



EQUAL JUSTICE AMERICA

Summer 2022 EJA Fellow:

Name: Danielle Paterno

Law School: Drexel University

Organization: Community Legal Services

Update 1: The past two weeks in the Community Legal Services Housing Unit have been a whirlwind of trainings and orientation. This crash course in landlord/tenant law is preparing me to do intakes and case assessments and finally work as a certified legal intern. Yesterday, I got to observe one of CLS's attorneys helm the breakneck Lawyer of the Day (LOTD) shift in court. She was virtuostic at juggling cases, quickly absorbing the clients' positions and offering them legal advice, then instantly diving into negotiations with opposing counsel.

I keep thinking about how lucky I am to observe such talented attorneys at CLS but Dominique really showed me what a powerhouse advocate can do. She was the last one in the courtroom, patiently explaining things to her client, calmly negotiating an agreement with the pro se landlord, and professionally handling all obstacles even as the computer system went down in the eleventh hour. Court staff may have been a bit anxious to get home but Dominique's laser focus, total competence, and full dedication to the client's needs was clearly admired by all.

Update 2: I can't believe I'm already one month into my internship with Community Legal Services. It is already challenging juggling a caseload, completing intakes, and ensuring everyone gets a thorough case analysis as well as referrals to appropriate resources.

One of the things that is so rewarding about this work has been learning about the laws the City of Philadelphia enacted to protect tenants and ensure fair housing. In response to the COVID-19 pandemic, Philadelphia created the Eviction Diversion Program, which requires landlords to inform tenants of their rights to go through mediation before eviction proceedings are begun. This can effectively reduce the burden on the court system as well as divert tenants from ever having an eviction on their record, which can be a huge burden when searching for new housing.

The vast majority of Eviction Diversion mediations end with an agreement between both parties. This not only protects tenants from losing their housing it avoids the eviction process altogether.

Additionally, like other cities Philadelphia enacted a rental assistance program that has also prevented tenants



EQUAL JUSTICE AMERICA

from losing their housing when they suffered an income loss during the pandemic. Understandably, many tenants come to us because their landlords are seeking rent payments they could not make while they were sick with COVID or their family members were sick and required their care.

Navigating tenants through rental assistance applications and informing them of their right to Eviction Diversion are just two ways I've learned to assist them as they are enduring potential evictions in Philadelphia.

Update 3: After many days watching eviction court proceedings I am finally prepared to represent a tenant with support from my supervisors and colleagues at Community Legal Services.

The reality is that most eviction cases end in default judgments against tenants who do not appear for their court date, or end in an agreement between the tenant and the landlord. Few ever go to trial. This client came to us with some strong defenses. I filed a counterclaim against the landlord in order to take the strongest position advocating for my client. Then I put together a binder including my trial prep materials, the exhibits, and the laws I'll be citing in both the defense and the counterclaim.

My coworkers then put together a moot for me to practice my opening and closing statements to the judge as well as my direct and cross. I was nervous for my first trial but also confident that I was as prepared as I could be. I spent a lot of time on the phone preparing my client as well, informing her of the trial process, the sorts of questions to expect, and how to prepare for the worst and best outcomes.

It is not an easy conversation to have with someone, when you tell them to prepare to lose. In eviction court this means losing your home, uprooting your family, and possibly owing a massive sum of money. But it would be a disservice to the client to give them guarantees you're not capable of giving. And it is vital that a tenant has as much time to look for a new apartment as possible.

We entered the courtroom without knowing how the day would go. But in the end our position was strong and the landlord agreed to a settlement that allowed our client to keep her home with no money owed. Many people may have been disappointed that they didn't get to utilize all the skills they had practiced. But I know I didn't make this binder for nothing. I made it to be as prepared as possible, to serve my client as diligently as I could. Doing so has made me a better lawyer and I plan to always prepare for the worst.

Update 4: Nothing much picture worthy in my last shift supporting the lawyer of the day in Landlord-Tenant Municipal Court. The lawyer of the day program is staffed by multiple legal aid organizations, Community Legal Services among them.

I've had the great privilege to witness multiple lawyers from CLS helm this post. The lawyer of the day has to take on cases the day they are being heard. With little time to read the docket, complete an intake, and discuss



EQUAL JUSTICE AMERICA

legal strategy with the client they have to think quickly on their feet. The best cases are ones where a tenant comes to court prepared. Documentation is everything. If they have proof of rental payments, communications about repairs, escrowed rent, we can put up some defenses right away. Likewise, we need to read the docket with a sharp eye to determine if a landlord hasn't met their legal obligations.

But tenants enter court at a disadvantage, already on the defense. I've watched CLS lawyers put up a good fight and still lose. One attorney gave me excellent advice. The resolution of the case doesn't mean anything other than what it is. It's not a measure of your success as a person and it cannot be what determines whether you are having a good or bad day.

But it's still hard not to walk away with an extra spring in your step when you win. Yesterday I watched a hotly contested trial and witnessing the CLS attorney put forth a solid argument, stay cool under fire, and get everything his client needed made my day. But you never know what the next day will bring.

Update 5: My time at Community Legal Services was incredibly rewarding, not just because I got to work with clients to preserve their housing but because I was exposed to so many attorneys and advocates that were equally passionate about their work. Even outside of the Housing Unit I met attorneys at CLS that were dedicated to fair and just access to energy/utilities in Philadelphia neighborhoods, who defended families from separation, who untangled titles to make sure generations of Philadelphians did not lose their family homes. Community Legal Services is a dedicated workhorse to protecting Philadelphians during a time of extreme stress for low-income families.

I did not just have to rely on my supervising attorney for advice. During Lawyer of the Day shifts I became familiar with a diverse set of approaches to advocacy.

Attorneys with varying levels of experience made time to meet with me, explain their different approaches, review their methods for organizing, scheduling, and communicating, which all helped me develop my own style to managing client-centered work.

On the other side of things I had the opportunity to attend talks on various policy projects at CLS. One attorney worked on establishing the lead protection laws that I utilized in one of my eviction defense cases. Other attorneys presented their work on advocating for record sealing with Philadelphia legislators.

I would be fortunate to work for CLS as an attorney and I hope to maintain these relationships. They've contributed to my professional development in ways that I hope I can one day pay forward to future students.