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REMARKS OF ATTORNEY GENERAL RENO
AT THE MEETING OF THE
NATIONAL ORGANIZATION OF
BAR COUNSEL

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Saturday, August 2, 1997

San Francisco Marriott
San Francisco, California

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11:07 a.m.

ATTORNEY GENERAL RENO: Thank you very
much. And thank you all.

I am delighted to have the opportunity to
be here with you today because I'm asking for
something, and I hope to even give something in
return, to effect an outcome --

The work you do to ensure that the legal
profession abides by the highest standards of

10 conduct is very important. It is vital that we,
11 as attorneys, set an example and maintain the
12 confidence of our clients and the general public.

13 And, for 16 years, as State Attorney in
14 Miami, I know the issues and I know and I know how
15 important it was to be able to work with our
16 counsel. And we need to provide -- and I would
17 welcome your input on my comments today.

18 I would welcome today any questions you
19 may have but I would also welcome, on a continuing
20 basis, any questions you have as to how we might
21 improve the working relationships between Bar
22 Counsel and the Office of Professional
23 Responsibility with respect to the Justice
24 Department lawyers.

25 This is one of my highest priorities and

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1 I, indeed, welcome any ideas you have as to what
2 we can do to improve our efforts and to improve
3 our cooperation with you.

4 I understand that, at your conference
5 this week, you have been discussing expanding
6 cooperation across state lines in the area of
7 attorney discipline, including reciprocal attorney
8 disbarments and multiple agency cooperation. I am
9 going to be interested -- discussions and results
10 because I believe that cooperative efforts such as
11 these are a key to combating the serious problem
12 of unscrupulous practitioners. Fraudulent and
13 unethical behavior is a serious blight on our
14 professions and, as people cross state lines -- is
15 it, as you know, more important than ever that we
16 -- the most comprehension of such problems.

17 I come here today to enlist your support
18 in tackling an issue that is of growing concern
19 across the country and to me personally: the
20 victimization of immigrants by unscrupulous
21 immigration practitioners, both lawyers and non-
22 lawyers.

23 I come with the perspective that I
24 suspect that many of you share. My father came to
25 this country when he was 12 years old. He spoke

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1 no English when he moved here from --

2 Four years later, he was editor of the
3 high school newspaper and he spent years writing
4 beautiful English for the Miami Herald as a
5 political reporter. So immigration and immigrants
6 are very dear to my heart and those who would take
7 advantage of them are those that I would like to
8 focus on.

9 Let me give you an example of what I mean
10 in terms of this problem. Last year, in my
11 hometown of Miami, nearly 100 immigrants, many of
12 them elderly, dealt with a man who promised to
13 file citizenship applications on their behalf.

14 Understand the setting. The Welfare Act
15 had passed. They were worried they were going to
16 lose their benefits, they were here legally, they
17 had contributed and their families had
18 contributed. They gave him money for filing fees
19 and for the processing costs, and they believed he
20 would shepherd the applications from there.

21 Instead of filing their applications,
22 however, he took their money and never forwarded
23 anything to the INS. The immigrants lost their
24 money and found themselves no closer to the U.S.
25 citizenship they so desired than they were before

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1 they started.

2 Fortunately, the INS was able to assist
3 many of those who were defrauded but hundreds of
4 thousands of others are not so lucky. Every day
5 gross numbers of unwary immigrants are defrauded
6 and abused by unethical practitioners whose sole
7 aim is greed and monetary gain. These
8 practitioners literally prey on immigrants, so
9 many of them, especially those who are here
10 unlawfully, are ill-informed about the law and
11 unlikely to complain to the authorities.

12 Much of the unscrupulous immigration
13 practice involves practitioners who file
14 fraudulent applications, apply for benefits they
15 know that the client are inelligible for, or they
16 accept fees for services never provided. Often,
17 these practitioners have only a tacit knowledge of
18 the applicable immigration law and regulations.

19 How do we respond? Well, ten years ago,
20 I'll tell you what the response was: of all the
21 agencies involved, the local prosecutor's office,
22 the U.S. Attorney's Office, the Immigration and
23 Naturalization Service or, indeed, the FBI, the
24 one agency that was trying to respond was the
25 Florida Bar. The Florida Bar was on the scene

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1 trying to figure out what could be done. They
2 pointed out that much of the problem that was
3 ongoing involved the unauthorized practice of law
4 and they were limited in what they could do.

