

# Guardians at the Gate: The Backgrounds, Career Paths, and Professional Development of Private US Immigration Lawyers

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*This article presents findings from a qualitative study of seventy-one New York immigration lawyers who are engaged in private practice. It focuses on the lawyers' backgrounds, career paths, and early professional training and describes, inter alia, the unusual diversity of this bar, the lawyers' reasons for practicing immigration law, the ways in which they learn to practice law, and the strong sense of community within the private immigration bar. It uses the idea of communities of practice to help understand how lawyers learn from their colleagues and are influenced by them. The article identifies several factors that may contribute to the supportiveness of the bar and the strong sense of community within that practice specialty, notwithstanding its great diversity. It concludes by making some preliminary comparisons between immigration lawyers and lawyers in other practice specialties and by identifying some questions for future study.*

## INTRODUCTION

For many immigrants in the United States, the immigration lawyer is the guardian at the gate. The experiences they have with those lawyers often determine whether they are able to obtain—or retain—legal status in this country (Ramji-Nogales, Schoenholtz, and Schrag 2007). These experiences no doubt shape their views of lawyers, the US legal system, and US society as

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a whole. Immigration lawyers help some of the most marginalized and subordinated members of society. And despite working in, and through, a complex area of administrative law, these lawyers tend themselves to receive little respect within the legal profession. Until now, little has been written about US immigration lawyers, including their paths into the profession and their socialization.

Indeed, remarkably little is known about US immigration lawyers as a group. Even the number of lawyers who currently practice immigration law in the United States is unknown. The American Immigration Lawyers' Association (AILA) claims to have more than 10,000 members, but AILA's dues are high and not all immigration lawyers belong to that specialty bar association. Moreover, some lawyers practice immigration law only occasionally, so it seems unlikely that such lawyers would pay to belong to AILA.

Although there has been little study of these attorneys, the *perception* of immigration lawyers within the legal community is better known. Immigration lawyers traditionally have been considered low in the lawyer status hierarchy because they are thought to deal primarily with personal plight matters rather than more remunerative corporate work. Indeed, in their 1995 study of Chicago lawyers, Heinz et al. (2005, 84) placed the immigration field second to last (41 of 42) in terms of prestige. Perceptions of prestige are affected by types of clients served (*ibid.*, 85–86), and since immigration lawyers' clients are often not US citizens—and some have criminal records—immigration lawyers' status within the profession is low.

Nevertheless, the conventional view of the work of immigration lawyers may be changing. The emergence of immigration clinics at many law schools has increased student interest in immigration law. The participation of large corporate law firms in pro bono immigration cases also contributes positively to the prestige of the practice. Moreover, the clients of immigration lawyers are increasingly varied. It remains true that many immigration lawyers represent individuals in family-based matters, asylum proceedings, and removal defense, which may involve individuals with little money. There is a cohort of immigration lawyers, however, who devote their practice to business immigration work. In fact, immigration lawyers represent clients ranging from Fortune 100 companies seeking to bring skilled employees into the United States; students seeking to obtain an education in the US; individuals seeking to visit or stay in the US in order to make investments, better their lives, or escape persecution; and people across the socioeconomic spectrum seeking to be reunited with their relatives. Thus, immigration lawyers work in the largest corporate law firms and in solo practices. Some of these lawyers practice in-house in corporations, in legal services or other not-for-profit organizations, in law school clinics, or in government offices. The majority, however, engage in the private practice of law.

This article reports on a qualitative study of the private immigration bar in the New York City area conducted in 2006. The study of that bar may

prove to be useful for several reasons. The private immigration bar is relatively small and, to some extent, cohesive. Studying the work lives of immigration lawyers will not only enhance our understanding of the professional development, organization, and socialization of those lawyers, but of the US legal profession more generally. Many immigration lawyers work in solo and small firms, and thus, lessons learned about the private immigration bar may add to knowledge derived from previous studies of solo and small-firm lawyers who specialize in other areas of the law. Studying immigration lawyers also provides another lens through which to observe the immigrant's experience with the law.

This article focuses on the backgrounds, career paths, and early professional development of private immigration lawyers in order to "set the table" for a better understanding of their work lives, their socialization, and their decision making. Mather, McEwen, and Maiman (2001, 6) have shown that communities of practice—that is, "groups of lawyers with whom lawyers interact and to whom they compare themselves"—help shape the decision making of lawyers through collegial influence and controls. Not all lawyer decision making, however, is controlled by communities of practice. Factors including workplace commitments, client resources, lawyers' backgrounds and personal characteristics, formal rules, and cognitive biases affect lawyers' decisions in practice (Wilkins 1990; Langevoort 1993; Mather, McEwen, and Maiman 2001).

In order to understand how immigration lawyers' communities of practice develop and are constituted—and the ways in which other factors may also affect their decision making—it is necessary to begin at the beginning. This article attempts to do so by drawing upon interviews with seventy-one lawyers in the New York City metropolitan area who are engaged in the private practice of immigration law. The article will explore who these lawyers are, their career paths, their current practice settings, and how they learned to practice law. By identifying the backgrounds and personal characteristics of these lawyers and how and why they entered the immigration field, it may be possible to better understand their likely views toward their work and their clients. Likewise, exploring how they learned to practice law and the role played by colleagues, judges, and specialty bars may provide greater insight into their communities of practice, their understanding of practice norms, and their decision making.

## RESEARCH ON THE LEGAL PROFESSION

This study fits within the growing body of literature on the legal profession and, more specifically, on lawyers who work in solo and small law firms. Jerome Carlin (1966, 19–26) reported more than forty years ago that

lawyers' socioeconomic backgrounds and personal characteristics affect the types of law schools they are likely to attend and the legal work they are likely to do. More recently, Heinz et al. (2005, 72–73) found that the prestige of the law schools from which lawyers graduate continues to affect career opportunities and that access to prestigious law schools is determined in important part by socioeconomic status. Thus, lawyers who attend prestigious law schools are more likely to work in large law firms representing corporate clients, while those who attend local law schools are more likely to work in solo or small-firm practices handling personal plight matters for individuals. Since the perceived prestige of a legal practice is tied to the wealth and power of the clients served, solo and small-firm lawyers are viewed as doing less prestigious work than larger firm lawyers or in-house counsel (95–96).

Carroll Seron's study (1996) of solo and small-firm lawyers provides a nuanced look at these practitioners and the choices they make about how to practice law. Many of them entered a legal career because of a desire to help individuals at moments of legal difficulty (5, 11). Yet they are not a monolithic group. These lawyers practice in a wide range of specialties, ranging from sophisticated corporate work to traditional personal plight specialties (e.g., divorce, criminal, etc.) and general practice (see also Levin 2001). Women and minorities disproportionately practice in solo and small-firm settings (Carson 2004; Heinz et al. 2005).

Sociolegal scholars have attempted to identify the ways in which lawyers come to understand their professional roles and the norms of legal practice in a variety of practice settings. Robert Nelson and David Trubek (1992, 179) have used the term "arenas of professionalism" to describe the institutional settings in which groups of lawyers construct their understanding of professional norms and values. These arenas include legal education, bar associations, the workplace, and disciplinary enforcement (185). They conceive of the "workplace" where professional values are communicated and inculcated as the individual large law firm or other discrete organization within which lawyers work (205–10).

In the solo and small-firm context, however, the workplace may not be limited to the individual law firm. It may be a looser association of lawyers who share office space or provide advice, even if they are not formally associated or even physically proximate (Carlin 1966; Levin 2001). For these lawyers, Mather, McEwen, and Maiman's (2001, 6) concept of "communities of practice" may be more useful. Communities of practice are the groups of lawyers with whom other lawyers interact and to whom they look for their understanding of practice norms and their decision making in practice. For example, divorce lawyers, who practice mostly in solo and small firms, work within overlapping communities that include the bar as a whole, lawyers in particular locales, specialists and nonspecialists in family law, and communities of individual law firms (6, 14).

Scholars who have examined the work lives of lawyers in solo and small-firm settings have reported findings that suggest ways in which communities of practice communicate norms and exert controls over lawyers. Mather, McEwen, and Maiman found that the communities of practice of divorce lawyers are able to exercise limited influence and control over other lawyers through the negotiations and litigation that occur between lawyers (48). Donald Landon's study (1990, 140–42) of solo and small-firm lawyers in rural Missouri found that lawyers in small towns sometimes work together to reign in overzealous advocacy by attorneys who are not playing by the rules of country courtesy. Kenneth Mann (1985, 176–77) found that white-collar criminal defense lawyers, who are often former federal prosecutors, refer codefendants whom they cannot represent to other former assistant US Attorneys who have common expectations about how a case will be handled and about cooperation among counsel. Sara Parikh's study (2001, 154–55, 225) of Chicago personal injury lawyers demonstrates how those lawyers use their case referral networks to impose collegial controls on other lawyers.

Not only are solo and small-firm lawyers influenced by overlapping communities of practice, but early experiences with those communities may be especially important. New lawyers closely observe experienced attorneys as they learn to practice law (Seron 1996; Levin 2001). Indeed, observation and advice from other lawyers in their own offices is a major source of learning in practice (Zemans and Rosenblum 1981; Garth and Martin 1993). Other attorneys encountered early in practice can also have a long-term effect on lawyers' understanding of practice norms (Hellman 1991; Levin 2004). Once lawyers have decided how to resolve a question in practice, they are likely to resolve the same question in a similar manner when it arises in the future (Langevoort 1997; Rostain 1999; Levin 2004). Thus, lawyers' career paths and early professional development deserve careful attention.

