



# Do Lawyers Pay for Themselves?

## A Cost-Benefit Analysis of Providing Public Counsel in Immigration Removal Proceedings

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# How Do Lawyers Affect Removal Proceedings?

Benefits (Cost Savings) of Providing Public Counsel

# The Effect of Lawyers



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## Lawyers Would Make Proceedings More Efficient and More Accurate

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- **Reduced Detention Time:**
  - Detainees would no longer need continuances to seek legal counsel (and extend their stays in detention)
  - Detainees without much chance for relief would have their cases adjudicated more quickly
  - More respondents would secure release through bond and thus largely avoid detention
- **Higher Win Rates – More respondents would win their cases and fewer would be deported**

# Detention Cost Savings



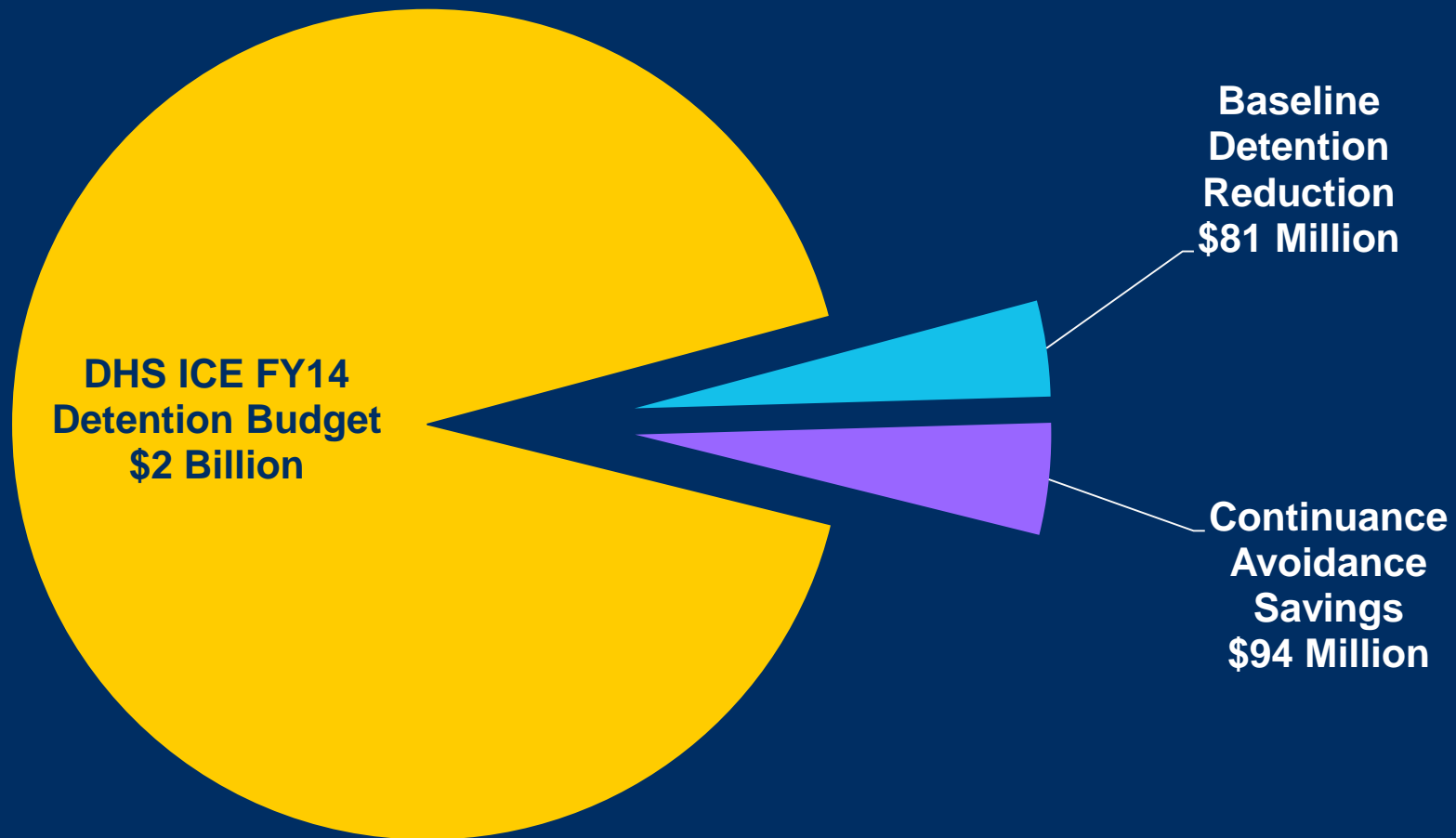
- As a baseline, Legal Orientation Program (LOP) saves an average of 11 days of detention per detainee
- Detainees who would otherwise seek but fail to find representation (34%) would save 13 days
- Detention costs an estimated \$159-161 per detainee per day

