

Berkeley Law's Student-Initiated Legal Services Projects

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Berkeley has a long history of student activism. Therefore, it should surprise no one that over the past 20 years, as Berkeley Law students found that the curriculum did not offer first year students the opportunity to enroll in clinics, or otherwise participate in public service projects as part of their first year studies, they established their own voluntary projects. These projects, student initiated and student directed, provide Berkeley Law students the opportunity to begin helping people with legal problems in their first semester while bringing social context to their legal studies and exposing them to the values and skills of the legal profession. They have become an important part of the student experience for most of the first year class.¹

As the projects developed, our faculty and administration were understandably ambivalent. On the one hand, Berkeley Law students were engaging in wonderful pro bono work, of which everyone was proud. On the other hand, the projects distracted students from their first year courses and had them performing work for which they had not yet received any professional training. Some feared that students were practicing law without a license.

When we arrived at Berkeley, Sue to direct our field placement program and David to direct our professional skills program, we saw these student projects as a logical extension of Berkeley's public service mission and an opportunity to build relationships with public interest legal services groups in our community. We proposed that we house the student projects within our skills program. Our challenge was to bring support to the projects and skills

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1. While second and third year law students can and do build their skills in the various clinics and field placement opportunities at Berkeley Law, first years cannot participate in these programs. Instead, most participate in student-initiated projects their first year and move into the clinics and field placement programs as 2Ls and 3Ls.

training to the participating students, while maintaining their autonomy and character as student-directed entities.

Overview

As Cynthia Adcock's essay in this symposium describes, many law schools now offer pro bono opportunities to first year students. Different models work in different law school cultures. At Berkeley, we have situated our pro bono projects within our professional skills program, and supported them by (1) connecting the student leaders with supervising attorneys and bar leaders, (2) offering the student leaders a leadership course, (3) providing leadership and administration through our involvement and the help of a graduate law fellow, while trying to be sensitive to the fact that the programs are student-directed, and entitled to a degree of autonomy, (4) creating a Public Interest Fellowship opportunity for a former SLPS student to enhance their administrative and leadership skills, and (5) opening communication channels from students to administration through appointing the fellow as a liaison with the students. We believe this model is effective and reproducible, and thus recommend it to our colleagues. This paper briefly describes our program, Berkeley's Student-Initiated Legal Services Projects (SLPS).

The Student-Initiated Legal Services Projects are public service projects that were founded by students, are run by second and third year students, and are staffed primarily by first year students. In the past three years, most of our 245 to 300 first year students and several LL.M. students enrolled in at least one project. In 2010, many participated in two or more SLPS for a total of over 400 student enrollments. These high participation rates reflect interest in the SLPS projects, and in the school's summer funding program; J.D. students who volunteer for 25 or more hours of pro bono work are eligible to receive funding for a summer fellowship at a non-profit organization or government office.²

As part of the process of bringing the SLPS projects under the umbrella of the Professional Skills program, we have:

- helped the student leaders recruit attorneys to mentor and supervise their work;
- established a unified orientation program which includes basic ethics and skills training for first year students volunteering to work on SLPS projects, while introducing the rLs to all the SLPS projects;
- designed a leadership skills course for the upper division student leaders; and
- established a public interest fellowship program, and appointed six recent graduates with SLPS experience (over the past three years) to work with the SLPS student leaders and the skills faculty.

2. These grants were instituted by Dean Christopher Edley, and are described by the students as "Edley Grants."

Several SLPS projects were started by students in conjunction with local legal services offices or public interest organizations; they had a readily available source of supervision (and inspiration). Others were founded in cooperation with law school centers or with Berkeley Law's independent but closely related community legal clinic, the East Bay Community Law Center; here too, there was no problem with supervision or mentoring. A few projects, however, were founded by students without the participation of lawyers or legal institutions, and had insufficient supervision. Their student leaders were uncertain how to find well-qualified, dedicated volunteer supervisors. With our knowledge of the Bay Area legal community, we were able to reach out to local lawyers to act as supervisors/mentors to these SLPS projects. Acting as liaison between the legal community and the SLPS leaders, we tried to provide sufficient guidance to enable the students to themselves recruit supervising attorneys. In every instance, we have had an overwhelmingly positive response from attorneys in the community who are eager to partner with Berkeley Law students, allowing the students to form partnerships with a variety of public interest legal organizations and law firms.

