



EQUAL JUSTICE AMERICA

Summer 2023 EJA Fellow:



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Update 1: This summer, I am interning with the organization Catholic Migration Services in Queens, NY as part of the Workers' Rights Unit. As someone interested in the links between employment law and immigration law, CMS—as an organization with immigration and employment law team—is a perfect place to start learning more about employment issues.

The first week of the internship, I attended a day-long training on employment law. Besides getting a primer on a new area for me, it also gave me an opportunity to meet legal interns from different organizations across the city! New York's labor laws differ in some ways from federal law, oftentimes providing our clients with more protections and ways to recover if those rights have been violated.

Entering week two, my supervisor has thrown me right into projects. I've been doing everything from drafting complaints, doing research for motions based on recent advances in local law, and meeting with clients. Client interaction has so far been a highlight, as much as I like honing my research abilities, there is something special about the face-to-face interaction that accompanies helping someone vindicate their rights. In the employment context, particularly because we spend so much of our life at work, there is often a deep sense of indignity or personal affront that goes along with the injustices. Our clients do want to recover things like back wages they may be owed or overtime they were shorted, but they also hope to reclaim respect.

Update 2: This is my fourth week at Catholic Migration Services, and I now feel as though I have a better grasp of both of employment law in a practical sense as well as the flow of CMS' work.

In the past week and a half since my last update, I mostly focused on filing a series of NY state Department of Labor complaints for clients. Even though these forms are very routine, and in some ways much easier than filing a civil suit against an employer, the amount and specificity of the information required can be a struggle.



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This is especially true given the difficulty of contacting our clients with busy schedules and the information asymmetry many low-income, immigrant workers face with their employers.

Although the forms can be hard to utilize to convey the informal nature of many of these employment relationships, they are still a valuable tool because they bring in the Department to investigate. Many times, the DOL will be able to exert more pressure on employers to settle, which is important because of how hard it can be to recover in civil suits. Even with a ruling in CMS' client's favor, or a motion default judgment such as the one I worked on last week, employers will often be unresponsive to judgments or not have the money to pay. CMS has been part of a coalition pushing for reform to NY laws that would help people collect on judgments by making it harder for employers to hide assets via transfers and other financial maneuvers.

These last two weeks were also capped off by CMS' event for World Refugee Day—a clinic for those applying pro-se for asylum where applicants could ask lawyers questions. It was an incredibly rewarding experience that allowed me to connect with the larger mission of CMS as we made a difference for those braving some of the more byzantine areas of US immigration law by themselves.

Update 3: This week marked my sixth week at Catholic Migration Services, and as cliché as it may be, I am baffled at how quickly the time has gone.

Recently, I've had the chance to work on and see some more case resolutions than in past weeks. While it is nice to get to work with a client at the beginning of the process and build up a rapport with them as you go through the steps of their case, I've been lucky to get to see clients experience the termination of their cases. At the end of a mediation that we expected to be a slog, CMS was able to secure a fair settlement for a client whose case had dragged on for four years. While I cherished the opportunity to contribute to that positive outcome through translating for her during the mediation, it was also a reminder of the impact any case—but especially those that last years—has on a client and their families. As law students, we very quickly are made to digest the slow-moving nature of the legal system, but when you are the plaintiff or defendant, multi-year litigation can dominate your life negatively even if you win. For this particular client, the process being over seemed almost as much of a relief as her settlement.

I have also been working on a motion related to a new amendment to New York state labor law. As of January 2022, general contractors can be held liable for certain downstream labor violations—particularly related to wage theft—committed by their subcontractors. This law is an excellent tool to combat the way employers can leverage the informal and byzantine nature of the construction industry to their advantage. The newness of this amendment means that many attorneys do not have tried methods for approaching these cases. Still, it substantially increases the chances of recovery in an industry rife with shady, corrupt practices for some of the most vulnerable clients—in New York there are a high number of incidents of exploitation of recently arrived immigrants.



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Update 4: Over the last two weeks, I have had the opportunity to get out of the office a bit more and see the ways that CMS and other civil legal service providers are able to make impacts beyond their individual clients.

I had the chance to accompany an attorney from CMS and one of the clients to a meeting with the federal Department of Labor with the hopes that they might instigate a workplace wide investigation into an employer's violations. As I previously mentioned, government agencies are often more effective both at recovering money for clients, but also advocating indirectly for those too scared to speak up. The role of CMS in these interactions though is to help channel the efforts of the government investigators because they are simply too overwhelmed to get to everything unfortunately.

Similarly, I got to attend a presentation in South Brooklyn focused on educating people about their workplace rights. The session occurred tacked on to the end of an OSHA class which helps people obtain workplace safety certifications. The hope is that by arming people with knowledge beforehand, it will allow them to advocate for themselves in their workplaces and better identify violations. The other side of this though is the acknowledgement that the vast majority of people who need civil legal assistance, but lack the means to pay for it, will not find legal representation. The important work of groups like CMS, while focused on helping individuals, will always have a greater impact and an eye towards improving conditions in our society at large.

Update 5: Writing now during my tenth and final week with Catholic Migration Services, I cannot believe how quickly the summer has past and the amount I have learned in such a short time. I saw firsthand the ways in which the civil legal system is stacked against low-income workers seeking justice, as well as the impact access to free legal services can have.

Unlike many areas of public interest law, for instance—criminal defense, CMS clients come to the organization after something has already happened to them. This means that as opposed to being defendants attempting to stave off a bad outcome, CMS has the opportunity to improve the situation rather than preserve it. It also means that, beyond the issues faced by low-income workers generally, the clients have been uniquely disempowered in their workplace. Part of the CMS mission then, and what I was able to help with this summer, is to empower workers by providing them with one of the key tools many employers already have or have access to: attorneys. Having someone on their side who knows the law and how to advocate for them allows clients to fight not only for their rights but also their dignity, by empowering them to go on the offensive and demand stolen wages or unpaid overtime or compensation for discrimination suffered. I was surprised this summer by the number of clients who, more than money, were interested in teaching their bad-actor-employers a lesson so that they would not harm more workers in the future.

This solidarity was heartening in the face of the other legal and strategic advantages that employers have, many of which can only be addressed by policy changes. For example, I learned at CMS that settlements save not only time and resources, but also the chance at remuneration at all because collecting on a judgment is often harder



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than obtaining one. For clients, this feels doubly unfair, especially after having been put through the stress of a lawsuit. During my time at CMS, the organization was advocating for legislation at the state level in New York that would make it harder for employers to shift around assets to avoid judgment. Unfortunately, reform did not pass this legislative session, but policy change is a key area working alongside direct legal services.

Direct legal services though are not just about providing legal aid and expertise. This summer I saw how attorneys played many roles for clients who may have been failed by not just the legal system—for example by offering tax advice, referrals for mental health providers, or just an ear to listen. Employment disputes can both become emotionally fraught, particularly for domestic workers, and also, like any interaction with the legal system, have an outsized impact on other areas of clients' lives. A client's who was the victim of wage theft may end up in eviction proceedings because they were unable to pay rent or have received threats regarding their immigration status, for instance. The interconnected nature of these issues was uniquely clear at CMS, which also has a housing and immigration division.

I am very grateful to CMS both for the impactful work they do serving our community here in New York and for the chance to learn more about these issues and gain experience in a civil direct services setting. This summer has strongly influenced my decision to continue with both employment law and direct services work as I look towards completing my studies and eventual career. I am likewise grateful to Equal Justice America, whose assistance made my internship this summer possible, for not only helping me on my path but for providing resources that bolster organizations like CMS and allow them to help more individuals than they otherwise would.