



Laurel E. Fletcher
Director, Clinical Program

This year, Berkeley Law's clinics face unprecedented challenges of advancing justice at home and abroad in the midst of the coronavirus pandemic, a national racial reckoning, and unprecedented wildfires along the West Coast. We rise to meet the demands of the moment, and across [our 14-clinic program](#), faculty, staff, and students are providing direct legal services, litigating cutting-edge issues, conducting research, and advancing policy advocacy to remedy, and ultimately dismantle, structural discrimination.

Each year, we train 300 students in one of our six in-house clinics, or in one of our eight community-based clinics at the East Bay Community Law Center (EBCLC). Our clinical teaching faculty are experts in their fields. They skillfully introduce students to real-world practice through close supervision and through weekly seminars, which deepen students' training with critical reflection on the role of law and lawyers in achieving social change.

We are delighted to continue to [expand our clinical teaching faculty](#), which enables us to expand our services and increase student enrollment. This year, we are thrilled to welcome several new teachers to the in-house and EBCLC clinics: Anavictoria Avila (Teaching Fellow, Policy Advocacy Clinic), Taylor Boutelle (Supervising Attorney, Health and Welfare Clinic, EBCLC), Gabrielle Daley (Teaching Fellow, Samuelson Clinic), Juliana DeVries '17 (Teaching Fellow, Samuelson Clinic), Cristiana Giannini (Supervising

Attorney, Health and Welfare Clinic, EBCLC), Katherine Lin (Supervising Attorney, Housing Clinic, EBCLC), Rebecca Oyama (Supervising Attorney, Clean Slate Clinic, EBCLC), Melissa Phatharanavik (Supervising Attorney, Immigration Clinic, EBCLC), Astha Sharma Pokharel (Teaching Fellow, International Human Rights Law Clinic), Candy Smallwood (Supervising Attorney, Clean Slate Clinic, EBCLC), Rachel Wallace M.P.P. '20 (Teaching Fellow, Policy Advocacy Clinic), Kelly Woolfolk LL.M. '14 (Supervising Attorney, New Business Community Law Clinic), Patricia Zermeno (Supervising Attorney, Immigration Clinic, EBCLC), and Maiya Zwerling M.P.P. '20 (Teaching Fellow, Policy Advocacy Clinic).

When I assumed my new [responsibilities as director of the Clinical Program over the summer](#), I anticipated this year would be like no other. Outgoing director Elisabeth Semel left big shoes to fill. What I did not anticipate was the inspiration I draw every day from learning about the innovative teaching and service strategies clinical faculty are developing. Read on to learn how our faculty and students are leveraging this moment of crisis as a moment of opportunity: an opportunity to reshape society to fulfill our highest ambitions for justice.

Best wishes,

Laurel E. Fletcher



Sax Prize Celebrates Clinic Students

Two clinic students were honored last spring for their outstanding work in clinical advocacy.



Savannah Reid '20 won the 2020 Brian M. Sax Prize for Excellence in Clinical Advocacy for her outstanding work in the Policy Advocacy Clinic (PAC) and the Death Penalty Clinic (DPC), and **Bill Nguyen '20** won the Sax Prize Honorable Mention award for his excellent work in the Death Penalty Clinic and the East Bay Community Law Center's (EBCLC's) Youth Defender Clinic. With PAC, Reid's shining achievement was initiating and advancing a strategic campaign that abolished juvenile fees, which disproportionately harm low-income youth and families of color, in her home state of Nevada—with unanimous bipartisan support in the state's legislature. With DPC, she helped lead a six-student team representing a client in Alabama. Nguyen worked with a team of students and lawyers representing a death-sentenced prisoner in Alabama and drafted, argued, and won original motions in two of his three cases in juvenile court with EBCLC.



Death Penalty Clinic

Founded in 2001, the [Death Penalty Clinic](#) seeks justice for individuals facing the death penalty by providing them with high-quality representation, and offers students a rich opportunity for meaningful hands-on experience in high-stakes, complex litigation. Students participate in field investigation, consult with experts, draft pleadings, prepare for hearings, and help shape case strategy. The clinic also exposes and tackles problems endemic to the administration of the death penalty through policy advocacy and friend-of-the-court briefs in cases involving issues such as racial discrimination and methods of execution.



