

Speech by Mark Davey of the East Bay Community Law Center
Winner of the 2003 Brian M. Sax Award
April 25, 2003

I. Thanks

First, I want to say thank you to the prize committee, the clinical community, and the friends and family of Brian Sax. I want to say thank you to Tirien Steinbach, Jeff Selbin, Bernida Reagan, the attorneys in the HIV Unit at the East Bay Community Law Center, Cseneca Parker and everyone on staff at the EBCLC. I want to say thank you to students in all of the clinicals who are doing such amazing things, Domestic Violence, Death Penalty, International Human Rights, Law and Technology and all of the units and projects at the EBCLC, and to the incredible students running the Suitcase Clinic who are truly awe-inspiring. And finally, I want to say thank you to the rest of my friends and especially to Monique for putting up with me.

II. Clinical Education

There was a time when I was amazed at the ability of people to walk past others in need and not see them, to have no image even register of a person asking for help. Then, whether it was due to aging, cynicism, or urbanization I am not sure, I found myself walking past people asking for help and realized that I did not see them at all. It felt like a piece of my humanity, the part that cared, was gone.

I was warned about many things before coming to law school, but no one ever warned me to be careful because I might recover my humanity here. Yet, that is what happened through the clinical program. As a student, when I started working in the EBCLC HIV unit and the Suitcase Clinic Legal Services, my motives were mixed. Yes, I cared about what we were doing, but it also mattered that these were units outside of a classroom, one less casebook to lug around, and no final at the end of the semester.

I got so much more out of my clinical experience than I ever could have put into it. I got the chance to learn the practical skills as only a clinic can teach. I got the chance to work with absolutely amazing attorneys, true giants who let me stand on their shoulders, people like Tirien Steinbach, Osha Neumann, Bernida Reagan, Gail Silverstein, Ed Barnes, Jeff Selbin, I really could go on for a long time with names.

I got the chance to work with students and to be a part of a clinical community that embodies in every sense the phrase “the best and the brightest.” To which I would add, “the most resourceful and dedicated.” Finally, I got the chance to work with the clients in a collaborative fashion and to do something that, incredibly, makes a difference. The work makes a difference in their lives and I know it makes a huge difference in mine.

After a legal battle with a law school clinic in Louisiana, the Washington Legal Foundation, a vociferous opponent to a perceived liberal leaning in legal clinics, took out a very inflammatory ad in the New York Times. The ad berated clinical programs for

“suing property owners, representing criminals, filing appeals on behalf of convicted murderers, and tormenting small business with novel theories of legal liability.” OK, fair enough, but we do so much more than just that. The students and teachers in the clinical programs are driven by much more than the educational goals; we are driven by a belief that there should be justice. We share with our clients a powerful ambition to see justice done. And we are all afraid that if we falter, if we stop looking for it with everyone who seeks it, then it will disappear. In the clinical program, we are trying our damndest to keep access to legal and administrative systems open in spite of mounting pressure to close them. Here, I have found the most amazing people and the greatest work.

This award is the icing on a truly wonderful cake. Thank you again for being here and sharing it with me.