

# CITIZEN KURZBAN LAWYER IRA KURZBAN, AN IMMIGRANT'S SON HIMSELF, CHAMPIONS THE CAUSE OF TODAY'S HUDDLED MASSES.

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**I**t's a paradox. You beat up on a man and he sings your praises.

Perry Rivkind, former district director of the U.S. Immigration and Naturalization Service in Miami, is now with the Department of Transportation in Washington, D.C.

Ira Kurzban is what he has been for the past 13 years or more -- immigration lawyer extraordinaire. A man who has successfully argued three cases before the U.S. Supreme Court when the impossible dream of most lawyers is simply to argue one.

Rivkind and Kurzban have gone around more times -- with more heat -- than Rick Mears at the Indy 500.

Yet the sometimes irascible Rivkind calls his former adversary "a man of integrity" and "courage" and "one of the most brilliant lawyers I've ever dealt with."

What the (blip) is going on here!

-- In Kurzban's office in Miami hangs a poster: "I shall continue to be an impossible person so long as those who are now possible remain possible." The words are the legacy of 19th-century political theorist Michael Bakunin.

To Kurzban, the impossible people are the low- and high-level bureaucrats who deny or pervert, often racially, the concepts of due process, equal protection, equal access and innocent until proven guilty.

Their victims are Kurzban's cause, Haitians primarily. But Mexicans, Nicaraguans, Guatemalans and Salvadorans, too. Penniless immigrants thrown into a do-or-die flight from their homelands by violence and desperation, and now struggling for a normal life in the land of the free and the home of the brave.

The Brooklyn-born son of an immigrant who left Romania -- alone -- at the age of 12, Kurzban knows better than most the anguish of his clients. "The struggling with the language, struggling to get work," struggling most of all with a system that they do not understand.

Kurzban was drawn to the practice of law by the quaint belief "that law is an important vehicle for social justice."

A million immigrant farmworkers and amnesty applicants can tell you that it's so. The class action suit he argued before the U.S. Supreme Court on their behalf established that even those who come to this country illegally have the right to challenge government actions.

"Had the government won that case," says the heavyweight lawyer with the physical stature of Roger Rabbit, "it would have wiped out all we'd done in the past 13 years."

The victory did no less than reaffirm the principle of class-action suits. The president of the American Bar Association called it the most significant case in the last quarter of a century.

"The Supreme Court is not big on giving rights to people these days," says farmworker advocate and lawyer Greg Schell. "Yet Ira argued that case very persuasively ... He got some votes that definitely were not there in the beginning."

"He is a lawyer's lawyer."

-- Brilliantly colored paintings -- gifts from grateful clients -- brighten Kurzban's office. Family photos crowd a corner of the desk. By the door sits an unlikely fixture for a law firm, a baby's playpen.

"That's Ben's," says Kurzban offhandedly.

Ben, 8 months, is across the hall in the office of Kurzban's wife, Magda Montiel Davis, also an immigration lawyer. The couple have been married almost three years.

"We're competitors," says Kurzban with a smile.

As regularly as Mom and Dad come to the office, so do Ben and his baby sitter. Twenty-three-month-old Sadie also puts in an appearance at least twice a week, after nursery school.

"This really makes my day, I'll tell ya. Having my kids here," says Kurzban, 42, kissing and cuddling the wide-eyed Ben and playfully hoisting him into the air.

Davis stands in awe of Kurzban's domestic conversion, from a bachelor living alone in a one-bedroom apartment "with all this peace and quiet and independence," to a sprawling house with five kids (including Davis' three, 11 to 15 years old, from a former marriage), two dogs and a mother-in-law.

The man who crafts landmark cases that breathe life into the dreams of huddled masses is up at 6:15 every morning to deliver the kids to school and to do his running or biking. In the evening, between preparing game plans for short-stopping government abuses, he reads bedtime stories. He also walks the dogs and does the dishes.



Of Kurzban's fathering instincts, Davis says, "He's very sweet, very tender, very patient."

-- At Kurzban, Kurzban and Weinger (the first Kurzban is Ira's brother), the day begins with an hourlong conference call with the American Immigration Lawyers Association. Kurzban is general counsel to the Washington, D.C., group. There are calls also from Sen. Bob Graham's office and the INS. And a visit from Rollande Dorancy, director of the Haitian Refugee Center, which Kurzban represents.