5 "They're breaking the law, then why don't
6 we do something?" Well, I said, "Well, I think
7 that's a good idea." Then they could get into it
8 and ask the police department to investigate, and
9 they say, "But, Janet, I don't know anything about
10 Immigration and Naturalization law, I can't tell
11 what's fraud and what's not fraud. I call the FBI
12 and they say they're too busy to handle it and I
13 called the U.S. Attorney's Office and they would
14 say, 'Well, we're too busy.'"

15 I don't think that we can let people be
16 victims of such thieving fraud and be too busy not
17 to handle it and just following up with what's
18 part of our --

19 It seems to me that the other agencies
20 should reach out, as I am reaching out to you
21 today, to find out how we can cooperate and what
22 we can do better and more effective in
23 coordinating efforts.

24 And so, to address this problem, I have
25 created a working group in the Department of

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1 Justice to explore both enhancement enforcement
2 against violators and intensified educational
3 outreach to the immigration communities most at
4 risk of abuse.

5 As many of these scams constitute a
6 violation of state, if not federal, law, I have
7 asked the group to reach out to state and local
8 prosecutors, state bars, and immigrant service
9 organizations to see how we can work together to

10 combat unscrupulous immigration scams.

11 Immigration fraud is a national problem
12 but the solution must be tailored to the local
13 level if we are to succeed.

14 Together can punish this fraud through
15 enforcement efforts at both the state and federal
16 level. On the state level, you, through the state
17 bar, can disbar or otherwise sanction unethical
18 attorneys and publicize your actions, thereby
19 deterring other unscrupulous lawyers. Where the
20 case merits prosecuting for fraud, theft, or
21 violations of consumer protection laws, you can
22 refer those cases to local prosecutors, whether
23 the practitioner is an attorney or not.

24 And your question basically, "Why should
25 I refer to the local prosecutor if I'm going to

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1 get the same answer that you gave the Florida bar
2 when you were in Miami?" And that's what we're
3 trying to do, is to try to reach out to national
4 District Attorneys Associations to coordinate
5 activities with local prosecutors and the U.S.
6 Attorney to make sure that we are effective in
7 taking prosecutorial action.

8 Immigration is unique in that it involves
9 both attorney and non-attorney practitioners. The
10 non-attorney practitioners include both
11 representatives who are certified by the
12 Department of Justice to appear in immigration
13 court as well as other non-lawyer providers of
14 immigration services. While many of these non-
15 attorney practitioners are experienced and provide
16 valuable services to immigrants, a large number
17 are either unqualified to offer services or are
18 engaged in outright fraud.

19 I know that state bars typically have
20 little or no authority over non-attorneys, but
21 where cases involving fraud by non-attorneys come
22 to your attention, I urge you to report to your
23 state or local prosecutors. And what we want to
24 do is, particularly in the states with large
25 immigrant populations, we want to develop wide

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1 communication that is suitable to your states so
2 that you'll know who to call and where to go
3 without being referred from one person to the
4 next.

5 I understand that, in some states, the
6 state bar can seek civil injunctions against the
7 unauthorized practice of law and, where this is
8 possible, I would encourage such efforts to stop
9 unscrupulous immigration practices.

10 And we're not trying -- we would like to
11 work with you in trying to provide whatever
12 information is helpful or, even more
13 appropriately, we would like to pursue it.

14 The other point that I would like for you
15 to consider is, should we consider legislation
16 that would give the federal authorities -- the
17 federal problem, in -- state bar.

18 On the federal side, there are
19 possibilities for both criminal and civil
20 penalties, although federal jurisdiction over
21 fraud is limited. In addition, there are
22 administrative procedures for disciplining
23 immigration practitioners, both attorneys and non-
24 attorneys.

25 We are presently working on a regulation

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1 to strengthen this disciplinary process for
2 attorneys and accredited representatives who
3 practice before the immigration courts and the
4 INS. Once published, this regulation would
5 provide for stronger and more consistent sanctions
6 against practitioners who file fraudulent
7 applications, charge excessive fees, or provide
8 the ineffective assistance of counsel.

