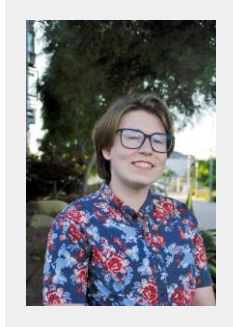




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Summer 2023 EJA Fellow:



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Update 1: I am so thankful to receive funding from Equal Justice America to support my legal work with the Homeless Action Center this summer. HAC provides the community with a variety of low-barrier services, but the day-to-day legal work is focused on public benefits advocacy, namely SSI and SSDI. I am working closely on an SSI case and will be representing my client in an administrative hearing in July. Throughout the summer, I will be periodically posting updates documenting my experience at HAC and sharing what I've learned.

The need for HAC's work comes from the system's extreme hostility to poor people seeking benefits they need to survive. For example, when applying for Social Security benefits, there is a five-step inquiry that determines whether a claimant meets SSA's legal standard of disability. This standard generally requires very specific medical findings. With SSA often disregarding a claimant's doctors' opinions, it is easy for cases with strong evidence of disability to be denied at every stage. It can take many years of appeals to finally be approved; my client first applied for SSI in 2013 (when I was still in the eighth grade!) and is still fighting to prove disability after appealing up the administrative hierarchy and to the District Court twice.

Over the last few weeks, I have also been exposed to the various programs HAC implements to address the systemic barriers the community faces. Four days a week, HAC hosts a low-barriers drop-in clinic that is open to the public where people can receive brief legal services, such as help navigating their benefits, help contacting the SSA, free DMV fee waivers for California IDs, and referrals to legal aid organizations that specialize in specific practice areas. The clinic also provides some basic needs such as snacks and water, bus passes, and access to a telephone to make personal calls. Last week I was able to shadow this clinic and sat in on a few phone calls with SSA to sort out issues with benefits not being distributed. HAC also does a lot of community outreach, bringing legal services to people where they are rather than having them come to the office. Tomorrow I will be shadowing a benefits clinic hosted at a local shelter. I am so excited to have these opportunities to regularly provide in-person services and participate in a variety of HAC's programs.

Update 2: A month into my internship at Homeless Action Center I am really enjoying the opportunity to assist clients on a frequent basis. This week at the drop-in clinic, I was able to help someone renew their



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CalFresh benefits, and helped draft a grievance letter for a client against their employer for wrongfully suspending them without pay.

However, I have been spending most of my time working on the pre-hearing brief for my SSI case. For this case in particular, I am emphasizing the errors of law made by ALJs in my client's two prior hearings. In 2016, the ALJ in the first hearing improperly weighed the evidence and discarded favorable medical sources without providing sufficient reasoning. Three years later in 2019, the N.D. Cal. District Court issued a decision remanding the case to correct the error. When the case went back for a second hearing in 2021, the ALJ not only failed to correct the error, but made another egregious error by applying a completely erroneous legal standard. My client appealed again, and the Social Security Administration agreed that there was blatant error that must be corrected with a third hearing. This is not abnormal for a HAC case: many clients go through several hearings and appeals to correct legal errors before finally having their applications approved. This just demonstrates the necessity of this work, since the typical SSI/SSDI applicant does not have the resources or expertise to ensure that ALJs are applying the correct standards in deciding their cases.

Because this case has been pending for almost ten years, receiving a fully favorable decision would entitle my client to an enormous sum of backpay - roughly \$1,000 per month. While obtaining this money for my client would undoubtedly be a huge victory, this is income that should have been paid steadily over the course of years to provide my client with funds to live off of. Instead during that time, he has been mostly homeless and struggling to meet basic needs. By dragging on these cases for years, SSA leaves disabled people in genuine need without assistance, defying its mission of providing a safety net for those who cannot work.

