



EQUAL JUSTICE AMERICA

SUMMER 2024

EJA FELLOWSHIP RECIPIENT



NAME	Jacqueline Arkush
LAW SCHOOL	LMU Loyola Law School
ORGANIZATION	The Legal Aid Society, Prisoners' Rights Project

Update 1: My first three weeks at the Prisoners' Rights Project have been incredibly meaningful. The dedicated attorneys at PRP work on many different issues in both NYC jails and state prisons. I have been lucky enough to learn from the passionate PRP team about the many forms of advocacy they practice, including their current litigation docket. From solitary confinement to access to medical care, the rights of people who are incarcerated are continually being violated and are in need of defense. It is far too easy for people in jails and prisons to be ignored, which makes the team's care for and centering of their clients even more impactful to witness.

As part of the larger Legal Aid Society, my internship with PRP has also provided me with the opportunity to learn from and participate in other units' work. Yesterday I made my first visit to Rikers Island, where myself, other interns, and members of the Community Justice Unit registered people to vote. We visited multiple housing blocks and met with dozens of people—most of whom were between 19 and 25 years old. As with other my other visits to various carceral institutions, the most striking part of the experience was how meaningful our presence was to those inside. This speaks to the isolation and alienation of incarceration and the profound impact it has on people's sense of self-worth.

Another big take away from this experience was how few people outside of this field know that Rikers is a pretrial detention facility and therefore the vast, vast majority of people there have yet to be convicted of a crime. Many are there simply because they cannot afford to pay exorbitant bail. Further, even if they had been convicted of a crime, they would still have the right to vote in NY state! In some states (such as Florida), people must pay a myriad of fees and restitutions before their right to vote is reinstated. These laws and practices are just a few of the many ways we punish people for their economic status. If you are as outraged by this as I am, please use the link below to donate to Equal Justice America. This helps fund fellowships for people like me that are working to ensure access to civil representation for everyone—regardless of wealth status.



EQUAL JUSTICE AMERICA

Update 2: The past two weeks have gone by so fast! I've had the opportunity to attend some very engaging programming and sit in on fascinating strategy meetings that relate to my case work. The Legal Aid Society is a large organization that provides a wide range of legal services—which also means there are a ton of different fascinating projects going on simultaneously. For summer interns such as myself, this is an incredible opportunity to engage with and learn from advocates in diverse areas of the law.

We recently had a very meaningful brown bag lunch meeting where some attorneys discussed prison abolition and their own journeys to becoming students of abolition. Conversations like these have deepened my appreciation for the intricate interplay between law and social justice. It is difficult to strike a balance between being bound by the unjust legal system and meaningfully confronting issues of racial disparity, mental health care, and countless other systemic issues. I feel incredibly grateful to be able to learn from so many attorneys who have committed themselves to finding that balance, to having hard conversations about its implications, and to always aiming for more.

Update 3: I can't believe how quickly this summer has flown by and that I only have three more weeks at The Legal Aid Society Aid Society. The past few weeks have been especially busy. I have been doing a lot of research on interesting procedural issues related to a complicated class action case. The suit is being brought on behalf of people with serious mental illness who are held in prison past their release date because the state fails to provide proper community-based housing, as required by law. Working on this case and getting to observe team meetings has taught me a lot about the many difficulties of litigating class action suits today. In short, heightened standards have made it harder to receive class certification because there must be both a common question of law AND a common answer for each member of the proposed class. Though this was a topic we covered in civil procedure during my first year of law school, it is another experience entirely to watch it play out in ongoing litigation. I have gained what feels like truly invaluable knowledge of class action and discovery strategies these past few weeks. I am continually impressed with the dedication and creativity that the PRP and Strategic Litigation Units bring to their casework. I feel very lucky to have this opportunity to learn from such tireless advocates who leave no stone unturned when pursuing justice for our clients. And, this is all about just one of the many cases the team works on!

Update 4: The final few weeks of my internship were quite the whirlwind! One major event was wrapping up a long-term research project that I had been working on since May. I enjoyed the assignment, even though the research itself was heavy at times, because it gave me the opportunity to learn more about how policy proposals originate. The topic was also interesting because it allowed me to do a deep dive into some of the more nebulous parts of evidence law, which I believe will be truly invaluable in the coming years as I begin to practice law.

I was also able to attend an oral argument seeking a monitor in Handberry, The Legal Aid Society's case about education on Rikers Island. Though it didn't go how we hoped, our attorneys did an incredible job in a tough situation. I particularly appreciated the debrief afterwards about potential next steps because it shows how persistent this team is, and how



EQUAL JUSTICE AMERICA

persistent one has to be if you want to fight for the rights of people incarcerated. Youth on Rikers—and everywhere!—deserve education and they deserve education that is tailored to their needs. This is particularly true when we know that education is one of the most powerful tools we can give people to stop the cycle of recidivism. Hopefully, we start to see some movement soon on making sure that they are provided with their rightful education.

Update 5:

Now that the summer internship season has officially come to an end, it is time for my final EJA Fellow update!

I learned so much this summer, both in the practical sense and about what it means to be lawyer working on behalf of people who are incarcerated. My assignments touched on many different areas, ranging from complex evidentiary questions to client interviews to niche federal procedural problems. There were some very emotional moments, but I found that those moments helped drive me to keep working. I believe this is true for many of the wonderful lawyers I worked alongside, and I was so grateful to play a small part in the larger struggle against mass incarceration.

By the end of the summer, the PRP team and co-counsel filed their third motion for contempt in a case about access to medical care on Rikers Island. This was the case that I spent most of my time on and it was very gratifying to feel like the injustices I learned about are now part of the public record. The NYT wrote an article about this filing and highlights the recent death of Charizma Jones, a 23-year-old woman who had been incarcerated on Rikers. Prisoners' rights work can often move quite slowly, as seen by the multiple motions for contempt in this one case. It is infuriating and heartbreaking that while litigation crawls along, people die because of the action (or inaction) of government officials. However, it is also because of these cases that journalists, activists, and community members have access to vital information that helps hold elected officials accountable.

This summer I came to believe even more strongly that meaningful change to our system of mass incarceration can only come through the combined effort of dedicated legal advocates, community engagement, and policy advocacy. This tri-fold model of systemic change is at the heart of the work done in the Criminal Defense Reform unit at the Legal Aid Society, of which the Prisoners' Rights Project is a part. Other than the practical education I gained from my supervisors and staff attorneys, it was watching these elements work in concert that taught me the most this summer. I will certainly take these lessons with me as I continue to dedicate myself to this vital work.