



# **EQUAL JUSTICE A M E R I C A**

**POST GRADUATE  
BI-ANNUAL REPORT**

**BRIAN LEWINSTEIN  
YOUTH JUSTICE  
FELLOWSHIP**

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EJA FELLOW**

**EAST BAY COMMUNITY LAW CENTER**

**BERKELEY, CA  
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## I. REFLECTIONS

Over the course of the past six months, I have learned about myself, my goals, and my community. I am a lifelong Bay Area resident but only moved to Berkeley when I started law school. I feel I have been welcomed into the East Bay community with open arms, and I am so grateful to my coworkers and my supervisors for trusting me and guiding me. Working with clients has also been a highlight of my experience. I did not come to public interest work because I sought fulfillment or praise, but to paraphrase East Bay Community Law Center legend Osha Neumann, because “[the work] needs to be done.” That being said, the moments where clients express their gratitude for a positive outcome are incredibly special and meaningful. I particularly enjoy working with women of color and youth, and the relationships I have



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been able to build with certain clients will be something I treasure long after my time as a Lewinstein Fellow is complete. In working with low-income clients, I have learned that so many people living paycheck to paycheck are trapped in a situation where promises made to them are broken, because so much of the bureaucracy devised to “support” them often

does the opposite. With this in mind, even when legal or policy remedies leave little recourse, I try to at least always be the person in the client’s life who will never fail to call them back.



## II. INITIATIVES

Decriminalization of Poverty is a sub-unit within the Clean Slate unit. The focus of Decriminalization of Poverty is to address the consequences that traffic court, parking tickets, FasTrak tolls and late penalties have for low-income people and people of color through direct services and policy advocacy.

Decriminalization of Poverty provides legal representation to those who want to challenge their traffic tickets, those seeking to clear their traffic ticket record, and anyone with issues with the DMV, parking tickets, traffic court debt, or FasTrak in Alameda County. I have provided support to the direct services work by helping clients through the Homeless and Caring Court program, calling the DMV mandatory actions unit on clients' behalf, drafting parking ticket appeals and briefs for administrative hearings, and observing traffic trials.

For policy initiatives, I have been focused on eliminating the civil assessment fee in California, supporting legislation that will prevent unpaid restitution from being a barrier to expungement in California, and local advocacy about FasTrak. Broadly, the focus of the Decriminalization of Poverty unit is on fines, fees, and restitution.

Where fines and fees are concerned, much (but not all) of the focus is on traffic court. As the East Bay Community Law Center found in a 2017 report, in Alameda County (where Berkeley and Oakland are), Black and brown people are disproportionately pulled over and cited for traffic and parking offenses. These driving-related legal issues can have a snowball effect for people who live paycheck to paycheck. In California, an individual who receives a traffic citation is technically never required to show up for traffic court; they can simply pay the associated fine and avoid the time and expense of going to court. This results in a two-tiered system of justice, where those who have the means to immediately pay for their traffic ticket do so and are then on the path to get their driver's license back if the license has suspended, while those without means are stuck



owing debt to the court. Those who do not pay their traffic fine by the deadline imposed by the court are imposed a \$300 civil assessment fee on top of the money they already owe the court. The civil assessment fee operates as a poverty tax which only serves to punish low-income people.

The Debt Free Justice Coalition, which is a coalition of legal service providers and community organizations based in California, is currently trying to use Governor Newsom's proposed budget in order to prevent California courts from being able to assess the \$300 fee. As it stands now, the budget proposal is to eliminate 50% of the fee, so the standard civil assessment fee for failing to pay or failing to appear would be \$150 instead of \$300. However, our priority is to eliminate the entire fee, as \$150 is still an impossible burden for someone living paycheck to paycheck and the courts' routine levying of a poverty tax is unconscionable.