Beginning with the fall 2010 semester, we helped the students organize a unified orientation program early in the term. The organizational work was performed by our first Public Interest Fellow, Inna Vinogradov.³ The program included lectures and exercises on professional responsibility, client interviewing and counseling, and cross cultural competencies. By our second annual SLPS orientation program, held on the Saturday before classes began in 2011, over 200 of our 245 incoming students participated.

Also beginning in the fall of 2010, we offered a new course, with enrollment limited to the 2L and 3L SLPS leaders: *Providing Access to Legal Services through Entrepreneurial Leadership*. The course is designed to foster leadership, networking, and cross-pollination between the SLPS groups. It also enhanced the existing project supervision structure: in addition to working with their attorney mentors and community legal organizations, the students have a dedicated forum where they can learn from each other and collaborate with course instructors and the Public Interest Skills Fellow. Each week, students conducted "grand rounds" discussions of challenges they faced in their projects, reported on successful initiatives, participated in leadership simulations, discussed assigned material on providing legal services, leadership, and social entrepreneurship, and/or heard from leaders in the legal community. Each student completed a leadership project for his/her SLPS project, such as writing training manuals for new volunteers, transition materials for new leaders, or educational brochures for the public. The class allowed the students to work together, making a whole of the many projects. It encouraged the students to network and plan their events and recruitment with each other in mind, thereby eliminating some of the scheduling conflicts that had prevented first year students from participating in the past. In the process, these independent projects formed a larger community.

3. J.D. 2009, University of California, Berkeley School of Law.

Administrative functions for each project are centralized through our Public Interest Fellow. The fellow is a recent Berkeley Law graduate and former SLPS participant, whose goal is to support and assist the SLPS projects. Our first fellow was Berkeley Law graduate Inna Vinogradov.⁴ Our second, and co-author of this paper, is Berkeley Law graduate Shalini Swaroop. We have since been assisted by Tracy Petznick,⁵ Jalle Dafa,⁶ Emma Regidor,⁷ and Trish Keady.⁸ All were participants in a number of SLPS projects while in school, and are pursuing public interest legal careers. The fellows have served as an intermediary contact between the professional skills program faculty and the students, assisting students in recruiting more attorney mentors, navigating funding possibilities, and assisting students who are creating new projects with strategy, design, and implementation.

SLPS Projects

The following SLPS projects are currently active at Berkeley Law.

Advocates for Youth Justice—Education Advocacy Project

The Education Advocacy Project works with attorneys from the National Center for Youth Law (NCYL) and Disability Rights California to train Berkeley Law students to become court-appointed educational rights holders for children in foster care who have special education needs. Once trained, Berkeley students are paired with a foster youth as well as an experienced Berkeley Law educational student-advocate and a practicing attorney for mentoring and assistance. The Berkeley Law student then works with schools and other service providers to advocate actively for their assigned youth's special education needs. Participating students learn about administrative law, special education, the foster care system, and gain valuable mediation and advocacy skills. Because of the personal connection made with a foster youth, this project requires a one year minimum commitment, but many students remain partnered with their youth after graduating, either until the youth turns 18 or the student/graduate leaves the Bay Area.

Advocates for Youth Justice—Expulsion Representation Project

The Expulsion Representation Project offers participating Berkeley Law students an opportunity to act as a non-attorney advocate for a child facing expulsion from his/her school. In many cases, this entails investigating a case, conducting opening and closing statements and examining witnesses at a formal hearing. Attorneys from Legal Services for Children (LSC) who specialize in expulsion representation train the students. Following

4. J.D. 2009, University of California, Berkeley School of Law.

5. J.D. 20011, University of California, Berkeley School of Law.

6. J.D. 20011, University of California, Berkeley School of Law.

7. J.D. 20011, University of California, Berkeley School of Law.

8. J.D. 2008, University of California, Berkeley School of Law.

the training, the law students are paired with a mentoring student who has previously conducted a hearing, as well as with a supervising attorney from LSC.

