

Global Legal Awards' Grand Prize in Citizenship Honors Pro Bono Efforts in the European Refugee Crisis

By Gina Passarella

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Morrison & Foerster counsel Julia Schwalm sat in her car in Berlin for five minutes, refusing to move, until the Pakistani refugee who just accepted her guardianship understood he needed to wear his seat belt. After the 16-year-old refugee to Germany was able to accept that a woman would be his guardian, it was the little things he and Schwalm had to overcome—like the seat belt, she says, or how to communicate. They used mobile instant messenger WhatsApp and its translation function to correspond. But Schwalm says it was important to her that her client learn German if he was to achieve the asylum he was seeking and assimilate into a country that has one of the largest refugee populations in Europe.

Now that her client is over 18, Schwalm is no longer a guardian but is still representing him in his asylum appeal. She still worries about his mental health, given that he lives in a country without his parents, who are back in Pakistan, where a family feud over land has made her client fearful for his life.

“Being a trustee is a very personal thing to do. It’s not something that the firm would say ‘Who wants to volunteer?’ It’s not as much of an adoption, but it’s close,” Schwalm says, adding “They are kids. They are alone. You worry about them.”

When Schwalm received an email from the judiciary about the need for trustees, or guardians as



Courtesy photo

Julia Schwalm of Morrison & Foerster in Germany.

they are called in the United States, she forwarded it to friends at other international law firms in the same building as MoFo. She and four others from various firms agreed to take on cases.

“It doesn’t mesh well with normal lawyer work,” Schwalm admits, noting how trustees must frequently go before government agencies during the day to sign things on their clients’ behalf. And time sheets don’t account for the hours going to the movies or attending thank-you dinners prepared by the refugees, she says.

There isn’t much about the refugee crisis in Europe that meshes well with a normal schedule or even normal pro bono initiatives, as evidenced by the multipronged response to the crisis taken on by firms like MoFo and Latham & Watkins. Aside from the trustee work, MoFo lawyers spent more

than 1,200 hours last year helping pro bono client IsraAID set up as a nonprofit in Germany to aid refugees; working to get approvals for Hotel Utopia, which was designed to be a hotel run by refugees; and helping GoVolunteer get nonprofit status to help connect volunteers with refugee support efforts.

Latham & Watkins London partner Helena Potts found herself and a team of lawyers from the firm in an uncommon scenario for pro bono work: They went up against two or three other firms for the right to represent the International Rescue Committee pro bono. Partner TrustLaw, which was facilitating IRC's hiring of outside counsel, had worked with Potts a few years earlier on a multijurisdictional project researching citizenship and the rights of mothers and children. IRC was seeking counsel to identify the rationale behind the "sensational headlines" surrounding Syrian refugees entering Europe, seek the truth and use that to advocate on behalf of the refugees. Latham & Watkins won the work and was quickly put to the test. The lawyers had nine days to prepare 44 memoranda in advance of the March 2016 European Council meeting on the movement of refugees between Turkey and the European Union. Those memoranda now serve as a guide in refugee camps and for other international humanitarian organizations to turn to.

Latham & Watkins has also focused some of its efforts in Germany, running clinics alongside the Red Cross for refugees seeking legal advice on the asylum process. And the firm works on behalf

of the Red Cross, CARE USA, the Norwegian Refugee Council and Mercy Corps, advising them on the ground as they conduct their operations. Even laptops and cell phones are subject to embargoes, so the firm helps those organizations navigate export control restrictions when bringing supplies to set up operations in various countries, among other issues.

The work isn't always easy or successful. Hotel Utopia is still in planning stages, advocacy before the European Council didn't go quite as well as it hoped for and Schwalm's client is still fighting the denial of his asylum status. But Schwalm, Potts and their teams remain committed. The Berlin lawyers at MoFo logged an average of 104 pro bono hours each last year, and the work continues. Latham & Watkins is moving forward with its clinics and nonprofit representation as well.

Both Potts and Schwalm cite their firms' commitment to pro bono as a reason why they can handle such large-scale, complex and ongoing legal issues. And controversial ones at that. The refugee crisis has created strains in Germany, leading to vocal opinions on both sides of the issue.

But even if some at the firm don't agree with the outcome of certain cases, they support the refugees' right to representation, Potts says. "I think everyone here fundamentally believes in the rule of law," Potts says.

The honorees in this category were Latham & Watkins and Morrison & Foerster.