Death Penalty Clinic students Max Endicott '22, Aysha Spencer '22, and Maddy Pilgrim '22 (left to right) helped produce a report analyzing more than 200 Kansas cases that demonstrated the courts have failed to reduce racial discrimination by prosecutors in jury selection.

edit: Brittany Hosea-Small

Clinical Program

Clinical Program

Advancing Equal Justice Through Teaching, Service, and Research

2021-2022



Letter from Directors



Ty Alper Co-Director, Clinical Program Roxanna Altholz Co-Director, Clinical Program Seema N. Patel Clinical Director, East Bay Community Law Center Clinical education has flourished at Berkeley Law over the last three decades, and further growth is on the horizon. It was Berkeley students who founded the Berkeley Community Law Center (now the East Bay Community Law Center) in 1988, establishing the school's commitment to provide legal services to low-income communities and train students to use the law to promote social justice. Now the robust program — which currently houses six in-house and eight community-based clinics — plans to add three more in-house clinics and four clinical faculty members over the next four years.

Plans for expansion come at a time of rising authoritarianism and popular nationalism, deepening inequities, and retrenchment of rights. Berkeley Law's clinics stand with threatened individuals and communities in pursuit of transformative justice through direct services, litigation, counseling, policy advocacy, and research. Last year, the clinics tackled racial discrimination in jury selection; fought against state spying on human rights defenders; pushed for greater government oversight of toxic chemicals in cosmetics and beauty care products; sued for public access to government requests for electronic surveillance records; helped abolish youth fines and fees in Washington, Utah, and Louisiana; counseled new businesses emerging from pandemic shutdowns; helped end civil assessments in California; worked to keep tenants housed; advocated for the release of incarcerated youth during the pandemic; and much, much more. The turbulence of our times only deepens our resolve to disrupt and dismantle entrenched patterns of oppression, exploitation, and racism.

Among Berkeley Law students, clinical education has never been more popular or crucial to the mission of a public interest law school. More than 300 students enrolled in clinics last year and took advantage of the unparalleled opportunities to use the conservative institution of the law in radical and innovative ways. They sharpened their legal skills and, just as importantly, built connections with faculty, students, and clients that transformed their worldviews and enriched their legal careers. The next few years will undoubtedly bring unprecedented opportunities and challenges. Special thanks to Laurel E. Fletcher, outgoing clinical program director, for ensuring we are ready. We are also overjoyed to announce that Stephanie Campos-Bui, deputy director of the Policy Advocacy Clinic, has accepted an offer to join us as an assistant clinical professor of law and Olivia Layug Balbarin, our longtime legal case manager, has agreed to take on a new role as director of clinical administration for the in-house program.

Law school clinics are laboratories of justice and sites of innovation. They are also a welcoming home for students who decided to become lawyers because they wanted sustaining careers that have meaning, not just to them but to the communities they serve. We are deeply honored to help lead a program that provides students the building blocks to become the brilliant, compassionate, ethical, and creative lawyers this world needs them to be.

Ty Alper, co-director, Clinical Program Roxanna Altholz, co-director, Clinical Program Seema N. Patel, clinical director, East Bay Community Law Center

Sax Prize Celebrates Clinic Students









Sarah Abelow '22 won the 2022 Brian M. Sax Prize for Excellence in Clinical Advocacy for her outstanding work in the East Bay Community Law Center's (EBCLC) Health & Welfare Clinic and the International Human Rights Law Clinic (IHRLC). At EBCLC, she assisted with policy advocacy, served on the center's board of directors, and worked on cases with mothers who can't work outside the home because they care for their children with disabilities. In IHRLC, she contributed to "Who Will Be Left to Defend Human Rights?," a report on government persecution of human rights activists in the Gulf region.

"Participating in law school clinics has helped me understand some of the many ways I can use the knowledge, skills, and privilege I have as a future lawyer to support our community and contribute to building a more just world."



Kaylee Johnson '22 won the Sax Prize Honorable Mention for her excellent work in the Death Penalty Clinic, where she worked tirelessly on the case of Toforest Johnson, an innocent client on Alabama's death row whom the clinic has represented for almost two decades. She drafted and executed investigation plans, interviewed the client and witnesses in Alabama, and led team strategy discussions.

