

**DAVID LEOPOLD, NOMINATED CANDIDATE FOR AILA SECRETARY, TELLS WHY HIS EXPERIENCE AT FOREFRONT OF IMMIGRATION CHALLENGES AS A BATTLE-TESTED LITIGATOR WILL SERVE AILA MEMBERS WELL**

Thank you ILW for the early opportunity to introduce myself as a candidate for AILA Secretary in the upcoming AILA election in May. Being nominated is an honor, but I need your vote to win. I look forward to working hard for positive immigration policies that will help the U.S. become more secure, more competitive, and more humane in a post-911 world. I hope you, as an AILA member, will vote for me based on what I have done and, more importantly, what I am committed to do in the future in overcoming the ongoing legal challenges we face.

- I gratefully am the legacy of positive immigration laws that allowed my father to flee persecution from Nazi Germany in 1939 at the age of 16 together with his family. They came to America, like so many immigrants and refugees, dreaming of a life of freedom. Deeply appreciative of his new country, my father volunteered to fight the Nazis and served in the most decorated unit in World War II, the I & R platoon of the 99<sup>th</sup> Infantry Division. He later became a lawyer and, in the 1960's, took the case of a young Hungarian man whose asylum application had been denied because he had been member of the Communist Party. My father fought the case with vigor, until the 6<sup>th</sup> Circuit Court of Appeals ruled in his client's favor because INS could not show "meaningful association". The case, *Berdo v. INS*, 432 F.2d 824, (6<sup>th</sup> Cir. 1970), remains good law today. As a child I saw my father use his legal skills to literally save his client's life. The *Berdo* Court said it best: "if [petitioner] were deported...he would probably be subjected to imprisonment and...in all probability face, a sentence of death." It is from watching my father fight for justice that I learned, at a very young age, the awesome tool we lawyers are entrusted with to make this a better place. Today, I have a very full life personally and professionally. I am married to a wonderful wife and partner, Daurielle, and practice removal defense and business immigration in Cleveland, Ohio. Fighting for immigrants' rights is extremely satisfying, but, as you all know, we cannot take anything for granted and must continue to ensure that we protect freedoms for others so that this country can remain a beacon of liberty.
- I am a battle tested litigator and will bring critical background, skill and experience to the AILA Executive Committee as Secretary. I have fought and won tough battles in the EOIR and federal courts and have a proud track record to show for it, including: *Pak v. Reno*, 196 F.3d 666 (6<sup>th</sup> Cir. 1999) (federal courts retain habeas jurisdiction and former §212(c) relief available to immigrants); *Pulice v. INS*, 218 F.3d 505 (6<sup>th</sup> Cir. 2000) (immigrant's right to bring habeas applications in district court to review final deportation order based on criminal conviction); *Roman v. Ashcroft*, 340 F.3d 314 (6<sup>th</sup> Cir.

2003) (“immediate custodian” rule applicable absent extraordinary circumstances)(habeas re-granted on petitioner’s motion in light of *Rumsfeld v. Padilla*); *Denko v. Ashcroft*, 351 F.3d 717 (6th Cir. 2003)(lead circuit challenge to BIA affirmance without opinion regulation); *Rosales-Garcia v. Holland*, 322 F.3d 386 (6<sup>th</sup> Cir. 2003)(*en banc*)(*cert den. sub nom Snyder v. Rosales-Garcia*, 123 S. Ct. 2607 (U.S., June 23, 2003))(on brief)(indefinite detention of inadmissible noncitizens violates INA); *Roman v. Ashcroft*, 181 F. Supp. 2d 808 (N.D. Ohio 2002)(statutory bar of 212(h) waiver to certain legal permanent residents violates equal protection). My experience as a litigator has taught me the value of precise, well reasoned advocacy coupled with bold spirit. As AILA Secretary my keen litigation background will serve the membership and the immigrants we are so privileged to represent as we struggle for fairness in immigration law and policy.

- My background as a tough litigator has brought tangible benefits to AILA. I am a proud founding member in establishing, together with AILF and AILA colleagues, the AILF/AILA Litigation Institute in May 2003. In the legal aftermath of September 11, when immigrants were faced with mass detentions, secret trials, and a “culture of no” at the Service Centers, it was vitally necessary to prepare ourselves in the defense of our clients in court. But AILA had no “litigation school”. So we built one. We spent countless hours developing materials, teaching AILA members how to stand up in court and argue, and critiquing their courtroom advocacy. It was a new type of AILA program and it worked. Just look at the AILA conferences schedule where the AILF/AILA Litigation Institute is now offered regularly, training hundreds of AILA attorneys as confident litigators in the representation of their clients in business immigration and removal defense.
- I have also held other key national AILA positions, including: Chair, AILA ICE Liaison Committee (2003-2004)(successful in “breaking the ICE”, so to speak, and forging a new, productive relationship with the enforcement agency officials); General Counsel Liaison Committee Member (ICE Portfolio)(2004-present)(work closely with top DHS agency officials on legal issues of immediate concern to AILA membership and clients); Chair, AILA Due Process Committee (2003-2004)(worked hard to help draft AILA comments to NSEERS regulations); Ohio Chapter Chair (2001-2003); Senior Editor, AILA Immigration and Nationality Handbook, 2004-present; Senior Editor, AILA Litigation Toolbox; Contributing Author, Visa Processing Guide; Speaker and Faculty Member at numerous AILA national and regional conferences.
- Leading a 9000 member organization of independent-thinking attorneys with fiery wills, diverse practices and sometime conflicting interests is not an easy task. That’s why this election is so important. AILA will post more information on the AILA Infonet about the candidates, and I hope you will look there for a more detailed statement on how I plan to shape AILA’s future. I am currently getting ready for AILA Lobby Day on Thursday March

17, and I hope to see many of you joining us. We have much work to do, so even if you can't go to DC, please don't hesitate to contact me and let me know what issues you want AILA's leadership to be aware of and how we can make AILA the best it can be.

I greatly appreciate your vote for David Leopold for AILA Secretary. For more information please contact me by phone, email or fax at:

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