

August 20, 2018

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

Dear Mr. Ruben:

Shortly into my summer internship with Legal Services of South Central Michigan, *The New Yorker* published an [excerpt from a commencement address](#) that the journalist and doctor Atul Gawande gave to a class of medical students. Gawande recounts the experience of working in the trauma bay of an emergency department early in his career and tending to a foulmouthed, racist prisoner who had swallowed half a razor blade and slashed his wrist. It's a beautifully written piece about the importance of empathy and finding the humanity and dignity in others. It urges the audience to embrace curiosity and reject simplistic notions of categorizing people as evil or crazy or heroes or angels. Gawande concludes by reminding the recent graduates that "you will be given trust to see human beings at their most vulnerable and serve them. That trust is earned because of your values, your commitment to serving all as equals, and your openness to people's humanity."

After a summer working as a law clerk at Legal Services of South Central Michigan (LSSCM), Gawande's words have become particularly resonant. I thought about them often over the course of my clerkship. Though I have long been interested in a public interest law career, I had never before *seen* the actual work of a public interest lawyer up close. That changed this summer when, alongside a relatively small staff of attorneys working out of a townhouse office in downtown Ann Arbor, I helped low-income residents of Washtenaw County residents in a variety of civil law cases. The bulk of the caseload was landlord-tenant disputes, in which landlords had begun the legal process of evicting our clients. Here, the institutional knowledge of my colleagues, gained through decades of experience in the world of Michigan housing law and the Ann Arbor legal community, served our clients well. LSSCM was often able to negotiate a payment plan for unpaid rent or put forward affirmative defenses on behalf of its clients, who sometimes withheld their rent in protest of landlords' failures to repair damage or maintain proper upkeep of the premises. Through it all, the staff maintained a level of professionalism, patience and grit worth emulating.

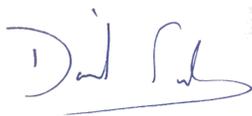
Along with other law clerks in the office, I helped with legal research assignments, fact-gathering, intakes and occasional court and administrative hearing appearances on behalf of our clients. I was fortunate to have the opportunity to work on at least one project with each of the supervising attorneys at LSSCM during my summer law clerk experience. One particular gratifying project involved drafting a short memo to the Michigan Department of Health and Human Services, requesting clarification on how the state determined Medicaid eligibility for beneficiaries who sell their homes and, in doing so, earn an influx of money that would disqualify them from Medicaid eligibility. Federal law allowed for a three month grace period of sorts, during which time an individual could use the proceeds from the sale of their home to purchase a new home while maintaining their Medicaid eligibility. Michigan law, though, was

unclear and, if anything, suggested that no such grace period existed. After submitting our memo to DHHS, the Department responded in an email, agreeing with our interpretation of federal law requirements and promising to issue clarifying guidance in the coming months.

I also had the opportunity to interact and work directly with clients while at LSSCM. Both office intakes and client home visits helped me gain a deeper appreciation for the challenges faced by individuals and families who straddle or fall below the poverty line. It was helpful to be reminded of one's own privilege, especially when working with clients who must choose between fixing their car so they can keep their job or paying the rent so they can keep their home. It became imperative not only to listen to the words of these clients, but also to discern and validate the emotions underlying those words. I remember conducting a home visit with a colleague to a client's condemned mobile home. For more than a month after moving in, the client had no running water. Requests to the landlord to help with black mold infestations, broken windows and appliance and literal holes in the floor went unanswered. The client expressed gratitude for our willingness to come see her home in person – to bear witness, to listen to her and believe her.

Nobody wants to find themselves in a situation where they are seeking legal help. LSSCM's clients are almost always in extraordinarily stressful situations. To the extent that we, as lawyers, can be empathetic in our interactions, dogged in our advocacy, and thoughtful in our work, we are doing our jobs. I'm grateful to Equal Justice America for giving me the opportunity to try to live up to those goals and contribute to LSSCM's work and mission.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Fegley". The signature is stylized with a large initial "D" and a long horizontal stroke at the end.

David Fegley



August 19, 2018

Emma Ruben
Equal Justice America
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Midlothian, VA 23112
emma@equaljusticeamerica.org

VIA EMAIL

RE: Evaluation David Fegley, 2018 Summer Law Clerk

Dear MS. Ruben,

I am the supervising attorney of Legal Services of South Central Michigan's Washtenaw County office (LSSCM), a division of the Michigan Advocacy Program. Our office provides free civil legal services to low-income residents in the Washtenaw county area. My fellow staff attorneys and I had the pleasure of supervising Equal Justice America award recipient David Fegley as a Summer Law Clerk this year. He has helped expand our capacity to serve vulnerable individuals, particularly in housing and public benefits matters. As we are often only able to provide full legal representation to about 33% of those who request our support, his attention to detail, keen legal reasoning, and client-friendly demeanor made a significant impact on our ability to provide a greater quantity and quality of legal services to members of the Ann Arbor-Ypsilanti community.

Here are highlights of some of the projects that David worked on during his summer with us:

- Conducted home visits with a supervising attorney to document the level of disrepair of a condemned mobile home whose occupants were facing eviction. After interviewing the client, David followed up with phone calls to neighbors and friends to confirm the client's story and gain a fuller understanding of the problems that plagued the mobile home park. One of the photographs David took at the home visit -- which showed the serial number of the mobile home in question -- was used to counter the landlord's false claim that he possessed valid title and deed to the unit.
- Drafted a memo to the Michigan Department of Health and Human Services (DHHS) that led the agency to change its interpretation of a state statute that dealt with asset tests for Medicaid beneficiaries who sold their homes (with the intention of using the profit from home sale to purchase a new home).
- Made an appearance in 14B opposite a pro se landlord, handled procedural matters, and successfully convinced the court that it would be unconscionable to require a tenant to post monthly escrow with the court, considering the dilapidated state of the unit in question, and the difficulty in assessing the unit's true value.
- Represented a client in an administrative hearing at DHHS and helped to successfully negotiate a reimbursement of 14 months of health insurance premiums that a client had

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been paying out of pocket. DHHS had wrongfully denied her access to the Medicare Savings Program, which covers these premiums.

- Drafted a research memo on disparate impact and Fair Housing Act violations.
- Drafted memos and conducted research on 1332 Waivers and Michigan's Medicaid program for a client receiving insufficient funding to cover the in-home care services she required to live independently.

As stated previously, these are just highlights of David's work. He also performed multiple client intakes on a daily basis, vetted cases for attorneys, and fielded numerous emergency calls from clients at risk of losing housing and in need of immediate legal advice. In our office, law clerks are often the first person with relevant legal experience that a client encounters during a life-changing emergency. David handled this role with class, took advantage of the opportunity to further develop his legal skills, and through his service, made a significant positive impact on our ability to meet client needs. We appreciate his service and would welcome him back in the future.

If you have any questions, I can be reached at (734) 665-6181, ext. 121.

Sincerely,

S. Kerene Moore
Supervising Attorney

cc: David Fegley