

REPORT OF ACTIVITIES, 2009-2011

EXECUTIVE SUMMARY

We are delighted to share EBCLC's bi-annual report of activities.

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 multiple clinics in a practicing law office. Each year, 80-100 upper-class students work under the supervision of clinical lecturers. Together, staff and students assist several thousand low-income clients to:

- maintain safe and affordable housing (**Housing Law Clinic**);
- gain access to safety net public assistance programs (**Welfare Law & Policy Clinic**);
- overcome barriers to primary health care and related services (**Health Law Clinic**);
- reenter their communities after being convicted of crimes (**Clean Slate Clinic**);
- address a myriad of consumer debt issues (**Neighborhood Justice Clinic**); and
- assume a rightful place in the community (**Immigration Law Clinic**).

This year, EBCLC is launching a new **Green-Collar Communities Clinic** and piloting a **Policy Clinic**. We will have much to share in a subsequent report to the faculty.

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

These continue to be very challenging times as the demand for legal assistance in the low-income community is growing while the resources available to meet such needs are static or decreasing. 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 look forward to working with the entire Berkeley Law community to sustain our excellence, build upon our success and deepen our special partnership in the years ahead.

Jeff Selbin, Faculty Director
Tirien Steinbach, Executive Director

Fall 2011

EBCLC BIENNIAL REPORT OF ACTIVITIES

A. Clinics

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

1. **Housing Law Clinic**

Directed by Laura Lane (Berkeley '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 education and outreach workshops for tenants and bring affirmative lawsuits to enforce housing laws. Current activities include 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. **Welfare Law & Policy Clinic**

Directed by Ed Barnes (NYU '77), the Welfare Law & Policy Clinic is an administrative 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 '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. 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, the clinic 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. In 2010, the clinic expanded its services through Elev8, an initiative to provide a coordinated array of services to at-risk middle school students and their families in Oakland's most impoverished neighborhoods.

4. **Clean Slate Clinic**

Directed by Eliza Hersh (Berkeley '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 '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 provide legal information, education and advocacy to clients on a variety of legal issues (e.g., debt relief, probate, small claims and citation defense); engage in a full range of litigation procedures, including propounding discovery, drafting motions and developing case strategies; and participate on local and regional policy initiatives on behalf of low-income and homeless clients.

6. Immigration Law Clinic

Directed by Linda Tam (Berkeley '00), the Immigration Law Clinic helps immigrants regularize their legal status, come out of the shadows, and gain access to vital medical care and treatment. Students represent clients before the Immigration Court and Asylum Office and prepare a wide variety of immigration applications, including claims for political asylum, U visas, adjustment of status, naturalization and Violence Against Women Act petitions.

New Clinics on the Horizon – GC3 and Policy

In 2011-12, EBCLC will launch a Green-Collar Communities Clinic (GC3) to assist worker-owned businesses compete in the green economy. For eligible start-up green ventures located in or serving the low-income community, GC3 students will conduct community-based education workshops and monthly walk-in clinics to address small-business legal questions. For a limited number of clients interested in worker-owned green businesses, GC3 will offer direct representation on legal issues such as entity formation to encourage the creation of both new jobs and new wealth in the low-income community. Under the supervision of Executive Director Tirien Steinbach, Skadden Fellow Sushil Jacob (Berkeley '11) will coordinate the clinic.

During this year, EBCLC will also begin piloting a new Policy Clinic. Under the supervision of Faculty Director Jeff Selbin, advanced clinic students will work on policy projects that grow out of EBCLC's direct service practices. Early projects in collaboration with the Health Law and Clean Slates Clinics are underway. The clinic will collaborate as appropriate with affiliated law school research centers and faculty, with the aspiration to develop a full-fledged clinical offering over time.

B. 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 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

Equipped with substantive law and skills, students interview and counsel clients, conduct primary legal research and factual discovery, develop case theory, engage in 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:

- Trial settings before the Alameda County Superior Court;
- Administrative hearings before city Rent Arbitration Boards, the Alameda County Social Services Agency, the federal Social Security Administration and the U.S. Department of Homeland Security; and
- 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 transfer lessons from one client and practice setting to the next. In short, at EBCLC students think like lawyers *and* begin to act like ones.

C. 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 real clients, including instruction in the ABA Model Rules of Professional Conduct, the California State Bar Act and the California 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, students read materials written by practitioners and academics about the issues that face low-income clients and the institutions who serve them. 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 several sessions led by students applying what they have learned in the clinic to a problem they identify in the community. 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.

D. Student Participation

Student enrollment in the EBCLC seminar and clinic has grown during the last six years:

Year	05-06	06-07	07-08	08-09	09-10	10-11	Total
Seminar	46	49	51	54	59	51	310
Clinic	61	76	81	86	109	98	511

The seminar total (310) represents unduplicated students enrolled in the required classroom component. The clinic total (511) – which has increased more than 50% on an annual basis since 2005-06 – includes the first-time students, summer students (10-14 each year in a full-time 10-week program) and those returning for a subsequent semester to work on more advanced cases and projects.

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 students coordinate the 1L program.

EBCLC also 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. Community Legal Outreach and the Workers' Rights Clinic are two of Berkeley's oldest and best established Student-Initiated Legal Services Projects (<http://www.law.berkeley.edu/10640.htm>).

E. Staff & Board

1. Staff

EBCLC has grown from a 3-person office in 1988 to a staff of 30, including 17 clinical supervisors, making it 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 the local, regional and national legal aid and clinical education communities, and continue to receive well-deserved recognition for their 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. As a Lecturer-in-Residence, 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 minimum of three members from the law school community. Michelle Anderson, Steve Bundy, Henry Hecht and Ann O’Leary currently serve on the board. Michelle and Ann are EBCLC alumnae, and two-thirds of the board members are Berkeley Law graduates.