The study described in this article builds upon previous research. This article explores immigration lawyers' backgrounds, career paths, professional development, and current work settings because they provide context for understanding a little-known segment of the bar and may also shed light on their communities of practice. Mather, McEwen, and Maiman (2001) have suggested that the power of communities of practice to exercise collegial control may depend upon a variety of factors including, *inter alia*, the strength of members' identification with the group, the intensity of members' socialization in the group, the congruence between members' self-interest and collegial expectations, and the degree to which members of collegial groups share language and experience (180). This suggests that any study of communities of practice requires exploration of the backgrounds and learning experiences of the lawyers.

Thus, this article will explore the backgrounds and current practice settings of immigration lawyers for the purpose of considering how these factors may affect where they find and how they view their communities of

practice. It will also consider how the practice settings and manner in which these lawyers first learned to practice law may affect their identification with various communities. The article will further examine the nature and the demands of the lawyers' work because this information may provide insight into the importance of their communities. After surveying this information, the article will consider how these factors, viewed together, can lead to strong and supportive communities of practice—at least for some immigration lawyers.

## METHODOLOGY

In order to create a random sample, I gathered the names of approximately 1,350 lawyers who practiced immigration law in New York City or in the adjoining suburban counties.<sup>1</sup> I excluded the names of lawyers who appeared not to work in private practice, and then randomly selected the names of 228 lawyers to whom I sent letters explaining the study and telling them that I would be calling them.<sup>2</sup> I then followed up with telephone calls soliciting participation, and after eliminating attorneys who did not devote at least 20 percent of their time to the private practice of immigration law in New York and those whose correct contact information could not be located, the final sample was 186 lawyers. I interviewed 68 lawyers from that sample<sup>3</sup> and 3 additional lawyers whom I encountered while soliciting participation in the study or conducting interviews.

Of the 71 lawyers interviewed, 49 were men and 22 were women. Most (53) maintained offices in Manhattan. Of the remainder, 6 practiced in Queens, 5 in Nassau County, 4 in Westchester County, 1 in the Bronx, and 1 in Brooklyn. One maintained a home office on Staten Island but had no clients in the borough. Some of the lawyers worked in firms that had offices in multiple locations, including 2 lawyers who worked primarily in New

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1. The sample included all AILA members in the New York City area, names that appeared on LEXIS in connection with published immigration decisions, lawyers listed in the *New York Martindale-Hubbell Law Directory* (via LEXIS) who indicated they practiced immigration law, and names that appeared in yellow page and Internet advertising and on Web sites. It did not include lawyers who did not belong to AILA and did not advertise or non-AILA members who only advertised in foreign language newspapers, community newspapers, or church bulletins.

2. I subsequently decided not to contact lawyers who were admitted to a US bar after 2004 because they likely would be too new to the practice of immigration law for the purposes of this study.

3. I excluded 15 lawyers from the list of 186 either because they practiced in the same firm as another lawyer on the list who had agreed to be interviewed or because they had only recently begun to practice immigration law. Twenty-one lawyers explicitly declined to be interviewed, some offering to speak with me for a brief period or to answer written questions. Some did not return my telephone calls or e-mails. I interviewed the remainder of the lawyers in the sample.

Jersey. Most of the lawyers I interviewed devoted more than 75 percent of their practice to immigration law.<sup>4</sup>

I conducted semistructured interviews with the lawyers from July through December 2006. All but 2 of the interviews were conducted in person, and the interviews were usually conducted in the lawyer's office. The interviews were conducted with the promise of confidentiality and all but 3 of the interviews were audiotaped.<sup>5</sup> The interviews lasted, on average, 75 minutes. On a few occasions, I followed up with some brief questions via e-mail after the interviews.

## PERSONAL CHARACTERISTICS AND OTHER BACKGROUND

The "Chicago Lawyers' Study" (see Heinz et al. 2005) suggests that the immigration field—which primarily involves the representation of individuals—would be comprised of lawyers who graduated from lower-tier law schools and are disproportionately minority lawyers. While this generally describes the lawyers in the sample, a review of their backgrounds and personal characteristics reveals that the story is more complicated. Accordingly, this section identifies background information about the immigration lawyers in the sample in order to provide a better understanding of who these lawyers are and how their backgrounds may affect, *inter alia*, their entry into the immigration field, the ways in which they learn to practice law, and their decision making in practice.

### Who They Are and Where They Come From

The sample suggests that New York City immigration lawyers may be among the most diverse groups of lawyers working in the United States. One-third of the immigration lawyers interviewed were not born in the United States. The most common countries of origin were India, the

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4. This does not mean that most lawyers who do immigration work specialize, since the sample drew from lawyers who were likely to devote a significant portion of their practice to immigration law. In contrast, the "After the JD" study, which is a longitudinal study conducted by the American Bar Foundation of US lawyers admitted around the year 2000, revealed that only 37 of the 150 New York private practitioners in that study who practiced any immigration law devoted 75 percent or more of their time to immigration. (The "After the JD" study is an ongoing project. Results from first-wave data were supplied to the author by Gabriele Plickert, Research Social Scientist and AJD Project Manager at the American Bar Foundation. These data are not yet published.) While this figure is probably not representative of the immigration bar, because the "After the JD" study exclusively surveys new lawyers who may be trying out various practice areas, it suggests that the present study is skewed toward specialists.

5. The audiotapes and transcripts of the tapes are on file with the author.



Philippines, and the former Communist-bloc counties.<sup>6</sup> Almost one-third of the US-born lawyers (32 percent) had at least one parent who was foreign-born.<sup>7</sup> More than 45 percent of the US-born lawyers in the sample were Jewish. About 12 percent of the US-born lawyers in the sample identified themselves as being Latino and an equal number self-identified as being Irish Americans or Italian Americans. There were no US-born African Americans in the sample.<sup>8</sup>

The ethno-religious diversity of the lawyers in the study is striking but unsurprising. The percentage of Jewish lawyers practicing in New York City from the 1930s to the 1960s has been estimated to range from 50 to 60 percent (Carlin 1966; Auerbach 1976). Moreover, Jews and Catholics traditionally entered into low-status personal plight work more than Protestants because of the difficulty of obtaining work in more elite law firms (Fagen 1939; Carlin 1966; Auerbach 1976). According to the “Chicago Lawyers Study” (see Heinz et al. 2005), this trend has changed somewhat since 1975. As the authors of that study noted, “when women and minorities entered the profession in substantial numbers, they tended to replace Catholics and Jews on the lower rungs of the ladder” (Heinz et al. 2005, 72). This observation may help explain why the percentage of Jews in the overall sample was approximately 37 percent and why so many lawyers in the present study were minorities and/or new immigrants.

The story of why immigration lawyers enter the field, however, is not fully explained by a lack of other opportunities. Many immigration lawyers have or feel a strong connection with the immigrant experience, even when they are not themselves immigrants or the children of immigrants. One such lawyer in a small firm (Attorney #2),<sup>9</sup> described hearing stories of how his grandfather, who was also an immigration lawyer, went to Ellis Island to meet his clients before they entered the United States. Another lawyer in a large firm noted:

I think overwhelmingly most immigration attorneys that I know have some background of some immigration in their own family. You know, we have a number of them here at [his firm] who went through the process themselves, or whatever. . . . And myself, my parents were both born here; my father's family, his grandparents came over from Italy, like

6. It appeared that there were also a sizable number of Chinese lawyers, but many lawyers with Chinese surnames declined to be interviewed.

7. Thus, there appears to be a higher percentage of lawyers with foreign-born parents in the sample than there is in the general New York City lawyer population. The first-wave data from the “After the JD” study revealed that only 34 percent of the respondents working in New York City had at least one parent who was foreign-born. In contrast, 54 percent of the lawyers in this study were foreign-born or had a parent who was foreign-born.

8. There were, however, three foreign-born lawyers who identified themselves as Nigerian or Jamaican.

9. Citations with an attorney's number refer to particular study participants.



off the boat, and all that. And we grew up with a very Italian-American heritage feeling on my father's side. And my mother's side, my grandfather was from Lithuania; he was actually—all his like, older sisters, were born in Lithuania. He was like the first one born in America, you know, and him and his younger brother and sister were born here. So you had that feeling. I kind of had those roots. (Attorney #28)

Of the 71 lawyers in the study, 69 percent were male and 31 percent were female, which roughly approximates the percentage of male and female lawyers in New York State.<sup>10</sup> These figures probably do not, however, accurately reflect the percentage of women who practice immigration law, because I excluded all lawyers who had passed the bar in 2005 and 2006, which are years when women were increasingly entering the profession. The ages of the lawyers in the sample also were not representative of the lawyers who practice immigration law, again because I did not interview lawyers who were admitted to a US bar after 2004. The lawyers I interviewed ranged in age from 28 to 77. The median age of the lawyers in the study was 46, which was 3 years higher than the median age of New York lawyers in 2000 (Carson 2004).

A little more than 80 percent of the lawyers in the sample received a JD from a US law school. Only a very few attended evening division programs. Three received JD degrees from “elite” law schools and twelve lawyers received JD degrees from “prestige” law schools.<sup>11</sup> The largest number of JD holders graduated from mid-tier law schools. Seventeen received JD degrees from lower prestige law schools.<sup>12</sup> About one-third of the JD holders had also earned an LLM or a second postgraduate degree in some other field.

Of the twenty-four foreign-born lawyers, eleven had obtained a JD. Two had earned the JD from a prestige law school.<sup>13</sup> Thirteen of the foreign-born lawyers obtained their first law degrees in another country, and seven of those attended an LLM or similar program in the United States, while six took

10. In the year 2000, 70.4 percent of New York lawyers were male and 29.6 percent were female (Carson 2004, 161). The number of women entering the profession has been increasing since 2000, however, and it appears that an increasing number of women may be entering the immigration field.

