

2021-23 Brian Lewinstein Fellowship Announcement

Call for Applications – Deadline: Monday, January 11, 2021

East Bay Community Law Center | Equal Justice America

Across the globe, despite COVID-19 and shelter-in-place orders, massive protests continue to rage in response to the murders of Black individuals by the police. The protests call for an end to policing and to the police, and an end to the violent regime of state-sponsored terror and social control of Black communities. Black people are in constant fear of and in danger from the police, when walking down the street, sleeping, and driving.

Academics, protestors, activists, community organizers, nonprofits, and others are quick to point out the dangers of “driving while black.” Due to racial profiling, Black motorists are at exponentially greater risk of being pulled over, cited, and fined for minor traffic-infractions than white motorists. According to *Not Just a Ferguson Problem*, “San Diego and Sacramento data show that African-American people were two to four times more likely to get pulled over for a traffic stop than white people [...]. In San Francisco, over 70% of people seeking legal assistance for driver’s license suspensions were African American, though African Americans make up only 6% of the city as a whole.”¹ Though there are not official statistics, given pernicious anti-Blackness that particularly affects young Black men, it is likely that Black youth are particularly overrepresented among traffic citees.²

Black youth face a host of penalties for traffic and nontraffic infractions, which place numerous difficult burdens on their lives. First, traffic and nontraffic tickets are expensive. While base fines for infractions begin as low as \$25, fees and penalty assessments can more than triple the costs. For example, the base fine for running a stop sign is \$35, but with added fees that infraction will likely end up costing \$238. In addition, if a young person fails to appear or to pay a ticket by the deadline, they often receive a \$300 civil assessment, which is nearly impossible to expunge. The financial consequences of infractions can be devastating to adults, and are even more devastating to youth, who are less likely to have full-time employment and/or be financially solvent. These fines and fees place Black youth in precarious financial positions, sometimes before they’ve even had their first job.

Minor infractions also tend to result in license suspensions, which further disproportionately harm poor people, homeless people, and youth, who face extreme burdens in getting to court and/or paying tickets. Poor Black youth who live at the intersection of multiple marginalized identities face even more challenges. The result is that many Black youth face driver’s license suspensions *prior to being issued a valid license in the first place*. A suspended license can also result in subsequent criminal consequences. While driving without a

¹ *Not Just A Ferguson Problem: How Traffic Courts Drive Inequality in California*, available at <https://lccrsf.org/wp-content/uploads/Not-Just-a-Ferguson-Problem-How-Traffic-Courts-Drive-Inequality-in-California-4.20.15.pdf>.

² Our definition of “youth” includes transitional age youth (young adults who are between the ages of 16 – 24 years-old).

valid license is nearly always charged as an infraction, driving on a suspended license can be a misdemeanor charge, and many jurisdictions across California charge driving on a suspended license as a misdemeanor. Consequences for a conviction of misdemeanor driving on a suspended license include a fine and/or serving jail time. Failing to appear for an infraction court date and failing to pay a court-ordered fine on time can further result in misdemeanor charges and convictions.

Finally, crucially, continued contact with the police can lead to police harassment, violence, and premature death – particularly for Black youth.

In light of the dual pandemics currently raging in our society and, in particular, in our community here in Alameda County, the East Bay Community Law Center (EBCLC) Clean Slate Clinic invites applications for the Fall 2021-23 Brian Lewinstein Fellowship (“Fellowship”). The Fellowship equates to a two-year, full-time, salaried EBCLC Staff Attorney position that will commence in Fall 2021. The Fellowship offers recent law school graduates the opportunity to acquire training in policy advocacy rooted in movement lawyering, the provision of direct legal services, clinical supervision of law students, and many other aspects of public interest practice. The Fellowship is open – and limited – to recent Berkeley Law graduates that expect to earn a J.D. from Berkeley Law in Spring 2021 or shortly thereafter. Recent Berkeley Law graduates (e.g., classes of 2019, 2020) that have spent one or more consecutive years clerking or in another time-limited public interest fellowship are eligible to apply.