Fifteen percent to 20 percent of Kurzban's professional time is devoted these days to pro bono cases (although thanks to one of his successful government challenges, attorneys representing illegals are now entitled, should they prevail, to compensation from the violating agency).

The bulk of his practice, one that admittedly provides a comfortable living, involves corporate clients and others who can well afford his legal fees.

On this day, the clients seeking help with residency are white and middle-class, primarily foreigners married to Americans.

Dominican recording artist and comedian Carlos Alfredo stops by to inquire how he and his family, with no American relatives, can qualify for residency. After Oct. 1, Kurzban tells him, a new law goes into effect offering special status to applicants of "extraordinary talent."

At 4 p.m., Kurzban is off to the University of Miami, where he teaches immigration law.

One student complains about the number of books required for the two-credit course. "Well, we do it by the pound," quips Kurzban, a Phi Beta Kappa and Berkeley law school graduate.

One wonders if these future Clarence Darrows and Ellis Rubins appreciate the stature of the man before them.

In case after case, this son of a contract painter with a sixth-grade education has rewritten immigration law. He proved the INS policy toward Haitians was woefully high-handed and racially biased. They and others were being jailed, he successfully argued, simply on the basis of race and national origin. And he secured for all refugees the fundamental right to apply for political asylum.

In five years, three cases. All won before a conservative high court.

Schell sees Kurzban as an example "of professionalism in the finest sense. ... Not only is he a superb lawyer, but he feels a sense of obligation to give something back. He has given something back several times over."

Often in the face of bomb scares and physical threats.

"He and the people in the group who have represented Haitians over the past 12 years or so have really accomplished something that no immigration lawyers or group of lawyers has ever before accomplished," Schell contends. "They have been able to keep a group of immigrants from a single country here against extraordinary efforts to deport them."

Kurzban will tell you that his successes have been collaborative. He credits the late Michael Hooper of the National Coalition for Haitian Refugees out of New York with initiating and pushing through the act that gave Cubans and Haitians an edge over other illegals trying to remain in this country.

And Father Gerard Jean-Juste for defending and publicizing the plight of Haitians in the United States. And UM law professors Bruce Winick and Irwin Stotzky for joining the battles against INS.

And, of course, the Haitians themselves, whose stark and compelling testimony ultimately tipped the scale for whatever social justice was gained.

Law, says Kurzban, generally favors the government. "Immigration law particularly is harsh and with little forgiveness."

Many people think that if a person works hard, pays his taxes, has children who are American citizens and has not gotten into any trouble in this country should be welcomed.

"The law is not like that at all," Kurzban says. "Unless you fit into one of the categories, it doesn't matter how exemplary your behavior is." You are out of here.

One of Kurzban's earliest cases involved an 8-year-old Haitian girl held for three weeks in a jail in West Palm Beach. Kurzban was horrified that in 20th century America a child could be so callously treated. "No way would they have allowed a white child to be detained like that," he says.

Despite his significant successes, Kurzban says the immigration system remains seriously flawed, that it makes a mockery of the concept of equal justice before the law, and paints the United States as a nation that tolerates inequality.

"We shouldn't be in the business of dehumanizing and institutionalizing people whose only crime is they came to the United States seeking freedom," he says. "Right now, we have a policy of incarceration. It's a policy that costs hundreds of millions of dollars and hasn't proved to be a deterrent."

Kurzban says the policy is wrongheaded and under-funded, utilizing untrained people and resulting in civil rights abuses and people often being held in loathsome conditions.

"We can work out something better than that," he says.

Case by case, he's doing it.

## THE CASES

Ira Kurzban's name is synonymous with immigration law. He is listed twice in The Best Lawyers of America, under both immigration and employment law. He's the author of the definitive Immigration Law Sourcebook. Following are a few of his more notable cases:

- Currently suing the city of Miami on behalf of Haitian-Americans who claim they were beaten by police during a demonstration last year at a shopping center.
- May 1991. Successfully argued before the Florida Supreme Court that illegal aliens whom the government does not intend to deport are entitled to welfare benefits.
- March 1991. Filed a \$120 million lawsuit against former Haitian dictator Prosper Avril on behalf of six Haitians who said they were tortured under his regime.
- August 1988. Represented striking jai alai players arrested outside the Dania fronton.
- January 1988. Won \$504 million judgment against former Haitian dictator Jean-Claude Duvalier on behalf of the Haitian people.
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