

# THE PROFESSIONAL LAWYER

by Paul J. Schwab

**Lessons from Samuel's Case.** An attorney should work hard to properly serve the client. The savvy professional also takes steps to ensure payment of the fee.

Early in my career Congress enacted significant changes to the immigration laws. Wanting to keep current on the law and thinking I might want to practice in that area, I attended a seminar on immigration law sponsored by the Maryland Institute for Continuing Professional Education of Lawyers, Inc. The presenters were an experienced private practitioner and Bob, an attorney with the Department of Justice who represented the Immigration and Naturalization Service (“INS”) in deportation and other cases. Among other things, Bob recommended that counsel contact the government’s attorney before any hearing.

Samuel came to the United States on a student visa from Nigeria. After he overstayed his visa, INS began proceedings to deport him. Appearing *pro se*, he raised a number of objections and arguments. When he had just about reached the end of the process, he married Monique, an American citizen. Not surprisingly, the government was skeptical, challenged the “marriage” and a hearing was scheduled. If found to be an authentic marriage, Samuel most likely would be able to remain in the United States and become a permanent resident. Samuel hired me to represent him at the hearing. I agreed to be paid a retainer of half the expected fee and the balance after the hearing.

From the seminar I had learned that INS would be making an unannounced visit to the marital home before the hearing and where to find examples of the types of questions that might be asked at the hearing. At that time, possible questions included which spouse slept on which side of the bed, when and what each spouse usually ate for breakfast, names of the other spouse’s siblings and attendees at the marriage ceremony. This background enabled me to advise the

client to cooperate with the INS during its visit and to pay attention to routine matters with his wife.

Bob was handling the case for INS and I contacted him well in advance of the hearing. This resulted in my learning of and being able to address a potential bombshell. Monique had a history. She had been arrested for solicitation, prostitution and drug offenses more than 25 times in the previous two years. Monique told me that she changed her life after she met Samuel and had not been arrested since, which was consistent with her record.

The preparation and the information from Monique helped the hearing go well. In separate questioning, Samuel and Monique gave generally consistent answers. Monique acknowledged her record and explained how she changed her life and “got off the streets” after she met Samuel. The judge ultimately decided in Samuel’s favor.

So by attending the seminar, contacting opposing counsel and preparing for the hearing, I obtained a great result for the client. But, I never received the balance of my fee. It was an important lesson learned the hard way—best practice is to require full payment before a hearing.

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The Professionalism Committee will co-host, along with the Young Lawyers Committee, the following program:

April 25, 2017, 5 p.m., [\*Civility & Advocacy: Not Mutually Exclusive\*](#), Circuit Court for Baltimore County. Reception immediately following.

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