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## Immigration Law Seminar Generates Unwanted Publicity for Firm

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Gina Passarella, The Legal Intelligencer

It was the seventh annual immigration law update held by Cohen & Grigsby, but probably the first time the seminar reached thousands of YouTube viewers.

The firm has seen a media and political firestorm regarding comments made by its attorneys at the May seminar regarding the ways employers can eliminate American job applicants in order to obtain green cards for foreign workers.

Lawrence Lebowitz is an immigration attorney at Cohen & Grigsby, a Pittsburgh firm, and the firm's vice president of marketing.

On the video, Lebowitz was talking with other firm employees on the panel about the federal requirements for recruiting American workers before the job can be given to -- and an application for a green card can be made on behalf of -- a foreign worker.

**"Our goal is clearly not to find a qualified and interested U.S. worker," Lebowitz said. "And, you know, that, in a sense, that sounds funny, but it's what we're trying to do here."**

Other panelists laid out ways in which employers could comport with the federal requirements for advertising to American workers, but could limit the number of potential applicants. Advertising in papers with lower circulation was one example given.

"So certainly we are not going to try to find the place where the applicants are going to be the most numerous," Lebowitz said. "We're going to try to find a place where, again, we're complying with the law and hoping and likely not to find qualified and interested worker applicants."

A nearly five-minute clip of the seminar was edited by a software professionals advocate, The Programmers Guild, to include captions and music of the firm's panel discussion on immigration. It was posted on YouTube earlier this week and has already received more than 54,000 views and 500 comments as of Friday afternoon.

Even CNN's Lou Dobbs took an interest in Lebowitz's comments, airing a piece on the issue last week.

"These are Americans trying to screw American workers," Dobbs said.

In a statement released by the firm, Cohen & Grigsby said it had a responsibility to inform its clients of the laws governing employment of international workers.

"To that point, we stand by the substance of our recent Immigration Law Update Seminar," the firm said in the statement. "We regret the choice of words that was used during a small segment of the seminar. It is unfortunate that these statements have been commandeered and misused, which runs contrary to our intent."

Cohen & Grigsby has not only received media attention for its remarks, but has also caught the ire of an Iowa senator and a Texas congressman.

Sen. Chuck Grassley and Rep. Lamar Smith wrote a letter to Cohen & Grigsby reprimanding the firm for its comments and requesting the names and amount of clients who have used the firm to bring H-1B workers for permanent placement.

The pair also sent a letter to U.S. Secretary of Labor Elaine Chao to request that she investigate "the law firm's unethical procedures and advice to clients."

In the letter to Chao, Grassley and Smith said the firm videotaped the seminar "exposing the blatant disregard for American workers and deliberate attempt to bring in cheaper foreign workers through the H-1B program."

Some have said that looking at the comments in context to the discussion might make a difference.

Ron Klasko of Philadelphia immigration boutique Klasko Rulon Stock & Seltzer said the only reason employers need to engage in a federally mandated search for American workers is if they already have a foreign national in place for the position.

"In almost every case there's already somebody in the job," Klasko said. "You don't initiate the process unless you have a really critical foreign national" in need of a green card.

It may be, he said, that the firm just didn't express that artfully enough, making the concept seem fraudulent.

The issue of backing a foreign worker for permanent residency status is not a new issue and one that is a real problem for employers, Klasko said.

"The recruiting system that has been set up by the Department of Labor does not allow employers to use normal recruitment procedures," he said.

Employers have to create a list of criteria for the position in which they wish to place the foreign worker and submit it to the department, he said. Companies aren't allowed to just look for the best candidate, but rather any American workers who meet the minimum requirements outlined by the firm.

"That's absurd," Klasko said.

The problem is compounded, he said, because subjective criteria such as whether the person is articulate or whether he or she went to a top-tiered school can't be considered.

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