

MONDAY, AUGUST 23, 2010

Associate Recognized for Her Pro Bono Work

By Sara Randazzo
Daily Journal Staff Writer

SAN FRANCISCO — Simona Agnolucci has only been an associate for three years, but she's already had an experience attorneys many years her senior dream of — standing up before the 9th U.S. Circuit Court of Appeals.

Arguing, and winning, the case on behalf of a 22-year-old client on the verge of deportation to the Philippines was a particular thrill for Agnolucci, who clerked for 9th Circuit Judge William Canby Jr. before joining Howard Rice Nemerovski Canady Falk & Rabkin in San Francisco.

"Having sat on the sidelines and critiqued so many lawyers, to be the one up there was totally exhilarating," she said.

The immigration case is one of many Agnolucci has taken on a pro bono basis since joining Howard Rice in the fall of 2007. Colleagues say she is a fierce advocate who exudes a poise and expertise rare for a young lawyer. Her confidence has apparently paid off; she said she hasn't lost an asylum or immigration case yet.

Most recently, she and attorneys from the Center for Gender & Refugee Studies at UC Hastings College of the Law successfully won a landmark case in San Francisco immigration court that paves the way for victims of domestic abuse seeking asylum in the U.S.

The case, known as *the Matter of L.R.* because asylum cases are confidential, granted asylum to a Mexican woman who fled years of unrelenting sexual and physical abuse at the hands of her common-law husband.

Karen Musalo, director of the Center for Gender & Refugee Studies, led representation of L.R. and approached Agnolucci to represent L.R.'s two sons.

"It is tremendously important nationally; any asylum advocate is ecstatic now," Musalo said, adding that since the decision came out earlier this month the Center has been inundated with requests for information on the case, including from lawyers in Canada and Israel.

Under the Bush administration, domestic violence was rarely considered a strong enough reason for women fleeing their home countries to be granted asylum. Then in April 2009, top lawyers for the Department of Homeland Security quietly submitted a brief in L.R.'s case that said under some circumstances, battered immigrant women could be considered part of a persecuted social group and therefore gain refugee status.

Musalo said she and Agnolucci submitted a



Simona A. Agnolucci

thousand pages of evidence to show L.R.'s case met the requirements laid out in the brief, including proving Mexican society tolerates and allows domestic abuse to occur, that the government was unwilling to help the family and that simply relocating to another part of the country would not provide adequate protection.

The case wasn't the first time Agnolucci and Musalo worked together. The two met when Agnolucci enrolled in Musalo's class on refugee law and policy at UC Hastings. They've moved from being student-teacher to colleagues, and this year the Center for Gender & Refugee Studies is honoring the Howard Rice associate as its pro bono attorney of the year.

"She is somebody who is 100 percent on the side of her clients and has a tremendous amount of empathy," Musalo said. "Simona never fails to think of how can she make sure in bringing forward the legal strategy in a case her clients are protected and not further traumatized. ... That's not a given."

Agnolucci said her interest in immigration work began in her first year at Hastings when she volunteered with La Raza Centro Legal in the Mission District of San Francisco. She was immediately thrown into a client interview with a man who had been scammed by a fly-by-night

"notario," and realized "this was an opportunity to help this person who really had no voice or advocate or other recourse in the legal system."

At Howard Rice, she balances pro bono cases — which have taken her through all stages of the immigration process — with her general litigation practice. The firm counts pro bono hours equally with billable work, pro bono coordinator and director Clara Shin said, and there's no hard maximum on the number of hours associates can do pro bono per year.

"Our policy is, if we're taking a case on, we treat it like any of our clients and commit hours as well as dollars," Shin said, citing the \$2 million the firm gave during representation of the city and county of San Francisco in opposing the state's ban on same-sex marriage. Other current Howard Rice pro bono projects include challenging the state's lethal injection protocols and fighting for adequate funding of public schools.

As for Agnolucci, she continues to be driven by a desire to help immigrants and refugees get on equal footing in the incredibly complicated legal system. "It makes me proud to see the justice system working the way it should when I win these cases," she said.

sara_randazzo@dailyjournal.com