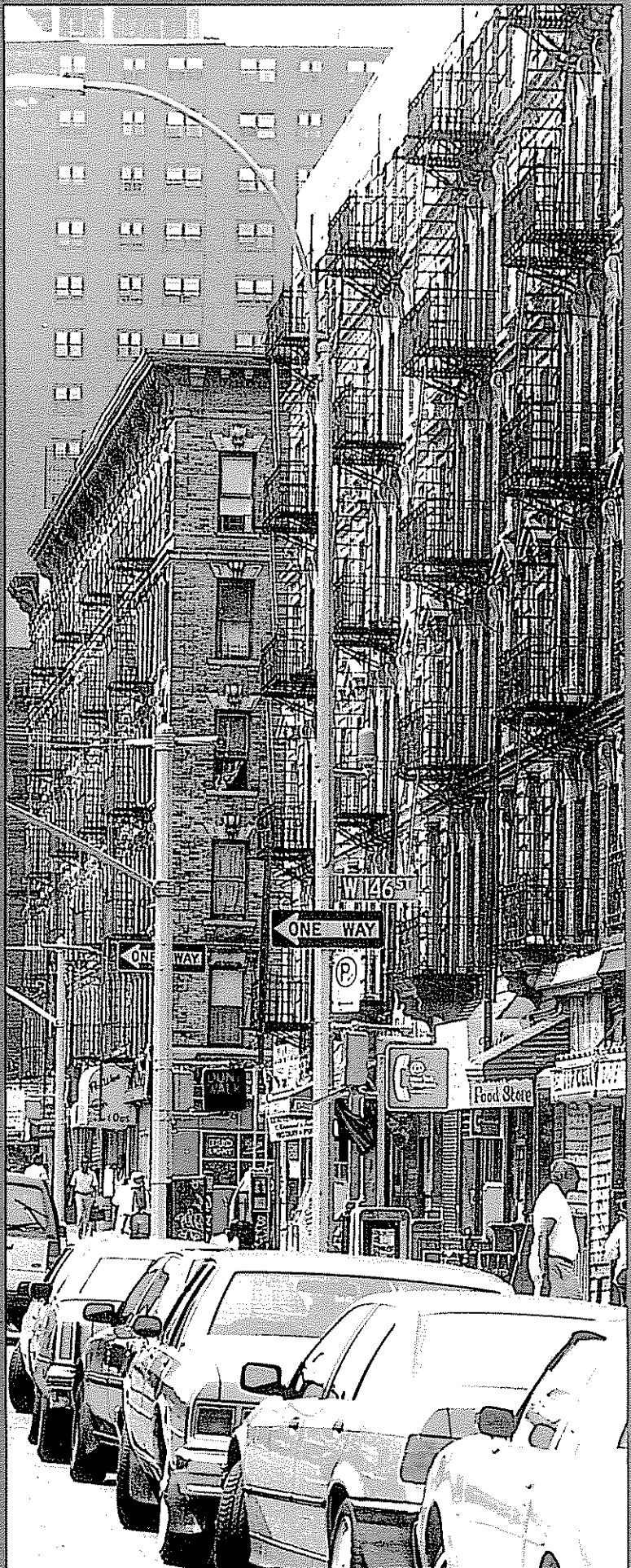


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1993 Annual Report



Neighborhood Defender Service of Harlem
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Neighborhood Defender Service, Inc. is a not-for-profit corporation and a project of the Vera Institute of Justice. NDS receives principal funding from the City of New York with additional funding from the State of New York. NDS educational programs in Harlem are made possible through the NDS Education and Outreach Fund. Contributors include The Commonwealth Fund, the Community Service Society, and the Public Welfare Foundation.

Photography: JIM BELFON / *Photographic Center of Harlem*
and BUDD WILLIAMS.

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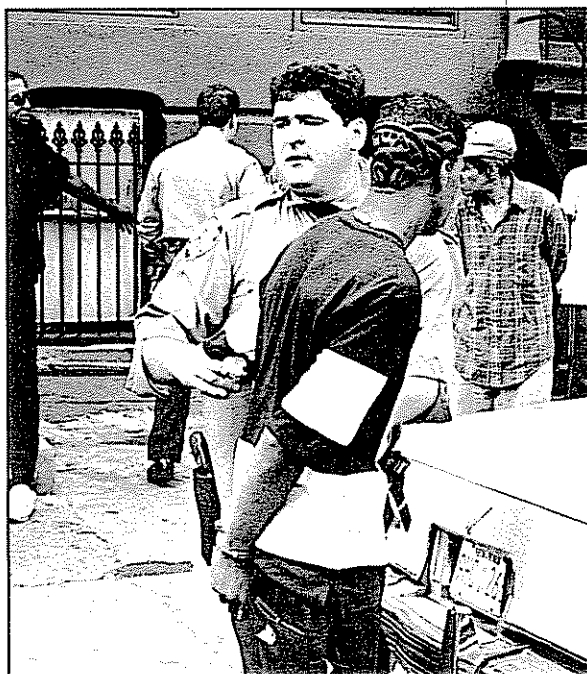
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i. a new kind of public defender

The Neighborhood Defender Service is a public law office serving residents of Harlem who are accused of crimes and cannot afford to hire private lawyers. NDS investigates the charges against its clients, represents them in court, and offers them help with other legal problems connected to their cases. In addition, NDS works with community groups, local schools, and individual residents to increase understanding of the criminal justice system and help Harlem residents avoid problems with the police. NDS is funded principally by the City of New York and all of its services are free.

NDS is a new kind of public defender. While traditional public defenders are based at courthouses and are designed to handle the business of the court, NDS is based in and serves a community—or, more precisely, the many communities that make up Harlem. Instead of waiting for the court to assign us to represent clients, we encourage Harlem residents to call us

anytime of the day or night, as soon as they have been arrested or they hear that the police are looking for them. Some clients call from the precinct house; others call to ask for help in arranging a voluntary surrender. Parents and grandparents call when they hear their children are in trouble. Teenagers call to get help for their brothers or sisters. As soon as we receive a call, we go to work: finding our



Under Arrest.
Every year, police make approximately 25,000 arrests in Harlem, or one for every 12 residents. Most people arrested cannot afford to hire an attorney.

client at the police precinct, hitting the streets to begin our investigation, preparing for a bail hearing.

NDS is different from traditional public defenders in other ways as well. Our clients are served by small teams that include lawyers, community workers, administrative assistants, and interns. Each client has a primary lawyer, but each team member knows about the team's cases and participates in the representation when needed. The office contains five such teams, plus a civil team that defends the civil rights of NDS clients in evictions, forfeitures, and attempts to terminate their parental rights. The civil team also represents clients in cases of police misconduct.

NDS is part of an increasingly strong network of community-based public services. The crises that bring clients to us are often too much for a single office or program to solve, so we rely on hundreds of individuals and services throughout Harlem, just as they rely on us. Our staff members teach in the public schools, speak at community centers, and talk to kids on the streets about crime, the police, and the courts. Clients and their families from every part of Harlem keep in touch with our staff long after their cases are over.

