i>IJ Michael Bennett (Ret.) Nathaniel Damren, Maria E. Andrade</i></p> <p>Even when the client appears eligible for relief, can you prove the case? Thorough preparation requires identifying needed evidence, skillfully presenting it, and meeting your burden — all with an eye toward appeal.</p> <ul style="list-style-type: none"> • Allocation of burdens • Common disqualifying issues • Identifying evidence needed to win the case • Presenting evidence • Objections and record preservation • Presenting argument • Preserving issues for appeal
<p>2:30 p.m. - 3:30 p.m.</p>	<p style="text-align: center;"><u>Track 1 (Room 114):</u></p> <p>Motions to Reopen, Reconsider, and Remand <i>Manuel F. Rios III, Benjamin Stein</i></p> <p>Learn how the magical motion to reopen can bring a seemingly hopeless case back to life. The panel will discuss how to flag a case for potential reopening, and evaluate its strength and potential challenges.</p> <ul style="list-style-type: none"> • Jurisdiction. • Overcoming time and number requirements. • What the motion accomplishes. • Choosing the proper motion. • Basis for reopening, reconsidering, or remanding. • Common pitfalls in filing motions. Examples of effective motion use. 	<p style="text-align: center;"><u>Track 2 (Room 217):</u></p> <p>Removal Defense 101, cont’d <i>IJ Michael Bennett (Ret.), IJ Carol King (Ret.), Chris Christensen.</i></p> <p>The panel will discuss decisions that have to be made at the end of the case and attorney practices which help (and frustrate) the court, as well as share tips for screening potential clients for relief.</p> <ul style="list-style-type: none"> • Post hearing issues. • What is the value of voluntary departure? • Best practices in removal and bond hearings. • Screening potential clients.
<p>3:30 p.m. - 3:45 p.m.</p>	<p>Break</p>	

<p>3:45 p.m. - 4:45 p.m. Plenary Session Room 114</p>	<p>Supreme Court Update <i>Maria Baldini-Potermin, Mark Barr, Angela Levesque</i></p> <p>This U.S. Supreme Court term is anticipated to be one of the most consequential in several years. Panelists will discuss the arguments in the Deferred Action for Childhood Arrivals (DACA) program, and discuss (likely) pending petitions for certiorari filed in cases raising the question of detention authority for individuals in withholding-only proceedings, and who bears the burden of proof on an ambiguous record of conviction.</p>
<p>5:00 p.m. - 7:00 p.m. Location: TBD</p>	<p>Speaker Reception</p>

Friday, November 15, 2019

<p>8:30 a.m. - 9:30 a.m. Plenary Session Room 114</p>	<p>Fighting the Assault on Immigrants: Protecting Client Rights and Preserving Due Process Today <i>Maria E. Andrade, Maria Baldini-Potermin, Nathaniel Damren, Andrew Free</i></p> <p>We can all read cases, regulations, and memorandums, but how do you continue to be a fierce advocate for your client while considering demands on judges, policy directives, adverse case law, emboldened anti-immigrant attitudes and aggressive enforcement? This panel will discuss changes in law practice, advocacy, strategy and working with allies to consider to avoid erosion of our clients' rights.</p>	
<p>9:30 a.m. - 10:30 a.m.</p>	<p style="text-align: center;"><u>Track 1 (Room 114):</u></p> <p>Advanced Discovery <i>Maria E. Andrade, Thomas Monaghan, Mark Barr</i></p> <p>They say there's no discovery in immigration proceedings, but that's not exactly true. Learn the various tools available to gather evidence and protect your client's rights.</p> <ul style="list-style-type: none"> • Using subpoenas to compel necessary evidence. • Complying with the <i>Touhey</i> regulations to secure federal agent testimony. • <i>Dent</i> requests - not just for naturalization cases. • Public Records Act requests. 	<p style="text-align: center;"><u>Track 2 (Room 117):</u></p> <p>Categorical Analysis Basics <i>Kara Hartzler, Nathaniel Damren</i></p> <p>Love it or hate it, a correct application of the categorical analysis of a state statute to determine immigration consequences can make or break a case. Learn the fundamentals of this essential skill.</p> <ul style="list-style-type: none"> • Introduction to analysis. • When analysis applies. • Fundamental cases. • Record of conviction.
<p>10:30 a.m. - 12:00 p.m.</p>	<p style="text-align: center;"><u>Track 1 (Room 114):</u></p> <p>Asylum & Protection Issues, <i>IJ Michael Bennett (Ret.), Taylor Levy, Benjamin Stein</i></p> <p>Asylum and protection law require continued study and creativity. Successful attorneys have a firm grip of circuit law that survives adverse AG & BIA decisions, present well thought-out cases, and support claims with ample evidence. This panel discusses each of these points.</p> <ul style="list-style-type: none"> • Brainstorming Particular Socials Groups Post <i>Matter of A-B-</i> • The importance of expert testimony on country conditions and mental health evaluations • Arguing for the narrowest reading of adverse decisions • Resources when your client has no money • Preserving appeal issues 	<p style="text-align: center;"><u>Track 2 (Room 117):</u></p> <p>Advanced Categorical Analysis <i>Kara Hartzler, Jonathan Moore, Maria E. Andrade</i></p> <p>As courts of appeal have begun to interpret supreme court categorical approach decisions, state convictions must be reviewed anew. Panelists will survey new opinions and discuss the court's underlying application of the categorical approach.</p> <ul style="list-style-type: none"> • Divisibility analysis now. • The "double-<i>Taylor</i>": controlled substance cases. • Finding "authoritative sources of state law" in small states with few reported cases. • Looming issues at the courts of appeal.
<p>12:00 p.m. - 12:20 p.m.</p>	<p>Break</p>	

