

REPORT OF ACTIVITIES 2005-2007



EXECUTIVE SUMMARY

We are delighted to share this report describing EBCLC's activities during the last two years.

Founded by Boalt Hall students in 1988, the East Bay Community Law Center (EBCLC) is the community-based component of the law school's Center for Clinical Education. EBCLC houses five clinics in a practicing law office: the Clean Slate Clinic, the Economic Justice Clinic, the Health Law Clinic, the Housing Law Clinic and the Income Support Clinic.

With 60-70 upper-class students a year working under the supervision of a full-time staff of 24 – and dozens more volunteering in one or more programs for first-year students – EBCLC is the largest provider of free legal services to the poor in the East Bay, assisting over 4,000 clients annually.

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

Significantly, during the last two years:

- 1) EBCLC and Boalt entered into an 8-year Affiliation Agreement, deepening one of the most robust university-community partnerships in legal education;
- 2) EBCLC executive director Jeff Selbin was appointed to Boalt's faculty as clinical professor, and EBCLC clinical director and Boalt graduate Tirien Steinbach succeeded Jeff as the third executive director in EBCLC's 19-year history; and
- 3) EBCLC completed a \$3.25 million building campaign and acquired its own home.

This has been a period of unprecedented growth, institutionalization and impact. In a win-win-win for the students, the institution and the community outside its gates, EBCLC is poised to make even greater contributions to Boalt's teaching, service and research mission in the years to come.

Jeff Selbin, EBCLC Faculty Director
Tirien Steinbach, EBCLC Executive Director

December 1, 2007

I. SUBSTANTIVE CLINICS

Working a minimum of 16 hours per week, Boalt students are assigned to one of the following clinics serving low-income clients and community groups at EBCLC:

An Affordable Housing Clinic

Founded in 1988 and currently directed by Laura Lane (Boalt '96), the Housing Law Clinic is a litigation practice designed to ensure safe, adequate and affordable housing. Students represent clients in civil eviction defense proceedings and in administrative matters arising under the jurisdiction of the Berkeley and Oakland rent stabilization ordinances, assist *pro per* clients at the Alameda County courthouse self-help center, conduct outreach and education workshops for tenants, and bring affirmative lawsuits to enforce habitability standards and other housing laws.

In addition to representing hundreds of clients in individual cases annually, EBCLC staff and students have engaged in broader impact work. With co-counsel from a leading Bay Area plaintiff's firm, in 2005 EBCLC filed a successful class action lawsuit against a regional management company for systematic violation of the state's security deposit law, resulting in long overdue relief for more than 100 low-income tenants. With co-counsel from lawyers in the local non-profit and private sectors, EBCLC recently settled a series of consolidated lawsuits against the Oakland Housing Authority preserving affordable housing for dozens of low-income families.

A Criminal Reentry Clinic

Founded in 2001 and currently directed by Margaret Richardson (Boalt & Kennedy School '04), the Clean Slate Clinic provides assistance to people seeking to expunge their criminal records and reintegrate into their communities. 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 clinics in two Alameda County courthouse self-help centers, and represent formerly incarcerated clients at monthly calendars in Superior Court. The clinic also hosts an annual reentry summit with Congresswoman Barbara Lee and other elected officials, which includes the involvement of scores of *pro bono* lawyers from around the Bay Area. The Clean Slate Clinic is one of the first projects of its kind in the country, and provides technical assistance to other clinics and communities considering such a model.

An Economic Justice Clinic

Founded in 1995 and currently directed by Margareta Lin (Boalt '91), the Economic Justice Clinic is a transactional practice devoted to innovative, long-term efforts to help low-income East Bay communities develop and expand economic

opportunity, assets and self-sufficiency. Early projects included a 5-year effort to establish a community credit union offering basic financial services to West Oakland residents and a 4-year project providing job training and apprenticeship opportunities in West Oakland to women and people of color traditionally excluded from living wage construction sectors jobs.

