

August 18, 2014

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

Dear Mr. Ruben:

As an EJA Fellow and summer intern for Legal Services of New York City, I worked for three Housing Law Unit attorneys in the South Brooklyn and Bedford-Stuyvesant offices. Over the course of the summer, I interviewed potential clients during emergency intake days. I interviewed clients to write affidavits or to prepare them for trial. I wrote legal memoranda, two appellate briefs, and two motions to dismiss based on failure to state a claim in nuisance and chronic rent nonpayment eviction proceedings. I argued a motion before a Housing Court Judge. I filed a notice of pendency in State Supreme Court so that our clients' claims would not become moot if the landlord sold the property during the course of the litigation.

Outside the office and courtroom, I searched for records in various New York City agencies to strengthen our clients' cases at trial and in settlement negotiations. I attended a tenants union picnic to help our organization provide free legal advice. I assisted with an evening meeting with tenants whose building had burned down, whose landlord was threatening to deny them future tenancy. I interpreted at an internal settlement negotiation and accompanied a client to an administrative settlement conference. I visited a client's home to run her sinks and bathtubs for two hours to help prove that she is not responsible for the leak nuisance alleged against her.

Of all the clients I encountered throughout the summer, two stand out to me. Ms. A is a young, Black, mother of four who had lost her housing subsidy voucher, called "Section 8." Before I met her, I was asked to follow up on a Freedom of Information Law request for her file from the NYC Department of Housing Preservation and Development (HPD). When I reviewed her HPD file, the records showed that her housing subsidy voucher had been terminated because she missed two Housing Quality Standard inspections, a legal ground to terminate the voucher.

It was unclear on what basis we could appeal the agency's decision. But after meeting with Ms. A, I insisted we take her case. That early in the internship, I did not fully grasp that every single person who would walk through our door was facing crushing circumstances. I did not understand that legal service organizations – the ones whose reputation is to help people in need – regularly turn people away. The demand is far too great. After a few emergency intake days, I came to visualize the invisible masses of people in Brooklyn – families, children, working parents – who are being forced out of their homes and neighborhoods.

I met with Ms. A for several hours the first time that she came into the office, in early June. When I went with her to a settlement conference in late July, when she succeeded in getting her voucher back, she thanked me – for listening to her in that first meeting. She said that in that moment – having her four children separated from her for sixteen months by then because she had no home for them; facing the prospect of returning to a homeless shelter with her children ("I don't need the voucher for me. It's for my children. I promised them we would never go back to that place [the shelter] as long as I had breath in my body."); feeling great frustration

over how she could have been in constant communication with HPD and still not learn of the inspection – what she needed was someone who would just listen. It is hardly emphasized in law school, but this experience made me feel that it matters to clients that their legal representatives listen to them, as much as it matters that their legal representatives understand their claims.

The second case is that of an immigrant family that has lived in two units of a rent-regulated apartment building for over twenty years. Over a year ago, the landlord demolished their bathrooms and kitchens after claiming to need access to make repairs. The landlord then refused to make the apartment habitable. This client's case is a more egregious version of what occurs regularly: landlords harassing tenants to leave their rent-regulated apartments in gentrifying neighborhoods so that the landlords can profit more from non-rent-regulated tenants.

Our organization is co-counsel representing the family at trial and, currently, in settlement negotiations. I read several versions of the stipulation of settlement and interpreted at a meeting with the family (which is really several families, in that the children of the original tenants now have their own families, as well, who live in the apartments). The meeting was one of many where the family members heard from their lawyers what had changed since the prior version of the written agreement, and where the family members told their lawyers what was acceptable and unacceptable in the terms, for the lawyers to relay to the landlord's attorney.

After months of negotiation – all the while, the tenants are living in apartments filled with debris and demolished bathrooms and kitchen – the goal was to settle: quickly and on reasonable terms. It was one of the most powerful moments of the summer internship for me to hear the range of views from the family members, all of whom had to agree to sign the same document for it to go into force. It showed how intensely – and differently – every person feels about their circumstances and about the right solution to their having been wronged.

Some of the older generation wanted to sign the settlement already. They had won a number of rights and benefits that they would never get through a trial and that were not included in the original settlement draft. Construction would take time. "There will never be justice anyway, so let's be practical and move forward with what we have."

Some of the younger generation felt, rightly, that they had done nothing wrong – the landlord destroyed their home, whose integrity they had every right to – and so it was unfair to sign a settlement agreement where they gave up any rights (such as talking to the media about their situation, which they had done very effectively before, with The New York Times, among other news sources, covering their plight). These family members took a more principled position: they would rather continue to live without a bathroom or kitchen than to give up the right to demand justice publicly and to organize with the tenants of other buildings owned by the same landlord who were suffering violations of their rights, too.

The ongoing discussion within one strong, socially conscious, well-organized family of how to respond to the circumstances – that they had been wronged and that the legal system (trial or settlement) would not offer "justice," but also was better than nothing – was an important reminder, as I continue on this path to be a social justice lawyer, that what we, as lawyers, offer is both crucial and profoundly limited. I am so grateful for the EJA Fellowship and these opportunities to learn from the attorneys and clients and to advocate for clients.

Sincerely,  
Hannah Flamm  
New York University School of Law  
J.D. 2016