



# EQUAL JUSTICE AMERICA

## Summer 2022 EJA Fellow:



**Name:** Mohammed Al-Shawaf

**Law School:** Georgetown Law School

**Organization:** Community Legal Services

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**Update 1:** Last week, I spent my first week in Philadelphia working from the Community Legal Services' offices, meeting with staff at CLS' offices and shadowing supervising attorneys at Municipal Court. The scale of today's housing crisis is sometimes hard to grasp, and the reality is that there are different types of crises that renters face depending on where you live, what income you have and entrenched social determinants of housing, chief among them race.

One of the ways to understand the housing crisis today is in landlord-tenant court. Shadowing attorneys working in housing law for as long as 20 years to as little as six months, I saw both the critical need of free legal representation for vulnerable clients facing eviction, as well as the limitations of settlements that, while avoiding an imminent lockout, still carry a dark mark that follows the individual and affects their future housing options.

The best analogy that I could think of—and that I heard independently from tenant advocates and landlord representatives alike—is that landlord-tenant court is like emergency room triage. Many tenants would be much worse off if CLS and its other partners were not excellent advocates for low-income tenants that may have ended up in court at no fault of their own. I witnessed multiple examples of clients that communicated desperation before meeting with a CLS attorney that was able to mitigate the worst potential outcomes of an eviction judgement. But like triaging at an ER, having an eviction filing against you and a court date means that you are already facing a bad situation and success means making the outcome less bad.

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**Update 2:** Something that I've heard from legal aid veterans, and that I've begun to experience for myself, is the recognition of your own limitations in helping some clients. For the past two weeks I've been working with a client, AR, in a terrible situation. Her landlord shut off the electricity in her unit and three of her neighbors' units in an attempt to illegally evict the tenants from the building. When I spoke to AR, her electricity had already been off for 3 weeks and she and her four children were living between that apartment and her partner's crowded apartment.

Per the guidance from my supervisor, I followed an illegal eviction protocol, attempting to gather as much evidence from AR about her existing lease, the habitability issues in her apartment, and the contact information from her landlord that I would use to send a demand letter. However, when I spoke to the client and her neighbor (who was also AR's cousin) to get their permission, both said that contacting her landlord would lead to retaliation, as he had already been threatening to shut off their gas next. Worse, he lived in the adjoining



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house to my client and her neighbors, and they reported he was a drug user and had a history of acting recklessly.

Given the client's wishes, I next attempted to work with the electricity company to restore power in her unit. As I moved through layers of the utility's support team, I soon learned that there had been no active electricity account for AR's unit for the past four years. The landlord had illegally wired the unit for electricity and had manipulated the wires to turn off the electricity in the building. Restoring electricity would mean first hiring an electrician to get the building up to code, hiring an inspector to underwrite the building, and then involving the electricity company to restore the power. All of these steps were the responsibility of the landlord and would require his cooperation, which my client ensured me he would not give.

Based on the protocol I was following, there were a number of options to try to escalate the matter in the Court of Common Pleas or at the Attorney General's level. But after describing the options, AR said she couldn't stay in that building anymore with her kids. She was going to move out, as soon as she could find a new place to live and fight her landlord once she was outside of it. All I could do was give her the resources she needed to file the various complaints and eventual lawsuits, but I couldn't get her landlord to stop his illegal eviction or find a safe, habitable place for AR and her kids to go to.

Reflecting on my lack of agency, I try to think that at least I helped AR grasp the smallest amount of her agency in an otherwise horrible situation. And sometimes that's the job.

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**Update 3:** This past week was my second in Philadelphia since the beginning of my CLS internship. I went with my supervising attorneys to Municipal Court on multiple days and observed a court that was trying, in stops and starts, to respond to the significant policy responses enacted since the start of the pandemic.