Elisabeth Semel
Director



Ty Alper



Mridula Raman
Supervising
Attorney

Recent News

In June, the clinic released [Whitewashing the Jury Box: How California Perpetuates the Discriminatory Exclusion of Black and Latinx Jurors](#), an [eye-opening report](#) finding that racial discrimination persists in jury selection in California. The exhaustive study investigates the history, legacy, and ongoing practice of excluding people of color—especially African Americans—from state juries through prosecutors’ peremptory challenges. The report was written in part to support California Assembly Bill 3070, which replaces the *Batson* standard with a procedure that shifts the burden of proof to the party exercising the strike and requires courts to consider implicit and institutional bias. The bill passed the legislature and was signed into law by Governor Newsom.

Toforest Johnson, an Alabama death row inmate who has long been represented by the clinic and the Southern Center for Human Rights, received excellent news in June. At that time, Jefferson County District Attorney Danny Carr made a formal request for a new trial. The district attorney’s request, which is now before the Alabama attorney general, marks [the latest development in the prosecution of Johnson’s case](#), which continues to reveal misconduct and race discrimination 22 years after Johnson was convicted.

[Read more news >](#)

WHITEWASHING THE JURY BOX

How California Perpetuates the Discriminatory Exclusion of Black and Latinx Jurors



Strikes by Race and Ethnicity

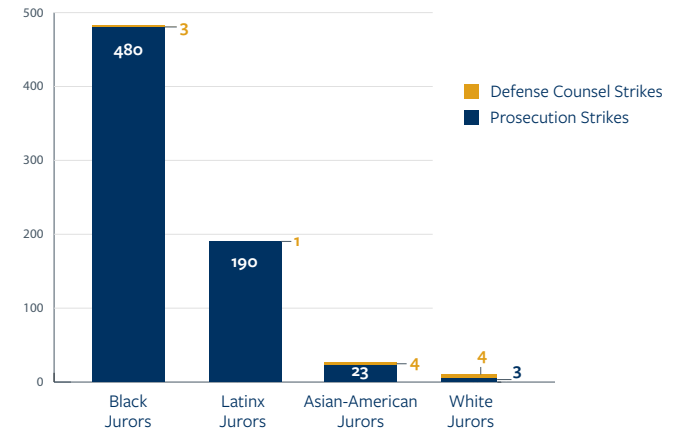


Figure 2

Prosecution's Reasons for Challenging Jurors by Case

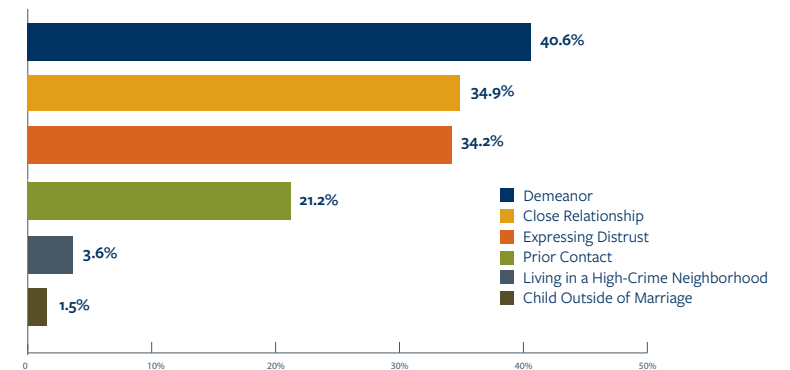


Figure 3⁵⁷

A review of these cases leaves no doubt that prosecutors' exercise of race-based peremptory challenges is very much a present-day practice. Consistent with the findings of every other study, prosecutors in California disproportionately use peremptory challenges to exclude Blacks from juries.¹⁵⁸ As in other jurisdictions, prosecutors often offer many reasons—a "laundry list"—for each strike.¹⁵⁹ For example, an Alameda County prosecutor struck a Black juror because he was slouching, pursuing a criminal justice degree, believed the criminal legal system was unbalanced, and cited the events in Ferguson, Missouri to explain why he no longer wanted to be a police officer.¹⁶⁰

Environmental Law Clinic

The [Environmental Law Clinic](#) tackles critical environmental health and environmental justice issues through litigation, administrative agency practice, legislation, and policy analysis on behalf of real-world clients. The clinic provides students with hands-on experience representing individual and institutional clients with environmental advocacy needs. Our tools include litigation, policy work, legislative drafting, and administrative agency practice. Our docket focuses on environmental health (exposure to pollution, toxic chemicals, and radiation) and environmental justice. The clinic has three main goals: making students creative and effective environmental lawyers; making an environmental difference; and addressing the environmental legal needs of underserved communities.



