

2019

ANNUAL REPORT



The past year was a year of firsts for the Pepper Center:

- A significant number of Center lawyers spent thousands of hours on Center projects.
- The Pepper Center was a discrete legal entity, complete with a governing Board and 20 Fellows.
- We met with national and local experts, and worked with them on issues of public concern.
- We worked in teams, and recognized the power and potential of this important dynamic in the Center's setting.
- We worked with a cadre of law students and understood the benefits of intergenerational relationships to them, to us and to our clients.
- We discovered that the Pepper Center provides a unique opportunity to provide pro bono assistance—not limited to legal services – to meet unmet needs in our community, and enrich our own lives in new and unexpected ways.

At the Pepper Center's initial meeting late in 2015, we discussed what the Center might become and what it might do. At that time, we were a group of senior partners and counsel who, in the not too distant future, would end successful tenures at Pepper Hamilton. We were interested in how we could give back during our "encore" careers. With the generous support of the firm, we embarked on a journey, meeting with dozens of experts and community leaders over the next few years to learn more about areas of interest to the group and

determine what we wanted to work on and how we could be of assistance.

Three initial areas of focus crystalized: Education, Civics and Immigration, and we formed task forces for each. More learning, more planning ensued and, by 2019, when several of us were free to devote as much time as we wanted, we discovered the real potential for the Center, as discussed below. Working in teams with experts and civic leaders, we are impacting lives, not the least our own. We have come to understand that "you get as much as you give" is not an empty cliché.

We have continued to meet, learn and explore. In 2019, we met with various experts and political leaders. For example, Pennsylvania Governor Tom Wolf visited with us, sharing his own views on volunteerism. We also met with Marc Freedman, the recognized leader of the "Encore" movement in this country, who identified the Pepper Center as a role model for law firms and other corporate institutions. He also stressed the important role that those in their encore careers can play in our society: "We have the impulse towards meaningful relationships that grows as we realize fewer days are ahead than behind. We have a deeply rooted instinct to connect in ways that flow down the generational chain. And we have a set of skills—patience, persistence, and emotional regulation, among others—that study upon study shows blossoms with age." The Center's work in 2019 demonstrates the truth of this.

Mr. Freedman's most recent book ends with this entreaty: let it be "Our resolution, out of gratitude for all that was planted before us, to do right by future generations, leave the world better than we found it, and begin to do so this day." We intend to devote more people and more time to that effort.



IMMIGRATION

The Center's immigration work grew out of several meetings with leading immigration lawyers about the serious, unmet need for legal services. After studying the issue, we concluded that the most critical shortage of lawyers available to serve individuals in the immigration system exists at the beginning of removal proceedings, when immigration judges determine whether to set bond for individuals detained by Immigration and Customs Enforcement while awaiting hearings. We learned that those able to obtain and post bond were several times more likely to prevail in their hearings than those who remain in custody - yet most detainees could not afford a lawyer or effectively represent themselves. We set out to change this.

Taking referrals from the Pennsylvania Immigration Resource Center in York, PA, we began to represent detainees at the York County Prison. During 2019, we represented detainees (and devoted more than 1,500 hours) in Immigration Court, where, in most cases, we persuaded immigration judges to set a reasonable bond amount. Almost all of these clients posted bond, and they now await their hearings – typically on asylum claims – in various locations around the country.

Although six members of the Pepper Center took the lead in representing our clients, associates and paralegals from several different practice groups also worked on these matters - interviewing clients and witnesses, preparing pleadings and attending immigration court hearings. Associates who have become aware of the practice have begun seeking pro bono assignments on these cases, enabling them to get first-chair experiences and mentoring from senior lawyers. In addition, we enlisted Penn law students fluent in Spanish to work with us on these cases. We even had our first intern, also from Penn Law, in the summer of 2019.

On a regular basis, we have taken on the representation of clients before the Board of Immigration Appeals. These appeals provide an opportunity for associates, visiting foreign lawyers and our network of law students to write an appellate brief under the supervision of a senior Pepper lawyer.