"The clinic has been one of the most pivotal experiences in my life. This experience has taught me what being an advocate to our client means, how to balance moments of joy and excitement with moments of hopelessness and ultimately how to persevere through these times, and how to manage expectations and redefine success."

Death Penalty Clinic

Elisabeth Semel Co-Director



Ty Alper Co-Director



Founded in 2001, the Death Penalty Clinic seeks justice for individuals facing the death penalty by providing them with highquality 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. Through direct representation, policy advocacy, and friend-ofthe-court briefs, the clinic also exposes and tackles problems endemic to the administration of the death penalty, such as racial discrimination, prosecutorial misconduct, ineffective assistance of

Recent News

The Death Penalty Clinic is celebrating its 20th anniversary — postponed a year due to the pandemic. Over the past two decades, the clinic has represented or assisted in the representation of men and women facing capital punishment in states such as Alabama, Arizona, California, Georgia, Louisiana, and Texas. More than 300 students have completed the yearlong clinic, and more than half of clinic alumni work in public interest positions or government service.

This spring, the clinic filed a report in Kansas v. McNeal in support of a challenge to that state's death penalty. On the heels of its California study, "Whitewashing the Jury Box," the clinic investigated peremptory challenges in Kansas criminal trials, revealing that prosecutors used them to remove at least half of the prospective jurors of color in a majority of the cases and removed all of these jurors in at least one third of the cases — showing that prosecutors' strikes were often based on racial stereotypes. Also, the clinic's advocacy for Toforest Johnson, an innocent prisoner on Alabama's death row, continues to garner support from unlikely allies, including the former Republican Chief Justice of the Alabama Supreme Court, the former Alabama Attorney General, and the elected district attorney of the county in which Mr. Johnson was convicted almost 25 years ago. Birmingham faith leaders recently installed a billboard near the 2022 World Games, bringing international attention to a website presenting the wide array of voices calling for a new trial. Read more news >

counsel, and methods of execution.

Twenty-one years ago, eight students joined the Death Penalty Clinic's inaugural class to spend a year learning to provide skilled, vigorous representation to people facing capital punishment. The clinic began with clients in California, Alabama, and Texas. Two decades later more than 300 students have helped the clinic represent clients in 10 states.

Environmental Law Clinic



Claudia Polsky Director







Antonette Cordero Supervising Attorney

The Environmental Law Clinic tackles critical environmental justice and health issues, while providing students with hands-on experience representing live clients. Our tools include litigation, agency practice, legislative drafting, and policy analysis. Clinic projects reduce human exposure to pollution, toxic chemicals, and radiation; promote racial and economic equity in environmental policy; and increase access to nature for all. The clinic aims to make students creative, effective, culturally competent lawyers; to make an environmental difference; and to address unmet legal needs.

Recent News

The clinic's extensive work to call attention to the dangers of PFAS (polyfluorinated alkyl substances) has borne fruit. PFAS are labsynthesized chemicals that render Teflon pans nonstick, GoreTex jackets water-resistant, and pizza boxes grease-proof. PFAS are also toxic; pollute hundreds of water bodies across America, including many drinking water sources; and are so resistant to environmental decay they have been dubbed "forever chemicals." In October 2021, the governor of New Mexico petitioned the EPA to formally designate PFAS as hazardous substances, and to regulate disposed PFAS as hazardous wastes. The governor cited petitions by the clinic and Public Employees



Steve CastlemanNazune MenkaSupervisingSupervisingAttorneyAttorney

for Environmental Responsibility. The cumulative pressure of the three petitions has prompted the EPA to publicly commit to the regulatory steps proposed. The EPA is now consulting with the New Mexico Environment Department to craft proposed regulations.

In other chemical safety news, a California law to require manufacturers to disclose hazardous ingredients in cosmetics and personal care products — a law crafted by the clinic and client Breast Cancer Prevention Partners — took effect in January 2022. In April, this law, the client, and the clinic's director were featured in the HBOMax docuseries Not So Pretty. This powerful exposé of the dangerous under-regulation of cosmetics and personal care products will aid cosmetics safety reform bills pending in Congress.