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Lawyers would eliminate an estimated 1.1 million detention days, saving \$174 million per year

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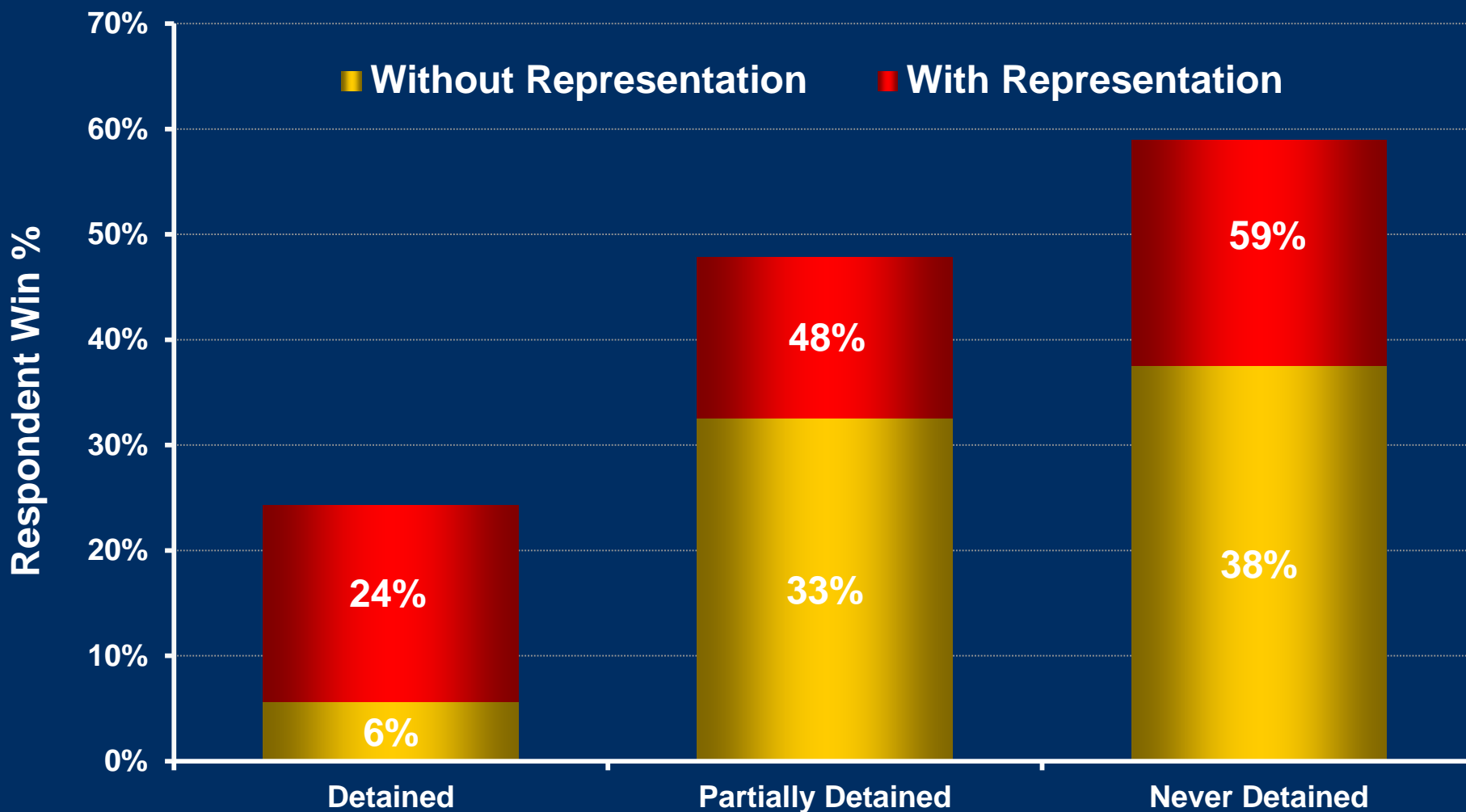
# \$173-\$174 Million in Annual Detention Cost Savings



# Lawyer's Effect on Case Outcomes



## Respondent Win Rates





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## Higher Case Win Rates Means Fewer Deportations

