

# VERMONT LEGAL AID, INC.

## POVERTY LAW PROJECT

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## VERMONT POVERTY LAW FELLOWSHIP

Employment Law

### FIRST QUARTER REPORT

October 1, 2020 –January 15, 2021

#### I. Introduction

Emily's fellowship focuses on employment issues experienced by low-wage workers. Following in the footsteps of her predecessor, Emily began her fellowship by speaking with individuals and organizations around the state about the gaps in legal services for low-wage workers and the unique issues low-wage workers encounter daily. In addition to educating Emily, these conversations helped her identify intake streams for employment law cases. Emily continues to conduct outreach, but she recently transitioned her focus to individual case work. Her caseload is focused on unemployment benefit cases and wage and hour claims. Moving forward, she plans to expand her case work to encompass other employment law issues.

#### II. Collaboration and Outreach

During the first quarter, Emily consulted with more than 50 attorneys, advocates, service providers, and other key stakeholders around the state about employment law issues for low-wage workers. Below is a non-exhaustive list:

##### *Private Bar*

- Langrock, Sperry, & Wool – Alison Bell
- Groberg Mediation – Neil Groberg
- Paul Frank + Collins – Kerin Stackpole
- Robert Appel Law – Robert Appel
- Biggam Fox Skinner – Kelly Massicotte
- Kohn Rath Danon Scharf Jarvis & Modun – Beth Danon, Roger Kohn
- Rich Cassidy Law – Rich Cassidy
- Gravel & Shea – Heather Rider Hammond
- Dinse – Amy McLaughlin
- Woolmington, Campbell, Bent & Stasny – John Stasny

### ***Government and Judiciary***

- Attorney General's Office – Jamie Renner, Chris Curtis, Julio Thompson, Emily Chamberlain Adams, David Scherr
- Prisoners' Rights Office – Emily Tredeau, Kelly Green, Rubin Jennings, Annie Manhardt, Hillary Reale, Erin Keefe
- Vermont Commission on Women – Cary Brown
- Human Rights Commission – Bor Yang
- City of Burlington – Justin St. James
- Vermont Superior Court – Judge Toor
- United States District Court, District of Vermont – Judge Reiss
- Vermont Supreme Court – Justice Robinson
- United States Bankruptcy Court, District of Vermont – Chief Judge Brown

### ***Private Businesses & Staffing Agencies with Social Mission***

- Rhino Foods – Caitlin Goss
- Working Fields – Mickey Wiles

### ***Incoming Legislators***

- Vermont State Representatives - Emma Mulvaney Stanak, Tiff Bluemle
- Vermont State Senator - Kesha Ram

### ***Advocacy Organizations***

- Disability Rights Vermont - AJ Rubin
- Vermont Works for Women – Rhoni Basden, Heather Newcomb
- Women's Freedom & Justice Initiative – Ashley Messier
- Migrant Justice – Will Lambek, Marita Canedo, Madeline Sharrow
- Milk with Dignity – Tom Fritzsche
- American Civil Liberties Union – Jay Diaz, Lia Ernst
- Peace and Justice Center – Nathan Suter
- Burlington Community Justice Center – Stuart Recicar
- National Center on Restorative Justice/Center for Justice Reform – Stephanie Clark
- Vermont Law School's Center for Agriculture and Food Systems – Laurie Beyranevand
- Capstone Community Action – Liz Scarf
- Each of Vermont Legal Aid's practice groups as well as colleagues at Legal Services Vermont
- Former Organizer – Jason Serota-Winston

### ***Organizations Outside of Vermont***

- Maryland Legal Aid – Amy Petkovsek
- New Haven Legal Assistance – Keren Salim

### **III. Participation in Trainings and Events**

#### **VBA**

Emily introduced herself at the VBA annual meeting in October. Along with past fellows, Emily also spoke about the fellowship at the first-ever Virtual Justice Fest Event.

#### ***Unemployment***

Emily gave a presentation about unemployment insurance benefits to the members of the Vermont Department of Health's Health Disparities and Cultural Competence Committee. In addition to providing an overview of eligibility requirements, she discussed changes to unemployment insurance benefits under state and federal law during the pandemic, common reasons claimants are disqualified from receiving benefits, and the process for appealing unfavorable determinations.

Emily was a panelist on a CLE about Covid-19's impact on the workplace during the Young Lawyer's Division Mid-Winter Thaw. She provided an update about her work over the past several months, focusing on her work helping clients access unemployment insurance benefits. She also discussed the recent federal legislation extending the unemployment benefit programs created by the CARES Act.

### **IV. Legal Assistance & Representation**

#### **Statistics**

During the first quarter, Emily worked as counsel or co-counsel on 31 cases in which she provided advice, advocacy, and representation:

<b>Issue</b>	<b>No. of 1st Qtr Cases</b>
Unemployment	11
Wage & Hour	4
Discrimination in Public Accommodations	1
Fair Housing Rights (non-eviction cases)	3
Expungement	10
Workplace Health & Safety	2
<b>Total</b>	<b>31</b>

<b>County</b>	<b>No. of 1st Qtr Cases</b>
ADDISON	1
BENNINGTON	0
CALEDONIA	1
CHITTENDEN	9
ESSEX	1
FRANKLIN	3
GRAND ISLE	0
LAMOILLE	0
ORANGE	1
ORLEANS	2
RUTLAND	3
WASHINGTON	2
WINDHAM	6
WINDSOR	2
<b>Total</b>	<b>31</b>

## **V. Conclusions**

The biggest take-away from the first quarter is that there is a lack of legal services for low-wage workers with employment law issues. To tackle this problem and gain greater insight into systemic problems for low-wage workers, Emily will increase her client work in the next quarter. In addition to unemployment and wage and hour claims, case work may expand to employment discrimination cases and wrongful terminations. Emily plans to explore the possibility of partnering with job centers to offer legal services. Emily also anticipates conducting further research into the structural barriers that formerly incarcerated people face when seeking employment.