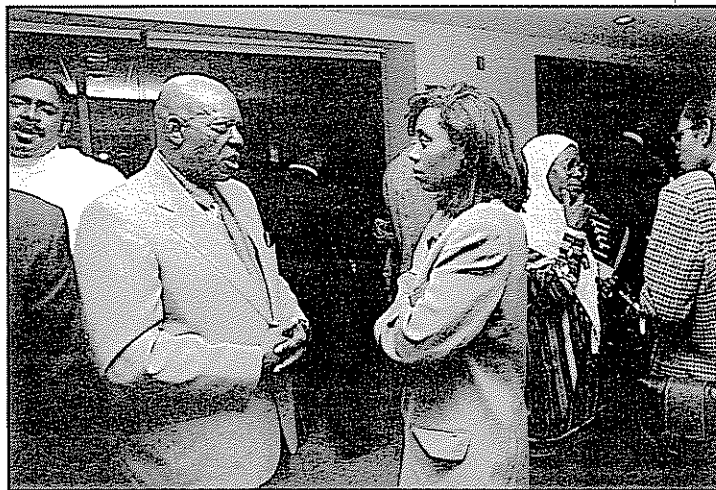
Outreach. NDS uses posters, brochures, and presentations at public meetings to get the word out to Harlem residents that they can retain its services for free if they need a criminal lawyer but cannot afford one. The NDS van is used for outreach on streets and recreational areas where people congregate.



NDS is an experiment—a demonstration project organized by the Vera Institute of Justice in collaboration with the City and State of New York. We hope to demonstrate that, by restructuring the way in which legal representation is delivered, public defenders can provide better services to their clients and do so in ways that improve the quality of justice while reducing the costs—both human and financial—of the overburdened justice system.

This report describes our work as it has matured through our second and third years of operation. NDS opened its doors on December 3, 1990, and during the year that followed we revised and refined much of our operation as we put our initial ideas into practice. In 1992, we reorganized our legal teams

and our intake system, we expanded our programs of education and outreach, and we strengthened our civil practice. In 1993, we improved our training programs for new



lawyers and community workers and we pushed our legal practice in novel directions, making new use of video evidence, coordinating the representation of our clients in parallel civil and criminal proceedings, and using mediation techniques to try to resolve disputes between residents and the police that might otherwise end up in court. Throughout all of this, our legal teams have worked literally around the clock, providing extraordinary representation to individual clients charged with everything from possession of dice to murder.

Taking Advice. Each year, NDS invites members of its Community Network to an open house reception at its offices on 125th Street. The network includes more than 200 people who live and work in Harlem and serve as liaisons between NDS and other community organizations.

No report can convey the full range of contributions made by the staff at NDS to thousands of individual lives. People come to us in the midst of tragedy. A father calls because a neighbor has been killed, and his son has been accused. A mother calls because, when she returns home from work, neighbors tell her that her twelve-year-old son was taken away in handcuffs by the police. Our staff responds to hundreds of such calls every month with skill and determination second to none.

Crafting solutions to the problems that our clients face is difficult enough, but it is doubly difficult in an experimental office where everyone's work is exposed to view and even the most basic routines change time and again. At NDS, we have embraced these difficulties because we believe that justice in urban America demands strong public defense and that the role of the public defender must be redesigned if it is to meet that demand. Whatever success we enjoy, we owe to the creative power of collaboration with colleagues, clients, community, and friends.

“The clients feel like clients, not like defendants or numbers. They, not a court, have chosen us. We are located in their community. . . . They will always be talking to someone who cares and is knowledgeable about their case. They have a relationship with the office that is no different in its kind or its feel than the relationship that a client has with a major office like Williams and Connelly or my own firm.”

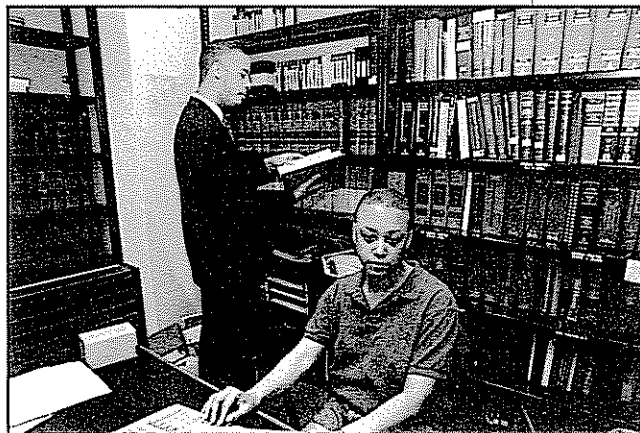
—Arthur L. Liman, partner at Paul, Weiss, Rifkind, Wharton & Garrison, and President of the NDS Board, addressing the American Bar Association's Presidential Showcase on Defense Services 30 Years After *Gideon*, August 1993.

ii. a neighborhood law office

In most U.S. cities, people who get arrested and cannot afford to hire attorneys are assigned public defenders to represent them when they get to court. As a result, public defender offices are based in or near those courts. The location is convenient for the lawyers who are attending court hearings or negotiating with prosecutors, but this leaves public defenders far from the communities whose residents they represent, far from the crime scenes around which their cases revolve, and far from the witnesses who make the cases strong or weak. It also means that public defenders are not assigned to their clients until a few minutes before they first appear before a judge—hours, sometimes days, after the arrest.

In contrast, the Neighborhood Defender Service is located in the center of Harlem, far from the nearest courthouse. The neighborhood location reflects our belief that proximity to clients, their families, and the scenes of their arrests is more valuable than proximity to judges and prosecutors.

The neighborhood location helps us at every stage of our work. During the preparation of cases, clients, their relatives, and witnesses come by the office frequently and investigations can be conducted relatively quickly. During court hearings and trials, our attorneys can question witnesses and argue the facts with a thorough grounding in



Hitting the Books.
NDS interns Michael Pinard and Tracy Hollingsworth pursue legal research in the law library at the Harlem office.

the neighborhoods involved. After cases are finished, many clients and their families continue to visit the office to keep in touch, allowing us to help with problems before they lead to more trouble with the law.

Most significant of all, at the start of a case when a defendant is arrested and charged, Harlem residents or their families are likely to think of NDS as their law office. Many know how to engage our services early enough that we can interview our client at the police precinct, conduct an initial investigation, and prepare for a bail hearing before the client even gets to court.

Mock Interview. As part of her training, attorney Carol Gray conducts an initial client interview. The client is played by a drama student in this exercise, which is observed by other members of the 1992 training team.



The result is that NDS lawyers appear in court with more knowledge about their cases, their clients, and their clients' communities. When the facts in the police report

are wrong, NDS attorneys are more likely to know it. When the client has strong ties to the community, making him or her a good risk for pretrial release, NDS is more likely to be able to win that release. In a justice system so busy that any investigation by the defense is unusual and investigation before arraignment almost unheard of, a neighborhood-based defender can achieve extraordinary results by making the early investigation of all cases routine.

In order to commence investigation as early as possible, NDS encourages Harlem residents who are arrested and cannot afford a private lawyer to call NDS immediately to retain its services. Some clients call even before an arrest when they hear that the police are looking for them. Potential clients must call within six days of an arrest for NDS to accept the case.