Advocates for Youth Justice—Berkeley High Student Court

Berkeley High Student Court is a program at Berkeley High School (BHS) that takes an alternative, student-based approach to school discipline. The court handles real discipline cases brought before a student jury, and student lawyers argue the case for both sides. Berkeley Law students train BHS “student lawyers” by teaching a class on the basics of trial procedures—i.e., the trial process, voir dire, opening and closing statements, objections, etc.—and mentor BHS students as they participate in the program. A Berkeley Law student also serves as trial coordinator, acting as clerk and bailiff, selecting jurors from the student jury pool and assisting the judge. The coordinator contacts and recruits local judges (state and federal), law professors and lawyers to serve as judges. Berkeley Law students are recruited to teach, mentor and preside over trials throughout the school year.

Berkeley Immigration Law Clinic

The Berkeley Immigration Law Clinic, which is coordinated by the Asian Law Caucus (ALC) and the Asian Pacific American Law Student Association (APALSA) at Berkeley, provides free immigration law consultation and United States Customs & Immigration Service (USCIS) document preparation for low-income immigrants in the Bay Area. Berkeley Law students help clients file immigration papers, including family petitions, naturalizations, declaration letters, etc. The project provides an opportunity for students to directly work with immigrants. Students meet with clients, prepare USCIS forms and documents, and draft declarations, while allowing many to also polish their second languages.

Berkeley Tax Law Project

The Berkeley Tax Law Project (BTLP), which is coordinated by the IRS’s Stakeholder Partnerships, Education and Communication Division, provides free current year income tax preparation assistance for low-to-moderate income East Bay residents each February, March, and early April. Berkeley Law students must undergo extensive training and pass an online test before they are eligible to help prepare tax returns. As a result of this training, students help local residents claim valuable tax credits such as the Earned Income Tax Credit, which is a refundable credit for people who work but do not earn high incomes.

Boalt Anti-Trafficking Project

The Boalt Anti-Trafficking Project partners with Asian Pacific Islander Legal Outreach (APILO) and other local legal organizations to challenge human rights abuses by providing legal services to survivors of human trafficking.

A relatively new project, the group aims to address the alarming rate of both labor and sex trafficking within California.

California Asylum Representation Clinic

The California Asylum Representation Clinic (CARC) (formerly the Central American Refugee Clinic) provides law students with the opportunity to assist refugees throughout the asylum process. In partnership with the East Bay Sanctuary Covenant, and under the guidance of experienced attorneys and student mentors, students, most of them 1Ls, work in pairs to interview clients and draft client declarations; perform legal and factual research on asylum law and country conditions; represent clients at their asylum interviews; and advise clients following a decision on their case. Reed Smith, LLP and local immigration attorneys provide CARC students with additional support and mentorship.

CARC has grown into one of the largest student-run projects at Berkeley Law. During the past few years, more than 80 students served as volunteer participants, student mentors or project coordinators each year. Since its founding in 1995, CARC has successfully assisted hundreds of refugees from all over the world in their bids for asylum, including individuals from Africa, Asia and Central America.

Civil Rights Outreach Project (CROP)

The Berkeley Civil Rights Outreach Project (CROP) works in collaboration with the Asian Law Caucus (ALC) in San Francisco, providing outreach to monolingual and economically disadvantaged individuals within communities impacted by post-9/11 profiling and discrimination. CROP aims to assist these communities with their legal needs, educate them about their legal rights, and empower them to advocate on their own behalf. In conjunction with the Asian Law Caucus and other partnering attorneys, CROP participants travel to mosques and community centers in the Berkeley-Oakland area to provide clients with free, limited legal information. Students gain substantive knowledge of national security and civil rights issues, as well as training on issue spotting and client interaction.

East Bay Community Law Center—Community Legal Outreach (CLO)

For more than ten years, the East Bay Community Law Center's Community Legal Outreach (CLO) Program has engaged first-year students to assist low-income communities in Oakland. Under the supervision of EBCLC staff attorneys, upper class student coordinators recruit and train first year students to conduct outreach visits to shelters, transitional housing sites and health clinics. Each year, CLO students provide basic information and make referrals to more than 1,000 low-income people in need of social and legal services. These linkages often make the difference between people being housed or homeless and having access to other basic necessities such as income and health care. CLO operates through the following sub groups:

Community Legal Outreach—Public Benefits and Justice

Through weekly outreach to clients at homeless shelters, drop-ins, transitional houses, and clinics, CLO students “meet clients where they are” to provide assistance with CalWORKS, General Assistance, and other public welfare benefits. Supervised by an attorney, students provide legal advice and referrals, do intake for people who have received “quality of life” citations, and conduct “know your rights” trainings.

