

Travel Can Be Rewarding

Two lawyers helped attorneys overseas pursue the good that courts can do.



BY EMILY GRANNIS

The job was harder than it seemed. The American lawyers had come to London to teach Sudanese lawyers how to prepare victims of the Darfur conflict to testify before the International Criminal Court, but it's difficult to get a witness ready for cross-examination if he can't even say when he was harmed.

The Sudanese victims, many of whom have been driven from their homes, have little way of recalling exact dates, says Laura Miller, a partner at Nixon Peabody. So she and the other American volunteers participating in the American Bar Association's Darfur Legal Training Project had to think of other ways to nail down chronology. Miller found herself asking about the weather.

"I'd say, 'Was it raining?' 'Yes! Yes, it was raining,'" Miller recalls. "By the end of the week, [the Sudanese lawyers playing victims] would stand up and say proudly, 'I want to tell you this story,' and then they'd look at me and say, 'And it was raining!'"

As Miller learned, bringing legal aid to more troubled parts of the world demands a certain amount of back-to-brass-tacks thinking.

In the past year, Miller and another partner in her practice group, Anjali Chaturvedi, have both headed overseas to do their pro bono good deeds. They've had the chance "to engage with people from a different place with a different perspective and a different background," Chaturvedi says.

They also received stark reminders of the difference between a 200-year-old, functioning legal system and the opening struggles to find justice with judges.

"It wasn't summer camp where I go back home and she goes back home and everything's good," says Miller.

AID TO DARFUR

Miller, who chairs Nixon Peabody's Washington government investigations and white-collar defense practice, signed up to do her pro bono bit in a particularly volatile situation.

The Sudanese government and rebel groups have been facing



FOREIGN AID: Laura Miller (top, second from left) advised Sudanese lawyers on preparing witnesses, while Anjali Chaturvedi (bottom left) brought her expertise in human trafficking cases to Kosovo.

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off in the Darfur region since 2003. The United Nations estimates that 300,000 civilians have died since fighting began. The International Criminal Court, which issued arrest warrants for a militia leader and a government minister in May 2007, is now deciding whether to go after the Sudanese president himself. The goal of the Darfur Legal Training Project is to teach Sudanese lawyers how to make the victims' cases before the court.

In June 2007, 13 American lawyers flew to London to offer their expertise to 13 Sudanese participants. They met in London

because it would have been risky for Americans aiding Darfur victims to visit Sudan, explains Miller, and organizers were concerned that the Sudanese government would have made it difficult for the Sudanese lawyers to visit the United States or that they would have faced retribution for trying.

All the Americans plan to return to London this October for a second session. Organizers expect all the Sudanese participants to return, along with about 20 additional colleagues.

This year Miller co-chairs the project. She notes that the Sudanese originally came with reservations. The project “was about this fishy International Criminal Court that everybody’s a little suspicious of anyway,” says Miller, adding that the Sudanese lawyers’ expected return lends credibility to the effort.

Miller and her co-chairman Brad Brian, a Los Angeles lawyer with Munger, Tolles & Olsen, acknowledge that the first day of the project was difficult because of cultural differences. Miller had learned some basic Arabic and was able to talk to the Sudanese a little without a translator. She and Brian say they thought that helped the atmosphere.

“I went over ... and I said, ‘Hello, how are you?’ I introduced myself, and I said ‘I’m so glad you’re here’ in Arabic,” Miller recalls. “And they started to smile, and then they started to giggle, and then one person corrected what I said, and it was fabulous. Because it meant they were teaching me.”

The concept of learning from as well as teaching the Sudanese was critical. Initially, the Americans lectured their fellow participants on the structure of the International Criminal Court, witness preparation, effective advocacy, and international criminal, civil, and common law.

But after about a half-day or day of “sort of showing off our wares,” says Miller, the Americans called a halt. “What we did is say, ‘No, we want to hear from you and what your experiences have been.’”

Miller says she had never done pro bono work like this before, and she recognized the great divide between her life and that of the Sudanese lawyers.

“They’re going back to circumstances where their lives are on the line all the time,” she says. “I developed an extraordinary appreciation for how they were risking their lives and what phenomenal people they are.”

ADVICE IN KOSOVO

Chaturvedi’s experience with an overseas ABA project was a little less raw. She traveled to Kosovo, a country that has been mainly at peace since June 1999.

However, Kosovo is one of the new nations created out of the breakup of Yugoslavia. It’s trying to build an independent legal system while cleaning up after two decades of social upheaval and armed conflict. Trafficking of girls and women is a serious problem, according to Amnesty International.

As part of the ABA’s Rule of Law Initiative this year,

Chaturvedi, who practices primarily in the area of government investigations, was in the capital city of Pristina on June 5 and 6 to train law enforcement officials to more effectively prosecute human trafficking cases. The focus was on confiscating the property of the traffickers.

Chaturvedi and her co-coordinator T. Markus Funk, an assistant U.S. attorney in Chicago, say Kosovo officials were not taking advantage of their own confiscation laws. The Americans used the example of a real case the Kosovars had prosecuted against a tango club owner. They estimated that more than 300 victims were trafficked through this club, producing \$4 million in revenue over three and a half years. Confiscating his assets would have reduced the risk that the owner will start trafficking again after serving his time.

“[Everyone] admitted freely that they knew the laws were on the books, but didn’t really know how to use them and hadn’t received any training on that,” Funk says. “The responses were very positive and not at all defensive, which is key.”

Questions included how to handle landlords who claim to have no knowledge of what is taking place on their property. The Americans suggested first serving the landlords with a warning that if the illegal activity doesn’t stop, the government will confiscate the property.

“We got a few smiles and a few, ‘Oh that’s a way of tackling that innocent-owner defense,’” Chaturvedi recalls.

She and Funk were both excited to hear that a United Nations official issued a circular to Kosovar law enforcement shortly after the program directing prosecutors to seek forfeiture as often as possible. (Kosovo, which formally declared its independence this year, has been under U.N. administration since 1999, and U.N. officials remain involved in the government.) The lawyers said they were not aware of the U.N. issuing circulars in response to any other private training efforts.

This was not Chaturvedi’s first experience with human trafficking cases. As a federal prosecutor for 12 years, she served as chief of the Organized Crime Strike Force in the U.S. Attorney’s Office for the Northern District of California, where she dealt with human trafficking cases involving Indonesia. She says she was glad to be able to continue that work at a private law firm.

Last year, Nixon Peabody averaged 29 pro bono hours per lawyer, according to *The American Lawyer*. Pro bono partner Stacey Slater says the firm is working toward a goal of having all employees—partners, associates, paralegals, and other staff—do 60 hours of pro bono or volunteer work a year.

That’s a goal that Miller and Chaturvedi easily exceeded on their ABA projects. More gratifying was the realization that these were no vanity exercises, that their foreign counterparts were actually helped. As Chaturvedi says, “It was nice to not only talk the talk but to walk the walk on this one.”

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