Handling the calls and visits from prospective clients and their families is the job of the NDS intake screeners—four paralegals working in rotation 24 hours a day, seven days a week. When the intake screeners receive a call requesting representation for a person who has just been arrested, they:

- locate the prospective client;
- go to the precinct to interview the client and inform the police that the client is represented by counsel;
- contact the legal team on duty about the case so that appropriate investigation can be started; and then
- track the case and the client through the process that ends, sometimes a day or two later, with the client appearing in court for the decision about bail.

On a busy day, the intake screeners and the legal team on duty may be tracking a dozen clients from arrest to court, each with a case that needs investigation and a family that wants to know what is going to happen.

The intake screeners are now crucial to the ability of NDS to conduct investigations early in each case, but they were not part of the original design of the project. The development of their role exemplifies the process of experimentation that has characterized NDS throughout its first three years.

"I was arrested, and if Ms. Barron hadn't made some extra effort to verify who I was with my family and my school and all of that, I might have had to stay [in jail] because I was on probation already. So it was very important that she be able to prove to the judge who I was and that I had some sort of stability, and she did that very well."

—an NDS client

MR. FRAZIER: People are requesting a full order of protection and bail in the amount of \$7,500. This is a serious rape in the first degree, a B-felony.

THE COURT: Do you wish to be heard on bail?

MS. WASHINGTON: Yes, your Honor. I understand that this is a very serious charge, . . . However, there are several compelling reasons to suggest that Mr. B should be released on his own recognizance.

First and perhaps most compelling is the fact that Mr. B voluntarily surrendered himself to the authorities when he was contacted. Last week a detective from the 20th Precinct called Mr. B. Mr. B, he told the detective that he would cooperate, he would come in.

He was told by a teacher in school he should contact our office. He called our office. He was so scared when the detective called him he didn't remember the precinct and he didn't remember the detective's name. I spent a day trying to track down the detective. I did and scheduled a time for Mr. B to come in. . . . The detective felt very comfortable eight whole days for this arraignment to be set up and fulfilled. . . . And Mr. B came into my office. Together we went to the precinct and cooperated. . . . This action demonstrates Mr. B's willingness to cooperate. He has faith in the system of justice. He showed he intends to come back to Court. He intends to fight this case through to the end and clear his name.

Additionally, your Honor, Mr. B has the full support of his friends and teacher and his minister. Present in Court today are his minister [from] Mount Zion youth, and his mother and his sister. I realize on the CJA sheet it says that he's qualified, but it does say there were unverified community ties. This is because Mrs. B is deaf and she couldn't hear the phone ringing. His sister, P, is with the Commission for the Blind and Visually Handicapped at the State building on 125th Street. His brother, J, is an interpreter for New York City for the deaf. His minister also assures me that Mr. B has been very active in the youths at church. He represents his church in out-of-state functions. He participates as an alter boy in the church as well. Additionally, your Honor, I have an affidavit from - which I would like to show you. You can have one as well for the prosecution. This is an affidavit from Mr. B's basketball coach, Mr. S, who's also a lawyer who practices on Long Island. . . .

THE COURT: Based on the fact that the defendant has considerable support here in Court, which would indicate that he would return to Court, and the lack of any prior conviction and specifically without any comment at all on the merits of the case, I'm nevertheless releasing him on his own recognizance.

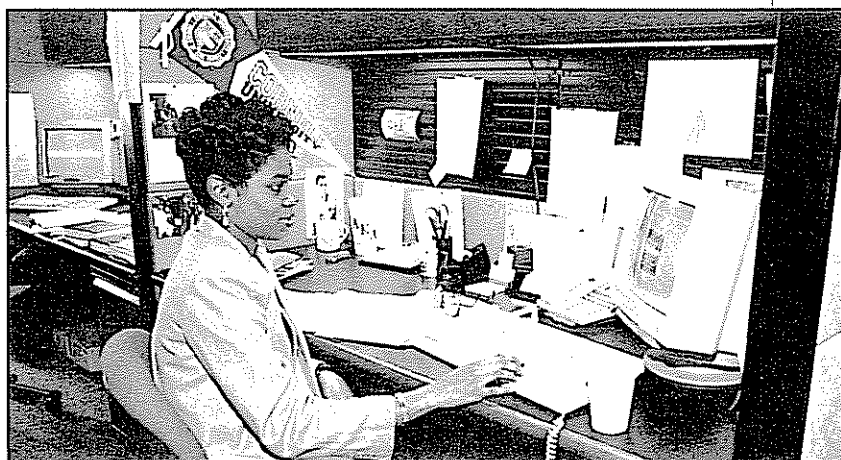
Voluntary Surrender. In a typical week, NDS legal teams help two or three people surrender to the police. Many of these clients have heard that the police are looking for them and are nervous that they might get hurt in an ordinary arrest; others simply want to cooperate. In this case, the fact that Mr. B surrendered voluntarily helped persuade the judge to release Mr. B until his trial. The rape charge was later dismissed by the prosecutor.

For the first fifteen months of the practice, the NDS legal teams were handling initial calls for service themselves, rotating responsibility for intake on a daily, and then weekly, basis from team to team. At first, there were few calls and each one presented a new challenge: how to locate a client who had just been arrested, how to interview an injured client under police guard in a hospital, how to help a client who called in the belief that

detectives wanted to question him, how to help a family whose apartment was being searched as they were speaking to us. These are questions that rarely arise in a traditional public defense practice, so each was approached cautiously.

By the spring of 1992, the range of calls was becoming familiar, the number of calls was growing, and the need to have an attorney speak with each caller had diminished. At the same time, more cases were going to trial and the legal teams needed relief from the burden of answering calls throughout the night followed by a full day in court. We decided, therefore, to build and train a staff of paralegals who could screen calls, interview clients, and track the progress of cases from arrest through arraignment, with backup from the legal team on intake duty that week.

We began with a two week experiment, shifting responsibility for screening weekday calls during business hours from the team on intake duty to our librarian. The experiment seemed to work, so we shifted the responsibility to a full-time intake screener. By July, it was clear that a paralegal screener could serve both the teams and the clients well. The teams were able to use their days more productively, clients continued to receive immediate attention when required, and the intake screener—focused exclusively on this function—performed the role with a sense of purpose and understanding that had not been as strong when intake was only one of many functions performed by a legal team during the course of a day.



On-line Investigation. Intern Jessica Ingram uses the NDS computer system to prepare for an investigation. The computer network, with a PC on every desk, provides all team members with instant access to information about every case on their team as well as access to on-line databases and legal research libraries.

Over the next four months, we gradually expanded the paralegal staff and developed routines for them to follow in a myriad of situations calling for quick decision. By November 1992, the unit was up to its present strength of four paralegals, able to respond to requests for service 24 hours a day, seven days a week. The unit has been functioning well for a full year, steadily improving the sophistication of its response. Today the paralegals in this unit conduct precinct interviews highly effectively, providing critical information to the legal teams for use in bail applications and spotting cases presenting possible conflicts of interest.

