

MONDAY, DECEMBER 19, 2022

PERSPECTIVE

Susman Godfrey kept 1000s of tenants in their homes during rent moratorium

By Antoine Abou-Diwan

When shutdowns were implemented in 2020 to halt the spread of the novel coronavirus, Rohit D. Nath, an attorney with Susman Godfrey LLP in Los Angeles, looked around for a pro bono project. “I reached out to Public Counsel to see if there was anything COVID related that we could help out with. And they immediately connected me to Kathryn A. Eidmann and Faizah Malik at Public Counsel,” Nath recalled.

Eidmann and Malik had been working with two tenants’ advocacy organizations, and wanted to move to be intervenors in a constitutional challenge filed against the city of Los Angeles’ eviction moratorium by attorneys representing a landlords’ organization.

“They wanted to know whether we could help with that. And so we immediately jumped in,” Nath continued.

He looped in Krysta Kauble Pachman, a Susman Godfrey partner, and enlisted the help of fellow associates Glenn Bridgman, Halley Josephs and Nicholas Spear. Their efforts were ultimately successful, helping thousands of people to stay in their homes during the darkest days of the pandemic. But it was a long road.

In a complaint filed in June 2020, attorneys representing the Apartment Association of Los Angeles County argued that Gov. Gavin Newsom’s eviction-related executive orders and the city’s eviction moratorium created a financial burden for property owners, “many of whom were already



From left: Halley Josephs, Rohit Nath, Nick Spear, attorneys with Susman Godfrey. Not pictured: Glenn Bridgman. Antoine Abou-Diwan / Daily Journal photo

suffering financial hardship as a result of the pandemic and have no equivalent remedy at law.”

“While purportedly intended to provide relief to tenants so impacted, the ordinances are not tailored to a tenant’s actual inability to pay rent and significantly (and needlessly) infringe on the constitutional rights of all lessors and landlords within the city,” reads the complaint. *Apartment Association of Los Angeles County Inc. v. City of Los Angeles et al.*, 2:20-cv-05193-DDP-JEM (C.D. Cal., filed June 11, 2020).

The plaintiffs were moving to have the eviction moratorium

struck down as unconstitutional under the contracts clause of the Constitution, arguing some of their clients could not pay their mortgages because they could not collect rent or evict nonpayers.

On the other hand, if they were successful, the eviction moratorium that was protecting thousands of tenants throughout the city of Los Angeles when people were unable to leave their homes and work would have been struck down and landlords would have been able to proceed with evictions throughout the city.

“We were successful in protect-

ing that eviction moratorium and in making sure it stayed in place,” Nath said. “December of 2020 was one of the worst times during the pandemic. It was before the vaccines and what was probably the worst and most deadly surge in Los Angeles.”

Public Counsel developed much of the record that Nath and his colleagues relied upon.

“We were able to submit a massive number of declarations from people in the city of Los Angeles who are actually facing imminent homelessness or harassment from their landlords,” Nath explained.

“They were also able to develop our record from experts who were able to testify about how, in other jurisdictions when eviction moratoria were lifted, you saw a massive spike in homelessness, a massive spike in evictions, and a massive spike in housing insecurity,” he said.

Many of the people who were at risk worked multiple jobs to keep a roof over their heads and their children fed, said ACCE Institute’s legal director, Leah Simon-Weisberg.

“What we found was that people had two-three jobs [before the pandemic], but they had only one job while working during the pandemic, which was not enough,” she said.

ACCE Institute is one of the tenant advocacy groups that was working with Public Counsel when Nath got involved.

“City attorneys don’t necessarily know the facts of what these people are experiencing,” Simon-Weisberg said. “We were

Rohit Nath, an attorney at the firm, estimates that he and his colleagues invested about 1,700 hours in various housing moratorium related cases up and down the state. They were elected to partner this month.

able to bring how evictions work. It’s not enough to say something is not true. We were able to provide case numbers of people who were being evicted.”

The case was immediately appealed, Nath said.

“I argued the 9th Circuit appeal in May of 2021, when the 9th Circuit was still remote at that time,” he said. “The vaccines just began to roll out but we were just before the massive Delta surge. And so it was really a time where the moratorium was really a critical lifeline for people still.”

The circuit panel affirmed the district court’s order denying the

plaintiffs’ request for preliminary injunctive relief, and the U.S. Supreme Court denied certiorari this year and declined to hear the appellate decision. Nath and his colleagues have two cases that they expect to be appealed or have further proceedings in the coming year.

“Having the expertise of firms that don’t necessarily just represent cities, who have constitutional background, made a big difference,” Simon-Weisberg said.

“Watching the hearings, it was impressive in seeing how Susman Godfrey ensured that the judge understood the arguments and

the facts. The work of the firm kept thousands and thousands of tenants housed. It’s a waste of resources to get people evicted and then rehoused.” Nath estimates that he and his colleagues invested about 1,700 hours in various housing moratorium related cases up and down the state.

Nath, Josephs and Spear were elevated to partner this month, and Bridgman was elevated to partner in December 2021

“The big lesson for me, and I think for all of us, is that it’s really, really important to continue to commit time to do pro bono work, and ensure that a certain percentage of your time is dedicated to giving back,” he said. “Personally, from my perspective, it has just been one of the most satisfying experiences that I’ve had practicing law. And it’s something that I hope to do for many decades to come throughout my practice.”

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