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Promoting Public-Interest Law and Pro Bono Service

April 8, 2024

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VIA EMAIL

Ms. Tracy Nutall
Executive Director
District of Columbia Judicial Nomination Commission
dc.jnc@dc.gov

Re: Support for the Nomination of Beth Mellen, Candidate for Associate Judge on the Superior Court of the District of Columbia

Dear Ms. Nutall:

Washington Council of Lawyers enthusiastically endorses Ms. Beth Mellen for appointment to the Superior Court of the District of Columbia. Ms. Mellen has, to a very remarkable and unique degree, consistently emphasized pro bono and public-interest work throughout her tremendously impressive legal career.

Washington Council of Lawyers is the public interest bar association located in the District of Columbia. Our membership includes a broad range of lawyers, legal professionals, law students, and others committed to advancing issues important to the public interest legal community. We base our endorsements on a candidate's demonstrated commitment to pro bono and public interest law issues, and personal experience in promoting equal access to justice. While Ms. Mellen is an active and long-time member of Washington Council of Lawyers, please note she took no part in, and she provided no input into, Washington Council of Lawyers' decision to endorse her candidacy.

After graduating from Harvard Law School in 2003, *magna cum laude*, Ms. Mellen has devoted her legal career almost entirely to providing public service to the residents of the District of Columbia. She is currently an Assistant Deputy Attorney General, Public Advocacy Division, in the Office of the Attorney General for the District of Columbia, with supervisory responsibility over a wide range of civil enforcement matters in antitrust, civil rights, consumer protection, elder justice, environmental law, government fraud, housing, nonprofits, and workers' rights. Many of her OAG cases focus on ending practices that disproportionately impact marginalized communities in the District. She also plays a leading role in the Public Advocacy Division's legislative and policy work across all of those issue areas.

Prior to holding her OAG position, Ms. Mellen spent 17 years working at the Legal Aid Society of D.C., rising from staff attorney to Project Director. Within those 17 years, Ms. Mellen focused on many aspects of civil litigation, but with a concentration on tenant and tenant eviction matters, to ensure justice for those most in need. Her work at Legal Aid included claims relating to eviction, rent

control, housing conditions, local and federal housing subsidies, Tenant Opportunity to Purchase Act, wrongful eviction, and housing discrimination. She also spent a considerable amount of time supervising and mentoring newer attorneys in their efforts to promote and deliver equal access to justice. As a legal services attorney, her practice involved working with clients with incomes that were typically below the Federal Poverty Line. Most of her clients identified as Black or Hispanic/Latinx, many were immigrants, and most lived East of the River. She also worked with many D.C. resident clients with physical and mental health disabilities.

Beyond her direct client representation work, Ms. Mellen's practice at Legal Aid included extensive policy work with the Council for the District of Columbia and nearly a dozen different District agencies, focused on strengthening rent control, increasing legal protections against eviction, improving housing code enforcement, and supporting funding for affordable housing preservation. During the COVID-19 pandemic in particular, she drafted, commented on, and advocated for a range of emergency and temporary protections for tenants, and worked with a broad group of advocates to win passage of permanent legislation containing many of these same reforms.

Ms. Mellen has been particularly focused over the years on expanding civil access to justice. When the D.C. Council first appropriated local funding for legal services in 2007, she became the Director of Legal Aid's Eviction Prevention Project (known by other names at various times). The focus of this Project was to run an office on-site in the Landlord and Tenant Branch of the D.C. Superior Court to offer same-day representation to tenants facing eviction. The goal was to break down barriers to accessing legal services. Along with other legal services providers, she worked closely with D.C. Superior Court leadership to create and then strengthen the first limited practice rule. Through advocacy on the Advisory Subcommittee on Landlord-Tenant Rules and the Landlord-Tenant Working Group, she pushed the Court to improve rules and procedures, using increased visibility to track problems and come up with solutions.

In 2015, Ms. Mellen became Director of the Housing Right to Counsel Project. This project eventually grew to include five legal services providers, 20 law firms, and the federal government. The Project's goal was to train pro bono attorneys and refer eviction cases to them, all the while tracking certain case outcomes so that they could advocate for increased funding for legal services. At the height of the Project, they were placing over 100 cases per year with pro bono attorneys.

Ms. Mellen also helped lead many efforts over the years to increase funding from the D.C. Council for legal services. She was part of a working group that helped draft and advocate for passage of the Expanding Access to Justice Act, which became part of the 2017 budget and dramatically increased legal services funding. This expansion led to the creation of the Civil Legal Counsel Projects Program, which now includes six legal services organizations providing representation as well as five community-based organizations providing outreach. During her time at Legal Aid, Ms. Mellen was an informal leader among the legal services organizations and helped with various aspects of the Program's design and implementation.

During the COVID-19 pandemic, Ms. Mellen worked to create the Landlord Tenant Legal Assistance Network to ensure legal services attorneys were available in every Court hearing to offer representation. She is particularly proud of the work this group performed during the pandemic to change the practice model, in collaboration with tenant organizers and other community-based organizations. When evictions restarted during the summer of 2021, coming out of the pandemic, she worked with the Court and the U.S. Marshals Service to obtain data on all upcoming evictions so that they could track cases in real time. Organizers and other volunteers knocked on the door of every tenant facing eviction and tried other means of contact as well. Through collaboration with government agencies and the Court, they ensured tenants facing eviction for nonpayment of rent could apply for emergency rental assistance and have their cases heard quickly on requests to stay their evictions while waiting to receive funds. In the end, the group prevented approximately two-thirds of all evictions during the months after the moratorium was lifted, a remarkable figure.

Ms. Mellen has continued to focus on civil access to justice since leaving Legal Aid. In March 2023, she was appointed to the D.C. Access to Justice Commission by Chief Judge Anna Blackburne-Rigsby. Ms. Mellen is a member of the Self-Help Working Group, focused on improving self-help materials for unrepresented litigants, and Co-Chair of the Policy Working Group, which advocates for public funding for legal services and supports

other relevant access to justice policies. This past fall 2023, she agreed to serve as an internal mentor at the Office of the Attorney General to facilitate joining the Housing Right to Counsel Project to accept eviction cases for pro bono services. Ms. Mellen also recently became a volunteer for the D.C. Bar Pro Bono Center's Advice & Referral Clinic, staffing a monthly Saturday clinic.

In her spare time (!) Ms. Mellen also volunteers with Beacon House, a community-based organization in Ward 5 that serves school-age children and their families. After working directly with students for many years, she joined Beacon House's Board of Trustees, eventually rising to Chair. During her time on the Board, Ms. Mellen hired two Executive Directors, worked closely with senior leadership, and helped manage the organization through the COVID-19 pandemic. Ms. Mellen stepped down from the Board when she reached her term limit, but she continues to support annual holiday drives. She is also a member of a local Unitarian Universalist congregation, managing a small scholarship fund for D.C. Public School students of color and working closely with two community-based organizations, Mentors, Inc. and College Bound. Based on this work and her work with Beacon House, Ms. Mellen was awarded the Unitarian Universalists for Social Justice for the National Capital Region Young Adult Award.

In sum, Washington Council of Lawyers believes Beth Mellen's background and experience would make her a tremendously valuable and insightful addition to the D.C. bench, and we enthusiastically endorse her application for appointment to the Superior Court of the District of Columbia.

Respectfully submitted,

A handwritten signature in black ink that reads "Deborah C. Hill". The signature is written in a cursive style with a large, stylized initial "D".

Deborah Cuevas Hill
President
Washington Council of Lawyers