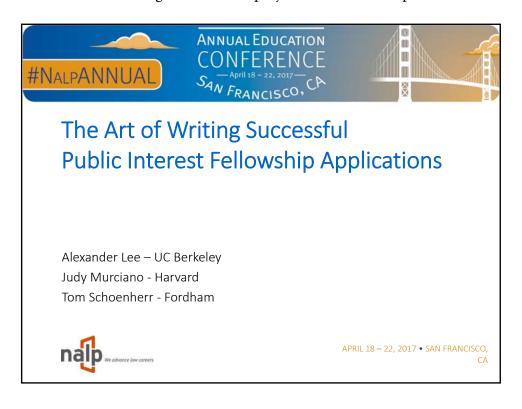
Annual Education Conference April 18 – 22, 2017 OPIA collaborates with other law school professionals to create and share best practices. We composed a practical guide with our colleagues Thomas Schoenherr from Fordham and Alexander Lee from Berkeley Law that illustrates the steps from a draft into a successful application for organization and project-based fellowships.





# Nuts & Bolts of Writing an Application or Proposal

- Needs Statement (The Problem)
- Strategies & Outcomes (The Fix)
- Personal Narrative (Preparedness & Competency)

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# Ex 1: Needs Statement (Original Opening Paragraph)

The deprivation of liberty in U.S. immigration policy was once marginal.¹ Today, xenophobia clouds sound judgment and immigration policy favors detention as the primary means of enforcement, regardless of whether a person is a risk to society or likely to flee. ... Thousands more, eligible for bond are nonetheless denied freedom through generalized and undefined risk assessments by ICE agents and immigration judges. Indigent detainees are unable to successfully challenge bond determinations for lack of legal information and counsel. Consequently, thousands of detainees unjustly languish behind bars cut-off from vital resources to obtaining freedom and wining immigration cases.²

1This dramatically changed in 1996, when legislators enacted series of laws that expanded mandatory detention without bond to large categories of noncitizens: the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA) expanded mandatory detention without bond to large categories of non-citizens. See Detention Watch Network, <a href="http://www.detentionwatchnetwork.org/node/2381">http://www.detentionwatchnetwork.org/node/2381</a>, last visited Jan. 6, 2014.

2Accessing Justice, The Availability and Adequacy of Counsel in Immigration Proceedings New York Immigrant Representation Study, 2011 (#2).

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# Ex 1: Needs Statement (Final Opening Paragraph)

Following a routine traffic stop in 2013, Immigration and Customs Enforcement (ICE) officers detained Roberto Zendejo. He was taken to a local county jail and although he had no criminal history and could hardly be thought of as a flight risk, ICE did not set a bond in his case. Without an attorney to help him navigate the notoriously complex immigration system, Mr. Zendejo languished in detention for months, unable to contact family or secure legal assistance. ... . It was not until a group of legal advocates hosted a Legal Orientation Program ("LOP") session that teach detainees how to represent themselves pro se—that Mr. Zendejo learned he had a right to a bond hearing and to ask a judge to reconsider his bond

1 Name has been changed because the case is still in proceedings and for privacy. The East Bay Community Law Center, Immigrant Rights Program of Berkeley, California is handling the case.

# Ex 2: Project Goals (Original)

Detainees have right to challenge prolonged detention and ICE agents' bond determinations before a judge in individualized hearings. In the Ninth Circuit bond hearings rights against prolonged detention are some of the strongest throughout the country but are not widely enforced. In Casas-Castrillon v. DHS, the Ninth Circuit Court of Appeals found that certain detainees in prolonged detention have a right to a "rigorous" bond hearing after six months of detention<sup>1</sup> ... And this past year in Rodriguez v. Robbins, the Court found all detainees have a constitutional due process right to a bond hearing...2

The bond rights advocacy project will address the critical need for bond rights enforcement through the implementation of a Legal Orientation Program and Know Your Right sessions tailored to empower immigrants to advocate for bonds and bond reduction...

 $^{1}$  535 F.3d 942, 951 (9th Cir. 2008). The Ninth Circuit has developed this standard in subsequent cases. See, e.g., Diouf v.

