

Tal Vicario
EJA Fellowship Letter

For my 1L summer, I purposefully sought out civil legal service work for those facing economic hardship and lack of effective counsel. I also wanted to gain experience in impact litigation while not losing the connection to people and direct service work that made me interested in law. Exposure to this kind of civil legal work is crucially related to my goal of becoming a civil rights attorney. I worked with the Mexican American Legal Defense and Educational Fund (MALDEF) in Los Angeles, California from May 15 to July 7 (8 weeks) and with DNA People's Legal Services in Window Rock, Arizona, across the Navajo and Hopi nations, and Flagstaff, Arizona, from July 10 to August 11 (5 weeks).

MALDEF's work focuses on impact litigation related to voting rights, immigrants' rights, education, and employment. MALDEF speaks with members of the Latino community who have been marginalized by a certain law or policy, finds other people who have also been affected, and brings litigation to challenge this policy or practice to protect people's rights. Many of these people are facing economic hardship and lack of services and injustice due to the laws or policies in effect.

My work would begin after an initial intake was completed with an individual who called MALDEF to report discrimination. During weekly meetings, we analyzed the notes from these intakes and discussed whether MALDEF could and should take the case. Some of the considerations were: the kind of legal claim the individual might have, how many people did the practice harm, how many people might it harm if other people behaved similarly or believed they could behave similarly, the capacity of the attorneys to take on new cases, and the broader connections between the case and the Latino rights and justice mission of MALDEF. Once decisions were made on which cases to pursue, my work focused on legal research and writing related to those potential claims. I read federal, state, county, and municipal/local code,

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administrative proceedings, and case law to help create case memos analyzing any and all potential claims. After reviewing these potential claims with the case attorney, we selected the most viable claims using an overinclusive perspective and conducted follow up calls and investigation with people involved. I then assisted with the writing and editing process for the briefs, preparation for depositions, witness preparation for trial and hearing, jury selection and other trial needs, and moots for oral arguments in appellate cases.

While I did not have much interaction with the people we were serving and I learned that the daily work of many impact litigation organizations is somewhat removed from their clients, the potential impact of the cases on groups of people was apparent. Three cases stand out. One was a hostile work environment Title VII and Washington Law Against Discrimination trial focusing on racial and national slurs and discriminatory and unfavorable actions taken against Latino workers in a state-run construction public works agency. I worked extensively on the trial preparation of this case, meeting with witnesses, researching jury instructions and legal questions, analyzing the mock e-jury reports conducted prior to the trial, and participating in preparation and practice meetings with other attorneys. During the trial, I was able to listen to the live recording of much of the trial proceedings (which took place in Washington state), including the jury selection, and provide detailed notes and analysis.

I also worked on deposition preparation for a case that was challenging an Arizona law put in place in the aftermath of the 2020 election by conservative folks to limit access to the ballot box and remove Latino and other POC voters from the voting rolls. My work on this case consisted of question preparation, legal research, and strategy meetings. Third, I worked on a case where we were trying to show that a landlord could be held responsible for neighbor-on-neighbor discrimination that they knew about, did nothing to resolve, and that continued and

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caused harm to one neighbor. Working in Downtown LA, where the juxtaposition between unhoused folks being stopped by the police and fancy restaurants catering to wealthy Angelenos, was also a life and legal learning experience, especially given the history in LA of situations like *Desertrain*.

DNA People's Legal Services works to provide free direct civil legal services and some criminal defense services in tribal court to people whose income is 125% below the federal poverty level. DNA provides this service on the Navajo and Hopi nations and in the most rural and remote areas of New Mexico and Arizona, where most other attorneys do not practice, and most people are Native Americans. Most of DNA's work consists of representing lower income folks in tribal and state court related to criminal defense, eviction defense, child custody, validation of marriage, conflicts over trust, estates, wills and other property, and any other legal needs that folks have. To do so, DNA employs tribal advocates, who are native folks who have passed their native bar without attending law school, state barred attorneys who have attended law school, and other support staff of both native and non-native folks.

I began my time at DNA working in Window Rock, AZ, the capital of the Navajo nation and the main office of DNA. This office sees many Native people walk in with legal issues that need to be addressed, is mostly filled with tribal advocates instead of state barred attorneys, and conducts most of their work in tribal court on the Navajo nation. It also receives cases from the virtual central intake unit that operates from Flagstaff, AZ. Much of my work consisted of participating in informal intake and follow up meetings with Native folks who came in with a legal issue. The legal issues consisted of a large spectrum of civil cases related to quality-of-life issues like social services, marriage, and housing. I also did a lot of case file review and write

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ups, synthesizing and analyzing the information that we had in case files from clients and other attorneys to try and create a case strategy and establish next investigatory steps.

I attended hearings in Navajo court that were conducted in both English and in native Navajo. One case in particular stands out. A woman's longtime partner of 25 years had passed away, but she was unable to access his property or his life insurance funds because, while they had been married culturally, they had never been legally married. We petitioned the court to validate their marriage so that she could access these vital resources, despite the husband not being alive to participate in the validation. After reviewing our evidence, which consisted of witnesses who testified that they acted and were treated by the community like a married couple, as well as jointly filed paperwork, and hearing from the woman herself, the court validated the marriage, giving the woman access to the vital resources her husband left to her. Her tears of joy and relief will stay with me as a reminder of the power the law can have over people's lives and the role that lawyers can play in removing barriers to resources.

While in Window Rock, I also did a lot of work with the DNA People's office in Keams Canyon, AZ, which services the legal needs of the entire Hopi nation. I travelled there (2 hrs from Window Rock) a few times a week. When I arrived at DNA, the contract attorney that had been handling the public defense work in Hopi tribal court was leaving. As DNA was the only public defender operating in Hopi, we had to find a way to learn the defense practice, find interim attorneys to cover cases, while preparing for a new attorney to eventually take over. This work consisted of meeting with the outgoing attorney, observing court proceedings, meeting with the judges, researching Hopi law, and discussing strategies to establish and improve the new practice.

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I then travelled to DNA's office in Flagstaff, AZ, where I worked off the native nations on state court cases and central intakes for all of DNA offices. Unlike DNA's offices on the nation, this office consists mostly of state barred non-native attorneys and the clientele consists of fewer native folks than on the nation. Most of my work here was spent conducting virtual intakes, researching cases related to lender discrimination, debt collection, joint property and separate property for marriage purposes, and observing eviction proceedings in housing court (most of which are conducted pro se because of a lack of attorneys and judges' hesitation to appoint as part of the right to counsel).

MALDEF and DNA exposed me to direct civil service work and impact litigation, expanding my knowledge of the legal system and how I can make a positive impact on people marginalized by the law. The experiences were invaluable both as legal learning experiences and as life learning experiences of how distinct people and areas of the country are. I am immensely grateful to the Equal Justice America fellowship for helping make this possible. Funding for public interest is next to nonexistent while private jobs are heavily funded; this has an indiscriminate impact on the professions that lawyers are likely to enter after graduation, which impacts the legal and political future of our rights and rules as a country. If there continues to be more funding for public interest careers, more people will enter that work, which I believe will help our society better address the crucial human and civil rights issues of our time. EJA was crucial in providing access to this work for me and I know it will continue to do that for others in the future. I also reached out to some great people who also completed the EJA fellowship and have built great relationships with them as a result. I hope that in future years there can be even more connection built between EJA fellows and that there can be connection and networking opportunities created for EJA fellows once they are no longer serving as fellows.