"The lawyers are great. Nice people, very nice people. Down to earth. And I just feel they're doing something for the community. Protecting people's rights in all sorts of circumstances. They're very professional, extremely professional."

—an NDS client

The impact in court is palpable. Often the NDS lawyer appearing at the bail hearing knows far more about the case and the defendant than anyone else in court, so NDS lawyers are frequently able to persuade judges to release clients whom the prosecutors had originally asked to be jailed (or held on bail) until trial.

Clients and their friends seem impressed by the speed of the investigation in their cases, and they appear to enjoy the feeling of having their own attorney rather than an appointed lawyer. NDS attorneys who have practiced in other public defender offices report that their relationships with clients are much stronger at NDS from the start because of our neighborhood office. As one lawyer put it, "When I first meet my clients I give them my card. They don't know me from Adam, but when they see the Harlem address, the whole relationship changes."

iii. teamwork

Each client of NDS is represented by a small team, rather than by an individual attorney. NDS has five of these criminal defense teams, each consisting of three or four staff attorneys, two community workers, an administrative assistant, an intern, and a senior attorney who serves as the team leader. One attorney on the team is principally responsible for each case on the team's caseload, but everyone on the team is expected to be aware of the activity in each of the team's cases. If a client has more than one case, all of his or her cases are handled by the same team.

For clients, team representation provides highly responsive legal service. Even if the lawyer principally responsible for a case is busy in court, other team members can answer basic questions and talk with the client about the investigation or other developments in the case. Team representation also preserves the continuity of representation of the client over time when individual staff members leave NDS.



Team Meeting. Each team meets weekly to discuss its cases and organize its work for the coming week. Here, Team Leader (now Deputy Project Director) Robin Steinberg meets with team members Jenny Kronenfeld, Carlos Arias, and Lisa Barton.

For attorneys, team representation generates more information about the client and the allegations than they would be able to collect on their own. It also allows attorneys within a team to handle court appearances for one another, allowing attorneys to spend more time preparing their cases. But team representation also has drawbacks for attorneys who want the autonomy that public defenders usually enjoy in the preparation of their cases. Team members, whether lawyers or not, challenge, prod, and stimulate each other in a common effort to represent each client as well as possible, requiring that attorneys be willing to have their judgments questioned. It also requires attorneys to pay greater attention to communication and organization than does a traditional practice.

Q: If you get arrested again, would you want NDS to represent you again?

A: Yes.

Q: Would you want the same team to represent you?

A: You see, I'm adjusted to the team now because I know how they respond to you, and I don't know if I go to somebody else how they would respond. So I'd rather get representation from them right here than anybody. They ain't treat me wrong. . . . I like their respect, how they respect you.

—an NDS client

For the community workers and administrative assistants, team representation provides greater involvement with individual clients, more meaningful participation in their cases, and deeper understanding of the entire practice. It also requires them to take greater initiative in the preparation of the case and greater responsibility for building the relationship with the client.

Communication is the key to effective teamwork, but structuring that communication is difficult. NDS team attorneys are tied to uncertain court schedules while community workers are responding to unpredictable investigative developments.

Team meetings provide for some information exchange, but they could not be frequent enough to serve as the primary method of communication.

To meet the need for easy, continuous communication, NDS built a sophisticated computer system that

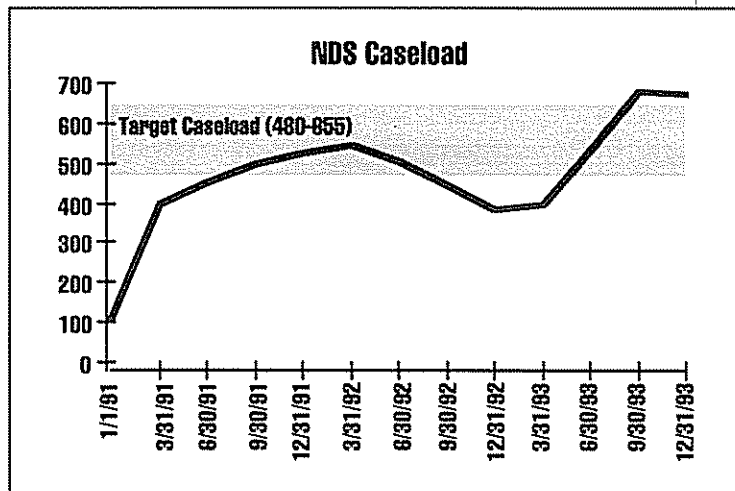
automatically keeps each team's members up-to-date on developments in all of the team's cases while providing an array of investigatory and legal tools for case preparation. Over the three years of operation, the computer system has been enhanced in dozens of ways suggested by team members to increase the amount of information it makes available.

Each team benefits from the diversity of experience among its members, but there are several problems with which they need expert assistance. When clients have needs for medical services, psychological counseling, or basic food and shelter, the teams can call on our Chief of Social Work. She will make her own

assessment of the client's needs and then may refer the client for treatment, may undertake some counseling herself, or may help the community worker pursue a plan to assist

the client from within the team. Sometimes these referrals inform a sentencing plan for the client; in other cases the client enters a counseling or treatment program without the involvement of the court. The Chief of Social Work also controls a small fund for emergency assistance with food and housing.

Despite the computer and expert support available, team representation presents many challenges. In our first year, one problem was the uneven attention paid to the development of the lawyers just out of school. At the end of 1991, we began grouping our newest attorneys on special



Heavy Caseload. NDS handles all kinds of criminal cases, from disorderly conduct through homicide, but the great majority of clients who contact NDS have been accused of felonies. Felonies make up 29 percent of the criminal cases arraigned in Manhattan, but 69 percent of the criminal cases handled by NDS.

training teams, permitting the team leader to concentrate on training issues and assuring that all of our new attorneys receive the same thorough grounding in criminal practice. We are now in our third cycle of training teams, and they seem to work well.

Training of community workers presented a different set of problems. The community workers are mostly recent college graduates who start at NDS with energy but relatively little experience in investigation or client-centered planning for bail or sentencing. When we started the office, we gave the community workers some general training and then relied on the team leaders to supervise and guide them as they explored the potential in their new role. Over our first two years, the community workers found many jobs that they could perform well: not only investigation and sentence planning, but also assisting in trial preparation, maintaining communication with clients, and providing aftercare. As the practical role of the community workers became clearer, they and their teammates recognized the need for additional training. In February 1993, we organized an intensive, one-week training program for all community workers and began work on a comprehensive handbook based on that training.