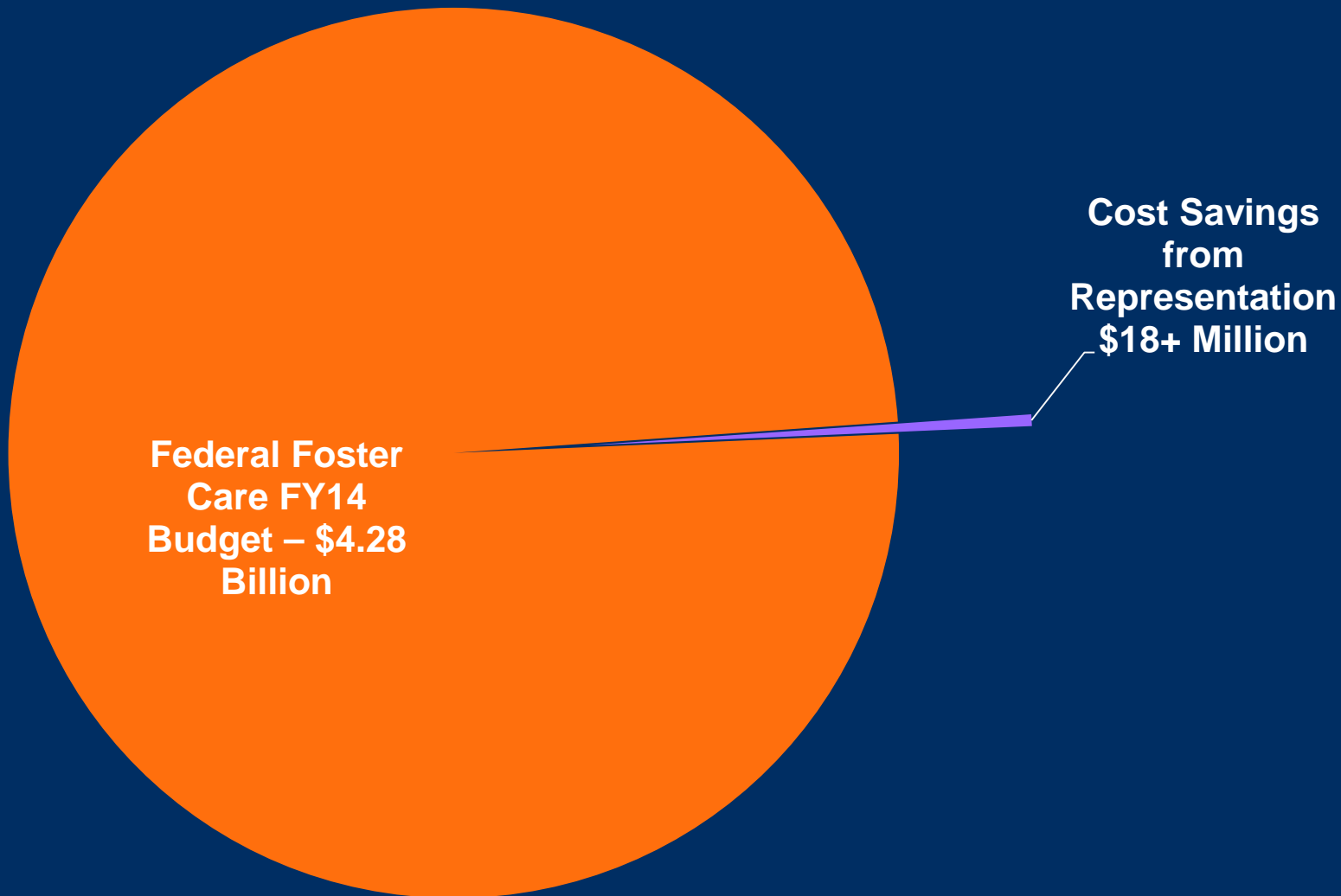
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- 5,100 children whose parents have been either detained or deported are in foster care at an annual federal cost per child of \$28,526
  - By increasing win rates, public counsel could reduce this number by over 600, saving \$18+ million
- Each removal costs the federal government \$559 on average in transportation costs
  - Higher win rates would eliminate 17,550 departures, saving \$9.8 million

