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Gracie Rubin, left, and Laura Tuell, right, of Jones Day. Courtesy photo

ANALYSIS

Big Law Touted Its Pro Bono Immigration Work in Trump's First Term. Now Some Firms Are Clamming Up

Gibson, Dunn & Crutcher has filed multiple suits on behalf of organizations that provide legal services to immigrants, and Jones Day continues to provide services through its Laredo, Texas-based "Border Project." But other firms that once were highly visible in this area have gone quiet.

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Pro Bono



By Thomas Spigolon

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- The jury seems to be out on firms sustaining their commitment to assisting immigrants with legal representation.
 - Some firms declined to comment or engage on the subject, illustrating how the calculus may have changed.
 - Other firms, like Gibson Dunn and Jones Day, have maintained strong pro bono immigration practices.

Some Big Law firms that eagerly directed pro bono resources to immigration work in the past may be wilting under the heat the new administration is giving off with its harsher posture on the issue in its second term.

The jury seems to be out on firms sustaining their commitment to assisting immigrants with legal representation when the need has increased as President Donald Trump's administration operates quickly to deliver on promises of clamping down on illegal immigration.

Am Law 50 firm Gibson, Dunn & Crutcher launched a specialized immigration task force “in response to the anticipated complexities and rapid changes in the immigration landscape under the new administration,” the firm stated on its website. And another Am Law 50 firm, Jones Day, said it was continuing its pro bono immigration work in such border towns as Laredo, Texas, though a firm representative said it had seen a “slight reduction” in requests from migrants in U.S. detention. Yet, some other firms that were eager to talk about their work providing pro bono services to immigrants during the first Trump administration either declined to comment to Law.com for the story, such as Morgan, Lewis & Bockius, or did not respond to requests for comment about their firms’ current practices.

Lauren R. Aronson, who directs the immigration law clinic at the University of Illinois College of Law, noted the issue of illegal immigration was in the “limelight” in both Joe Biden’s and Trump’s previous terms. However, she said “there’s something different this time around” in the approach the Trump administration is taking after the president's return to the White House.

“It is a much more intense attack,” Aronson said. “It’s more, ‘Which side are you on?’”

The administration has moved quickly in its first weeks to take action, including sending planeloads of illegal immigrants in the U.S. to Central and South American countries, and using the military to close off the southern border.

Its latest move included Trump signing an executive order Feb. 19 for all departments and agencies to identify all federally funded programs “currently providing financial benefits to illegal aliens and take corrective action.” The Interior and Health & Human Services departments followed by issuing a stop work order to all lawyers and legal aid organizations

funded through such programs as the Unaccompanied Children Program.

Aronson, who earlier in her career was a tax law associate at Dewey & LaBouef in New York, admitted she did not know about how specific firms operate, but she acknowledged there is “much more need” for pro bono immigration work because of the administration’s more aggressive stance toward prosecuting immigration cases and pulling federal funding for programs providing legal services to immigrants.

“It is critical that the Big Law [firms] maintain that commitment,” she said. “What’s happening in this administration is people are showing ... how much pressure they can withstand.

“I think some law firms who have a true commitment to vulnerable populations and providing that pro bono representation will maintain it and maybe double down on it,” she said.

Some firms also may bow to the wishes of large clients who may support the administration’s efforts. Aronson said.

“I’m sure there will be others that will lose that part of their mission, or certainly won’t put as much of an emphasis on the importance of that representation,” she said.

'A Fundamental Right'

During the first Trump administration, certain firms—like Paul, Weiss, Rifkind, Wharton & Garrison and Hogan Lovells—had touted their pro bono efforts tied to immigration.

Paul Weiss was part of challenges to previous Trump administration immigration policies on immigrant parents separated from their children in 2019, and chairman Brad Karp published an op-ed in the New York Times the previous year decrying Trump's immigration policies. Hogan Lovells professionals in 2018 worked to prepare women and children immigrants who fled Central America for their asylum hearings.

But now the firms declined to comment or engage on the subject, illustrating how the calculus may have changed.

In contrast, Gibson Dunn filed lawsuits this month on behalf of several organizations that provide legal services to immigrants, including Washington, D.C.-based groups Amica Center for Immigrants Rights and the U.S. Conference of Catholic Bishops, after the Justice Department cut funding for their programs in response to the executive order.

To create and operate its immigration task force, Gibson Dunn is using its “experience in humanitarian immigration law, labor and employment law, appellate and constitutional law, and administrative law and policy,” according to information from the firm.

Katie Marquart, a partner in Gibson Dunn’s Los Angeles office and the firm’s pro bono chair, said in an interview the task force “is a natural outgrowth of the firm’s robust pro bono practice,” much of which “is dedicated to representing immigrants and refugees around the world.”