Community Legal Outreach—Tenants' Rights Workshop

The Tenants' Rights Workshop works closely with residents of Oakland and Berkeley to help inform them of their legal rights and remedies regarding a variety of issues, from procuring security deposits to warranty of habitability concerns. Students work one-on-one with staff attorneys from the East Bay Community Law Center to come up with the best solutions to the tenants' problems. In doing so, they learn relevant housing codes and statutes and effectively identify and address clients' legal issues

Environmental Justice Workshop (EJW)—Accountability Counsel

The Environmental Justice Workshop (EJW) Accountability Counsel Project provides client communities with legal assistance on environmental and environmental justice issues related to international finance and development. The project partners with the Accountability Counsel of San Francisco to support the use of international financial institution accountability mechanisms to address the adverse impacts of land development projects. In Brazil, a Sao Paulo community filed a complaint to the Inter-American Development Bank (IDB) to address harms caused by a road construction project the bank funded. When the IDB failed to address the grievance, EJW students partnered with Brazilian activists to respond to the bank's inaction.

Environmental Justice Workshop (EJW)—Community Food Enterprise

The EJW Community Food Enterprise works with the Sustainable Economics Law Center (SELC) and the Green-Collar Communities Clinic (GC3), a newly formed project of EBCLC started by a former SLPS student who received a Skadden Fellowship to do this work. The project provides legal support and counseling to small-scale food enterprises serving low-income communities. Each semester, students research and present on discrete topics at the Legal Eats Workshop, which provides an overview of critical legal issues faced by community food enterprises and connects participants with local organizations to support their needs. Later in the semester, students engage with clients who participated in the workshop and are seeking legal guidance for their enterprises. Students interview clients, conduct legal research on issues identified through the interviews, and lead in-person client consultations, with attorney supervision and assistance.

International Human Rights Workshop (IHRW)

The International Human Rights Workshop (IHRW) partners with the Sexual Violence & Accountability Project at UC Berkeley's Human Rights Center, to support the revision and modernization of Liberian laws on sexual and gender based violence. Students conduct research for a comparative study on laws related to female genital mutilation, domestic violence, and sexual offences, and they assist with ad hoc requests for technical support from local partners in Liberia. Their findings were recently presented to Commissioner Dewey Gray from the Liberian Law Reform Commission and Counselor George Sagbeh, Deputy Prosecutor for the Sex and Gender-Based Crimes Unit of the Liberian Ministry of Justice, who traveled to Berkeley to hear from workshop participants.

Iraqi Refugee Assistance Project (IRAP)

The Iraqi Refugee Assistance Project (IRAP) provides legal assistance to Iraqi refugees applying for resettlement to the United States. The project serves clients living inside and near Iraq. Their clients are among the 2 million Iraqis who have fled the country due to the war, economic deprivation, and persecution, or who are in grave danger due to previous work for a U.S. employer. IRAP also assists Afghan clients who face persecution because of their work for the U.S. military, usually as interpreters. Berkeley Law IRAP was founded in spring 2008 as the second IRAP chapter in the nation. Since then, more than 40 Berkeley Law students have partnered with law firms and solo attorneys across the country to help these refugees. There are 22 IRAP projects at law schools nationwide, forming a network of students actively assisting Iraqi and other refugees in and around the Middle East. Last year, the Berkeley Law IRAP project entered a partnership with Morrison & Foerster, LLP.

Students are paired with IRAP coordinators and supervising attorneys. Together, they contact clients overseas and develop legal strategies for their clients' cases based upon the clients' experiences and personal narratives. They then work alongside the attorneys to provide the client with detailed guidance in navigating the often opaque resettlement process. Students prepare documents, assist in drafting client declarations, solicit U.S. government and military recommendations, provide translation services, and advocate on behalf of their clients with the aim of seeing these individuals approved for resettlement to the U.S.

Juvenile Hall Outreach (JHO)

The Juvenile Hall Outreach Project is a know your rights program that empowers incarcerated and detained youth by teaching them their legal rights, with a focus on basic criminal procedure. Berkeley Law students teach a six-week course at the Alameda County Juvenile Hall on topics such as Miranda rights, search and seizure, three strikes, and police misconduct. Teaching teams comprised of four to six Berkeley Law students are assigned

to teach in a particular juvenile hall unit, which vary by age, gender, and level of security. Students design a detailed teaching curriculum, and are expected to meet weekly with their teaching team for lesson planning, collaboration and preparation. Participating students learn about criminal procedure, including the disparity between theory and reality in high crime neighborhoods, and gain experience working with incarcerated clients.

