

REPORT OF ACTIVITIES 2007-2009

EXECUTIVE SUMMARY

Founded by Berkeley Law students in 1988, the East Bay Community Law Center (EBCLC) is the community-based component of the law school's Clinical Program. EBCLC is the largest provider of free legal services to the poor in the East Bay and houses five clinics in a practicing law office. Each year, 60-80 upper-class students work under the supervision of 14 lawyers; together, staff and students assist several thousand low-income clients to:

- 1) Maintain safe and affordable housing (**Housing Law Clinic**);
- 2) Obtain safety net public assistance programs (**Income Support Clinic**);
- 3) Access primary health care (**Health Law Clinic**);
- 4) Reenter their communities post-conviction (**Clean Slate Clinic**); and
- 5) Address a myriad of consumer issues exacerbated by the recession (**Neighborhood Justice Clinic**).

EBCLC's partnership with Berkeley Law is analogous to the relationship between a teaching hospital and a medical school. While ubiquitous in medical education, together we have developed one of the nation's premier poverty law clinics, distinguished by a dual teaching and service mission, an emphasis on innovative multidisciplinary practices, and a commitment to developing replicable models of effective anti-poverty lawyering.

These are very challenging times in our community. The demand for legal assistance is dramatically increasing at precisely the moment when the resources available to meet such needs are the hardest to come by. The law school, the university and the state can take considerable pride in the contributions that our students – even as they gain invaluable lawyering experience – are making to help bridge this justice gap.

We are delighted to share EBCLC's bi-annual report of activities. We look forward to working with the entire Berkeley Law community to build upon our successes and to deepen our unique partnership in the many years to come.

Jeff Selbin, Faculty Director
Tirien Steinbach, Executive Director

December 2009

Clinics

Working for a minimum of four credits and 16 hours per week, Berkeley Law students select from among the following clinics serving low-income clients at EBCLC:

1. Housing Law Clinic

Directed by Laura Lane (Berkeley Law '96), the Housing Law Clinic is a litigation practice designed to protect and promote safe, adequate and affordable housing for low-income tenants. Students represent clients in civil eviction proceedings in Superior Court and administrative matters arising under the jurisdiction of local rent control ordinances. Students also staff a self-help clinic, conduct outreach and education workshops for tenants and bring affirmative lawsuits to enforce housing laws. Current activities include education and representation of tenants facing eviction due to the foreclosure crisis, including systemic efforts to ensure that bank owners of foreclosed rental properties comply with local eviction ordinances.

2. Income Support Clinic

Directed by Ed Barnes (NYU '77), the Income Support Clinic is an administrative law practice that seeks to ensure minimum income and basic support services for low-income individuals and families, especially those disproportionately impacted by the implementation of welfare reform. Clinic students assist clients with legal needs related to welfare-to-work requirements, including representation at administrative hearings. Clients unable to work are referred to collaborative partners to gain access to disability benefits and other human services. In addition to assisting individual clients, students engage in local and statewide policy efforts to support low-income and working-poor families.

3. Health Law Clinic

Directed by Sheila Hall (Berkeley Law '84), the Health Law Clinic is a multidisciplinary practice addressing the complex health-related legal needs of low-income people living with HIV and families with children living in poverty. The practice includes a project to help immigrants regularize their legal status to allow them to come out of the shadows and gain access to medical care. Students represent clients in administrative settings to secure benefits critical to their healthcare, and they assist clients in a wide range of legal matters including housing, estate planning, family law and debt relief. In 2006 EBCLC entered into a medical-legal partnership with Children's Hospital to improve health outcomes for children by providing legal assistance in an outpatient medical setting.

4. Clean Slate Clinic

Directed by Jessie Warner (Berkeley Law '05), the Clean Slate Clinic provides assistance to people seeking to "expunge" (legally dismiss) prior convictions and reintegrate into the community. In collaboration with the courts, the District Attorney, the Public Defender, the Probation Department and community-based organizations, the goal of the clinic is to foster community reentry and reduce recidivism by helping clients overcome barriers to employment, housing, education and civic participation. Students staff weekly self-help clinics, represent formerly incarcerated clients in Superior Court and work on local, state and national policy efforts to foster community re-entry.