<p>12:20 p.m. - 1:20 p.m. Plenary Ethics Session Room 114</p>	<p>Conflict of Interest Issues Representing Families: Focus on Asylum and Protection Claims <i>Kathy Railsback & Angela Levesque</i></p> <p>Immigration attorneys have long recognized the possibility for conflicts to arise when representing family and employer sponsored petitions, and regularly intake entire families seeking to raise asylum and related claims. It is not uncommon to discover conflicting interests among the family members as the case develops. For example, a child may have an independent claim that is better than the parents, or one family member may not disclose difficult facts to keep another family member from worry to the detriment of their claim. Panelists discuss applicable rules.</p> <ul style="list-style-type: none"> • Identifying and addressing a conflict of interest - IRPC 1.7, 1.9. • Keeping client confidences - IRPC 1.6. • Recognizing the limitations of children - IRPC 1.14. • Whether to seek the appointment of a guardian. 	
<p>1:30 p.m. - 2:30 p.m.</p>	<p style="text-align: center;"><u>Track 1 (Room 114):</u></p> <p>When Asylum Won't Work: Overcoming Exceptions & Alternative Relief <i>Maria Baldini-Potermin, Maria E. Andrade</i></p> <p>Asylum case screening requires careful evaluation of statutory eligibility grounds, in addition to the merits of the case. Master the exceptions to asylum to avoid over-application, and how to find other relief.</p> <ul style="list-style-type: none"> • Material support bar • One-year filing deadline • Transit rules/safe third country agreements • Eligibility criteria for withholding and convention against torture claims • Post-grant issues 	<p style="text-align: center;"><u>Track 2 (Room 117):</u></p> <p>State Court Relief <i>Jonathan Moore, Carlos Navarro, Benjamin Stein</i></p> <p>How to use state criminal proceedings to secure immigration benefits for your clients. What kind of state court is valuable, when?</p> <ul style="list-style-type: none"> • Post-conviction claims • Sentence reductions • Set-asides • Idaho, Oregon, Utah, and Washington focus
<p>2:30 p.m. - 3:30 p.m.</p>	<p style="text-align: center;"><u>Track 1 (Room 114):</u></p> <p>Effective Client Screening <i>Andrew Free, Manuel F. Rios III</i></p> <p>Effective case screening is often the most important part of the case. Ineffective screening can cause clients to forego efforts to secure relief causing long-term damage to their case and, often, their families. Panelists discuss tools to complete a comprehensive, useful and competent screening for possible relief.</p> <ul style="list-style-type: none"> • Issue spotting. • Use of checklists. • Investigation of old records. • Old laws & statutes (i.e. NACARA, ABC, Life Act, 212(c). • Finding potential damages actions and wage claims. 	<p style="text-align: center;"><u>Track 2 (Room 117):</u></p> <p>Working with Criminal Counsel <i>Kara Hartzler, Thomas Monaghan, Carlos Navarro</i></p> <p>Panelists discuss how to work with defense counsel to minimize the adverse immigration consequences of a plea, defend a case, or get a client released.</p> <ul style="list-style-type: none"> • Negotiating pleas. • Federal crimes with immigration elements and related opinions. • Collaboration on habeas and pre-trial release cases. • Researching criminal cases. • Creating systems to assist defense counsel comply with <i>Padilla v. Kentucky</i>.
<p>3:30 p.m. - 3:45 p.m.</p>	<p>Break</p>	

<p>3:45 p.m. - 4:45 p.m. Plenary Public Session Room 114</p>	<p>Border Update and Effective of Recent Asylum Policies <i>Taylor Levy, Andrew Free, Kathryn Railsback</i></p> <p>The images of tent courts and asylum seekers sleeping at the U.S. border infiltrate the news daily, but what is it like to practice law at the border? Learn about the Migrant Protection Protocols (MPP) in practice, tent-court proceedings, and day to day obstacles facing clients and lawyers from a full-time lawyer in El Paso and others who worked in Tijuana as volunteers.</p> <p><i>This session is open to the public.</i></p>
<p>4:45 p.m. - 5:00 p.m.</p>	<p>Closing Remarks <i>Maria E. Andrade</i></p>
<p>5:00 p.m. - 7:00 p.m. Location: TBD</p>	<p>Closing Reception</p>

Pricing and Registration

Private Attorney Registration:

\$300 Through October 25, 2019

\$375 After October 25, 2019

Non-Profit Employee or Student

\$275 Through November 15, 2019

Concordia Law Students

\$0 (registration required, space limited)

Add-On for Removal Defense Track

\$0 (request at registration required)

Tickets through Eventbrite:

<https://www.eventbrite.com/e/fall-immigration-skills-conference-2019-tickets-70844366407>

Questions and non-Eventbrite Registration Requests to:

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