

August 30, 2013

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

Re: EJA Fellowship 2013

Dear Mr. Ruben,

Thank you so much for the distinction of selecting me to be an Equal Justice America Fellow. The award enabled me to serve as a 2013 summer law clerk at AARP Foundation Litigation (AFL) in Washington, D.C. Attorneys on the AFL team advocate in state and federal courts nationwide, both as direct representatives and as amici, to promote the interests of people age 50 and over. AFL's priorities are housing, hunger, income, and isolation. This summer, with Equal Justice America's support, I worked on AFL's Housing, Low Income Benefits, and Consumer Law teams—and it was nothing short of amazing!

In one instance, a local legal aid organization representing a large number of plaintiffs had commenced a *Fair Housing Act* case in federal court in order to challenge a municipality's plan to raze and redevelop the plaintiffs' community, but displacing the plaintiffs in the process. Implementation of the redevelopment plan, began about ten years ago. Only about 20% of the original units slated for demolition currently remain standing, with significant damage done to many of them in the interim. Construction of replacement homes has not yet begun. My immediate supervisor was co-counsel to the legal aid organization on this case, and under her tutelage I was able to attend a settlement conference in federal district court.

Most of the plaintiffs who attended the settlement conference were ages 50 and over, and many of them had disabilities. Almost all in attendance represented racial minorities, and English was a second language for some. Nine out of ten of all of the plaintiffs had annual incomes less than \$40,000. All of the plaintiffs were frustrated that after enduring years of litigation they had not received any relief. Some plaintiffs had left the area—which was created in the 1950s for World War II veterans, and grew into a working class community, but suffered eventual decline—while others still resided in homes that had been damaged by redevelopment. Plaintiffs' counsel was a legal services organization in receipt of Legal Services Corporation (LSC) funding, and, therefore, could not bring class actions. *See* 45 C.F.R. § 1617. Settlement in a case with a sizable number of co-plaintiffs is challenging enough, without the additional burden of having to work around the inaccessibility of the procedural conveniences that could have been realized by certifying this group of low-income plaintiffs as a class.

The settlement conference was quite moving. There I was, in a room full of ordinary Americans, some of whom might never have been able to own property but for the existence of their community. They were challenging a local government undertaking that would not only rip the

hallmark achievement of property ownership from their lives permanently, but that would aim to compensate them in such a way as to kick them out of their town completely. That many of these individuals were senior citizens and that some had disabilities rendered the local government's aims all the more callous. But at this particular conference all parties were determined to finally settle.

Although as a summer law clerk at AFL there was little I could have done in the way of direct representation in this particular case, I was able to research the current standard for ensuring federal courts' retention of jurisdiction to enforce settlement agreements. This standard will prove very important to limiting the time and costs of subsequent litigation for this set of plaintiffs. Without understanding and conforming to the federal standard, litigants who later claim that a settlement has been breached must recommence litigation in state courts. This extra level of procedure and its requisite transaction costs naturally take heavier tolls on low-income populations. However, for the sake of preserving space on federal court dockets, the standard also denies a litigant the opportunity to have a judge familiar with the case enforce the settlement agreement that grew out of efforts in her own courtroom, and may even give parties that breach settlements second chances to renegotiate unfavorable terms.

During my internship I was given a number of other assignments in areas of law germane to protecting the rights of low-income individuals ages 50 and over. Among my tasks, I drafted the earliest stage of a federal complaint against a state housing provider for discriminating against people on account of disability, and causing an affront to their rights to live in an integrated setting. I also wrote a memorandum to a supervising attorney on an evidentiary issue in a consumer law case. (I was not privy to the facts of the case, only that the plaintiffs were people age 50 and over who sought to collect a judgment in their favor.) Finally, I initiated research on payday lending abuses, which categorically target low-income individuals and manage to seize public benefit moneys that are otherwise non-assignable. I will be paying close attention to how these cases develop!

My summer at AARP Foundation Litigation was immensely rewarding and occupied areas of law and advocacy that I will continue to pursue as an attorney. I am grateful to you and Equal Justice America for supporting my work this summer, and I hope that you will continue to assist law students chart courses for fulfilling careers in public interest law.

Sincerely,

Peter Travitsky
Brooklyn Law School
Class of 2014