In recent years, clinic projects have focused on equitable and accountable practices in large-scale housing and commercial developments in Oakland. Working alongside labor, environmental and neighborhood groups, and with *pro bono* assistance from Bay Area lawyers, EBCLC staff and students have helped to secure community benefits in West Oakland and Chinatown, including living wage jobs, local hiring preferences, affordable housing, environmental mitigation and historic preservation.

An Income Support Clinic

Founded in 1988 and 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. 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. Students and volunteers also provide free tax assistance as part of a regional effort to help working families take advantage of the Earned Income Tax Credit.

EBCLC has focused considerable resources on meeting the legal needs of Southeast Asian clients – primarily Vietnamese and Cambodian immigrants – who have been disproportionately impacted by the implementation of welfare reform in Alameda County. In addition to assisting individual clients, staff and students engage in local and statewide policy efforts to support low-income and working-poor families. Recently, EBCLC has partnered with dozens of organizations statewide to end the punitive practice of welfare time limits imposed on working parents and to mitigate the systematic exclusion of certain children from welfare grants.

A Medical-Legal Clinic

Founded as an HIV/AIDS Law Project in 1990 and currently directed by Sheila Hall (Boalt '84), the Health Law Clinic is a multidisciplinary practice addressing the complex and varied health-related legal needs of low-income clients. Staff and students assist clients in a wide range of legal matters including housing, disability benefits, estate planning, family law and debt relief. Students represent clients before the Social Security Administration and other forums to secure benefits critical to their healthcare and well-being. In 2003 EBCLC launched a specialized Health & Immigration project to provide legal assistance to HIV-infected immigrants, regularize their status and allow them to come out of the shadows to gain access to life-prolonging care and treatment.

In 2006 EBCLC entered into a medical-legal partnership with Children’s Hospital & Research Center in Oakland. The goal of the project – part of a national initiative of doctors and lawyers – is to improve health outcomes for low-income children by providing multidisciplinary care in an outpatient setting. The new partnership also offers a unique training setting for law and medical students and special opportunities to develop evidence-based practices for serving vulnerable and at-risk children.

II. CASEWORK, TRAINING AND SUPERVISION

EBCLC engages Boalt students in well-structured, closely-supervised experiential learning. 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.

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 Boalt faculty director meet monthly to develop and refine supervision methodology. EBCLC has hosted several professional development sessions for the Boalt 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 at Boalt, Bay Area externship supervisors, and national clinical colleagues.

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 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 forums 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, EBCLC students make the transition from thinking like a lawyer to acting like one.*

III. CLINICAL SEMINAR

First-time students at EBCLC are required to enroll concurrently in a two-unit clinical companion seminar, “Community Law Practice at EBCLC.” This 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 Rules of Professional Conduct and the California State Bar Act.

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 Boalt students working at EBCLC. We spend several classes exploring the challenging role of the community lawyer, several classes considering recent lawyering practices developed in response to these challenges, and conclude with two sessions led by students applying the course learnings to their own practice experiences. As a course satisfying Boalt’s professional responsibility requirement, major themes of how to act ethically in the lawyer role are explored throughout the semester.

IV. STUDENT PARTICIPATION

Student enrollment in the EBCLC class and clinic remains high:

| | Class | Clinic |
|-----------------|-----------|-----------|
| 2005-06: | 46 | 60 |
| <u>2006-07:</u> | <u>50</u> | <u>67</u> |
| 2-year total: | 96 | 127 |

The classroom total (96) represents unduplicated students enrolled in the required companion seminar during the 2005-2007 academic years. The clinic total (127) includes first-time students (96) and those returning for a second semester with permission of the instructor to work on more advanced cases and projects (31). That is, roughly one in three students returned for a second semester. In addition to the 127 students in the clinic, 16 Boalt students participated in the two full-time summer sessions during the reporting period, representing about one-third of the EBCLC summer class.

Student evaluations are consistently high. During the four-semester reporting period, students rated their experiences on a 7-point scale as follows:

- 1) the “overall clinical experience” ranged from 6.10 to 6.64;
- 2) the “quality of supervision” in the clinic ranged from 6.20-6.91; and
- 3) the “overall teaching effectiveness” in the classroom ranged from 6.00-6.36.

