On Love and Lawyering: A Celebration of the East Bay Community Law Center

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As we sift—no, shovel—through one of the most tumultuous times in our country’s history, I invite you to join me in taking some solace in the tremendous and important work that the staff and attorneys of the East Bay Community Law Center (EBCLC or Law Center) do daily. Our conscientious and dedicated advocates not only shepherd clients through a range of legal issues, but work more universally—with love, compassion, and skill—to improve the basic human condition. Indeed, a day in the Law Center bears witness to a wide range of people, circumstances, and emotions. To celebrate EBCLC, then, is to pay homage to the uniqueness and humility of some of the country’s best and brightest legal aid lawyers.

The stories and reflections that comprise this Festschrift are a testament to the lifelong impact that EBCLC has had not only on our immediate community, but on the staff and attorneys themselves that do the hard, relentless, and loving work of community lawyering and advocacy. Indeed, the Law Center is the place where the head, the hands, and the heart of legal education come together.

EBCLC comprises a unique hybrid model: we are the largest direct legal services provider in Alameda County (pop. 1.64 million), and we simultaneously house the largest single social justice clinical education program at UC Berkeley School of Law. Anecdotally, at least, ours is the largest social justice clinical program of its kind in the country, to boot. Much like a “teaching hospital” exists in a medical school setting, within the law school setting EBCLC trains, educates, and prepares more than 100 law students per year in an array of practical legal skills. EBCLC is divided into five major working areas which in turn comprise these eight specific practice areas and clinics: Clean Slate Clinic; Community Economic Justice Clinic; Consumer Justice Clinic and General
Clinic; Education Advocacy Clinic; Health and Welfare Clinic; Housing Clinic; Immigration Clinic; and Youth Defender Clinic. The Law Center boasts a full-time staff of more than sixty that includes more than thirty attorneys, a dynamic team of paralegals, social workers, and client intake specialists, and a robust administrative team that works to provide both the groundbreaking community-facing legal services work and the university-facing law student education.

Over the years, EBCLC has refined and adopted an extraordinary, holistic model which we often refer to as “multimodal”—that is, the organization and the clinical program have several different activities simultaneously occurring in concert. Each activity is complex and is performed with a sharp, focused eye toward justice, equity, and inclusion of the most vulnerable members of our community. Beyond that, we do what we do at EBCLC—represent clients, serve the community, and teach students—with love. The multimodal approach comprises a three-tiered pyramid. Within EBCLC’s walls, we have affectionately assigned to this model the moniker “Tyramid,” after our Executive Director Tirien Steinbach, who first illustrated the vision and is an ardent proponent of the approach.

At the base of the Tyramid is community legal education and outreach. EBCLC engages with the community in multiple ways, including disseminating information and resources to the community through workshops and community immersion. Where EBCLC cannot for some reason provide full-scale or even limited representation, we provide advice. A hallmark of our practice includes ensuring “warm” handoffs and referrals—that is, where a potential client approaches EBCLC with a matter outside of our expertise, we strive to provide the inquirer with a reference and will actually call or initiate contact with the referral before sending the client on their way. Our education and outreach work has the broadest reach in the community and is an integral part of the multimodal approach to community lawyering. The middle tier of the Tyramid—limited-scope assistance—represents the self-help and counseling work that EBCLC engages in with clients and community members. Our attorneys and staff guide clients through complex legal systems, assist in preparing the written communications necessary to navigate bureaucracies, and help create individualized road maps tailored to the issues at hand. While this work reaches fewer total people, it is more acute, focused, and tailored to meet individual clients’ needs. The top tier—the pyramidion—comprises EBCLC’s holistic representation work. Indeed, the capstone of our work involves the smallest number of individual clients, but the impact of the work is potent. Our holistic representation extends beyond simply assisting a client with a legal issue, and instead, reaches into ensuring that all of the client’s legal needs—however complex and far-reaching—are addressed.