9 And I think we should reach out to you
10 and make sure that your concerns -- to this
11 regulation.

12 In addition to improving enforcement
13 efforts, our working group will also work to
14 educate immigrants as to the danger the fraudulent
15 schemes pose. Together, working with local and
16 national immigrant advocacy groups, we will foster
17 outreach in large immigrant communities to both
18 warn immigrants of unscrupulous practitioners and

19 help them identify qualified and reputable sources
20 of assistance.

21 We are convinced that, if immigrant
22 communities are better informed of their rights
23 and opportunities under the law, fewer people will
24 succumb to the lure of fraudulent schemes. And I
25 believe we can use some -- in this regard.

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1 Shortly after taking office, I visited in
2 Omaha, Nebraska. An immigrant advocacy group
3 asked to meet with me. I was -- but Nebraska
4 decided a large meat-packing industry -- Mexican
5 immigrants.

6 I met with him; he told me the problem of -- but
7 rather than complaining, they told me what they
8 had done to help -- by going out and saying,
9 "You've got this outreach -- and you'll get much
10 better results." We think, if you -- you can be
11 ever more effective.

12 We need your assistance as we develop and
13 disseminate educational materials to consumers of
14 immigration services. We also need your help in
15 reaching out to non-attorney providers of those
16 services to educate them regarding their limits of
17 activities under state rules governing the
18 practice of law.

19 If we join together to pursue the federal
20 goals of enforcement and outreach, we would be so
21 much more effective and you won't have the
22 prosecutors who say, "Well, I guess we'll have to
23 go the feds." And the feds say, "Well, that's
24 really a local problem." and then you're stuck
25 with this again.

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1 Hopefully, we can prevent the problem
2 from falling in the cracks. But we must deter and
3 punish those who are taking advantage of this
4 often vulnerable population in our society.

5 This is particularly true now, as I
6 pointed out earlier, when many immigrants are
7 faced with tough new restrictions on legal
8 immigration and government benefits due to these
9 immigration and welfare reform acts.

10 It is just a very depressing, touching
 11 moment if you're stopped on the street and have
 12 someone say, "My mother is here; she is here
 13 legally, she works here, but she is a permanent
 14 resident and she has never been naturalized. What
 15 is going to happen to her if she is in a nursing
 16 home?" That's the vulnerability that we're
 17 talking about.

18 As legal opportunities for benefits and
 19 relief from deportation diminish, more and more
 20 immigrants will fall prey to scams that promise a
 21 'green card' with no strings attached but a
 22 substantial fee.

23 We are going to do all within our power
 24 and jurisdiction and yet we recognize that we can
 25 only do so much by ourselves. We need your help

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1 and would like to work with you in every way
 2 possible and we appreciate your suggestions.

3 If there are ways that the Justice
 4 Department can specifically help you, in your case
 5 law, function more effectively in your efforts to
 6 sanction and deter unscrupulous immigration
 7 attorneys, we want to hear more about those
 8 actions and your suggestions.

9 The Immigration and Naturalization
 10 Service, is an agency for whom I have profound
 11 respect. When I came into office four years ago,
 12 I discovered, compared to other agencies in the
 13 government -- in terms of staffing, in terms of
 14 technical infrastructure, in terms of management
 15 structure. In these four years, they've addressed
 16 those issues and the need to -- and they -- placed
 17 on it. They continue to do a good job. But we
 18 must work with you and make sure that we have --
 19 communications so that you don't get sent from one
 20 person to the next to try to find out how you can
 21 work with us.

22 Perhaps it would help if we designated an
 23 immigration judge or an INS official, or both, in
 24 key states to work with bar counsel and serve as a
 25 point of contact, as needed. Perhaps you would

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1 like the Justice Department to brief your local
2 unauthorized practice of law committee on actions
3 we are taking with other state bar counsels or
4 local prosecutors. Perhaps you have ideas about
5 how to conduct an educational campaign in your
6 state aimed at warning immigrants about possible
7 scams or letting individuals know where and how to
8 file a complaint against an unscrupulous
9 immigration practitioner.

10 Perhaps you could set up a system whereby
11 the immigration judges or the INS can refer cases
12 to a designated member of your state bar counsel.
13 Perhaps there are other, or more far-reaching,
14 actions we can explore together.