11. I am using the definition of “elite” law schools that was used by Heinz et al., which limited the “elite” schools to the University of Chicago, Columbia, Harvard, Michigan, Stanford, and Yale (2005, 24). The term “prestige” law schools is used here to refer to New York University Law School and the law schools ranked six through twenty-five by *U.S. News & World Report* (2007) at the time of the interviews.

12. The term “lower prestige” is used to describe law schools that fell within the third and fourth tiers of the *U.S. News & World Report* (2007) rankings.

13. This finding is somewhat at odds with the “After the JD” first-wave data. Sterling, Dinovitzer, and Garth (2007) reported that the first-wave data revealed that 40 percent of the children of immigrants attended upper-tier law schools. The differences may be due, in part, to the fact that the first-wave of the “After the JD” study only surveyed relatively recent law graduates and that it was reporting on the children of immigrants and not exclusively on foreign-born students.

advantage of fact that it is possible to be admitted to the New York bar without receiving a JD from a US law school. In other words, a small percentage (8.5 percent) of the lawyers sampled was practicing US immigration law without ever having attended a US law school program.

### The Path to Immigration Law Practice

The path to immigration law was sometimes serendipitous, but the lawyers in the study usually started down that path within two years after admission to a US bar. Sometimes the willingness to handle one immigration case for an acquaintance marked the beginning of a career in immigration law. Foreign-born lawyers sometimes reported that they intended to practice in a different area of law, but were drawn into the practice by people within their ethnic communities. For example, one lawyer who started out in a small general practice recalled, "I had an aunt who came to me and said, you know, 'Can you represent me at the asylum interview?' I said, 'I've never done this,' and I learned the hard way" (Attorney #50). Another foreign-born lawyer explained that, "in the community if you do not practice immigration law they think you are not even an attorney" (Attorney #69). A few reported that they had gotten involved in immigration law practice following efforts to obtain their own green cards.

For foreign-born lawyers, going into immigration law was not necessarily their first choice, but ultimately came to be seen as a logical one. As one attorney explained, "I wanted to do corporate law, and I went to a number of firms on an interview, and they would just look at me and say, 'You're an immigrant; you should do immigration'" (Attorney #25). Since New York is one of the few jurisdictions that permit foreign-trained lawyers to take its bar exam without first obtaining a JD (National Conference of Bar Examiners 2008, 30–31), some foreign-born lawyers choose to settle in New York for that reason. The same lawyer quoted above, who had obtained an LLM in the United States, noted:

Because I'm a foreign student, I have very little option in terms of getting admitted to other state bars. So my practice area would be limited to New York. But with immigration being a federal practice, I can practice anywhere, any state, not restricted to a particular state bar. So that, not that I intend to move out of New York, but it gave me an opportunity, should I want to in the future sometime. (Attorney # 25)

But even a foreign-born attorney who obtained her JD from a prestige US law school found herself reluctantly pulled into immigration law. She had rented an office on lower Broadway in downtown Manhattan, not far from the courts and from Chinatown:

You know, people call me. They're all asking immigration [questions], first of all, because I'm Chinese, and I'm an immigrant myself. So when I was in law school, I really hated immigration law. I have very bad experience with Immigration Service, you know, during my own process of getting green card. So I don't like this particular area. I don't even take the immigration law class! I think, you know, who wants to do that? [Laughs] . . . Then people just called me, ask all immigration questions. So when they call, I learn a lot from the people who call me. So once they call me, then I start my own practice, I don't know how to answer the question. So I just sort of say, "I will call you back," you know, something, and then I go to research online, the [books], other immigration [attorneys]. (Attorney #26)

Other foreign-born lawyers seemingly were more willing to become involved in immigration law from the outset, drawing upon their existing knowledge base. For example, one lawyer in a midsized firm recalled:

As an immigrant myself, you know, a lot of people approached me in connection with immigration law. And that's how I really started my immigration law practice. Besides, I went through the immigration process. I came as a student, on a student visa, and I changed it to H1, and then green card, and then became a citizen later. So I myself went through that process, so it was easy for me to know everything, without any academic training in that subject. (Attorney #33)

Of course, while this lawyer expressed no reluctance about becoming involved in immigration, it was unclear whether he had other choices when entering that field and to what extent those choices were constrained by his education and his nationality.

For those who were born in the United States, a desire to help people, interest in the subject, an inspirational law school teacher, or a strong connection to the immigrant experience often drew lawyers into the field. A business immigration lawyer who graduated from a prestige law school attributed her interest in part to a "really great immigration law professor." She continued:

Yeah, it's something that I did have an inclination that I wanted to do, even in law school, because I like the fact that it does not involve litigating. I like the transactional sort of proactive planning part of it, you know, strategizing, figuring out how to meet people's long-term goals. That part of it I like. And I like that it's very code-based, that it's, you know, a unified, federal, you know, body of law. That sort of appeals to me. . . . And I like that there is sort of this little personal, you know, human connection to it, in the end. When somebody's case gets approved, it's not just the case, it's "gee, my kids get to stay here!" You know, there's a sort of personal, touchy-feely side to it that I like, too. (Attorney #1)

Another lawyer who graduated from a lower-tier school developed a strong desire to do asylum work while still in law school. She was drawn by her family history, the desire to help, and her intellectual interest in the subject. She recalled:

[M]y father's family had a whole refugee history and my mother's family also and so that was like one aspect of it and then the other aspect of it was that I was interested in doing public service—public interest work and I—there was definitely a sort of a—a need of representing poor immigrants and it was something that I felt was valuable or—or compelling and then the third aspect of it I think was that there are other areas of public service law that are also compelling but for different reasons I was not drawn to them. . . . I liked the idea that immigration— asylum in particular—was related to sort of current events and political and social news about other countries and—and it was . . . intellectually interesting so it sort of all drew me to that area. (Attorney #63)

But many US-born lawyers developed their interest in immigration law sometime after graduation from law school. An elite law school graduate (Attorney #42), who had worked for several years in a different specialty, started doing immigration work after he adopted a child from another country.

Virtually all of the US-born lawyers who graduated from elite or prestige law schools affirmatively chose to pursue immigration law at some point in their careers. However, some other US-born lawyers explained that they got into immigration law because it was the only kind of work they could find. In many cases they were second-generation Americans. Since socioeconomic status of origin affects educational opportunities (Heinz et al. 2005, 65), second-generation Americans—who may have lower socioeconomic status than some other law school applicants—may find themselves in lower prestige law schools and then in the immigration field. Attorney #47, who graduated from a lower prestige law school, recalled that after passing the bar and finding himself living at home, he went to his law school's placement office and said, "I'm going to look for anything at all at this point." Another lawyer described taking a series of government jobs after law school that did not work out, then finding himself working for a temporary agency to work off credit card debt. A friend told him about a job at a small immigration firm:

You know, the funny thing is that immigration was actually the area that I thought, "This is going to be the last area that I go into." My parents are Filipino immigrants, and I always had this big fear that if I became an immigration lawyer, I would just be doling out free immigration advice all the time to my relatives, and I'm going to bring over half the family, and they're going to expect me to do it for free! Because, "You know, we're family. You can't charge us!" And so far [knocks on wood, laughs], so far that has not happened! (Attorney #34)

It is therefore not surprising that immigration lawyers—like other segments of the US bar—enter that field for differing reasons. One possible difference, however, is the extent to which many lawyers were attracted to the field—or remained in it—because it resonated with their own history or because of a desire to help others.<sup>14</sup> Indeed, the word “help” emerged often in the interviews. A foreign-born lawyer explained that this was one of several reasons he was drawn to immigration law:

I am in this legal profession not only because there's the power, prestige, and money in this profession but I get an opportunity to serve people in the community also—immigration is one area where you can serve—you can really serve needy people, all right? In all other areas like, say, real estate, it's basically financial gain to your clients, but in immigration law area it's a lifelong gain to your client—that's one reason. (Attorney #69)

Another described a family connection to immigration that he directly related to his desire to help immigrants in his practice:

My grandfather immigrated under conditions where he had to flee and he was penniless, you know, the story everybody tells but that is my legacy and I understand that my father and my brother and I—we only exist because my grandfather took this tremendous risk and literally like walked across Europe—no money at all and . . . [after] all that managed to, you know, bring one child into the world that got an education and—I understand that so well because I—my whole family lived it that I just can't resist it—it has a—a romantic and also an urgency to it that I believe so strongly that people should be allowed to better their lives and that we should help people do that. (Attorney #58)

Even some lawyers who practiced primarily business immigration viewed their work as helping people. As one such lawyer noted:

The main focus of my practice is business immigration, and you know, that's less helping than when—when I'm representing a French banker, it's less helping and nurturing [than when] I'm helping a housekeeper from Jamaica come here and make a better life for her children, which I do, too, because I have a very diverse practice, which I enjoy very much. . . . But nonetheless, it still is, even the French banker, it's still his personal issues. You know, he's still moving with his family, and his wife's issues, and his children's issues, and he's still switching careers, or whatever. And then the cases that are even more are when you're dealing

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14. As previously noted, Seron (1996, 5) found that the desire to “help” individuals at moments of legal difficulty was one of the reasons why the solo and small-firm lawyers she studied decided to go to law school. Thus, the desire to help is not limited to immigration law, but it seemed to be a particularly salient reason for entering or remaining in that field.

with humanitarian issues, and helping issues. So that's still the roots of it. I mean, even if you have a total business practice, I think your roots are somewhere in that. (Attorney #31)

It would be incorrect, however, to characterize all immigration lawyers as being motivated by a desire to help other people. Another business immigration lawyer described the bar as follows:

It's hard, looking at it as something of a unified monolith is inaccurate, because there's—you know, the immigration lawyers that I've met have all been very—most of them, anyway—have been very committed to what they're doing, and are very interested, like I am, in helping people. And there's also some who are—none that I know personally—but who take advantage of people. So, but it's like any profession. It's like any, you know. There are, like, really great practitioners, and there's others who aren't so great! (Attorney #42)

## WORK, FIRST JOBS, CAREER PATHS, AND OFFICE SETTINGS

The career paths and professional development of private immigration lawyers differ somewhat based on the types of work they do and the settings in which they do it. This section therefore begins with an overview of the types of work that private immigration lawyers perform and notes one clear division within that bar. It then continues with a description of the first jobs of the lawyers in the sample and their subsequent career paths. This description suggests that the prestige of the law school attended matters in the immigration field, although possibly less so than in other legal fields. The section concludes with a description of the office settings in which the lawyers in the sample currently work in order to better understand where these lawyers are likely to learn to practice law and to find their communities of practice.