Imagine now a small, inverted triangle atop the Tyramid—one that points downward onto the shape as a whole and is informed by all of the day-to-day
work that EBCLC does. This is EBCLC’s policy advocacy work and something that underlies our commitment to fundamentally changing the way things are. Informed by our direct services work, our clients, and EBCLC’s community partners, EBCLC engages in policy advocacy at the local, state, and national levels to ensure that the most systemic problems are addressed at every possible stage. From drafting bills and supporting legislation to advising government agencies on key policy changes, EBCLC gathers knowledge from our direct services work and applies it to broader-based systemic change. Recently, for example, EBCLC was a leader in a coalition that helped to pass California Senate Bill 190, which repealed the state law that once authorized counties to charge administrative fees to parents and guardians for their children’s detention, legal representation, probation supervision, electronic monitoring, and drug testing in the juvenile system. This—the Tyramid—represents EBCLC’s commitment at once to direct legal services and to long-term, sustainable change. We are in this fight for the long haul, working day in and day out to ensure fairness, justice, equity, and equality for all.

Many of the EBCLC Festschrift pieces contained in this issue are authored by current EBCLC attorneys and invoke recent or current cases, client stories, and personal reflections about the organization’s uniquely multimodal model. For three decades now, EBCLC has received, held, and worked alongside some of the most empowering and heart-wrenching clients, a handful of whose stories are chronicled here. You will hear the eye-opening plea of a middle school teenager caught in the unforgiving hold of a public school disciplinary system; the desperation of unassuming victims of predatory debt lenders—the kind that levy poor peoples’ bank accounts without so much as a nod to due process; and the happenstance eavesdropping, by our very own Executive Director Tirien Steinbach, who overheard a fellow bus rider declare to the driver just how responsive, respectful, and helpful “that law center right there” had been to him when he needed help with a legal problem.

Likewise, you will listen to law students that come through EBCLC’s clinics and are themselves transformed by our unique clinical legal education model. One law student whose own early family life resembled that of the clients in EBCLC’s Housing practice declares that his clinical experience at EBCLC “was some of the best work I’ve done in my life.”

From law students and lawyers to the staff and community partners with whom EBCLC collaborates, it is this unique and impactful worldview of transformative justice that is the bedrock of our work and our clinical teaching. There is law and lawyering—but underlying it all, there is love.

1. Indeed, some 38 percent of the attorneys who work at EBCLC are former EBCLC students. We pride ourselves in attributing that return rate to the positive, successful, and transformational experiences that our students have during their semester(s) and/or year(s) in our clinics.
The essay by our Education Defense and Justice for Youth (EDJY) team accompanies us through the annals of the East Bay juvenile justice paradigm, where young people, often just middle-school aged, experience their first encounters with “the system” as early as their twelfth birthday. It is unsurprising that the majority of these young clients are Latinx and/or Black and face multiple layers of disadvantage (and that is putting it nicely). As our attorneys attest,

“[e]very day our young teenage clients’ childhood behaviors and mistakes are criminalized. Every day our clients and their families, almost all of whom are Latinx or Black, fight back against institutions and systems that further the legacy of racism and Jim Crow.”

The inequity and exclusion that EBCLC’s disadvantaged adult clients grapple with are no match to the same injustices that EDJY’s student clients routinely face. In response, our attorneys and social workers provide so much more than just direct legal services and policy advocacy. Rather, as EDJY recognizes, “[o]ur goal is to elevate our clients’ voices, not just in their individual cases, but also in our policy work.” The practice group is the change that it wishes to see in the world. Youth have agency. They have rights. And EDJY not only appreciates that nuance but works hard to elevate and highlight the individual youth’s narrative, voice, and agency in every aspect of its work. This approach is the quintessential marrying of love and community lawyering.

Amidst this backdrop of systemic inequity and injustice that young people in the criminal justice web face we encounter, too, in two of the Festschrift pieces, just how diligently and creatively EBCLC works to ameliorate the deleterious effects of the infamous Bay Area housing crisis. In “Bay Area: Housing and Crisis,” Attorney Ubaldo Fernandez tells the powerful story of how one particularly passionate EBCLC Housing Clinic student was the child of an oft-homeless family that “lived in cars, on friends’ couches, or in budget motels.” In the city of Oakland, which now boasts the fourth highest rental rates in the country, rapid gentrification and a slate of unjust policies and laws have resulted in the loss of nearly one-quarter of the community’s Black population. As Fernandez writes, eviction hits fast and it hits hard, and tenants are faced with an illusion of choice: fight or flight. To fight requires having the resources to retain an attorney. To flee assumes having a place to land. For most low-income tenants, neither of these is a real option, which is why EBCLC’s housing services

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4. Id.
5. Fernandez, supra note 2, at 571.
are so critical. The participation of passionate, committed students like Javier not only strengthens our ability to represent effectively, but ultimately helps shape the worldview and practice of the students themselves.

