

Legal aid attorneys in New York City fight low pay and overwork as tens of thousands face eviction

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In New York City, legal aid lawyers and support staff responsible for providing legal representation to lower-income tenants facing eviction are employed by the Legal Aid Society and Legal Services, nonprofit corporations that contract with the city to provide these services. These workers are members of United Auto Workers (UAW) locals 2325 and 2320, respectively. Legal Aid and Legal Services workers are the lowest-paid lawyers and legal workers in New York City, among the most expensive cities in the world.

Legal Aid lawyers have been without a contract for four months, under conditions of grossly inadequate pay and extreme overwork due to a surge in tenant evictions caused by the continuing pandemic and its economic consequences. Legal Services workers are operating under an existing contract that does not keep up with inflation. Neither of these critically important issues has been addressed by the UAW. This is despite the fact that the city had previously committed to measures dealing with both.

The initial wave of the COVID-19 pandemic in 2020 greatly amplified the preexisting shortage of affordable housing. As the economic impact of the pandemic intensified, increasing numbers of working class families were unable to meet their monthly rent payments. To forestall an otherwise inevitable social explosion, New York State imposed a temporary halt to evictions for nonpayment of rent.

However, as the ruling class buffered itself with billions of dollars in bailouts and rapidly imposed its “let it rip” policy to normalize COVID and drive people back to work, the eviction ban was lifted in January 2022. The result was a tidal wave of eviction proceedings initiated by landlords against tenants who were not the beneficiaries of any such financial rescue. Instead, they still suffer the devastating effects of the pandemic, including rising inflation and rents, and the lack of counsel has left most victims defenseless against the landlords’ high-priced legal enforcers.

In 2017, over two years prior to the onset of the pandemic, New York City passed the Right to Counsel law, which guarantees legal representation for low-income tenants facing eviction. The annual Right to Counsel Progress Report for

Fiscal Year 2021 boasted that since the beginning of 2020, 100 percent of tenants with calendared eviction cases had access to legal services. It reported that 71 percent of tenants who appeared in Housing Court had full representation by attorneys, nearly double the pre-pandemic rate of 38 percent, and an exponential increase over the 1 percent of tenants who had lawyers in 2013.

But less than one year later, at least 17,000 tenants threatened with eviction faced landlords in courts with no lawyer, and by September 25, only 6 percent of evicted tenants went to court with legal representation. Not unsurprisingly, this drastic shift coincided with the lifting by Democratic Governor Hochul of the statewide COVID-19 Eviction Moratorium on January 15, 2022, literally at the high point of the Omicron pandemic surge. A federal moratorium had been lifted in August of 2021, and federal rental assistance has all but dried up.

Two months after the lifting of the state moratorium, understaffed Legal Aid and Legal Services workers were overwhelmed with caseloads of as many as 80 clients each. News reports indicated that Legal Aid and Legal Services were giving back hundreds of eviction cases in one borough after another. The Courts reported 500 additional cases Legal Services could not handle in March. The Right to Counsel law was effectively a dead letter. There were 685,000 renters in New York City who owed back rent as the Eviction Moratorium ended and 220,000 tenants now faced eviction.

In February, there were 6,000 eviction cases filed. In March, 7,000 more eviction cases were filed, a 17 percent increase. The Legal Aid Society and the New York Legal Assistance Group stopped taking new eviction cases in Queens on April 5. Legal Services New York City announced that they could only take 60 cases in Queens for April, and they said they had had to reduce their caseload in the Bronx in March. The Office of Court Administrator said Legal Services had declined to take more than 475 cases in the Bronx in March.

State data indicates that while 98 percent of landlords have legal counsel in eviction cases, only 36 percent of tenants have representation. Furthermore, judges have not been consistently informing defendants of their right to counsel. The result is that

the tenants Right to Counsel law in New York City has been systematically violated with no repercussions.

On October 27, *The City* published an article titled “Less Than 10% of Tenants Facing Eviction Last Month Actually Got a Lawyer, Undermining the ‘Right to Counsel’ Law.” The article reported, “Over 17,000 tenants did not have legal counsel in Housing Court cases brought by their landlords this year, new state numbers show.” The data was gathered from state court records and was analyzed by the Association for Neighborhood and Housing Development advocacy group. In addition, they reported that weekly eviction case filings have reached their highest levels since the COVID pandemic started. Over the last six months, landlords have filed about 2,100 new eviction cases per week.

This calamity for working class tenants has also severely impacted the legal staff.

The UAW bureaucracy, including the UAW Members United Slate that supports Shawn Fain in the current election and is running former Harvard grad-student union president Brandon Mancilla to head Region 9A, Local 2325, have said little and done less about the ongoing violations of the Right to Counsel law and the resulting overwhelming workloads forced on legal workers. Nothing was said about this crisis in the election debate between Mancilla and Beverley Brakeman, the current UAW Region 9A Director. Corinthia Carter, president of the Legal Services Staff Association, UAW Local 2320, has taken an equally passive position, stating, “I honestly think it’s gonna get worse, if no action is taken by the people who can take it.”

The Legal Aid contract with city officials and the administration of Democratic Mayor Eric Adams expired four months ago on July 1. Legal Aid said they started negotiations only on September 21. Since then, there has been another long silence.

Historically, Legal Aid lawyers’ beginning salaries have been consistently below those of lawyers employed by the city’s Corporation Counsel (i.e., city employees). This consistent pay differential continues year after year and has resulted in a nearly 50 percent attrition of public defenders by 10 years of employment. On June 14, 2019, in response to previous demands for pay parity with the prosecution side during the 2018 contract negotiation, the City Council and then-mayor Bill de Blasio announced a “budget commitment” to fund full pay parity for public defenders and civil legal services staff with that of the Corporation Counsel by 2024.

The Adams administration has arrogantly ignored even this paltry “budget commitment.” While the mayor, a former policeman, has been beefing up the police department with hefty budget increases, he has left multiple other city agencies and contractors to fight over a shrinking amount of city budget funding. The mayor is demanding a 3 percent cut in most city agencies this year, on top of ones already implemented.

The UAW has given no indication that it will fight for the fulfillment of the 2019 commitment. Nor has there been any

discussion regarding how the severe understaffing and resulting unsustainable workload that have led to a total collapse of the Right to Counsel law will be addressed. The debates between local representatives of the slates currently running in the national election of UAW officers have avoided any discussion regarding these local issues or of the larger issues raised in the national contest.

Members of UAW locals 2325 and 2320 should assess the eviction crisis in New York City and the failure of the UAW to address its impact on its members in the context of the struggle now going on within the union against the corrupt, self-serving bureaucracy, which has imposed these rotten contracts for decades. This has also been the case in the recent contract struggles by graduate student assistants at Columbia and NYU and the current strike by HarperCollins workers, all members of the UAW.

Will Lehman, a second-tier worker at Mack Trucks in Macungie, Pennsylvania, is running for the UAW presidency on a platform of abolishing the bureaucracy and returning power to the rank and file at every workplace. He proposes that workers form rank-and-file committees to conduct a unified struggle across all industries and professions to win what workers need, not what the employers say they can afford.

UAW members currently have until November 18 to return their ballots. The Lehman campaign has sent a letter to the federal monitor demanding a 30-day extension due to the fact that large numbers of UAW members have not yet received their ballots. For more information on the campaign and assistance in building rank-and-file committees, visit WillForUAWPresident.org



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