

Alumni Profile: Jamie Arterton, Associate Director & Corporate Counsel, Vertex Pharmaceuticals

In a recent discussion with Sue Finegan, a Member in the Litigation Practice and Chair of the Pro Bono Committee, alumna Jamie Arterton reflected on her involvement in one of the firm's most memorable pro bono cases. The client in that asylum case, Oscar, is now the subject of a feature-length documentary, *Finding Oscar*, produced by Frank Marshall and Steven Spielberg, focuses on the massacre of the villagers of Dos Erres during Guatemala's bloody civil war, the plight of Oscar and another little boy who escaped death that day, and the ongoing quest for justice.



// PUBLISHED

February 2017

// PROGRAM CHAIR

Narges Kakalia

You were an Associate at Mintz for a little over four years. How did you become involved in pro bono work at the firm?

Mintz's pro bono commitment is actually what attracted me to the firm in the first place: the firm had a really impressive history with pro bono work. So, fairly soon after I started at the firm, I became involved. Being able to engage in pro bono work as a young associate was not only fulfilling, but enhanced the litigation experience I was getting in my paid client work. Getting involved was easy; I started by adding my name to a running list of interested attorneys in the immigration and domestic violence areas, and spoke with you about upcoming pro bono projects.

During your time at Mintz, you worked on an asylum case for a client named Oscar. Can you tell us about how you got involved with this case and provide some background?

This case came to Mintz through a program called PAIR, the Political Asylum/Immigration Representation Project. When we first took the case, Oscar already had counsel, but his attorney was located in New York. Since Oscar lived in Massachusetts, PAIR was looking for local counsel who could assist with the asylum process. I had been asking to work on an asylum case for some time, so when Oscar's case came to Mintz, you immediately reached out to me.

Oscar learned a few years ago that the people he thought were his biological family in Guatemala were in fact not. He received a phone call from human rights prosecutors in Guatemala that he was one of the lone survivors of a massacre in Dos Erres, Guatemala, in which his entire biological family — and virtually the entire village — had been murdered except for his biological father. Oscar had been three at the time, and had no memory of the massacre. He also had no memory of the fact that the leader of the guerilla soldiers who perpetrated the massacre kidnapped him, and brought him home to raise as his son. The Dos Erres village had been targeted because of the residents' Mayan descent, and the massacre was part of a genocide of hundreds of thousands of Mayans in Guatemala at the time. At 30 years old, Oscar found out he was a victim of something he couldn't even remember, and his

mintz.com/alumni

ALUMNI CONNECTIONS FEATURED PROFILE

DNA match of his biological father would prove to be the key evidence in the human rights prosecution of the guerilla soldiers several decades later.

What were some of the difficult issues that arose throughout Oscar's asylum process?

There were several challenges to his case. The first was that Oscar's claim did not neatly fit into one of the legal prongs for an asylum claim. Also, even though Oscar had this extraordinarily compelling story, he did not remember anything about the massacre because of his age at the time, which resulted in his not understanding why a return to the country would put him at grave risk of harm. On a more personal level, Oscar rather quickly had to come to terms with the fact that his entire biological family had been killed in a massacre, and those who had raised him were responsible for their death. He also had to re-meet his biological father, someone whom he hadn't seen since age three. The last challenge was that we were filing an affirmative asylum claim rather than a defensive one, meaning we were exposing Oscar and his family to deportation by filing for this relief. There were times we were really worried because Oscar's wife was a derivative of his asylum claim and their three children were born in the United States. We were essentially jeopardizing the unity of his family through this process if we didn't prevail.

What was your experience like working directly with Oscar and his family?

Oscar is just an amazing person who is incredibly generous and kind. Throughout the asylum process, Oscar had to not only process his true life story but he also had to come to terms with the possibility of not getting asylum. Even through all of that, he was always a kind and gentle person.

It is hard to imagine what Oscar would have faced if he were sent back to Guatemala. The country started persecuting those who were involved in the prosecution of the Dos Erres massacre perpetrators with death threats. Although Oscar was only three when the massacre happened, he was a survivor and living proof that it occurred. I can say with almost absolute certainty that Oscar would have been persecuted, detained, and subjected to death threats had he returned to Guatemala.

These cases are not like typical commercial litigation cases — that is, they are not about the money or exposure to liability. They are satisfying in a different way, from an emotional standpoint. In essence, you are saving people's lives. At the end of the process, Oscar's wife, who did not speak English very well at the time, and who was always so reserved, came up to both Sue and I in tears, thanking us over and over again in English. It was very impactful.

Sue, Mintz attorney John Koss, and I still stay in touch with Oscar and his family. We all get together annually for the holidays at Sue's house with the entire legal team, and recently attended Oscar's oldest daughter's quinceanera party.

You recently transitioned to in-house counsel at Vertex. Are there pro bono opportunities within the company?

I have been with Vertex for approximately two and a half years. Although the company has never had a pro bono program, our new Chief Legal Officer, who joined the company in January 2016, felt it was important to initiate a pro bono program. In his prior in-house position, the company had an established pro bono program, and he wanted to ensure that attorneys at Vertex could get engaged. Many of my colleagues had been active in pro bono at their prior firms, as I was, so it was well received. We are currently in the process of framing out a pro bono program, and I have been asked to serve on the pro bono committee, with the Chief Legal Officer as committee chair. Sue has provided guidance to our committee about what the best pro bono projects would be for Vertex to get involved in. I am looking forward to potentially working on more pro bono matters.