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How Boies Schiller Flexner Took a Labor Trafficking Case to Trial for 5 Guatemalan Farmworkers

By Ross Todd

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Kenya Davis came to Boies Schiller Flexner three years ago with a unique blend of trial chops and experience working on human trafficking cases. Davis, who led Washington, D.C.'s human trafficking task force for the last seven of her 13 years as a federal prosecutor before joining the firm in 2022, has more than 50 trials under her belt.

Davis drew on that background to help lead a pro bono trial team at Boies Schiller Flexner, which joined legal non-profit **Migrant Legal Aid** to represent five Guatemalan farm workers in a labor trafficking case in Michigan federal court against farm labor contracting company Purpose Point Harvesting LLC and the husband-and-wife team that ran it. After an eight-day trial, jurors in the Western District of Michigan awarded the plaintiffs \$550,000, including \$450,000 in punitive damages, earlier this month after finding the defendants violated the Trafficking Victims Protection Reauthorization Act.

Litigation Daily caught up with Davis last week to discuss her approach to trying trafficking cases. She said the question she's trying to get jurors to confront is how they would feel if what happened to the plaintiffs happened to them. "I've been accused by my opponents of bringing passion into the courtroom," Davis said. She said she wouldn't disagree much with



Courtesy photo

Kenya Davis, with Boies Schiller Flexner.

that assessment. "I think when you're taking a jury's time, these are people who have lives—things to do. And if you are asking them to sit there and listen to you for about eight hours a day to put your case on, you need to have something that they care about and that they can be interested in."

The following has been edited for length and clarity.

Lit Daily: Why was this a case that was important for Boies Schiller Flexner to get involved in?

Kenya Davis: You need a firm that, for one, is not afraid to go to trial and not afraid to fully expose these things. One of the reasons that trafficking has been able to fester in our country is because people

don't know what it looks like. They don't know that it's happening. They don't know that they are part of that supply chain. When you pick up your asparagus at the grocery store and it says it shipped from Michigan, the last thing you're thinking is someone wasn't paid what they were supposed to be paid, and they were kept in terrible conditions. So we're starting to get that exposure through the case.

The second reason why it's important for us to be involved is that the ethos for the firm is: We try to illuminate injustices. With sex trafficking cases, we learned a lot about the facilitation of trafficking—all of the entities around it that allow it to exist right under our noses. This is sort of the next step into labor trafficking. That area of trafficking is not really addressed in some of the popular culture ideas around trafficking. So we thought it was important to have an opportunity to help these folks. They were underdogs.

I've got a two-part question for you. What are the difficulties of one, bringing trafficking claims in court, and two, getting a trafficking case to trial?

So the first difficulty in bringing a trafficking case to court is the fact that [our initial plaintiff] Darwin reported in the first place—getting that initial report from a victim, and then getting that victim to stick with you. He first spoke to an investigator in 2019, and now we're in 2025. A lot of people would have said, "I'm going to throw up my hands," or "I'm going to try to go work somewhere else, or stick it out at this place."

I've had the fortune—or misfortune—of getting experience in the sex trafficking space and the labor space. What I can tell you about both categories is that traffickers are usually very charismatic and very, very well regarded in their communities. Even if it's prostitution that they're a part of, they brought resources to people that did not have them. My co-counsel [Teresa Hendricks of Migrant Legal Aid] made a very good point in closing. She said, "All you need for a trafficking enterprise is poverty and a culture of violence."

Traffickers are hard to fight because they put a buffer around themselves. They have someone else book the hotel room. They have someone else do the invoices—in this case, the wife did the invoices. She ended up being just as culpable as [the husband]. But they put buffers around them and people around them.

The third thing that makes it very difficult, especially when you're talking about putting a trafficking case in front of a jury, is that you have to be sensitive to the fact that most people have no idea what you're talking about. They go to work every day. They clock in. They clock out. They get a paycheck. They may not like the paycheck, but they're like: "I'm an adult. I make adult decisions for myself. I don't understand the notion that someone can be controlled in the way that you are describing"—both on the sex and the labor side. So having an expert or having the tools to help the jury understand the level of coercion that's present in whatever enterprise you're presenting to them is crucial.

It's hard because if you take each piece of it apart, it doesn't look bad. In our case, the people that were at the bank were taking the passports ahead of time to open accounts: They don't think they're doing anything wrong. They're doing paperwork. That's how they look at it. But if you have the travel document for 50 people in front of you, they cannot leave. If somebody were to beat them tonight, they would not be able to get their documents and go. They're in the country on a work visa. That work visa is in that passport.

So what happens is, if a defense attorney is effective, they take apart that enterprise so that each part of it looks benign. The challenge of being able to help the jury see the entire picture—what I call a web of control—is a very difficult part of a trafficking case.

The last thing I'll say is for our clients in particular in this case, but it's true probably for most labor trafficking schemes that are international, is the language barriers, the literacy barriers. All the things

that make this population more vulnerable and able to be manipulated and coerced by the traffickers can also make it very difficult for us as their counsel to represent them. I can't refresh a witness with their deposition transcript if they have difficulty reading or if they have difficulty in the language of the court. I have to have tools in place. It takes a lot of work learning your victim, learning your team, and really getting everybody on board. All those barriers require a great amount of resources. That's what Boies Schiller Flexner was able to give here in this case.

As a lawyer representing these plaintiffs, in particular—five Guatemalan farm workers—were there concerns about going to trial here in the U.S. at this particular moment, with everything else going on in this country?

Brother, brother, brother ... That was the primary concern. This case is in Grand Rapids, Michigan. It's drawing jurors from all around the region. My voir dire questions were very much about, "How do you feel about immigration?"

I really hung my hat on two things in dealing with this kind of case in this current environment that we're in. One is, regardless of how you feel about immigration, these were folks who the United States invited here to help us. They did their paperwork. They paid fees that they should not have paid to the trafficker. And what was also an important matter for me was to be able to show the jury that every year, when their six months were up, they left. In this moment, I think this would have been a much more difficult case for me to be talking about undocumented workers where we were.

The fundamental human fairness of paying someone what you owe them is something that

everybody can relate to. Any employer who takes advantage of someone who has trusted that they will be paid fairly—that's something that many folks who may be on the [political] right have a grievance [about]. They have a grievance about the notion that they haven't gotten a fair shake. The government hasn't been fair to them. That's why they wanted a president like this. They wanted somebody who would come in and fight for them.

So we kind of turned that on its head. There were conditions that were supposed to be met about where these folks were supposed to be housed and how they were supposed to be treated and how they were supposed to be paid. When you don't follow the rules and the government does not hold the traffickers accountable, who gets hurt? Not only these folks who came and left their families, but the American workers who might want these jobs and the other companies whose profits are undercut by brokers who don't do the right thing.

An American company is suffering because it can't compete with this company that's able to just bring workers in and undercut them. And so that was the second thing I sort of hung my hat on—the general fairness of it to both the workers who had worked the time and the other American companies and American workers who were going to be hurt by this conduct. I think if we were in a different environment, my clients may have recovered more money. But from what they recovered and the fact that the jury did come back relatively quickly on the notion that this was just not right, we were able to really harness the moment and use it to our advantage.