The Debt Free Justice Coalition is also working on a bill about restitution. Restitution is an amount of money that a court will order someone accused of a crime to pay the victim and can often be an amount that is far out of reach for many ordered to pay it. Payment of all fines, fees, and restitution can be a

“UNPAID RESTITUTION CAN ALSO BE A BARRIER TO ACCESSING CRIMINAL RECORD REMEDIES, WHICH ARE ESSENTIAL TO ALLOWING THOSE WITH CRIMINAL LEGAL SYSTEM INVOLVEMENT TO BE ABLE TO ACCESS EMPLOYMENT, HOUSING, AND LONG-TERM STABILITY.”

condition to be released from probation, meaning that a person's time on probation can be extended solely for not being able to pay. Moreover, unpaid restitution can also be a barrier to accessing criminal record remedies, which are essential to allowing those with criminal legal system involvement to be able to access employment, housing, and long-term stability. A bill authored by Senator Weiner has just been introduced in the California Senate and would prevent judges from denying record remedies like termination of probation solely for unpaid restitution.



In October, I was given the opportunity to submit written testimony to the Metropolitan Transportation Commission regarding FasTrak's policies. The Metropolitan Transportation Commission is a legislative body made up of elected representatives from across the Bay Area's different counties and cities. This commission oversees FasTrak, which is a private company responsible for operating tolls at the Bay Area's many bridges and more recently, in the highway express lanes. Advocates had been pushing for FasTrak to make changes, because as I detailed in the letter, the livelihood of people who are low-income or experiencing homelessness was seriously threatened by FasTrak's punitive late penalty scheme and other policies. Due to the advocacy of local organizations, FasTrak announced a number of reforms, including that they were reducing the late penalty for first-time toll violations from \$25 to \$5, and the late penalty for second toll violations from \$70 to \$15. Nevertheless, many of our clients are still being hounded by FasTrak and facing a hold on their vehicle registration for late and unpaid tolls and more advocacy will be needed on this issue.

### **III. CLIENTS SERVED**

I have helped 24 clients total. Most of the client work I do on a day-to-day basis is to support people through Homeless and Caring Court. Homeless and Caring Court is a program in Alameda County which can be done once in a person's lifetime, but that applies to clear a person's record of non-violent misdemeanors and traffic infractions, as well as any associated debt. Homeless and Caring Court does not apply to parking tickets, DUIs, or restitution. Though the Alameda County Public Defender represents the clients during their appearance in court, I refer clients to the program by helping them complete their applications, which requires them to fill out an intake form, write a personal letter to the judge, and gather documents like proof of income or housing. I have helped eleven clients through Homeless and Caring Court and am currently working



with twelve more to complete their applications. For many low-income people who owe money to the court (especially youth), Homeless and Caring Court is the only option. In addition, for those who do not qualify for the very narrow set of circumstances wherein a court will vacate a civil assessment fee (e.g. hospitalization, incarceration, or military service), Homeless and Caring Court is the only option for those who do not have the means to pay the \$300 fee or get on a payment plan. Those who have been accepted to Homeless and Caring Court and appeared on their court date have their debt and traffic tickets cleared within two weeks. Through Homeless and Caring Court, I have helped

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eleven clients completely eliminate their traffic-related fines and fees in Alameda County. Where subsidiary legal issues come up for Homeless and Caring Court clients, I will assist with those, such as

calling the DMV Mandatory Actions Unit to learn what a client needs to do next to get their license back after a DUI-related suspension. A significant proportion of the clients I have helped through Homeless and Caring Court have been under the age of 30.

