



EQUAL JUSTICE AMERICA

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EJA FELLOWSHIP RECIPIENT

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Update 1:

I have had a great start to the summer working at the Northwest Workers' Justice Project. I have enjoyed working with others who are passionate about labor, and it has been especially interesting to see the overlap between labor rights and other civil rights issues, such as protections against racial and sexual discrimination. I have also learned a lot from going to events hosted by the Oregon Bureau of Labor & Industries (BOLI); their trainings have offered many insights into legal harms to be aware of. Conversing with clients has been very fulfilling. It has been jarring to hear about how brash some employers are about side-stepping the law; it is sad to imagine how many people simply endure abuses because they do not know where to start seeking legal remedies. It has been especially encouraging to hear about victories for clients. It is so easy to feel detached from the reality of law's impact and forget that it can have a real positive impact on people. Hearing our clients talk about their lives, and not just legal issues they are facing, has made it easier to feel grounded in reality and not solely legal theory. I have also felt inspired by seeing how deftly and enthusiastically the attorneys at the NWJP work towards resolutions for our clients.

Update 2:

I am continuing to enjoy my time working with the Northwest Workers' Justice Project. I am learning so much from the attorneys in the organization. On one level, they are very helpful in reinforcing doctrinal parts of the law; in my case, this includes interpretations of the NLRA, predictions about NLRB decisions, and knowledge about state-level administrative law. However, the attorneys have also been mentors on softer legal skills. They have imparted wisdom about dealing with opposing attorneys: knowing when the other side is playing games and how to counter them, knowing when to take a hard or soft touch, and knowing when to push for a settlement rather than trial. One specific thing an attorney said has really stuck with me. They said, "If you ever find yourself listening to a gritty story from a client, and you feel nothing, then you need to step back until you've found your grounding again." Their point was that it is so easy to get detached from the personal nature of the law, and the way that it affects real people, and defending them without passion is doing your clients a disservice. It is inspiring to work



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with people who care more about the wellbeing of their clients than they do any other facet of the legal profession.

Update 3:

The last few weeks at the Northwest Workers' Justice Project have been exciting, as we have been preparing for a trial. It has been exhilarating to work on a project with fairly tight deadlines. Some of my tasks have included preparing FOIA complaints; it has been interesting to witness the juxtaposition of bureaucracy and individual interests. When I talk to people with limited experience with the legal system, they assume that processes work smoothly and reasonably fairly. However, in my experiences with this trial preparation, the number of steps, amount of effort, and time necessary to navigate the bureaucracy has a marginalizing effect on ordinary people. It is easy to imagine how a person, without the financial resources or time that their opponent has, would give up on seeking justice. This seems especially true in the context of the NWJP, as we represent employees in suits against their employers, which always have much greater resources than their employees. As someone who is still quite new to the legal profession and arena, I am grateful to have these opportunities to practice navigating complex conventions, so that I will be able to assist people in the future.

Update 4:

Two assignments that I worked on this week at the Northwest Workers' Justice Project really reemphasized the need for legal aid organizations. The first assignment involved a complaint against a large franchising corporation, and in response to the complaint, their counsel prepared a series of responses. The prepared responses composed a linguistic deluge and was at some points very tenuously related to the issue at hand. However, ordinary people do not have the time or financial resources to engage with that kind of strategy, whether the sea of words is meritorious and relevant to the controversy or not. In the second assignment, I witnessed some subtle ways that the legal system further disadvantages underprivileged individuals, even through purportedly neutral legislation. I compared two different statutes that were enacted to ensure protection for agricultural workers; both statutes leave so many backdoor ways for employers to escape obligations owed to their employees. Legal aid organizations are so important, since they can help people without resources, and ensure they are not simply overpowered by the bluster of large law firms representing powerful interests. Legal aid organizations are also crucial because they have the resource to sort out the nuance or exemptions in long statutes, while an ordinary person likely does not have the time to do that. I am excited for the next week of challenges and opportunities to help marginalized employees at the Northwest Workers' Justice Project.

Update 5:

This summer I worked with the Northwest Workers' Justice Project, and I felt like I learned more in the past ten weeks than I did in the first two years of law school. Some lessons were explicitly legal, others were about legal realism, and some were about the value of intentional optimism.

On the explicitly legal side, my mentors at the NWJP helped me hone important legal writing and research skills. They gave me advice about ordering arguments, how to best integrate persuasive authorities, and intricacies of evidence rules. While I had some base knowledge of



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this sort of thing from assignments for school, my mentors gave me guidance on how to be more efficient when dealing with tight timelines.

Perhaps more important was the lessons in legal realism that my mentors bestowed upon me. They gave me an acute awareness of how the legal system operates. They emphasized the need for legal aid organizations, by showing specific examples of how the odds are stacked against those without resources. My organization only dealt with employment disputes, and the firms representing the employers were much larger than our organization. One of my mentors told me that frequently those firms will strategically try to waste your time; in one case, a firm objected to every single discovery request on the grounds that they were unduly burdensome. While finding case law to rebut their claims was simple, it was clear the merit of the claim was not the actual point. Their plan was to tie up a significant amount of time in rebutting unserious claims, which imposed a significant relative cost, given the size of our organization. My mentors also gave me inside scoops on realistic expectations for working with state and federal agencies, as well as opposing counsel. Their realism about legal work is something that is not emphasized enough in law school.

At the beginning of the summer, I had become a bit disillusioned with the idea of working in law. The law oftentimes seems biased in favor of powerful interests, and courts often do not seem interested in disavowing that notion. However, my mentors set an example by focusing on positives, and recognizing that even though the system is flawed, someone has to be there to help disadvantaged people. One thing the organization did to help with this was starting each staff meeting with a discussion of “Wins” for clients or allies—no matter how small. I am very grateful for the time I spent with the NWJP, and the funding from EJA that made it possible. I hope to continue fighting the good fight for disadvantaged individuals in the future.