



Summer 2020 EJA Fellow:



Name: Fernando H. Silva

Law School: Chicago-Kent College of Law

Organization: MALDEF

Week of June 15th

As some of you may know, I have generously been selected as an Equal Justice America Fellow and I am currently working at the Midwest Regional Office of MALDEF. My work at MALDEF has included helping clients understand their employment rights against predatory employers.

It's often members of the Latino community, and many other immigrant communities, that are exploited by companies seeking to take advantage of a worker's status or lack of knowledge about their legal rights. These are the exact issues our clients face. Companies like to misclassify workers, make unlawful deductions in pay, and fail to pay for overtime all in the hopes that workers will not retaliate out of fear. Legal organizations like MALDEF provide legal aid to these communities and often use tools like class-action lawsuits in order to include other workers affected by these kinds of practices. It has been a privilege to be a part of the impact that MALDEF makes with these issues and I'm excited to continue working with them this Summer.

Week of July 6th

Despite the distance of working remotely, I've been making the most of my time at MALDEF, aiding impactful policy work and litigation.

I recently drafted a comparison blueprint of different welcoming city (sanctuary) policies, ordinances, and resolutions. Among other initiatives, the work will be used to help shape welcoming city policies for the collar counties of Chicago. Immigrants and foreign nationals need these levels of protection now more than in recent years. Just this week we witnessed the federal government issue a policy that would force international students to choose between leaving the country or transferring to a different school.

Many municipalities have adopted welcoming city ordinances as the U.S. Immigration and Customs Enforcement (ICE) and the Trump Administration continue to release regulations that put these communities



at risk. I'm humbled to aid MALDEF's public policy initiatives and I know there is still much work left to be done.

Week of July 27th

This week, I had the privilege of working side by side with the attorneys drafting a motion to an interlocutory appeal. The experience gave me the chance to see how the litigation team at MALDEF put together a court document. Documents are reviewed several times by different managing attorneys from the regional counsel of Chicago to the VP of litigation all the way in Texas.

My experience was helpful in honing my legal research and writing skills. Afterwards I drafted a Pre-litigation memo regarding remedies under the Fair Labor Standard Act, Illinois labor laws and federal leasing regulations.

It was interesting to see how different truck drivers are treated under federal labor laws. Although I could have researched more about the violations of contract common law, this would have solely helped our client. MALDEF's mission is to advocate for as many individuals as it can. In this case, as many drivers who contracted under this predatory lease agreement.

Week of August 10th

This week I wrapped up my first law clerkship. Although many internships canceled due to the COVID-19 crisis, I was blessed with a chance to not only continue my internship but to learn and work in an area of law that inspired me to pursue my J.D. The past ten weeks have shown me the power of community lawyering and how it enacts systematic change.

From working on 2020 census outreach to writing and researching for pending impact litigation, my knowledge of law and government systems has grown immensely this Summer. MALDEF is a strong non-profit organization that is consistently looking to fill in the gaps where Latino rights are disregarded or subjugated.

I finished my clerkship by drafting a research memo on anti-discrimination laws regarding citizenship and immigration status in Illinois. The research focuses on laws Midwest states can adopt to expand anti-discrimination protections for undocumented immigrants.

I am thankful for the staff's mentorship and support in honing my skills toward legal advocacy. Overall, I am honored I had the opportunity to assist MALDEF's mission of protecting and empowering the rights of Latinos living in the United States.