### The Work of Immigration Lawyers

When immigration lawyers talk about their work, they quickly divide it into categories, and it is apparent that there is a rough hierarchy within that bar. As one lawyer explained:

There's two kinds of immigration law: families and companies. Those people who like to deal with families when it comes to immigration law—they're never going to be very rich. You're never going to get wealthy extracting from families a couple hundred here, a couple

hundred there, adds up to two or three grand per case, whatever, you know. That's not the kind of law that somebody goes to law school expecting to get rich afterwards should think of doing. . . . Now, the immigration law that deals with businesses—that's different. That's a whole different ballgame. Maybe you've interviewed both kinds of immigration lawyers already. The people from the Fragomen, Del Reys, and Barst & Mukamals. Those operations . . . have corporate clients that are like Coca-Cola and Exxon and Wal-Mart. I mean, you can't compare what we do at this office with those immigration attorneys who work at those offices. (Attorney #13)

The foregoing description, while essentially accurate, oversimplifies the types of work in which immigration lawyers engage. While many immigration lawyers describe their practices as family-based or employment-based immigration, a smaller but significant segment of lawyers also do asylum work, immigration work in the criminal context, deportation defense, and federal court practice (i.e., an appellate practice). It is common for practitioners to report that they work in two or more areas of immigration law.

The terms “business immigration” or “employment-based” immigration refer to the work that must be done in order for a company to sponsor a foreign national to enter and legally work in the United States or to permit a foreign national to pursue investment opportunities here. It may involve obtaining temporary visas for these individuals and their immediate family members, labor certifications for employers who wish to employ foreign nationals, and green cards (permission to live permanently in the United States). Some lawyers practice almost exclusively business immigration, representing large or midsize corporations or not-for-profit organizations such as hospitals and universities. Many other lawyers who practice some employment-based immigration represent smaller businesses, such as restaurants, or the employees who seek the jobs.

Some of the high-end business immigration work is handled in large corporate law firms, although lawyers need not work in such firms in order to have substantial business immigration clients. The largest immigration law firm in New York (and the United States), Fragomen, Del Rey, Bernsen and Loewy, LLP (hereafter Fragomen), has fewer than sixty-five lawyers, but represents high-end corporate clients including Goldman Sachs and IBM. The next largest boutique immigration law firms (employing approximately fifteen to eighteen lawyers) also typically represent substantial corporate clients in banking, finance, and other fields. The work required for business immigration is not performed in court and does not require teams of lawyers, and so it is also possible for solo and small law firms to service significant corporate and not-for-profit clients. Some of the business immigration lawyers in the study who worked in solo and small-firm practices reported that their



clients included banks, pharmaceutical companies, universities, computer companies, and major law firms.

There is a division between the high-end business immigration lawyers and lawyers who practice other types of immigration law. It is not simply a division based on the fact that business immigration lawyers can do their work from their offices, while other lawyers go to immigration court or attend hearings. There is a distinction in status, as well, apparently based on the fact that business immigration lawyers have substantial corporate clients who can afford to pay the bills. As one suburban lawyer with a more varied practice explained:

The guys on Wall Street wouldn't touch a lot of the stuff that I look at. They wouldn't touch an asylum case; they wouldn't touch a removal case. They wouldn't touch an incarcerated alien. They wouldn't touch it, because there's not enough money in it. They only want to handle white-collar guys. On a pure dollar-per-hour basis, that's the most lucrative area of immigration law. It may not be the most emotionally fulfilling, but it is the most financially lucrative, and they wouldn't know how to handle some of these other people. (Attorney #40)

Another small-firm lawyer (Attorney # 9) explained, "There are a lot of corporate lawyers who think their crap doesn't stink. And they think they are some kind of an elite." This sentiment was echoed by Attorney #55, a solo practitioner, who noted that "business immigration lawyers stick their chests out more and they're more lawyerly and they're a little more, you know, not everybody—they're a little more pompous sometimes—particularly the men—and more important."

The other types of immigration work performed by private attorneys will be described only briefly here. Most of the immigration lawyers who do not focus primarily on business immigration practice do at least some family-based immigration. Family-based immigration refers to efforts to obtain legal status for a foreign national due to the individual's relationship to someone already legally residing in the United States. Asylum work refers to efforts to obtain the legal right to remain in the United States for individuals who have left their home countries due to persecution or fear of future persecution. Individuals making asylum claims often cannot afford a private lawyer, but lawyers who represented ethnic groups that commonly raise persecution claims reported that they also did some asylum work. In addition, some lawyers did deportation ("removal") defense work, which involves both removal proceedings brought against individuals on the basis of criminal offenses and removal proceedings brought against persons who lack authorization to be in the United States. There are also other bases for entering and temporarily remaining in the United States—such as student visas—that do not clearly fall within any of the categories described above.

As these descriptions suggest, the types of work that immigration lawyers do often affect their economic success. The types of immigration work they perform also affect the locations where they perform their work, the types of clients with whom they deal, the laws and procedures they must understand, and the decision makers in their cases. For these reasons, the differences in the types of immigration work they do affect where they find, and how they form, their communities of practice.

### Current Firm Settings

Historically, immigration lawyers have worked primarily in solo and small-firm practice, and this continues to be the case today. There are, however, some exceptions. Fragomen, described earlier, employs 250 lawyers worldwide, including 63 lawyers in its New York office.<sup>15</sup> Fifteen of the large elite corporate law firms (employing more than 50 lawyers) now employ 1 to 5 lawyers in their New York offices to do business immigration work, primarily as a way to service their existing corporate clients.<sup>16</sup>

At the time of the study, thirty-eight (54 percent) of the lawyers I interviewed worked in solo practices. This was due, in part, to the fact that I only interviewed one lawyer who was currently employed at any given firm. Fifteen of these lawyers were foreign-born, including five of the six lawyers who received no training in a US law school. As one solo practitioner in that group, Attorney #45 noted, “for us foreign graduates it is almost impossible. It’s extremely difficult to get into big law firms so maybe most of us are really forced into doing solo.” Of the remaining lawyers, seventeen (24 percent) worked in firms of two to five lawyers, eight (11 percent) worked in firms of six to twenty lawyers, and four (6 percent) worked in firms of twenty-one to forty-nine lawyers. At the time of the interviews, only three (4 percent) of the lawyers in the study were practicing in law firms that were larger than fifty lawyers (see Table 1).<sup>17</sup>

### First Jobs and Career Paths

First jobs reveal information about the communities of practice that lawyers first encounter and where they are first socialized into the legal

15. <http://www.fragomen.com/about/about.shtml> (accessed August 23, 2008).

16. There is also one large elite corporate firm that has seven lawyers who do immigration work. In addition, there is a midsized (thirty lawyers) Manhattan firm that employs ten immigration lawyers.

17. One other US-born lawyer in the study had been working at a law firm of over fifty lawyers, but had just recently left that firm and had not yet sought other employment.

TABLE 1.  
Current Firm Settings (US- and Foreign-born Lawyers)

Office Setting	US-born Lawyers	Foreign-born Lawyers	Total Lawyers	% of All Lawyers Interviewed
Solo firm	23	15	38	54
2–5 lawyers	12	5	17	24
6–20 lawyers	5	3	8	11
21–49 lawyers	3	1	4	6
Elite firm 50+	2	0	2	3
Nonelite firm 50+*	1	0	1	1
Total	46	24	70	100

\* Refers to law firms with more than 50 lawyers that predominantly hire students from middle- and lower-tier schools. Fragomen falls in this category.

profession. Fifty-seven (80 percent) of the lawyers in the study started their US legal careers in private practice. The next most common first job was in a legal services position or in a not-for-profit organization. One lawyer started out as a government trial attorney in immigration and another started his career as an assistant district attorney. Two lawyers started their careers in state government positions, and two others began their careers working for commercial entities. Forty-five (63 percent) of the lawyers in the study began doing immigration work in their first jobs, although sometimes the work came to them through happenstance.

Those who started their careers in private practice usually did so in solo or small law firms. In what seemed to be a typical description, one lawyer explained the type of immigration practice in which he started his career as follows:

There were three lawyers, and half a dozen secretaries and paralegals. Most immigration law firms, per se, in the United States, are small firms. They tend to be one to five lawyers, and half a dozen secretaries. They're usually small outfits, because you don't make millions of dollars in this. You're not handling a fifty million dollar antitrust case. You're not handling a fifty million dollar piece of litigation. You're handling people's lives. (Attorney #40)

Among the seventy-one lawyers, five started out in their own in solo practices, and two more entered solo practice within the first year after they started practicing law. Each of these seven lawyers was foreign-born, although four had received JD degrees.<sup>18</sup> Of the remaining lawyers who began their

18. Most of the foreign-born lawyers who received law degrees outside the United States had some law practice experience in their native countries before taking a US bar examination.