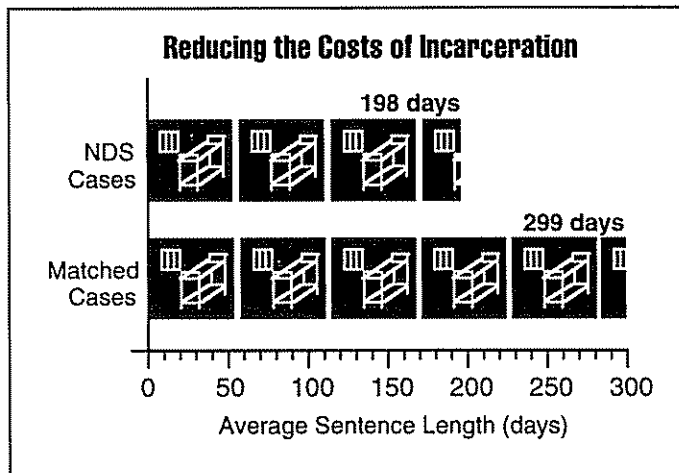
Good teamwork has been critical to many of our successes at trial, as well as at bail and sentencing hearings. Effective teamwork is what makes early intervention and investigation possible when clients or their families contact



Working a Case. Community Worker Tarik Brown talks over an investigation with fellow community worker Cynthia Castillo and intern Uriah Morgan as they look for witnesses to a recent crime. NDS community workers go to crime scenes within days, and sometimes hours, of an arrest to canvass the area for witnesses.

Impact. Researchers at the Vera Institute of Justice reported in December 1993 that NDS representation was having a significant impact on the sentences received by its clients. The researchers compared a sample of 395 NDS cases with a sample of cases defended by other lawyers. The cases in the two samples were individually matched on the age, race, gender, and prior record of the defendant, as well as on the type, severity, and number of counts in the current case. The research showed that fewer NDS cases resulted in incarceration, and the incarceration imposed was generally shorter. The 395 NDS clients were sentenced to a total of 78,153 days of incarceration (an average of 198 days each), while the defendants in

the matched cases were sentenced to a total of 117,913 days (an average of 299 days each). When differences in pretrial detention time are included, the 395 NDS clients in the sample were incarcerated for 39,835 fewer days than the defendants in the matched cases. We believe the difference is attributable to the extra information about the crimes and the defendants that NDS is able to present to prosecutors and judges as a result of its early intervention, its neighborhood base, and its team representation.



NDS to request representation. It permits NDS to respond quickly to new developments in a case, and it helps assure that every case receives the necessary attention. The result is illustrated powerfully in court outcomes.

Researchers at the Vera Institute of Justice measure the results of the NDS demonstration by comparing samples of NDS cases with samples of matched cases handled by traditional defenders in the same courts. In December 1993, the researchers completed the second of three annual analyses of these cases, concluding that NDS representation was associated with significantly lower use of incarceration when factors such as the age, race, gender, and prior record of the defendant along with the type and severity of the charge and the number of counts were all held constant. Using a sample of 395 NDS cases with arrest dates between January 1, 1991, and June 30, 1992, the researchers found that the NDS clients were sentenced to 39,835 fewer days of

incarceration (taking pretrial detention into account) than were the defendants in 395 matched cases handled by other defenders. The difference, we believe, represents the impact of the additional information that NDS teams are able to present to judges and prosecutors about the crimes and the people accused. Because they are better informed, the judges and the prosecutors who determine sentences are able to make more individualized decisions in NDS cases, and that means they are administering a higher quality of justice.



iv. civil rights

A criminal accusation often brings trouble beyond the criminal charge itself. Even if never convicted, a person can be fired, lose public benefits, be evicted, forfeit property, or even lose custody of children as a result of being arrested.

Criminal lawyers think of these as collateral consequences of an arrest. They are matters of civil or family law, not criminal law, and traditional public defenders do not handle them. In some civil cases, an indigent defendant has no right to free counsel and, without a lawyer to help, loses the case at the start by failing to file the proper papers or defend the case in court. In others, the court appoints a private lawyer at public expense, even though a public defender is investigating the same incident and representing the same person (also at public expense) across the street in criminal court.

Police Misconduct. *This is an excerpt from the deposition of an NDS client who was mistreated by the police during his arrest. The charges against him were dismissed within 24 hours of his arrest—which would have ended the case for a traditional public defender. The NDS civil team helps clients press claims of police misconduct even after charges are dismissed in order to address issues of mistreatment.*

- A. ...while I was in the patrol car, the officer in the back seat started to hit me, all right?
- Q. Okay, yes. What did he hit you with?
- A. First, he hit me with his elbow, and then after a while, I think — I think they call it a billy club or whatever, or his night stick, he started hitting, pounding me in my head with it....
- Q. Did you curse at them or—?
- A. No, no curses, no nothing. I—
- Q. Did you resist them?
- A. No resist; there was no resist. You can't resist.
- Q. All right, and [when you got to the precinct]?
- A. [When we got to] the precinct, they threw me out. The driver got out of the car, walked around the car, opened the back seat door, grabbed me and threw me on the ground.

NDS represents its clients in all legal actions flowing from a criminal accusation, including matters in the civil courts. We do so for three reasons. First, we can better protect the rights and interests of our clients if we are representing them in every matter where the criminal charge against them will be at issue. Second, it is more efficient for the government and its taxpayers to have a single office represent a single client about a single incident when the facts must be litigated in two or three separate courts. Third, although technically civil, many of these cases are the functional equivalents of criminal prosecutions in which the indigent defendant sits across a courtroom from police and prosecutors and needs the assistance of a criminal defense lawyer.

Voice of Experience. Advisory Board member David Rudovsky describes the relationship between civil and criminal practice during a discussion with NDS staff. The Advisory Board meets twice a year to review the progress of the NDS project and to guide its development.



During our first year of operation, civil work was handled by the team assigned to the original criminal matter. Our experience with a handful of cases confirmed our initial sense that we should handle these cases,

but we found that our criminal defense teams could not cope with the demands of the work. The attorneys on those teams lacked expertise in civil practice, did not have time to acquire it, and therefore did not pursue their potential civil cases as vigorously as they might have.

In December 1991, we created a small, specialized civil team of one attorney and one administrative assistant. Since then, this team has taken principal responsibility for all civil cases in the office, coordinating its work with the team handling the related criminal case. The arrangement quickly proved successful, and in October

1992 we added a second attorney to the civil team through the Skadden Fellowship program. NDS now has a unique and substantial civil practice, encompassing housing, forfeiture, police misconduct, immigration and employment cases. In all of these areas, the combination of criminal and civil litigation is leading us into uncharted legal territory.

Our eviction cases illustrate the novelty and challenge of this practice. Almost all are "drug holdovers," brought under New York's old "bawdy house law" (now codified in the Real Property Actions and Proceedings Law). This law allows landlords to evict tenants who use their homes, or allow their homes to be used, for illegal businesses. In the last

Double Jeopardy. Ms. Wright had been arrested on a drug charge, had pleaded guilty to possession of drugs, and been sentenced to probation in criminal court. Months later, the City moved to evict her at the behest of the District Attorney's office, based on the same arrest. With the support of her neighbors, who confirm that Ms. Wright was causing no trouble or inconvenience in the building after her arrest, she and the NDS civil team are challenging her eviction as a second punishment. Had NDS not represented her in the criminal case, she would most likely be without counsel in the eviction.