In addition to the students who received academic credit for work in the classroom and clinic, more than 50 Boalt students – mostly 1Ls – participated in EBCLC’s volunteer Community Legal Outreach (CLO) program. CLO students provide information and referral to homeless and low-income persons at sites throughout the county. EBCLC clinical supervisors provide CLO training and oversight, while upper-class Boalt 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 Boalt students each year are trained and supervised to provide basic workplace legal assistance to hundreds of East Bay residents. With an unprecedented 3-year commitment of *cy pres* support, in 2005 EBCLC helped to launch a regional collaborative providing workers’ rights clinics and other coordinated employment law services. The Bay Area clinical partners include the Katharine & George Alexander Community Law Center at the Santa Clara University School of Law, and the Women’s Employment Law Clinic at the Golden Gate University School of Law.

V. STAFF & BOARD

Staff

EBCLC has grown from a 3-person office in 1988 to a staff of 24, including 10 clinical instructors and 5 fellows, making it both the largest single clinical offering at Boalt and the largest provider of free legal services to the poor in the East Bay.

In March 2007, Tirien Steinbach succeeded Jeff Selbin as EBCLC’s third executive director in 19 years. Tirien is a 1999 Boalt 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 at Boalt, Tirien has co-taught EBCLC’s clinical companion seminar since 2003. While a law student, Tirien held leadership positions in the Berkeley Law Foundation (BLF) and Law Students of

African Descent. She 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.

EBCLC staff members are active in local and national conferences on legal aid and clinical education, and continue to receive recognition for teaching and service.

Board of Directors

EBCLC is a separately-incorporated 501(c)(3) organization with a 25-member board of directors. Under the Boalt 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 (Professor Leti Volpp and Lecturer-in-Residence Henry Hecht currently fill the other two slots).

Three board positions are reserved for Boalt 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 Boalt faculty, more than three-quarters of the board members are Boalt graduates, and eight are EBCLC alumni.

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.

VI. FISCAL & BUDGET

EBCLC operates on the same fiscal year as the law school (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 Boalt community.

EBCLC's annual budget recently surpassed \$2 million. Boalt's support – now about 15% of the operating budget in addition to the clinical faculty position – is critical, both in its own right and to leverage additional resources for EBCLC and the law school. In addition to support from Boalt, approximately 40% of EBCLC's annual budget derives from government sources (primarily federal), 25% comes from law firms and individuals, and 20% from foundations and other sources. EBCLC is fiscally sound with a healthy reserve and excellent relationships with funders.

After concluding a two-year, \$3.25 million capital campaign in December 2006 – with a lead gift from Boalt and broad support from alumni, law firms, foundations and friends – EBCLC moved into its own building in April 2007. The fully renovated facility includes state of the art equipment and much-improved space designed to leverage EBCLC's full potential on behalf of clients and students.