**TABLE 2.**  
**Office Setting within One Year after Passing Bar (By Law School Prestige)**

	Solo Firm	2–5 Lawyers	6–20 Lawyers	Elite Firm 50+	Nonelite Firm 50+	Legal Services/ Not-for- Profit	Govt.	Other	Total
Elite school	0	0	0	2	0	1	0	0	3
Prestige school	1	4	3	1	1	2	0	0	12
Mid-tier school <sup>^</sup>	1	12	4	1	0	3	4	1	26
Lower-prestige school	2	8	3	0	1	1	0	2	17
No US JD	3	6	3	0	1	0	0	0	13
TOTAL	7	30	13	4	3	7	4	3	71

<sup>^</sup> Brooklyn Law School, ranked by *U.S. News & World Report* (2007) as a mid-tier school at the time of the interviews, was considered a local or lower-tier law school at the time that some of these lawyers graduated. Ten of the lawyers listed as graduating from “mid-tier schools” are Brooklyn Law School graduates.

careers in private practice, thirty started in firms of two to five lawyers, thirteen started in firms of six to twenty lawyers, and seven started in large law firms.<sup>19</sup> Even the lawyers who were currently working in high-end business immigration practices typically started in a small-firm practice.

As reflected in Table 2, of the seven lawyers who started their careers in large (elite or nonelite) law firms, four were graduates of elite or prestige law schools. One of these lawyers had chosen to practice immigration law at a large firm immediately after a judicial clerkship. The three other graduates of elite or prestige law schools who started immediately after graduation in large elite law firm practices did not begin their careers in immigration law. None of the seven lawyers who started in large law firms remained in those law firms or similarly sized firms at the time of the interviews.

Aside from the four graduates of elite or prestige law schools who started their careers in large firms, the remaining eleven graduates of such law schools followed less traditional paths upon graduation. One, a foreign-born student who graduated from a prestige law school, started in solo practice. Four more started their careers in small law firms of two to five lawyers. Three began their careers in firms of six to twenty lawyers. Three of them started out working for legal aid or a not-for-profit organization. Not surprisingly, graduates of elite and prestige law schools appeared to have more opportunities available in terms of practice settings than those who graduated from lower-tier law schools.

19. The seven who started in “large” firms include an older lawyer who had started in a thirty-lawyer firm in New York City—which was considered a “large” firm at the time he graduated—that is now a firm with two hundred lawyers.

TABLE 3.  
Office Setting within One Year after Passing Bar (US- and Foreign-born Lawyers)

	US-born Lawyers	% US-born	Foreign-born Lawyers*	% Foreign-born	Total Lawyers	% of All Lawyers Interviewed
Solo	0	0	7 (3)	29.2	7	9.9
2–5 lawyers	19	40.4	11 (6)	45.8	30	42.3
6–20 lawyers	9	19.1	4 (1) <sup>^</sup>	16.7	13	18.3
Elite law firm 50+	4	8.5	0	0	4	5.6
Nonelite law firm 50+	2	4.3	1	4.2	3	4.2
Legal Services/ Not-for-Profit	6	12.8	1 (1)	4.2	7	9.9
Government	4	8.5	0	0	4	5.6
Other	3	6.4	0	0	3	4.2
Total	47	100.0	24 (11)	100.0	71	100.0

\* The number in parenthesis in this column reflects the number of lawyers in each category who earned a JD in the United States.

<sup>^</sup> The other three lawyers in this category earned LLM degrees.

Similarly, as Table 3 illustrates, US-born lawyers seemed to have a wider range of options than foreign-born lawyers when selecting their first jobs. Indeed, only one of the foreign-born lawyers in the study started out in a large law firm, and it was a nonelite firm devoted to personal injury work. Those who had not earned a JD or LLM in the United States were mostly limited in their first jobs to solo and small law firms.

Unlike some legal fields, the fact that some lawyers start in small firms does not, in itself, limit their future mobility within the immigration bar. There appeared to be movement from small law firms to larger boutique immigration firms and even large law firms, especially within the first five years of practice. It is unclear, however, to what extent social networks may have facilitated those transitions, which means that foreign-born lawyers may have less job mobility than other lawyers (Groenendijk 2007; Sommerlad 2007).

While law school prestige appears to affect first jobs, a law degree from an elite or prestige law school does not appear to be as important a determinant of the size firm in which an immigration lawyer will ultimately work as it is in some fields. The lawyers who graduated from elite or prestige law schools were more likely to have practiced at one time in a large (more than fifty lawyers) law firm.<sup>20</sup> But at the time of the interviews, these lawyers did

20. All three of the graduates of elite law schools and three of the twelve lawyers who graduated from prestige schools had practiced at some point in that setting. In contrast, only six of the remaining fifty-six lawyers reported that they had worked at some point in their careers in large law firms.

not work in different size firms than other immigration lawyers in the sample. This observation that law school prestige may be less important in the immigration field draws some support from the fact that the Fragomen firm, which is viewed by some as the most prestigious of the immigration firms, only employs twelve graduates of elite or prestige law schools among the sixty-three lawyers in its New York office.<sup>21</sup> Of course, this could simply be because graduates of elite or prestige law schools do not often seek jobs in the immigration field, but it could also be that prestigious law school credentials matter less to these employers. For example, experience working in the government reportedly matters greatly when Fragomen makes lateral hires, because it affords Fragomen access to decision makers in the immigration process.

Law school pedigree unquestionably remains important in large elite firm hiring, but it also appears that large corporate firms may be more willing to hire laterally immigration lawyers who do not graduate from elite or prestige law schools than to do so when hiring lawyers in other fields. It is unclear whether this is simply because lawyers from elite and prestige law schools do not seek to go into the field. As it turned out, however, the two immigration lawyers I interviewed who were working in large elite corporate law firms—both lateral hires—did not graduate from elite or prestige law schools, and, indeed, one graduated from a lower-tier law school. The *Martindale-Hubbell Law Directory* (accessed via LEXIS) listings for the large corporate law firms in New York that employ immigration attorneys reveal that more than half of their immigration lawyers did not graduate from elite or prestige law schools.

There was some evidence, however, that the lawyers who graduated from elite or prestige law schools were more likely to work in the business immigration area than the other lawyers in the sample. Of the fifteen lawyers who graduated from such law schools, half worked almost exclusively in mid- to high-end business immigration practices.<sup>22</sup> It was also noteworthy that the immigration lawyers in the study who were currently employed in large corporate law firms or at the larger boutique immigration firms were white, non-Latino lawyers. Among the seventy-one lawyers I interviewed, only one Puerto Rican lawyer (an elite law school graduate) and one Chinese American lawyer had ever worked in a large corporate firm or a larger boutique immigration firm. Both are now in solo business immigration practices. Although this finding is consistent with the findings by Heinz et al. (2005) that minorities continue to fare less well in large firms and in income than

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21. Included among the twelve is one graduate of Oxford University who received an LLM from a prestige US law school.

22. Included in this category are two lawyers who devoted their immigration practices to obtaining US visas for accomplished artists and performers.

white Protestants (73), further study of a larger sample would be needed to determine whether this reflects a trend in the immigration field or an anomaly.

One final feature of the career paths of the lawyers that bears mention is that with the exception of one lawyer, none had ever worked on the “other side” as a government attorney in the immigration field. This is different from white-collar criminal defense attorneys, who often include former prosecutors among their ranks (Mann 1985), and from plaintiffs’ personal injury lawyers who sometimes start their careers in personal injury defense (Parikh 2001). One explanation may be that income is higher and more secure for government attorneys than for many in private immigration practice. The hours are also more regular, and so there may be less incentive to move into private practice. But this also means that it is less likely that there are private immigration lawyers who fully understand the pressures and attitudes of the government attorneys, and this may have implications for the norms of the private immigration bar and for lawyer decision making.

### Office Locations and Settings

The lawyers in the study worked in the same range of office spaces in which other New York lawyers work. Some worked in firms that were—or physically resembled—traditional corporate law firms. Other lawyers worked in office-sharing arrangements, in one room or two room stand-alone offices and, in one case, a large executive suite. Some worked from their homes, where they rarely, if ever, met with clients. Because immigration is a national practice and lawyers need not be admitted to the New York bar in order to work there, a few of the lawyers maintained their physical offices in New Jersey but had access to a conference room or maintained a virtual office in New York.

The lawyers who primarily practiced business immigration often worked in midtown Manhattan or White Plains, while the office locations of lawyers who did other types of immigration work followed a different pattern. A large number of these lawyers’ offices were clustered in a few office buildings on lower Broadway in Manhattan, close to 26 Federal Plaza, where the immigration courts, the US Citizenship and Immigration Services (USCIS) New York City district office, and most of the other immigration enforcement offices are located. Alternatively, they tended to work near the immigrant communities they served. Thus, some lawyers were working above restaurants in Chinatown, and some practiced in the immigrant-heavy Astoria or Jamaica, Queens, or in East New York, Brooklyn. In those cases their offices were generally walk-ups over store fronts in commercial areas, with signs bearing their firm names that could be viewed from the streets. As one solo lawyer who moved his office from Manhattan to Queens after 9/11 recalled:



It was almost divine intervention, because I was seeing a documentary on TV where they were going to the different neighborhoods in the city, and they mentioned Jackson Heights, and they said, "It's the most immigrant-dense neighborhood in the city of New York." And so I saw that, and I said, "Gee whiz, that's where I have to go!" And 9/11 occurred shortly thereafter. . . . [T]his area of the city is home to just about every Latin American nationality you can name. Dominicans comprise most of the people in Corona, Queens, which is just a few blocks away. And here we have a lot of Ecuadorians, a lot of Mexicans, a lot of Colombians, Venezuelans, a few Argentineans. And we also have a few people from India, the subcontinent, and from Bangladesh. (Attorney #35)

Attorney #23 explained that his firm had just opened another office that was fifteen minutes away from an existing office: "It's a very big ethnic Hispanic community there, Columbians, Ecuadorians, Dominicans, but they don't travel. Even though we're only fifteen minutes away, they don't come here, so we have to go there."