Environmental Law Clinic students pass by a sidewalk mural during a field trip to North Richmond, California, led by lifelong resident and organizer Andrés Soto of Communities for a Better Environment. Soto explained land use problems stemming from the area's unincorporated status and how oil refinery pollution, racism, and city council politics define a community's challenges and its sources of resilience.

ANCE CO

International Human Rights Law Clinic



Roxanna Altholz Co-Director

Laurel E. Fletcher Co-Director

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, multidisciplinary, 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.

Recent News

The clinic published a report with the Gulf Centre for Human Rights documenting how governments in 10 nations across the Persian Gulf region and neighboring countries used anti-cybercrime and other criminal laws to attack human rights activists between May 2018 and October 2020. "Who Will Be Left to Defend Human Rights? Persecution of Online Expression in the Gulf and Neighboring Countries" identified 225 incidents of violations of online freedom of expression, many of which involved enforced disappearances and torture.

In May, on behalf of Article 19, Electronic Frontier Foundation, Fundación Karisma, and Privacy International, the clinic filed an amicus curiae brief in English and Spanish before the Inter-American Court on Human Rights in a case challenging the Colombian government's use of highly intrusive surveillance technologies. It is the first case involving digital surveillance to reach the court and presents an unprecedented opportunity to establish limits on government spying in the digital world. The brief urges the court to establish robust human rights protections addressing communication technologies. The clinic also helped the Fundación para la Justicia, which represents the families of migrants and others killed or disappeared, file a criminal complaint against the Mexican attorney general's office for illegal surveillance. Read more news >

International Human Rights Law Clinic Co-Director Roxanna Altholz (top left) recently visited Ana Lorena Delgadillo and her colleagues at the Fundación para la Justicia in Mexico City to discuss their work to investigate the mass abductions and killings of migrants.

New Business Community Law Clinic



William Kell Director





Mariana Acevedo Nuevo Supervising Attorney

Kelly Woolfolk Supervising Attorney

The New Business Community Law Clinic provides free legal assistance to 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 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.

Recent News

The clinic began this year with two new community partnerships creating more opportunities for students to assist entrepreneurs in the Bay Area and Central Valley. The East Bay Business Recovery Alliance, funded by \$265,000 from Wells Fargo's Open for Business Program, has bolstered the clinic's ability to serve eight business development centers in the Bay Area, including San Francisco's La Cocina Commercial Kitchen and Richmond's Renaissance Entrepreneurship Center. Another collaboration with Immigrants Rising, a national advocacy force for immigrant entrepreneurs, has tripled the number of Spanish-speaking



Des Lafleur Teaching Fellow

clients the clinic serves. These partnerships have boosted the number of interesting small business clients, all hustling to emerge from the shadow of the pandemic — which saw 3.3 million small businesses disappear in spring 2020, including a 41% loss of Black-owned businesses and a 32% loss of Latino-owned businesses.

This summer, the clinic launched another partnership — with six volunteer attorneys from the law firm of Orrick, Herrington, and Sutcliffe. Following a brief refresher training, four will cover the clinic's weekly office hours, and two will develop and present new community webinar trainings in entity formation and equity compensation.



Bernadine Sewell, aka Pinky, had to close her Pinky & Red's restaurant in UC Berkeley's student union in spring 2020 due to COVID-19. New Business Community Law Clinic students helped Pinky, newly diagnosed with cancer, move her business online, advising on vendor contracts and e-commerce legal issues. Now in recovery, Sewell looks forward to continued clinic legal support to help her reopen the cafe in 2022-23.

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 and economic injustice. The clinic's approach is ground-up (rooted in the lives of impacted people), problembased (addressing pressing social issues), and community-driven (accountable to local organizations). Students support state and national reform campaigns in the juvenile and criminal legal systems while exploring the potential and limits of law and public policy to solve problems.

Recent News

With Juvenile Law Center and the National Center for Youth Law, the clinic formally launched a national Debt Free Justice campaign in fall 2021 to abolish regressive and racially discriminatory fees and fines imposed on vulnerable youth and families in the juvenile legal system. In 2022, the campaign continued to make progress in states as diverse as Washington, Utah, Oklahoma, Indiana, and New Jersey.

