

August 26, 2010

Dan Ruben
Executive Director
Equal Justice America
Building II - Suite 204
13540 East Boundary Road
Midlothian, VA 23112

Dear Mr. Ruben,

I want to personally thank Equal Justice America for allowing me to volunteer my summer with the Virginia Poverty Law Center (VPLC). VPLC has a strong record of advocacy for Virginia's low income residents, both in the court room and before the Virginia General Assembly. I was able to split my summer between working on housing issues with attorney Christie Marra and consumer lending issues with attorney Jay Speer. The experience renewed my admiration for the work that public interest attorneys do for low income clients, but it also highlighted the dire need for expanded access to quality legal and political representation.

Over the summer, my responsibilities included conducting legal research on consumer lending issues related to the federal Truth in Lending Act, Fair Debt Collection Practices Act, and state law on auto repossessions. In housing, I conducted legal and policy related research on, among other things, landlord tenant law, the Protecting Tenants at Foreclosure Act, and winter utility shut-offs. I served as a point of contact for several clients with housing related issues. Finally, I also did some side work on appeals of public benefits decisions under the Virginia Administrative Process Act.

The most rewarding experience for me was having the opportunity to work with clients. Law school tends to present the law in the abstract; working with clients brings it all very down to earth. The suffering that people endure at the notion of losing what they have made their "home" cannot be conveyed in casebooks or court opinions. I realized that being an attorney requires more than just giving legal advice. When a client entrusts issues as sensitive as their home in the hands of their attorney, that attorney has great responsibility to be a source of strength, to be a counselor, and even to be friend in a time of hardship. Often, in turn, clients can teach their attorneys lessons about showing strength and resolve in times of hardship.

But access to the necessary representation is much harder to come by than one would hope and the costs of foregoing representation can be dire. One case we handled made this especially clear to me. The efforts of federal legislators last summer produced the Protecting Tenants at Foreclosure Act, which allows most leases to survive a foreclosure when the landlord has ceased making payments on the mortgage. One of our clients had a two-year lease when the bank foreclosed on her landlord's property. Even though the law requires the new owner to honor the lease, the bank filed an eviction action against our client.

Our client went to the initial court date without representation and, because she was not represented, left with a court order to pay the bank the whole of the rent amount, even though, as a Section 8 tenant, she owed only a fraction of that amount. She could not pay the amount, and could not jeopardize her Section 8 benefits by risking a judgment against her. When the client finally obtained our

representation, we were forced to settle with the bank to protect the client's public benefits, even though it meant she had to renounce her legitimate claim to stay in her home.

To be clear, the law was unquestionably in our client's favor: her lease and the Section 8 contract survived the foreclosure. Unfortunately, because of our client's inability to obtain representation at the first court date, she was unable to avail herself of the benefits of the law. Our innate sense of justice informs us that the protection of the law should not depend on one's ability to afford representation; nonetheless, without a qualified attorney, the attainment of justice easily becomes encumbered by the complex procedural strictures of the law.

Even worse, so often the law does not even protect those most in need of protection. With collective action problems and gross inequalities in funding, special interests can too easily capture the political process to insulate their morally reprehensible practices from the reach of the law. Industry lobbying often succeeds in depriving victims of injustice of any legal remedy.

The vigorous work of VPLC attorneys at the General Assembly ensures that industry representatives will not slip measures harmful to our low income clients into legislation. They also work to update and improve the code so that it protects vulnerable Virginians where protection is most needed. VPLC has worked tirelessly in recent sessions to close loopholes in Virginia law that allow car title and payday lenders to suck money from borrowers to the tune of 300% interest, that in spite of state usury laws limiting interest on most transactions to 12%.

My work this summer proved to be both very inspiring and profoundly discouraging, in the sense that I became acutely aware of how easily and how often justice miscarries for low income Americans, both on an individual and systemic level. Only the support of Equal Justice America permitted me to benefit from this opportunity to see how the law really functions on the ground, in legislatures, and in courtrooms. Your generosity has renewed my commitment to applying my law degree in the public interest and pro bono context as, I am sure, it has done the same for many others this summer. I want to offer my sincere thanks for your support.

Sincerely,

Kaj Nielsen
University of Virginia School of Law
J.D. Candidate, 2011

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August 25, 2010

Dan Ruben
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RE: Kaj Nielsen

Dear Mr. Ruben:

This summer I had the pleasure of supervising Kaj Nielsen, a rising third year law student who worked with us through an Equal Justice America fellowship. I'm writing to share with you how dedicated, professional and helpful Kaj was throughout his fellowship with us at the Virginia Poverty Law Center.

Kaj worked with me on issues related to housing law. He helped interview clients under my supervision and handled a significant amount of the follow-up work on these clients' cases. His work on a case involving a potential violation of the Protecting Tenants at Foreclosure Act was particularly impressive. Not only did Kaj do thorough research and prepare an excellent first draft of our grounds of defense, he also maintained frequent contact with the client, her witness and others who had information potentially helpful to her case. I was consistently impressed with Kaj's initiative and thoroughness on this case.

Kaj also provided support in various ways on a number of the policy priorities currently being pursued by our office. He worked with me on a project to improve access to utility service for low-income Virginians, successfully obtaining information from the State Corporation Commission regarding the winter shut-off policies of every provider of electricity in Virginia. He also researched issues related to manufactured homes, doing an impressive job of gathering both relevant statutes and information regarding manufactured homes in Virginia. These are just two examples of the types of projects on which Kaj provided invaluable assistance.

In addition to his intellect and excellent work ethic, Kaj impressed me with his thoughtfulness and respect in his interactions with others. Whether we were meeting with a low-income client or a state senator, Kaj's interactions were professional, intelligent and considerate. We were very fortunate to have him with us this summer.

Thank you for providing us with the opportunity to have Kaj work at the Virginia Poverty Law Center this summer. Please feel free to contact me if you have any questions.

Sincerely,

Christie Marra
Staff Attorney