

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

September 22, 2013

Dear Mr. Ruben,

I am writing regarding my fellowship experience in the Legal Aid Society's Brooklyn Neighborhood Office, Civil Practice. I wanted to gain experience working with tenants defending actions brought by their landlords in Housing Court this summer, so I was happy to be placed with a staff attorney who has specialized in tenant representation at Legal Aid for over ten years. My work at the Legal Aid Society reaffirmed my commitment to a legal career in which I work directly with indigent clients, and it also provided me with ample opportunities to develop my research and writing skills.

Although all of the cases I worked on were within the field of housing law, I had the opportunity to work with clients whose cases involved a number of different issues including actions for nonpayment and holdover (eviction), problems with Section 8 recertification, NYCHA tenant succession rules, rent rates fraudulently certified by a landlord, and poor housing conditions justifying a group housing part action for repairs. Because many tenants qualifying for the Legal Aid Society's representation also receive public benefits, I was exposed to a wide variety of public benefits issues and gained a much greater understanding of the intersections of housing, benefits, and other legal issues in clients' lives.

One of my first clients was a mother in her thirties facing eviction from the apartment she had lived in her whole life. The client's recently deceased grandmother had been the apartment's tenant of record, and shortly after the grandmother's death, the family was served with a holdover petition naming the grandmother and "John and Jane Does" as respondents. Notwithstanding the dubious factual elements of the petition, it was procedurally defective. I wrote a motion to dismiss the action on procedural grounds; unlike a nonpayment action, a holdover action cannot be brought against a deceased tenant. In my motion, I argued that because the landlords named anonymous respondents along with the deceased tenant, their petition could not stand. The landlord's attorney agreed to withdraw the petition shortly after receiving my motion to dismiss. It was exciting to be able to help my client stay in her home using a relatively clear-cut legal argument, but this experience also highlighted the immense need for tenant representation: while getting a petition dismissed on procedural grounds is a great strategy for law students and lawyers, it is one that is extremely inaccessible to the majority of tenants, who are forced to negotiate with landlords' attorneys without the assistance of a legal representative.

Another case I enjoyed working on involved two tenants living in rent stabilized apartments in the same building. Both tenants had been living in the building, located in a rapidly gentrifying area of Brooklyn, for over 15 years. Their building was sold to a new landlord in 2012, and around the same time, suspiciously identical after-the-fact rent registrations were filed with the

New York City Department of Housing Preservation & Development alleging that the apartments had ceased to be rent stabilized in the 1980s. The new landlord filed holdover petitions against the tenants, trying to evict them because they could not pay market-rate rents for their apartments. I drafted a motion for consolidation of the two actions and for summary judgment on the theory that the apartments remained subject to rent stabilization. Although the motion had not been decided by the time my internship ended, I am grateful to have had the experience of working on the case. The fraudulent tactics employed by the landlord in this case are all too common in Brooklyn, where the demand for housing is so high that some unscrupulous landlords are willing to risk fraudulent rent registrations for the payoff of market-rate rent. My clients suffered from harassment and intimidation at the hands of their landlord (not to mention anxiety about losing the only apartments they could afford), and I learned a lot about being a sensitive and reassuring advocate from working on their case.

One of my final tasks at the Legal Aid Society was to file a group action for building repairs. I met with tenants at a building in Crown Heights whose landlord deliberately refused to maintain their apartments and the building in an attempt to force the tenants out, renovate, and re-rent the apartments at much higher rates. Meanwhile, the tenants were living with leaks, broken floorboards, electrical problems, vermin infestations, and worries about lead paint. I compiled the tenants' conditions reports into a complaint, which I filed with a request for inspection of the apartments by the city. Working on this case was a reminder of the outrageous and base tactics some landlords use against low-income tenants. With representation from the Legal Aid Society, these tenants have a greatly increased chance of successfully asserting their rights and achieving safety and stability for their families.

I entered law school committed to fighting for the rights of low-income clients, and my experience working at the Legal Aid Society helped me gain a fuller understanding of what it means to be a strong and caring advocate for this population. I feel very lucky to have spent my summer providing such essential services and look forward to making use of this experience in service of my future clients after I graduate and begin my career as a public interest lawyer.

Thank you so much for supporting my work this summer.

Sincerely,

Shira Burton
NYU School of Law
Class of 2014