

Seth P. Lyons

September 25, 2014

Dan Ruben
Executive Director
Equal Justice America

Dear Mr. Ruben:

I spent the summer working in Community Legal Services' employment unit. I mainly worked under the supervision of four attorneys on a variety of legal issues, including wage claims, employment discrimination based on criminal history, and other issues involving criminal records expungement and barriers to employment.

I worked on about 20 to 25 cases over the summer in different capacities, but directly handled about 15 cases. A handful of these cases involved wage claims for immigrant workers in Philadelphia, many of whom were undocumented. One of these clients had worked at a restaurant outside of Philadelphia as a dishwasher for several years. When the restaurant started failing, the owner simply stopped paying my client. The way he saw it, he could steal from my client because he was undocumented. Completely relying on these wages, my client continued to work, without pay, for over a month before the restaurant closed. His employer kept promising to pay him and eventually convinced my client to help open a new restaurant by telling him that he would be paid once the restaurant started making money. My client saw no other way to recoup his unpaid wages so he worked for the next three months helping clean, paint, and prepare the new restaurant for opening. Finally, after his employer still would not pay him two weeks after the restaurant opened, he quit.


I drafted a complaint against the employer seeking my client's unpaid wages plus liquidated damages equal to the unpaid wages. Although the court date was scheduled for a few months after I left, the employer was finally willing to negotiate and was in settlement discussions with my supervisor. The egregious wage theft, minimum wage, and overtime violations clients like this one suffered reinforced my dedication to working with this client population after law school.

In addition, I dedicated much of my time to issues surrounding barriers to employment based on criminal history – a wide-reaching problem that CLS has worked diligently to address. I prepared petitions for expungement of non-convictions, wrote advocacy letters explaining that clients with arrest records were not barred from employment in certain occupations, and drafted briefs and memos for three other cases involving barriers to employment. One such case involved drafting a reply brief and response to preliminary objections regarding our claim that the client's application had been unlawfully rejected because of his seven-year-old criminal record. My client had spent the last seven years working diligently for his employer, but when another company bought out the old one, the new employer terminated him based solely on his criminal record.

Through my work on criminal records cases like this one, I came to realize that barriers to employment for people with criminal records is an issue that affects entire communities in ways that reach beyond the realm of employment law. If ex-offenders (or people who have simply been arrested but never convicted) cannot get jobs, the cycle of recidivism is exacerbated. This further stigmatizes people with criminal records, which makes advocacy efforts more difficult and, perhaps more importantly, calls into question whether the goal of our criminal justice system is actually rehabilitation (it isn't). Although I plan to practice on the civil side of the law, this work was a great way to mesh my interest in criminal justice with my passion for employment law.

Furthermore, this work also highlighted what makes the employment unit at CLS so unique. CLS identified a need after countless clients complained of their inability to find employment because of minor and/or old criminal records and shifted its limited resources to fight the discrimination and reactionary laws at the heart of the problem. Part of this ongoing effort is to strategically identify good cases and bring law suits in order to establish good case law under an old, but seldom enforced, Pennsylvania statute that says that employers can only consider convictions (not arrests) that affect an applicant's suitability for employment. Even though I was still working in direct services on a case-by-case basis (and was not particularly involved in the policy and legislative advocacy efforts of CLS), knowing that the cases I worked on were part of a larger effort to effect wider-reaching change is something I really valued. Although this mix of direct services and broader advocacy is what drew me to CLS in the first place, my experience this summer further cemented my desire to do this type of work in my career.

Sincerely,



Seth Lyons

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