5. Neighborhood Justice Clinic

Directed by Elisa Della-Piana (Berkeley Law '03), the Neighborhood Justice Clinic opened in 2007 to expand services to unrepresented litigants, including a Consumer Law Project and a Citation Defense Project. Students: 1) provide legal information, education and advocacy to clients on a variety of legal issues (e.g., debt relief, probate, small claims and citation defense); 2) engage in a full range of litigation procedures, including propounding discovery, drafting motions and developing case strategies; and 3) participate on local and regional policy initiatives on behalf of low-income and homeless clients.

Training, Supervision & Casework

EBCLC engages Berkeley Law students in a well-structured, closely-supervised experiential learning environment. Immersed in the law and its application to real clients with significant legal needs, clinic students participate in a wide range of lawyering activities at EBCLC.

1. Training and Supervision

EBCLC devotes substantial resources to the day-to-day training and supervision of law students. Each semester, we frontload a considerable amount of substantive law and skills training tailored to the specific demands of individual clinics. The clinical experience hinges considerably on the quality of the relationship between student and supervisor. In general, supervision proceeds from more to less directive over the semester. That is, students are given increased responsibility to make decisions as they gain substantive knowledge, practical experience and professional confidence.

EBCLC clinical supervisors and the EBCLC faculty director meet monthly to discuss and refine supervision methodology. EBCLC has hosted several professional development sessions for the Berkeley Law clinical community, and EBCLC staff participate in similar events at the law school. In an on-going effort to deepen and strengthen clinical teaching, EBCLC has established “best practices” in such areas as individual and group case reviews; mid-semester and end-of-term evaluations; and methods of constructive, corrective and supportive feedback. We have shared these practices regularly with in-house clinicians, Bay Area externship supervisors, and regional and national clinical colleagues.

2. Casework

After extensive substantive law and skills training, students interview and counsel clients, conduct primary legal research and factual discovery, engage in sophisticated legal analysis, and negotiate with third parties, including opposing counsel, court personnel and staff at administrative agencies. Students hone oral and written advocacy skills in:

- 1) trial settings before the Alameda County Superior Court;
- 2) administrative hearings before city Rent Arbitration Boards, the Alameda County Social Services Agency, the federal Social Security Administration and the Department of Homeland Security; and
- 3) public fora such as city council meetings, county board of supervisors meetings and committees of the state legislature.

Students’ classroom learning comes to life in these advocacy settings, as they apply abstract rules and concepts to concrete, complex and fluid client problems. Since their actions have real consequences, students develop a keen sense of the limits and capacities of the legal system to address challenging problems. They confront ethical problems in context, where they grapple with the tensions and ambiguity of professional responsibility rules. In a structured process that evolves during the course of the semester – including critical reflection at every phase of representation – students begin to develop their professional identity and learn how to apply lessons from one client and practice to the next. *In short, at EBCLC students begin to make the transition from thinking like a lawyer to acting like one.*

Clinical Seminar

First-time students at EBCLC are required to enroll concurrently in a two-unit clinical companion seminar. The course integrates reading, reflection and classroom discussion on the lawyer’s role in providing legal services to low-income clients and community groups with students’ lawyering experiences at EBCLC. Together the course and the clinic provide students with the opportunity to learn first-hand about the professional responsibilities and challenges of representing individual and group clients, including instruction in the ABA Model Rules of Professional Conduct, the California State Bar Act and Rules of Professional Conduct.

The first third of the semester is devoted to providing students with the substantive law and skills necessary to assume substantial responsibility for cases, clients and/or projects in their clinic, including several training sessions and activities for all EBCLC students and multiple “breakout” trainings by clinic. During the remainder of the semester, we assign materials written by practitioners, academics and students about the issues that face EBCLC clients, EBCLC as an institution, and Berkeley Law students working at EBCLC. We spend several classes exploring the challenging role of the community lawyer and several classes considering recent lawyering practices developed in response to these challenges. We conclude with two sessions led by students applying what they have learned in the course to a problem they identify in the clinic. As a course satisfying the students’ professional responsibility requirement, major themes of how to act ethically in the lawyer role are explored throughout the semester.

Student Participation

Student enrollment in the EBCLC seminar and clinic has grown steadily during the last five years (the program is currently at, or above, full capacity):

Year	05-06	06-07	07-08	08-09	09-10	Total
Clinic	61	66	69	76	90	362
Seminar	46	49	51	54	62	262

The seminar total (262) represents unduplicated students enrolled in the required companion seminar during the 2005-2010 academic years. The clinic total (362) includes first-time students (262) and those returning for a subsequent semester with permission of the instructor to work on more advanced cases and projects (100). Another 10-12 Berkeley Law students also participate each year in EBCLC’s full-time summer session (and some later enroll in the class and clinic).

