



Summer 2019 EJA Fellow:



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Law School: Univ. of Wisconsin Law School

Fellowship: Legal Aid Society of Milwaukee

Entry 1:

It is my first week at the Legal Aid Society of Milwaukee, and I have just had my first direct client interaction at the Eviction Defense Project. EDP is a clinic located in the county courthouse, operated by Legal Action with regular help from LAS attorneys and some volunteers from local firms. My day at EDP was eye-opening for a number of reasons. First, the number of individuals needing assistance was surprisingly large. After reading Matthew Desmond's bestseller *Eviction*, which focused on the experience of the poor in Milwaukee, I knew that a great number of families were evicted in the city (and across the country). Still, seeing the courtroom full of tenants facing eviction really drove home the human cost for me. It was also disheartening to see that so few resources were available to tenants: EDP can only take a few cases each day, so many tenants go without the help of an attorney. The experience gave me a new appreciation for the meager resources available to legal services agencies, and how that scarcity inspires creativity in determining how and where to apply financial resources. Finally, I found it interesting to see how much creativity goes into lawyering on behalf of a client facing an eviction. From what I saw, most tenants have little hope of prevailing against their landlords in the eviction action. At the point, the attorney must consider the best outcome for the client. Sometimes that means prioritizing having the eviction keep off the client's official record to aid in their future housing searches, while other times it might simply mean working to find a deal that gives their client a lower total payment, or a longer amount of time to make payments. I have a new appreciation for the importance of being able to understand a client's most pressing needs and to effectively negotiate in this work.

Entry 2:

This week, I have been busy writing a response brief for a motion for summary judgment in a major case against a company operating a predatory "rent-to-own" scheme. In the tradition of historical predatory devices like land contracts and contracts for deed, the "rent-to-own" arrangements in this case required the renter to assume full responsibility for the upkeep of the property (in our case, decrepit homes but at foreclosure sales by the defendant) without receiving any ownership or entitlement to the property. I



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have been tasked with developing a counterargument to our opponents' position that the contracts were sales, not leases, and therefore are not subject to tenant protection laws. We have a strong position, but I've been doing a great deal of research to arrive at a strong argument. Our opponents' counsel is one of the premier law firms in the city, which at once disappoints me (it is a shame that such unscrupulous actors have access to such excellent resources) and excites me because it provides a challenge. This task is helping me improve my textual analysis skills and my ability to write well when making intricate arguments about language. This case is also a collaborative effort between several legal assistance organizations and the state Department of Justice. It is interesting to see how and when the organizations choose to work together and pursue different strategies, and how the government operates differently in these cases. For example, a good deal of information used in our argument was obtained through the Department of Justice's more extensive resources and power. However, the government left the case after reaching a settlement, leaving the legal services organizations to continue to pursue justice for individual parties on their own. It has been very educational, and it's exciting to be contributing to an effort to help so many receive a fair outcome.

Entry 3:

This week, I have been busy helping a staff attorney develop a plan for a proposal for a court-based consumer law clinic. Our attorneys frequently see cases at the county courthouse involving low-income citizens who are facing debt collection, often from aggressive private debt collection agencies. I was tasked with researching similar existing programs, and then reaching out to attorneys at those programs to schedule phone calls to discuss their experiences with their clinics. We've identified programs in New York City, Baltimore, and Washington, D.C. It's been really interesting to hear about the experiences other legal services agencies in establishing their programs. I've learned about the many factors that can determine the failure or success of such a project. Judges, court staff, volunteer attorneys, and law students can all play a crucial role in creating and maintaining legal services programs. State and local laws and legal service agencies' cultures are also hugely important. It's been hugely enlightening to get a glimpse at all of the considerations that go into designing a project like this, and I have a new appreciation for the creativity and doggedness of legal aid attorneys who seek out new ways to more effectively leverage their agencies' limited resources.

Entry 4:

As I wrap up my internship, I am focusing heavily on a single project: a challenge to constitutionality of Wisconsin's rules on what constitutes adequate service of an eviction notice. Landlord-tenant laws in our state were weakened greatly under former Governor Scott Walker and our Republican legislature, so a ruling requiring a modification of the revised service procedures would be a nice victory. Through my case research, I am learning a lot about the Due Process clause and the tests used to determine whether it has been satisfied. I am also seeing the great lengths that legal service organizations must go to in order to pursue systems change through litigation. I am collecting information on receipt of eviction notices more generally and on postal service policies and practices. It is interesting to see what goes into building a case where the goal is to persuade the judge to make a ruling that will have huge impacts far beyond one client's situation.