



Summer 2021 EJA Fellow:



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Update 1:

I am beginning my third week with Philadelphia Legal Assistance (PLA). So far about half of my time has consisted of orientation and training. The topics of these trainings have covered a range of issues from bankruptcy, unemployment compensation, tax assistance, and consumer debt. It has been inspiring to see the range of legal aid that PLA provides and the incredible expertise of each specialized unit.

The other half of my time has been divided between answering the intake hotline and making calls for clients on my case load. The intake line has been a challenge as clients call with any range of legal issues that PLA may or may not cover. I have observed intake paralegals answering the hotline and it has been amazing to see the range of resources that these professionals are aware of, the depth of their knowledge they possess, and the empathy that they can communicate in a short phone call.

As I have been working cases on my own, I have found that there is a theme of general confusion and frustration that individuals express when they interact with the civil legal system. Whether it has been confusion over whether an estate needs to be probated or how to simply change a child's name clients have described getting passed from one service to another with no clear answers, reading conflicting sources online, and hearing yet more information from friends and family. While I am glad that PLA is a service that seems to be able to answer many of these questions, it makes me wonder why our civil legal system is so complicated and can feel so inaccessible to individuals with limited time, money, and resources. Is it really the case that the subject matter of civil law is so complicated that a complex legal system is needed in order to properly address the varied issues and nuances of civil law? Is the civil legal system so confusing because of neglect to address procedural redundancies and unnecessary bureaucracy? Is it more sinister: is the civil legal system intentionally designed to keep low-income individuals in the dark?

These are questions that I hope I can better understand as I work with PLA – even if they are not necessarily answered. In the meantime, I enjoy working with clients and helping them gain access to the legal resources they need. The interpersonal aspects of my position in the general intake unit have been life giving as I interact with a diverse number of individuals each day. I look forward to continued professional growth in order to better provide meaningful legal assistance as well as personal growth that will allow me to better connect on a personal level with the clients that PLA serves.



Update 2:

My reflections this week focus on unemployment and debt collection:

Recently my work has focused on unemployment benefits. As a result of the new unemployment system being implemented, I have been learning more about when the state is allowed to suspend benefits in Pennsylvania. The state of Pennsylvania has implemented a new online interface that was supposed to make it easier for users to file weekly certifications, review outstanding claim issues, and better access their information in general. That was an optimistic goal. In reality, the new system has changed important dates on user's certifications and claims, revived settled overpayment issues, and in many cases stopped benefits from being disbursed. In some cases the suspension of benefits is a serious problem and not just because beneficiaries depend on their benefits to make ends meet each week. Some of the suspensions are Java violations. In 1972, in *Department of Human Resources v. Java*, the supreme court held that benefits must be paid "when due." In Pennsylvania this means that if a beneficiary has been filing weekly certifications consistently, then benefits cannot be suspended until after an investigation of any potential issues and after the determination of that investigation is issued. The new online system has stopped payments regardless of individuals being in continuing claims status (consistently filing) and without any investigation or determination. Outside of unemployment I have been working on clients who are struggling to be compensated by their homeowner's insurance or denied renewal of their homeowner's insurance under questionable circumstances. Additionally, I have worked with individuals who are being contacted by creditors about debt, even though the default judgment allowing collection on that is almost ten years old. In such cases I learned that some income, like social security retirement and pension funds, are protected under the law from creditors. That said, it seems odd that there is no statute of limitations on default judgement collections in Pennsylvania. The only way individuals facing creditors in this situation can hope to find reprieve is if they have protected income and no assets, or file for bankruptcy. But should a person have to file bankruptcy when a creditor neglects to collect a judgement for 10 years and then decides they want to resume collection efforts? I am not convinced. I think there ought to be a statute of limitations on such judgements.

Update 3:

The past couple of weeks have involved much less rapid growth and much more refinement of my abilities as I work at Philadelphia Legal Assistance. I find that while I am not learning about new areas of the law, I am deepening my understanding of the areas I already know. For example, I better understand the nuances of debt collection and bankruptcy. I can now evaluate whether an individual will be a good candidate for chapter 7 bankruptcy based on whether they own their home, how much equity they have in their home, the kinds of income they have, the type of debt they want to discharge, the judgements that have been entered against them, whether they lease or own their car, etc. Another example relates to power of attorney.

I am better able to evaluate whether an individual is a better candidate for power of attorney or guardianship. This evaluation is based on whether the person giving up their rights can understand what they are agreeing to, the level and scope of care that is needed, and the relationship between the grantor and grantee of rights. I am also better understanding the role of real property in our society and economy. It seems that no matter what case I am working on- whether it is bankruptcy, separation, debt collection, probate, guardianship, or any other number of topics – property is at least on the fringe of the conversation, and often at the center of debate.



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Property seems to be more than a place to live or a way to build wealth. It provides dignity. Both in the knowledge of one's physical and economic station in society, and in the knowledge that one can leave a legacy for their family after they pass, property affords the owner a psychological solidity and security.

Entry 4:

I thoroughly enjoyed my internship at Philadelphia Legal Assistance. There were times where things were stressful. The Pennsylvania Department of Labor and Industry implemented a new unemployment compensation portal during my first week and there have been glitches, issues, and frustrations with the system every week since. However, it has also been very rewarding. It is energizing to step outside of the law school classroom and to offer tangible assistance to individuals who need it. While it is not flashy and there are no dramatic court room speeches, getting the Department of Labor and Industry to release payments to an individual is fulfilling. Especially when the payments should never have been stopped in the first place.

I have also had time to explore niche legal issues such as insurance company practices when dealing with low-income individuals and older adults. In researching issues around insurance companies I was also able to touch on administrative law and adjudication as complaints regarding insurance companies are filed and adjudicated by the Pennsylvania Department of Insurance.

Beyond local and state issues, I have also explored the federal restrictions that were placed on civil legal aid services in the 1990's. Since these changes took effect, federally funded organizations are only able to assist "ineligible aliens" if they are currently suffering domestic abuse and the legal assistance provided is directly related to that abuse. This was interesting to me because, if an individual – or an "ineligible alien" rather - wanted assistance in paying their taxes in the U.S., federal funding restrictions prevents legal aid organizations from assisting such an individual. In other words, the federal government will not help an individual pay ... the federal government.

Despite some of these state system snafus, and federal funding frustrations, I have genuinely enjoyed my work with Philadelphia Legal Assistance precisely because it was this kind of an "ear to the ground" experience that I was looking for. Being exposed to cases that range from driver's licenses to unemployment, to insurance claims, to probate, to power of attorney have all been proven interesting. I was able to witness the full gamut of legal issues that touch the daily life of ordinary individuals. I was provided the opportunity to listen as these individuals expressed their frustrations with the civil legal system. I hope that this experience, these stories, will provide insight as to how I can advocate for changes and improvements to the civil legal system, and civil legal aid, in the future.