

Alumni Interview Deepa Alagesan (2012–2014, 2015–2016)

By: Mijin (Jacqueline) Kang



Deepa Alagesan is a Senior Supervising Attorney at the International Refugee Assistance Project. She is a 2012 graduate of Harvard Law School, and worked at Cleary from 2012-2014, after which she clerked on the United States District Court for the Eastern District of New York. She then returned to Cleary from 2015-2016, after which she clerked on the United States Court of Appeals for the Second Circuit.

When did you work at Cleary and what practice area were you in?

Throughout my time at Cleary, I worked in the litigation group. When I came back after my district court clerkship as a fourth year associate, it was nice to come back and pick up where I left off, just slightly more experienced.

What was it like to transition back and forth between clerking and big law? Any difficulties?

I actually found it kind of seamless! I left during my second year, and I think that was probably the sweet

spot. Between the experience I gained during my first two years at Cleary, and the writing and in-court experience I gained as a clerk, I found myself well-positioned to hit the ground running in a more senior role when I returned.

What led you to the International Refugee Assistance Project (IRAP)?

I split my time equally between enforcement work and civil litigation when I was at Cleary, and I knew I wanted to do federal court litigation in the public sector.

Through my pro bono work, clerkships, and general career exploration, I had been thinking about areas like civil rights law or employment law. Trump had just been inaugurated when I was applying for jobs, and there was a *lot* of work opening up in the immigration space due to his early executive actions. At the time, IRAP was looking to build a litigation department that would focus on challenging some of these discriminatory and xenophobic policies in federal court. Prior to that, IRAP had focused primarily on providing direct legal services to refugees and congressional advocacy. I saw the job posting and thought: wow, I never knew a job like this existed! It aligned with what I saw myself doing intellectually, and seemed to marry my personal interests with the skills I had developed. So I applied, and ended up being one of the first group of staff attorneys to start up the department. And it's been a really great experience. I was able to dive into a new and emerging area of federal practice, and contribute to something that was taking shape very quickly.

What skills or substantive areas of law did you learn at Cleary that you found valuable for you afterwards?

Focusing on really mastering the facts of the case. It's the kind of thing that can seem annoying but is so crucial to the ultimate outcome of the case. In my practice, I think that we've been able to have a huge advantage over the government in a lot of cases just by how well we know what's going on. This might be true with respect to the facts of a particular case or even more broadly, because we're talking to other folks about what's happening on the ground and collecting information from all different sources.

These past four years must have been turbulent, to say the least. What is a typical day like for you (if there is such a thing)?

Turbulent is a good word. Our department brings impact lawsuits, including class actions on behalf of similarly-situated plaintiffs, individual lawsuits seeking to enjoin particular policies, and lawsuits on behalf of organizations seeking to challenge unjust laws. On a typical day, I might be working on a motion for expedited relief or even looking over discovery documents. It's not so different from what I was doing at Cleary, but the level of direct responsibility I have here is higher due to our small size. Because we're the plaintiffs in all of our cases, and thus the ones pushing forward for relief, we also do a lot of creative thinking around how to get good outcomes for our clients. This might involve deciding between a preliminary injunction motion and an expedited summary judgment motion, or talking to other lawyers in the field about the patterns they are seeing in their cases. IRAP is an interdisciplinary organization, so a good amount of my time is also spent on strategizing and collaborating with the other departments here. We work together to identify issues and figure out what makes the most sense in terms of next steps.

IRAP is still expanding, and we're really looking forward to shifting gears a bit with the new administration and taking on some of the more entrenched issues our clients face, instead of constantly responding to emergencies for four years straight! For example, you might be surprised to know that a refugee who is being

interviewed for resettlement doesn't have the right to have an attorney present for the interview. Yet having a lawyer present at the interview—even if the lawyer is completely silent—substantially increases your chances of a successful interview. We're looking forward to helping to build out such legal rights and tackling other systemic issues, rather than being on the defensive all the time.

Looking back at the many emergencies you were a part of responding to over the past few years, were there any particularly memorable experiences for you?

A couple come to mind! I started at IRAP shortly after the second version of Trump's Muslim ban was enjoined, and after *International Refugee Assistance Project v. Trump* had been filed. It was rumored that a third version which separated the visa portion from the refugee portion would be issued, and it was, about two weeks after I started at IRAP. The visa portion was going to be litigated in the existing case, but we needed to file a new complaint to challenge the refugee-specific ban. So in the span of three weeks, my new colleagues and I basically had to learn everything about the resettlement system, about which countries were being banned and why, and how all the different pathways worked, then put together a complaint and file a preliminary injunction motion! We flew out to Seattle for the hearing about two months later, and the ban was enjoined two days before Christmas. Another memorable experience was actually during my first week at IRAP. I think I had started on a Wednesday, and by Sunday, I was on a plane to Buffalo to spend two days interviewing class members at a detention facility for another preliminary injunction motion we were working on. Needless to say, it was a really exciting start to this job!

It's been a lot of hard work, but I can remember very distinctly where I was when I heard about particular plaintiffs of ours getting approved to travel, and seeing them arrive in the country. And it's an irreplaceable feeling—better than anything. It's definitely been an interesting ride, and I'm really happy to be here and doing this work.

What advice do you have for a young Cleary associate who may want to pursue a similar career path?

I think people get really hung up on thinking that if they want to do a certain type of work later, then they need to do it now. But for litigation especially, the skills are so transferrable and I have found it nice to learn a new subject matter—it actually keeps things kind of fresh. For example, I had to learn about securities law at Cleary, which is something I don't anticipate using again. But ultimately, that was just the backdrop to figuring out statutes of limitations, or interpreting statutes to determine what constitutes a violation and possible defenses. Now I'm doing the same thing, except it's with the Administrative Procedure Act and the Immigration and Nationality Act. But writing persuasively, distinguishing cases, and being able to tell a story from the facts of your case—that's all the same.

I mentioned that there were four of us who started up the legal department at IRAP, and none of us had specialized in immigration or refugee-related work before that. But we were able to take the skills we brought with us from our previous jobs and successfully apply them to new problems. People were interested in the pro bono work I had done when I was interviewing, but it was more about having worked directly with clients than anything else. You're very rarely representing individuals at Cleary, so a concern that non-profit employers working with vulnerable populations might have is whether you have ever interacted clients who have faced extreme trauma and understand how to be sensitive in interviewing them. You can get those types of skills through pro bono work, and they complement the skills you build through your billable work. At the end of the day, I think that getting experience in what you're interested in without being *so* focused on building a specific resume is perfectly fine.