



EQUAL JUSTICE AMERICA

Summer 2022 EJA Fellow:



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Update 1: I'm at the beginning of my internship at the Bronx Defenders in the Civil Action Practice (CAP). These past two weeks I have been attending orientation sessions geared towards understanding the holistic defense model used by the Bronx Defenders. The holistic defense model works to ensure that when a client is entangled in the legal system that all consequences are adequately addressed. For instance, a criminal case can cause children to be taken away, where the Family Defense Practice (FDP) steps in, and can have civil consequences like property forfeiture and employment issues that are addressed by CAP.

I've also been able to learn more about the legal landscape in New York City. For instance, New York City has the right to counsel for eligible tenants in housing court. With regards to employment, the Fair Chance Act and Marijuana Regulation and Taxation Act (MRTA) ensures that employees have greater protections from criminal record-based employment exclusion. For example, with the Fair Chance Act, employers cannot ask about a criminal record until a conditional offer of employment has been given and even then, there are guidelines for when that offer can be rescinded. It's also been interesting to see how the city can offer greater protections than the state.

Update 2: I am working on a research project geared towards understanding Bawdy House laws and their use in drug holdover housing cases. Relics of the 1800s, these laws target drug activity and prostitution. Today, however, these laws stand as the basis for landlords to evict tenants for drug activity, particularly the sale of drugs. There are multiple egregious features of these laws. First, the D.A. is a "shadow party" to these cases. It is the D.A. that initiates these evictions by telling landlords to begin an eviction proceeding. Landlords face a fine up to \$5000 if they refuse. The D.A. also send landlords information for these proceedings, including even sealed records in some instances. Second, there are significant consequences for these proceedings. Not only do respondents face homeless if evicted, but whole families are evicted, even if the suspected "wrongdoer" is not the leaseholder. Third, the basis for these proceedings is also suspect. While in some cases valid search warrants are used to discover drugs on the premises, police activity such as "buy and bust" can also be used. In addition,



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the laws only allow for eviction only for the selling of drugs and it is not clear in many of these cases if the drugs were meant for sale or only for personal use.

Update 3: While I continue to work on my Bawdy House research, I've also been able to participate in legal skills trainings. It has been incredibly helpful to create a theme and theory for a case based on the facts. The theory is the legal argument. For example, my client didn't do it and was misidentified is a legal argument. The theory also allows for the weaving in of good and bad facts. We have learned the importance of addressing bad facts in your own way first before the prosecution, especially in a jury trial. The theme is the emotional core. The theme is incredibly important to relaying the personhood of our clients. It emphasizes that they are hardworking employees, parents, community members, and more. We've been able to practice these skills in breakout groups focused on bail applications, housing arguments, and openings. We've also learned that as much as people can give you a template, personal style dictates a lot of the choices you make. Is it succinct or longer? Is it more narrative? Is your tone relaxed or more passionate? These trainings also emphasize that legal arguments are skills, meant to be practiced.

Update 4: I had the chance to present some of the research I found this past week to current interns and attorneys. I was able to share that the landlord petitioners in Bawdy House cases were rarely repetitive, meaning that these cases were not brought by a few landlords but a larger group. I also found around 60 Bawdy House cases in Bronx County. My next steps are to write a writing sample summarizing the information I found and map where these cases occurred. Mapping will enable us to get a better idea, geographically, of where these cases are primarily consolidated. I will also include client narratives. These narratives should exemplify the types of cases that are brought against tenants.

Presenting this research was a great way to get feedback from the other attorneys in the unit. For instance, another attorney suggested a FOIA. Since I found these cases based on a tag in the system, "residential, holdover, drugs," it's possible that some cases were not correctly tagged and were therefore not counted in my research. I also had attorneys reach out expressing a willingness to discuss their Bawdy House cases with me.

Update 5: I have learned a lot at the Bronx Defenders that I will be able to take with me. Legal skills training sessions allowed for me to practice skills necessary to be a good lawyer. I had the opportunity to conduct a mock bail interview, making sure to ask questions to gain a full understanding of the legal issues my client faces as to be able to make referrals to the other units like immigration. I was able to give a mock housing argument, focusing on how an eviction would disrupt my client's family unit. I was able to practice an opening argument for the criminal client, creating a narrative that emphasized my client as a whole rather than his criminal case. I was able to practice a cross-examination, making sure to highlight the positive features of my client as a father, employee, and community member. I was able to practice a closing argument, building on what I had learned over all of the skills trainings to create a final narrative addressing both the good and bad facts.



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I have also learned a lot about the holistic model of defense. Referrals are done within the organization to make sure that a client's criminal, family, housing, and immigration cases are addressed. Timeliness is an important feature of such work to make sure that legal issues are caught early. It also makes the bail application interview incredibly important as well. Holistic models of defense are also not the only models of defense, however. Other models exist and are worth considering as legal aid continues to grow. I've also been able to see how important social workers are to the work at Bronx Defenders. They help connect clients to resources. Legal advocates are also important, especially in administrative hearings like school suspension hearings where attorneys are not required.

Finally, I've been able to practice my research skills. From working with court clerks that did not want me there doing research on public access computers, to working with other attorneys to hear their client work that was applicable, and to researching the history of laws, I was able to research my first project that focused on data collection from court records. This work will help future policy work at Bronx Defenders and I've very excited to have been a part of that. I've also been able to see how legal aid funding affects the ability to lobby and do policy work. LSC funded organizations cannot do that work.