Napolitano, 634 F.3d 1081, 1091 (9th Cir. 2011) ... <sup>2</sup> Rodriguez v. Robbins, 715 F.3d 1127, 1137–39 (9th Cir. 2012). The decision affirmed an order for all detainees Accessing Justice, The Availability and Adequacy of Counsel in Immigration Proceedings New York Immigrant Representation Study,

# Ex 2: Project Goals (Final)

As a fellow, I will address the critical need for bonds rights advocacy by establishing Legal Orientation Program ("LOP") and Know Your Rights ("KYR") trainings at XXXX, creating model educational and *pro se* materials. Such programs are two of the only viable mechanisms through which detainees can efficiently and effectively access legal information. These programs will empower detainees to enforce their own bond-related due process rights. I will create the foundation for a robust and sustainable LOP and KYR bond-related program at XXXX by 1) making regular weekly visits to the center; 2) delivering culturally accessible presentations and materials; and 3) partnering with area stakeholders who can help staff and fund long-term outreach.

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# Ex 3: Project Timeline (Original)

### Months 0-3

- •Create new legal education and pro se material focused on bond rights and advocacy
- •Organize outreach schedule...in coordination with Planned Parenthood and law student volunteers
- •Staff satellite office 1-2 days a week to meet with detainee family members
- Outreach to [Local City] Bar Association and other area Law Associations
  - Use bond advocacy manual to conduct 1-2 small attorney trainings

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# Ex 3: Project Timeline (Final)

## Months 1-3

- Due Process Rights Enforcement
  - Update existing legal education and pro se material focused on bonds.
  - Design recruitment and training strategy for pro-bono attorneys and law student volunteers.
  - Staff satellite office in XXXX 1-2 days per week to facilitate legal outreach at XXXX.
- Pilot Defense Attorney Panel Project
  - Identify and meet with pilot stakeholders
  - Convene pilot stakeholders to discuss sustainable implementation

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# Skadden Application Essays – First and Final Drafts:

Essay #1 - Proposed Project - First Draft:

Domestic violence victims in New York City are faced with significant barriers to accessing housing such as landlord discrimination in addition to an increasingly complex housing market with a significant lack of affordable housing. Many victims are forced to return to their abusers in order to prevent homelessness. To promote long-term safety and stability of domestic violence victims by eliminating housing instability as a barrier to leaving an abusive relationship, I will provide victims with direct legal representation in housing, family, and supreme court.

In housing court, I will represent victims who are subject to nonpayment and holdover proceedings to prevent eviction. I will also initiate HP proceedings on behalf of victims to obtain necessary repairs to enhance the safety of their apartments. In family and supreme court, I will represent victims seeking early termination or bifurcation of a lease as allowed by New York Real Property Law 227-C. I will also engage in litigation to enforce housing protections provided by the Violence Against Women Act of 2013 to domestic violence victims in eligible housing. I will also be prepared to represent victims in rent stabilized housing at Division of Housing and Community Renewal Hearings, which are notoriously unfriendly to tenants.

Victims seeking public housing through the New York City Housing Authority (NYCHA) may also be eligible for the Victim of Domestic Violence (VDV) priority status, which was reformed following a recent settlement. In addition to collaborating with the attorneys who litigated the settlement, I will assist victims with the new application and review process for denied applications.

I will also advocate on victims' behalf for additional affordable housing and survivor-friendly policies by joining and actively participating in the Domestic Violence and Urban Housing City Bar Committees, meeting with city officials who wrote Mayor de Blasio's affordable housing plan, and speaking with local community leaders and organizations to gain community support.

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### Essay #1 - Proposed Project - Final Draft:

Every night hundreds of domestic violence victims are turned away from New York City's emergency domestic violence shelters because all 2,228 emergency shelter beds are occupied. Domestic violence is also the primary cause of homelessness for at least one third of the record 56,454 people currently in the City's homeless shelters. Domestic violence victims are particularly vulnerable to homelessness because abusers use power and control tactics, especially isolation and economic abuse, to reduce victims' ability to maintain safe and stable homes.

