



GOVERNMENT

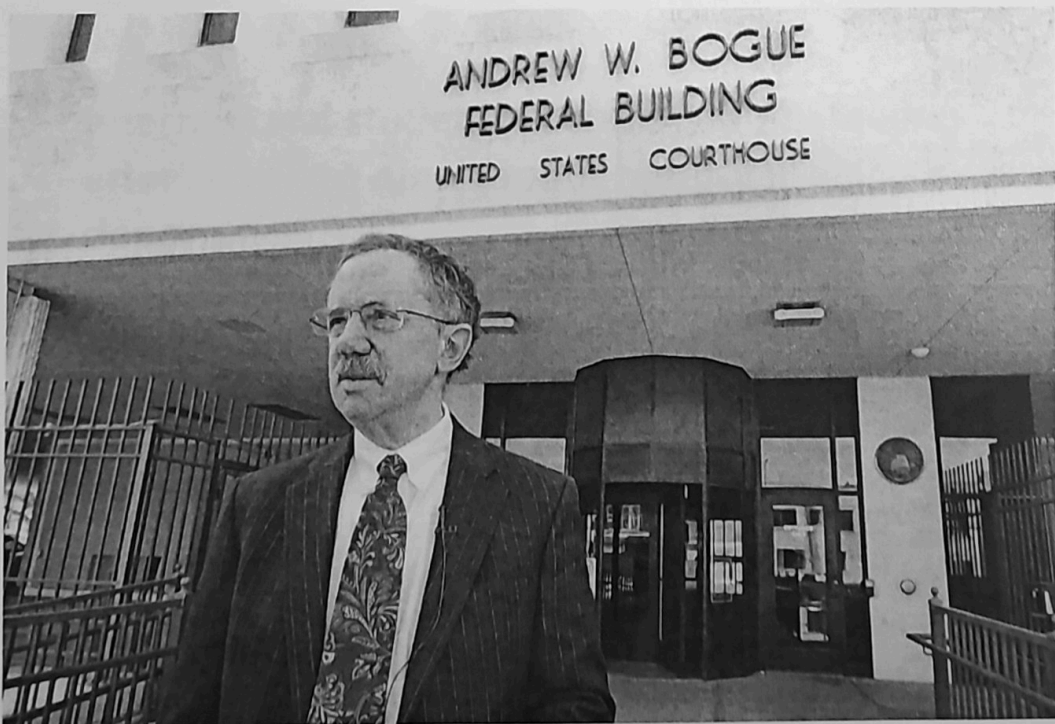
JUSTICE

COMMENTARY

While standing up to government bullies pro bono, a lawyer represents us all

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📷 Attorney Jim Leach speaks to the media on April 18, 2025, outside the federal courthouse in Rapid City. (Matt Weiner/Rapid City Journal)

Luckily for Priya Saxena, Jim Leach doesn't like bullies.

Saxena is a citizen of India who collected her doctoral degree in

chemical and biological engineering from South Dakota Mines in Rapid City on May 10. Just one month earlier, she was facing revocation of her F-1 student visa and the very real threat of deportation, thanks to President Donald Trump and his Secretary of Homeland Security Kristi Noem, the former governor of South Dakota.

Apparently, Noem or someone who works for her believed that a four-year-old traffic violation was a good enough reason to deport Saxena and disrupt her hopes for post-doctoral work here in the United States.

Leach is a Rapid City attorney who decided to represent Saxena in a lawsuit against Noem to prevent that from happening.

Why?

Because he believes due process under the law is essential. Because he knows democracy is worth protecting. Because he doesn't like bullies. Because Priya Saxena needed his help. And because somebody had to.

International student recounts 'numb' feeling after receiving email about her potential deportation



RAPID CITY — Priya Saxena was staying up late to read comments about her doctoral dissertation around 1 a.m. on April 7 when she saw the message in her email. "I was numb at the time," she testified through tears Tuesday in a Rapid City courtroom, where she continued her fight to remain in the ...

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Saxena was one of more than a thousand legally admitted international students who were suddenly targeted for potential deportation because of a check of their criminal records, or because

the Trump administration didn't like their participation in protests against the war in Gaza.

"I think it's outrageous what this administration did to these students, and as soon as I looked at it, I discovered it was completely lawless," Leach said. "That's the *modus operandi* of this administration – lawlessness. In trying to get what they want, they have been lawless."

Ever since Trump's second inauguration and the blizzard of executive orders that followed it, I have put my faith in the power of the American legal system to be a bulwark of due process against presidential power run amok. I believe that our judicial system – and all those judges who demand that we stand when they enter a courtroom, want to be called "Your Honor," and have a deep and abiding faith in the rule of law – may be the only thing that will prevent Trump and his cronies from dismantling our Constitution and trampling on the rights it guarantees.

Many days, it feels like that belief hangs by a thin thread. But this past week my faith was rewarded, and my belief strengthened, thanks to the trio of U.S. District Court Judge Karen Schreier, Saxena and Leach.

Schreier ruled that for now, Saxena has the right to stay in the U.S. under the terms of her F-1 visa. The judge basically told Noem, in no uncertain terms, to leave Saxena alone and let her continue to pursue her educational and employment goals. The temporary order secures Saxena's status while the lawsuit proceeds. Leach immediately followed up with a request for a similar, permanent order, which Schreier will consider next.

Saxena and another lawyer who helps her with immigration matters have since submitted a work authorization application. Saxena hopes to do post-doctorate work in her field of expertise here in the U.S. for the next three years.

Kudos to Schreier for issuing a preliminary injunction that protects Saxena's status. Bigger kudos to Leach, who took Saxena's case pro bono, meaning he's providing his legal services free of charge to his client, with a possibility but no guarantee that the judge will order the other side to cover his fees and costs.

At 73, Leach is a rarity – a sole practitioner who still loves the work and is financially able to do it for free if needed. He takes cases that

interest him, including violations of free speech, public access and civil rights, and he counts himself lucky to do so.

"I love what I do," he said. "It's a great privilege to do this work."



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Recently, Leach lost nearly \$20,000 in fees and costs for his work representing a ballot question committee against petition restrictions imposed by Lawrence County. A district court awarded the money, but the legal basis for that award was wiped out by a new U.S. Supreme Court precedent established in February.

All three Trump-nominated justices supported the *Lackey v. Stinnie* decision. It addresses cases that are resolved with a preliminary order, like the Lawrence County case, in which the county reversed course without the need for a permanent order. The Supreme Court ruled that plaintiffs in those circumstances aren't truly "prevailing parties" and therefore don't qualify for court-awarded attorney fees.

Leach knows that "to fight illegal action by the government, you need a lawyer." So it comes as no surprise to him that justices appointed by Trump would weaken the pro bono system that helps provide access to the courts for people without resources.

"I will stand up to bullies," he said. "And this is the ultimate bully."

Pro bono is short for the Latin phrase "pro bono publico," which translates as "for the people's good."

When Priya Saxena's rights were protected last week in a Rapid City courtroom, so were ours.

EDITOR'S NOTE: The author's daughter-in-law is a lawyer who works with Priya Saxena on other immigration matters.