



Summer 2019 EJA Fellow:



Name: Conor Bednarski

Law School: Cornell Law School

Fellowship: Legal Aid Society (Civil Division) -
Individual Housing Unit

Entry 1: June 14, 2019

This summer I am interning in the Individual Housing Unit of the Legal Aid Society in New York City. Our practice out of the Harlem Community Law Office primarily represents low income New Yorkers who are being evicted from their homes. Over the past two weeks, my work with clients in New York's current housing crisis has brought me face to face with the legal systems that disproportionately disadvantage people with the fewest resources. While the legal system is incredibly daunting and discouraging, the chance to give clients access to justice has inspired me and is a welcome reminder of why I wanted to go to law school.

Also, as I write this entry, the New York State Legislature appears to be passing a new set of rent regulations which will greatly increase tenant protections statewide and in New York City. Although the supervising attorneys are quick to note that these large-scale reforms are rare, it is an exciting time to be working on these issues and it gives me hope that we are heading to a more equal and just housing system. In the coming weeks I am looking forward to visiting housing court and attending a local community board meeting in East Harlem, New York. I am excited to broaden my knowledge of the issues that renters confront and ultimately, to apply my legal education to building a more egalitarian world.

Entry 2: June 28, 2019

Since my last post, I have attended Manhattan Housing Court on two occasions to screen tenants and determine if they are eligible for Legal Aid's services. After spending my first two weeks doing a lot of legal



research and learning different Housing Law doctrines, I was excited to go to court and see the legal system operate. Additionally, participating in screening was an opportunity to meet with potential clients and hear about their legal issues. This human interaction was inspiring and put my research and writing work in perspective.

A large portion of Legal Aid's client base comes from New York City's Universal Access ("UA") program. This program requires the Legal Aid Society to take clients that fall reside within certain at-risk zip codes facing rapid gentrification. Given the immense need for legal representation in New York City, the program only *requires* Legal Aid provides legal services to clients that are income eligible, meaning they fall below 200% of the Federal Poverty Guidelines. For 2019, 200% of the Federal Poverty level is \$24,980 per year. In New York City, earning \$25,000 per year would still mean that you are very poor, and yet you are still not guaranteed legal representation. While Legal Aid may take your case, the current caseloads are already high, making it less likely. I don't intend this as a critique of the UA program nor of the Legal Aid Society, but the stark reality of New York's housing crisis and drastic income inequality mean it is hard to survive in New York, and limited resources only allow Legal Aid to represent the poorest individuals. I am grateful to be in a position where I can help ensure that some of these individuals get adequate representation, but I am also very aware that much more needs to be done.

Entry 3: July 12, 2019

Over the past two weeks I have been working with my supervising attorney on amending an answer for an eviction proceeding. This activity has been far different than much of my legal education so far, which prepared me very well for reading cases and completing research assignments, but has been short on teaching me how to prepare court documents. Working on the amended answer and the motion to amend has taught me a lot about the structure and technicalities of housing court. I am very grateful for this internship and the opportunity to do this direct legal service work. I believe that my legal career will be well served by developing these practical skills.

My work this week has made me confront the law's inaccessibility first hand when preparing court documents. Even with a college degree and a year of legal training from reputable institution, thickets of legal jargon confound me in creating the documents. My supervisor and coworkers have been invaluable resources for drafting the answer, but the entire process has made question what access to justice means in the civil court system. As I discussed last post, many tenants still appear *pro se*, and in New York City, only the very poorest from certain at-risk zip codes are guaranteed legal representation. This means many tenants must fight without representation against landlords who are largely represented by counsel, and given the nature of our adversarial legal system, I am skeptical that this system creates just results for all those involved.



Entry 4: July 26, 2019

Since my post two weeks ago, I have continued working on the housing case with the amended answer. In order to get the amended answer into court, we needed to write a motion, and the supervising attorney suggested that we come up with some arguments to strengthen our negotiating position with opposing counsel. Originally, we came up with a motion for summary judgment based on some defects in the petition but we changed course late this week and tabled the summary judgment motion, while still being able to raise it later, in favor of a motion to dismiss for inadequate service of process. Writing these motions has given me a great opportunity to observe case strategy and craft legal arguments and also interact with our client.

One piece of sage advice that I received was that although we lawyers may be experts on the law, the client is the expert on her case. This saying held true when writing the motion to dismiss. Throughout the case, our client has been saying that she was never served with a demand for unpaid rent nor did she find one posted on her front door. This is a hard assertion to prove, because a sworn affidavit from a process server is taken as a prima facie case of service. But by listening to the client's description of her home life and asking some questions, we learned that our client is at home every day from 3 pm to 8pm because she is paid by insurance to provide home health care to her granddaughter with cerebral palsy. The affidavit of service from the process server alleged that service occurred on back to back weekdays during hours when our client would be at home. Fortunately, case law supports our position that a factual question exists and we should be granted a hearing on the question of service. This was an important lesson for me to learn about listening to the client and asking follow up questions to find good facts that can form the basis for a legal defense.