CIVIL COURT OF THE CITY OF NEW YORK
 COUNTY OF NEW YORK: HOUSING PART 18E

-----X		
THE CITY OF NEW YORK	:	
Petitioner	:	
-against-	:	NOTICE OF PETITION PURSUANT
	:	TO R.P.A.P.L. §711(B)
	:	
<u>VALERIE WRIGHT</u>	:	
374 West 127 Street, Apt. 4E	:	L & T Index No. 018840 / 92
New York, New York 10027	:	
-and-	:	
	:	
<u>SHERALL BRADLEY</u>	:	
as subtenant(s) or occupant(s) of	:	
374 West 127 Street, Apt. 4E	:	
New York, New York 10027	:	
-and-	:	
	:	
<u>"JOHN AND JANE DOE"</u>	:	
as subtenants or occupants of	:	
374 West 127 Street, Apt. #4E	:	
New York, New York 10027	:	
Respondents	:	
-----X		

To the respondents above named and described as tenant(s), and subtenant(s) or occupant(s) in possession of the premises hereinafter described:

PLEASE TAKE NOTICE that a hearing, at which you must appear, will be held at the Civil Court of the City of New York, at a Housing Part 18E at 111 Centre Street, in the County of New York, City and State of New York on the 30 day of July, 1992 at 9:30 o'clock on the forenoon of that day, on the annexed petition of the CITY OF NEW YORK, verified on June , 1992. The petition is brought pursuant to Section 711(5) of the New York Real Property Actions and Proceedings Law.

PLEASE TAKE FURTHER NOTICE that the petition, which you must answer, prays for a final judgment of eviction awarding to the petitioner the possession of the premises described as follows: Apartment No.4E, at 374

several years, the New York City Housing Authority has started a program to use this law aggressively against its tenants whose family members are charged with the sale

or possession of narcotics in or around their apartments. The City's

Department of Housing Preservation and Development (HPD) has instituted a similar program against tenants of the many buildings it owns and manages because the landlords have defaulted on their taxes. In addition, the New York County District Attorney has begun a program to assist (and compel) private landlords to do the same.

The political popularity of these programs is supported by images of law-abiding tenants, elderly or with young children, terrorized by a few drug-dealing neighbors who, when arrested, return within a day or two to carry on their businesses. The eviction of the dealer is accompanied by the cheers of grateful tenants who can now live in peace. Some of the evictions brought under the statute undoubtedly fit this popular image, but the cases handled by the NDS civil team so far have looked quite different.

The more the DA's office becomes involved in drug evictions, the more these evictions become punishment similar to that meted out in criminal court rather than a resolution of housing disputes between private individuals. The more the DA's office initiates and cooperates with public and private landlords to evict alleged drug dealers, the more these evictions become quasi-criminal actions rather than summary proceedings to recover possession. If evictions are to be used by the prosecutorial arm of government to effect law enforcement goals, then the procedures that govern evictions should be reexamined. This reexamination must include an increase in the procedural safeguards that are mandated in quasi-criminal proceedings.

—Martha Rayner, leader of the NDS Civil Team, at a City Bar Association panel discussion in May 1993. "Can New York's Public and Private Housing Stock be Protected from Drug Dealers?"

In most of our eviction cases, women with young children have faced eviction weeks or months after someone else in their household was arrested on a drug charge. In one case a family was threatened with eviction after their son had been convicted for selling drugs and was serving a long sentence in an upstate prison. In another, a single mother and her two daughters, a teen and a two-year-old,

faced eviction after police found drugs in a locked room that the mother had rented to a boarder. The prosecutors had dismissed all charges against the mother, whom the police had arrested when they searched the apartment, but HPD sought to evict her and her children anyway. In still another case, a single mother and her daughter who lived in a Housing Authority apartment were subject to eviction after the daughter was arrested for possession of drugs in the hallway of the building.

In each of these cases, the neighbors thought of our client as a good tenant and offered to help fight the eviction. NDS attorneys have had to find creative ways to present this evidence because the opinion of neighbors that a person is a good tenant does not constitute a defense in itself. Of the dozen such cases that the NDS civil team has handled, only one has ended with an eviction, and that case is now on appeal. Without NDS, none of these tenants would have been represented in court and all, with their families, would likely have been evicted.

Because these kinds of evictions are so rarely challenged, the NDS civil team is testing the relevant laws in novel ways. We are challenging the evictions on "double jeopardy" grounds; we are challenging the use in these quasi-criminal evictions of evidence seized illegally; and we are confronting and managing complicated potential conflicts of interest.



Compensation. Attorney Megan Golden and Administrative Assistant Lavern White present NDS client William Bannister with a check in settlement of his civil rights suit against two police officers. Mr. Bannister had been awakened late at night when the police rang his buzzer to gain entrance to his building. His complaint at being awakened led to an argument which led to his arrest on charges of disorderly conduct. An NDS legal team represented him and all charges were dismissed. NDS then won him financial compensation for the improper arrest.

Having come this far, the civil team is now looking beyond the litigation of these individual cases to find opportunities to educate the bar, the legislature, and interested citizens about the problems with these popular eviction programs. Similarly, in the year ahead, we will try to find broader uses for the lessons our civil team has learned to prevent police misconduct, protect employment, and preserve parental rights.

v. education and outreach

The Neighborhood Defender Service plays a broader role in Harlem than the defense of individual criminal cases. Our aftercare and civil work extend our service to clients beyond the length of their criminal cases, and our neighborhood-based practice often involves us in helping whole families; but the farther we extend ourselves, the clearer the demand for still more becomes. Teenagers and young adults want advice on how to deal with police who stop them on the street; parents and grandparents want to know how to help children who get in trouble; and everyone wants help navigating a criminal justice system that seems foreign and hostile. Our education and outreach programs respond directly to these demands, helping people cope with the daily frustrations and occasional crises of life in a heavily policed inner city.

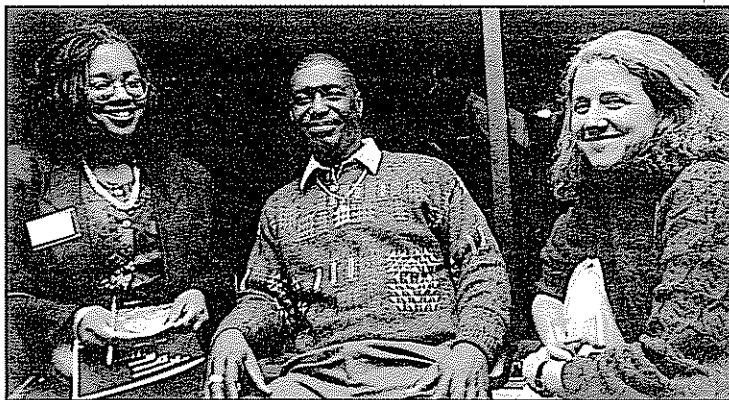
The NDS staff includes a director of outreach and a curriculum developer who work with the legal teams and the

administrative

staff to organize the education and outreach programs.

These range from extended classroom courses for junior high school and high school students to short presentations at community meetings and radio interviews.

