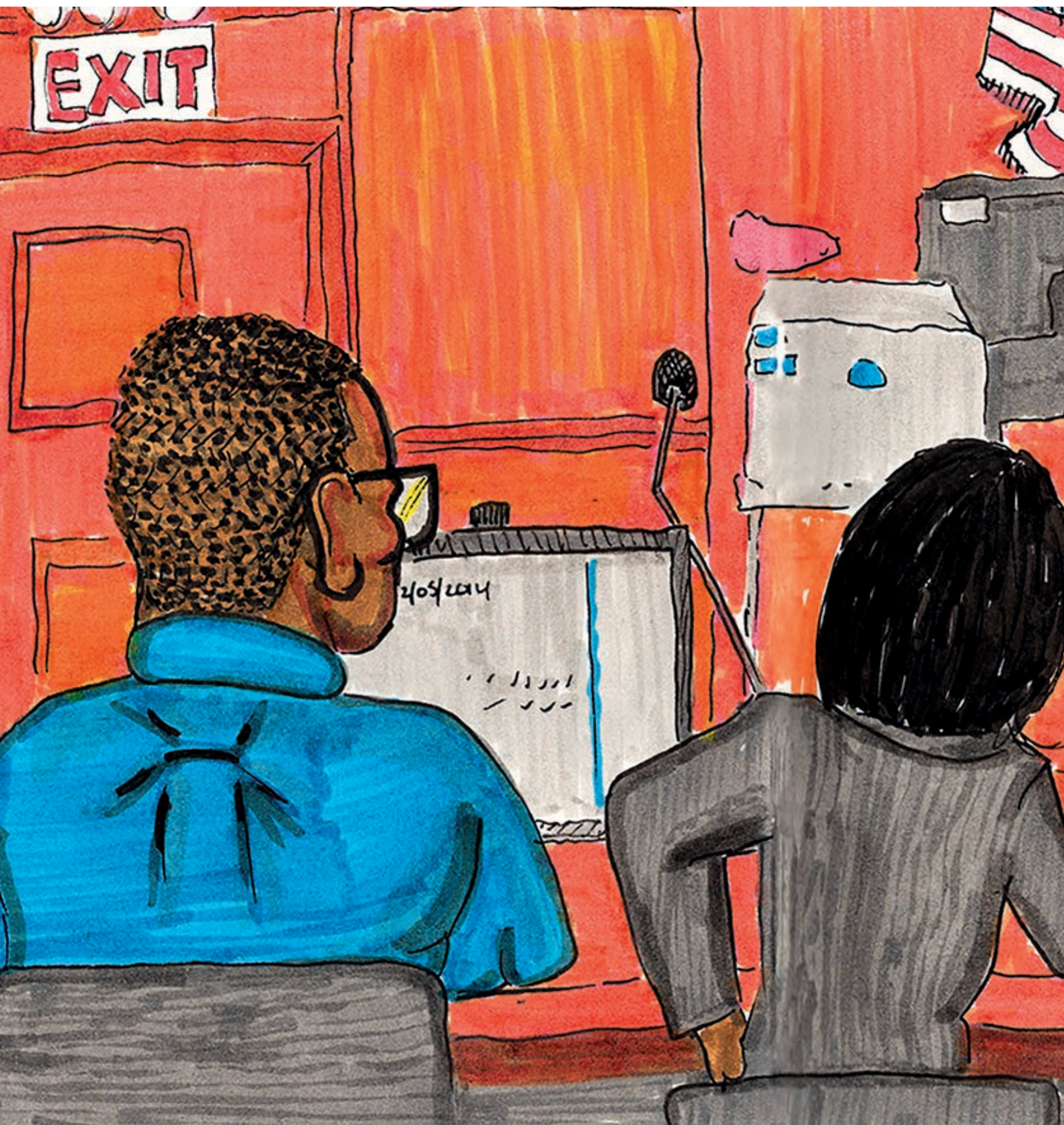




The defense table in *People v. Churaman*. (L. to r.): the defendant, Rhiya Trivedi '08, and her law partner, Ron Kuby. Sketch | Max Cohen



Advancing the Cause

Attorney **RHIYA TRIVEDI '08** defends clients not for their guilt or innocence, but because they deserve mercy

JANA F. BROWN

In a Manhattan courtroom on December 17, 2018, 44-year-old Therese “Patricia” Okoumou was found guilty by a federal judge of disorderly conduct, trespassing, and interfering with government agency functions. The charges carry a maximum of 18 months in federal prison.