**EAST BAY COMMUNITY LAW CENTER
STAFF (6/30/07)**

| | | |
|---|---------------------------------|--------------------------------|
| Jeff Selbin | Faculty Director | Harvard '89 |
| Tirien Steinbach | Executive Director | Boalt '99 |
| <u>Clean Slate</u> | | |
| Margaret Richardson | Director | Boalt '04 (Kennedy School '04) |
| Eliza Hersh | Fellow | Boalt '05 |
| Osha Neumann | Consulting Attorney | New College '76 |
| Cseneca Parker | Client Liaison | |
| <u>Economic Justice</u> | | |
| Margaretta Lin | Director | Boalt '91 |
| Vien Truong | Fellow | Hastings '06 |
| <u>Health Law</u> | | |
| Sheila Hall | Director | Boalt '84 |
| Liam Galbreth | Attorney | Boalt '99 |
| Linda Tam | Attorney | Boalt '00 |
| Yvonne Troya | Fellow | Boalt '05 |
| <u>Housing Law</u> | | |
| Laura Lane | Director | Boalt '96 |
| Sharon Djemal | Attorney | Columbia '98 |
| Marc Janowitz | Attorney | New College '80 |
| Jaimee Modica | Attorney | Davis '03 |
| Luan Huynh | Fellow | UCLA '05 |
| Gracie Jones | Intake Specialist | |
| <u>Income Support</u> | | |
| Ed Barnes | Director | NYU '77 |
| Keo Chea | Fellow | Hastings '05 |
| <u>Administration & Development</u> | | |
| Jon Marley | Director of Develop. & Planning | |
| Deborah Moss-West | Development Officer | Santa Clara '94 |
| Chauniqua Young | Development Associate | |
| Manel Kappagoda | Director of Administration | Hastings '98 |
| Ayana Roberson | Office Manager | |
| Patricia Pei | Contracts Associate | |
| Jen Neuber | Receptionist | |
| Carolina Zanni | Receptionist | |

EAST BAY COMMUNITY LAW CENTER
BOARD OF DIRECTORS (6/30/07)

| | |
|--|---|
| Michael J. Loeb, Chair <i>Judicial Arbitration & Mediation Services</i> | Daven G. Lowhurst <i>Thelen Reid Brown Raysman & Steiner LLP</i> |
| Frank A. Cialone, Vice Chair (Boalt '94) <i>Shartsis, Friese & Ginsburg</i> | Samuel R. Miller (Boalt '75) <i>Sidley Austin LLP</i> |
| Theotis Oliphant, Treasurer (Boalt '95) <i>DLA Piper Rudnick Gray Cary</i> | Warrington S. Parker, III <i>Heller Ehrman White & McAuliffe LLP</i> |
| Denise Abrams, Secretary (Boalt '86) <i>Kazan, McClain, Edises, Abrams, et. al</i> | Kathi J. Pugh (Boalt '90) <i>Morrison & Foerster LLP</i> |
| Stephen D. Sugarman, Boalt Hall Liaison <i>Boalt Hall School of Law</i> | Thomas Z. Reicher <i>Cooley Godward</i> |
| Eric M. Brooks (Boalt '00) <i>U.S. Securities & Exchange Commission</i> | Joel Sanders (Boalt '82) <i>Gibson, Dunn & Crutcher LLP</i> |
| Leslie F. Brown (Boalt '00) <i>Wilmer Hale LLP</i> | Steve Tindall (Boalt '96) <i>Rukin, Hyland, Doria & Tindall, LLP</i> |
| Christine Chavez (Boalt '97) <i>Orrick, Herrington & Sutcliffe LLP</i> | Leti Volpp <i>Boalt Hall School of Law</i> |
| Daina C. Chiu (Boalt '93) <i>McKesson Corporation</i> | OPEN (2) |
| Peter H. Goldsmith (Boalt '78) <i>Townsend and Townsend and Crew</i> | <u>Student Board Members</u> Lara Eilhardt <i>Class of 2007</i> |
| Henry L. Hecht <i>Boalt Hall School of Law</i> | Jessica Jones Moment <i>Class of 2007</i> |
| Michael S. Kwun (Boalt '98) <i>Google, Inc.</i> | Inna Parizher <i>Class of 2008</i> |

**EAST BAY COMMUNITY LAW CENTER
RECENT HONORS & AWARDS (6/30/07)**

Organizational honors include:

- University of California's **Notable University-Community Partnership Award**, for collaborative project with Boalt Hall 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."
- Boalt Hall's **Sax Prize for Excellence in Clinical Advocacy**, its highest clinical award, to students Mark Davey (2003), Ann O'Leary (2005) and Mark Feeser (2007, jointly with the Death Penalty Clinic).
- 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.
- Embracing The Dream's **Coretta Scott King Community Service Award** to EBCLC Office Manager Ayana Roberson and Clean Slate director Margaret Richardson, recognizing advocates for civil rights and social justice who best represent the life and work of the late wife of Dr. Martin Luther King, Jr.