# Foster Care Cost Savings



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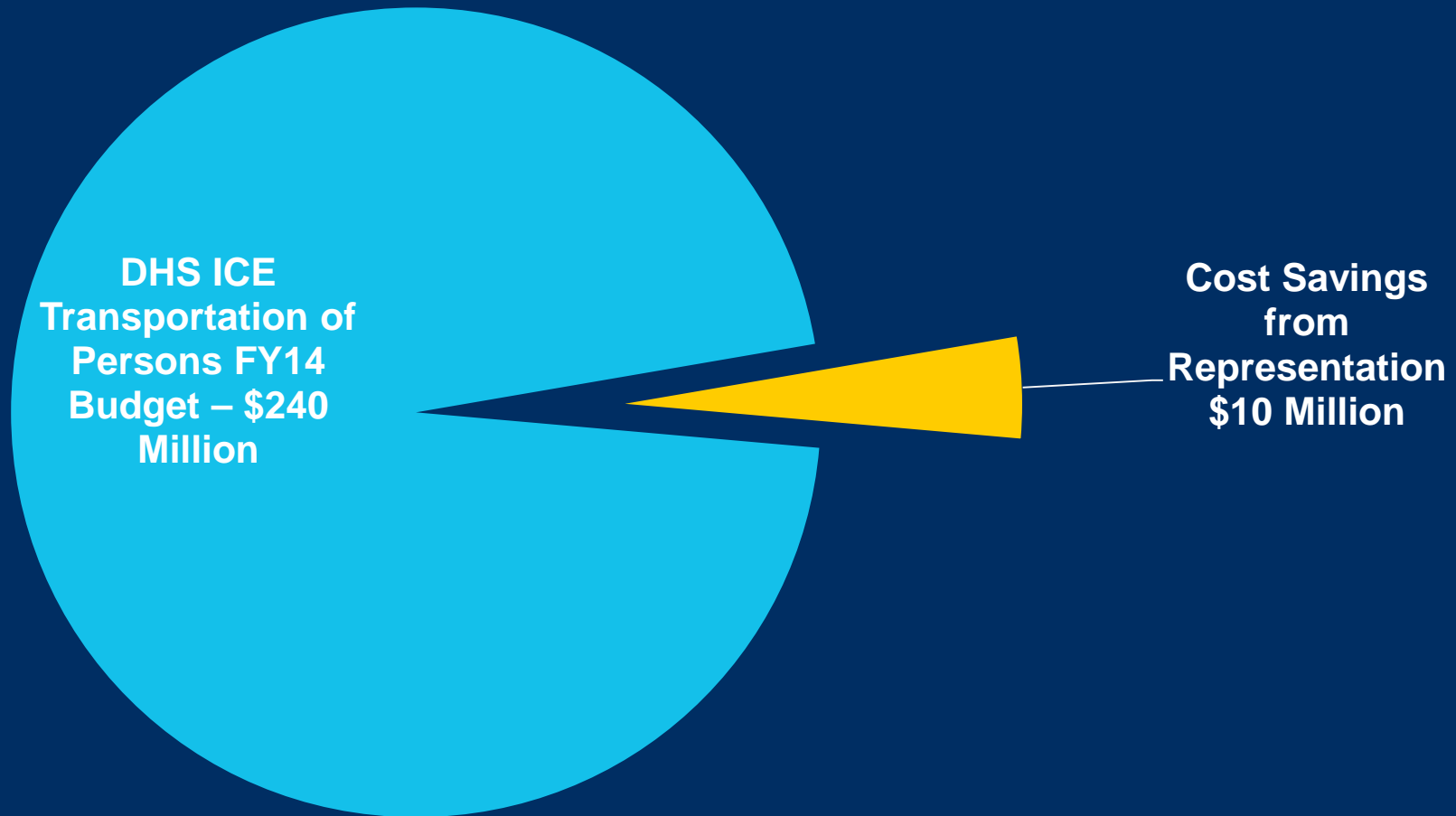




# Removal Transportation Cost Savings



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# How Much Would It Cost to Provide Free Legal Representation?

## Costs of Providing Public Counsel

# How Many Lawyers Are Needed?



- 93,573 estimated cases without representation in FY14
- Case lengths are thought to be bimodal:
  - Short cases (65% overall) assumed to take 1.5 hours of attorney time
  - Long cases (35% overall) assumed to take 85 hours of attorney time
- 2.9 million hours of attorney time needed
- Lawyers are assumed to work 1,799 case hours per year

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1,612 Attorneys Needed

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# How Much Do Lawyers Cost?



