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The Global Legal Awards | **Citizenship**

The Refugees' Lady Liberty

JAYNE FLEMING MAKES HOUSE CALLS ON THE WORLD'S MOST DESPISED.

BY MICHAEL D. GOLDBABER

MANY AM LAW 200 FIRMS DO ASYLUM WORK. BUT asylum can only be sought by those who have already made it to Western shores. That does nothing to help the 62 million people languishing overseas in camps for refugees or the internally displaced. The U.N. High Commissioner for Human Rights resettles less than 1 percent of refugees. "Saving 1 percent is not acceptable," says Reed Smith pro bono counsel Jayne Fleming. "We have to come up with alternatives."

Reed Smith's solution is to fly a pro bono team led by Fleming to the refugee camps. In effect, Fleming does Lady Liberty one better. She doesn't lift her lamp beside the golden door. She brings it to the refugee's tent flap.

Fleming's early life resembles the plot of a Young Adult novel more than it does the overprivileged story of your typical American lawyer. She lost her father at age 11 in a naval transport air crash that left her mother alone to raise five children. Young Jayne found solace in musical theater, and naively left home at 17 to break into Broadway. She found lodging at the Martha Washington Hotel for Women,

alongside psychiatric patients from Bellevue Hospital, when she had rent money. She supported herself by making lunch platters for fancy law firms.

"Yes, I was the sandwich girl," says Fleming. "Lawyers intimidated me."

Fleming married young and divorced young. As a single mom, she enrolled at community college, then finished her degree and attended law school at Berkeley. To her surprise, the "sandwich girl" was every bit the equal of the preppies who ate her canapes. Appellate law was an intellectual thrill, but human rights spoke to her soul. After Fleming won a 2004 case that established rape as a basis for asylum, Reed Smith saw that pro bono was her highest and best use. In 2008 she became a full-time pro bono counsel, and began to scour the earth for tragedy.

"It's good Jayne didn't have an easy life," says Marya Abdul Rahman of the Beirut NGO Heartland Alliance. It helps her to fathom the unfathomable.

When earthquake struck Haiti in 2010 Fleming called her sometime

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JAYNE FLEMING AND LEADERS OF FAVILEK,
A HAITIAN WOMEN'S RIGHTS GROUP

collaborator, psychiatrist Daryn Reicherter, who heads the Human Rights Lab at Stanford Medical School.

“Do you want to go to Haiti?” asked Fleming.

“What can we do?” he asked.

“Well, I don’t know, we can carry buckets of water.”

“Jayne, you’re a lawyer and I’m a doctor. Why don’t you do something legal and find a medical piece for me?”

Fleming and Reicherter flew with six colleagues to Port au Prince, where they began identifying rape victims for “humanitarian parole,” and other extraordinary relief. Overall, the U.S. rejects five out of six humanitarian parole requests. But Fleming attached Stanford evaluations, and persuaded the UN to lend its support. She also found stories so horrific that no one could say no.

“The cases we’re talking about are so dire,” says Reicherter. “You go, ‘Oh my God, what else could happen?’ The trauma is heaped on.”

They include a 9-year-old rape victim who became mute from her ordeal. A 13 year old enslaved orphan with AIDS. A grandmother who lost two husbands to political murder, and a third husband to the earthquake; who was raped before and after the earthquake for promoting women’s rights.

After 30 visits to Haiti over six years, Fleming and her team won humanitarian parole in the U.S., or humanitarian admission to Canada, for 63 Haitian rape victims or their children. With the exception of two pending cases, Fleming later won permanent status for all of her clients in the U.S. Scores of Reed Smith lawyers played supporting roles.

In January 2015, Fleming went to her firm and said, “We have a model that works. Let’s build it out.” Perhaps inevitably, she was drawn to Syria, now the epicenter of the world’s humanitarian crisis, with over half of the prewar population of 22 million displaced. Over the past two years, Fleming and



her team have searched for tragedy in the camps of Lebanon, Jordan and Kurdistan, where Syrian victims mix with casualties of the older conflicts in Iraq and Afghanistan.

There is a young woman at risk of “honor killing,” because she was raped and impregnated by a relative. A 4-year-old girl conceived through rape, who has never left the detention center where she was born for fear of honor killing. A transgender woman raped by the police in Iraq and Jordan, then threatened with rape by fellow refugees.

So far, Fleming’s team has 30 Middle Eastern clients seeking humanitarian parole or humanitarian visas in Australia, Brazil, Canada, France or Spain. They’ve resettled about half.

And a Greek hedge fund client asked Reed Smith to counsel the Middle Eastern refugees flooding into camps on the Greek islands of Chios, Samos and Lesbos. This past summer, a dozen Reed Smith lawyers flew to Greece to advise hundreds of refugees, who argued before the European Asylum Support Office that they shouldn’t be returned to Turkey under its agreement with the European Union.

At camps designed for hundreds and occupied by thousands, more refugees wash ashore each day. Tents are pitched between shipping containers. Unaccompanied children play behind barbed wire, the boys chasing butterflies, the girls sipping tea with stones for teacups. “Vulnerable boys with heartbreaking stories are labeled terrorists,” says Fleming, “and no one in the world wants them.”

One young man in a Greek camp became suicidal after losing both parents in a Syrian airstrike, Fleming says.

“Hold on, you’re strong,” Fleming told him.

“You remind me of my mother,” he said.

“You remind me of my son.”

Peers praise Fleming as much for her humanity as her strategy. “She’s a holistic lawyer,” says Holly Cooper of the UC Davis immigration clinic. “She has a beautiful soul,” says the Lebanese human rights activist Marya Abdul Rahman.

Fleming bought oil paints for a depressed Sunni artist who fled torture by a Shia militia in Syria. She paid for the funeral of a Haitian double amputee who could only afford a mass

grave. She is godmother to two Haitian children, and was present at the birth of a third.

Through the Patricia Fleming Foundation, formed by Jayne in honor of her mother, Reed Smith partners have built a safe house for rape victims in Haiti, and paid the rent for many of Jayne’s resettled clients around the world. Whenever one settles near a Reed Smith office, lawyers and staff pitch in however they can. When a former Haitian child slave resettled in Philadelphia with her baby daughter, pro bono chair Lori Lasher kicked in lamps, tables, and Veggie Tales videos. Secretary Roxanne Briggs contributed much of the rest of the furniture when her mother passed away. Paralegal Maureen McCormick threw birthday parties for the daughter, and took them out on the town in New York. Now the Philadelphia office is setting up a ready-to-live-in apartment for a Syrian father with a paralyzed 5 year old, en route from Jordan.

When one of its refugees needs emergency medical care, the whole firm mobilizes. Reed Smith won Greek asylum for a Syrian man whose hand ISIS chopped off to punish him for smoking a cigarette; and talked an Athens hospital into free hand surgery. For “Baby Sham,” a 1-year-old Syrian girl born without an eye, 25 Reed Smith lawyers worked to obtain humanitarian parole from the U.S., to pressure Spain into letting her in temporarily, and to persuade a Spanish hospital to perform the needed surgeries. Fleming was in the hospital for the skin graft that enlarged Baby Sham’s eye orbit in August. Baby Sham will get a prosthetic eye this fall, and one more refugee will be made whole.

Fleming had a unique goal, and saw it through. Without solving the refugee crisis, she comforted the most despised.

“There’s a great thirst among pro bono counsel for exactly this sort of opportunity,” says Reed Smith’s Christopher Walters, the firm’s senior pro bono counsel. “They say, we’d like to help, but don’t know how. The answer is that you have to go there. Just go to the refugee camps and bring doctors. That’s essentially what Jayne did.”

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