

September 16, 2022

Dan Ruben, Executive Director
Equal Justice America
13540 East Boundary Road
Building II, Suite 204
Midlothian, VA 23112

Dear Dan Ruben,

This summer I worked at two different legal aid organizations. From May to July, my internship was with the Consumer Rights Unit of Greater Boston Legal Services (GBLS). From August onward, I interned with the Housing and Communities Workgroup based at the Legal Aid Foundation of Los Angeles (LAFLA). I have continued my internship at LAFLA through a Fall externship. I will focus my letter on my time at GBLS as that was most of the work I did over the summer.

My time at GBLS consisted of work that was aimed at providing direct services to clients. The highlight of every week was attending the Lawyer for a Day program. There, we provided free legal services to individuals who had small claims filed against them by predatory debt collection agencies. Historically, the purpose of small claims court was that it was a people's court—people could air grievances against each other. Currently, it has been taken over by debt collection agencies who use the court's formalism to intimidate clients into settling or getting their wages garnished. Most small claims cases filed in Massachusetts are for debt collection. The plaintiffs are represented by attorneys, the defendants often do not know what is happening until they show up for court.

Each intake we do at Lawyer for a Day is a story about economic injustice. The individuals who come are usually low income. They do not have much income nor assets. They have kids to feed, families to support—and they come to court confused about what is happening. The court summons is from a debt collection agency that they have never heard of before and never interacted with. They reference accounts that they might have had—years ago—but add inflated amounts of interest to the damages. They come to the court without a lawyer because they cannot afford one, nor are they entitled to one since it is a small claims case. And then they are met with the plaintiff's lawyer talks them into settling since they do not know what their defenses are. All of this occurs if they come to court. Often, they do not and have a default judgement entered against them. I have seen many cases of improper service—the debt collection agency does not really bother to do their research about the defendant's current whereabouts. People often find out once their wages start to get garnished. It is a pernicious and fundamentally unfair system. Since small claims courts do not need any sort of certification, I was able to argue in front of the magistrate judge despite only having finished my 1L. I feel proud at personally being responsible for helping people save thousands of dollars that they could not otherwise afford to pay out.

I also saw the triumph of legal formalism over any substantive justice. One case that I was arguing was on behalf of a Spanish speaking client who did not have English language skills. She had filed a motion in court to vacate the judgement entered against her. She had not shown up for the hearing because the debt collection agency had told her that she did not need to come as they would dismiss the case as she did not have any income that could be collected (there are certain basic protections available to consumers in Massachusetts, one of the primary ones being that any income below 50 times minimum wage per week cannot be garnished). They did not dismiss the case and a default was entered. As she did not speak English, her motion to vacate was a bit bare in details. It was a simple process of clarifying via translation, but the judge was adamant about the process being respected rather than justice be done. They questioned her testimony till the client was crying and in tears.

This is not a standalone occurrence. I have seen multiple people leave in tears because the court system is used against them. I talked to multiple people who have given up hope because they cannot afford the huge amounts of money requested. One of the legal arguments we often made was to attempt to limit damages to real damages rather than add on inflated interest numbers. The argument is strong and often accepted by judges. This argument is not a thing that most laypeople would know to argue, however. The lack of legal representation forces them to accede to paying out truly large sums of money that they would not otherwise have to pay if they had someone with them who knew the legal system. Someone that is almost always on the other side of them.

My summer has committed me to my path of pursuing public interest work. The importance of legal aid has only been highlighted, and my respect for legal aid attorneys and staff continues to grow higher and higher. I am grateful for EJA to providing support that let me pursue this opportunity and to make a commitment to bringing change.

Best,

Kabbas Azhar

Boston University School of Law