

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 with the Consumer Rights Unit at Greater Boston Legal Services was an incredibly formative experience. I participated in its Lawyer for the Day program, representing low-income consumers (who were primarily Black or Latine) in credit card collection cases in Roxbury, Chelsea, and East Boston. This participation involved not only conducting intakes for clients but also presenting oral arguments before the magistrate clerk. I got to learn a lot from this experience about what it means to be a lawyer and will recommend my friends at law school also participate in this program. I ultimately helped clients save nearly \$17,000 over 10 weeks!

I also learned how to draft demand letters, answers to collection cases, motions to vacate default judgments, and even got to do a first draft for a complaint involving a dormant second mortgage servicer. Essentially, my client did not hear from his second mortgage servicer for nearly a decade and he thought it was resolved as part of modification that he had on his first mortgage back in 2015. As a response to the foreclosure crisis, many first and second mortgage servicers participated in programs where modifications on the first would resolve the second mortgage by rolling them into first mortgage. My client was thus rightfully shocked when he received a foreclosure action from his second mortgage servicer, a company he had never heard of. I researched a number of claims under federal and state statutes and under contract law. After researching these claims, I took a first pass at the complaint, which will serve as the basis for the upcoming lawsuit.

Further, in response to a recent decision that came out in the Second Circuit, I researched and drafted a memo on whether, in Massachusetts, property tax foreclosures could be avoided as a constructive fraudulent transfer under the Bankruptcy Code. As I pored through existing caselaw throughout the country on this issue, I was invigorated for two reasons: the first reason was that this research would directly benefit homeowners who, with the right set of facts, comes to Greater Boston Legal Services in the future. Second, the issue was novel and had only been addressed one other time in Massachusetts and it shed light on the room for advocacy on this issue. I am so excited to take what I learned on this issue to New Jersey, where I hope to start practicing.

I also led a fair amount of client counseling with this internship. Client counseling at times was difficult given the breadth of consumer cases that come into the unit. I learned a lot, however, particularly when a more experienced attorney was present to provide support for the meetings. One of the most difficult client counseling meetings occurred the day that the *Dobbs* decision was issued. Even though I was overwhelmed and frustrated with the decision, I had that meeting

scheduled for the day. I found it particularly difficult to stay present or focused because of the impact that the decision had on me. I had a number of meetings with this particular client before and after this meeting, all of which went far better. However, this meeting was a lesson that really made salient how external events can really impact my professional work. Ultimately, I had to extend grace to myself, and I thought about how this would happen in the future and could create systems to help buttress against having difficulty with focus or being present.

Throughout this internship, I learned a lot about consumer defense law and reaffirmed my desire to practice in this field after I graduate from law school. One of the biggest issues I identified was the unfairness that pervades consumers in the credit card collection industry. Most consumers do not appear in court if they get sued for not paying their credit cards. If they do appear in court, most do not have representation and are unable to prevail in court. I found that representation made a huge difference as it gave access to justice for consumers, who would otherwise not know how to litigate these cases. I think there is a big opportunity for lawyers to address this disparity, either by advocating for a more active judiciary in adjudicating these cases or the creation of an administrative agency to handle these cases on behalf of consumers. Otherwise, what I think is more immediately impactful is that lawyers should volunteer to represent debtors in these cases. They should empower people to appear in court and to not feel morally ashamed for their inability to pay off their credit cards. At the moment, GBLS only serves a handful of communities in these cases and I think that volunteer attorneys can support GBLS and other Massachusetts legal aid organizations in taking on cases in communities that are not represented.

Very truly yours,

Dhairya Bhatia
Boston College Law School