As a result of referrals from HIAS, Catholic Legal and the Nationalities Service Center, Pepper Center Fellows, along with Pepper partners and associates, also have taken the lead in litigation in federal court (as opposed to immigration court). Pepper Center Fellows have encouraged more junior lawyers to present the oral arguments, and provided them with the opportunity to prepare by participating in moot courts before Center Fellows and experts we work with. The result included several significant, precedential opinions expanding immigrants' rights:

- *Yoc-Us v. Attorney General*, 932 F.3d 98 (3rd Cir. 2019) (argued by partner Joanna Cline) extending Fourth Amendment protections to non-citizens alleging racial profiling as the basis for their immigration-related arrests.
- *E.O.H.C. v. Sec'y United States Dep't of Homeland Sec.*, 2020 U.S. App. LEXIS 4628 (3rd Cir. Feb. 13, 2020) (argued by Mike DePrince) authorizing federal courts to protect asylum seekers from Guatemala from being returned to Mexico to await their asylum hearings.
- *Duncan v. Barr*, 919 F.3d 209 (4th Cir. 2019) (argued by Mike DePrince) empowering our client, born abroad, to obtain U.S. citizenship based on his father's American citizenship.
- *Osorio-Martinez v. AG United States*, 893 F.3d 153 (3rd Cir. 2018) (argued by Jess Rickabaugh) protecting children with Special Immigrant Juvenile status from being removed while they awaited a visa.

We are also handling cases for clients seeking asylum from persecution inflicted in their home countries because of, among other things, their political activities, their religious practice or the refusal of police officers to respond to infliction of domestic violence. Our activities have not gone unnoticed: the Pepper Center, Pepper Hamilton and four of our lawyers were honored by HIAS-PA for our work in asylum matters.



EDUCATION

The Pepper Center has met with nearly two dozen educational leaders and experts, who shared their different perspectives. Almost everyone agreed that most of our society has given up on students at the bottom of their classes in public high schools. Most, but not all. A nonprofit organization in Baltimore, *Thread*, has not, and it has achieved extraordinary results: 85 per cent of its students graduate from high school; 83 per cent complete a post-secondary degree or certificate.

After learning about *Thread* through the *New York Times*, the Center invited its founder and CEO, Sarah Hemminger, to meet with the Center and educational leaders, including several representatives from the School District of Philadelphia and the Mayor's Office. That night, everyone in the room recognized *Thread's* exceptional goals and achievements. Fortunately, things did not end there. In January 2019, 15 of those who had attended the meeting in Philadelphia, including the educators, met with *Thread* in Baltimore for a day to deepen our relationship and understanding of each other. Several of us have returned to Baltimore on a number of occasions. Subsequently, several of the Pepper Center Fellows and Pepper Hamilton lawyers have done legal work for *Thread*, and Sarah Hemminger has returned to the Philadelphia area to be the keynote speaker at a meeting that the Center arranged with scores of educational and community leaders. The School District and other organizations, including the Pepper Center and *Thread*, are working on a *Thread*-inspired project in a local underserved school. The Center's ultimate goal is to bring *Thread* or a *Thread*-inspired project to Philadelphia (and other cities).



CIVICS

Center lawyers found an instant attraction to promoting civics in our communities. In fact, in late 2015, our first speaker, then Philadelphia Mayor Michael Nutter, urged us to work in this area. And we have, focusing on civics education, voting issues, and enriching civic dialogue.

We have met with a wide variety of civic leaders, and worked with the School District of Philadelphia to promote voter education, including working on a course on running for political office and a conference on voter education and registration. In addition, we are studying a program designed to promote civil dialogue, anticipating that the Center may be involved in facilitating sessions with the goal of enhancing understanding across differences. In 2019, we met with experts on gerrymandering, and are considering future work in this area.

WHOM TO CONTACT

For more information on the Center, or to discuss possible partnerships with us, contact:

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