More than one-third of the lawyers shared office suites with lawyers with whom they were not affiliated. The office-sharing arrangements were similar to those of typical solo and small law firms. Sometimes the lawyers shared space with another immigration lawyer. More often when they shared space, they were the only lawyer in the suite who practiced immigration law. In the office-sharing arrangements, the unaffiliated lawyers sometimes shared a receptionist, but employed their own paralegals. In a few cases, solo lawyers shared space with another business, such as a realty firm.

Some lawyers reported routinely reaching out to lawyers who worked within their shared suites, using them as one might use colleagues in a firm. As one member of a two-lawyer firm explained:

One of the beauties of having this set up is in addition to trying to make some money [laughs], it's to have the brain trusts of the cooperative brain trust here. People are from all different specialties in this office, so it's a great place where you can just knock on somebody's door, and say, "What do you think about this?" And even if they don't practice in that area as an attorney, knowing how to draft a brief, or a motion, they can give you some good feedback or experiences with their own practice. (Attorney #32)

In a few cases, the immigration lawyers who shared space routinely relied on one another for advice, even though they were not formally affiliated.

The office spaces physically reflected the economic success of the firms and their clienteles. The large corporate law firms and the larger boutique immigration firms had more expensively furnished reception areas. The smaller firms varied, but those with family-based practices often had several chairs for

waiting, TV sets, ethnic newspapers, and notices posted offering free consultations. It was not uncommon to see stained carpets. Many of the firms had signs posted indicating that the lawyers accepted Visa and MasterCard.

The office spaces also reflected that immigration is a world unto itself. In firms of more than five lawyers with more than one practice specialty, immigration lawyers tended to work without much contact with the other firm lawyers. In one such eight-lawyer firm, which had an immigration practice and a corporate practice, the lawyer noted that “it does kind of run as a separate entity” (Attorney #23). In two large elite corporate law firms, the immigration lawyers’ offices were on a floor that was separate from much of the rest of the firm.

## LEARNING HOW TO PRACTICE LAW

The ways in which lawyers learn how to practice law have implications not just for their competence in their early years of practice, but for their views of the legal community in which they operate and the norms of that community. Early experiences may also shape whether and where they later seek advice and where they find their communities of practice.

Before exploring the ways in which these lawyers learned to practice immigration law, it is important to note that that mastering the law and procedures can be difficult, even for experienced practitioners. The lawyers I interviewed frequently referenced the large amounts of time they spent simply trying to stay up to date with the law. One of the words most often mentioned by these lawyers was the frequent “change” in the laws and procedures. Indeed, some claimed that “it changes every day” (Attorney #7). As one experienced attorney noted, immigration law:

is very complex, but often not clear. And they pass new laws, and we could live for years, literally years, without implementing regulations. So we don’t really know: What is the agency interpretation of this? So we get memos [laughs], and you know, talk to each other. And people pontificate . . . but without clear guidance, and that can be very, very difficult to practice. You know . . . there can be several bureaucracies, because you’re dealing with [the Department of Homeland Security] and all its different parts, the Department of Labor, the Department of State. They can be really impenetrable bureaucracies, very difficult to deal with. (Attorney #31)

Echoing a frequent complaint about the administrative difficulty of immigration practice, another lawyer noted:

Out my window, I can see Federal Plaza, but you know, just there! It’s fourteen floors of all sorts of chaos going on, and just getting something

filed in the court can be, like, you know—elevator here, elevator there. Going here, talking to this person—I mean, it’s a very inefficient system. . . . It can be—it can be very frustrating and challenging to deal with the people that don’t understand, really, what the law is. Or they think they know, because they heard it from somebody. Or they’re telling you “no” all the time, when you know the answer should be “yes.” (Attorney #4)

Learning how to practice law when there are frequent changes and administrative uncertainty is, in itself, a challenge.

More than two-thirds of the lawyers in the study had taken no immigration law course or clinic in law school, either because none was offered or because they had not considered that they might some day practice immigration law. About 40 percent of the lawyers in the study received some systematic training from other lawyers in how to practice immigration law. Not surprisingly, the lawyers who reported receiving the most systematic training received it from lawyers whom they often considered to be mentors.

Forty-eight (69 percent) of the lawyers reported that they had had mentors at some point in their US legal careers,<sup>23</sup> but the mentors were not always lawyers with immigration experience. The mentors were often, but not always, more senior attorneys who worked in the same offices during the lawyers’ first or second jobs. Some of the mentors taught the lawyers a great deal about how to practice immigration law. For instance, Attorney #4 reported that his first employer “taught me for the first three years everything I knew in the area.” In other cases, the lessons had more to do with running a law office or dealing with clients. In still others, the mentoring was sometimes quite limited. In a few cases, the lawyers recalled that they had learned from their “mentors” by negative example. As one lawyer recalled, “Most of the things that I’ve learned have been learned by myself. I wouldn’t say I’ve learned too much of the right things to do from my mentor. I mostly learned things that I said, ‘That’s what I’m not going to do!’” (Attorney # 23). Of the thirteen foreign-born lawyers in the sample who had not received a JD in the United States, only six (46 percent) reported that they had had a lawyer-mentor while in the United States.

In fact, many of the immigration lawyers in the study needed to assume much of the responsibility for teaching themselves how to practice immigration law. This was sometimes due to the fact that the lawyer had started practicing immigration law in an office where there was no other immigration attorney to provide guidance. But even when there was another immigration attorney working in the lawyer’s office space, the lawyer sometimes reported the need to self-teach.

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23. I deliberately did not define the term “mentor” when I asked the question, but if a lawyer asked for a definition, I mentioned the idea of a “wise advisor” who had made some effort to help the lawyer in the practice of law.

Lawyers who were not born in the United States were among the most likely to have to teach themselves immigration law. A Nigerian lawyer, who had previously practiced in that country, reported that after passing the New York bar and opening up his solo practice in Brooklyn, he had no one to whom he could reach out for help in learning about immigration law. He recalled:

I was—number one, I was very new in the country. Number two, I was living in Long Island, not close. Number three, my intention was to practice in Brooklyn or Queens, and I didn't know anybody. And some of these—sorry to say, unfortunately, some of the people from my country, they always—which is a difference between us and the typical American—they hoard information! They don't want to share what they have learned so that you don't want to be like them, unfortunately. So, I encountered that, and that was the lowest part of the whole thing. It wasn't funny. (Attorney #3)

Another foreign-born lawyer who started practicing with another relatively inexperienced immigration lawyer also reported the need to teach herself how to practice immigration law. She recalled:

For me, it was an extremely, extremely steep learning curve in immigration, because my partner had work, which had been pending for a while, had not been addressed. . . . So we had clients who were getting upset. So I had to not only interface with the client, but I actually had to produce the work, and with no legal learning, or work experience in immigration, it was very strenuous. I was working almost fifteen or sixteen hours a day, learning, and doing the work. (Attorney #25)

But the mere fact that a lawyer was US-born or was working at a larger firm with other immigration attorneys did not ensure that the attorney would receive systematic training from any other lawyer. Attorney #1, who started at a high-end boutique immigration firm, reported that she had learned what she could from paralegals. She recalled that the lawyers' attitudes were, "You just go figure it out, and you-do-it type thing. 'Here's twenty cases; we need them tomorrow.'" Similarly, working in a large elite corporate law firm did not guarantee that a lawyer would receive training in immigration law from a more experienced practitioner. A lawyer who started her career in such a firm recalled:

There was a partner who was part-time immigration, but most of the time trusts and estates, so she sort of dabbled in immigration on the side. There was a paralegal who's a labor and employment paralegal, who also did immigration, who's actually very, very knowledgeable. She ended up training me [laughs], which is kind of strange! But I knew nothing, so I

had to be trained by someone! And then the paralegal left, and I was pretty much on my own, doing this practice. . . . And it was completely sink or swim, because I quickly realized that the partner really didn't want to supervise me. You know, I would go to her and ask her questions, and I never really got any advice from her! At most, it was a sounding board, to sort of bounce my ideas off of, but I pretty much had to go in with my own solutions already figured out, just to sort of, you know, run it past her, protect myself, you know, make sure a partner kind of signed off on it. But otherwise, I was very much on my own! And scary! (Attorney #22)

Generally speaking, the lawyers in the study learned to practice immigration law through four different approaches. These approaches roughly resemble some of the ways in which Seron (1996) found that solo and small-firm lawyers learned to practice law,<sup>24</sup> and they provide some insight into the early experiences of the lawyers in the sample. The approaches can be loosely categorized as the guided approach; the scholar's approach; the see-one, do-one approach; and the sink or swim approach. These approaches were sometimes supplemented by occasional advice-seeking by the lawyers or by the receipt of unsolicited advice from strangers. The lawyers often relied on more than one of these methods to learn to practice immigration law.

