



Summer 2021 EJA Fellow:



Name: Geoffrey McGee

Law School: Harvard Law School

Organization: Greater Boston Legal Services

Update 1: You might already know that our economy and culture are structured in a way that dissuades people in poverty from accessing governmental benefits. But did you know a little-known provision of our welfare laws prevents children with disabilities from accessing money that's already theirs? By the end of this #EJAFellowUpdate, you'll know all about it.

When Social Security makes a mistake and underpays children with disabilities, the money should be easily accessible right away for the child's benefit, right? You'd think so, but that's not what the law says. I've spent a lot of my time so far at Greater Boston Legal Services learning about a little-known financial requirement that prevents children with disabilities from ever seeing money that is rightfully theirs.

As the law stands today, if the parents of a child with a disability win a legal dispute with the Social Security Administration, the parents are legally required to put their child's award money in a so-called "dedicated account." The money in a dedicated account is earmarked for a select few purposes, not including the basic daily needs of the child. I want to be clear here: parents of children with disabilities have bank accounts full of money that already legally belongs to a child, but the parents can't spend any of it even if the proposed expenditures are exclusively for the coverage of a child's needs.

Many of my clients are discouraged. They have thousands of dollars sitting in the bank that they can't touch, while they barely make it through every month. One of my clients has gone into debt paying for horseback riding therapy for her daughter, who's so desperate to continue her lessons that she told her mom she would clean the stables to pay for lessons. Another of my clients said she would rather go into debt to pay for bedroom furniture for her son than ask Social Security to approve the expenditure.

I couldn't be prouder to represent my clients, and it brings me great satisfaction to advocate on their behalf to the Social Security Administration. But I'm outraged at the hurdles my clients have to jump through to spend money that's already theirs. The law needs to change.



For further reading on the "dedicated account" requirement in the law, I recommend Prof. Mary O'Connell's article "Supplemental Security Income's 'Dedicated Account': A Debunked Urban Legend and Twenty Years of Waste." A shortened version of the article can be found here:

<https://childrensdisabilityproject.files.wordpress.com/...>

Update 2: Picture yourself in this situation: you get monthly payments from the Social Security Administration because of a disability you have. You depend on these payments to cover your rent, food, phone bills, transportation costs, and anything else you need to pay for. One day, you notice an unexpected change in your benefits. What would you do? A lot of you might be thinking, "That's easy, I'd just call Social Security!" But what if no one picks up the phone?

I'm halfway through my internship with Greater Boston Legal Services, so it's time for another EJA Fellow update. This time, I want to talk about my experience calling Social Security field offices. I want to start off by making one thing very clear: Social Security field offices are full of claims representatives who are hardworking, dedicated, and compassionate. Any problems with Social Security offices go much deeper than any individuals who work there. The challenges that I'm about to describe are systemic, not personal.

When GBLS clients have issues with their benefits, the only way to figure out the problem is to talk to Social Security claims reps. But these claims reps, sadly, are all juggling too many cases at once. Sometimes, it takes multiple weeks for calls to get returned. Even with lawyers from GBLS working full-time on cases, sometimes we reach a point where all we can do is wait for the government to move. And not everyone is lucky enough to have access to lawyers to begin with, so they have no option but to play a waiting game, spending their working hours desperately trying to reach people, because the only alternative is to put their family's financial stability at risk.

I'm always proud to represent my clients on the phone with Social Security. If we're going to #StopBureaucraticDisentitlement, someone has to be willing to do the work of sorting through the administrative challenges. Although I've had my fair share of frustrations with these offices, I've also seen that persistence pays off, and that getting the right set of eyes on a request can make all the difference. These past two weeks, I've seen dedicated accounts requests approved (see my first update for information on that!), benefits payments increased, and slow but steady progress made on administrative appeals. Behind every roadblock, I know there are people in the system who really do want the best for my clients just like I do, and every call to Social Security means another step toward a benefits payment for someone who needs it.

Update 3: Most first-year law students take a legal research and writing class, but does that class actually prepare us to engage in the work of representing real people?



EQUAL JUSTICE AMERICA

LEGAL SERVICES FELLOWSHIPS

It's time for my third #EJAFellowUpdate. I've been spending a lot of my time at Greater Boston Legal Services working on a brief for one of our clients, who was found not disabled by Social Security and decided to appeal that finding. Far from being an academic exercise, I'm acutely aware that this brief could be the difference between my client getting by every month, or continuing to struggle to make ends meet. The academic exercises I did in LRW class felt almost trivial. This case feels very different. Like so much of what I've done with GBLS, writing a brief for a client is a great reminder of why I came to law school in the first place. Injustices can never be corrected without hard work, real commitment, and optimistic dedication.

Entry 4: My summer internship with Greater Boston Legal Services has come to an end, so it's time for my last EJA Fellow update.

Throughout my career so far, I've learned that the most meaningful work is never easy. Working with people with disabilities this summer often made me angry; not at my clients, of course, but at the legal structures that keep them in poverty and powerless. I was angry that my clients were kept from accessing money that was rightfully theirs because of the laws around dedicated accounts. I was angry that so many people just like my clients would never be able to successfully navigate the social security system because they didn't have access to lawyers. I was angry at the fact that clients can wait years for the Social Security Administration to make decisions on their cases while my clients desperately struggle to make ends meet. I was angry.

For a lot of this summer, I struggled to understand this anger. I tried to rationalize it, to suppress it, to tell myself that I needed to be calmer. I would log off of work on Friday and struggle to relax all weekend, and would spend my free time wrestling with my complicated feelings about the work I was doing. But at the end of my time with GBLS, I realized that the anger was there for a reason. For ten weeks, I was feeling the same thing that my clients feel every day of their lives. When moral outrages happen, why wouldn't I feel outraged in response?

In the end, I have many things to be grateful for about my time at GBLS. But the one thing I'll remember the most is that rightful anger as a response to injustice isn't a feeling I have to run away from. Anger for its own sake is cynical, but anger as a path toward correcting injustice can be beautiful. My best moments in my internship were when I let the anger motivate me to solve a problem for my client and to do some good in the world. Next time I feel angry, I'll sit in it, appreciate it, understand it, and then ask: where can I let this feeling take me? How can I use this feeling make someone's life better?

Equal Justice America made it financially possible for me to take an unpaid internship this summer. If you have the means, please considering donating at this link to support future fellows, including Harvard Law School students, who need funding to work in the public interest.