In addition to students who receive academic credit for clinic work or participate in the summer program, 40-50 Berkeley students (mostly 1Ls) volunteer annually in EBCLC's Community Legal Outreach (CLO) program. CLO students provide information and referral – and where appropriate, counsel and advice – to homeless and low-income persons at sites throughout the county. EBCLC clinical supervisors provide CLO training and oversight, while upper-class Berkeley Law students coordinate the 1L program.

EBCLC continues to host the weekly Workers' Rights Clinic, directed by the San Francisco Legal Aid Society-Employment Law Center. Under this program, dozens of additional law students each year are trained and supervised to provide basic workplace legal assistance to hundreds of East Bay residents.

Staff & Board

1. Staff

EBCLC has grown from a 3-person office in 1988 to a staff of 24, including 14 clinical instructors, making it both the law school's largest single clinical offering and the largest provider of free legal services to the poor in the East Bay. EBCLC staff members are active participants in local and national conferences on legal aid and clinical education, and continue to receive recognition for teaching and service.

In March 2007, Tirien Steinbach succeeded Jeff Selbin as EBCLC's executive director. Tirien is a 1999 Berkeley Law graduate who served most recently as EBCLC's Clinical Director. A Berkeley native, she founded EBCLC's Clean Slate Clinic (described above). As a lecturer, Tirien has co-taught EBCLC's clinical companion seminar since 2003. Tirien is the recipient of numerous awards and honors, including an Equal Justice Works Fellowship, a BLF Post-Graduate Fellowship and the inaugural Thelton E. Henderson Center for Social Justice Prize.

2. Board of Directors

EBCLC is a separately-incorporated 501(c)(3) organization with a 25-member board of directors. Under the Berkeley Law-EBCLC Affiliation Agreement, the EBCLC board includes a designated institutional representative from the law school – currently filled by Professor Steve Sugarman – and a minimum of three members total from the Berkeley Law community (CHEFS Executive Director Ann O'Leary and Lecturer-in-Residence Henry Hecht currently fill the other two slots).

Three board positions are reserved for law students, who are elected to serve by the EBCLC Student Steering Committee (SSC). The SSC founded EBCLC, and includes representatives from current clinic students, Community Legal Outreach and the Workers' Rights Clinic. Through the SSC and board membership, students continue to provide important input into EBCLC's operations and governance. Not including Berkeley faculty, more than half of the board members are Berkeley Law graduates.

*Please see **Attachment A** for a full staff list, **Attachment B** for a list of current EBCLC board members, and **Attachment C** for a list of recent awards and honors.*

Fiscal & Budget

EBCLC's fiscal year runs from July 1 to June 30. Under the Affiliation Agreement, EBCLC annually provides to the Dean an operating budget and independently audited financial statements. EBCLC also publishes an Annual Giving Report, which is shared with all members of the Berkeley Law community.

EBCLC's annual budget is approximately \$2.4 million. In addition to operating support from the law school – which in recent years has approached 20% of the total budget – approximately 30% of EBCLC's annual budget derives from government sources (primarily federal), 25% is contributed by law firms and individuals, and 25% comes from foundations and other sources.

Berkeley Law's commitment to EBCLC has served as a critical funding base to ensure the stability of the program. The law school's support also helps to leverage additional resources from funders who value the service-learning mission of both institutions. In spite of a very challenging fundraising climate, EBCLC remains fiscally sound.

Attachment A

**EAST BAY COMMUNITY LAW CENTER
STAFF**

Jeffrey Selbin	Faculty Director	Harvard '89
Tirien Steinbach	Executive Director	Berkeley '99
<u>Clean Slate</u>		
Jessie Warner	Director	Berkeley '05
Eliza Hersh	Attorney	Berkeley '05
River Abeje	Attorney	Santa Clara '92
Serina Rankins	Intake Specialist & Paralegal	
<u>Health Law</u>		
Sheila Hall	Director	Berkeley '84
Liam Galbreth	Attorney	Berkeley '99
Linda Tam	Attorney	Berkeley '00
Yvonne Troya	Attorney	Berkeley '05
<u>Housing Law</u>		
Laura Lane	Director	Berkeley '96
Sharon Djemal	Attorney	Columbia '98
Marc Janowitz	Attorney	New College '80
Jaimee Modica	Attorney	Davis '03
Gracie Jones	Intake Specialist	
<u>Income Support</u>		
Edward Barnes	Director	NYU '77
Luan Huynh	Attorney	UCLA '05
<u>Neighborhood Justice</u>		
Elisa Della-Piana	Director	Berkeley '02
John Engstrom	Attorney	Santa Clara '05
Osha Neumann	Consulting Attorney	New College '76
Owen Thompson	Intake Specialist	
<u>Administration & Development</u>		
Martha Brown	Director of Administration	
Victoria Flores	Contracts Associate	
Jonathon Marley	Director of Development & Planning	
Ayana Muhammad	Office Manager	
Ana Maria Murillo	Deputy Director of Development	
Tamura Saxton	Receptionist	
Carolina Zanni	Receptionist	

