

9/1/2013

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

Dear Mr. Ruben,

First of all, I would like to thank you and Equal Justice America for the support you have given me, as well as many others, who aspire to utilize the law to alleviate suffering and assist those in need. The assistance provided enabled me to do work I feel truly passionate about at the Unemployment Law Project (ULP). Advocacy for the unemployed is invaluable during times of economic prosperity. In a time of budget cuts, layoffs and economic instability – it is more important than ever. The Unemployment Law Project, where I spent my 1L summer, helps thousands navigate the enigmatic unemployment process each year. My role included representing clients in administrative hearings, writing petitions for review and a superior court brief. The ULP makes disadvantaged voices louder when employer representatives seek to suppress them. The ULP provides more than legal knowledge – they provide hope and justice.

My experience began with a week and a half of training. I sat in on administrative hearings, learned basic unemployment statutes and precedent, was instructed on administrative rules of evidence, etc. While writing was a large component of my summer work, the bulk of my time was spent preparing for and conducting administrative hearings. In the week before a given hearing, I would speak with the client during a pre-conference hearing, review the case file, submit additional documents, etc. While performing the necessary elements for effective advocacy, I inadvertently developed relationships with and empathy for my clients – further fueling my passion for their cause. While I always took my role in these hearings seriously, there were certain cases that just stuck with me. Through these cases, I was able to shed the artificial and detached version of the law I had spent my first year of law school immersed in.

For instance, I will always remember delivering the good news to a client that her benefits would be reinstated as she cried and thanked me. It was the best day of my summer. My client was on the brink of homelessness after being terminated from her position when she was denied sufficient access to her union representative and asked to

take a fitness for duty exam. This exam was somewhat invasive and my client didn't refuse but only asked to have someone accompany her. She had a difficult time speaking coherently, as she had medical issues including severe post-traumatic stress disorder. Ultimately, the employer determined this was a willful disregard of a known policy and terminated her. My client had felt intimidated by her previous supervisor and had been unable to communicate to anyone else, including the Employment Security Department, what she was thinking and feeling on the day of her termination. Prior to the hearing, we spent hours practicing her direct exam, sorting through documentation and contacting potential witnesses. The facts were complicated and the employer attended the hearing with counsel and three witnesses. Ultimately, with her union representative as a witness, we were able to prevail and my client's benefits were granted. To me, this demonstrated the massive difference advocacy can make within an individual's life. I was brought back from the severed and emotionless bubble of law school and shown the impact of advocacy for those in need.

My belief in nonprofit advocacy was again strengthened when I represented a woman, with limited English proficiency, who was given conflicting messages from two different supervisors about shredding client files. After beginning to shred files, she went to human resources to make sure what she was doing was correct. As this was against policy, human resources promptly terminated her. My client was devastated and confused. When the Employment Security Department (ESD) sent her unemployment paperwork, my client's limited English prevented her from adequately explaining what had happened. The ESD denied her benefits when it determined she had willfully violated a known company policy. After a four hour hearing, we prevailed and my client's benefits were granted. This case illuminated the barriers to justice that exist for many. The ability to pick relevant facts and mold them within the confines of the law is not something many can do without representation and while employers can afford representation, many unemployed workers can't. Playing a role in correcting this imbalance, for me, means purpose and self-fulfillment.

Client after client I understand more the importance of advocacy for those unable to speak up for themselves. It isn't necessarily about wins and losses: clients just want to be heard, recognized and afforded an opportunity to candidly explain their situation to the person determining the outcome of their plight. Justice is a feeling and that feeling can be preserved through advocacy. The preamble to the Employment Security Act states, "[t]his title shall be liberally construed for the purpose of *reducing involuntary unemployment and the suffering caused thereby to the minimum.*" I feel my work this summer furthered this goal by providing access to justice and I am forever grateful for the opportunity.

Sincerely,

Jocelyn J. Whiteley

J.D. Candidate 2015

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