Outside of Homeless and Caring Court, I have also helped to draft parking appeals for twelve clients, and more recently, briefs for administrative hearings on denials of those parking appeals for five of those twelve clients. These twelve clients are members of the same community: the Friends on Wheels RV community. This community generally parks their RVs in a particular cross street in Berkeley, and the City of Berkeley decided to relocate the community to a parking lot in another part of the city. While the City did initially do outreach, the City quickly reneged on their promises. City officials told the community that vouchers for entry to the lot and assistance in moving inoperable vehicles to the parking lot would be provided by the City early in the morning on September 29, 2021, and that members of the RV community would have until October 6, 2021 to move to the lot, only after which they could be ticketed or towed. On September 29, City officials



distributed the vouchers, but they also brought in parking enforcement, who issued a wave of citations and even towed a vehicle to an impound lot. Many vehicularly housed people live in their RVs because they cannot afford to live somewhere else, and they could not afford to pay the parking tickets. Working in coordination with attorneys in the Homelessness practice, I interviewed members of the community and helped draft the 12 parking ticket appeals. All of them were denied. Five of the 12 clients decided to pursue the next step, which was to request administrative hearing for review of the denials. I helped draft briefs, interviewed a client, and put together exhibit lists and evidence to support the briefs. The hearing officer has not yet ruled on the outcome of any of the hearings.

## **IV. SUCCESSES**

Being able to secure relief for clients through Homeless and Caring Court has been a success, as clients have been able to move on from their encounters with traffic police for the first time in years. During the last Homeless and Caring court session, a client I helped observed out loud after his matter was dismissed, “Boom. I just got rid of \$10,000 of fees and fines.” Being low-income imposes tremendous stress and psychological pressure and being able to help alleviate some financial burden for clients through this program can mean a lot to them. In addition, because unpaid debt to a court from traffic tickets can be a barrier to getting a driver’s license after a suspension, going through Homeless and Caring Court can be an opportunity for people to begin to be able to get their lives back.

Another success is being able to work with transition-aged youth. I have always had a passion for working with youth, and I have been able to help EBCLC in their work by providing a resource who can follow up with younger clients and close cases, across Clean Slate’s three sub-units. We identified a list of 45 clients who had begun working with Clean Slate but never closed their cases, and I worked with them to understand what they needed to be able to conclude their matters. In addition, through a partnership with the Young



“BEING LOW-INCOME IMPOSES TREMENDOUS STRESS AND PSYCHOLOGICAL PRESSURE AND BEING ABLE TO HELP ALLEVIATE SOME FINANCIAL BURDEN FOR CLIENTS THROUGH THIS PROGRAM CAN MEAN A LOT TO THEM.”

Women Freedom’s Center, which is a grassroots organization based in Oakland, I have been able to provide information about EBCLC’s services to transition-aged youth of color and make personal connections to younger members of the East Bay community.

Working with students has been a consistent source of joy for me in my time as a Fellow. I participated in trainings and got to know the cohort during the fall semester, but I did not personally supervise a student until this semester, which began in January. Because the students are steeped in the world of theory in a way that I no longer am, hearing their perspective on the day-to-day practice is deeply illuminating. Clinical students are thoughtful and critical about the work in a way that helps me do my job better.

## **V. CHALLENGES**

Much of my work involves policy advocacy. Successful policy advocacy requires years of coordination and close relationships with other advocates, stakeholders, and decision-makers. As a recent law school graduate, I am still not yet at the point where I have developed the connections needed to be able to push the levers of power. I am grateful to be in a position to EBCLC’s ongoing policy efforts in coalition with experts, but for local efforts, I hope to be able to start to develop a network of contacts to turn to create momentum around particular issues. As a new face in the space, I have an opportunity to build new connections that lead to new places, which may open the door for a more collaborative approach. One example is the parking enforcement against the Friends on Wheels RV community, described above – this is the kind of issue where localized policy advocacy could be beneficial, as the parking lot project and parking enforcement are





both run by the City of Berkeley. The right decision-makers at the city level the RV community, and sometimes time policy advocacy can be faster than legal remedies.

## **VI. GOALS FOR THE NEXT HALF YEAR**

Moving forward, I hope to begin to develop a small coalition of legal advocates pursuing relief from FasTrak on behalf of their clients in Alameda County, so that we can pool resources and begin to share successful strategies. Though as described above there is a coalition working on policy advocacy to change FasTrak's practices, legal advocacy still needs to be pursued for those who owe fees from before the reforms, and many of our clients owe exorbitant amounts of money to FasTrak.

