

NATIONAL CENTER FOR YOUTH LAW

Updated Quarterly Report to the McDowell Foundation
Reporting period: 1/1/21 – 3/31/21



I. Case Summary

The National Center for Youth Law and co-counsel filed *Lucas R. v. Azar* in November 2018 to deepen and expand procedural protections for the most vulnerable children in federal immigration custody. The class action lawsuit includes five certified classes including: children who are not promptly released to sponsors; children that get stepped up to more restrictive facilities; children who are administered psychotropic medications; children whose lawyers are obstructed from comprehensive representation; and children with disabilities.

During the second quarter of the grant period, the *Lucas R.* team spent significant time working toward a resolution of the case for all five certified classes. In December 2020, the Court gave Plaintiffs a favorable tentative ruling on our motions for summary adjudication of the claim related to children placed in restrictive settings and the claim related to children who are not released to qualified sponsors. Although the tentative ruling is applicable to three of our five claims, the parties are attempting to negotiate a settlement of all five claims for efficiency and because the Court has expressed, through her tentative ruling, a clear interest in providing additional procedural protections to our class members. With respect to the counsel claim, one of the three that the Court issued a tentative ruling, the Court offered a more narrow interpretation of federal law than Plaintiffs proposed but Plaintiffs may still demonstrate at trial that Defendants' policies and practices do not comport with federal law. Consequently, that claim remains subject to an appropriate resolution through settlement along with the other claims.

Since January 2021, Plaintiffs have met with the government over the course of dozens of hours to negotiate the terms of a settlement. Additionally, Plaintiffs and co-counsel have spent many hours drafting and editing proposed settlement agreements and researching various issues that have arisen over the course of negotiations.

Please note that we are unable to share further details about the case at this time, as much of our progress to this point has happened under confidential settlement negotiations. We appreciate your patience and partnership on this critical work on behalf of immigrant children in federal detention and look forward to sharing more in upcoming reports.

II. Significant Decisions

The Court has not made any decisions in the case in this reporting period. If we are unable to negotiate a settlement, the Court may issue a ruling on the motions for summary adjudication that are currently pending.

III. Anticipated Progress

The parties will continue to negotiate and work toward a resolution of the case however, if we are unable to reach agreement, we will ask the Court to enter rulings on the three claims that are the subject of the motions for summary adjudication and we will prepare for trial (set for October 2021) of the two remaining claims.

IV. Media Progress

Not applicable.

V. Photos

Not applicable.

VI. Attorney Contact Information

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