In the guided approach, lawyers who worked with or near another immigration lawyer sometimes learned how to practice law by watching the more senior lawyer, receiving explicit instructions, asking occasional questions, and then performing tasks on their own. In some cases, they also received feedback on their performance from the more senior lawyer. This description from a lawyer who started practicing immigration law in a small firm reflected this approach:

In the beginning, [the sole proprietor] was very good—and he still is—when we come across stuff that's brand-spanking new, new issues. But he's been very good about bringing me inside, and saying, "Okay, asylum—here are the five grounds. Here's what we do with them." . . . It was very much in the beginning, I was shadowing [the lawyer] around all the time. Basically, wherever he walked in the office, I was following him, and it was just sort of like getting bombarded with like, "What's a 485 application? What's an I-130? What's asylum? What's cancellation of removal; what's withholding of removal? Those are different? They're not the same?" You know, and in the beginning he was a lot better about

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24. Seron (1996, 8–9) identified three distinct but not mutually exclusive methods through which the lawyers learned to practice law: (1) reaching out to an informal network with questions, (2) watching another lawyer and then trying out what they saw, and (3) instruction from mentors. Some of these methods are not dissimilar from those described in the text that follows, with the exception of the scholar's approach.

just sort of having me walk around the office, listening to him, and then also listening in on the Master Calendar proceedings, and then some of the final hearings also. I'd just kind of go in and see how the process works. (Attorney #34)

Another lawyer who started his career in a small boutique immigration firm also described receiving deliberate guidance in the beginning from a mentor:

She wouldn't give me things that if I had made a mistake on would cause any serious consequence. I mean, she would give me things, and kind of let me go with it, and if I made mistakes, would quickly catch it, and we'd talk about why it happened, you know, what the issue was. And I would learn that way, and it just slowly built from small, you know, situations, to larger cases where she would bring me in on consultations and introduce me to clients, and I would just kind of run with things, and give them to her when I was done, you know. . . . And I think that was probably—I mean, that's one of the ways that personally I need to learn, is by kind of going out there, and making the mistakes, with somebody guiding me along, so I don't make the big ones, you know. (Attorney #4)

The scholar's approach requires lawyers to read books or attend seminars to teach themselves how to practice immigration law. The lawyers who relied primarily on this approach typically had no mentors who worked in the immigration field. This method is an especially common approach for business immigration lawyers, but it is also used by some lawyers who do other types of immigration work. One lawyer who began practicing business immigration law as a solo practitioner described sitting down with a multivolume immigration treatise for a two-week period in order to learn how to practice immigration law. A lawyer who was not educated in the United States described his efforts to learn how to practice law as follows:

Once I am paid for something, I will go and research it until I know how to do it! And that was how—I can remember when I learned how to file an application to, if you apply for bond redetermination—how to do that. I didn't know it was as simple—I could achieve that feat by just simply writing a letter! . . . But I did a lot of research; I spent almost two, three days, and I had a client in detention that assumed that this person knows what he is doing! And I was looking for this information all over! It was very difficult. (Attorney #3)

Attorney #64, a business immigration lawyer who started his career knowing no other immigration lawyers, said, "I looked at the treatises. I got the forms. I got the regulations. . . . I got a copy of the Act. And I muddled my way through."

Lawyers who practiced family-based immigration were also likely to use the see-one, do-one approach.<sup>25</sup> Thus, Attorney #36 explained that before handling her first Master Calendar, “what I did, which I did when I started out, is I would go to court like a day or two before, and just sit, know the protocol, what was done, what would be said, and do it!” When asked how he learned to conduct an individual hearing, Attorney #35 responded, “I didn’t! I was glad that my case wasn’t called first. I just sat in the court and observed how other lawyers spoke, and how other lawyers carried themselves. And then, like a monkey, I would imitate them, and it started going well.” A solo lawyer, Attorney #26, reported that she not only watched proceedings in court but borrowed transcripts of court hearings from another lawyer in the building so that she could teach herself.

As the preceding paragraph suggests, and as other research confirms (Seron 1996; Zemans and Rosenblum 1981), lawyers often used multiple learning approaches when they started out in practice. Even lawyers who had the benefit of some guided instruction sometimes found themselves in situations where they had to figure out things very quickly on their own. These might be best termed sink or swim situations. For instance, one lawyer who benefited from the guided approach recalled:

There were some other things where we were just kind of thrown right in, with the rules. I remember my first citizenship interview, we had five clients, and we had two lawyers, me and [a more senior associate]. And [the associate] got called for one, and he said, “I’m going to leave you here with the other ladies, and if they get called, you grab their file, and go in with them!” I said, “Well, what do I do in there?” “You’ll figure it out!” [Laughs.] And for the most part, those worked out nicely. (Attorney #34)

Not surprisingly, the sink or swim situations were sometimes terrifying. One attorney recalled the first time she was sent to handle an asylum interview:

I didn’t trot along with an attorney, no! He just threw me into a court situation, and was like, “You can handle it.” Well, yeah, if you’ve done it before, sure! But if you haven’t? I remember he told me to go to an asylum interview in Rosedale. . . . And I guess he had told the client to bring a translator, but they didn’t bring a translator! And I thought it was my fault that I hadn’t arranged for somebody from the office to go. What

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25. This approach is different from the guided approach, in which a more senior lawyer was available to answer questions or provide commentary on what was being observed and, at times, to give feedback on the new lawyer’s subsequent performance. In the approach being described here, the lawyer simply observed and then handled the same type of matter without the opportunity for questions or feedback.



do I know about translators? . . . And then it turns out that, he's like, "I told them to bring their translator!" They didn't do it! It was such a nightmare, and the poor lady! She was pregnant, she was like eight months pregnant. We're taking a cab back; the day is really hot, and she's like retching! It was like my first—that was my first, and it was so traumatic, with an asylum interview at Rosedale. It was like the worst possible thing! They rescheduled, but this lady [was] just retching, like cursing! It was really horrible. (Attorney #14)

Some of these lawyers recalled that when they did not receive guidance—or did not know anyone personally who could provide it—they occasionally reached out to strangers for help. For instance, a lawyer who started out in solo practice reported that she reached out with questions to lawyers in her building whom she did not previously know. Lawyers sometimes reached out to immigration court clerks. For some of these lawyers, the AILA listserv and the AILA "mentor" system were a source of advice. As one lawyer explained:

The AILA mentor program is tremendous! It's absolutely amazing, how helpful other AILA attorneys are, and I reached out to them tremendously, and I still do. It may be less frequent now [laughs], but still. They have a mentor program where you can—and they have mentors based on the practice areas. They have multiple mentors, so you can write to all, call, e-mail. And they're extremely responsive. Also, being an AILA member, they have a Web site, AILA, and they have—you can almost call it a message board, or a chat board. You put your questions up. People will either write in with their responses, or similar experiences, or advice. And that is just amazing. (Attorney #25)

Lawyers also reported that occasionally other attorneys—or even judges—stepped in to help them out. This most often occurred in court. One lawyer recalled how she was sent to immigration court without any instruction:

[I]t was so overwhelming, you know! [My employer] just was like, "Go to a Mast—Go to a Master Calendar!" Clients didn't speak any English; I didn't know. I was clueless. He didn't explain any procedure to me. You know how complicated? And each courtroom has their own rules. . . . It's crazy. So an attorney from [a different firm]—he was like, "Look, this is what you've got to do." And I just remember his kindness, because it was like, "What do I do?" (Attorney #14)

Attorney #35 recalled that he learned, in part, by speaking with other lawyers, "as one often does, when one is sitting down waiting for one's case to be called [at 26 Federal Plaza], and another lawyer tells you, 'No, no, this is

the way to handle that!” On a few occasions, lawyers reported that a judge had helped them out early in practice. One lawyer recalled the time she was sent by her first employer to immigration court to obtain more time on a matter. Her employer had told her that if she could not get the postponement, she should “plead the Fifth.” When the judge refused to postpone the matter and she told the judge she was “pleading the Fifth,” the judge responded:

“I know exactly who told you that! You tell him that he’s supposed to be down here next time,” and he ranted and raved. “How could—how could he do this? This is incompetence sending a, you know, a new attorney down here. Plead the Fifth—the Fifth? Are you kidding me?” And he went on and on and on for about forty-five minutes—I was like “Oh, my God—what did I do?” . . . He sat me down after he—he did postpone the case—sat me down and went through everything that I needed to know . . . over the course of the next few weeks and months. . . . [The judge] was awesome—he would just, you know—he told me what I needed to know. (Attorney #56)

These instances of being helped by virtual strangers left some of the lawyers with a strong sense of the collegiality of the bar and a commitment to “try to give back” to other lawyers (Attorney #14).

## SOME IMPLICATIONS FOR COMMUNITY

By exploring the backgrounds, careers paths, and professional development of private immigration lawyers it is possible to better understand who they are, why they entered the field, and some of the norms and values of their community. The study reveals that while these immigration lawyers mostly work in solo or small-firm practices—and may engage in considerable self-teaching while learning how to practice law—they often feel that they are a part of a supportive community of lawyers. Indeed, notwithstanding the differences in the types of work immigration lawyers do, and the diversity of these lawyers, at times the sense of community was palpable. Several lawyers I interviewed referred to the immigration bar as a “small community,” a “family,” or “a little world unto itself.” Some opined that they did not believe that any other practice specialty enjoyed as collegial a community as immigration lawyers.

Several conditions seemingly contribute to a strong sense of community within the private immigration bar. First, this sense of community is due, in part, to the fact that this is a relatively small bar, even though it operates within a very large city. The complexity of the law and the administrative challenges create an environment in which there is likely to be specialization and many repeat players. Since virtually all of the lawyers charge a flat fee for

their work—making it costly for a lawyer to learn on the job—it is not an easy or economically viable area in which to practice only occasionally.