“In these uncertain and tumultuous times, continued and robust access to legal representation in the immigration space is not just a necessity—it is a fundamental right,” Marquart said.

“The firm remains committed to supporting individuals and communities impacted by these changes through its pro bono practice,” she said.

She said the firm anticipated “considerable overlap between our pro bono practice and crisis management practice,” such as when responding to immigration-related issues such as the travel ban and family separation crises during Trump’s first term and more recent refugee movement from Afghanistan and Ukraine.

With its task force, Gibson Dunn will provide clients with updates on developments affecting both the business and humanitarian immigration sectors, and support pro bono initiatives and foster collaborations that

address the humanitarian aspects of immigration changes, the firm said on its website.

The firm previously represented Deferred Action for Childhood Arrivals (DACA) recipients at the Supreme Court, among other actions.

On the Border

Jones Day had numerous ties to the first Trump administration, and while its alumni are not as well represented this time around, former regulatory lawyer Brett Shumate currently leads the Department of Justice's Civil Division and partner Jonathan Gould has been nominated as the Treasury Department's comptroller of the currency.

But the Am Law 50 firm also has had full-time legal staff and volunteer teams in an office housing its "Border Project" in Laredo, Texas, since February 2017—and is "committed" to keeping its office and legal team in Laredo for "as long as the need for legal services and access to the rule of law for migrants persists," said Laura Tuell, global partner-in-charge of pro bono.

"We have strong relationships in the local community and expect that the need for services will continue," Tuell said in an interview.

Tuell relocated temporarily in September 2024 to the Laredo office to oversee its operations, a firm spokesperson said. She said the firm had seen a "slight reduction thus far in requests for our services from migrants in detention" since Trump took office Jan. 20.

However, the Border Project also provides "access to the rule of law and legal services to migrants outside Laredo. Tuell said requests for such services as "Know your Rights" presentations by its lawyers for non-detained migrants have increased since Jan. 20, she said.

The office overlooks the Rio Grande and faces the Mexican government's Port of Entry. It operates with two full-time lawyers, as well as two paralegals, three translators and an office manager.

“Each week we bring in approximately six lawyer volunteers from across the country who assist in providing legal services to the detained migrants,” Tuell said.

In addition to its Laredo staff, the firm dedicates two Houston-based lawyers full time to the Border Project. She said their work includes “supporting and facilitating the hundreds of non-detained trials on our docket, and the Unaccompanied Children Project where we have represented several hundred children.”

Lawyers “from all over the firm” work on a myriad of other pro bono immigration representations, such as in Chicago where they represent families in the credible fear process—fearing torture or persecution if deported—in appeals of negative determination before Illinois immigration judges, Tuell said.

She said “except for about 18 months during which time access to the detention centers was restricted due to COVID” Jones Day has kept full-time staff and volunteer teams in Laredo from February 2017 to the present.

“The project has pivoted services as the needs have changed, including providing consultation to migrants in detention, conducting ‘Know Your Rights’ presentations at local migrant shelters, and representing migrants in bond hearings, detention trials and trials in the [Migrant Protection Protocols] courts,” Tuell said.

The first Trump administration established the Migrant Protection Protocols (MPP) program in 2019. The controversial program required some non-Mexican immigrants seeking asylum at the U.S. border to return to Mexico and appear in an immigration court hearing at a port of entry at a future date, according to information from the nonprofit American Immigration Council.

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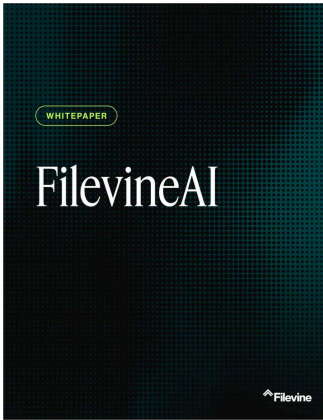
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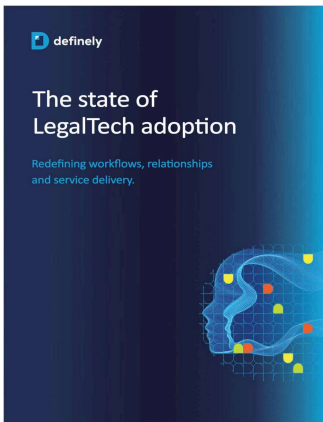
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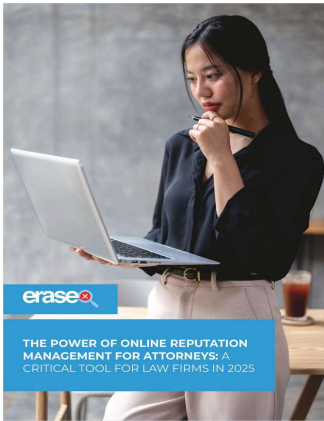


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