

Legal Aid Society of Northeastern New York

Host Site

Legal Aid Society of Northeastern New York
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Project Subject

New York Landlord - Tenant Law

Experience/Description

The Legal Aid Society of Northeastern New York (LASNNY) serves a sixteen-county service area in the northeastern corner of New York State, bordering three states and two Canadian provinces. The Rural Summer Legal Corps law fellow will work with LASNNY's two experienced attorneys who provide housing representation in the Amsterdam office.

In New York State, landlord/tenant cases outside of incorporated cities are heard in local justice courts, in which non-lawyer judges are the norm. Evictions are a summary proceeding, with hearings scheduled not more than 12 days after notice of the eviction proceeding is served on the tenant. During those 12 days, a low-income tenant must obtain counsel and counsel must prepare a defense. Responsive pleadings are due three days before the hearing. Discovery is not permitted in eviction proceedings without court permission, which can only be obtained pursuant to a motion returnable on the date scheduled for the hearing. The tenant's attorney must therefore be prepared to present a defense less than two weeks after the case begins and often only a few hours after they first talk to their client. Practicing in such a fast-paced environment is challenging for any legal services attorney, but in this rural area, the challenge is compounded by the physical distance separating a lawyer from her client; the client's frequent limited access to reliable transportation; and the non-availability or unreliability of cellular phone service.

The fellow will work on eviction defenses, warranty of habitability cases, and administrative advocacy to secure housing-related public benefits, including ongoing and emergency cash assistance and eligibility for Housing and Urban Development housing subsidies. The fellow will be expected to work a minimum of 35 hours per week on a range of tasks and duties beginning with client interviewing, legal research and responsive pleadings progressing to case planning, development and presentation and ideally culminating in responsibility for advocacy with a court or administrative agency in a hearing or motion argument utilizing a student practice order.

Program-Specific Qualifications

N/A

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