



Summer 2019 EJA Fellow:



Name: Micauri Vargas

Law School: Rutgers Law School

Fellowship: Community Health Law Project

Entry 1:

This first couple of weeks at the Community Health Law Project in Elizabeth, New Jersey have been a great experience so far. During my first week, I attended my first two landlord-tenant cases, where I sat with two of the staff attorneys for their respective cases. Unfortunately, as is usually the case with landlord-tenant cases, our clients, the defendants, lost their cases, as the Superior Court Judges did not find that their situations were dire enough to ignore their infractions. I found this to be very troubling and disheartening as all of our clients are people that suffer from mental and physical health disabilities. However, we are hoping to submit a motion for reconsideration for one of these clients as the staff attorney on that case has “miraculously” found some evidence that opposing counsel seems to have deliberately withheld. In addition, to learn more about landlord-tenant law, I have also had the opportunity during these past two weeks to receive some training from a clinical law professor at Seton Hall Law School regarding foreclosures. I have also been drafting several debt collection letters to collection agencies because a lot of our clients have a tremendous amount of hospital debt they cannot afford, but their only source of income is Social Security Disability (SSD) or Supplemental Security Income (SSI), which cannot be garnished. Additionally, my most recent work has been dealing with guardianship certification for some of our clients who suffer from Down Syndrome and are now dealing with dementia that comes with this genetic disorder.

Entry 2:

Since my last journal check-in, I have had many new opportunities to learn about different areas of law. For instance, not only have I had more exposure to landlord-tenant, but I have also learned more about guardianships, wills, trusts and POA's. I have also had a smattering of Social Security law, but for whatever time I do not dedicate to legal research or client letter writing, most of my time has been consumed by emergency



cases. Recently, I was able to help two clients in non-legal ways. One client needed to get her utilities turned back on and another needed help getting access to his email accounts. The client that needed help get her utilities turned on, Ms. D, was behind on her utility bill by like \$700 but was able to work out a deal with the local utility company, PSE&G, where her utilities could be turned on with a \$100 payment. My job was to help her find an organization that emergency funds to help her pay the \$100. It turned out to be a longer process than I initially anticipated because there was documentation that was not easily accessible to our client, but in the end, I was able to get her utilities turned on. With my other client, Mr. R., his issue was also more social work in nature, and in trying to help Mr. R get access to his old email accounts, I was able to practice some more challenging communication skills: patience and understanding. While I like to believe that I am a thoughtful and considerate person, there are times when I do not say the right thing or listen as well as I could. Working with this population, people with disabilities has, taught me how to listen and pay close attention to unspoken communication as a lot of times this client base tends to distrust others or has a skewed conception of reality. I am learning a lot this summer, however, sometimes I fear I am not doing enough. Hopefully, I will begin to feel more on top of things soon.

Entry 3:

This past week, I attended my first Social Security hearings with one of the Advocates at the Community Health Law Project (CHLP). In order to attend the hearings, the Advocate had to request the clients' permission in order for me to be in the room while the administrative law judge (ALJ) held the hearings. Thankfully, both of the clients, Ms. D and Mr. S, granted me permission to attend their hearings. When we entered the hearing room, I was immediately amused by the size of the room and noticed the similarities and differences to Article III courts. During the proceedings, the judge confirmed that my attendance, and from there had nearly complete control over the hearing. I was happy to see that the ALJ for both of the hearings was a black woman, which made me feel hopeful that there are minorities making these very important decisions for vulnerable everyday people. The ALJ asked most of the questions during both proceedings, but the Advocate from CHLP did a great job of asking the right questions to get the best evidence on the record for our clients. I was very excited to attend these hearings because, until these hearings, my only interaction with the world of Social Security has been at the appeal phase. I have written letters hearings that have yet to be scheduled for a hearing date, I have done research for my professor litigating a Supplemental Security Income (SSI) case in the Third Circuit Court of Appeals (probably the coolest thing I've been able to do in law school!). I found the ALJ to be very fair in her line of questioning, she was not trying to trick or sabotage any legitimate claim the client had, she simply asked the questions that needed to be asked. For the first client, the ALJ did not even ask the Vocational Expert (VE) any questions, but for the second client, I got to experience the robotic responses of a VE. I was very interested in hearing the questions to a VE because up until this point I had ever only read about the findings in benefit denial letters, so I wanted to see what it was like. I also had a great interest because this had presented as an issue in the appeal with my professor, where the ALJ relied on a hypothetical based on very



different facts from the case at hand, thus making the VE findings erroneous and unreliable. All in all, my experience at the Social Security hearings was very rewarding and everything I had hoped it would be.

Entry 4:

My time with the Community Health Law Project (CHLP) has unfortunately come to an end. I accepted a position with CHLP because it is one of the few organizations that help individuals with disabilities, I did not realize it would be one of the best decisions of my life. I got exposure to so many areas of law, in addition to health law. I was allowed to sit in hearings, settlement meetings, negotiations, for which I did research and wrote memos and briefs. It was a very rewarding experience, to say the least. During my last two weeks with CHLP, I attended a lot of court dates with several of the attorneys at the office. But, the most memorable by far was my experience in Family Law and Criminal Law. I have had little to no exposure to these areas of law while in law school because they do not appeal to me as much as Civil Rights issues or Health Law. However, I'm so glad that I was able to experience these areas of law with a Health Law twist. For instance, while in criminal court waiting to argue the contested expungements made by our office, it was truly a pleasure to see the Judge grant every expungement possible. He is of the mindset that these people have already done their time and would grant every expungement possible, even if the defendant was not in court that day. Basically, these people will receive a surprise order in the mail granting their expungement. Both of our clients that day that had contested expungements were granted their expungement. The most heartwarming moment that day, was when a lady that was not eligible for an expungement walked up and although the judges hands were tied because the law prohibits this type of expungement, both the judge and the prosecutors gave her free legal advice as to how she may be able to one day receive an expungement. The attorneys I was with assured me this was extremely uncommon and they had never seen something like this either. In addition to my fantastic expungement experience, I had a crash course in negotiations from one of the senior attorneys in her family law case during my last week of the internship. We spent all day at the court negotiating the lifting of a Final Restraining Order (FRO) of our client, who has not seen his daughter in over 18 years (her entire life). The attorney called this "marathon negotiations." I was at the courthouse from 8:15 a.m. until 5:30 p.m. when the judge made the final order. In the end, our client and the mother of the child were able to get the best outcome possible for each of them. I believe it was the most rewarding day of the summer by far.