

Hilda Montes de Oca

Equal Justice America 2008 Fellowship Essay

My summer experience with Bet Tzedek Legal Services help taught me much about the triumphs and frustrations that public interest attorneys face on a daily basis. During my time with Bet Tzedek, I was fortunate enough to serve two clients: one of whom I was able to help obtain a waiver for a Social Security Disability (SSDI) overpayment, and another whose tenuous circumstances prevented me from doing more to help him with his unpaid wage claim. These two cases taught me much about the limitations of a purely legal solution to the inability of low-income litigants to obtain equal access to the justice system.

In early July, I handled the intake for a middle aged woman who came into the office with letters from Social Security that stated she had received overpayments from them totaling more than \$18,000, some dating back to March 2007. Our client was a former executive who suffers from Crohn's disease, is a recovering alcoholic and suffers from a condition resulting in seizures. She was so concerned about the overpayment that in October 2007, she wrote a long letter explaining that she was confused about the rules governing outside earnings and eligibility periods and never intended to take any money to which she was not entitled. After going through her paperwork, I asked her if she'd filed the required waiver form, and she indicated that she hadn't. I then supplied our client with the waiver form and gave her instructions about how to file it with Social Security. After a month, our client called me and ecstatically told me that she'd received a letter saying that they were waiving her entire overpayment, because she'd shown the overpayment was not her fault and that making her pay the money back would be unfair. It was the most amazing feeling to hear the relief in her

Hilda Montes de Oca

Equal Justice America 2008 Fellowship Essay

voice as she told me she would never have figured out the form without our help.

My other client worked six days a week making centerpieces and decorations for formal parties, in addition to setting up and breaking down events. He worked an average of 56 hours a week. He sought the help of our Wednesday night Employment Rights Clinic after his boss did not pay him for his last three weeks of work, which he estimated to be about \$1,500. After researching under which wage order his job fell, our calculations determined that after applying the law in respect to waiting penalties and wage and rest premiums, our client may have been owed more than \$14,000. After explaining how we calculate the amount, I explained the process of filing a wage claim with the Department of Labor Standards Enforcement, including how long such a procedure may take. Although our client was happy to hear the amount to which he may have been entitled, his primary concern was the speed with which he could obtain any money. The client requested that we send a demand letter to the employer, stating that he may owe our client more than \$14,000, but offering to accept \$1,500 in order to encourage a quick settlement. The client stressed to me that he was more concerned with paying his rent and eating than he was with getting all the money he may be owed. After drafting and sending out the letter to the employer, I tried contacting our client, but his phone was disconnected and the letter that I sent to him requesting that he contact us garnered no reply. As of today, the employer has not responded to our letter, and I'm not sure what Bet Tzedek could do if he did.

Hilda Montes de Oca

Equal Justice America 2008 Fellowship Essay

The story of these two clients demonstrated to me the complexity of the factors that our clients must weigh when they make decisions about their legal issues. Although Bet Tzedek is an amazing organization that does so much to help low income litigants, until there are more comprehensive solutions for the social problems that lay at the root of some of our client's legal issues, the impact of the response by the legal community may be limited.

Sincerely,

Hilda M. Montes de Oca

UCLA School of Law, JD candidate, 2010