



EBCLC News

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Edition





Diplomas for Debt

The student debt crisis is one of the leading topics of discussion during this year's presidential election. Approximately 43.3 million Americans have student loan debts, totaling \$1.26 trillion dollars, with over \$1 trillion dollars as federal student loan debts[1].

The East Bay Community Law Center's [Consumer Justice Clinic \(CJC\)](#) sees the devastating impact this debt has on low-income consumers every day. Sharon Djemal, Director of the Consumer Justice Clinic, explains: *"Federal student loan debt is crippling our clients, preventing many of them from being able to ever get their finances above water. It doesn't matter if they were unable to complete their education, received a worthless education, or were simply trying to help their children pay for college. The debt just grows and the interest compounds, even while tax returns are intercepted and social security is garnished. And, just like if you commit murder or treason, you can be sued for it at any time in your life. Even federal tax evasion and major fraud have statutes of limitations of 6 and 7 years, respectively."*

EBCLC works to change these outcomes. The Consumer Justice Clinic operates multiple clinics in Berkeley, Hayward, and Oakland providing brief services and representation to low-income consumers facing a wide variety of legal issues, including debt collection, student loans, credit reporting, predatory lending, identity

theft, consumer scams, and assessment of eligibility for Total and Permanent Discharge (TPD). In the last two years, CJC has discharged \$1,206,351.87 of debt for Alameda County low-income consumers, including student loan debt.

CJC meets with clients like "Diane," whose sole source of income is Supplemental Security Income (\$889 a month) is being garnished \$139 each month for a federal student loan taken out more than 30 years ago. And "Michael," who is being sued for \$7,000 by the US government for a \$1,000 student loan he took out in 1980 because he failed to officially withdraw from school after falling ill. Clients like Diane and Michael come to EBCLC to discuss and assess their federal and private student loan repayment options and rights and remedies when in default.

Overwhelming debt is hitting low-income families the hardest, tipping precarious household circumstances into financial ruin, or causing a ripple effect of unhealthy financial choices. CJC helps to improve financial health and stability for low-income individuals and families and train the next generation of advocates to help consumers in financial need from communities where justice is scarce and predatory practices are the norm.

[1] Andrew Haughwout, Donghoon Lee, Joelle Scally, Wilbert van der Klaauw. [Student Loan Borrowing and Repayment Trends, 2015](#). Federal Reserve Bank of New York. 26 Apr 2015.

Staff Spotlight

Laura Lane and Marc Janowitz



We are honored to spotlight two powerhouse attorneys in our Housing Practice, Laura Lane and Marc Janowitz. They each deserve their separate time to shine, but in the true spirit of camaraderie, they suggested a team spotlight.

Laura Lane

Laura first came to EBCLC in 1994 as a student in the HIV Practice (now the Health and Welfare Practice). She joined the Housing Practice as a supervising attorney in 1997 and has been directing the practice since 2001.

Under Laura's leadership, the housing practice promotes housing justice by defending tenants who are being evicted, representing tenants in civil litigation related to discrimination, habitability, and wrongful eviction; and by engaging in community education, tenant organizing, and state and local policy advocacy related to rent control and subsidized housing.

Laura has taught housing law and policy at Berkeley Law and Golden Gate University School of Law, and has authored a chapter on Residential Landlord-Tenant Law in the California Basic Practice Handbook published by the Continuing Education of the Bar.

Who has inspired you in your life and why?

Undoubtedly, the person who has most inspired my work is my co-worker Marc Janowitz. He didn't just teach me how to litigate, he taught me perseverance. He taught me how to keep fighting, even when the battle seems lost. I've been blessed to have Marc as a co-worker and friend.

One of my favorite places in the Bay Area is...

Children's Fairyland at Lake Merritt. My mom used to take my sisters and me to

Fairyland when we were kids. I took my daughter there when she was little. Now I take my godson and I expect I'll be taking my grandchildren someday. Oakland has changed so much since I was a child... I love knowing a place that hasn't changed in 50 years.

Marc Janowitz

Marc, a proud graduate of the New College of California School of Law, a public interest law school, joined EBCLC's Housing Practice as a staff attorney and clinical supervisor in 2005 after a 25-year career in private practice representing workers and tenants in the San Francisco Bay area. He has lectured widely in California on landlord-tenant issues for business and professional groups, including the Real Property Section of the State Bar of California.

From 1994-2002 Marc served as an elected Commissioner on the Berkeley Rent Stabilization Board. In 2003, he successfully litigated *Drouet v. Superior Court* before the California Supreme Court establishing the right of tenants to assert retaliation claims in Ellis Act evictions.

Who has inspired you in your life and why?

The workers of the world whose labor creates all wealth, who throughout history have been persecuted in their efforts to organize as a class to gain dignity and fair treatment. Among those inspirations are those whom history names including, Sojourner Truth, Emma Goldman, Mother Mary Harris, Elizabeth Gurley Flynn, Eugene Victor Debs, Harry Bridges and the unnamed, as Harry called them, *"the workin' stins below decks."*

A Student's Perspective

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Rachel Bogdan and Daniel Faessler, Staff Attorney/Clinical Supervisor, Health & Welfare

During the summer session, EBCLC welcomes students from various law schools. In seven clinics within five broad program areas, EBCLC staff and students take a multimodal, holistic, and

collaborative approach to addressing the causes and conditions of poverty and inequality by providing legal education and outreach, brief services, full representation, and policy advocacy.

