

AILA's Immigration Litigation Toolbox

Fifth Edition

EDITORS' NOTE

We have all been there. Unsure of the next move. Skeptical of our own abilities and keenly aware of the high stakes involved. It is then, at that moment, that we as trial lawyers must dig a little deeper, work a little harder, and fight a little longer. This has never been more true than now. With the political situation in this country in turmoil, Congress divided and mired in an ineffective stalemate, and the U.S. immigration system as broken as ever, we must not let fear, insufficient effort, or lack of resources keep us from seeking out what is just and fair.

An old law professor once said, “It is not the smartest lawyer who wins, it is the one who is most prepared.” True to its name, this new edition of *AILA's Immigration Litigation Toolbox* seeks to provide as many “tools” as possible to make sure that being the “most prepared” is always readily possible. To this end, this updated toolbox has been reformatted and redesigned in order to mirror the natural flow of the immigration litigation process. Sections have been divided with the intention of keeping the actual progression of removal cases, agency appeals, circuit court reviews, and district court actions in mind. So, while the wealth of useful materials included within are not exhaustive—there is never a way to predict *all* the possible situations that may arise during litigation—this new design should help practitioners as they navigate the sometimes murky waters of litigation practice.

Having an effective trial strategy is another aspect of being prepared, and the editors also have constructed this new version of the toolbox with this in mind. Since litigation strategies are not mutually exclusive, the materials in this toolbox have been collected and organized so as to encourage multilevel litigation simultaneously, should such a strategy be deemed the best course of action to take. Approaching trial strategy in this holistic manner often creates opportunities and avenues to success that may have not existed before.

A word of caution. Despite the federal government retaining the power to craft and regulate immigration law, it is still common for individual jurisdictions, courts, and even judges to *require* specific ways things must be done. As a result, in addition to making use of the materials in this toolbox, being as prepared as possible also entails by necessity diligently staying aware of these particular rules. It is this level of preparedness that often secures victory against all odds.

Many individuals contributed to this new edition of *AILA's Immigration Litigation Toolbox*. Despite busy schedules and demanding practices, each of these people—experts in the field of immigration litigation—has shared his or her knowledge for the greater good. With these materials, the editors hope that those who use this toolbox will channel the warrior lawyers in themselves and bravely enter the courtroom confident in their abilities. As the field of

immigration law becomes more complex, more unforgiving, and more challenging, using the materials assembled in this toolbox should help to alleviate uncertainty, conjure creativity, and inspire practitioners to push the bounds of the law in an effort to employ whatever is necessary to secure fundamental fairness and justice for clients.

They say that the law makes a very jealous mistress. This is particularly true of trial work. It can be all-consuming, but it is also, of course, very important. The editors hope this toolbox helps you prepare for the battles ahead. There will be many, and some will most certainly be tough. In the end, however, you will be glad you took the shot.

Go. Fight. Win.

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