Parking tickets in the City of Oakland in the City of Berkeley is another area where I want to pursue local advocacy. Within the next six months, I plan to begin putting together record requests to learn more about the issue, with the ultimate goal of establishing waiver of parking tickets fees for people experiencing homelessness, more transparent and easier processes for payment plans, and other reforms.

I have also been able to co-lead two trainings for students this semester, I hope to take on more of an active role in developing and leading trainings. On a similar note, I have learned the importance of taking the time to be organized before communicating assignments or expectations to students. In the upcoming six months, I plan to be more proactive in my supervision.

## **VII. MEDIA**

See next page.



October 12, 2021

Metropolitan Transportation Commission  
Public Information Office  
375 Beale Street Suite 800  
San Francisco, CA 94105

**Re: FasTrak Practices**

Dear Metropolitan Transportation Commission:

East Bay Community Law Center is the largest legal services provider in Alameda County. In the Clean Slate Unit, our work deals with the intersection of poverty and the criminal legal system. Our most vulnerable clients are frequently disproportionately affected by minor offenses or infractions. A \$6 toll can have a snowball effect for a low-income or unhoused person because of the late penalties that quadruple every month.

These late penalties are excessive because they force those who cannot pay immediately to have to pay far in excess of what they have the ability to pay or originally owed. Many of our clients reach out to us for help because FasTrak has placed a hold on their vehicle registration or told our clients that they owe thousands of dollars. Some of our clients owe over \$74 for one \$6 toll. One of our clients sold her car to someone who did not register the vehicle and then racked up FasTrak fees. Without the late penalties, our client would owe \$144. With the late penalties, our client owes FasTrak over \$1400.

In addition, FasTrak's policies are very burdensome for people experiencing homelessness. Unhoused people do not always have regular access to mailboxes. FasTrak's policy of sending bills to wherever a vehicle is registered means that many of our clients only learn of fees after the deadline and incur penalties without realizing, as the address where the vehicle is registered is often not an address a person experiencing homelessness can regularly access.

People experiencing homelessness frequently do not have a credit card or the means to acquire a FasTrak transponder in their vehicle. During the pandemic, bridge operators do not accept cash. As a result, many people experiencing homeless are continuously incurring hundreds, sometimes thousands, of dollars' worth of toll violations and accompanying late penalties whenever they cross a bridge in the Bay Area simply because they have no credit card and no means to pay the charges.



Compounding issues is the fact that FasTrak's policies demand that people be able to access the Internet. Our clients, many of whom are overwhelmed, low-income, or experiencing homelessness, do not have the easy access to computers that FasTrak demands, especially with the pandemic shutting down public libraries. Anyone who wishes to appeal a ticket must do so online (while also having their violation number accessible). Clients who cannot access the Internet in the 21-day window face the late penalty, which quadruples what they owe.

In conclusion, East Bay Community Law Center strongly encourages the Metropolitan Transportation Commission to eliminate all fees and reduce all fines, forgive all past fines and fees owed, and end the practice of placing holds on vehicle registrations. The livelihood of the Bay Area's most vulnerable communities depends on it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jael Myrick", is written over a horizontal line.

Jael Myrick  
Program Director, Clean Slate Unit  
East Bay Community Law Center



## VIII. Supervisor Report

Since joining the East Bay Community Law Center (EBCLC) as a Brian Lewinstein Fellow in the Fall, Shazzy Kamali has expanded the capacity of the Clean Slate Unit, provided critical services to some of our most vulnerable clients and become our key policy advocate for issues relating to fines, fees and other court debt.

Ms. Kamali began her fellowship in Clean Slate during a time of many transitions internally. Our Homelessness and Decriminalization of Poverty teams were both being rebuilt. Our lead attorneys in both areas were both moving on, one of whom, Osha Neumann, was retiring after a longer tenure at EBCLC than anyone else at Clean Slate.