AILA, too, plays an important role in forming—and shaping—their views of the immigration bar as collegial and supportive. While Nelson and Trubek (1992, 179) have suggested that bar associations form their own “very different” arena of professionalism from the workplace arena, for some immigration lawyers, it was sometimes difficult to separate AILA from their day-to-day work. AILA serves an educative function, a socializing function, and, to a lesser extent, an advocacy function for many members of the immigration bar.<sup>26</sup> Several lawyers reported that early in their careers they relied on AILA’s materials or seminars to learn how to practice law. Some continue to use AILA mentors and to attend its monthly meetings even after they are established in practice. AILA’s listserv, on which members post questions and receive answers from other members, also seems to enhance the feeling of belonging to a community. As one solo lawyer noted:

I think it is the most helpful, collegial bar that you’re going to find in any practice of law. I don’t know of any other bar where you will have a message board where people will answer questions from the stupid to the—giving you ten sites of research. I talk to my sister, who is a criminal defense attorney, and when I tell her about this, she’s like, “You’ve got to be kidding me! People share that information?” I’m like, “Yeah! You can pose a question and you will get answers! Either that, or if you e-mail people privately, they will answer you.” You know, I don’t think there’s another bar that cooperates and mentors and trains and shares information the way the immigration bar does. (Attorney #22)

Several of the other lawyers’ comments echoed this view about AILA, suggesting that the organization may constitute its own community of practice and can positively affect lawyers’ sense of belonging to a supportive legal community.

The physical proximity of these lawyers also has implications for their sense of community. Lawyers who practice family-based immigration, asylum, or deportation defense often find themselves at 26 Federal Plaza. Immigration lawyers talk to one another—and share information—while waiting for their matters to be called. Many have offices near 26 Federal Plaza, and they see their colleagues on the streets or in the elevators of their buildings. Other lawyers work in physical proximity to immigration attorneys because they have offices located in the same ethnic communities. This physical proximity makes it easy for lawyers to reach out for advice and to receive support.

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26. There are, in addition, a few other organizations and listservs that play this role in the immigration field, but they are not as widely utilized as AILA.

The types of office settings in which these lawyers work and the changing nature of immigration law may also help form a strong and mutually supportive community. In solo and small firms, where immigration lawyers frequently practice, attorneys often reach out to other lawyers for advice when practicing law (Seron 1996; Levin 2001). Boutique immigration firms—where there are many “experts”—may form their own subcommunities of practice. Moreover, in the immigration field, the frequent changes in the law and procedures require constant updating and rechecking through a variety of sources. The sharing of information among lawyers is not just a matter of being collegial, but is a self-interested necessity of practice.

This sense of community may be further reinforced by the lawyers' common life experiences. Many of the lawyers in the study had made their way into the legal profession as first- and second-generation Americans. They typically did not attend elite or prestige law schools. Most of these lawyers had worked for some period of time in a solo or small law firm. Indeed, only three of the lawyers in the study had not spent any time working in a solo or small-firm setting. They shared common challenges and a strong connection with the immigrant experience.

The supportiveness of this bar may also be enhanced by the fact that many of these lawyers share a genuine desire to help their clients. As Mather, McEwen, and Maiman (2001, 10) have noted, “like-minded people may reinforce one another through communities of practice.” When common values and experiences are coupled with the fact that private immigration lawyers are not adversaries, this may help build an especially strong sense of community. As one veteran small-firm lawyer noted when asked why she thought the immigration bar was so collegial: “We’re non-adversarial. You know, we’re not in court or on opposite sides of the table, and I guess because we are helping” (Attorney #31). Attorney #61 noted there is “this caring sense where you want to help each other out—it’s not so much adversarial—your adversary is the USCIS and . . . those [government] attorneys who want to keep your clients out.”

Indeed, the presence of an external adversary—in this case, the US government—may contribute in important ways to the sense of community experienced by many immigration lawyers and their willingness to assist their colleagues. For many of these lawyers, the government is not a worthy adversary but a malevolent one. The adversary includes “poorly trained” independent contractors at the service centers (Attorney #4), “mean spirited” government lawyers (Attorney #31), and hearing officers who have “a huge amount” of discretion (Attorney #26). The adversary also includes a government that changes procedures “all the time” (Attorney #2) and the law itself, which is seen as “excruciatingly illogical” (Attorney # 41) and “grossly” unfair (Attorney # 32). In such an environment, it is not surprising that many immigration lawyers look to their colleagues for support and solace.

This preliminary account of the professional development of private immigration lawyers does not attempt to address the important role of competition, which must be examined in order to fully understand the ways in which the community operates and interprets and enforces professional norms. Moreover, during the interviews it became clear that while some immigration lawyers rely on their colleagues for assistance in their day-to-day work, there are also lawyers—especially those who did not receive JDs in the United States—who work in relative isolation. Likewise, business immigration lawyers were somewhat less likely than other immigration lawyers to directly interact with colleagues, and they voiced keen awareness of competition from other firms. Closer analysis of how these lawyers view their communities of practice and their actual impact on lawyers' decision making is also needed to better understand the private immigration bar.

## CONCLUSION

Preliminary examination of private immigration lawyers makes it possible to begin to identify some similarities and differences between immigration lawyers and specialists in other legal fields who work in solo and small-firm practice. Thus, as with the family law bar, which was found to be “fragmented into significantly different views of lawyers' professional roles and responsibilities” (Mather, McEwen, and Maiman 2001, 174), it can already be seen that the same is true of the immigration bar. At a minimum, immigration lawyers will form and look to different communities of practice depending upon the types of immigration work they do, the types of offices in which they work, and the types of clients they represent. But it is also likely that the ways in which norms evolve and are communicated among immigration lawyers will differ in some important respects from the ways in which this occurs among, for example, divorce lawyers who rely on other lawyers to regularize behavior when they negotiate against one another, thereby creating norms (48). Immigration lawyers do not have the occasion to exert this kind of collegial control.

In some respects, the New York City private immigration lawyers more closely resemble the plaintiffs' personal injury bar, which is also a very cooperative bar (Parikh 2001; Levin 2005; Stier 2005). Lawyers in both specialties rely heavily on their specialty bar associations (in the latter case, the trial lawyers' associations) for information and support and frequently share information with one another in office-sharing arrangements and while waiting in court. The personal injury bar, like the immigration bar, is stratified (Daniels and Martin 1999; Kritzer 2001). Like the immigration bar, the plaintiffs' personal injury bar shares a common external foe—the insurance companies (Levin 2005). While there are important differences in those bars—including the personal injury referral networks, which are critical for obtaining business

and enforcing collegial controls in the personal injury bar (Parikh 2007)—the similarities between the bars and their consequences for understanding lawyer socialization and decision making deserve careful attention.

Even preliminary study of the immigration bar confirms that the communities of practice concept is not just theoretical but is a phenomenon that operates on a conscious level for at least some lawyers in the immigration field. Several lawyers openly acknowledged the importance of their communities. It also appears that strong feelings of connection to communities can sometimes be traced to early practice encounters and experiences. These observations raise a host of questions for future study. Only a few are noted below.

For example, to what extent do early practice experiences shape how lawyers later view their communities of practice? There was some evidence that those who received help early in practice continued to have a positive view of their communities. How much do the norms and values that they learn from their early experiences with those communities continue to shape their views and decision making later in their careers? If the help that some lawyers received while learning to practice law creates a sense of allegiance to the larger community, are those who received little help or learned on their own less likely to be loyal to—or influenced by—their communities of practice?

In addition, what *are* the other norms and values of the lawyers within these communities of practice? And to what extent and in what ways do communities of practice influence adherence to them? In a bar composed of lawyers who do not litigate or negotiate against one another, and only rarely makes referrals, is there any mechanism through which the community can enforce its norms? What role does the norm of supportiveness of the bar play in encouraging lawyers' adherence to other bar norms?

What role does AILA play in creating, communicating, and enforcing the norms and values of the immigration bar? AILA's Web site is on the computer screen of many lawyers when they walk into their offices in the morning, and AILA is the way in which many of them stay up to date with the law. AILA's monthly meetings are a place where they find mentors or other colleagues. Closer analysis may reveal that AILA is not a separate "arena of professionalism" (Nelson and Trubek 1992) from the workplace, but rather one of the overlapping communities of practice to which immigration lawyers look for their understanding of their professional role and the norms and values of practice.

Since personal factors also influence lawyers' values (Mather, McEwen, and Maiman 2001), another question raised by the research is what role does background play in the formation of lawyers' professional values and in their decision making? For some, a personal connection to the immigrant experience may affect the ways in which they view their work and their obligations to their clients. Is it harder or easier to resist client needs and expectations

when lawyers are also immigrants or are members of the same ethnic group as the clients whom they represent?

Finally, does the increasing diversity of this bar affect lawyers' understanding of the bar's norms, their likely adherence to them, and the collegiality of the bar? This diversity has numerous and far-reaching implications not just for our understanding of lawyers, but for the experiences of their clients. Diversity will provide clients with more choices of lawyers who can communicate with them in their native languages and be sensitive to their life experiences and cultural concerns. But if some lawyers find themselves in the immigration field because they have no other options, this raises the possibility that they might not be the most empathic or effective advocates for their clients. Foreign-trained lawyers who set up solo practices immediately after they pass the bar pose additional concerns. These lawyers are often not able to obtain guided instruction in immigration law and procedure, and may take on clients in the beginning of their careers without sufficient knowledge of how to proceed. Immigration is an area in which a seemingly small mistake can have catastrophic consequences. By filing an incorrect form or waiting too long to file it, a lawyer can land a client in removal proceedings or set a client's case back for years.

Fortunately, while many New York City immigration lawyers come from diverse backgrounds, they work within a generally supportive bar. These lawyers practice in a field with an active specialty bar that educates its members while promoting and modeling the norm of support. Closer analysis is needed to determine whether lawyers from diverse backgrounds—and especially foreign-born lawyers—are able to avail themselves of the support. If they can, this bodes well for their training and their ability to provide competent representation to their clients. If they cannot, this has serious implications for their clients, for their view of the larger immigration bar, and for their commitment to its other norms and values.

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