

September 4, 2023

Mr. Dan Ruben  
Equal Justice America  
13540 East Boundary Road  
Midlothian, VA 23112  
Re: EJA Fellow Experience

Dear Mr. Ruben:

I'm writing to share about my experience this summer at Legal Aid Justice Center ("LAJC"). This summer I was able to use my third-year practice certificate to represent recipients of section 8 housing vouchers in eviction proceedings. LAJC focused on tenants with section 8 vouchers because an eviction is especially harmful to voucher holders as eviction is grounds for mandatory termination of the section 8 voucher under HUD regulations. Under the supervision of LAJC's housing attorneys, I investigated the claims of several clients through interviews and tracking down documents from their landlord and local housing authority and provided advice to tenants based on those investigations.

Some of these clients had casing pending in Virginia's general district courts while others had received notices from their landlords and needed advice on what their best course of action would be. Other clients had lost their case in general district court and had writs of eviction pending against them. One such client was M.B. whose case I helped to shepherd through Virginia's appeal process from general district to circuit court. In the process, I made my first court appearance. M.B.'s case was particularly meaningful to me because I found her case to so succinctly exemplify the need for legal aid attorneys and societies in eviction disputes.

M.B. received a text message from her landlord demanding that her and her family leave their home within 5 days or he would take her to court. M.B. had her rent subsidized by section 8; however, the local housing authority had not paid their portion of M.B.'s rent for the past two months because the house had continued to fail housing quality standard inspections. The landlord filed an eviction case against M.B. in general district court. M.B. represented herself *pro se* but despite the merits of her case, the judge granted possession to the landlord during a first return hearing. If M.B. had been represented by an attorney at the first return, it's likely that the case would have been dismissed. However, she now had a judgment of possession against her. This judgment would result in a mandatory termination of her section 8 voucher. So, in addition to be evicted, along with her children, from her current house, she would almost certainly be unable to find new subsidized housing. M.B.'s best option to keep her housing voucher was to appeal the judgment from general district court to Virginia's circuit

court where she was entitled to a new trial under Virginia's code. This was also where my involvement in her case began.

Appealing an eviction in Virginia is extremely difficult for low-income tenants for two reasons. The first is that appellants normally need to pay an appeal bond. The second is that the appellant must continue to pay any ongoing rent during the appeal. Pages could be written about the issues with Virginia's appeal bond provision as it relates to low-income tenants. In fact, my student note focused on this exact topic. My client, M.B., was fortunate that the judge in her case set the appeal bond at nothing. However, she still needed to pay her ongoing rent. M.B. was unable to work as she was recovering from surgery. Under HUD regulations, she was entitled to have her rent subsidy adjusted to reflect her reduced income. I worked closely with M.B. and the local housing authority to make sure that the rent subsidy was adjusted. Because of the rent adjustment, M.B. was able to maintain her appeal.

I also worked closely with my supervisor to learn the procedures of Virginia circuit court, a venue that legal aid housing attorneys rarely appear in. I prepared counterclaims and drafted discovery requests. I kept in close communication with M.B. about our strategy for her new trial. Eventually, M.B.'s case was dismissed during a plea in bar hearing on notice grounds. This dismissal meant the judgment for possession against her was also dismissed and her housing voucher was safe for now. In many ways this was a huge victory for M.B.; for me as law clerk; and for LAJC. We had successfully navigated the appeal and ended the immediate threat to M.B.'s section 8 housing voucher helping her to maintain her long-term housing stability.

Yet, M.B.'s case also could have been resolved months earlier if she had been able to access an attorney or access to a court system that took the time to listen to the arguments that pro se litigants were making. The merits of her case did not significantly change between her initial court appearance in GDC and the final hearing in circuit court. What changed was that M.B. had access to an attorney.

That access is what makes the work of Equal Justice America so important. I am truly fortunate that EJA is able to support aspiring public interest attorneys such as myself and thank you for your support in this starting step of my career.

Best,

Audrey Van Winkle