

Workers' Rights Clinic Links Law School with Legal Aid

[by Erica Winter]

The Legal Aid Society-Employment Law Center, San Francisco, has teamed up with Bay-area law schools to provide free legal services to low-income people facing problems in the workplace. The Bay Area Workers' Rights Clinics program seeks to extend the Legal Aid Society - Employment Law Center's (LAS-ELS) mission of providing "sound practical advice on legal rights in the workplace," says LAS-ELS senior staff attorney Mike Gaitley.

Participating law schools include Boalt Hall, Hastings Law School, and Santa Clara University School of Law, all located in the San Francisco Bay area of California. LAS-ELS partners with the law schools to train students to be "front-line counselors," says Gaitley. Immediate benefits are twofold, he says. The program trains students in practical legal skills, and it also broadens the reach of LAS-ELS to serve more people. One attorney at Legal Aid could talk with five people per night, says Gaitley; with the law students involved through their schools' clinics, they can serve 25 people per night.

Workers' rights was the spark that ignited clinical education at Santa Clara Law in 1993, when members of the schools' La Raza Law Students Association started the East San Jose Community Law Center to help low-income people in the area in a wage dispute. The law school's clinical program is now the Katharine & George Alexander Community Law Center, and includes workers' compensation, immigration and consumer law services. The field of workers' rights was the "impetus for starting clinical work at the university," says Margarita Alvarez, Supervising Attorney in Workers' Rights at the law center.

The Bay Area Workers' Rights Clinics program runs in different locations during the week - in San Francisco at Hastings Law School on Mondays, in San Jose with the Santa Clara clinic on Tuesdays, over the phone via a 1-800 number on Wednesdays, and at Boalt Hall on Thursdays. Both Santa Clara and Hastings law schools include the clinic in their programs for course credits;

the Boalt Hall clinic is staffed by student volunteers. There are designated attorney-teachers for each site; Gaitley is the attorney for the Hastings Law clinic, and Alvarez is the one for Santa Clara Law.

At the start of the summer or the semester, law students receive training from LAS-ELS and their law schools, including role-playing and a mock intake interview video - "so they can approach the first interview with less trepidation," says Gaitley. Students also receive training on basic issues in employment law, such as discrimination, workers' compensation, and wage-per-hour issues.

During each clinic night, eight to twelve law students do intake interviews with people seeking aid with workplace problems. After talking with a person for about half an hour, the student will describe the situation with an attorney. The student then returns for a follow-up talk with the person and passes on the conclusions reached in the discussion. The student-attorney sessions are "very instructive," says Gaitley. The "students do the work, the attorney is there to guide them in thinking the whole thing through....to supervise and act as a safety net for the student."

Sometimes the relationship continues after the initial interview, with the clinic taking the person on as a client.

The primary concern brought to the clinic is when a worker is not paid his or her final paycheck upon termination, says Alvarez. Often, law students and attorneys will find that these same clients have not been getting

overtime pay as well. Second-most common are people who feel they have been wrongly terminated - because of discrimination, or because of one mistake after years of work. The majority of the workers' rights clinic clients come from urban Santa Clara County, and work as laborers, landscapers, or in restaurants, says Alvarez.

At Santa Clara Law, the workers' rights and workers' compensation clinical services often overlap, says Alvarez. People will come to the clinic seeking help receiving workers' compensation benefits, but will also need help for the workers' rights section if their employers are making it difficult for the worker to return after recovery.

There are over 100 lawyers who volunteer to supervise law students in the clinics on a pro bono basis every year. About 100 law students participate, and between 2,000 and 3,000 low-income people receive help through the clinics every year, says Gaitley.

Santa Clara and Hastings pay LAS-ELS an annual stipend to teach the clinical course at the law schools. The rest of the funding comes from Legal Aid fundraising. "We have an incredible board of directors," says Gaitley. LAS sees contributions from foundations and cy pres awards, as well as law firms. Firms funding LAS work are "so generous," he says, adding that, among Bay-area firms, there is "a universal willingness to chip in."