

August 29, 2013

Name: Lillian Kong

School: UC Hastings College of the Law

Organization: Justice & Diversity Center of the Bar Association of San Francisco

Dear Mr. Ruben,

My summer at the Justice & Diversity Center of the Bar Association of San Francisco was absolutely pivotal to my deeper understanding of serving the public. I had previously thought that non-profit work could only be manifested in one way – direct services, working on an individual basis with individual clients. However, this summer, I have learned that public interest work could be done in various forms, and a holistic understanding of the system is actually necessary to become the fiercest advocate.

My duties this summer mainly consisted of doing research and writing, conducting data analysis of the eviction trends that our organization has seen over the past year, and most importantly, working to help facilitate the Housing Negotiation Project – a project that recruits volunteer attorneys to represent unrepresented defendants (on a limited scope basis) in mandatory settlement conferences for unlawful detainer actions. Most definitely, my participation in the Housing Negotiation Project was the best part of my summer.

My work at the Justice and Diversity Center did not present many opportunities to work on a one-on-one basis with any particular client from start to finish, but I was able to interact with the general San Franciscan population, as they struggled to keep their homes while on the brink of eviction. I was able to see from a different vantage point - a bigger picture perspective of interactions between plaintiff side attorneys and landlords and the underrepresented public. My supervising attorney and I, in preparation for the settlement conferences held twice a week,

read over summary sheets for each tenant who would be present at the settlement conference and brainstormed the ideal negotiation outcomes for the tenant. Although we needed to be realistic, we also desired to advocate for their personal goals and figured out ways that the tenant could maximize their objectives. On the day of the settlement conferences, it was fascinating to put a face to a name, and to humanize each of the cases we strategized. For example, if a tenant were getting rent for \$200 dollars, owed thousands, and suffered from a severe mental illness, he or she would likely be homeless upon being evicted. Seeing these people face to face made the urgency real.

From facilitating and observing the interactions in court, I witnessed the stark power dynamics between tenants and landlords. Many of the tenants who attended settlement conferences were being evicted from subsidized or public housing, and like I mentioned earlier, were at higher risks of becoming homeless. Because there was so much to lose (especially in residences where the rent was incredibly accommodating), I saw that oftentimes, tenants would have to consent to unfair settlement agreements just to stay in their homes. For example, some plaintiff side attorneys would demand a pay and stay through a payment plan and also ask for unreasonable attorney's fees – from tenants who made virtually no income! In some cases, there truly was no winning.

One of the most interesting research projects I was involved with addressed tenants' concerns about prior unlawful detainer actions going on their public records. Because it truly does affect the trajectory of their future housing prospects, this is an extremely important concern. I did research on tenant-screening service agencies, and attempted to strategize existing ways that a tenant could best protect him or herself from false or inaccurate tenant-screening reports. I researched the difference between restricting records and sealing records, and was able

to come to the conclusion that although sealing records may be more permanent (and the process to unseal a sealed record, more burdensome), restricting access does its job at sufficiently protecting the tenant in the most efficient manner. I also drafted proposed orders to restrict the record to the public, which many tenants were able to utilize and gain as a part of their settlement agreements. We discovered that the housing court judge would be willing to sign the orders on the spot, allowing tenants to be protected right away.

Among my other duties, I compiled settlement outcomes for our full-scope housing law services over the past year. The JDC recruits volunteer attorneys not only to represent tenants for the Housing Negotiation Project on a limited scope basis, but it also recruits volunteers to represent particular clients on a full-scope basis, from start to finish. I did analysis on the full-scope case outcomes. Although the data analysis of case outcomes seemed initially tedious and dry, after I finished analyzing the information, I was able to come to very interesting conclusions about eviction defense in San Francisco. I learned that large move-out fees were possible to attain for long tenancies, that about half of our cases were settling with move outs and half with pay and stays, that we are having more positive results over time, that people who lived in subsidized or public housing were more likely to be evicted, and many other things (such as the demographics of tenants being evicted). These things are so important to be cognizant of, because it allows for organizations like the JDC to strategize and re-strategize based on the housing market as a whole as well improving on areas that have proven to be ineffective over time.

Overall, I thoroughly enjoyed my summer at the JDC, because instead of being caught up with just one case at a time, I was able to see a broad range of problems and issues, to be involved with administrative, facilitative, and interactive tasks, and to understand the housing

situation in San Francisco in a holistic way. I also really appreciated the relationships that I made with my supervising attorneys, partner organizations, and co-workers. I have truly learned so much.

Dear Mr. Ruben:

Lillian Kong made a unique and significant contribution to the Justice and Diversity Center's (JDC) Housing Negotiation Project (HNP) during her internship this summer. HNP serves primarily tenants who are otherwise self-represented litigants embroiled in unlawful detainer (eviction) proceedings in San Francisco. In running HNP, JDC staff recruits, trains, schedules and coordinates appearances for a corps of volunteer attorneys who appear on a limited scope basis to represent tenants at their Mandatory Settlement Conference (MSC). The MSC's are held twice a week at San Francisco Superior Court. The fast moving project requires us to maintain clear and constant communication with Court personnel, other legal service agencies, and of course the pro bono attorneys. Lillian handled her various tasks with skill and an attention to detail.

Lillian was a quick study and impressive in her ability to acquire a facility with the unlawful detainer statutory law and proceeding. She demonstrated a deep and sincere compassion which helped her relate to the tenant-clients who were almost always struggling under very difficult circumstances. As her supervisor, I came to rely on Lillian to help me evaluate the merits of the cases, in determining the most important facts and issues to highlight and recommendations as to the most appropriate plan of action be for the volunteers. I had several opportunities to observe Ms. Kong as she developed positive working relationships with personnel at the courthouse and also with staff at other legal services agencies. Feedback from colleagues regarding Lillian's performance was uniformly positive.

In addition to her work with HNP, Lillian also helped us with our Landlord-Tenant project, which provides full scope pro bono attorneys to low-income tenants in unlawful detainer actions. We asked Lillian to conduct an outcomes analysis for the cases handled through this project over a one year time period. Lillian methodically accessed our internal database, compiled, organized and synthesized relevant information. We were quite pleased with the quality of the report which she produced for us at the conclusion of the internship.

These were the essential contributions that Lillian made during her internship at the JDC. On a personal note, it was a great pleasure to work with Lillian. She was consistently positive and supportive and a true team player. Thank you for helping make it possible for her to join us at JDC this summer. Please feel free to contact me with any follow up questions or if you need additional information.

Ted Janowsky
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Right to Civil Counsel Pilot Program

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