

October 19, 2009

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

Dear Mr. Ruben:

I am writing to thank Equal Justice America for supporting my legal clerkship this summer at the Legal Aid Society-Employment Law Center (LAS-ELC) in San Francisco, California. This work experience provided an important opportunity to apply what I learned in the classroom to directly help low-income clients with their employment-related problems. I finished my summer with a strengthened commitment to assisting indigent communities and a strong belief in the capacity of law to change people's lives for the better.

My summer work focused on serving monolingual Mandarin Chinese speakers, most of whom were recent immigrants, on a host of issues including wage and hour violations, unemployment insurance appeals, and discrimination claims.

I represented one elderly client who was denied unemployment insurance because the Employment Development Department recorded an interview with her in which she allegedly stated that she was unable to work. In her administrative hearing, I argued that my client never made such a statement and that she misunderstood the interviewer whose main language was not Mandarin Chinese, but Cantonese. Her appeal was successful and she is now receiving unemployment insurance. This hearing was one of five unemployment insurance hearings where I represented clients this summer.

In another case, I conducted a phone interview with a client who was terminated from her job after she requested medical leave to undergo medical treatment. In consultation with my supervising attorney, I helped her file a rushed claim with the Department of Fair Employment and Housing right before the statute of limitations expired, for failure to provide a reasonable accommodation for her illness, which constituted a disability. The case, which started as a mere one-time consultation, became larger and I worked with her and a supervising attorney to negotiate her return to work and compensation for lost wages.

In another case, our client's wage and hour claims were dismissed by the Department of Labor Standards and Enforcement (DLSE) because he was classified as an exempt employee. I researched case law and determined that his particular position should not classify him as exempt and included this argument in a letter that my supervising attorney sent to the DLSE requesting that they reopen the case. The appeal was successful and the client now has his opportunity to be heard.

I learned that recent immigrants suffer some of the most egregious employment violations. I also learned that sometimes it is difficult to translate U.S. legal concepts into Chinese, in part because of cultural barriers, but also because some concepts do not have accurate translations accessible to people unfamiliar with the legal profession. During the summer, I was a guest on a Chinese language radio station in the Bay Area to discuss some of these issues, and I helped a number of clients who contacted the LAS-ELC as a result of my appearance.

As an outgrowth of my summer work, I am now working part-time for the LAS-ELC on a sexual harassment case of a recent Chinese immigrant. In late September, I also had the opportunity to travel with one of the LAS-ELC attorneys to a conference in Boston on the development of U.S. and Chinese laws surrounding employment discrimination. This was a thrilling opportunity to speak with both American and Chinese practitioners about their respective legal systems.

In addition to direct legal services, I also had the opportunity this summer to practice my legal research and writing skills. Each year, LAS-ELC publishes a manual of employment law, which is used by students and lawyers at free legal clinics throughout the Bay Area. I spent part of my time updating this publication, which required reviewing all of the changes to employment law in the past year, selecting those relevant to practitioners, and writing succinct explanations of the new rules. The goal was for practitioners working in the field to quickly access the complicated legal decisions or revised statutes and understand their ramifications for a particular client. This process not only kept me up-to-date on the most recent changes to employment law, but it strengthened my ability to synthesize large amounts of information. This academic year, I am a co-director of one of the Workers' Rights Clinics where the manual is used. I am proud that I played a part in updating this publication.

I feel very fortunate not only to have been able to conduct this kind of work, but to also work for such an amazing organization, one that is committed to mentoring the next generation of social justice lawyers. I felt privileged to work with lawyers who are shaping the contours of employment law in California--but who are also willing to share their thoughts and experience with law students. I thank Equal Justice America for this opportunity.

Sincerely,

Cáitín McKiernan