Claudia Polsky
Director



Roger Lin
Supervising
Attorney



Heather Lewis
Teaching Fellow

Recent News

On behalf of environmental justice clients, the [clinic in early 2020 sued the U.S. Environmental Protection Agency](#) for its unlawful failure to update the 25-year-old National Contingency Plan governing the nation's response to offshore oil spills. The plan permitted the use of toxic chemicals to disperse oil in the BP Deepwater Horizon disaster, which sickened thousands of coastal residents and response workers. In June, the court preliminarily ruled in the clinic's favor on the key issue, holding that the Clean Water Act requires EPA to maintain a scientifically current oil spill clean-up plan.

In four proceedings before California's Public Utilities Commission (PUC), the clinic has advocated on behalf of environmental justice clients to achieve key victories for clean energy and climate justice. First, last spring, the [PUC rejected a utility proposal](#) to rely indefinitely on diesel back-up generators during wildfire prevention power shut-offs. Second, the clinic's work led the PUC to [require utilities to meaningfully engage](#) disadvantaged communities in climate adaptation planning. Third, the clinic removed barriers for disadvantaged communities to participate in clean energy pilot projects by advocating for changes in [eligibility requirements](#). Finally, the clinic convinced the PUC, the California Energy Commission, and Air Resources Board to consider [equity in their implementation of California's ambitious renewables law](#), Senate Bill 100. [Read more news >](#)

In an attempt to disperse oil spills, planes like these have dispersed toxic chemicals, sickening thousands. This year, the Environmental Law Clinic successfully sued the U.S. Environmental Protection Agency over its failure to update the nation's offshore oil spill clean-up plan under the Clean Water Act.



International Human Rights Law Clinic

The [International Human Rights Law Clinic](#) advances human rights at home and abroad through litigation, documentation, evidence-based policy work, and client-centered advocacy on a range of cases and urgent issues. One of the oldest human rights clinics in the country, the clinic has pioneered a client-centered, multi-disciplinary, collaborative approach to its work. Students hold perpetrators of mass violence accountable in international and domestic courts; fight for justice for migrants at the border and immigrants in our community; and protect human rights defenders under threat from authoritarian regimes.



Roxanna Altholz
Co-Director



Laurel E. Fletcher
Co-Director



Astha Sharma Pokharel
Teaching Fellow

Recent News

In January, the clinic released a new report, [Living with Impunity: Unsolved Murders in Oakland and the Human Rights Impact on Victims' Family Members](#), which found that the needs of Black crime victims in Oakland, California, a city with high rates of homicide and low arrest rates, often go unmet by law enforcement. The family members of murder victims often face discriminatory treatment by police, devastating financial burdens, and psychological trauma with inadequate government support. The trauma experienced by family members of murder victims, mostly African Americans in low-income neighborhoods, was often exacerbated by law enforcement and other agencies who treated them with indifference, and even hostility, the report says.

The clinic joined efforts with the organization REDRESS in June to [file a complaint with the United Nations Human Rights Committee](#) on behalf of Velauthapillai Renukaruban (“Renu”), an ethnic Tamil and British citizen who was abducted, detained, and tortured by Sri Lankan officials when he visited Sri Lanka in 2016. The complaint asks the Human Rights Committee to find that Sri Lanka violated Renu’s right to be free from torture and recommends the government compensate Renu for his injuries, issue a public apology, and prosecute those responsible. It also calls for preventing similar violations in the future.

[Read more news >](#)

Richard Livingston Jr. cradles the urn that holds the remains of his son, Richard Dejon Livingston III. Five years after his son was murdered, police still have made no arrest. Surviving family members of homicide victims in Oakland often endure discriminatory treatment by the police and do not receive the support they need, says a recent report by the International Human Rights Law Clinic.

New Business Community Law Clinic

The [New Business Community Law Clinic](#) provides free legal assistance to new businesses that cannot afford legal help during the critical early years. By helping entrepreneurs, clinic students gain important experience in counseling business clients and applying transactional law in a variety of areas, including entity formation, raising capital, employment law, risk management, intellectual property protection, and regulatory issues. The wide variety of legal issues involved gives students important experience serving as in-house counsel for these businesses. The clinic provides free legal representation, walk-in office hours, trainings, and online resources throughout the East Bay and Central Valley.



