August 9, 2010

Dan Ruben

Executive Director

Equal Justice America

Building II, Suite 204

13540 East Boundary Road

Midlothian, VA 23112

Dear Mr. Ruben,

After spending my summer working as a legal intern in the Employment Unit at Greater Boston Legal Services, I am thrilled to report that I had an absolutely phenomenal experience, which would not have been possible without the generous support of Equal Justice America. During my time at GBLS, I interviewed clients, attended staff meetings, drafted appellate briefs, wrote research memoranda, represented clients at administrative hearings, drafted petitions to abate state and federal tax penalties, and assisted with the preparation of clients' state and federal original and amended tax returns. The sheer variety and substantive quality of my work, combined with some truly excellent supervision and support, made my summer internship with GBLS one I will always remember. Below, I will describe a few of the more memorable experiences I had this summer.

In my first week at GBLS, I was assigned to draft an appeal to the Massachusetts Division of Unemployment Assistance's Board of Review. When claimants are denied unemployment benefits,

their first appellate opportunity is to request a hearing. However, if a Review Examiner holds that they are ineligible for such benefits at a hearing, the next chance for an appeal is to request that the Board of Review re-evaluates the Review Examiner's decision. This is the administrative equivalent of an appellate court, and as such, a memorandum explaining why the claimant believes the Review Examiner's decision was in error is usually attached to the appeal request. When I was assigned to draft this brief, the attorney who had represented the client at the hearing initially thought the appeal would be relatively straightforward. However, after my first round of research, I discovered that the appeal would actually be quite challenging. Over the next two weeks, I worked closely with three of the most senior attorneys in the unit to strategize and develop various legal theories on which we could rest our appeal. In doing so, I learned an extraordinary amount about the various intricacies of the Massachusetts unemployment statute. When we finally settled on a plan, it was my job both to draft the appellate memorandum and to communicate with the Division of Unemployment Assistance's adjudicators to review a portion of the Review Examiner's decision, which had been remanded for reevaluation. Thus, as part of this one assignment, I had the opportunities to research, write, strategize, and advocate for my client to an administrative agency. It was an incredibly challenging experience, and I loved every minute of it.

After this, I was assigned to represent a client at an unemployment hearing before the Massachusetts Division of Unemployment Assistance's Hearings Department. This was another challenging experience, but for very different reasons. With fantastic support from my supervisor, I drafted a number of questions I planned to ask my client during the direct examination at the hearing, and several questions I could use to attack the credibility of my client's previous employer during cross-examination. A few days before the hearing, we brought the client in and conducted a thorough preparation session. We asked him all about his story, and we went through the questions we expected the Review Examiner and the opposing party to ask. After this session, we were relatively confident

that our client had a strong case. That all changed at the hearing. As soon as the hearing began, it became clear that the Review Examiner was not particularly sympathetic toward my client or his story. The Examiner asked questions in a very combative manner, and attacked my client every time he was uncertain about a question or an answer he had previously given. Since my client was a low-income immigrant with limited English proficiency, my client became scared and confused, and began to stumble with his testimony. Finally, when the employer asked my client some of the same questions we had asked during the preparation session, my client gave surprisingly different answers which allbut destroyed his claim. During my direct examination, I was challenged to adapt to the situation, and I attempt to focus on a part of the story I originally thought was relatively immaterial, but may provide a solid ground for an appeal when the Review Examiner inevitably denied my client his benefits. After the hearing, my supervisor praised me on my ability to adapt to such an unfriendly scenario, but agreed that it was unlikely we would win. The final challenge in this case came after we received the Review Examiner's decision. The Examiner had, as we expected, denied my client unemployment benefits; however, there was definitely a strong chance that I could convince the Board of Review to remand the case for an additional hearing. However, the client did not want to pursue his case any further. For many low-income, limited English proficiency individuals like my client, hearings like the one my client had been through can be incredibly stressful and nerve-wracking experiences. Even if there was a strong chance we could convince another Examiner to reverse the decision, my client simply did not want to go through the hearing experience again.