As part of a small, issue-specific policy unit at CLS, I have been working on ways to better implement the city's Eviction Diversion Program (EDP), which requires landlords to go through a 30-day mediation period with tenants before they are able to file an eviction case in court. The law, a one-year pilot that was initially tested during the height of the pandemic, has been overlooked or disregarded by some larger landlords and landlord attorneys who have filed for EDP at the same time as an eviction filing, or sometimes not at all.

While we have looked at different avenues of enforcement, we have recognized that there is a lot of education that needs to happen among judges and clerks at municipal court. While cases are still not getting thrown out for EDP violations—except in the most egregious circumstances—I saw multiple instances this week of the beginning of the Court's pushback on abuses of this law. In multiple cases, the Court did not allow a landlord attorney to win a default judgement against an absent tenant because the attorney had no proof that the landlord had an EDP number, let alone had ever filed for the program. It's a small win, but an important step realizing the tenant protections that were democratically achieved by the peoples' representatives in City Council.

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**Update 4:** The topic of inflation and the reflexive finger-pointing about how the economy got into this position is cast in a different light working with poor clients.

Many of the clients I've worked with in CLS' Housing unit staved off eviction during the COVID-19 emergency periods not because of a federal, state or city moratorium (in Philadelphia, the moratorium expired



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by July 2021 when evictions resumed in municipal court), but because the policy interventions included significant rental assistance.

I have seen these funds provide anywhere from a temporary line of credit that allowed a client enough time to find another job after being laid off during the pandemic to a literal lifeline allowing a woman with debilitating disease the ability to stay in her home while seeking treatment.

While important not to minimize the already harmful impacts of rising prices over the last year (recent CFPB research shows how current inflation is hurting low-income renters more than homeowners), it is equally critical to recognize that the massive rescue packages that Congress passed during the height of the COVID-19 pandemic saved homes and lives. A return to austerity policies will reintroduce the sky-high eviction rates tenant attorneys saw before the pandemic and added to the inflationary prices, could make the new reality even worse.

Legal aid attorneys and their clients have a perspective that is missing in the current debates about inflation—the human impacts of life-saving interventions during the pandemic and the prescience of what will happen if we collectively turn our backs on our most vulnerable under the auspices of fighting inflation. It's a perspective I am grateful to have working at CLS this summer.

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**Update 5:** My internship with Community Legal Services' Housing Unit was exactly the kind of experience I was looking for this summer. In my prior career before law school, I worked on economic mobility programs for a mix of for-profit and nonprofit organizations. I recognized that when I was working on programs that allowed me to interact and engage with the communities I was ostensibly trying to help (from low-income borrowers to recently resettled refugee employees to aspiring veteran and military spouse entrepreneurs), I felt the most connected to my work. At the same time, I also want to work on more systems-oriented public policy work.

Community Legal Services attorneys work at the intersection of direct service and policy advocacy, and thus provided exposure to the best of both worlds. CLS is a national model for this particular brand of legal and policy advocacy. In the course of my internship, I came to understand why this mix is so rare—both among legal services organizations, but also the legal field generally—and how deliberate the organization and its attorney must be to pull off this balance.

While I have long had an interest and background in economic mobility issues broadly, this was my first sustained exposure to housing law. The scale of need—and the corresponding pace of casework—surprised me, even as someone who was intellectually prepared for what the summer might look like. Attorneys are often going to court 3-4 times a week, and while at court, juggling 3-4 cases a day. Federal, state and local funding have helped CLS expand their Housing Unit, but as more attorneys and paralegals are onboarded, the need rarely decreases accordingly. Although I generally enjoy a fast pace of work, this experience has given me a benchmark to try out and compare other types of economic justice-oriented lawyering to see if it will be a better fit for me going forward (for example, I will be working at the Consumer Financial Protection Bureau this fall).

Thank you to Equal Justice America for the incredible support this summer. Without it, I would not have been in the position to fully engage in the work—including making two week-long trips to Philadelphia to meet clients and staff attorneys in person—and get as much out of this experience.