15 You may want to take a jurisdiction like
16 south Florida and let us put together a -- of
17 local prosecutors and U.S. Attorneys, INS
18 officials, and various -- to see how you can work
19 together.

20 No matter what the process of the
21 solution, I promise you we will listen and follow
22 through and, if we don't, my telephone number is
23 202-514-2002. It's 202-514-2002.

24 One -- didn't believe me believe me until
25 he tried one day and I called him back and he was

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1 a believer. And I really had followed through.
2 As a prosecutor in Miami, I tried to return all my
3 phone calls and tried to follow though. I can't
4 do that for everybody in this country, but it is
5 through people like you that I continue to
6 understand what's going on in the field and what
7 people are facing throughout the front lines.

8 In our effort of cooperation, we have met
9 with members of the National District Attorneys
10 Association and the National Association of
11 Attorneys General. We have contacted the state
12 bar associations in Florida, New York, California,
13 and Texas. We are developing both prongs of our
14 initiative, enforcement and outreach, with input
15 from as wide a range of persons as possible:
16 immigration advocacy groups, the American
17 Immigration Lawyers Association, individual
18 immigration attorneys, the American Bar

19 Association, and state committees on the
20 unauthorized practice of law.

21 We want your input, your suggestions, and
22 your thoughts, both today and over the coming
23 weeks and months; and I have my pencil ready.
24 When you return to your homes states, please share
25 my goals with your colleagues. Join forces with

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1 us to attack these fraudulent actions that only
2 diminish our legal profession in the eyes of the
3 public and leave a vulnerable population ill-
4 served. These individuals, many of whom are legal
5 permanent residents of the United States and who
6 have lived and worked in and contributed to our
7 nation for years, deserve to know that we are
8 looking out for them.

9 We have a long and honorable tradition in
10 the land of opportunity and as a residence for
11 immigrants from around the world. Immigrants
12 bring energy, often as diverse experiences, that's
13 long been part of our nation's strength.

14 I went to Cornell University in -- When
15 I came home in 1960 I saw the area that is now
16 known as Little -- and I couldn't quite grasp --
17 When I came home from law school, it was a little
18 bit more obvious. When I was appointed the State
19 Attorney in 1978, the first thing I did was to
20 start practicing my Spanish again. And I saw
21 young lawyers come into the office who were -- who
22 were making such a difference.

23 When I left Miami in 1993, it was one of
24 the greatest international -- of the world -- with
25 the optimism, with energy with the residents that

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1 is a classic -- to this nation.

2 We always -- seems to become a part of
3 our American family, but are prevented from doing
4 so by opportunists that exploit weakness and
5 vulnerability for financial gain. We owe it to
6 our profession and to our country -- this
7 unethical practice and uphold the spirit of the
8 law --

9 I'll be free to answer any questions you

10 have, or even more importantly, to take your
11 suggestions, but I just want you to know that
12 Jennifer Barnes, the Associate General Counsel of
13 the Executive Office for Immigration Review in
14 Washington, D.C., who is a member of our working
15 group on this issue and a member of NOBC, will be
16 available to speak with you, as well, today after
17 this conference ends to give you more information
18 about our efforts and to let you know how to
19 contact our working group and make any suggestions
20 you have as to how we can develop an effective
21 client communication and increased cooperation.

22 Thank you so much for giving me the
23 opportunity to speak with you. And, let me put it
24 this way, if you were the Attorney General of the
25 United States, what would you do to support your

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1 efforts and build a better working relationship?

2 (Applause.)

3 (Whereupon, at 11:28 a.m., the prepared
4 remarks ceased.)

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C E R T I F I C A T E

This is to certify that the attached proceedings in the matter of:

Name of Proceeding:

REMARKS OF ATTORNEY GENERAL RENO AT
THE MEETING OF THE NATIONAL
ORGANIZATION OF BAR COUNSEL

Docket Number: N/A

Place of Proceeding: SAN FRANCISCO,
CALIFORNIA

Date of Proceeding: August 2, 1997

were held as herein appears, and that this is the original transcript thereof for the file of the Department of Justice taken by me and, thereafter reduced to typewriting by me or under my direction.

Margaret Devers