Housing instability is one of the primary barriers between domestic violence victims and independence, economic selfsufficiency, and freedom. Faced with the City's overwhelming lack of affordable housing, victims are frequently forced to "choose" between returning to their abusers or becoming homeless. To eliminate housing instability as a barrier to the longterm safety and stability of domestic violence victims, I will provide direct legal representation, education outreach, and advocacy.

I will engage in litigation to enforce housing protections and lease bifurcations guaranteed by the Violence Against Women Act for domestic violence victims in federally subsidized and other eligible housing. In housing court, I will represent victims facing eviction proceedings and initiate proceedings on behalf of victims living in dangerous housing conditions to obtain necessary repairs. In Family and Supreme Court, I will represent victims who need to terminate leases for safety and economic reasons as allowed by New York Real Property Law § 227-c.

To increase citywide capacity to represent domestic violence victims in housing proceedings, I will conduct trainings for public interest and pro bono attorneys. I will also conduct clinics for victims on their rights as tenants and collaborate with community-based organizations and leaders to reach those in need of services.

I will build a coalition of attorneys committed to addressing domestic violence victims' housing needs to share experience, knowledge, and expertise. I will advocate for additional affordable housing and survivor-friendly policies by actively participating in bar association committees and meeting with city officials responsible for implementing Mayor Bill de Blasio's affordable housing plan. To address systemic discrimination, I will partner with other agencies to explore impact litigation and other forms of systems change advocacy.

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### Essay #2 – Two Previous Public Interest Projects – First Draft:

While working with Sanctuary for Families at the Bronx Family Justice Center (BXFJC), I was exposed to the wide variety of legal matters that can arise for domestic violence victims and their children. In addition to physical violence, many abusers manipulate victims' emotions, economic stability, children, and immigration status so that the victim is entirely dependent on the abuser. Victims at the BXFJC were also at different stages in the abusive relationships with some seeking full orders of protection after leaving the abuser and others simply inquiring for more information as they considered leaving. The BXJFC provided comprehensive services in a co-located facility with government and non-government providers. I had the opportunity to help victims obtain orders of protection and custody/visitation orders, apply for legal immigration status through VAWA self-petitions and U-Visas, and obtain divorce orders. My experience at the BXFIC demonstrated the significant need for legal representation to help empower domestic violence victims and promote long-term safety and stability outside of an abusive relationship.

At The Door's Legal Services Center, I also experienced the importance of legal representation for domestic violence victims and their children while working closely with a client who came to the United States (US) with his mother at 2 years old, because of escalating gang violence in Mexico. However, neither the client nor his mother had legal status in the US and were forced to live with the client's father who had been severely abusive in Mexico. For years, the client witnessed domestic violence and was also the victim of his father's physical abuse. I helped the client draft a petition for guardianship and an affidavit detailing the abuse he witnessed and suffered in order to apply for Special Immigrant Juvenile Status. Because I was most familiar with the client's story, I also had the opportunity to take direct testimony from him in family court. With legal status, the client will be able to pursue a college education and seek employment to help support him and his mother and ensure that they do not need to return to an abusive relationship.

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### Essay #2 - Two Previous Public Interest Projects - Final Draft:

During my 1L year, I interned at the Lenox Hill Neighborhood House's Housing Rights Project. I was horrified to see on my first visit to housing court that the security line extended out of the building to the street corner and the majority of litigants proceeded to the pro se window. My supervising attorney explained that without the right to counsel or access to free or low-cost legal services, almost 90% of tenants in New York City housing court represent themselves while over 90% of landlords have attorneys. I was outraged by this injustice. Without assistance, pro se litigants face the enormous challenge of deciphering the legal complexities of their housing issues and navigating the court system's procedures. Housing court proceedings often result in eviction judgments that displace families into an increasingly brutal housing market and ultimately homelessness. These potentially devastating outcomes made legal representation even more urgent. Yet, as part of my intern responsibilities, I had to inform hundreds of tenants desperate for assistance that our office lacked the resources to take on their cases. This experience fueled my resolve to address the inequalities I saw in housing court.