On behalf of Debt Free Justice California, a statewide coalition that successfully fought to repeal 40 fees in the criminal legal system and



Jeffrey Selbin Director

Stephanie Campos-Bui Associate Director



Devan Shea **Deputy Director**

Anavictoria Avila Clinical Supervisor





Cameron D. Clark Clinical Supervisor



Gus Patel-Delaney Green **Tupper** Clinical Clinical Supervisor Supervisor



Rachel Wallace Clinical Supervisor

Clinical Supervisor

Maiya Zwerling

discharge more than \$16 billion in outstanding fees, the clinic is supporting efforts to end the remaining fees and reform the state's broken restitution system. This year, the clinic supported three legislative campaigns:

- Assembly Bill 199 relieves millions of Californians of more than \$500 million in civil assessments and reduces the maximum civil assessment fee from \$300 to \$100.
- Senate Bill 1106 will remove unpaid restitution as a barrier to criminal record relief.
- Senate Bill 1008 will make all phone calls in state prisons and local jails free.

National Debt Free Justice Campaign

The Policy Advocacy Clinic has supported efforts to reduce or eliminate harmful juvenile fees and fines in 22 states as part of the national Debt Free Justice campaign. The goal of the campaign, which officially launched last fall, is to abolish these regressive and racially discriminatory practices everywhere.

Full reform (repealed all fees and fines)
Substantial reform (repealed all fees or all fines)
Partial reform (repealed at least one fee and/or fine)
Local reform
Pending reform (introduced a repeal bill)
No reform

Samuelson Law, Technology & Public Policy Clinic



Erik Stallman

Associate Director

Catherine Crump Director



Jennifer M. Urban Director of Policy Initiatives

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, promoting balanced intellectual property laws and access to information policies, and ensuring a fair criminal justice system. The clinic does this through strategic litigation opportunities, regulatory and legislative processes, and policy analysis.

Recent News

On behalf of the Reporters Committee for Freedom of the Press, Jennifer Sun '23 and Supervising Attorney Megan Graham argued in federal court in Minnesota that the public has the right to access the government's requests for electronic surveillance records, and the court orders resulting from those requests. The April argument was the latest step in a lawsuit the clinic filed in December 2020. The suit asks the court to make changes to its sealing practices related to certain types of search warrant and surveillance order materials, arguing that the First Amendment and common law require public access to them.



Megan Graham Supervising Attorney



Brianna SchofieldAreeba JibrilSupervising AttorneyTeaching Fellow

"Cut Off From the Courthouse," a new report on how the digital divide impacts access to legal services and civic engagement, was released by the clinic and the nonprofit Next Century Cities in March. The report — which includes interviews with 27 California public defenders, family law attorneys, public servants, and others — outlines how gaps in broadband access fuel inequality and proposes ways to close them, including by working with community-based legal service providers, community organizers, and municipal officials.

DIANA E MURPHY UNITED STATES COURTHOUSE

Samuelson Law, Technology & Public Policy Clinic student Jennifer Sun '23 (right) and Supervising Attorney Megan Graham argued in the United States District Court of Minnesota last April, calling for more public access to records related to surveillance requests.

East Bay Community Law Center







Zoë Polk Executive Director

Clinical Director

Seema N. Patel 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 handson lawyering skills, while fighting for justice and reflecting on the lawyer's role and the lawyering process.

Clean Slate Clinic





Jael Myrick Director

Shazzy Kamali **Maureen Kildee** Supervising Supervising Attorney, Brian Attorney Lewinstein Fellow





Rebecca

Brigitte Nicoletti Supervising Attorney

Oyama Supervising Attorney



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



Michael Trujillo 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



Desirée Nguyen Orth Director Kara Acevedo Supervising Attorney



Miguel Soto Supervising Attorney **Sophia Wang** 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 Justice Clinic & Youth Defender Clinic





Atasi Uppal Co-Director

Cancion SotoRosen Co-Director





Ellen Ivens-Duran Supervising Attorney

Whitney Gloria Yi Rubenstein Supervising Supervising Attorney Attorney, Director of

The Education Justice Clinic and the Youth Defender Clinic

Social Work

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 **Milo Manopoulos** Beitman Supervising Attorney





Supervising Attorney

Taylor Boutelle Daniel Faessler 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.

