



Summer 2019 EJA Fellow:



Name: Cynthia Lee

Law School: NYU Law

Fellowship: Community Development Project
(now TakeRoot Justice)

Entry 1:

I spent the first week of the internship in training. It's great to be at an organization that is not only committed to community lawyering where communities are empowered to take the lead in setting the agenda for change, but also openly discusses the limitations of the model. For example, what do you do when there isn't much of a grassroots community around an issue (e.g. consumer finance) or a community's priorities shift but you still have ethical obligations as a lawyer to existing clients? Unfortunately, there aren't any easy answers and we can only learn together.

After training, I got my first assignment, which is to research lending circles and the pros and cons of different implementation models for a community partner. Many of the communities CDP works with do not have access to or are wary of traditional banking services for various reasons including being undocumented, being paid under the table, and negative experiences with predatory lending. Alternatives such as community lending circles can help communities improve financial health.

Entry 2:

I went to small claims court for the first time ever in Queens with one of the attorneys and two tenants who are being sued by the landlord for air conditioning fees, major capital improvements, and other alleged unpaid debt. While small claims courts were established with the intention of enabling people to represent themselves without an attorney, I was intimidated by the proceedings even though I'm in law school. The clerk began by advising people that their case would be heard much sooner if they chose to have an arbitrator instead of a judge and then read a long set of instructions on how a party should respond once they hear their name. The two tenants were both monolingual Spanish speakers and even though the attorney assured them both that she would speak on their behalf when the clerk called their name, they still both seemed anxious. Anxiety and fear



are the recurring emotions I see in clients and much of the work the attorneys do besides navigating the legal system themselves is talking clients through the process in the hope of alleviating some of their worry. This is especially true when a client has a money judgment against them for alleged unpaid debt and there are no legal remedies, but the client is “judgment-proof” meaning they have income and assets that are exempt from being garnished or seized. Even though there’s no legal victory in these cases, it can be a victory for the client nonetheless to know their rights and have clarity on what they’re facing.

Entry 3:

I’m still surprised at how brazenly some people will flout the law. In one case, a landlord coerced a tenant receiving a Section 8 housing voucher to pay more than the tenant contribution determined by the Department of Housing and Urban Development based on income, assets, and other factors. In the midst of all the adversity, it’s inspiring to see people come together to achieve some measure of justice. A number of people living in a New York City Housing Authority-owned building had gone without gas for several months and we did a training for them on how to sue NYCHA for damages from the gas outage such as increased meal expenses and days off work without pay waiting for people to fix the issue. During the training, I learned a lot from the people there. For example, one person talked about the stigma she faced from the judge and opposing counsel after she filed for a financial hardship-based court fee waiver and warned others that it may not be worth applying for the waiver given the accompanying stigma. The experience reminded me of the importance of making sure everyone has a chance to share their experience and that policies that sound good in theory can have unintended consequences when put into practice.

Entry 4:

In my last couple weeks, I drafted a couple time-sensitive motions/replies to motions for active cases and learned about some of the strategy in motions practice. One of the cases exemplified the importance of high-quality language access to the legal system. The client had been defending herself in an action that an old landlord had brought against her for unpaid rent. She filed a pro se order to show cause, but due to a mix up the court clerk put down the wrong address. Moreover, during the hearing for the order to show cause, the court interpreter told the client that she had won her case when in reality her order to show cause had been granted, but a trial would be scheduled to hear the case on the merits. Because of the court clerk error, the client never got any notices to appear from the court and didn’t expect any given what the court interpreter had told her so she never showed up for the trial and a default judgment was entered against her. Overall, my experience has been really valuable. I’m grateful to have gotten the opportunity to work with and learn from people who are not only dedicated to the work but are incredibly authentic and honest.