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- Need to consider:
  - Salary
  - Benefits
  - Supervisory and administrative staff
  - Office space, transportation and other overhead
- Total cost estimate of \$128,850 per lawyer per year, based on budget of the Legal Services Corporation, which is a publicly funded national legal aid organization

# Total Proposal Cost



1,612 Attorneys Needed

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\$128,850 per Attorney per Year

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\$208 Million Annual Cost

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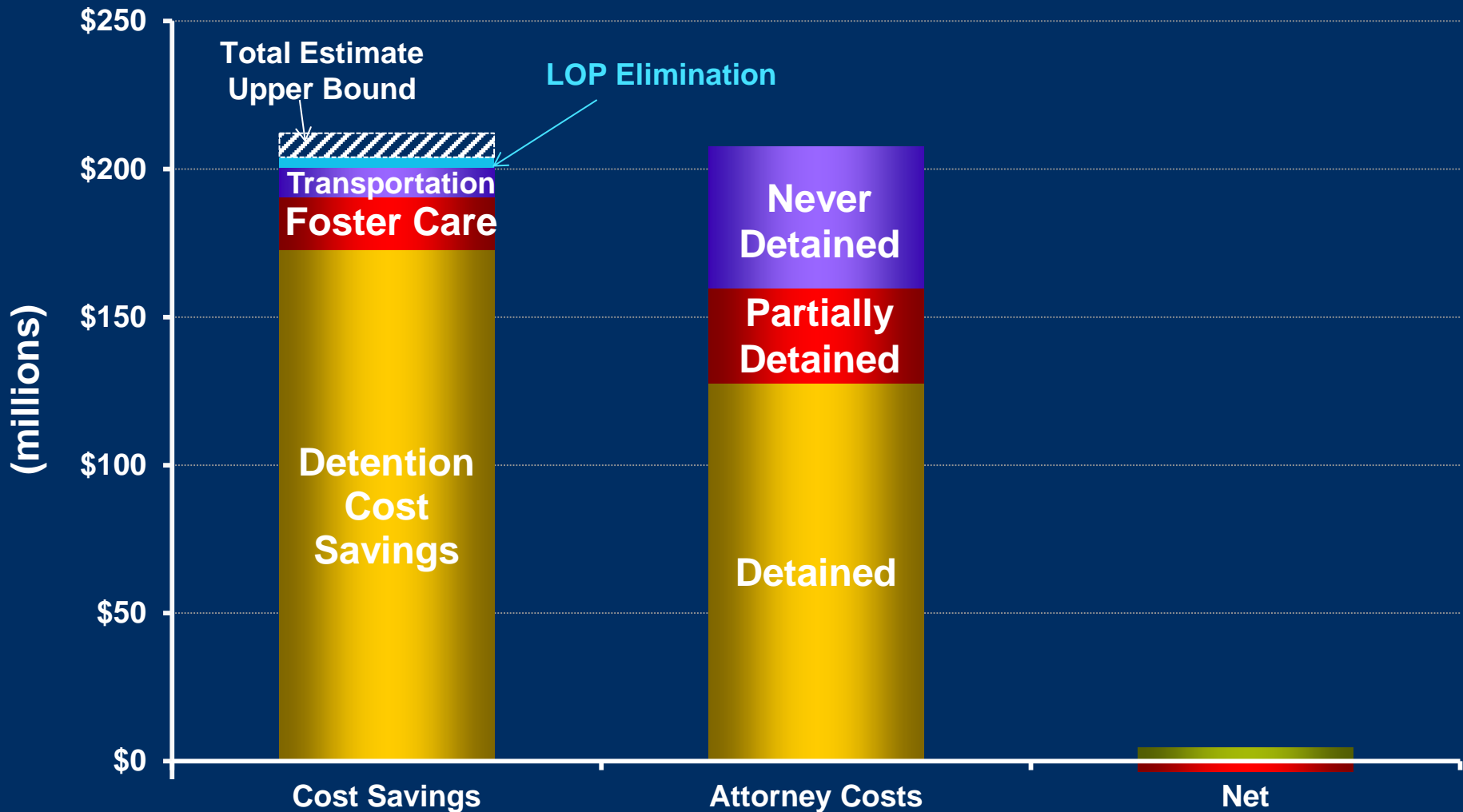
# Benefit Cost Comparison

Would Attorneys Pay for Themselves?

# Benefits Versus Costs



## Costs Savings Approximate Costs





- Unquantified Benefits
  - Respondents who would otherwise be detained or deported are free to work and contribute economically to their communities
  - Additional detention cost savings from respondents who are released on bond
  - Reduction in cases processing times frees up court staff
  - Cost savings for states
    - Foster care and healthcare for children





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