Housing Clinic





Meghan Linda Yu Gordon Co-Director Co-Director

Laura Bixby Supervising Attorney

Hannah Flanery Supervising Attorney



Marc Janowitz

Supervising

Attorney



Sabyl Landrum Supervising

Attorney

Cynthia Nguyen Ruff Supervising Attorney

The Housing Clinic is a high-volume litigation practice designed to protect and promote safe, healthy, and affordable housing for lowincome 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 Co-Director

Mindy Phillips Co-Director

Karla Cruz Supervising Attorney

Daisy O. Felt Supervising Attorney







Janely Mendoza Melissa Supervising Supervising Attorney Attorney

Abigail Rich Phatharanavik Supervising Attorney

The Immigration Law Clinic provides legal services to lowincome individuals focusing on the most vulnerable populations - people with disabilities and chronic illness, members of the LGBTQ+ community, and youth. The clinic has formal schoolbased partnerships providing legal services to immigrant students in the Oakland Unified School District, community colleges, and UC Berkeley. The clinic prioritizes cases involving criminal issues and deportation defense. Students carry their own client caseload and experience the full range of client representation through assessing legal relief in initial consultations and providing direct legal representation in immigration court and before other government tribunals.

Berkeley Law Clinical Program 2021-2022 | 21

Recent News

The East Bay Community Law Center (EBCLC) is proud to train over 120 law students each year through its community-based clinical program. As a women of color–led organization, EBCLC affirms that uplifting Black and brown women, who serve as the organization's primary clientele, will lead to more thriving, healthy, and dignified communities. As the COVID-19 pandemic continues, EBCLC's clinics have pivoted to meet the community's evolving health, economic, and legal needs through holistic legal care, policy advocacy, and education. EBCLC will continue to center women of color, and the resilient communities that they sustain, in a push for justice that transforms the pre-pandemic normal:

- In response to clients sharing the structural barriers they faced when seeking COVID-19 medical care, EBCLC hosted a Community Health Day and vaccine clinic. The clinic provided vaccinations, vaccine information, and free legal advice.
- The Housing and Community Economic Justice clinics prepare for Alameda County's lifting of the state of emergency and end of the eviction moratorium. Along with legal aid and tenant rights education, EBCLC is bolstering its support of sustainable legislative solutions to keep tenants housed, including the Tenants Opportunity to Purchase Act, an anti-displacement housing policy to preserve affordable housing in Berkeley.
- The Consumer Justice Clinic co-sponsored Senate Bill 1477 to enable low-wage workers to improve their financial stability by protecting more of their wages in garnishment cases. The bill increases the amount protected in a worker's wages to 80 hours of work at a minimum wage salary. It also restricts the use of civil arrest warrants in consumer debt matters. The bill, authored by Senator Bob Wieckowski, was approved by the California Senate Judiciary Committee in April 2022.

- EBCLC participated in a campaign to end civil assessments

 a \$300 late fee used to fund the courts off the backs of low-income Californians. In June 2022 Gov. Gavin Newsom and the Legislature agreed on a budget that eliminates all debt from civil assessments, but does not fully eliminate the fees themselves, keeping civil assessment fees at a maximum of \$100 instead of the previous \$300 maximum. This relief for millions of Californians is an important victory that eliminated more than \$500 million in back debt for late traffic fees that unduly burden poor Californians.
- EBCLC was an active member of the Free Our Kids Coalition, which halted Alameda County's plans to spend \$75 million to rebuild its 100-bed juvenile probation camp, Camp Sweeney. The coalition also advocated for the release of incarcerated youth during the pandemic and centered the needs of impacted youth and residents in the implementation of SB 823, which closes the state's youth prisons.

Seema N. Patel, clinical director for the East Bay Community Law Center, works with Natalie Giron '24 (left) over the summer. Giron participated in the Immigration Law Clinic, the only legal services organization in Alameda County providing free immigration help for people with multiple or serious criminal convictions who can't find help anywhere else.



University of California, Berkeley School of Law 353 Law Building Berkeley, CA 94720-7200 510.643.4800 Non-Profit Org. U.S. Postage P A I D University of California, Berkeley

clinicalprogram@law.berkeley.edu law.berkeley.edu/experiential/clinics