Okoumou’s conviction came as a result of her deliberate act of civil disobedience on July 4, 2018, when – in what became a high-profile event – she climbed the Statue of Liberty in protest of the separation of families at the U.S.-Mexican border.

The Staten Island resident, a naturalized U.S. citizen from the Republic of Congo, scaled the 305-foot statue and perched herself 111 feet, 6 inches from the ground, at Lady Liberty's feet. As cameras trained on Okoumou watched, local and state authorities risked their own safety to retrieve the woman from harm.

Manhattan-based attorney Rhiya Trivedi '08 received a call that same evening from her law partner, well-known and outspoken civil rights defense attorney Ron Kuby.

"Rise and Resist, the activist group of which Patricia is a member, called Ron late on July 4, after she had already been arrested, and gave him a heads up that she might need a lawyer," says Trivedi, a 2017 graduate of NYU School of Law. "He called me and said I needed to go to federal court. As a Canadian, I didn't get the significance of the combination of the Statue and the Fourth of July at first. Family separation disturbed me, but not any more than the immigration policies of the Obama administration."

Trivedi went to the courthouse in the Southern District of New York, where she encountered supporters of Okoumou from both Rise and Resist and Black Lives Matter. As a newly licensed attorney who had not yet represented a client at a federal bail hearing, Trivedi urged Okoumou to go with a public defender. Okoumou insisted she would prefer that Trivedi, a young woman of color, represent her. So the SPS and Middlebury graduate obliged, successfully getting her client released on her own recognizance. Then, she faced the media on the steps of the federal courthouse, where Trivedi acknowledged that, "Hopefully, [the American public] knows that there are people, like Patricia, out there trying to protect their civil liberties."

Protecting the civil liberties of her clients has become a priority for Trivedi in her fledgling career as a lawyer, though the roots of her desire to buck the system could be seen in her days at St. Paul's. In her Fifth and Sixth Form years, she became the primary face of the student environmental group Eco-Action. In her final year at SPS, the Toronto native completed a two-term Independent Study Project, during which her charge was the management of the School's participation in the 31-school Green Cup Challenge. At 17, Trivedi could knowledgeably produce statistics on the spot of carbon output and the benefits of swapping out incandescent for fluorescent lights.

"The truest thing is that I have always felt I am a person of immeasurable privilege," says Trivedi. "Since I became a conscious being sometime in high school, the operative question in my life has been: What is the best and boldest

use of my privilege? My desire for a more just or inclusive world has found many expressions. Climate was the first. It felt like a good use of my tolerance for being a little unpopular. Everything I have done since then is a continuation of that."

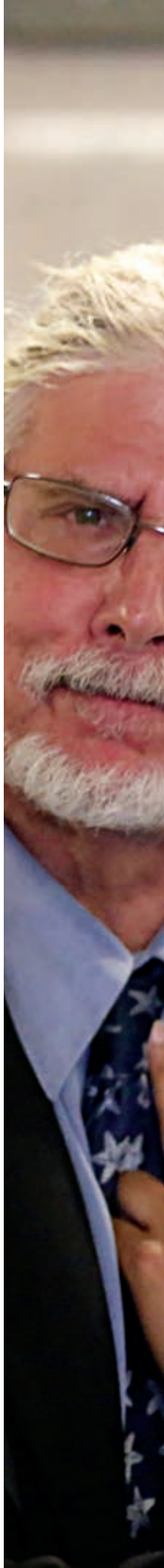
Trivedi remained involved in the climate movement during her initial time at Middlebury College. In December of 2009, she attended the United Nations Climate Change Conference in Copenhagen. But, at 19, she had somewhat of a personal epiphany. Environmental issues, she determined, were an extension of white privilege and were not going to be solved. "I stopped doing climate policy work," she recalls, "and started creeping toward racial and economic justice work as an underlying cause of that injustice and others."

