

Court to review request of illegal immigrant to practice law

A paralegal who was brought to the United States as a young child has been certified by the State Bar of California, raising broader questions about licensing illegal immigrants in other professions.

By Maura Dolan, Los Angeles Times

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California's agency that licenses lawyers wants to admit an illegal immigrant to practice law, an unprecedented request that the state's highest court decided Wednesday to review.

The State Bar of California certified Sergio C. Garcia after he passed a written test and a moral examination, sending it to the California Supreme Court for routine approval. The bar informed the court at the time that Garcia was undocumented.

In a unanimous decision, the state high court ordered the bar to explain why an illegal immigrant should be given a legal license and invited briefs from other parties, opening the door to a potentially heated debate over national immigration policy.

Would the issuance of a license imply that Garcia could be legally employed as an attorney? the court asked. What are the legal and public policy limitations, if any, on an illegal immigrant's ability to be a lawyer? May other state agencies that license professionals also admit undocumented immigrants?

After reviewing the written arguments, the court may hold oral arguments on the case.

Garcia's case is the first to come before the state's highest court involving an illegal immigrant seeking a legal license, according to a court spokeswoman. Similar cases are pending in Florida and New York. The bar began asking non-citizen applicants their immigration status several years ago.

Garcia was born in Mexico and brought to the United States by his parents when he was 17 months old, according to the Daily Journal, a legal newspaper. He attended college in Chico and works as a paralegal. Garcia has applied for legal status, but the process could take five to 15 years, Garcia's immigration lawyer has said.

Stanford Law professor Deborah Rhode, a legal ethicist, said she would be surprised if the court approved a legal license for Garcia before he obtained residency.

"It seems fairly inconsistent with a long line of decisions that officers of the court are forsworn to uphold the law and should not be seen to have defied it," she said.

But she also cautioned that Garcia could have a personally compelling case.

"Some of these cases are really heart-wrenching on the facts, especially undocumented immigrants who are brought over to this country at a young age, who go through the school system, who managed to triumph over a lot of obstacles, and who have now invested all this money in a degree," she said.

A spokeswoman for the bar said it would respond to the court's order but declined to discuss Garcia's case. Instead, the spokeswoman provided a summary of requirements for practicing law in California.

They included a juris doctor from an accredited law school, a background check and a positive finding of moral character. The summary said applicants must supply a Social Security number but may request an exemption. The summary made no mention of immigration status.

Garcia's immigration lawyer was unavailable.

Jerome Fishkin, a lawyer who is representing Garcia before the bar, responded to a request for an interview with a brief written comment.

"We hope that the California Supreme Court adopts the state bar's finding that Sergio meets all legal qualifications to become a California lawyer," Fishkin said. " We will be filing our brief on his behalf.

<http://www.latimes.com/news/local/la-me-immigrant-attorney-20120517,0,1730536.story>