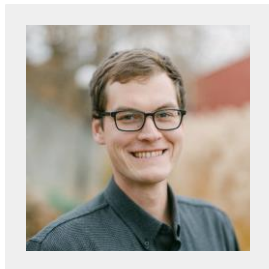




# EQUAL JUSTICE AMERICA

## Summer 2022 EJA Fellow:



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**Organization:** Central Virginia Legal Aid Society

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**Update 1:** I'm grateful to Equal Justice America for a second year of support for my summer internship in civil legal services. This year, I am working with Central Virginia Legal Aid Society in Richmond. In my first few weeks, I drafted my first memo in support of summary judgement in a Virginia Circuit Court case, I have had great conversations with my supervisor Marty Wegbreit, and I have been generally taken aback by the lack of legal protections for tenants in this state. Virginia eviction cases are heard in General District Courts (GDC), which lack juries and written opinions. To appeal a nonpayment of rent case from GDC to a court of record, a tenant defendant must post an appeal bond, making it nearly impossible for low-income tenants to appeal eviction cases. Lacking written opinions, and largely exempt from higher court review in eviction cases, different GDC judges interpret the law differently case by case. The net result is that caselaw is both unpredictable and underdeveloped in enforcement of market rate tenants' rights under Virginia law—including for manufactured homeowners who rent lots.

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**Update 2:** I want to share what's happening at Grace Place Apartments in downtown Richmond, where a Northern Virginia corporation is trying to harass low-income tenants into moving out so the company can profit from defrauding the Federal Government. Grace Place is a Low-Income Housing Tax Credit (LIHTC) property of about 53 units that is in the 'extended use period.' This jargon means the apartments were subsidized by the Federal Government and must be affordable for households at or below 60% of Richmond's median income. LIHTC is the main way the Federal Government pays for new affordable housing since the 1980s. Prospective tenants are income-screened to meet this threshold, and the rents are below market rate. Part of the agreement signed by the building owner requires that tenants not be evicted except for "good cause," which means something like repeated serious lease violations or rent arrears. Well, the owner has sent illegal lease non-renewal notices to over 20 low-income tenants in an attempt to clear out the building, likely to try to get out of the restrictions and turn it market rate. What's worse is they are now sending security guards to bang on tenants' doors around midnight, yelling "get out, get out, it's time to get out." This harassment is also illegal.

I wrote a bench memo to use in CVLAS's upcoming defense of Grace Place tenants in eviction suits. The law is clear that LIHTC tenants cannot be evicted except for good cause, and the owner wanting to make more money is not a "good cause."

Here is my supervisor Marty Wegbreit explaining the situation on local news. <https://lnkd.in/guTFAsnj>



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**Update 3:** This summer at Central Virginia Legal Aid Society, in addition to learning traditional lawyering skills like legal research, writing, and fact development, I'm also learning how important emotional and care work is in legal aid. I just attended a great workshop by Michaela Ross on trauma-informed client interviewing that resonated with experiences I have already had this summer on working with clients who are managing trauma. Some interview strategies we covered included giving the client agency in the interaction, knowing when and how to take a break in the interview, validating the client's experience, and providing a written list of follow up to-dos.

Also, this morning a client came to trial with her four- and six-year old sons because her childcare plans fell through at the last minute. So instead of watching court, I watched her kids with fellow intern Madelyn Bellew, which was probably more fun than court to be honest! (and the client had a positive outcome today). Note: If the legal system is going to require that parties show up in person to proceedings, at a minimum, courts should provide free childcare. Another example of how the legal system is biased towards the wealthy.

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**Update 4:** In the growing debt buying industry, debt buyers purchase entire portfolios of defaulted consumer debts (usually credit card debts) from lenders for pennies on the dollar, and then sue the borrowers in state courts to recover what they can. From "1993 to 2013, the total dollar value of debts purchased by debt buyers grew from \$6 billion to \$98 billion." In the same period, "the number of debt collection suits more than doubled nationwide, from less than 1.7 million to about 4 million, and consumed a growing share of civil dockets, rising from an estimated 1 in 9 civil cases to 1 in 4." See <https://lnkd.in/e3DdP-9N> Consequences of these suits for borrowers can include "garnishment of wages or bank accounts, seizure of personal property, and even incarceration." The majority of borrower defendants do not appear for trial and receive a default judgement against them. "Research on debt collection lawsuits from 2010 to 2019 has shown that less than 10 percent of defendants have counsel, compared with nearly all plaintiffs." It seems that this business model depends on a high rate of default judgements against borrowers. In other words, the debt buyer industry has transformed state courts into a collections machine.

When borrowers are represented by counsel, they can sometimes win these suits by challenging the evidence produced by the debt buyer to prove they truly own the debt. I wrote a memo for my internship at Central Virginia Legal Aid Society, with support from Equal Justice America, with arguments legal aid lawyers can use to exclude unauthenticated records produced in court by debt buyers as hearsay under the Virginia Rules of Evidence. The larger issue is that so many borrowers are unrepresented.

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**Update 5:** A big thank you to Central Virginia Legal Aid Society and Marty Wegbreit for a wonderful summer internship. Courts are not tools of "justice" when a class of people is unrepresented - they are tools of injustice. Representation alone isn't sufficient, but it is necessary. This is the lesson when you sit through a morning in Richmond General District court and see dozens of unrepresented people get evicted for \$1000, \$800, \$2000. When your supervisor points out arguments that a lawyer would have made if to stop or delay the eviction. When the court room is full of Black women and white men and that is enough to correctly assume the roles of everyone in the space.

Lawyers, and the law, are not neutral. Which side are you on?