In our first year of operation, we developed a ten-session curriculum for high schools students on "Conflict with Cops," which involves both discussion of the rights of people

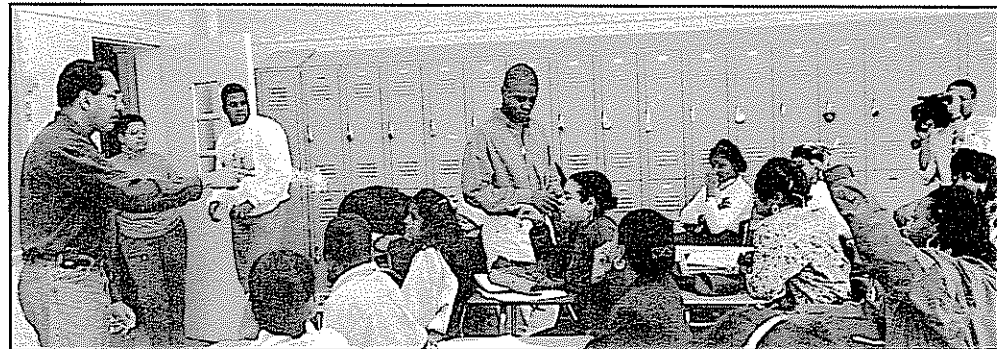
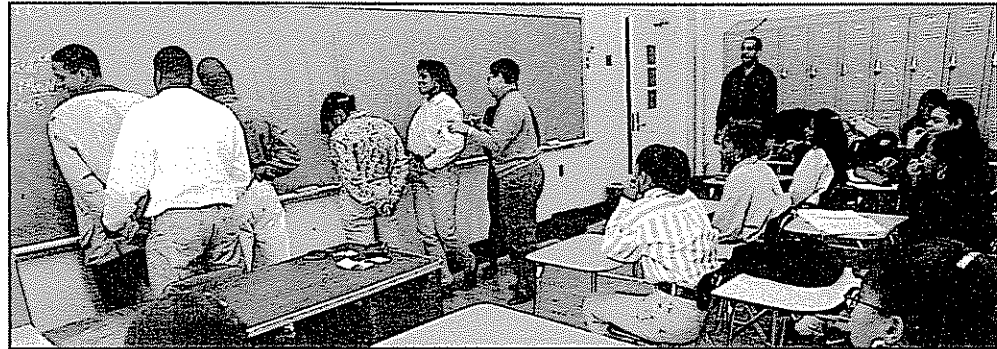


Networking.

Team Leader Laurie Barron and members of the NDS Community Network at the NDS open house reception. The annual reception gives NDS staff members a chance to discuss the service they provide with a broad cross-section of people who live and work in Harlem's communities.

approached by police on the streets and role-play exercises based on actual cases handled by NDS of conflict between students and police. The curriculum is designed to give students practical skills in diffusing conflict between themselves and cops, and preventing such confrontations from escalating. The Conflict with Cops classes also introduce students to the lawyers and paralegals at NDS who describe their own growth from high school into their present work.

Keeping Their Cool. Seniors at A. Philip Randolph High School in Harlem participate in the NDS course, "Conflict with Cops." The course, led by Director of Outreach Vaughn Jackson, requires the students to participate in improvisations based on actual NDS cases in which high school students found themselves arrested and hurt after street encounters with the police got out of control. Through the improvisations and discussions afterward, the students learn how to keep their cool during encounters with police.



In 1992, NDS taught the full Conflict with Cops curriculum to five separate classes of seniors at A. Philip Randolph High School in Harlem. The course has proved popular with students and teachers and will be repeated in the spring of 1994. At the same time, we are beginning to assess its practical value through follow-up interviews with students who took the course one or two years ago.

For junior high school students, NDS has adapted portions of the Conflicts with Cops curriculum and combined these with courtroom role-plays in which students play the parts of lawyers, police, and defendants. These classes usually include a visit to the New York County Criminal Court and

conclude with a “trial” conducted in the mock courtroom at NDS. In 1992 and 1993, we taught these courses, lasting between three and twelve sessions, to students at Central Park East Secondary School, the East Harlem Performing Arts Junior High School, Intermediate School Number 10, and the Northern End Youth After-School Program.

The NDS director of outreach and project administrator produce and distribute a wide variety of printed material about individual rights and the criminal justice system. These include a seasonal newsletter, *Just Us*, as well as brochures and plastic cards designed to help their bearers exercise their rights. In the spring of 1992 and again in 1993, NDS conducted a poster campaign including advertisements in all Harlem subway stations that urged readers to avoid trouble but to know what to do if facing arrest.

These materials are distributed throughout Harlem through social service offices, churches, street fairs, tenants associations, and directly by NDS staff when they make presentations to local community groups. NDS also works through its Community Network, a group of more than 250 people who live or work in Harlem and have agreed to serve as liaisons between NDS and their own organizations.

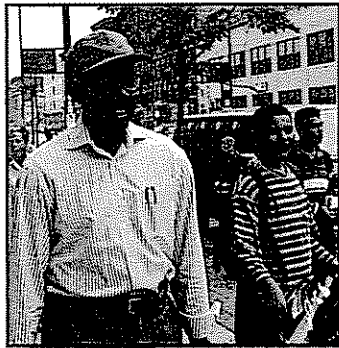
In the summer of 1992, NDS experimented with an intensive outreach effort in a single public housing development, the Drew Hamilton Houses in central Harlem. NDS hired a high school intern from the Hamilton Houses who worked under supervision at the Houses throughout the summer, speaking with young residents about their problems with the police.

“A lot of kids . . . don’t realize how important it is to be able to handle situations [with police]. I notice that a lot of teens today—or people in general—they go off at the mouth and they try to fight the police which causes the police to get upset. And then they just take you in.”

—a student who took the NDS “Conflict with Cops” course as a high school senior, now a sophomore at a local college, working two jobs. He had been stopped by police on the street several times before taking the course.

In the summer of 1993, we undertook a more ambitious version of this program, hiring a dozen young Harlem residents through the Summer Youth Employment Program. We trained them and then deployed them in every public housing project in Harlem. Under the supervision of our staff and a college intern, the students distributed literature and talked with residents. In this process, they built their own knowledge and confidence in dealing with criminal justice issues.

In the fall of 1993, the office established a mentoring program with a group of seventh graders from Junior High School 117. The students spend an hour each Friday afternoon at NDS, when staff members lead them in discussions of criminal justice issues. Each student is also paired with an NDS mentor with whom the student meets regularly. Our hope is that this mentoring program will help build the students' self-esteem and help them develop skills and clarify their academic and vocational goals.



Spreading the Word. Outreach Liaison Eddie Ellis supervised a dozen young people employed at NDS during the summer of 1993 under New York City's Summer Youth Employment Program. Eddie and his crew distributed information about NDS and the criminal justice system at every public housing development in Harlem.