The dire unmet need for assistance I observed at housing court reminded me of my earlier internship experience at a preschool for children who had suffered severe trauma. There I worked closely with Raymond, a 4-year-old boy who woke up one morning to the unimaginable trauma of finding his younger brother lying dead next to him. Criminal and child welfare investigations revealed that Raymond's mother's boyfriend had physically and sexually abused both children and their mother, and that Raymond's mother had been a victim of violence for years. While the preschool's staff characterized the tragedy as Raymond's mother's failure to protect her children, I could see that the system failed to identify her as a victim and provide her with assistance. I realized how pervasive domestic violence is in our society and how victim blaming is used to absolve the system of responsibility to provide urgently needed resources. Raymond's story set into motion my commitment to help domestic violence victims and their children achieve safety and stability.

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## Essay #3 - Relevancy of Public Interest Work to Contemporary Society - First Draft:

Throughout my childhood, my parents worked extremely hard to shield me from the struggles of poverty that they endured while growing up and took great care to instill in me a sense of equality and respect for those less fortunate than myself. This developed into a sense of social responsibility to help others and I began exploring sources of inequality and immersing myself in social justice issues from a young age.

As I reflected on my experience growing up in an upper middle class suburb of New York City, the structural and systemic barriers to rising out of poverty became apparent. My peers and I were born into a world where we are taught that we have a right to a self-fulfilling life and the necessary resources to achieve it, but impoverished and minority children are taught that their rights do not guarantee them equal opportunities or equally fulfilling lives.

With a widening income gap and increasing inequality, I chose to attend law school because lawyers are entrusted by our society to protect individual's rights in the name of justice. Public interest lawyer have the duty to ensure that the rights of the most marginalized and vulnerable members of our society are equally protected as those of the most privileged. This includes direct legal representation to ensure that low-income individuals and families are not discriminated against, have a safe and stable place to call home, and have access to adequate employment and quality education. I also believe that public interest lawyers also have the duty to challenge discriminatory laws and policies that disproportionately impact marginalized and vulnerable communities and to advocate for laws and policies that promote equal access and equal rights. I am committed to being a public interest lawyer who not only directly represents vulnerable populations, but who also refuses to stand by while individuals' rights are being violated.

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### Essay #3 – Relevancy of Public Interest Work to Contemporary Society – Final Draft:

The summer before my senior year of college I interned at NADAP, an organization that provided formerly incarcerated adults with vocational services. I facilitated job readiness clinics where, without an attorney on staff, I was limited to counseling clients on how to speak about their criminal records at a job interview. Clients who attended these clinics posed urgent questions about their family court, housing court, or public benefits cases, but the resources to address them were lacking.

he resources to address them were lacking.

NADAP aimed to help clients escape poverty by reintegrating them into the workforce, but without representation to resolve their legal matters, clients could not achieve the stability necessary to meaningfully engage in services. Clients struggling to pay rent and already in housing court frequently told us that they couldn't make the subway fare to a job interview let alone afford appropriate attire. It became clear to me that addressing clients' basic needs for survival had to be prioritized in order to achieve self-sufficiency.

Convinced that legal representation would have dramatically increased clients' chances of escaping poverty, I decided to attend law school to become a public interest lawyer. Of course, access to justice in matters fundamental to survival is not unique to the formerly incarcerated. To further and give meaning to justice, as Chief Judge of the State of New York Jonathan Lippman has announced, lawyers have an obligation to fill this gap in civil legal representation for low-income people.

Domestic violence victims have a particularly pressing need for direct legal representation in order to ensure their basic human rights to shelter and freedom from violence. Direct representation of the most vulnerable and marginalized individuals in our society enables public interest lawyers to identify priorities and develop strategies for social justice.

Human Resources American Civil Liberties Union 125 Broad Street, 18<sup>th</sup> Floor New York, NY 10004

### Re: Fall 20XX Fellowship Opportunities [LGLF-06 & LGLF-45]

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# **Contact Information**

Alexander L. Lee
Associate Director Public Interest
Programs – Career
Development Office
UC Berkeley, School of Law
(510) 643-4779
alee@law.berkeley.edu

Thomas J. Schoenherr Assistant Dean – Public Interest Resource Center Fordham Law School (212) 636-6952 tschoenherr@law.Fordham.edu Judith Murciano
Associate Director and Director of
Fellowships - Bernard Koteen
Office of Public Interest Advising
Harvard Law School
(617) 495-3108
jmurcian@law.harvard.edu

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