



EQUAL JUSTICE AMERICA

Summer 2022 EJA Fellow:

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Organization: Legal Services NYC

Update 1: This is my first ever LinkedIn post and I have some exciting news to share. Today concludes my third week as a legal intern with Legal Services NYC.

As some of you may know, I was recently awarded a Legal Services Fellowship with Equal Justice America. With the support of a grant from EJA, I am spending my summer working with Legal Services NYC Bankruptcy Assistance Project to provide free bankruptcy assistance to low-income residents of New York City.

NYC BAP attorneys make an incredible difference in the lives of New Yorkers, as they provide aid to citizens facing financial crises such as eviction or garnished wages. Over the course of the summer I will be preparing and filing Chapter 7 bankruptcy petitions for clients. After just a few weeks of working, I have already begun to actively help five New Yorkers through the bankruptcy process.

I am very thankful to be spending my summer working with such an amazing organization!

Update 2: This week marks the halfway point of my internship with Legal Services NYC in the Bankruptcy Assistance Project. Over these past 5 weeks, I have seen how integral bankruptcy assistance is to the low-income citizens of New York City.

Bankruptcy filings dipped significantly following the COVID-19 pandemic due to government aid programs geared toward helping businesses and individuals stay afloat. Pre-pandemic, in the year 2019, the total business and consumer filings were 774,940. The filings in 2020 totaled 544,463 and just 413,616 in 2021.

Slowly but surely, bankruptcy filings have begun to climb. As the government aid programs come to a close, individuals and companies are turning to bankruptcy for debt relief. With rising interest rates, growing inflation, worker shortages, and supply chain issues, access to bankruptcy is imperative for those who are struggling. I am grateful to be working with such a great organization that prioritizes aiding low-income citizens in filing for bankruptcy.

I would like to thank Equal Justice America once again for supporting my efforts to serve low-income clients. I would not have been able to work at a legal services provider without their generous contribution.



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Update 3: Over the course of my internship with Legal Services NYC, I have helped numerous clients prepare their chapter 7 bankruptcy petitions for filing. This past week I received a new task in which I was asked to research how a client could discharge her private student loans in bankruptcy.

In 2005, Congress massively amended the Bankruptcy Code in many respects as a response to a supposed increase in the volume of bankruptcy filings which was seen as an abuse of the system. Under the new law, for student loans to be deemed dischargeable in bankruptcy and allow the debtor a full release from personal liability, the debt cannot be considered exempt according to the Bankruptcy Code § 523(a)(8). If the loan falls under a category that is determined to be exempt from discharge, the only way for the debtor to achieve elimination of her debts is to prove an undue hardship exists.

Section 523(a)(8) of the Bankruptcy Code exempts four categories of student debts from discharge without a showing of undue hardship: educational loans made, insured, or guaranteed by a governmental unit; educational loans made under a program funded by a governmental unit or nonprofit institution; obligations to repay funds which are received as an educational benefit, scholarship, or stipend; and qualified education loans.

The changes Congress made in 2005 have made discharging all forms of student loans virtually impossible. Prior to 2005, there was one primary type of student loan still viable for discharge in bankruptcy—private student loans. Under the current bankruptcy law, many private student loans are considered “qualified education loans” which makes them exempt from discharge in bankruptcy. But, In recent years, courts have taken it upon themselves to narrow the bankruptcy law’s language and its application of the exemptions to provide borrowers with more opportunities to eradicate their student debts in bankruptcy.

Update 4: After weeks of working closely with my clients and my supervisors, I am proud to announce I have officially filed my first bankruptcy petition! While the concept of filing a document may not seem like a big deal, the amount of effort and care that went into creating this petition was a significant accomplishment for me and my legal career.

A case at Legal Services NYC begins with step one, a New York citizen calls the hotline seeking help. In step two, they are screened for eligibility and for their need to file bankruptcy. I am Step 3. Once they are approved, I contact the client and go through an intake checklist, in which I review which documents the client must submit.

Once the client completes an online questionnaire and submits all their documents, I can begin working on their petition. A chapter 7 bankruptcy petition includes forms such as a Voluntary Petition, Schedules A through J, a Statement of Financial Affairs, and a Statement of Current Monthly Income/Mean Test.

Once these forms are complete, I meet with the client numerous times to review the information, check for accuracy, and make any necessary changes. Only after multiple reviews by the client and my supervisor can the petition finally be filed.



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Thank you to Equal Justice America for giving me the opportunity to aid New Yorkers facing financial hardships. With this one petition, I have helped someone make a positive change in their financial future.

Update 5: I am happy to share that this is my final #EJAFellowUpdate! It was a huge honor to work with Legal Services NYC in the Bankruptcy Assistance Project this summer. I could not have done it without the help of Equal Justice America. I was able to learn so much and was given the opportunity to gain practical experience in consumer bankruptcy law.

At the beginning of my 2L year at Cardozo School of Law, as a staff editor, I decided to research and write my journal note for the Cardozo Journal of Equal Rights and Social Justice on bankruptcy and the difficulty debtors face when trying to discharge their student loans. In my spring semester of 2022, I elected to take a course on consumer bankruptcy to further my understanding of the area of law.

After spending a full year researching case law and reading articles, it was incredible to be able to work hands-on in bankruptcy law and to help people through the legal process. I found the practice of drafting bankruptcy petitions to be an incredible learning experience for me. Each client I worked with had a different story and each client faced different circumstances. I found in meeting with my clients one-on-one I was able to relay that individuality through the drafting of their petitions. I really enjoyed spending my summer completing pro bono work and helping low-income New Yorkers change their lives for the better. I am grateful to my fellow interns for supporting me and to my amazing supervising attorneys who taught me so much.

If you are able to do so, I would encourage you to please donate to Equal Justice America. Supporting public interest interns is extremely important as they are often compensated less than those working in the private sector. Public interest interns focus their time and energy to do necessary and impactful work, and Equal Justice America makes it possible for them to do so. Please donate and support public interest interns for next year's fellowship and beyond.