The 2021-23 Brian Lewinstein Fellow will work with EBCLC’s Clean Slate Clinic primarily doing policy work to advance the fight against the criminalization of Black youth in Alameda County by:

1. Advocating before and engaging with local and county-level government agencies to implement recently passed State laws to provide relief to those most impacted by fines & fees;
2. Engaging in policy advocacy to decriminalize Black youth on the road. (The Fellow will regularly attend Back on the Road Coalition meetings, and support other grassroots coalitions engaging in similar work);
3. Conducting targeted outreach to youth-serving agencies in Alameda County, including Youth Uprising (East Oakland), the YEAH Shelter (Berkeley), and Civicorps (West Oakland); and
4. Collaborating with other members of the Clean Slate Clinic team in the provision of direct services to transition aged youth.

EBCLC’s Clean Slate Clinic uses strategic legal and policy tools to reduce pathways to the criminal justice system and remove barriers to employment and civic participation for people with conviction records.

EBCLC is a non-profit legal services organization and the community-based clinical program for Berkeley Law. EBCLC is committed to increasing access to justice through education and advocacy and by building a culturally diverse workplace, centered on equity and inclusion. With over 80 staff, 150 law students per year, and an \$8+ million annual budget, EBCLC is the largest provider of free legal services in Alameda County, providing multimodal, collaborative, and holistic legal advocacy to over 5,000 clients annually and engaging in legislative and policy advocacy and affirmative litigation at the local and state level.

Minimum Qualifications

- J.D. degree from Berkeley Law expected in May 2021*
- Demonstrated commitment to working on criminal justice issues broadly
- Demonstrated commitment to social, racial, economic, and/or disability justice
- Strong interest in policy work
- Excellent written and oral advocacy skills

Preferred Qualifications

- Interest in, knowledge of, and/or experience with, criminal, juvenile delinquency, and/or clean slate/records and remedies
- Interest in, knowledge of, and/or experience with, coalition-based work, policy advocacy, and movement lawyering
- Interest in law student supervision and clinical legal education and instruction
- Ability to partner and work effectively with a diverse range of groups, including people of color, homeless people, immigrants, non-English speakers, people with mental disabilities, people experiencing domestic violence, law students, service providers, government employees, community partners, elected officials, and law school faculty.

Interested applicants should submit application materials by email to the following **three (3)** email addresses (include “2021-23 EJA Brian Lewinstein Youth Justice Fellowship” in the subject line): fellowships@ebclc.org, spatel@ebclc.org and info@equaljusticeamerica.org - **no later than Monday, January 11, 2021. Please combine all application materials into a single PDF.** Application materials should include a statement of interest, resume, short writing sample, and a total of two or three professional references and/or letters of reference. EBCLC will review applications on a rolling basis and may schedule interviews before the closing date.

The statement of interest should address all of the following topics in no more than three (3) double-spaced, typewritten pages:

- Describe your personal and/or professional interest in working with and for economically disadvantaged/oppressed youth, particularly in communities of color, and how any relevant practical and/or professional experience you may have had in this field qualifies you for the Brian Lewinstein Fellowship.

- Describe area(s) of our current systems of juvenile justice and/or criminal justice where you believe the need for reform is most critical and what reform(s) you believe would be most effective in addressing social, racial, economic, and/or disability justice in those area(s).
- Describe an area of policy or legislative advocacy that you either worked on or are familiar with, as an example of how you might approach that type of advocacy in the context of transition-age youth.

* This Fellowship is intended for recently graduated Berkeley Law alums. The Fellow must be able to commence work with EBCLC's Clean Slate Practice in Fall 2021. Candidates that graduated in 2019 or 2020, and are spending, or will have spent, the interim year(s) in a time-limited clerkship or a public interest fellowship, will be considered so long as they can begin the Fellowship Term in Fall 2021.

Questions about the Brian Lewinstein Fellowship and the application process may be directed to EBCLC Clinical Director, Seema N. Patel (spatel@ebclc.org).

EBCLC is strongly committed to building a culturally diverse workplace centered on equity and providing an inclusive, welcoming, and culturally responsive environment for all members of our staff, volunteers, subcontractors, vendors, and clients. To achieve this goal, EBCLC works actively to improve our office climate, systems and structures, communications, and community engagement to create an inclusive and respectful workplace in which differences are acknowledged and valued. We strongly encourage individuals from traditionally underrepresented communities to apply. EBCLC does not discriminate on the basis of race, color, religious creed, sex, gender, gender expression, gender identity, age, national origin, ancestry, disability, marital status, sexual orientation, military status, prior contact with the criminal justice system, or any other basis prohibited by law.