

August 15, 2008

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

Dear Mr. Ruben,

I am writing to thank you for the generous support Equal Justice America provided me this summer in my work at the Legal Aid Society – Employment Law Center (LAS-ELC) in San Francisco, CA. My clerkship proved to be an extremely rewarding experience, and I believe that the work I did at LAS-ELC will prove to be a formational part of my future legal career.

I entered law school after working for three years as a paralegal for a small immigration firm. I knew that I wanted to work as an advocate for immigrant communities, but I also found myself frustrated by the restrictionist immigration policies currently in place and the failure of Congress to pass comprehensive reform. Working at LAS-ELC, I found that employment law, particularly in the context of California's worker-friendly statutes, is an area of law with exciting opportunities for enforcing the rights of immigrants. I was especially pleased to assist a number of clients who, despite not having legal authorization to work, were able to file claims against unscrupulous employers for unpaid overtime, failure to provide meal or rest breaks, or discrimination.

Of course, while California law is generally more favorable to employees than federal law, I consulted with many clients who unfortunately had no legal remedy. I was initially frustrated, indeed, emotionally distraught, to tell clients who had been terminated that there was nothing we could do to get them their job back. But as I became more comfortable in my role as an advocate, I began to better understand how much most clients value reliable and honest legal advice, whether or not the advice is what they hoped to hear when they walked in our doors.

Jose (not his real name), for example, had worked for three years making beds in a luxury hotel. He was fired after his supervisor accused him of stealing beverages from the rooms he was cleaning. Suddenly, he was faced with supporting three children and his wife without any income. Jose told me that the accusation made against him was false, but that his supervisor honestly believed that he had stolen from the hotel. After interviewing Jose more extensively and consulting with one of my supervising attorneys, I determined that he did not have a strong wrongful termination claim. In other words, we could not help him get his job back. I explained to Jose that most employees are considered "at-will" and can be fired for almost any non-discriminatory reason. Unsurprisingly, he was disappointed. He felt that he had been wronged, and there was little that either he or an attorney could do to fix the injustice he had suffered. Yet at the end of my conversation with Jose, he expressed a profound gratitude for the time and attention I gave him. The

very act of my listening to him and providing him with accurate information about his rights—or lack thereof—was something that he valued deeply.

But the most gratifying experiences I had at LAS-ELC were with those clients we *could* help. Sandra (not her real name) worked for a small company that paid her by what she thought was a salary. Her employment agreement was deceptively worded to make it appear that she was an exempt (i.e., not paid for overtime) employee. After fully investigating the facts of her case and the relevant law, I determined that Sandra should have actually been paid at an hourly rate, and that she was owed ten hours of overtime for every week she had worked. I represented Sandra at her wage claim conference before the California Labor Commissioner, and was able to effectively present her case for nearly \$15,000 in unpaid wages. Afterwards, she thanked me and expressed how much it meant to have a pro-bono representative present with her at the conference. I told her that I was equally grateful for having been given the opportunity to represent her. It was a tremendous learning experience.

As you can tell, my clerkship at LAS-ELC exceeded the high expectations I had of it. I was provided with wonderful supervision, a supportive and friendly environment, and excellent educational opportunities throughout the summer. I also was given the privilege to spend ten weeks observing a wonderful group of attorneys who will serve as role models as I chart my path in a lifelong commitment to social justice lawyering.

The EJA summer fellowship made it possible for me to do this work without significant financial hardship. Thank you again for your support and your commitment to helping aspiring advocates pursue public interest careers.

Sincerely,
Benjamin Botts
University of California, Berkeley, School of Law
J.D. Candidate, 2010