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O'Melveny Overturns Convictions for Humanitarian Aid Workers on US-Mexico Border

February 04, 2020

FOR IMMEDIATE RELEASE

WASHINGTON, DC—February 4, 2020—O'Melveny has scored a major pro bono victory for members of a religious group who provide humanitarian aid to migrants in the desert along the US-Mexico border.

On February 3, an Arizona district court judge overturned the conviction of four individuals associated with the organization No More Deaths on the basis that the prosecutions violated the Religious Freedom Restoration Act (RFRA). The defendants were prosecuted for leaving food and water in the desert in alleged violation of a regulation prohibiting abandonment of property.

The defendants were represented by associate Ephraim McDowell with assistance from Jonathan Hacker, chair of the firm's Supreme Court and Appellate Litigation Practice.

O'Melveny's brief on behalf of the defendants argued that the government's prosecution substantially burdened the defendants' exercise of religion and that the government had not shown that imposing such a burden was necessary to further a compelling interest. It also proposed workable accommodations that would allow the defendants to provide aid while maintaining the desert's environmental integrity.

McDowell, who recently represented El Paso County and the Border Network for Human Rights in its victory against the Trump Administration's proposed border wall funding, is a former clerk for Supreme Court Justice

Elena Kagan and DC Circuit appeals court Chief Judge Merrick Garland.

“I’m overjoyed that we were able to obtain a just result for our clients, whose humanitarian activities were protected by RFRA,” McDowell said. “Working on this case has been a formative experience for me, and I look forward to future opportunities to vindicate the rights of underrepresented communities, including in the fields of criminal and immigration law.”

Hacker added, “The ruling highlights our ongoing commitment to serving those most in need. It’s always a joy to successfully defend community members who are committed to doing the right thing and helping others, which is exactly what our clients, and Ephraim, did in this case.”

O’Melveny’s Appellate lawyers work with clients at every step of the litigation, from dispositive motions in trial court to merits briefing and argument in the US Supreme Court, to develop and present cutting-edge legal arguments designed to persuade generalist judges. O’Melveny Appellate litigators year in and year out help develop new law, and more important, help clients achieve legal victories in their most important matters.

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