

## **Michael MacTaggart**

With the PILF Grant's help, I spent the summer working with the Northwest Justice Project's Olympia office as a Legal Intern. I was assigned to the Eviction Prevention Unit, which represents indigent tenants who have been sued by landlords seeking their eviction. Since the Pandemic, indigent tenants in Washington have had a Right to Counsel in these proceedings, and the EPU is one of the entities that were created to implement that policy. The EPU is state-wide, but Olympia is part of the Southwest regional team and responsible for counties like Thurston, Mason, and Pacific. The internship was mostly remote, so I spent most days in a nook somewhere on the Seattle University campus, doing research or writing memos. On Fridays, I took a three-hour bus ride down to Olympia to be in the office and go to court with the group.

One thing that surprised me about the practice I observed was how active the development of the housing law was, considering how summary one expects eviction proceedings to be. However, prior to the Pandemic and Right to Counsel, most tenants were representing themselves and it seems like plaintiff's attorneys were content to play t-ball. Basically everyone in the office was involved in at least one developing theory of how to read the unlawful detainer law and the Resident Landlord-Tenant Act, and the research I had to do to remain caught up showed people on my team had already helped secure important appellate opinions to further the right to be housed, which I believe to be a human right.

When I wasn't observing my colleagues in action, making real arguments on real cases, I was helping them on the backend by researching questions related to their practice. For example, I wrote a memo about the application of Washington courts' General Rule 37, which tries to guarantee people of color their historically-denied right to serve on juries. I also wrote a long memo outlining the state of true threats in First Amendment law to predict how the contentious texts between landlords and tenants might be read by courts... only to be undercut in real-time by *Counterman v. Colorado*, which forced me to rewrite it. The issues faced by tenants usually only begin with their housing trouble and Right to Counsel lawyers need to be ready to defend them on all fronts.

The biggest project I worked on actually did not result in a deliverable. A holdover tenant's landlord declared bankruptcy and their trustee initiated an unlawful detainer action to evict the client as an adversary proceeding in bankruptcy court. The attorney supervising me was not sure whether or how the bankruptcy court had the required subject matter jurisdiction to evict someone. The Washington State Constitution reserve jurisdiction on this matter to the state superior courts, for a start. Then, from the federal side, bankruptcy court jurisdiction is the most needlessly complex topic I have yet encountered in the law. The Supreme Court has tried and failed for a century to grapple with the jurisdictional implications of the fact that bankruptcy court judges are organized as Article I tribunals, so it is simply a mess. And... the four weeks I spent on that project came to nothing because the trustee (dubiously) announced in a hearing that they never intended to evict the tenant at all. That experience very painfully taught me that not everything in the law is going to end with a courtroom showdown. Out-of-court shenanigans can be wins, too. If nothing else, I am now a staunch "Make Bankruptcy Judges Article III Judges" person, too.

Overall, I learned a lot this summer. I am grateful for this opportunity to learn about the law with the Northwest Justice Project, an environment oriented toward public service. In addition, I had nothing but positive experiences with everyone in the office and I learned so much, including the most important lesson of all: how to operate the mail machine. Working at the Northwest Justice Project was an ideal

way to get my foot in the door working with real lawyers and I am very grateful to those who made it possible by donating to PILF.