

**The 15th Murnaghan Fellow:
Tassity Johnson**



Tassity Johnson served as the 2015-2016 Murnaghan Fellow, the Fifteenth person to hold this distinguished position. Before coming to the PJC, Tassity clerked on the U.S. Court of Appeals for the Honorable Martha Craig Daughtrey and on the U.S. District Court for the District of Connecticut for the Honorable Janet Hall. She graduated from Yale Law School in 2013, where she was a Student Director of the Immigration Legal Services Clinic and a member of the Transnational Development Clinic. She graduated cum laude from Duke University in 2010 with a degree in Literature and Cultural Theory. As the Murnaghan Fellow, Tassity authored seven appellate briefs, presented three oral arguments in Maryland's highest court (a Murnaghan Fellowship record!), and joined in four briefs authored by other advocates.

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2015-2016 Annual Report

**The Francis D. Murnaghan, Jr.
Appellate Advocacy Fellowship**



The Francis D. Murnaghan, Jr. Appellate Advocacy Fellowship allows a recent law graduate who has completed a judicial clerkship to spend one year at the Public Justice Center. By partnering with other PJC projects, the Murnaghan Fellow uses appellate cases to influence the development of civil rights and poverty law.



FEATURED CASE

Lockett v. Blue Ocean Bristol LLC



In February 2016, the Court of Appeals of Maryland recognized a definition of rent that will help protect tenants from eviction and retaliation. Felicia Lockett was a leader in her apartment building's tenant association. After raising concerns about the building's master meter utility billing system, she received a "non-renewal of lease" notice from her landlord. Then, a couple months later, the landlord filed a court case to evict her.

This case is an excellent example of the powerful collective impact created by the Murnaghan Fellowship and Public Justice Center. Initially, attorney Zafar Shah with the PJC's Human Right to Housing Project had represented Ms. Lockett in the lower courts. Then, two Murnaghan Fellows, Anna Jagelewski (2014-2015) and Tassity Johnson (2015-2016), represented her in the Court of Appeals of Maryland.

In housing court, Zafar argued that the landlord, in refusing to renew her lease and in trying to evict her, had retaliated against Ms. Lockett twice for her advocacy on behalf of the tenant association. Ms. Lockett ultimately won her first retaliation claim on appeal, but was denied attorney's fees without explanation from the court. She also lost her other claim because the landlord said she wasn't current on the rent and therefore couldn't say that the eviction was retaliatory. This is where the definition of rent becomes important. Ms. Lockett had paid the fixed, monthly amount she owed for occupying the apartment -- what one would assume would be the "rent." But the landlord wanted to lump into her "rent" other disputed charges—including disputed charges from the building's master meter utility system, a system that, ironically, was the subject of much of Ms. Lockett's activism for the tenant association.

At oral argument in the Court of Appeals, Tassity pressed the court to construe "rent" within the state's landlord/tenant anti-retaliation statute to mean only

the fixed, periodic sum a tenant pays for occupancy, to ensure that landlords cannot retaliate against tenants and then block them from the law's protections by claiming that tenants owe disputed and illegal non-rent charges. She also urged the court to encourage private attorneys to represent tenants who have been retaliated against by requiring that lower courts grant fee awards to tenants who prevail, unless the court can provide a compelling reason for not doing so in a particular case.

In February 2016, the Court of Appeals of Maryland issued a unanimous ruling in *Lockett v. Blue Ocean*, stating that rent under Maryland's anti-retaliation statute is "the periodic sum owed to a residential landlord for use or occupancy of the premises," and does not include other charges the landlord claims the tenant owes. This decision will help protect tenants throughout Maryland from retaliation as well as other predatory practices by which the landlord attempts to define numerous fees (often illegal) and other non-rent charges as "rent" and attempt to collect those charges on pain of swift eviction in rent court.

Some other cases Tassity worked on this year:

Allmond v. DHMH—argued that it was unconstitutional for the state to forcibly medicate people without showing that they are a danger in the institution

In ***re Dustin***—asserted that the legislature empowered juvenile courts to protect children with disabilities against a traumatic loss of necessary services after they turned 21

CashCall, Inc. and J. Paul Reddam v. Maryland Commissioner of Financial Regulation—traced the history and evolution of payday lending, including the industry's recent shift to predatory installment loans

Conover v. Conover—supported the right of same-sex parents to litigate custody on the equal footing with opposite-sex couples

MURNAGHAN FELLOWSHIP PUBLIC LECTURE

In November, the Francis D. Murnaghan, Jr. Appellate Advocacy Fellowship presented a public lecture by renowned litigator Roberta Kaplan: "Then Comes Marriage: Reflections on the landmark Supreme Court case striking down the 'Defense of Marriage Act.'" Kaplan successfully argued that DOMA violated the United States Constitution by barring legally married same-sex couples from enjoying the wide-ranging benefits of marriage conferred under federal law. The landmark 2012 decision in *United States v. Windsor* created the path by which the Court extended full marriage equality to gay people in another case just three years later.

After the event, donors to the fellowship gathered for a reception at the home of Diana Murnaghan to thank outgoing fellow Anna Jagelewski and welcome incoming fellow Tassity Johnson.

MOVING TOWARDS OUR GOAL

Because of your generosity, we have been able to support 15 Fellows and the Fellowship's lecture series while continuing to grow our endowment so that the Fellowship can continue in perpetuity. Together, we are building an endowment corpus of \$2 million, which, invested primarily in fixed-income securities, will create a self-sustaining investment that generates a sufficient income stream to cover our costs and is not dependent on the rise and fall of the equities market. To date, the Fellowship has \$1,290,768 in assets.

The Francis D. Murnaghan, Jr. Appellate Advocacy Fellowship is a 501 c 3 nonprofit organization incorporated in the State of Maryland. All contributions are tax deductible to the fullest extent of the law. Copies of current financial statements are available upon request by contacting the Murnaghan Fellowship at One North Charles Street, Suite 200, Baltimore, MD 21201 or by telephone (410) 625-9409. Documents and information submitted to the State of Maryland under the Maryland Charitable Solicitations Act are available from the Office of the Secretary of State, Annapolis, MD 21401 for the cost of copying and postage.