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2011

## THE TOP YOUNG LAWYERS IN TEXAS

**Daniel Ramirez  
helps employers  
stay in compliance**

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# On the Job

Daniel N. Ramirez helps employers stay in compliance

by PAT EVANS

photography by EVIN THAYER

**D**aniel N. Ramirez's rise began humbly in El Paso as the son of Mexican immigrants. Through hard work, service in the Navy, the encouragement of a college professor and mentorship of a new boss, Ramirez made his way to named partner at Texas' largest Hispanic-owned employment and immigration law firm, Houston-based Monty & Ramirez.

As an undergrad at the University of Texas at El Paso (UTEP), Ramirez wasn't thinking about a future as an attorney—instead he was set on becoming an FBI agent or a U.S. marshal. "I wanted to be the big gorilla in the room," he says, laughing. "Like many kids in Mexican-American families in El Paso, I had limited exposure to role models beyond the military or law enforcement. I joined the U.S. Navy after high school and interned with the U.S. Marshals office and Internal Revenue Service Criminal Investigation division during college with the intention of advancing to a federal law enforcement career when I graduated."

His plans changed when Bill Weaver, director of UTEP's Law School Preparation Institute, let him know the FBI likes law degrees. "Dr. Weaver really opened my eyes by planting the seed and mentoring me," says Ramirez.

Weaver also served as Ramirez's political science professor. "Danny was an extremely bright student, very congenial, committed and interested," Weaver recalls. "He was one of those guys who always had his work done and was on top of his game. It's no surprise he is a success."

After earning his J.D. from the University

of Texas School of Law in 2002, Ramirez and his wife ended up in Houston to begin their careers. In August 2003, Ramirez interviewed with Monty Partners founder Jacob M. Monty. After greeting Ramirez in English, Monty tested his applicant's Spanish and the two discovered they were both from El Paso—they connected right off the bat, Ramirez says.

"The [planets] were aligned when I applied for this job," Ramirez says. "It gave me hands-on experience early on. I feel I've been successful because of Jake Monty's mentorship. He threw me into the fire to the extent I could manage it and helped me become board certified in labor and employment law as well."

While Ramirez's practice today focuses on various employment and labor issues, he says his immigration compliance is his "sexy practice because it's fun—something not every attorney gets to do."

One thing not every attorney gets to do is go undercover. Ramirez and his partners test a client's hiring practices by seeing the process firsthand from an applicant's point of view. This method can reveal if a company's hiring manager allows undocumented workers to pass through or even if the manager sells fraudulent documents.

Ramirez began his employment law practice shortly after the 9/11 attacks led to the Bush administration's creation of the Department of Homeland Security, which included U.S. Immigration and Customs Enforcement (ICE). Soon thereafter, Ramirez says, ICE started conducting raids in search of illegal workers. In 2008, Ramirez's firm represented a Fortune 500 company that had more than 500 employees arrested in one of the largest

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ICE raids to date. "This put ICE on the radar and made employers really focus on just whom they were hiring," Ramirez says.

After President Barack Obama came into office, Ramirez says there has been a shift from unannounced raids on employers that led to the arrest of undocumented workers. The Obama administration focuses on a "Notice of Inspection" (NOI), in which the government allows the company three business days to produce employees' Employment Eligibility Verification Form I-9s. On July 1, 2009, ICE issued NOIs to 652 businesses nationwide. This number surpassed the total NOIs issued in all of 2008.

"ID fraud is so prevalent, if I took you to a Saturday flea market, I could request an ID pretty cheap for about \$200 to \$300, depending on sophistication," Ramirez says. "But there are some ID vendors who charge \$3,000 to \$5,000 because their IDs have actual Social Security numbers ... stolen or sometimes 'borrowed.'"

Ramirez is no stranger to ID fraud. When he ran his own Social Security number through a legal database, he found someone using his name and SSN in McAllen.

The man had a lease but fortunately no bank account or driver's license, Ramirez says. "Given my legal practice, it was ironic someone was using my name but I was not surprised. ID fraud vendors focus on acquiring SSNs with Hispanic last names because most workers who buy fraudulent IDs are generally Hispanic and need authentic SSNs that correspond with their nationality."

Ramirez adds that employers now have an additional tool to I-9s to determine workers' eligibility. E-Verify is a government Internet database that verifies whether employees' SSNs match their names. If an SSN doesn't match, the employer cannot permit the employee to work. "As more employers enroll, and federal agencies share information and photos, undocumented workers must have even more sophisticated IDs with a valid SSN. As a result, ID fraud vendors have an increasing desire to acquire authentic Hispanic surname SSNs," Ramirez says.

With an actual SSN, a worker can go to the Department of Public Safety and receive a valid driver's license—moving ID fraud to the next level, Ramirez says. He adds that even the most sophisticated fraudulent IDs—impossible for employers to detect—can pose regulatory issues from ICE. However, when employers are expected to seek out additional clues to a worker's identity, the line between caution and discrimination can blur and cause other kinds of trouble.

"There is a high burden on employers because they have to take employees' documents and generally accept that they are telling the truth," Ramirez says. "This requires employers to balance discrimination and immigration compliance law."

He says that sometimes an overly diligent human resources person will ask Hispanic employees for additional documents. "If you require one employee to do something that another employee doesn't have to do, based on their national origin or citizenship status, then the U.S. Department of Justice may file a civil discrimination action against the employer for doing that," Ramirez says. "You can't discriminate in hiring simply because people look foreign, come from a different country or have an accent."

Since 2006, Monty & Ramirez has helped its clients terminate more than 10,000 undocumented workers from payrolls without a single charge of discrimination. Jacob Monty says the firm has come up with aggressive

compliance measures to help companies manage ICE regulations. "We've represented clients in some of the largest raids in U.S. history and have seen how these raids can decimate a company and a community."

Ramirez says that while the Bush administration thought ICE would help secure the nation's borders, ID fraud ended up becoming more prevalent and it's now the employer's responsibility to ensure its workers are legal.

**OUTSIDE OF WORK**—when Ramirez isn't spending time with his wife Celia Balli, a fellow employment lawyer, and their two children—he's passionate about politics. In 2010, he helped organize a fundraiser for Mayor Julián Castro of San Antonio. He also was recently appointed by Sheriff Adrian Garcia as a commissioner on the Harris County Sheriff's Office Civil Service Commission.

"My father ingrained in me the importance of public service. He was a veteran who served in the U.S. Navy and Air Force," Ramirez says. "When I was 19, I followed in his footsteps and joined the U.S. Navy and later worked for U.S. Rep. Silvestre Reyes prior to enrolling in law school. Sheriff Garcia recently asked if I was interested in serving a two-year appointment. I was honored and jumped at the opportunity. I sit on a three-panel board to decide appeals filed by sheriff's department employees—it's basically a mini-trial. I am proud of this appointment because it coincides with my practice while giving back to the community."

While Ramirez's political achievements are currently on a local level, his aspirations—at least regarding immigration—stretch nationwide. "We have 3 million people here unauthorized to work. Companies rely on this labor force to do their work and keep costs low," Ramirez says. "We need some type of temporary authorization so workers can continue to work and—depending how well they meet certain criteria—have an avenue toward permanent citizenship, but not be a blanket to allow even more illegal workers to come in.

"It just comes down to a broken system," he says. "We are pretending that these workers are not really here, but we as a nation are imposing the responsibility upon employers to ensure they are legally authorized to work. That's why we need immigration reform." ◀