Some of the hardest constraints on the most economically disadvantaged in our communities go beyond the need for roofs over their heads. EBCLC pro bono attorney Ted Mermin tells the fascinating story of how EBCLC’s Consumer Justice practice was even born. It started in 2008 when EBCLC decided to open up a one-time “general clinic” in an attempt to capture the ubiquitous and wide-sweeping, day-to-day legal problems that ordinary people face. To the organization’s surprise and dismay, the majority of incoming problems consisted of poor people who had been sued over credit card debt. As Mermin writes, EBCLC ended up seeing “upward of a thousand debt collection clients a year.”

The ensuing, successful direct representation spawned several policy transformations too, the advocacy and passage of which are also credited to EBCLC. The Consumer Justice clinic is just another example of the EBCLC multimodal model in full effect: ensuring that tenants have shelter, that children have a voice in the youth criminal justice system, and that those who prey on poor people in debt are held accountable under the law. And as Mermin enumerates, the clinic’s students—oft unassuming 2Ls and 3Ls who may come to EBCLC for the clinical units or experience—their own undergo serious change, both personally and professionally. Several Consumer Justice students have become leaders in the legal field, in no small part because of their experience at EBCLC.

In the Clean Slate Piece, Theresa Zhen and Vinuta Naik describe “how lawyers can open pathways to opportunity and wealth for those whose birth into poverty and subsequent entanglement in the criminal justice system has deprived them of the same.” EBCLC attorneys and staff observed over the years how our lowest-income clients of color, in particular, were disproportionally preyed upon. This led to the gut-wrenching revelation about how municipalities, counties, and states use(d) fines and fees to systemically keep poor communities oppressed. After hundreds of direct client representation cases and successful litigation, EBCLC took to the law—literally—and helped institute important statewide policy changes on court debt that now serve as national legislative models. Working closely with law students pursuant to EBCLC’s foundational teaching mission, the attorneys themselves reflect on how the transformative work for our clients is transformative for us, too. Indeed, as Zhen and Naik underscore, it is “in the service of our communities who are fighting for their empowerment and liberation and always towards resisting—and changing—

systems that diminish all of us” that continuously pushes us all “upward and onward.”

Throughout the Festschrift, we encounter client stories that have transformed our clients’ lives while also changing who we as attorneys are, too, at our core. It is this—the power of an organization actually living and practicing the values of justice and empowerment that we hold so dearly—that makes EBCLC so unique.

I am humbled, grateful, and proud also to say that I, too, am one such EBCLC student who was so deeply transformed and affected by the work that this organization does. More than a decade ago, I was a clinical student in EBCLC’s Community Economic Justice (CEJ) practice captained then by local community advocate, activist, and attorney Margaretta Lin. Our cohort of five CEJ students worked long hours on a series of campaigns under Margaretta’s tutelage and guidance. The campaigns ranged from the struggle to preserve affordable housing for low-income Chinese immigrant residents in Oakland to the strenuous effort to reclaim the city’s 16th and Wood St. Historic Train Station, which once served as the West Coast organizing home for the Brotherhood of Sleeping Car Porters—the country’s first African American labor union. Be it drafting summary judgment oppositions or attending late-night mass community meetings to discuss organizing strategies vis-à-vis private developers (and displacement), my own personal EBCLC clinical experience allowed for the kind of immersion and transformation that changed my life and my career. And I am not alone. After more than a decade of litigating, organizing, and working in the fields of workers’ rights and employment law, I recently returned to EBCLC as the Clinical Director. But ever still, I identify deeply with being an EBCLC CEJ student. That is the transformative power of EBCLC: the clinic that is the change that it wishes to see in the world.