William Kell
Director



Kelly Woolfolk
Supervising
Attorney



Des Lafleur
Teaching Fellow

Recent News

Since March, the clinic has focused on supporting entrepreneurs navigating the business landscape during COVID-19. The clinic shifted its evergreen workshop topic approach to explaining the CARES Act and available Small Business Administration resources such as grants and loans, employment laws, and contract issues including liability, insurance, work-from-home guidance, privacy policies, health and safety regulations, business dissolution, and bankruptcy.

The clinic is also launching a pilot mediation project for entrepreneurs interested in renegotiating their leases. The project will begin with a training for volunteer attorneys and Berkeley Law students who will work with community members seeking to change their business rental leases. This project aims to help community members renew terms on their leases while providing students the chance to experience mediation in a commercial leasing context. Also, the clinic has been developing training programs with community partners in the East Bay and Central Valley to help self-employed people, particularly immigrants, formalize their businesses to qualify as independent businesses, so they can be hired under California's new restrictive laws for independent contractors.

[Read more news >](#)



New Business Community Law Clinic students learn about a myriad of company models and meet with in-house counsel at Bay Area companies like Salesforce and Pixar. Here, students sample cheese from Berkeley's popular Cheese Board Collective, a highly successful worker-owned business.

Policy Advocacy Clinic

The [Policy Advocacy Clinic](#) is the nation's premier interdisciplinary clinic where law and public policy students team up to take on systemic racial, economic, and social injustice. The clinic's approach is ground-up (rooted in the lives of impacted people), problem-based (addressing pressing social issues), and community-driven (accountable to advocacy and community-based organizations). Students support local, state, and national criminal justice reform campaigns while exploring the capacities and limits of law and public policy to solve problems.

Recent News

The clinic helped mount a state and national response to COVID-19 and heightened racial injustice with a special focus on abolishing fines and fees imposed on vulnerable youth and families. With the East Bay Community Law Center and others, [PAC persuaded the California State Controller to suspend collection of all outside debt owed to the state](#). Most recently, Governor Gavin Newsom signed the [Families Over Fees Act](#) (Assembly Bill 1869) which permanently ends assessment and collection on 23 fees in the criminal system and discharges an estimated \$16 billion in outstanding debt effective July 1, 2021. The bill is a culmination of over two years of research, organizing,



Jeffrey Selbin
Director



Stephanie Campos-Bui
Supervising Attorney



Anavictoria Avila
Teaching Fellow



Ahmed Lavalais
Teaching Fellow



Devan Shea
Teaching Fellow



Rachel Wallace
Teaching Fellow



Maiya Zwerling
Teaching Fellow

and advocacy by the clinic and its client, Debt Free Justice California. At the same time, PAC organized more than 130 racial, economic, and criminal justice organizations across the country and political spectrum to call for a [nationwide moratorium on juvenile fees and fines](#). The clinic also continued to pursue state and local juvenile fee repeal — [seven counties ended collection of approximately \\$75 million in juvenile fees](#) during the COVID-19 state of emergency, and [Governor Newsom signed a bill to discharge all remaining juvenile fee debt](#). Across all state and local work, the clinic is urging state and local governments to take immediate action to promote the economic resiliency of youth and families to weather the crisis.

[Read more news >](#)



Policy Advocacy Clinic (PAC) members visit Sacramento with other groups, including the East Bay Community Law Center (EBCLC), to meet with the governor's office about a bill to end the assessment and collection of administrative fees imposed against people in the criminal justice system. Pictured: PAC Supervising Attorney Stephanie Campos-Bui '14 (holding folders), clinic student Sarah Edwards M.P.P. '20 and Asher Waite-Jones '16, supervising attorney in EBCLC's Clean Slate Clinic (back row, fourth and third from right)

Samuelson Law, Technology & Public Policy Clinic

The [Samuelson Law, Technology & Public Policy Clinic](#) trains the next generation of lawyers to advance the public interest in a digital age marked by rapid technological change. The clinic's work focuses on three main areas: protecting civil liberties, ensuring a fair criminal justice system, and promoting balanced intellectual property laws and access to information policies. The clinic does this through strategic litigation opportunities, regulatory and legislative processes, and policy analysis.

Recent News

Oakland's city council voted unanimously last spring to adopt a [set of privacy principles drafted by three clinic students](#), who also wrote accompanying guidance documents for the city. This lays a foundation for city staff to carefully consider decisions any time they use residents' personal information when doing things like installing surveillance cameras, collecting data on students who miss school, or using automated license plate readers to log parking violations. Neighboring city Alameda has also adopted an almost identical set of principles, based on the students' work.



