



PRO BONO CASE STUDY

Pro Bono: Combatting Human Rights Violations with Data

In 2015, the National Immigration Law Center, the American Civil Liberties Union, the American Immigration Council, Morrison & Foerster and the Lawyers' Committee for Civil Rights of the San Francisco Bay Area filed a lawsuit on behalf of civil detainees at a U.S. Border Patrol facility within the Tucson sector of the U.S. Customs and Border Protection agency. The suit alleged inhumane and punitive treatment of the detainees, including dirty, cold and overcrowded holding cells. The suit further alleged that migrants detained in the facilities were denied basic necessities, including adequate food, beds, showers and medical care.

SITUATION

In March 2019, Morrison & Foerster asked Senior Managing Director Eric Poer if FTI Consulting could assist with the compilation and analysis of data produced by the U.S. Border Patrol in preparation for trial. A team led by Senior Managing Director Chris Riper and Senior Director Robert Miś spent more than 2,500 hours analyzing years of data regarding conditions at the U.S. Border Patrol's Tucson sector facilities, including the length of time detainees were held in detention, number of detainees per cell, frequency of meals and whether they were given access to showers.

OUR ROLE

In January 2020, a group of attorneys from Morrison & Foerster began trying their case alleging inhumane conditions at the U.S. Border Patrol's Tucson sector detention facilities. Robert Miś prepared an expert report and was called in to testify on how FTI Consulting compiled and analyzed data from the facilities. His exhibits, which revealed conditions at the detention facilities, were admitted into evidence and served as the backbone of the case.

OUR IMPACT



In February 2020, a U.S. District Court judge in Arizona ruled that Border Patrol facilities in the Tucson sector deprived migrants of “basic human needs,” declaring that conditions at the temporary detention facilities were “substantially worse” than those in prisons and, therefore, violated the Constitution. The ruling permanently barred the U.S. Customs and Border Protection from holding migrants in its Arizona facilities for more than 48 hours without providing them with a bed, blanket, shower, food, potable water and a medical assessment.

“This was my first opportunity to testify, and I couldn’t be more satisfied with the outcome. Considering the testimony was in a federal court at a trial of national importance, it was crucial to get it done right. I am extremely proud of my team’s efforts and FTI Consulting’s support of pro bono work. It was incredibly refreshing to be part of a case with a human element at focus.”

Robert Miś

Senior Director, Forensic & Litigation Consulting, Portland

“Chris Ripper, Robert Miś and the FTI Consulting team devoted more than 2,500 hours of pro bono work on our case challenging inhumane conditions in the Tucson Sector Border Patrol stations, where more than 200,000 migrants have been detained since 2015. ... It is fair to say that without FTI Consulting’s work, our case would have failed.”

Jack Londen

Partner, Morrison & Foerster, San Francisco