

August 31, 2013

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

RE: EJA Summer Fellowship

Dear Mr. Ruben:

I am writing to tell you about my summer internship with Justice At Work that was supported by the Equal Justice America Summer Fellowship. Before I begin, I want to thank you and the staff at Equal Justice America for the work you do to help fund internships like mine. I cannot overstate how important this funding is, and I am very grateful for your work.

My internship with Justice At Work exceeded my expectations. I received a variety of assignments that enabled me to further develop my research, writing, and advocacy skills. I conducted intake interviews in English and Spanish, prepared complaints for state and federal court, conducted research in preparation for litigation, and created a quick reference guide on workplace retaliation for workers and community organizers. In addition, I had the opportunity to observe depositions and oral arguments regarding a motion for summary judgment. I also had the opportunity to participate in meetings with community partners from worker centers and the Office of the Attorney General of Massachusetts.

The majority of my internship centered on Justice At Work's Small Claims Project. I represented clients at all stages of the small claims process from the writing of the initial complaint to small claims hearings and collecting on judgments. I sat second chair at a hearing in small claims court and represented clients in mediation with employers. Furthermore, I researched procedural issues unique to small claims court and strategies for enforcing favorable judgments obtained in small claims court.

Working on the Small Claims Project was a great opportunity to learn about a new strategy to fight wage theft. My past experience included drafting many demand letters and filing wage complaints with government agencies, but this summer was my first experience using small claims as a forum for recovering stolen wages. It was also my first time participating in alternative dispute resolution through mediation, which I learned could help facilitate creative settlements.

One of my cases involved two Brazilian immigrants who had worked as painters for a small painting company. The workers were each owed over \$1,000 when they contacted

a worker center in the Greater Boston area. The worker center filed a complaint with the Attorney General, wrote several demand letters to the employer, and tried to contact the employer by phone. When those actions failed to produce results, the case was referred to Justice At Work. We filed a complaint in small claims court, and the employer immediately reached out to contact us. However, our case was not a slam-dunk.

There was a reasonable argument that our clients actually worked as sub-contractors and not employees. Unfortunately, our clients did not have a written contract, and the employer was alleging that they caused some damage at a client's home. Other than their hours worked and wages received, our clients did not have a lot of evidence, which is typical of these types of cases. I tried to negotiate a resolution over the phone with the employer, but he would not budge one bit. Given the facts of the case, my supervising attorney and I thought that mediation would be worth trying before moving forward with the hearing.

During mediation, it became apparent that there had been a significant breakdown in the relationship between the employer and our clients. However, mediation provided a forum for both sides to air their grievances and listen to the other side's story. After two mediation sessions, we were able to negotiate a unique settlement. Instead of paying any money to our clients, the employer agreed to give them three painting jobs that were worth a certain value. If those jobs went well, both sides were open to continuing a working relationship. When I left my internship, our clients were in the process of completing the third job for the employer. The relationship had not yet been completely mended, but my supervising attorney thought there was a good chance that they would continue to work with the employer.

This example highlights the fact that these cases are often about more than unpaid wages. Wages are of course important, especially when the worker is struggling to support a family, but my desire to represent low-wage workers is rooted in building more just relationships in the workplace. Recovering unpaid wages does not always feel satisfying when the worker has not found a new job and only left the previous job in the first place because the employer treated him or her unjustly. In this case, our clients were able to make their voices heard and work toward mending their relationship with their employer. Their unpaid wages would have helped in the short-term, but hopefully, they will now maintain their employment going forward. Furthermore, I hope that the mediation process opened a space for continued dialogue if future disagreements arise.

Thank you again for supporting my pursuit of a public interest career. My internship went so well that I am now in the process of applying for post-graduate fellowships with Justice At Work, and I hope to continue working on the Small Claims Project after I graduate in May.

Sincerely,

Raymond Burke
Boston College