

September 4, 2009

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

Dear Mr. Ruben,

Thank you and Equal Justice America for so generously supporting my summer clerkship at the Legal Aid Society – Employment Law Center (“LAS-ELC”) in San Francisco, California. With the help of EJA’s Summer Fellowship, I spent ten weeks working for LAS-ELC’s National Origin, Immigration, and Language Rights Program and its Workers’ Rights Clinic. This experience was invaluable to me; it solidified not only my commitment to public interest law, but also my desire to combine impact litigation and direct services throughout the rest of my career.

LAS-ELC offered a unique opportunity to explore two distinct aspects of the legal field. During the day, I worked directly with the National Origin team, researching issues like religious discrimination and profiling under Title VII, terminating sanctions, protective orders, and illegal English-only policies in the workplace. In addition, one evening per week I served as a counselor at the Workers’ Rights Clinic, providing free legal services to low-income workers across California. Although distinct, each of these experiences appealed to me.

On one hand, my impact litigation work allowed me to develop my legal research and writing skills as I helped represent various plaintiffs in wage and hour, tort, and other civil claims. For example, my first – and, ultimately, most time consuming and intense – assignment involved a client who had been systematically underpaid and disrespected by her wealthy employers. Juana, a low-income domestic worker, was owed more than \$50,000 in unpaid regular and overtime wages¹. My task was to draft a Motion for Entry of Default Judgment requesting that the court rule in our favor and award Juana her wages, our attorneys’ fees, and all other expenses related to filing the Motion.

When I began the assignment, I had no idea how complicated it would be. It seemed simple enough – fraudulent conduct throughout the course of litigation seemingly *should* warrant severe sanctions like entry of default judgment. I soon learned, however, that such rulings are rare; no matter how sympathetic the client, or how egregious the conduct, often judges are simply not willing to rule on a case without hearing the merits. And yet my team assigned me to find good precedent and to draft the motion, which would be our last chance to avoid trial. Our client, now well past seventy years old and fearful of her lapses in her memory, seemed eager to stay out of the courtroom. Needless to say, the pressure was on.

¹ Names have been changed to maintain client confidentiality.

When I met with Juana to translate and read the documents we had prepared, she seemed ecstatic, not only because the case was progressing and would hopefully be over soon, but also because so many people were working on her behalf. She had often been ignored and overlooked, and to see an entire team of advocates on her side was more than she had ever hoped for. No matter what happened with the motion or the trial, she said, it already felt like she had taken a stand and succeeded.

In addition to this impact litigation work, I also participated in weekly clinics during which I interviewed clients (either in person or on the phone) and assessed their causes of action. The cases varied, ranging from wage and hour to disability to discrimination claims. Unfortunately, given my largely monolingual, undocumented Latino client base, I was often unable to offer any positive news. Because of California's "at-will" employee standard, and the fact that undocumented workers are ineligible for unemployment, many times I was forced to inform clients that they had no recourse under the law.

Yet, bad news did not provoke entirely negative responses; although disappointed, on the whole my clients were deeply grateful to have had someone listen to and assist them, without judgment or fear of retaliation. Time and again I witnessed the sheer power of access and information – these clients were proof positive that sometimes just knowing where you stand can give you an invaluable sense of security. Sometimes knowing your rights, even if they are minimal or nonexistent, is enough to help you move on and avoid similar circumstances the next time around.

My most memorable clinic client, however, was a man named Clinton, an elderly retiree who decided many years ago that he should continue working on a part-time basis². Although he was nearly seventy at the time, he realized that he was still healthy enough to offer his services to those who needed his help the most. So he began working as a driver for disabled people, escorting them to and from their medical appointments.

But, several years into his tenure at the company, management decided to switch from vans to larger buses in order to transport more people at one time. Given his age and slow reflexes, Clinton felt unsafe behind the wheel of the larger vehicles and requested to continue driving the vans. Unfortunately, because of contracts with a newly formed union, Clinton lost his van shifts and was slowly phased-out of his job. Yet when he applied for Unemployment Insurance ("UI"), his employer contested his claim, alleging that he had voluntarily quit.

I met with Clinton several times to prepare for his UI Hearing and ultimately represented him in front of an Administrative Law Judge. The experience was personally rewarding, for it gave me an opportunity to practice prepping a client, making arguments before a judge, and cross-examining my witnesses. Above and beyond these practical benefits, though, was the opportunity to help give Clinton a voice and to watch him assert himself before his employer. Two weeks ago, when he called to inform me that his claim had

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been granted, I felt prouder and more invigorated then ever before in law school. Clinton is the perfect example of the positive potential of the law.

Clearly, my summer at LAS-ELC has been productive and rewarding, both personally and for the clients I have served. The EJA Summer Fellowship made this work possible. Thank you again for your generous support and for continuing to provide aspiring public interest students with the resources they need to make their dreams a reality.

Warm regards,

Joanne Villanueva
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