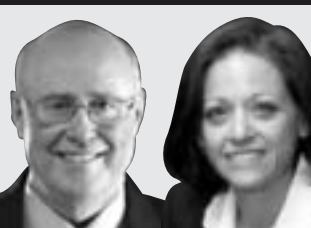


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ATTY. ROBERT REEVES & NANCY MILLER

Right to effective assistance of counsel returns

established precedent on January 7, 2009 in Matter of Compean (Compean 1). After paying lip-service to the fact that the Lozada framework had stood the test of time, former Attorney General Mukasey rejected its reasoning and ordered the Board not to rely upon it, even in the exercise of direction. In so doing, he determined that there was no constitutional right to effective assistance of counsel in the immigration court context. Under Compean 1, claims of ineffective assistance of counsel were to be decided as an exercise of the Attorney General's administrative discretion. In addition, the new formulation needed to show prejudice differed from that followed by many courts.

On June 3, 2009, the current Attorney General, Eric H. Holder, Jr., vacated the Compean 1. In what we will call Compean 2, Attorney General Holder instructed the BIA to follow the pre-Compean 1 standards to all pending and future motions to reopen based upon ineffective assistance of counsel, regardless of when such motions were filed. In other words, Attorney General Holder told the BIA to go back to the Lozada standard - even for motions that were filed during the time the decision was overruled. The Attorney General also took this opportunity to resolve a long-standing question of whether the BIA has the authority to reopen removal proceedings based on ineffective assistance of counsel conduct that occurred after a

final order of removal had been entered. The Attorney General determined that the BIA did have the authority to consider such claims and to reopen those cases. He declined to define the scope of the BIA's discretion and left it to the BIA to make that determination.

In addition to overruling Compean 1 and reinstating Lozada, the Attorney General directed the Acting Director of the Executive Office for Immigration Review to initiate rulemaking procedures as soon as practicable to evaluate the Lozada framework and to determine what modifications should be proposed for public consideration. Following solicitation of information and public comment by publication of a proposed rule in the Federal Register, a new or modified framework for reviewing claims of ineffective assistance of counsel in immigration proceedings may be instituted. In the meantime, the standard that has existed for over twenty years is back.

Atty. Reeves has represented clients in numerous landmark immigration cases that have set new policies regarding INS action and immigrants' rights. His offices are located in Pasadena, San Francisco, Las Vegas and Makati City.
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The analysis and suggestions offered in this column do not create a lawyer-client relationship and are not a substitute for the personalized representation that is essential to every case. (Advertising Supplement)

The Voice of FilAmerica

Political empowerment is still a treasure that eludes us as a community here in America. While we are the second largest Asian American community in the United States, we have yet to harvest the power that comes from our numbers. The Voice of FilAmerica features elected and appointed officials—regardless of political affiliation—in the different US states who are of Filipino ancestry. As your Filipino American community newspaper, the Asian Journal recognizes the fact that we all have a responsibility towards bringing political empowerment to fruition, especially for our future generations. It is our hope to have our voices heard all over America.

Roland Sagum III

Hawaii State Legislature House of Representatives

by JOSEPH PIMENTEL
AJPress

IT'S hard to replace a good leader.

But that's exactly what FilAm Roland Sagum III did when he campaigned and won the 16th district seat in the Hawaii State Legislature House of Representatives in 2006.

Sagum succeeded retiring District 16 state House Rep. Bertha Kawakami, who had held the post for nearly 20 years.

Sagum represents District 16 covering West Kauai and Niihau.

It was his strong passion and beliefs to represent the people of Kauai and Niihau in the State Legislature that won over voters.

Since being elected, he hasn't disappointed. Sagum currently serves on the Energy & Environmental Protection, Finance, Housing Interim Task Force on Smart Growth, and Water, Land, & Ocean Resources committees.

Prior to serving District 16, Sagum was a respected business and community leader.

Sagum is currently the Vice President of Kikiaola Land Company, LTD. in Waimea, Kauai. He is responsible for strategically making budgets, and plans, prioritizes and negotiates all planning and development efforts for Kikiaola Land Company's 600-acre property



while maintaining excellent community, government and corporate relations.

He also holds principal position with Applied Planning Systems which is a land use consulting firm that provides technical support in the procurement of discretionary entitlements, urban & land use planning, and environmental studies, to public and private entities, according to his website.

He also served as deputy planning commissioner under mayors Tony Kunimura and JoAnn Yukimura from 1987 to 1992. He has been a member of various boards and commissions including the Kauai Civil Service Commission, the Kauai General Plan Update Advisory Committee, the Kauai Housing Advisory Committee and the Marine and Coastal Zone Advisory Council, according to *The Garden Island*, a Kauai newspaper.

He received his bachelors in Biology at Chaminade University and an Associate in Science Degree, Hotel Management from the University of Hawaii.

With his leadership credentials, Sagum is sure to become not only a good leader but a great leader for West Kauai. ■



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