

Dan Ruben
Executive Director
Equal Justice America

Dear Mr. Ruben,

This past summer, I was fortunate enough to intern with the non-profit East Bay Community Law Center (EBCLC), based in Berkeley, California. I was able to work with this amazing non-profit because Equal Justice America granted me a summer fellowship. With Equal Justice America's help, I was able to advocate for a vast number of marginalized low-income and homeless clients through EBCLC's Neighborhood Justice Clinic. The Neighborhood Justice Clinic has concentrated efforts in the areas of consumer protection and homeless advocacy. It also functions as a catch-all, taking on the cases that do not fit the case criteria of other non-profit organizations. Often, because of their unique situations, these clients are turned away from those other non-profits. Accordingly, the Neighborhood Justice Clinic was usually our clients' last stop before giving up on finding any legal assistance. The progressive catch-all nature of the Neighborhood Justice Clinic meant I worked on a variety of odd-ball cases. Most of these cases would likely have fallen through the cracks of the already overextended and underfunded Bay Area non-profit community.

There are many clients that I met during my time at the Neighborhood Justice Clinic that I will never forget. The look of relief in their eyes and the sound of renewed peace in their voices once I helped them solve what felt like an insurmountable problem will inspire me throughout my legal career. One particular client I will always remember is Mr. H. I will also always remember – as Osha Neumann, the attorney supervising Mr. H's case, put it – the Kafkaesque circumstances we extricated him from.

For approximately two years, Mr. H had been mistaken for the owner of a car involved in an auto accident. Despite his various attempts to prove to both the court and the plaintiff that he was not the defendant, the court held him liable for the judgment it entered against the defendant. On the day Mr. H walked into our office, the court had once again mistaken him for the defendant and denied his motion to vacate a judgment exceeding \$9,000.00. Although the court was technically correct in denying his motion, because it was untimely, it failed to appreciate why the motion was untimely or how the court was furthering a gross miscarriage of justice. Mr. H was untimely in filing his motion because he had believed that when the court entered judgment against the defendant, the court had finally recognized its mistake and dismissed him from the proceedings. It was not until several months later, when a sheriff served him with a court order to produce financial records, that a horrified and disheartened Mr. H realized he was still entangled in the case.

The circumstances Mr. H found himself immersed in were so bizarre that our attorneys were uncertain on how to obtain relief or even what the applicable case law was. After several hours of research, Mr. Neumann and I decided the best course of action was to file a motion requesting that the superior court judge reconsider her decision to deny Mr. H's motion to vacate the over \$9,000.00 judgment. The window to file this motion was so short that I ended up working over the weekend to research the relevant statutory and case law, and draft the motion.

Throughout the summer I learned more about Mr. H, poured over the years of court documents, and brainstormed with Mr. Neumann on new strategies on how to persuade the judge to base her decision on the merits of the case. I put in several more hours of research, ultimately drafting a further points and authorities to highlight the compelling and complex facts of the case. I also drafted a declaration recounting a telephone conversation I had with a man who was probably the owner of the car involved in the accident.

Toward the end of my internship, Mr. Neumann and I went to court with Mr. H to persuade the judge to recognize that Mr. H was not the defendant and that it was unjust for him to be held responsible for the actions of a completely separate individual. Before the hearing started, Mr. Neumann and I were finally able to speak with the plaintiff – all of our previous attempts to contact her had dead-ended in automated messages for disconnected telephone numbers – and finally clarified why she believed Mr. H was the defendant. The plaintiff's complaints had listed various aliases for the defendant, including Mr. H's name, which had led us to believe the plaintiff was maliciously netting in persons with similar names; looking for compensation from anyone that dutifully responded. In reality, the plaintiff was looking for a man that Mr. H had been mistaken for almost his whole life; they had the same name, were of the same ethnicity, and had similar birthdates.

At first, the plaintiff refused to believe that Mr. H was not the defendant. As we waited several hours for our motion to be heard, she considered for the first time that she may have been wrong, and that for the last two years she may have dragged an innocent person through two different court cases and numerous hearings. When we explained the circumstances to the judge, at first she all but ignored the horrendous facts of the case. Instead, the judge focused on how Mr. H's original motion was untimely and lectured him for failing to file a timely appeal. The judge disregarded Mr. H's status as a layman, as well as his honest mistaken belief that the court had dismissed him from the proceedings. If Mr. H had appeared at court alone that day, I believe the judge would have concluded the hearing right then and there, and Mr. H would have been denied further legal recourse. However, Mr. Neumann calmly persevered. He recounted our discussion with the plaintiff that morning, my telephone conversation with the man who went by the defendant's nickname, and helped the judge refocus on the real issue of the case: the court had failed to correctly identify the defendant and was unjustly punishing an innocent man.

Eventually, the judge remembered that the court's primary responsibility is to promote justice and the plaintiff admitted that she had failed to have the person who drove the car physically identify the defendant owner. The judge demanded the defendant be correctly identified. The plaintiff took measures to confirm that Mr. H was not the defendant. On the last day of my internship, M. H ecstatically told me that the plaintiff dismissed the case.

Without our help, I believe the court would have continued to mistake Mr. H for the defendant. Although his income was protected, the court would have put a lien on his assets and taken away his driver license, which would have greatly restricted his mobility – which is vital to a senior citizen – thereby reducing his quality of life. Overall, advocating for Mr. H taught me that access to representation is critical to obtaining justice in our legal system. The road to justice can hang on the credibility and perseverance of attorneys and legal interns who persistently remind the court that its role in our society is the pursuit of justice, not efficiency.

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