Perhaps the most ambitious outreach program mounted by NDS was a one-day "community conference" at our offices on the subject of school safety. The conference brought Harlem residents and NDS staff together with teachers, school administrators, police officers, and senior city officials including the Deputy Mayor for Public Safety. Our aim was to develop some practical solutions to school violence through a dialogue between those who make policy and those who live with its consequences. The focus of the day was on workshops in which participants described the real problems they faced. Never before had these individual police officers, teachers, community residents, and defenders had an opportunity to engage in such problem-solving together at a local level. Among the products of the conference was the publication and distribution of a booklet, *School Safety, Justice, and Educational Environment: Materials for School-based Planning*.

vi. officers, staff, and advisory board

Officers:

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Arthur L. Liman, *President*
Christopher Stone, *Executive Director*
Leonard Noisette, *Project Director*
Robin Steinberg, *Deputy Project Director*

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Millie Hidalgo	Alfred Turnquest
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As of December 1993

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David Rudovsky, *partner in the firm of Kairys & Rudovsky, and Senior Fellow, University of Pennsylvania Law School*

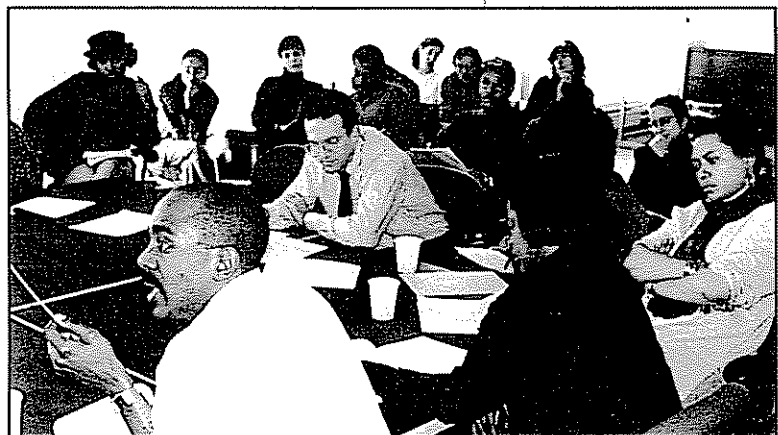
Barry Scheck, *Director of the Criminal Clinic at Cardozo Law School*

Robert L. Spangenberg, *President of the Spangenberg Group, West Newton, Massachusetts*

Randolph Stone, *Clinical Professor of Law and Director of the Edwin F. Mandel Legal Aid Clinic, University of Chicago*

Kim Taylor, *Associate Professor of Law, Stanford University*

Clear Direction. NDS Project Director Leonard Noisette makes a point at one of the weekly Legal Practice Seminars as Executive Director Christopher Stone and other staff members listen.



NDS Outreach Presentations: 1992

January

Milbank Center PTA Meeting
Public School 175 Open Evening
Recreation
Public School 125 Open Weekend
Recreation
A. Philip Randolph Senior Center
Kennedy Senior Center
Central Harlem Senior Center

February

First Step Program—Visiting Nurses
Services
Jackie Robinson Community Center
Community Life Head Start Program
Harlem District Conference of Parents
Associations

March

Community Board 10 Youth Services
Committee
Public School 197
Convent Baptist Church, Ministers
Conference
Community School District 5, Family
Workers
Phase Piggy Back, Inc.
Harlem Churches for Community
Improvement
Graham Court Tenant Association
Memorial Baptist Church
Macedonia Baptist Church
Mid-Manhattan Adult Learning Center
Mt. Moriah Baptist Church
Project Create
Frederick Douglass Academy High
School

April

Mid-Manhattan Adult Learning Center
Public School 92, Parents Workshop
Public School 46, Parents Workshop
Upward, Inc.
28th Police Precinct, Precinct Commu-
nity Council
Countee Cullen Community Center
Harlem Restoration Tenant Association
Academy of Environmental Science
N.Y. State Dept. of Labor, Veterans
Program
Police Athletic League
East 127th Street Block Association
Chambers Baptist Church
Looking Towards Tomorrow, After
School Center
25th Police Precinct, Precinct Commu-
nity Council

East 123rd Street Block Association
Martin Luther King Houses, Tenants
Association
Drew Hamilton Houses, Tenants
Association

May

Reality House, Drug Treatment
Program
Public School 154
Dunlevy Milbank Community Center
Reality House, Drug Treatment
Program
Community School District 5, Alterna-
tives to Violence Committee
Tweemill House Tenants Association
St. Nicholas Houses Tenants Associa-
tion
American Muslim Mission
King Towers Community Center
Vocational Foundation, Inc.

June

Central Park East Secondary School
Mid-Manhattan Adult Learning Center
I Have a Dream Foundation
Community School District 5, Alterna-
tives to Violence Committee
Project Create
Hamilton Houses, Multi-Service
Center

August

Project Create
Harriet Tubman Tenant Association
Phase Piggy Back, Inc.
Enter, Inc., Runaway Shelter

September

Each One Teach One, Youth Program
Project Create

October

Northern End Youth
Barbara Taylor School
Harriet Tubman School
Upward Bound Youth
Bethel Gospel Assembly
Harlem Interfaith

November

Abyssinian House
Youth At Work
East Harlem Operation Fight-Back
Central Park East Secondary School

December

Vocational Development Program
Public School 197
St. Mary's Youth Center

NDS Outreach Presentations: 1993

January

Riverside Church
116th Street Block Association
Regent Family Residence
Salvation Army
Taft Houses Tenant Association
United Families of East Harlem
Mid-Manhattan Adult Learning Center
Union Theological Seminary

February

Dunlevy Milbank Center
Metropolitan Hospital
Polo Grounds Houses Tenant Patrol
Community Planning Board 11
131st Street Block Association
Readland Community School
Polo Grounds Youth Group
Neighborhood Work Project
Fortune Society
Community School Board 4

March

Neighborhood Work Project
N.Y. State Division For Youth
East Harlem HIV Care Network
St. Paul's Church
St. Mary's Treatment Center
East Harlem Counseling Center
Taft Houses Youth Committee
Public School 36 Parents Association
Boys' Harbor
Harlem Village
Intermediate School 8
Junior High School 117
Bethel Gospel Assembly
Public School 157

April

Edenwald Houses Tenant Association
Countee Cullen Library
Neighborhood Work Project
Harlem River Houses Tenant Association
Community Board 11 Youth Committee
Laguardia Houses Tenant Association
Morris Houses Tenant Association
Taft Houses Secondary School
Fortune Society
Junior High School 45
Union Settlement
Public School 112
Hamilton Houses Tenant Patrol

May

Neighborhood Work Project
Hot Line Caucus
Fortune Society
N.Y. State Division For Youth

Phase Piggy Back, Inc.
Minisink Town House
Wise Children's Counseling Services
Public School 26
Career Guidance Services

June

Fortune Society
Neighborhood Work Project
United Methodist Church
Riverside Church
YMCA (Harlem Branch)

July

United Neighborhood Houses
National Association of Black Social
Workers
New York Public Library (Harlem
Branch)

August

College of New Rochelle (Harlem
Campus)
Polo Ground Houses Youth Group

September

Reality House
Community Board 10
Drew Hamilton Houses Tenant
Association
Polo Grounds Houses Tenant Associa-
tion
Central Park East School
YMCA Youth Center

October

West Side High School
Central Park East School
Bethel Gospel Assembly
Public School 194
Frederick Douglass Academy
Riverside Church

November

West Side High School
Public School 144
St. James Presbyterian Church
116th Street Block Association
Park East High School
Mid-Manhattan Adult Learning Center
Park East High School
Countee Cullen Center

December

Kingsbridge Center
Federation of Protestant Welfare
Agencies