

3-17-2014

BC Law Students Argue Cases Before Ninth Circuit Court of Appeals

Boston College Law School

Follow this and additional works at: http://lawdigitalcommons.bc.edu/law_school_publications



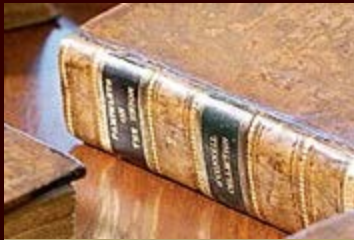
Part of the [Legal Education Commons](#)

Digital Commons Citation

Boston College Law School, "BC Law Students Argue Cases Before Ninth Circuit Court of Appeals" (2014). *Law School Publications*. 856.

http://lawdigitalcommons.bc.edu/law_school_publications/856

This Article is brought to you for free and open access by the Law School Archive at Digital Commons @ Boston College Law School. It has been accepted for inclusion in Law School Publications by an authorized administrator of Digital Commons @ Boston College Law School. For more information, please contact nick.szydowski@bc.edu.



LAW SCHOOL HOME

- [Students Home](#)
- [About BC Law](#)
- [Admission & Financial Aid](#)
- [Center for Experiential Learning](#)
- [The Rappaport Center](#)
- [Faculty & Administration](#)
- [News, Events & Calendars](#)**
 - [2016 News Archive](#)
 - [2015-News Archive](#)

2014-News Archive

- [2013-News Archive](#)
- [2012-News Archive](#)
- [2011-News Archive](#)
- [2010-News Archive](#)
- [2009-News Archive](#)
- [2008-News Archive](#)
- [2007-News Archive](#)
- [2006-News Archive](#)
- [2005-News Archive](#)
- [2004-News Archive](#)
- [2003-News Archive](#)
- [2002-News Archive](#)
- [2001-News Archive](#)
- [2000-News Archive](#)

- [Events](#)
- [Services & Departments](#)
- [Law Reviews](#)
- [Alumni and Friends](#)

- [Contact Us](#)
- [Law Library](#)

[bc home](#) > [schools](#) > [law school home](#) > [news-events](#) > [2014](#) >

BC Law Students Argue Cases Before Ninth Circuit Court of Appeals

2014 NEWS ARCHIVE

03/17/14

Newton, MA--Boston College Law School students David Kete, Drew Trombly, Marija Ozolins, and Mackenzie Houck argued two cases to the Ninth Circuit Court of Appeals last week in California. After each argument, presiding Judge McKeown thanked the students and the school for providing the Court with valuable pro bono representation. The clients involved are indigent detained individuals who are fleeing harm in their home countries of Mexico and the Dominican Republic.

The students are part of a special program with the Ninth Circuit Court of Appeals, where supervised law students brief and argue cases before the court. The Ninth Circuit permits a limited number of law schools to participate in their program. Boston College Law School is the only law school outside of the Ninth Circuit's boundaries that is included.

The school's participation is due to BC Law's commitment to experiential learning. Dean Rougeau recently appointed clinical professor Paul Tremblay to serve as the Faculty Director of Experiential Learning. "Boston College Law School is aggressively developing new practice-based programs and encouraging students to take advantage of those the school has already developed," Tremblay says. "This program is an example of BC Law's vibrant, visible commitment to the importance of connecting their legal education to the practice of law."

Professor Kari Hong is the supervisor of this program due to her extensive experience in the Ninth Circuit, running her own law practice in California before coming to Boston College. She litigated nearly 100 cases and argued a dozen published cases before the Court.

"I loved practicing at the demanding level of the Ninth Circuit, and when I started teaching, I wanted to find an opportunity to impart the passion and rewards that come from this type of work," Hong says. "This program allows me to do that. And all four students were tremendous. They worked hard and accomplished a great deal. I am proud that these four began the project as students and ended it as co-counsel."

This was the first year Boston College participated in the program. Under Hong's supervision, the students filed opening and reply briefs last semester before arguing their cases to the panel of three judges in San Francisco. When the decisions are issued, the students' names will appear on them.

"I jumped at the opportunity to essentially apprentice with Professor Hong, an immigration lawyer at the top of her field," says David Kete '14. "It was a great honor to be able to represent a real client while I was still in law school. I feel enormously grateful to have played a small part in helping [my client] at a time when he is far from his family and friends, with almost no one else on his side. After participating in the prosecution clinic this fall, representing an applicant on an immigration issue was the perfect way to round out my law school education. I have been so fortunate to have these two clinical experiences while in law school, and I know that in all my future work, these experiences will shape the way I look at legal problems."

Approximately 40% of all immigration cases in the country are filed in the jurisdiction of the

Ninth Circuit. Many of those cases are brought by indigent individuals without representation and with a limited command of the English language. The Ninth Circuit screens the pro se cases and selects those that appear to warrant more substantial briefing.

One of the students' cases was from a former government informant who was shot in the head nine times in Mexico, leaving him for dead and permanently paralyzed. His attackers had recognized him as being responsible for their arrest and removal from the United States. The Immigration Judge and Board of Immigration Appeals had denied him all forms of relief. The students argued the need to grant his claim for protection under the Convention Against Torture and reconsider the finding that his prior criminal convictions barred him from seeking asylum and withholding.

The other case was from a woman who fled the Dominican Republic after her boyfriend brutally abused and raped her. She was apprehended four times at the border before she was permitted to enter. Each time, she gave a false name, birth date, and nationality due to her fear of being sent back to her country. The Immigration Judge and Board of Immigration Appeals denied her claims, contending that her lies precluded all forms of relief for her. Under the old law, lies at the border could not serve as a basis for denying a person's claim. In 2005, Congress modified the law to permit any falsehood from being a basis to deny relief. The students argued the need to review our client's falsehoods in the context that her fear of return corroborated rather than undermined her claim of past and future harm.

The Court will likely render its decisions in the next few weeks.

"The students were incredible," Hong says. "Their cases were heard along with cases argued by attorneys, and the Court gave no handicap to the students. They learned an enormous amount of substantive law, mastered technical and complex issues of immigration law, communicated with their clients who were detained, learned how to write briefs, and learned how to prepare and present oral argument at the highest of levels."

