

29 August 2015

Dan Ruben, Executive Director
Equal Justice America
13540 E Boundary Rd, Midlothian, VA 23112

Dear Mr. Ruben,

My job, as a legal intern in the Housing Unit at Community Legal Services, was a continuous exercise in empathy. Most folks who come through the door negotiate structural challenges that I have never faced. The way that Municipal Court, run by judges “elected” by and through a system of political patronage, consistently churns out favorable rulings for landlords is emotionally draining enough. But every so often, a case appears to be an exhibition of humankind’s worst tendencies. Working one such recent case from intake to a hearing to Municipal Court—in just four short days—was demoralizing. But the resilience demonstrated by those who face such challenges, and the persistence of their advocates at organizations like CLS, quickly turned demoralization into hope. This case and others like it have confirmed and augmented my commitment to this type of work.

Our client had lost a judgment for possession of a property based on nonpayment of rent in July of 2014. She had, by all commonsense definitions, immediately satisfied the judgment and remained in the apartment, exercising her legal right to “pay and stay”. Yet her landlord never fulfilled her duty to inform the court. A year later, when the client legally withheld two months’ rent as leverage to persuade the landlord to make repairs to the apartment, the landlord took advantage of the fact that the judgment was not recorded as satisfied. Purposely distorting the truth, the landlord claimed that she had never paid it. Compounding the blatant unfairness of the situation, a Municipal Court Judge allowed the landlord to extend the timeline on her right to evict without a hearing. Thus, she evicted the tenant without notice.

The unsuspecting tenant was locked out of her apartment for five days before she came to Community Legal Services. After hearing her story, I spoke with my supervising attorney, who quickly decided to represent the client. The case, which was seemingly a slam dunk, experienced a serious hiccup when our attorney recognized that, despite three attempts, personal service had not been made—this because the landlord conveniently listed an address where she was not residing. Our attorney emailed and called the landlord. Unfortunately, the culture of landlord-tenant court in Philadelphia is such that a landlord can easily post a complaint on a tenant’s door, whereas a tenant faces a higher burden, and is always expected to ensure personal service is performed. Our concern was that the Judge would simply delay the case until service was made, meaning our client would remain outside of her home for at least a couple more weeks.

Fortunately, when we arrived at Court, it appeared our attorneys’ attempt at communicating with the landlord had been successful: though the case was not, in the landlord’s words, a priority (she had begrudgingly left her Cape May summer home to deal with this inconvenience), she wished to attain a legal stamp of approval for her actions and leave our client on the street for good.

The Judge, whose ruling on this very legal matter had been overruled a few years earlier, made it abundantly clear that he sympathized with the plaintiff, but would have to rule for our tenant. After the plaintiff voiced her desire to disregard the ruling, the Judge enlightened her with an insightful anecdote about a 19th Century Supreme Court case where John Marshall ruled for

the Cherokee Nation. Having been expelled from Georgia, the Court stated they would have to be allowed to return. Andrew Jackson told the Supreme Court that he would not abide. The Judge, in citing with admiration one of the most despicable instances in American History—the lead up to the “Trail of Tears,” was instructing the plaintiff not to follow his own order.

Our attorney spoke with the landlord after the ruling had been made. At first, the landlord had no intention of abiding by it. After some persuasion from our attorney involving the threat of police involvement, she conceded. This situation involved adept negotiation on the part of our attorney: she did not lose her cool in the face of overt bias playing out in Philadelphia Municipal Court. In the end, we advised the client to sue the landlord at the Fair Housing Commission, turning the tables on a situation that the landlord and her sympathetic judge had been attempting to dictate.

The tenant’s active role in this case, especially her fastidiousness in saving every receipt she had gotten for her rental payments over the past year, will serve her well at the FHC. Our attorney will certainly continue to step in as a champion for such clients in the future. After witnessing this situation, and again realizing the stark need of low-income individuals to have champions in court, my desire to perform legal services for indigent clients has grown tremendously. Thank you so much for making this experience possible, Mr. Ruben.

Sincerely,
Ian Charlton
University of Pennsylvania

Dear Mr. Ruben,

I take great pleasure in this opportunity to evaluate Ian Charlton, an Equal Justice America Summer 2015 Fellow. As Ian's direct supervisor for his summer externship with Community Legal Service's Landlord & Tenant Unit, I am intimately acquainted with his work. We were fortunate Ian choose an externship in our Housing Unit where the need is great for the many Philadelphia families who are facing homelessness. It has been a distinct pleasure to supervise such an extremely bright, self-motivated, productive and talented young man. Along with his demonstrated commitment to social justice, a strong work ethic and his passion to serve as a voice for the impoverished, he has in short stride become an invaluable asset to our housing unit and the clients we serve.

In his capacity as a legal intern, Ian has been primarily responsible for interviewing clients, analyzing facts and developing legal defenses, researching procedural and substantive law, preparation of various forms of legal pleadings, advocating on behalf of clients with numerous city agencies or entities, and providing legal advice to persons facing eviction from their homes in the Philadelphia Municipal Court.

Ian quickly acquired an outstanding and thorough fund of knowledge of housing law. He is a critical thinker and always demonstrates a scholarly and disciplined approach to his work. His work products are thorough and precise. As a result, I quickly developed a level of confidence and trust in his abilities. During the next semester, he will have an opportunity to provide direct representation of a client in an administrative hearing before the Philadelphia Fair Housing Commission. It is particularly noteworthy that as a 1L, his performance in his Moot presentation to our Unit was judged by my colleagues to be among the best.

As his direct supervisor, I have had numerous opportunities to observe many of Ian's interactions with clients. He is an excellent oral communicator. I was particularly impressed with his ability to quickly establish a level of trust and rapport with clients. He is an excellent listener and he is developing into a very skilled interviewer. His written communication skills are exceptional.

I believe Ian is a fine example of the unique combination of intellect, insight, commitment, creativity, compassion and talent that is necessary for success as a public interest scholar and advocate. As a result of Ian's dedicated work in the Housing Unit, it is fair to say; there are a significant number of Philadelphia families who are not homeless because of his work during this fellowship. I look forward to continued work with him in the future.

Sincerely,

Linda Ware Johnson, Senior Attorney - Community Legal Services, Inc.

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