Catherine Crump
Director



Erik Stallman
Associate Director



Jennifer Urban
Director of Policy
Initiatives



Megan Graham
Supervising
Attorney



Gabrielle Daley
Teaching Fellow



Juliana DeVries
Teaching Fellow

In January, the clinic and Professor Pamela Samuelson [filed an amicus brief in the Google v. Oracle software copyright case](#) on behalf of 72 intellectual property scholars. The brief argued that the Supreme Court should hear the case to resolve splits in circuit court interpretations of several major copyright doctrines as applied to computer programs. The Supreme Court granted cert and is scheduled to hear the case this fall.

[Read more news >](#)



Samuelson students Nomi Conway '20, Courtney Reed '20, and Amisha Gandhi '20 developed Oakland's new privacy guidelines, which the city adopted unanimously. This lays a foundation for city staff to carefully consider decisions any time they use residents' personal information when doing things like installing surveillance cameras or collecting data on students who miss school.

East Bay Community Law Center



Zoë Polk
Executive
Director

Seema Patel
Clinical
Director

Rosa Bay
Co-Deputy
Director

Jay Kim
Co-Deputy
Director

The [East Bay Community Law Center](#) (EBCLC) is Berkeley Law's largest expression of public service to the surrounding community. For more than three decades, Berkeley Law students have been helping to provide critical legal services and policy advocacy at EBCLC — Alameda County's largest provider of free legal services. The center teaches critical, practical, and hands-on lawyering skills, while fighting for justice and reflecting on the lawyer's role and the lawyering process.

Clean Slate Clinic



Jael Myrick
Interim Director

**Maureen
Kildee**
Supervising
Attorney

Osha Neumann
Supervising
Attorney



**Rebecca
Oyama**
Supervising
Attorney

**Candy
Smallwood**
Supervising
Attorney

**Asher
Waite-Jones**
Supervising
Attorney

The [Clean Slate Clinic](#) provides legal services at the intersection of criminal, employment, and consumer law, representing clients on post-conviction record sealing petitions in criminal court and engaging in local and statewide criminal justice reform, particularly as it relates to court debt and the criminalization of homelessness. Law students file petitions in criminal court, conduct intake at weekly courthouse clinics, write declarations and briefs, and represent clients in administrative hearings and municipal court.

Community Economic Justice Clinic



Jassmin Poyaoan
Director



Seema Rupani
Supervising
Attorney



Hewot Shankute
Supervising
Attorney

The [Community Economic Justice Clinic](#) uses corporate law to provide technical assistance to organizers in building community resources such as land trusts, cooperatives, and credit unions. Students engage in “movement lawyering” strategies, including community legal workshops, client counseling, and direct representation to advance people-oriented economic development and empower low-income communities of color to build long-term solutions to poverty.

Consumer Justice Clinic



Sharon Djemal
Director



Kara Acevedo
Supervising
Attorney



Elizabeth Deucher
Supervising
Attorney



Miguel Soto
Supervising
Attorney

The [Consumer Justice Clinic](#) provides assistance and representation to low-income Alameda County residents on a variety of consumer issues, including debt-collection defense, student loans, car fraud, predatory lending, and consumer scams. Students engage in a full range of litigation practice, including drafting motions, representing clients in court, and negotiating settlements. Students also support the clinic’s pursuit of state policy initiatives that address the most significant challenges faced by low-income consumers.

Education Advocacy Clinic and the Youth Defender Clinic



Oscar Lopez
Interim Director,
Education
Advocacy Clinic



Tony Cheng
Director, Youth
Defender Clinic



Whitney Rubenstein
Supervising Attorney
and Director of
Social Work



Cancion Sotorosen
Supervising
Attorney



Yasmine Tager
Brian Lewinstein
Fellow

The [Education Advocacy Clinic](#) and the [Youth Defender Clinic](#) work together to fight back against the criminalization of youth of color, so that they can thrive in their communities and get the education they deserve. The clinics work together to provide holistic representation to youth in the juvenile justice system. Law students represent clients in juvenile court, special education (IEP) proceedings, and at expulsion hearings. Students also participate in the clinics' policy advocacy, which includes supporting local and statewide campaigns to curb the education system's overreliance on police in public schools and challenging the use of electronic surveillance (GPS) with youth.

