

Nomination Of Abiman Rajadurai For Pro Bono Service Award

Sergey Mayorov was born in Belarus in 1990 and moved to this country as the child of an asylee when he was just eight years old. His mother became a citizen in 2007, and Sergey, through the Child Citizenship Act of 2000, automatically derived United States citizenship. On December 27, 2010, Sergey pled guilty to residential burglary, with the understanding that he was eligible and would be placed in the Illinois “impact incarceration” program, a 120-day boot camp program, which, if he successfully completed, would result in his release from custody without having to serve any imposed prison sentence. Sergey entered boot camp on January 25, 2011 and completed 52 of the 120 days in the program without any disciplinary, or any other, issue that would suggest he would not be released upon the completion of the remaining 68 days of the program. However, on March 18, 2011, he was disqualified from the boot camp program as a result of an immigration detainer issued against him by United States Immigration and Customs Enforcement (“ICE”). The detainer requires that the State of Illinois give ICE 48 hours notice prior to releasing Sergey. The State of Illinois, in that situation, routinely removes the subject of the detainer from the boot camp program, such that the individual then is incarcerated. Sergey maintained that the detainer should not have been issued, or maintained, because a reasonable search would have shown that he was a United States citizen. As a result of the detainer, rather than being released in another 68 days, Sergey was imprisoned for another 325 days, until ICE realized its mistake and cancelled the detainer. After his release, he filed a civil action seeking damages from the United States for its negligence and his resulting wrongful imprisonment.

Abiman joined the case shortly after Sergey filed his complaint through a referral from the National Immigrant Justice Center. There were a host of complications that Sergey needed to overcome to prevail at trial. Abiman was the lead attorney for Sergey for over two years and both deftly and doggedly navigated this case towards a favorable six-figure settlement just five days before trial was slated to begin.

During the case, Abiman led all aspects of discovery, filed for and defended against summary judgment, and prepared the matter for trial. Most importantly, Sergey will be utilizing the settlement money as a springboard towards a brighter future. Throughout the case, Abiman regularly communicated with Sergey to update him on the status of the case and to discuss strategy and procedure. He developed an excellent rapport with Sergey that enabled him to understand that while the legal system could not give him back the 325 days of his life or erase the trauma he experienced there, he could obtain some compensation to help him move forward with his life in a positive way. Indeed, the settlement figure will provide Sergey closure to a troubling part of his past, as settling spared him the pain of a trial where he would have to relive the harrowing prison conditions and fear of deportation that he experienced. Similarly, his mother was spared the need to revisit the anguish and distress she faced while she was helpless and concerned about her son.

In addition to his substantial work on behalf of Sergey, Abiman also spent hundreds of hours last year working on another pro bono matter (*IDOL v. Community*

Mental Health Council et al., Case No. 14L6673 (Cook County Circuit Court)), in which he served as lead trial counsel in an approximately three-week trial. In that case, Abiman defended three former individual officers of Community Mental Health Council, a non-profit corporation which provided critical care for mentally-ill and vulnerable patients in Chicago, who faced *individual* liability (as officers) under the Illinois Wage Payment and Collection Act for wages CMHC owed to its employees, even though these employees' wages were directly tied to state funding which were delayed and otherwise ceased as the state of Illinois' finances continued to deteriorate. Abiman's work resulted in two of these three individuals being dismissed from the action and he continues to advocate that any potential liability for the third defendant (the action seeks over \$2.5M) should be negligible as the officer, among other things, had no intent of ever depriving any employees of wages.

Abiman invested over 500 hours in pro bono work in 2015. Putting an exclamation point on Abiman's efforts is the fact that at the time he expended these hundreds of hours on behalf of these individuals, his law firm's policy had capped an attorney's billable hour credit for pro bono work at 50 hours per year. Despite the prospect of receiving no credit for most of his work, Abiman did not hesitate to zealously litigate those cases. Fortunately, after the fact, an exception was made to the policy cap in recognition of his extraordinary efforts.

We believe his efforts merit recognition as the recipient of the 2016 Excellence in Pro Bono and Public Interest Service in the United States Court for the Northern District of Illinois award.