**EAST BAY COMMUNITY LAW CENTER
BOARD OF DIRECTORS**

Michael Loeb, **Chair**
Judicial Arbitration & Mediation Services

Michael Ng
Kerr & Wagstaffe LLP

Frank Cialone, **Vice Chair** ('94)
Shartsis, Friese & Ginsburg

Warrington Parker, III
Orrick, Herrington & Sutcliffe LLP

Denise Abrams, **Secretary** ('86)
Kazan, McClain, Edises, Abrams, et al.

Kathi Pugh ('90)
Morrison & Foerster LLP

Stephen Sugarman, **Berkeley Liaison**
Berkeley Law

Thomas Reicher
Cooley Godward LLP

Christine Chavez ('97)
Orrick, Herrington & Sutcliffe LLP

Joel Sanders ('82)
Gibson, Dunn & Crutcher LLP

Peter Goldsmith ('78)
Townsend and Townsend and Crew

Steve Tindall ('96)
Rukin, Hyland, Doria & Tindall, LLP

Henry Hecht
Berkeley Law

Duane Valz ('96)
Yahoo! Inc.

Michael Kwun ('98)
Keker & Van Nest LLP

OPEN (3)

Daven Lowhurst
Howrey LLP

Student Board Members

James Meehan
PricewaterhouseCoopers LLP

Jessica Intrator
Class of 2010

Samuel Miller ('75)
Sidley Austin LLP

Rebecca Liu
Class of 2010

Ann O'Leary ('05)
Berkeley Law

Suzanne Martindale
Class of 2010

**EAST BAY COMMUNITY LAW CENTER
RECENT HONORS & AWARDS**

Organizational honors include:

- University of California's **Notable University-Community Partnership Award**, for a collaborative project with Berkeley Law and the Institute on Urban & Regional Development.
- American Bar Association's **E. Smythe Gambrell Award** to recognize two projects nationally that contribute to professionalism among lawyers.
- Alameda County Bar Association's **Distinguished Community Service Award** for "unselfish and dedicated service to the ACBA and the community."
- Berkeley Community Fund's **Berkeley Community Award** for exemplary achievements in improving the quality of life in the community.

Staff and students honors include:

- Center for Social Justice's inaugural **Thelton E. Henderson Social Justice Prize** to executive director Tirien Steinbach for her work exemplifying Judge Henderson's lifelong commitment to justice.
- Association of American Law Schools' **Bellow Scholar Award** to Jeff Selbin recognizing clinical law teachers engaged in innovative anti-poverty initiatives.
- Harvard Law School's **Wasserstein Public Interest Fellow** to Jeff Selbin, recognizing "exemplary lawyers who have distinguished themselves in public interest work and who can assist students who are considering similar career paths."
- Legal Aid Association of California **Award of Merit** to paralegal Gracie Jones for her outstanding work preserving affordable housing for individuals and families in Alameda County.
- Asian Community Mental Health Services' **Key Partner Award** to Income Support director Ed Barnes for his tireless advocacy on behalf of the Asian-American community.
- Housing Rights, Inc.'s **Annual Friend of HRI Award** to Housing Law director Laura Lane for her unwavering dedication to serving low-income tenants in Alameda County.
- Alice B. Toklas LGBT Democratic Club's **Legal Services Award** to Immigration Project director Linda Tam honoring those who build and protect the LGBT community.
- Berkeley Law's **Sax Prize for Excellence in Clinical Advocacy**, its highest clinical award, to students Mark Davey (2003), Ann O'Leary (2005), Mark Feeser (2007, jointly with the Death Penalty Clinic), and Lindsay Harris (2009, jointly with the International Human Rights Law Clinic).