

August 31, 2009

Dan Ruben  
Executive Director  
Equal Justice America  
Building II, Suite 204  
13540 East Boundary Road  
Midlothian, VA 23112

Dear Mr. Ruben:

I had the opportunity to work in the Housing Unit at Greater Boston Legal Services this summer. Over the 10 weeks during which I helped indigent clients defend against eviction, I learned a tremendous amount about housing law, its practice in a local municipal court, and the practice of legal services in a time of tight budgets and overwhelming need.

I worked on the Housing Advice and Representation Pilot Project (HARP), which seeks to support the Civil Gideon movement. At present, low-income people in Massachusetts have the right to counsel at the state's expense if they are charged with a crime but not if another fundamental right, such as the right to shelter, is threatened. Accordingly, nearly all low-income tenants who face eviction in the state's courts do not have counsel, and a pro se tenant faces a number of daunting challenges. The timeline for summary process cases gives her scant time to evaluate her situation and find counsel before crucial court deadlines pass. She is frequently unaware of her rights to defend against eviction, either because she is not aware that certain violations of the law provide her with defenses or she does not have the means to discover violations (such as illegal lease provisions, utility cross-metering, or lead paint). Even if she has obtained assistance in learning her rights and even in preparing and filing pleadings through a pro se clinic, she faces pressure to settle quickly from opposing parties (who are usually represented), mediators, and judges. Among cases involving unrepresented tenants, most settlements involve a one-sided move-out agreement that often puts the tenant in the impossible position of finding affordable housing for herself and her family within weeks. This is particularly difficult in the Massachusetts South Shore, where most tenants facing eviction reside in market-rate apartments that were affordable to them before they lost their jobs, unemployment benefits, or breadwinning household members and where subsidized housing is scarce.

To combat these inequities, HARP provides legal services to the underserved population of the South Shore and collects data for researchers who seek to prove that represented tenants fare considerably better in eviction cases than do pro se tenants. To this end, I participated in a three-step process to serve these tenants. First, I visited the Quincy District Court every Tuesday, after the week's summary process cases have been filed; I took notes on each case file and mailed a letter offering free legal services to every residential tenant household against whom an eviction case had been filed. Second, as calls came in from tenants, another intern and I set up appointments for Friday in Quincy

and Monday in Boston to meet with them, assist them with drafting basic pleadings, and collect information about their cases. Together with two staff attorneys, we next evaluated the new cases and, of those cases with a minimum amount of merit fitting certain categories where the imbalance of power seemed particularly severe, we had some of them randomly selected for representation. For the others, we gave legal advice about litigating or settling their case both before their first court date and at court, and for some of those clients we prepared pro se motions to be filed with the Court.

I found this work to be very challenging. On heavier weeks, I mailed out more than 50 letters yielding as many as a dozen client visits over a few days. I quickly learned the law and strategies for case evaluation so that I could complete pleadings on my own and develop a recommendation as to whether we could succeed at trial and whether the tenancy would be sustainable. In a number of cases, I prepared these pleadings at court on a client's court date, with a request to accept the papers late. I argued one motion (a long-shot request for a stay of execution, which was denied) and prepared to argue two or three others that were avoided through negotiations, and I drafted several pre-trial motions as one of our cases neared its trial date (it settled). The pace of the office was unlike anything I've ever experienced. I also found it emotionally difficult to listen to a potential client's story in an initial meeting and then face the client in court after the office had rejected the case, knowing what a loss of housing would mean to their lives.

I did get to see some satisfying endings, though. In several cases where we represented the tenant, the landlord dismissed the case or the parties reached an agreement where the client was able to stay indefinitely or, where the client's financial situation or a toxic landlord-tenant relationship made the tenancy untenable, find new housing under an incentivized move-out agreement. At a minimum, we were able to offer a tenant dignity and additional time to assess his or her options. I had noticed in one court file that a household was facing a fault-based eviction from public housing because of the allegedly criminal conduct of a guest, a situation I found patently unjust. We did not hear from the head of household before her court date, so I approached her in the court hallway and asked her if she wanted assistance. Hesitant at first, she came back to us in tears after a conversation with the housing authority's attorney. We tried her case late in the summer; the results are still pending, but it was clear that the client valued the opportunity to have a voice, to tell her side of the story, and to be placed on equal footing with the landlord.

The internship has left me more enthusiastic and motivated to pursue a career in legal services in Boston. I witnessed the dedication of GBLS attorneys to serving the poor, their compassion for their clients, the intellectual and strategic challenges of litigating cases against better-resourced opponents, and the gratitude that clients had for their lawyers. I hope to continue this work after graduation. Thank you for the assistance in making it possible this summer.

Sincerely,

Laura E. Openshaw  
Harvard Law School, Class of 2010