Before hiring Shazzy we established that the Brian Lewinstein fellowship with Clean Slate would focus on expanding our capacity to advocate for clients facing mounting court debt, better serving transitional aged clients and having a more intentional and strategic focus on policy.

In terms of direct services to clients Shazzy has been able to jump right in from several angles. She immediately took the lead in coordinating our applications to Homeless & Caring Court (HCC). HCC is a program in Alameda County that allows individuals who have racked up significant court debt to get that debt vacated all at once by providing the court evidence of personal progress in areas such as housing, employment, education or sobriety.

The direct service work with HCC has helped to inform the policy work that Shazzy leads. By directly working with clients who are suffering the consequences of massive court debt she is able to bring that context into discussions with coalition partners and policy makers.

The direct service work with HCC has also provided an opportunity to serve many young clients. A good portion of clients who come to EBCLC for HCC tend to be young and in the month of February four out of the seven people Shazzy successfully helped get approved for HCC were people born in the 1990s.

In addition, Shazzy has allowed us to better serve transitional aged youth specifically by engaging a list of 45 Clean Slate clients we identified with birth dates after January 1997 who had started the Clean Slate process (mostly with our Record Remedies subunit) but for whatever reason never completed. By engaging these clients she was able to move their cases along quicker by determining who was no longer interested in our services, whose contact information was out of date, and who just needed a quick reminder to submit the necessary documentation for us to move their case forward.



Another way Ms. Kamali has served transitional aged youth has been her efforts establishing a partnership between EBCLC and the Young Women's Freedom Center which provides support and works to organize and empower young women and girls in the Bay Area. In December Shazzy provided a training for YWFC staff and members about the different legal remedies available for YWFC clients who have been system impacted. In addition she has made herself a direct point of contact for transition aged young women connected to YWFC to access our services. This relationship was formalized in a MOU EBCLC signed with YWFC in October.

As I mentioned earlier, we believe in using our direct service work to inform our policy work. Shazzy has continued this and been very engaged in policy efforts specifically around fines, fees and other forms of court debt. EBCLC has a long history with Debt Free Justice California (DFJC) and Shazzy has taken the lead in providing support for that important coalition. EBCLC serves as facilitator and online host for this coalition so there are regularly logistical questions that Shazzy is engaged on to keep DFJC's work moving.

She has also been very involved in DFJC's legislative efforts including efforts to eliminate California's Civil Assessment fee which disproportionately impacts low income Californians who are unable to pay their tickets quickly. DFJC has also recently decided to start looking at California policies relating to restitution, an issue we know will be challenging and Shazzy will be very engaged in that work as well.

Shazzy has also engaged in advocacy to local and regional agencies. Most notably she testified before the Metropolitan Transportation Commission (MTC) on behalf of clients and others impacted by the enforcement policies regarding FasTrak.

Arguably more important than these current legislative priorities Shazzy has begun the process of helping our unit establish a procedure to consistently solicit input from our clients who are directly impacted by these laws when we are determining what policy priorities to engage on. If we can successfully enact Shazzy's vision we should be able to go into our next Legislative cycle with a more clear role for our clients to play in the policymaking process.

In addition to all of this Shazzy has become a valued member of the Clean Slate team broadly. She's collaborated with attorneys in our Homelessness & Decriminalization of Poverty sub-units to advocate for a group of homeless clients who were issued parking tickets for vehicles they were living in despite being told by the city that those tickets wouldn't be issued until sometime later. Shazzy and the other attorneys involved in this effort have gone above and beyond to make sure the clients were able to file the appropriate appeals on time and have been working together on the best strategies to present on behalf of these clients.



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Shazzy's commitment and thoughtful approach to the work she does is clear and I know that her full potential is just beginning to show. I look forward to her continued success throughout the remainder of her fellowship.

Jael Myrick  
Program Director  
Clean Slate Unit  
East Bay Community Law Center