Health and Welfare Clinic



Erin Le
Director



Taylor Boutelle
Supervising
Attorney



Daniel Faessler
Supervising
Attorney



Cristiana Giannini
Supervising
Attorney



Nora Wilson
Supervising
Attorney

The [Health and Welfare Clinic](#) provides critical legal services to individuals at risk of poor health outcomes due to poverty, unsafe housing conditions, homelessness and/or inadequate health coverage. Through medical-legal partnerships with local providers, law students work to provide stability for their clients. Students represent clients at administrative hearings involving the denial of disability-related benefits and provide limited-scope representation regarding public benefits issues at weekly clinics.

Housing Clinic



Meghan Gordon
Director



Linda Yu
Interim Director



Marc Janowitz
Interim Deputy Director



Zoe Brown
Supervising Attorney



David Hall
Supervising Attorney



Sabyl Landrum
Supervising Attorney



Katherine Lin
Supervising Attorney



Evelina Nava
Supervising Attorney



Pedro Viramontes
Supervising Attorney

The [Housing Clinic](#) is a high-volume litigation practice designed to protect and promote safe, healthy, and affordable housing for low-income tenants through eviction defense and affirmative litigation to compel landlords to maintain their rental properties in a habitable condition. Students engage in a full range of litigation procedures while representing tenants in civil eviction proceedings and in administrative matters under local rent control ordinances.

Immigration Law Clinic



Theo Cuison
Director



Mindy Phillips
Deputy Director



Jessica Castellanos
Supervising Attorney



Sara Dunsky
Supervising Attorney



Janely Mendoza
Supervising Attorney



Melissa Phatharanavik
Supervising Attorney



Patricia Zermeno
Supervising Attorney

The [Immigration Law Clinic](#) provides immigration legal services to low-income individuals with a focus on the most vulnerable populations — people with disabilities and chronic illness, members of the LGBTQ community, and youth. The clinic prioritizes cases involving criminal issues and deportation defense. Students carry their own caseload of immigration cases and are exposed to a broad range of immigration issues by also performing initial consultations to assess cases and participating in case selection.

Recent News

In January, EBCLC announced a new chapter of leadership and welcomed [Zoë Polk as its new executive director](#). Polk is the fourth executive director in the organization's 32-year history. Throughout her career, she has successfully advanced racial and economic justice initiatives in the Bay Area and around the world. As executive director, Polk leads a team of more than 80 staff members in serving over 8,000 clients per year and advancing systemic policy change. She also serves as a Berkeley Law faculty member overseeing the training of about 150 students each year through EBCLC's eight teaching clinics. "I am inspired by community movements that rectify and heal the legacy of structural racism," said Polk of what brought her to the law center. "I am honored to lead EBCLC as we work in partnership with our clients to navigate and disrupt the legal system, and to reimagine justice."

Students in all of EBCLC's clinics pivoted to providing direct legal services remotely this March, but have continued to play a crucial role in stabilizing community members experiencing pandemic-related crises and [advancing racial equity across the Bay Area](#). This summer, clinic staff and students secured thousands of dollars in public benefits for clients who had never before had to navigate the application process, partnered with Berkeley community groups to remove police from traffic stops and rebuild community-centered transportation and safety enforcement, and provided free direct representation to immigrant clients seeking legal status.

In August, the Housing Clinic successfully [pushed Alameda County to pass one of the nation's longest and strongest eviction moratoriums](#), preventing a tidal wave of evictions and protecting low-income Black and Brown families most impacted by COVID-19 from losing their homes during the pandemic. The victory extends the county's ban on most evictions through the start of 2021.

After years of drafting, movement-building, keeping the heat on elected officials, and helping directly impacted clients to prepare for testimony, EBCLC, along with the Policy Advocacy Clinic and others, celebrated the passage of the Families Over Fees Act, a statewide bill eliminating criminal justice system fees that disproportionately impact people of color and discharging more than \$16 billion in existing debt. EBCLC helped to form the [Debt Free Justice California](#) coalition in 2018, after authoring an ordinance that made Alameda County the second California county to eliminate criminal fees. In September, the coalition scaled that victory up to the state level, as Governor Gavin Newsom signed Senator Holly Mitchell's Families Over Fees Act.

[Read more news >](#)



The East Bay Community Law Center advocates for those most vulnerable to the pandemic. From left: Supervising Attorney Cancion Sotorosen, Anya Ku '20, Josh Nomkin '21, Olivia Gee '20.

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