La Raza Workers' Rights Clinic

Centro Legal de la Raza, a local non-profit organization founded by Berkeley Law students and graduates, provides comprehensive legal services to immigrant, low-income and Latino communities in the Bay Area. These services include bilingual legal representation, education, community organizing and advocacy. Through education and legal assistance for wage claims, discrimination, and workers' compensation, the La Raza Workers' Rights Clinic works with Centro Legal de la Raza to help low-wage workers fight unlawful working conditions.

The La Raza Workers' Rights Clinic provides an opportunity for students to work directly with clients who have been impacted by wage and hour violations, employment discrimination and/or retaliation, and other areas of employment law. Students are given the opportunity to meet directly with clients, prepare their demand letters or wage claims, research different areas of the law (in the event the clinic does follow-up work for the client), and in some cases, represent them at agency hearings.

Workers' Rights Clinic (WRC)

The Workers' Rights Clinic (WRC), in cooperation with the San Francisco Legal Aid Society's Employment Law Center, provides free legal information to low-income workers with employment-related problems, and gives Berkeley Law students, particularly 1Ls, an opportunity to interview and work with clients who need their help. Clients meet one-on-one with a law student to discuss the details of their employment problem. Together, the supervising attorney and the student analyze the client's situation, identify legal issues, and determine what remedies the client might pursue. The student then reports back to the client and discusses the possible solutions with her or him. Students learn from supervising attorneys about current issues in employment law in a small-group discussion setting. WRC students also represent workers at unemployment compensation hearings.

Workers' Rights Disability Law Clinic (WRDLC)

The Workers Rights Disability Law Clinic partners with the Employment Law Center described above to address the full range of employment-related issues for low-income clients while maintaining a special focus on meeting the needs of workers with disabilities.

Next Steps

Now that we have taught Providing Access to Legal Services through Entrepreneurial Leadership for three successive years, we can say with confidence that it has proved effective in giving students a head start on their own experience as leaders. The grand rounds discussions of challenges and opportunities encountered in their SLPS groups provide student leaders with peer support, new ideas and a supportive community for their pro bono work. Students have used their class projects not only to enhance effectiveness and facilitate transition within their own groups, but have also shared their ideas and work product generously with other group leaders for maximum benefit. This collaboration between and among 2L and 3L group leaders enhances their sense of community within the law school and establishes them as colleagues and allies in the work they will do after graduation.

Through the interactions with our students in the leadership course, we realized that some SLPS projects could benefit from additional faculty assistance. In particular, the students in the California Asylum Representation Clinic (CARC) requested formal training in how to write an asylum petition, and practical guidance in filing an asylum application with the U.S. Department of Homeland Security. This led to a new one-unit course offering in the Professional Skills program, Representing Asylum Seekers, taught by an expert practitioner. This course is designed specifically to complement the SLPS project and further assist first-year students in that project. As the need arises, we hope to respond to student requests by offering more skills classes that benefit our SLPS projects.

The student population of a law school necessarily shifts substantially every year, resulting in leadership changes that raise concerns about institutional memory. This rotation of students significantly affects the knowledge base and expertise within every SLPS group. For the past two years, we held a transition event at the end of the spring semester to acknowledge the efforts of our SLPS students and to provide a space to allow student leaders to interact extensively with their successors. Additionally, each new student leader will be given a general SLPS Project Coordinator's Manual, written by our SLPS Fellow, which contains information on recruitment, funding, attorney supervision, and interviewing clients. This ensures that each group has a common knowledge base in order to facilitate a productive first semester as the new student leaders take on their roles.

Berkeley Law students are passionately engaged in providing pro bono legal services to their community. Despite the existing range of options for public service involvement during their first year, students are still creating new groups to address new issues facing disenfranchised clients. As the SLPS projects grow, the SLPS faculty coordinators and fellow will continue to support these student-initiated projects in the tradition of student activism at Berkeley: offering guidance, support, and technical assistance, while respecting their autonomy.