

August 31, 2017

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

Dear Mr. Ruben,

I was fortunate this summer to have the opportunity to work as a summer legal intern for the Aging and Disabilities Unit of Community Legal Services of Philadelphia. In this role, I did everything from researching and writing briefs on behalf of clients, to preparing for hearings before Administrative Law Judges, to monitoring nursing home violations in Philadelphia, and many things in between. Two victories on behalf of our clients truly stuck with me, however, and so I will share those stories below as a snapshot into my widely varied experiences. I have used only first initials to protect client privacy.

First, client J's mother passed away at the beginning of February, 2017. J, as her mother's representative payee, had been receiving monthly direct deposits from SSA into a joint checking account that she and her mother shared. After her mother's death, PNC bank froze J's account because they wanted to return the full payment that arrived on February 3rd, the day after her mother's death, to SSA under the US Treasury reclamation policy (which didn't, in fact, apply in this case because J was a rep payee), but the balance in the account was less than the amount of the payment. A Community Legal Services paralegal advocated for J for months, negotiating with the bank; having SSA send a letter to the bank stating that the payment had been due and that they would not be issuing a reclamation notice; and having J take an additional letter from SSA in to the bank herself. The bank continued to maintain a hold on the money, denying J access, and demanding that J deposit *more* money so that they could send the full sum back to SSA. PNC stated that they would neither send the money back nor release it until they got a Reclamation Notice, which SSA had repeatedly told them they would not be issuing. At this point the case was handed off to me. In preparation for continued negotiations with the bank, I got an updated letter from the local SSA office and got PNC to give me a direct line to a supervisor so that I could call back with J on the phone so that she could grant me permission to negotiate with the bank on her behalf on this issue. J, being quite elderly, had previously had struggles waiting through the necessary two or more hours of holds and transfers required to get to an actual person within this bureaucracy. I then spent three days in a row on the phone arguing with increasingly senior representatives of PNC about the long list of federal treasury and SSA regulations that the bank was violating. Although the bank still refuses to acknowledge that their policy is in violation of these regulations, about a week later they agreed to release the hold on the account! The next morning J went to a PNC ATM and withdrew the maximum allowable amount, then went into the bank and closed the account! Community Legal Services now also has the direct line to the highest level of the consumer claims department, which will hopefully speed this problem along the next time it occurs. Working at CLS showed me on numerous occasions how valuable non-legal solutions can be to getting clients the outcomes they need and this was an exciting example.

Second, I wrote the post-hearing brief for our client, G, who had been declared to be disabled under the Social Security Listings, but who had not received several months of payments because he had been declared to have been living in a “public institution” after his release from prison into a halfway house. Although this “institution” was privately owned and run and did not have the power to restrain residents under its agreement with the state, ALJs in prior cases had repeatedly found that the mere oversight of this and similar halfway houses included them under the definition of “public institution” and thereby disqualified disabled residents from receiving payments. However, in my brief I cited to a case that addressed whether or not this exact halfway house under a different statutory scheme—one that defined “public institutions” for the purposes of determining time served for re-convicted parolees. Although written for a very different purpose, the definitions of “public institution” under the two schemes were nearly identical. The prior case went through each aspect of the definition as it applied to the particular institution in question and found, unequivocally, that it was not a “public institution.” Although both my supervisor and I thought that it might be a stretch, I quoted from the case at length in the post-hearing brief, arguing that the institution could not be declared “public” in one instance and “not public” in another under identical definitions, just dependent upon what most suited the interests of the government. To our surprise, it worked! When we received the ALJ’s decision back, it was fully favorable for G! What is more, in explaining his decision, the ALJ quoted extensively from the case that I had cited.

Community Legal Services of Philadelphia is a truly incredible organization that does so much work for its clients across a wide variety of legal issues, and working at the individual, community, and policy levels. The exposure I gained there to a variety of legal services approaches and a variety of subject matter is something that I don’t believe I would have likely been able to find elsewhere, and I feel immensely privileged to have been a part of it. Thank you, Equal Justice America, for all of your help in allowing me to access this experience.

Sincerely,

A. Cameron Duncan
University of Virginia School of Law
J.D. expected, May 2019