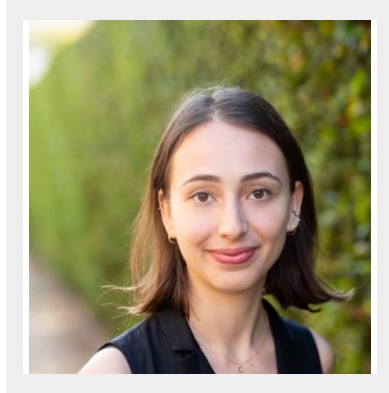




## Summer 2020 EJA Fellow:



**Name:** Suzanne Herman

**Law School:** Fordham Law

**Organization:** New York Legal Assistance  
Group, Tenants Rights' Unit

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### Week of June 15th

My first full week of work with New York Legal Assistance Group's Tenants' Rights Unit was, of course, inexorably tied to our nation's two unprecedented and simultaneous crises: The COVID-19 pandemic, leading to a remote internship, and the resurgence of Black Lives Matter protests and actions in response to the recent murder of George Floyd (and MANY others) at the hands of the police. It is impossible not to think about both during working hours. What I appreciate so deeply about public interest lawyering is that no one asks you to ignore the context in which you work.

Quite the opposite. The Eviction Moratorium in place in New York means that my unit's work has been thrust into the unknown. What will it look like for tenants facing eviction when the moratorium is lifted? What cases can or should be heard remotely in the meantime? How can we preemptively prepare clients to advocate for themselves? This is the first time in my legal education where my supervisors have been learning and asking questions right alongside me. Similarly, during our orientation NYLAG asked us to think critically about diversity and inclusion in the legal field. Anti-racist work is important everywhere, but particularly in offices whose goal is to serve vulnerable populations.

As I continue in my first weeks, learning about Housing Court, writing memos for my supervisor, and listening in on client calls, I am grateful to be doing so for an organization that adapts and learns, continues to grow in the service of their clients.

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### Week of July 6th

Working in the Tenants' Right Unit of a free legal service provider during the pandemic has been a once-in-a-lifetime opportunity to witness new legal precedents being set. This is what we learn about in law school happening in real time! The highlight of my last two weeks was being asked by the head of our unit to research and write up my findings on how various state courts have been interpreting the non-payment eviction moratorium implemented by the CARES Act. The hope is that any tenant-friendly ways which other courts have been interpreting the CARES Act protections could be convincing and helpful in New York, since this is such an unprecedented issue. When I started my research there was not much to be found, but at my supervisor's suggestion I have set up recurring alerts on the subject and check back in, and update my memo



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accordingly, every couple of days. It is extremely fulfilling, especially during a time when it is easy to feel helpless, to have a project which has the potential to aid so many struggling renters. It also feels like I am getting a front row seat to figuring out a new legal landscape.

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## **Week of July 27th**

Housing Court is such a particular aspect of our justice system, especially in a real estate anomaly like New York City. Over the weeks since my last update I have come to appreciate the stipulation process of Housing Court as one of the main ways in which it differs from my previous, admittedly limited, court experience. As I now understand it, a stipulation is the Housing Court equivalent of a settlement. When a negotiated agreement can be reached between a landlord and a tenant over nonpayment, repairs, or other related issues, it is often in the client's best interests to close the case in this way and avoid trial. Housing Court exemplifies a unique and dangerous power dynamic between a landlord – who has time and resources – and a tenant, stressed over their housing security and unsure of their rights and obligations. Enter, NYLAG housing attorneys! I have truly enjoyed and been inspired by observing my supervising attorney zealously fighting for the best stipulation terms possible for our clients. What makes this process so interesting to me is how it happens on the fly. Both parties and all clients can prepare extensively for a hearing and settle on almost all aspect of a stipulation beforehand, and yet it almost always gets rewritten and reargued in front of the judge on the day itself. A matter of a couple months' rent, or the date a repair start date, can change so much in a tenant's life. My supervising attorney is constantly hopping on and off the phone with the landlord's counsel, arguing for common sense solutions, and then back onto the phone with the client, explaining the situation in laymen's terms and unobtrusively letting them know what they can or cannot ask for. I enjoy researching the issues as we go, trying to get us as much leverage in our requests as possible. As always, I enjoy acting as a bridge between the complex legal system and the tenant, who is basically fighting for their life.

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## **Week of August 10th**

During my last week at NYLAG I had to opportunity to draft an Order to Show Cause. Usually, I am told, this would have been a very common assignment for a summer intern. However, due to the pandemic and New York's subsequent eviction moratorium, many of NYLAG's housing court clients who would have been targets for eviction were not, and so OSCs to stay eviction were not needed as often as they usually are. Although the idea of evictions beginning again scares me on behalf of the many vulnerable New Yorkers still unable to pay rent, I was excited by this opportunity, and mostly for one reason: I was asked to draft this OSC with language that addresses the racial impact of COVID-19. The client in question was a black woman over 50-years-old living in the Bronx. In my motion, detailing why our client had not yet been able to find an apartment to accept her Section 8 Housing Voucher, I cited studies and statistics which show that she is amongst the population most susceptible to not only contracting COVID-19, but receiving substandard medical care and losing income due to loss of work. My supervisor understands this argument to be unprecedented, and even reaching, but if it has any chance of helping not just this client but the many more who will undoubtedly follow in the next months and years as New York deals with the ramifications of COVID-19, then it is worth all of the zealous advocacy possible. I am proud of the end product of this OSC, I think it a solid and worthwhile argument. Successful stays of eviction often cite to health and safety concerns for the tenant. This is a new argument in a new time. I am proud to have been a small part of it and can't wait to see the result.