As the session winds down, we hear from one of the budding advocates for justice and equity, **Rachel Bogdan**. Rachel is currently completing her studies at William & Mary Law School in Williamsburg, Virginia.

What have you been working on this summer?

This summer I've been working in the Health and Welfare Practice where I've worked on two In-Home Supportive Services cases.

During my first week at EBCLC, I was assigned an In-Home Supportive Services (IHSS) case that was set for hearing in two weeks. IHSS is a social services program that provides assistance for individuals who might otherwise be placed in a facility due to their inability to care for themselves. IHSS recipients are entitled to receive service hours for a variety of needs, including paramedical services, protective supervision, and non-medical personal services.

My supervisor and I were appealing the County's decision to deny our client protective supervision service and decrease her allotted monthly service hours. Our client suffers from a rare cognitive disorder that causes her to engage in potentially dangerous behavior, rendering her unable to satisfy her basic care needs. Her mother provides around-the-clock care for her. In preparation for the hearing, my supervisor and I gathered our client's medical records, diary logs, and doctor's letter advocating for our client's need for protective supervision. Admittedly, I was both excited and nervous to advocate for our client at the administrative law hearing. What an amazing experience to have the judge challenge me-forcing me to think quickly and decisively on behalf of our client. Advocating was such a rewarding learning experience, one in which I know many of my classmates interning at other organizations have not participated.

The following week, I was assigned another IHSS case. Our client suffers from trisomy 21 and autism and recently severely injured herself as a result of her disabilities. Her mother, who is her caregiver, filed for an increase in IHSS hours a few months ago but was not given proper written notice from the County denying her request. We filed an appeal and contacted IHSS to request an in-home reassessment and protective supervision services. Once again, armed with supporting medical documents, we attended the

reassessment to provide both legal and emotional support to our client. Thankfully she was granted protective supervision and provided retroactive benefits.

You've been busy...

And I was also able to utilize my Mandarin language skills to support EBCLC's Housing Practice on cases involving disruptive displacement in the East Bay.

What did you do?

I provided translation services during a Tenant's Rights Workshop for a client threatened with eviction from a landlord who recently purchased the apartment building. We learned that the landlord is threatening the all the residents with eviction, most of whom are monolingual Mandarin or Cantonese speakers and have been living in the building for over ten years. In response, I worked with Housing and Community Economic Justice Clinic attorneys to host a workshop at the tenants' building. We provided legal education about their rights as tenants and encouraged them to fight for secure housing.

On behalf of our East Bay clients and community, thank you for your work. Is it fair to say you had a good experience at EBCLC?

I am extremely grateful for the incredible support and thoughtful feedback I have received from my supervisor and other attorneys during my time at EBCLC. I gained valuable hands-on lawyering experience, from conducting client interviews and counseling sessions to providing legal representation at IHSS hearings. I'm confident that I will draw on my experiences from EBCLC in my future legal career.

Alumni Alley
Where Are They Now?



Rachel Johnson-Farias
Berkeley Law '12
Founding Director, Esq. Apprentice

Rachel Johnson-Farias started out in EBCLC's Clean Slate Practice, first as a law student and then as an Equal Justice Works Fellow, where she launched California's first juvenile record sealing clinic, Starting Over Strong. Through the Starting Over Strong Clinic, Rachel sealed dozens of juvenile records and helped eliminate harmful fee policies that made it near impossible for young people to afford a record sealing remedy.

Today, Rachel is the Founding Director of [Esq. Apprentice](#), a 501(c)(3) nonprofit dedicated to providing low-income youth of color with the tools they need to become lawyers without debt via California's legal apprenticeship program.

How did your time at EBCLC influence the work you do now?

While working in the Clean Slate Practice, I found that sealing the record alone was not quite the catalyst I'd hoped for stability in young people's lives. So I decided to create a path to a self-sustaining career that I know well; the law. This work presents such an exciting opportunity to diversify the profession, open legal education up to those who could not otherwise afford it, and increase access to legal representation for low and moderate

income people.

What's one thing you know now that you wish you knew while you were still in law school?

That apprenticing was an option...just kidding (sort of). I loved my law school experience due in large part to clinics. I wish I had known that classes won't necessarily prepare you for the bar exam. Take advantage of every class you want to take. You're paying too



Alameda County Repeals Juvenile Justice Fees

Thousands of low-income Alameda County families will no longer pay juvenile probation and public defender fees.

On July 12, 2016 the Alameda County Board of Supervisors voted unanimously to end the assessment and collection on all fees charged to parents and guardians with children in the juvenile justice system. The repeal, which is the first of its kind in the state,

ends all fee assessment and collection, offering immediate relief to more than 2,900 families with outstanding debt and shielding thousands of families who pass through Alameda's juvenile courts every year from future financial hardship.

The repeal is the result of efforts lead by the U.C. Berkeley School of Law Policy Advocacy Clinic and the **East Bay Community Law Center**, in collaboration with key county departments (including the Probation Department, the Central Collections Agency and the Public Defender's Office) and on behalf of several community partners, including the East Bay Children's Law Office, the American Civil Liberties Union of Northern California and the Prison Law Office.

[Continue reading](#)



Advance Justice Today!

Your investment helps EBCLC advance justice and expand opportunity to low-income community members in the areas of housing, health, income support, civic participation and economic development.