I had many other experiences during my time at GBLS, including: drafting a research memorandum on alcoholism, drug abuse and Massachusetts unemployment law, helping a client obtain over \$15,000 from the government by amending her taxes to reflect her newly acquired Social Security Number, successfully representing two other clients at unemployment hearings, proposing amendments to various administrative and legislative materials, and drafting numerous petitions to

abate tax penalties for clients who could barely speak a word of English, let alone properly prepare their tax returns. However, while I had many successes this summer, I chose to describe two of my more challenging cases in greater detail because I feel that I learned the most from those experiences. In dealing with these truly difficult moments, I learned a great deal about myself, about the practice of law, and about the daily challenges that come with being a direct client advocate. I cannot possibly express how grateful I am to both Greater Boston Legal Services and Equal Justice America for granting me the opportunity to learn these lessons, which I will carry with me throughout my career as an attorney.

In summary, I had an amazing summer. I was challenged both intellectually and emotionally, and I learned a tremendous amount about litigation, client advocacy, low-income clients, and what it means to work as a public interest attorney. All of this was made possible by the generous contribution from Equal Justice America. I cannot thank you enough.

Sincerely,

A. Gavin Fishman

J.D. Candidate, Class of 2012

Boston University transferred to Harvard Law School



August 17, 2010

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

Dear Mr. Ruben.

I am writing concerning Gavin Fishman's summer fellowship with the Employment Law Unit at Greater Boston Legal Services. Throughout his ten weeks at GBLS, Gavin's work and professional demeanor were exemplary and he provided invaluable assistance to our work on behalf of our clients

Gavin's assignments included:

- Writing appellate memoranda to the Massachusetts Department of Workforce Development Board of Review;
- Preparing clients for unemployment hearings and representing clients at these hearings;
- Advocating for claimants who left employment to move with their spouses who are active members of the armed forces through individual advocacy and systemic policy recommendations:
- Writing a research memorandum on the effect of a claimant's admitted alcoholism on his unemployment claim;
- Assisting clients with preparing original and amended state and federal tax returns;
- Drafting petitions to abate state and federal tax penalties;
- Coordinating all of the Employment Law Unit interns in preparing a complete set of proposed revisions to the Division of Unemployment Assistance's Service Representatives Handbook.

Gavin's work on each of these assignments was superb. Gavin is organized, insightful, and dedicated to his clients. He consistently evaluated every possible approach to get his clients the unemployment benefits they deserved. We were particularly impressed with his ability to quickly understand the facts of a case and develop and evaluate multiple legal strategies.

Furthermore, Gavin demonstrated excellent research and writing skills. Whether he was writing a persuasive document like a Board of Appeals memorandum or performing a more



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objective analysis for an office research memo, Gavin excelled at analyzing complex legal doctrines and applying them to the facts of various scenarios in an organized and clear manner.

Gavin also demonstrated excellent organizational and leadership skills. While deftly handling a full case load of his own, Gavin volunteered to coordinate the work of all eight Employment Law Unit interns in preparing a massive list of proposed revisions to an unemployment policy handbook. Gavin worked with the interns to ensure that each one received a fair amount of work analyzing an area of unemployment law of particular interest to that intern, collected drafts of each intern's work, compiled and formatted these drafts into one document, and distributed feedback from the attorney on the project to each intern individually. When the final draft was prepared, Gavin compiled it, formatted it, prepared the exhibits to be attached, and assured that the digital and hard copy files for the project were in order.

Finally, Gavin got along well with all staff. He is kind, considerate, a team player and his constant enthusiasm and positive energy brightened up our office considerably. We will miss him a great deal. We are certain that Gavin will be a great asset to whatever organization he works for in the future and unqualifiedly recommend him for any challenging position. If you require any further information, please do not hesitate to contact me at 617/603-1666 or mhalas@gbls.org.

Sincerely

Monica Halas Lead Attorney

James Halas