As the culmination of one of her first-year law classes at NYU, Trivedi was assigned to make an oral argument in front of a judge on an issue in line to be heard by the U.S. Supreme Court. The judge assigned to hear Trivedi's argument was Ron Kuby, partner of the late William Kunstler, who was known as one of the most radical defense attorneys in U.S. history. Among his many notable cases, Kunstler was perhaps best known for his defense of the Chicago Seven in the late 1960s. Kuby had largely been a solo practitioner since Kunstler's 1995 death – until meeting Trivedi. After hearing her argument on the constitutionality of limiting panhandling, Kuby offered her a summer internship in 2015. That led to Trivedi's full-time partnership upon her 2017 graduation from NYU.

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"I went to law school to become a movement lawyer," she explains. "Ron could hear the leftist call underlying my argument and I jumped at the opportunity to expose myself to the radical history of Kunstler and Kuby. The firm, and criminal defense work generally, are the appropriate outlets for my authority problem and for my privilege. Now I get to spend my days going head to head with the government."

In Trivedi's first trial with Kuby, they defended New York City Councilman Jumaane Williams, who blocked an ICE vehicle attempting to deport nationally recognized immigrant rights activist Ravi Ragbir in January 2018. (Ragbir was himself a client of Trivedi's when she was in law school.) Williams was convicted in August of last year of blocking an ambulance to protest Ragbir's deportation, but found not guilty of obstructing police efforts to move him. Trivedi praised Williams's stance as true to the tradition of civil disobedience because of the way the man fully embraced his guilt.





ALEC TABAK

What Trivedi respects about the cases of Okoumou and Williams is the opportunity to defend the stances of people who possess a revolutionary spirit, those willing to risk their own freedoms in order to fight for a more acceptable society. “The tradition dictates that you have to break the law in order to advance the law,” Trivedi says. “[Defending those clients] is part of what we love and live to do.”

In a more recent case, Trivedi defended a 19-year-old man, who was held in pretrial detention since the age of 15 for an attempted robbery gone wrong. The defendant was not accused of harming anyone, but because he was allegedly present when someone was killed in the process of a felony, he was charged with felony murder. That client was convicted of murder, after a three-week jury trial. Kuby and Trivedi are currently appealing the case.

“A person’s innocence, whether it’s a civil disobedience client or a more ordinary case, is irrelevant to me,” Trivedi says. “The thing I seek is mercy. I will never believe that punishment is the appropriate response to protest harm or mental illness or poverty. Articulating these politics – this concern for why people do what they do, even when they do harm – through no-name defendants is the thing that calls to us the most, but the civil disobedience work for high-profile clients is a lot of fun.”

Alternating between Okoumou’s prominent misdemeanor case and less prominent violent felony prosecutions against low-income clients of color keeps her practice interesting, adds Trivedi. The theme, she says, is trying to tell a story more complex than one simply about factual guilt or innocence.

“The systems that cause poverty and mass incarceration and crises in mental health and drug addiction are all functioning legitimately,” Trivedi says. “Rules and laws have made a majority of people vulnerable to inescapable violence and harm. So, sometimes we have to break the rules. Patricia climbed the Statue of Liberty, but let’s talk about why she did it. She is deserving of mercy, which is more complex than forgiveness.”

Though Okoumou was convicted (she is set to be sentenced on March 15, 2019), Trivedi sees a victory in her client’s willingness to sacrifice herself to advance the cause of the greater good. Okoumou is not a professional activist and she did not plan her act of public defiance for any reason other than to protest the current American immigration policy, which she believed to be unjust.

Trivedi says proudly that Okoumou was “convicted in style,” putting forward not a defense but an explanation for her actions. “She asked the judge to acquit not because she was innocent or because her convictions could not be sustained under law,” explains Trivedi, “but because nullification was the right thing to do.”

◀ Trivedi (r.) with her law partner and mentor, Ron Kuby.