

20th Anniversary Solidarity Series

PBF 2016 Summer Fellow Jenifer Bizzotto



Jen Bizzotto is a second-year law student at the University of Wisconsin Law School. Prior to her summer fellowship, Jen's first-hand experiences with the restaurant industry's wage theft, sexual harassment and poor working conditions fueled her passion to help raise the quality of life for working people. During her undergraduate years, she engaged in extensive grassroots activism in Ann Arbor and Detroit, exposing employment issues and immigrant rights. She was co-founder of the student organization Migrant and Immigrant Rights Advocacy. There she helped to streamline parallel initiatives such as DACA workshops, DREAM Act advocacy, anti-deportation campaigns and Know Your Rights trainings.

Reflecting on her summer fellowship at Equal Justice Center (EJC) in Austin, Texas, Jen responded to program feedback questions with the following in her own words:

How has your participation as a Peggy Browning Fellow advanced your understanding about the practice of law?

"Scrolling through the list of cases on EJC's internal sever truly hit home that no business is free from the temptation to cut corners when they think they can get away with it. From small restaurants to large supermarket chains, there is no way to predict which businesses will be more or less likely to violate wage and hour laws. I didn't expect Fair Labor Standards Act (FLSA) violations and other employment issues to be so pervasive.

While I have first-hand experience with on-the-job sexual harassment, I didn't realize exactly how difficult it would be to secure a favorable ruling on such an issue. Although I didn't personally work on a harassment case, I appreciated the opportunity to listen and observe other teams working through those issues. Most surprising was the difficulty of convincing a jury of the merit of that type of claim: after observing the deliberations of one of our mock juries, I was shocked at the participants' blatant racial and gender biases. I had previously assumed that juries, being primarily workers themselves, would treat plaintiffs more favorably. However, based on that brief exposure to jury deliberation, it appears that - at least for harassment-related issues - I was mistaken.

I appreciated being exposed to the increasingly-prevalent business structure of misclassification of independent contractors, i.e., the strategy used by large businesses to 'farm out' the liability attendant to chronic underpayment of workers. I hadn't encountered this strategy before, in which a large company hires one or more contractors, who may be legitimate independent businesses or just sham companies, and the contractors engage in illegal employment practices, shortchanging workers and ignoring workers' rights. The contractor is a small enough operation that, if faced with a collective action, can simply declare bankruptcy and achieve judgment-proof status. I am excited to further explore this concept in future coursework."



Jen Bizzotto, center, with her co-workers at the Equal Justice Center in Austin, TX.

How has participation as a Peggy Browning Fellow affected your law school experience?

"My first year of law school was so reading-intensive that I found myself regularly asking, 'How does this help people?' 'What good does this do?' I began to find answers to those questions at the EJC.

This is how you help people. You use the law to fight for a 3-year statute of limitations for your clients, because they have been laboring for years while making \$5 an hour, and they deserve to recover what has been stolen from them, to the greatest extent possible. You parse through thousands of pages of documents to prove that your clients were working on prevailing wage projects, notwithstanding the employer's efforts to obscure that fact. You subject your clients to a barrage of questions seeking out every possible fact that could help support an allegation of independent contractor misclassification. These laws were designed to help workers like our clients, but the law is not self-executing. It takes hard work - endless document review, countless hours entering wage data into spreadsheets, and tireless legal analysis - to effectively advocate for the client. I particularly valued the feeling of being an expert on the case: of having every detail at my fingertips, and being able to recall even the smallest fact that may be helpful later on."

How has participation in the Peggy Browning Fellowship affected the way you expect to practice law after you graduate?

"I wasn't being disingenuous when I said in my fellowship application that I am passionate about workers' rights. I've long known that I will continue to engage in workers' rights advocacy - be it through pro bono work, advocacy like participating in the Fight for \$15 campaign, or some yet-unseen opportunity. Before working at the clinic, I had thought that I wanted to focus more on the policy side of employment law. However, I realize now that working directly with clients before embarking on a more policy-oriented career would lay a much stronger foundation for understanding how these issues play out in the real world. I'd like to spend more time seeing how current policy affects businesses and workers before I seek to re-write or enforce labor protections. Then, once I have more on-the-ground experience, I will be more knowledgeable and more qualified to transition to a more policy-focused approach.

I am truly grateful for the opportunity to spend the summer as a Peggy Browning Fellow at the EJC. Thank you."