Three board positions are reserved for law students, who are elected to serve by the EBCLC Student Steering Committee (SSC). The SSC founded the law center, and students continue to provide important input into EBCLC’s operations and governance.

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

F. Fiscal & Budget

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

EBCLC’s annual budget is approximately \$2.8 million. In addition to operating support from the law school – which in recent years has represented about 20% of the total budget – roughly 40% of EBCLC’s annual budget derives from government sources (primarily federal), 20% is contributed by law firms and individuals, and 20% comes from foundations and other sources.

Berkeley Law’s financial commitment to EBCLC serves as a critical funding base to ensure the long-term 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.

**EAST BAY COMMUNITY LAW CENTER
STAFF**

Jeffrey Selbin	Faculty Director	Harvard '89
Tirien Steinbach	Executive Director	Berkeley '99
Martha Brown	Director, Finance & Administration	Wesleyan '75 (B.A.)
Jonathon Marley	Director, Development & Planning	Harvard '87 (M.P.H.)

Clean Slate Clinic

Eliza Hersh	Director & Clinical Supervisor	Berkeley '05
River Abeje	Clinical Supervisor	Santa Clara '92
Jesse Hsieh	Clinical Supervisor	UCLA '08
Tanya Koshy	Clinical Fellow	Berkeley '10
Serina Rankins	Intake Specialist & Paralegal	

Health Law Clinic

Sheila Hall	Director & Clinical Supervisor	Berkeley '84
Rosa Bay	Clinical Supervisor	Boston College '08
Liam Galbreth	Clinical Supervisor	Berkeley '99
Yvonne Troya	Clinical Supervisor	Berkeley '05

Housing Law Clinic

Laura Lane	Director & Clinical Supervisor	Berkeley '96
Sharon Djemal	Clinical Supervisor	Columbia '98
Marc Janowitz	Clinical Supervisor	New College '80
Jaimee Modica	Clinical Supervisor	Davis '03
Brendan Darrow	Clinical Fellow	Berkeley '10
Gracie Jones	Intake Specialist & Paralegal	

Immigration Law Clinic

Linda Tam	Director & Clinical Supervisor	Berkeley '00
Tania Valdez	Clinical Fellow	Berkeley '11

Neighborhood Justice Clinic

Elisa Della-Piana	Director & Clinical Supervisor	Berkeley '02
Osha Neumann	Clinical Supervisor	New College '76
Megan Ryan	Clinical Supervisor	USF '09
Owen Thompson	Program Coordinator	Bard College '06

Welfare Law & Policy Clinic

Edward Barnes	Director & Clinical Supervisor	NYU '77
Luan Huynh	Clinical Supervisor	UCLA '05

Administration & Development

Victoria Flores	Contracts Manager
Ana Maria Murillo	Deputy Director of Development
Ayana Roberson	Office Manager
Tamura Saxton	Receptionist
Carolina Zanni	Administrative Assistant

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

Frank Cialone, Chair ('94)
Shartsis Friese LLP

Linda C. Lye ('99)
ACLU Foundation of Northern California

Denise Abrams, Vice Chair ('86)
Kazan, McClain, Abrams, et al.

Samuel Miller ('75)
Sidley Austin LLP

James R. Meehan, Treasurer (CPA)
PricewaterhouseCoopers LLP

Ann O'Leary ('05)
Berkeley Law

Michael Ng, Secretary (Harvard '01)
Kerr & Wagstaffe LLP

Alfred C. Pfeiffer, Jr. (Yale '85)
Latham & Watkins LLP

Michelle W. Anderson ('04)
Berkeley Law

Kathi Pugh ('90)
Morrison & Foerster LLP

Stephen M. Bundy ('78)
Berkeley Law

Thomas Reicher (Stanford '76)
Cooley Godward LLP

Peter H. Carson ('85)
Bingham McCutchen LLP

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

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

Maureen A. Sheehy (Chicago '87)
Kilpatrick Townsend & Stockton LLP

Nimish R. Desai ('06)
Lieff Cabraser Heimann & Bernstein, LLP

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

Henry L. Hecht (Harvard '73)
Berkeley Law

Duane Valz ('96)
Chadbourne & Parke LLP

Michael Kwun ('98)
Keker & Van Nest LLP

OPEN (2)

Michael Loeb (Hastings '74)
Judicial Arbitration & Mediation Services

Student Board Members

Daven G. Lowhurst (Hastings '86)
Jones Day

Margaret M. Chen ('12)
Jordan A. Gonzales ('12)
Maryam Sharifi ('12)

**EAST BAY COMMUNITY LAW CENTER
SELECTED 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.
- Building Opportunities for Self-Sufficiency (BOSS) **Sesa Woruban Award** to EBCLC “for transformative work fighting for the legal, civil, and human rights of homeless and low income people, including a recent partnership with BOSS to fight cuts in the Alameda County General Assistance Program.”

Staff and students honors include:

- Berkeley Law’s **Sax Prize for Excellence in Clinical Advocacy**, its highest clinical award, to EBCLC students Rudy Alejo (2011), Atteeyah Hollie (2010), Lindsay Harris (2009), Mark Feeser (2007), Ann O’Leary (2005) and Mark Davey (2003).
- Law & Politics and the publishers of San Francisco Magazine **Northern California “Rising Star”** designation for Executive Director Tirien Steinbach.
- 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.
- Legal Aid Association of California **Award of Merit** to Housing Clinic 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 Welfare Clinic 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 Clinic 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 Clinic Director Linda Tam honoring those who build and protect the LGBT community.