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Farmworker Legal Services Intern – Summer 2006

My experience at Farmworker Legal Services gave me an inside look into what life would be like working for a small, direct-service law office, as I spent most of the summer communicating directly with clients and helping them with their various legal (and often non-legal) issues. The core function of the FLS interns was client intake and follow up. Sometimes clients walked into the office. Other times they called. And other times we went and visited the labor camps where the migrant farmworkers lived. But regardless of how we came into contact with the client, the intake was the same – flesh out a problem and figure out a solution.

Frequently the problems are non-legal, such as what documentation a migrant farmworker needs to present (and where to present it) in order to obtain a Michigan driver's license. Equally often the problems are basic legal issues – such the failure of a crew leader to pay his workers' wages or the failure of a farmer to provide water to workers in the fields. And less often the legal problems are complex, especially when they deal with immigration law or regulations concerning migrant guest workers who have arrived directly from Mexico. But the process was generally the same – ask probing questions to identify legal issues, consult with the attorneys, and maintain contact with the client until a solution is reached (e.g. a demand letter, phone call to a state agency, a lawsuit, etc.).

The skills I took away from this type of work are not skills that they teach you (or that are easy to develop) in school. My professional Spanish improved enormously, as I was required almost every day to speak with farmworkers and, through conversation, pull legal issues from vague complaints and then walk the farmworkers through their legal options and next steps. And beyond practicing my Spanish, my general client interaction skills also improved, especially during outreach, when I was required to visit camps, knock on doors, pitch FLS services, and help people (often reluctantly) figure out answers to questions they might have and ways to vindicate their rights. In terms of specific areas of law, I received a solid crash course in family-based immigration law, labor and employment law (specifically with respect to farmworkers), and a sprinkling of Michigan civil procedure rules, the Michigan workers' compensation process, and contract/employment law.

The second area of work that occupied my time when I was not directly working on clients' cases was policy and advocacy. The State of Michigan and the federal government have a plethora of legislation and administrative systems in place to protect migrant farmworkers. Some of these laws and rules are simple, such as state and federal minimum wage, a migrant housing code, and minimum health and safety requirements for the workplace. Others are labyrinthine, such as the regulations that farmers must follow to recruit workers from other states using the federal interstate clearance system (or from other countries using the federal guest worker program).

But regardless of the law or rule, the system rarely works properly (or is on the brink of failure, as is often the case) and FLS serves as a watchdog. Agriculture is a big business in Michigan and the agriculture lobby is constantly working with state legislators and state/federal administrators to ensure that the rules are only applied when it is convenient for the farming

community (if applied at all). So, for example, when language was slipped into a popular house bill that would have disqualified farmworkers on small farms from receiving state minimum wage protections (and they are already disqualified from federal protections), I wrote up various memoranda to educate people about the potential results of the inserted language. Or when government officials were not successful in preventing some farmers from evading foreign guest worker regulations, we put together a strategy to empower the workers and the courts to make sure that the system was working properly.

I found this work to be particularly interesting because it gave me an inside look into the functioning of state and federal government in Michigan (particularly the economic development, labor regulation, and agricultural regulation agencies). This experience served as a useful counterpoint to my previous job – working in the Illinois Governor’s cabinet – as I saw the functioning of government not through the eyes of an elected official trying, from the inside, to manage the various moving pieces, but through the eyes of a non-profit watchdog trying, from the outside, to ensure that all the pieces were working properly. This experience rekindled my interest in government, for although I saw that many of the pieces of the Michigan farmworker bureaucracy were broken, I also realized how important it was to ensure the functioning of the system – both for the sake of the farmworkers and for the sake of the Michigan economy at-large.