

Jaden Powell

Dan Ruben
Executive Director
Equal Justice America
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Midlothian, VA 23112

Dear Mr. Ruben:

I write to thank you for the opportunity to be a Summer 2019 EJA Fellow. The opportunity allowed me to serve as an intern in the Predatory Lending and Consumer Protection Clinic at the Legal Services Center of Harvard Law School. At the Legal Services Center, I was able to help my supervisors defend low income clients in debt collection defense cases as well as advise clients on various consumer issues. I gained more exposure to civil litigation and became more familiar with motion practice. I was also able to build on my client communication skills by fielding intake phone calls and giving advice as well taking on my own small cases.

Over the course of the summer I drafted a Motion for Summary Judgment in response to a plaintiff's Motion for Summary Judgment. Writing the motion required researching the Massachusetts Rules of Civil Procedure as a response required an opposition motion and cross motion. The basis for summary judgment was that the plaintiff had not sufficiently shown that they owned the defendant's account in their Motion for Summary Judgment thus they could most likely not prove it at trial. When we communicated this to the plaintiff's counsel, they offered a settlement. I communicated with the client about the settlement options, helping to weigh the options and understand the client's position. A large part of the consideration was that the client owned a home thus a judgment could lead to a lien on the property. Working through this with the client helped me to develop my ability to fully analyze how any legal option might impact a client and listen to them about how they feel about that impact.

In another debt collection defense case, I drafted secondary discovery motions. To draft these motions, I did a document review of all of the materials from the first round of discovery which included the client's alleged credit card account statements. I learned how to analyze credit card statements and issue spot contractual issues. Following my review, we requested documents that will be crucial to whether our client can actually be held liable for the account charges including information about an automatic credit increase without due diligence. This issue was somewhat new and novel to attempt to litigate but made for a great learning experience regarding contractual claims. In an additional debt collection defense case, I looked at provided account statements and agreements to evaluate whether there were bases for summary judgment. These experiences gave me crucial skills in building a case and identifying meritorious defenses and claims.

The various intake phone calls I responded to involved problems with credit reports, fraudulent debt collection schemes, condo fees, mortgage debt, and deceptive business practices. I learned how to collect all of the relevant information needed to evaluate a legal claim. Often, the calls

would lead to me relaying legal advice from me and my supervisor. For example, we had a caller who claimed that their bank had erroneously applied their payments to the wrong account and had reported a default to credit reporting agencies. We advised that person on how to file a dispute with the credit reporting agencies. Another caller was receiving phone calls referring to her Social Security number and an account settled in bankruptcy. The calls were claiming she owed on the account, but the statute of limitations had passed. We looked into the phone number calling her and realized it was a widely documented fraudulent scheme that was extorting money from vulnerable consumers. We advised the caller to cease all communication and pay no mind to their claims as bankruptcy proceedings are public thus, they only know about the settled account through public records. We told her to report the number and also take Social Security number protection measures if they had her number. I learned how to be flexible in responding to client questions and situations as well as how to quickly develop knowledge in an area in order to give sound advice.

Through intake phone calls I was able to take on a small case of my own in which the client was deceptively induced to enter into an extremely unfair car lease. The client was loosely told the terms of the lease at the time of signing and then directed to sign a blank lease form. When asked for the completed lease she was strung along for two weeks until she received the completed lease in the mail which stated she would pay five hundred dollars per month for three years for a 2018 Toyota Corolla with an \$11,000 buyout. The client was mortified especially having purchased a 2018 Camry for \$20,000. Under the Massachusetts Consumer Protection Law, I drafted a demand letter to the dealership detailing the client's legal claims and request for relief. The most successful claim was that the terms of the lease were unconscionable given that the client signed a blank lease. The dealership was required to respond or face litigation with the possibility of treble damages. The dealership offered settlement based on the strength of the unconscionability argument and I worked with the client to negotiate a very satisfactory settlement. She was able to purchase the vehicle for less than \$20,000.

My experience as an EJA Summer 2019 Fellow allowed me to grow further dedicated to civil legal services and even more inspired by the impact of legal services. I am so grateful to have had the opportunity to hone my legal writing skills and motion drafting abilities. In addition, the close contact I was able to have with clients allowed me to begin to shape my practice as a civil legal services lawyer and get invaluable experience communicating with clients. This summer was no doubt a tremendous growing experience in my journey to become an effective and client driven legal services lawyer. Thank you for the opportunity and I look forward to the possibility of working with Equal Justice America again in the future.

Sincerely,

Jaden Powell