Update 3: More than halfway through my summer at Homeless Action Center, I've finally finished the brief for my client's SSI hearing, which is on Tuesday. The brief cites mostly my client's medical records and argued that he was unable to work from 2013-2020 due to disability. I spent the day preparing for my hearing by prepping my client's testimony and participating in a mock hearing with attorneys at HAC. In the hearing, I will question my client and the Social Security vocational expert. The vocational expert testifies as to whether there are any jobs available in the national economy that could be performed by a person with certain functional limitations, such as the inability to lift more than ten pounds or concentrate for more than two hours at a time. I will pose questions to the expert as to whether my client's limitations preclude him from working. If the judge finds that there are no jobs that my client could have performed, he will be found disabled and his benefits will be approved, with a significant award of backpay.

Additionally, I had the opportunity to shadow the outreach team last week. The outreach team frequently visits local homeless encampments and hands out supplies, food, water, free ID vouchers, and gets people connected to HAC's services. They also frequently go to places looking for specific HAC clients. Oftentimes, people can't make it to the office to receive services, or clients don't have a phone for their attorney to contact them about their case. Outreach is therefore essential to HAC's work by linking the community with the services HAC offers. After my hearing is over, I am looking forward to accompanying the outreach team on many more trips.

Update 4: As my internship with Homeless Action Center nears an end, I am shifting gears to focus on smaller projects, and investing more time shadowing the drop-in clinic, outreach team, and shadowing attorneys on various aspects of SSI/SSDI advocacy. Last week I represented my client for the first time at an administrative



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hearing, after spending all summer preparing. In the next few months, we will get a decision. It was so gratifying seeing all of my work on this case pay off, and I feel so lucky to have been able to lead a hearing after my first year of law school.

This week I also wanted to shed some light on the role that systemic racism, particularly anti-Blackness, plays in perpetuating homelessness. In an educational training given to HAC staff, the National Homelessness Law Center reported that in the United States, 39% of homeless people and 53% of homeless families are Black. Specifically in Alameda County, 47% of homeless individuals are Black, compared with 11% of the general population. While nobody at all should be homeless, this extremely disproportionate representation of Black people in the homeless population reveals how devastating and deadly systemic racism is. Factors such as criminalization, police abuse, interpersonal violence, and discrimination in housing, lending, and employment commonly push people into homelessness, expose them to extreme danger and abuse, and make it nearly impossible to escape. Because of this, it is crucial for anyone working to fight against homelessness to fight equally hard for racial justice and to be educated about the specific challenges that homeless people of color face.

Update 5: I have spent the last week and a half since my internship with the Homeless Action Center ended reflecting on the work I have done and how I will bring what I have learned to my future work.

I have become well-versed in the process and challenges that SSI/SSDI applicants go through. Working on my client's SSI case, I collected evidence from the client's medical records, wrote a brief for an administrative hearing, prepared the client for hearing, drafted hearing questions for the client and experts, and represented the client at hearing. I have seen how devastating inefficiencies in the system can be for poor disabled people. SSI/SSDI cases often take many years to resolve, because of high backlog and Social Security administrative law judges applying wrong law, leading to multiple appeals. While these lengthy cases often lead to large backpay awards, they prolong suffering by leaving disabled people without any stable income for years.

I also learned to approach client advocacy with harm reduction techniques, which will enable me to center clients in my future work. I had lots of opportunities to engage with the local homeless community through assisting with a drop-in legal clinic and participating in benefits advocacy. A big part of this work was talking and listening to people, and hearing about how their legal challenges impact their lives. I saw firsthand the role that systemic racism and ableism played in keeping people in poverty and homelessness. This experience gives me a unique insight to the challenges that clients face that will inform any future social justice advocacy I do.

However, what I have learned above all is that homelessness in this country will not improve unless we have sweeping policy change. The work that HAC attorneys do is crucial to helping people navigate the government benefits they are entitled to. But the existing government benefits are inadequate and do not provide a path to stable housing. In order to fully address homelessness, we need policies specifically designed to place people in affordable stable housing.

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