EQUAL JUSTICE AMERICA

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EJA FELLOWSHIP RECIPIENT

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Update 1: The first few weeks of my time at HERA have flown by. Prior to working at HERA, I did not know much about debt collection or the issues currently plaguing homeownership and home improvement. In the past few weeks, it has felt like I have begun to learn a new language. All the attorneys I have worked with have been extremely generous with their time and knowledge, which has made the learning process much easier. I have attended training sessions, sat in on legislative bill discussions and intakes, reached out to clients, conducted legal research, and prepared answers, discovery responses, requests, and motions.

This past week, I participated in one of HERA's debt-collection defense clinics in Modesto, CA. I primarily assisted clients with filling out their intake sheets and fee waiver requests, but I also got to sit in on some of the consultations/meetings. It was great to see how efficiently and effectively the HERA attorneys worked with each other—they were able to draft answers and proof of services and consult with over 10 clients in less than three hours. I look forward to continuing to learn and supporting HERA's work in the coming weeks.

Update 2: The last few weeks of HERA have gone well. I have been able to sit on more client calls, team meetings, and legislative bill discussions. I have also worked on more motions, including a motion to seal—a client mistakenly filed their bank account numbers, making them publicly accessible, and we are trying to help him get that information removed. I have also created Self-Help packets that explain how to file answers, claims of exemption, proofs of service, fee waivers, CMC statements, and CCP96 requests for Stanislaus County. These packets will help clients prepare documents for themselves when they are not able to obtain assistance from HERA or other legal aid organizations. I have also received several research assignments, including examining how the Pacific Palisades fire affected mobile home tenancies in mobile home parks.

This past week I was able to attend my second debt collection defense clinic, which was in Martinez, CA. Fewer people attended this clinic, but some of the cases were more complex—one included identity fraud. I worked closely with an elderly client on a fee waiver, and we were both grateful that I was able to help her fill out the document. She is going to be laid off in the next month, so she is facing an extremely stressful financial situation, and I was happy that I was able to make one element of the process feel less intimidating.

Update 3: Since my last update, I have continued plugging away at many of the same types of tasks I mentioned in prior updates. I have continued to draft answers, proofs of service, civil cover sheets, and fee waivers, and sit in on client calls and legislative bill discussions. I also drafted discovery responses for a family of three facing foreclosure on their home. A construction materials supplier is seeking to foreclose on the mechanic's lien recorded against their property. I drafted responses to the plaintiff's special interrogatories and requests for production of documents for all three family members. I also completed a research memo addressing the legal status and responsibilities of mobile home operators. I also researched whether there is a provision in the California Civil Code that outlines the procedure for releasing or discharging a lien when a judgment expires, but the lien remains.

This week, I will be heading to Sacramento for my final debt collection clinic of the summer. Since the structure and tempo of the clinics in Modesto and Martinez differed so dramatically, I am excited to see what the Sacramento clinic has in store.

Update 4: Last week I participated in my last debt collection defense clinic. The clinic, which was in Sacramento, was very busy. We were able to help nearly 10 people in the span of a few hours. More people came than RSVPed, so we were not able to help everyone who showed up in the few hours we were there. For the people who came late without RSVPs , we collected their intake information and scheduled follow-up appointments with them. I sat in on some intakes, but my primary job was making sure clients had correctly filled out their forms, including their requests to have court fees waived. It was a great experience to see the techniques the attorneys use to put clients at ease and effectively distill complex legal ideas into digestible pieces of information.

Since my last update, I have been working on additional research projects and sitting in on more calls. At the end of last week, I sat in on a call with a woman who is having her wages garnished. She first learned of the lawsuit when HR contacted her to notify her of the garnishment—she had no idea she had been sued or that there was a judgment against her. I reviewed her claim of exemption form and provided edits. This week, I will be assisting with her declaration for a motion to set aside the default judgment. I have also been working on more research memos. I recently completed a memo about towing and the changes that towing laws have undergone in the past 13 years. This week I will be finishing a memo about debt defense solicitation and whether it complies with professional rules of ethics.

Final Reflection: I had a great experience interning with HERA this summer. The attorneys with whom I worked were great mentors, and the staff members at HERA were generous with their time and knowledge. Among other things, I was able to help with several research projects, discovery requests and responses, and letters to debt collectors. At HERA, I was able to advance my legal research and writing skills by completing memos regarding a range of topics, from debt solicitation to the legal duties of mobile home operators. I learned more about pressing issues California consumers are facing, such as unfair debt collection practices and home improvement scams. I also witnessed the complicated and sometimes frustrating process of trying to draft legislation that would significantly improve the lives of vulnerable California consumers.

HERA gave me the opportunity to better understand the lack of adequate consumer protections in California and to see how that affects the lives of everyday people. Throughout the summer, I found the situations that clients were facing shocking. For instance, some clients were being forced to pay for solar panels that were improperly installed—the installers failed to connect the solar panels to the electric grid, yet clients were still being asked to pay for the cost of the solar panel installation. I learned that door-to-door solicitation, which occurs during some home improvement scams, often harms already vulnerable communities. Elderly consumers are often taken advantage of during door-to-door solicitations, especially if they are not familiar with new technology such as electronic signatures.

I also saw how our current economic system encourages consumers to accrue debt and makes it difficult for people to escape debt cycles. I was surprised to find that big banks and creditors will sue people for relatively small debts. Some of HERA's clients were being sued for less than $200 dollars. Amounts like that likely mean very little to a big bank's bottom line but mean a lot to everyday people simply trying to make ends meet. Being sued for that amount can have catastrophic consequences for consumers. Debt collection cases and the law firms that bring such cases are able to generate profit because most defendants do not engage with the legal system: debt collectors and original creditors rely on the reality that they often get default judgments against debtors. Therefore, organizations like HERA, which help people file answers to complaints against them, provide an invaluable service.

I really enjoyed working with clients and HERA attorneys during debt collection clinics. The entire summer, and the debt collection clinics in particular, served as a great reminder that lawyers are providing a service, and that service should always be client centered. I witnessed the relief that HERA attorneys were able to provide clients by explaining the debt collection lawsuit against them and helping them file answers**.**

In my final week at HERA, I drafted a motion to set aside a default judgment for a client who first learned of the lawsuit against them when their employer informed them that their wages would be garnished moving forward. This client was a survivor of domestic violence, and their abuser was responsible for much of the debt accrual. It was very rewarding to help this client and to see how the support of HERA alleviated some of their stress and fear.

My work at HERA has deepened my commitment to fighting for economic justice. I am looking forward to continuing to learn more about the ways that a legal education can be leveraged to make our economic system less exploitative.