

EQUAL JUSTICE AMERICA



**EAST BAY COMMUNITY
LAW CENTER
BERKELEY, CA**

**SHAZZY KAMALI
EJA FELLOW**

**BRIAN LEWINSTEIN YOUTH
JUSTICE FELLOWSHIP**

**POST GRADUATE
BI-ANNUAL REPORT**

SPRING 2023



REFLECTIONS



As I look back on this year and a half and my time at EBCLC comes to a close, I am grateful for the experience and for the support that I received from my co-workers and my supervisor, as well as people outside of Clean Slate who I had the opportunity to work with.

When I first began this fellowship, I was fresh out of law school and beginning my first full-time position. I wanted to develop my expertise, knowledge, skills, and my confidence as a new attorney. The main policy advocacy-related issues that I worked on were with the civil assessment, FasTrak/toll-related issues, and parking tickets. With FasTrak, though much of the momentum began before my time at EBCLC, it was exciting to be able to see the downstream effects of reforms. It is also somewhat bittersweet that I will not be able to participate in upcoming changes. I worked closely with the Equity in Tolling Coalition and with SPUR, and it was a gratifying experience to be able to work closely with advocates from other organizations. This was particularly enjoyable and educational because the advocates that I worked with often were not attorneys and brought different experience and expertise to the table. With parking tickets, the City of Berkeley and the City of Oakland finally responded to my public records requests. While I will not have the opportunity to review the data myself, I believe the data will be

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used to support potential legislative efforts at state level and I look forward to being able to contribute (indirectly) after my time at EBCLC has closed.

INITIATIVES

To provide a brief review of the nature of my work: Decriminalization of Poverty is a sub-unit within the Clean Slate unit of the East Bay Community Law Center. 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 am most proud of my contributions to (1) the elimination of the civil assessment fee in California and (2) legislation that will prevent unpaid restitution from being a barrier to criminal record relief in California. All civil assessment fees that had been charged prior to July 1, 2022 have been eliminated, and any civil assessment fee charged after July 1, 2022 was capped at \$100. Advocates who worked on this effort estimate that millions of dollars of debt were discharged through this legislation. Last time, I wrote that the legislation to prevent unpaid restitution from being a barrier to record remedies had passed through both houses of the legislature and the governor of California Gavin Newsom had until the end of September 2022 to decide whether or not to sign it. I am happy to report that Governor Newsom did sign this legislation. To review, 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 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. With the passage of SB 1106, more people will be able to access improved housing and employment. At this point in the legislative calendar, vital strategizing conversations and connections with potential authors are taking place, but no new legislation has yet passed.

CLIENTS SERVED

Since beginning my fellowship in September 2021, I have referred 40 clients through Homeless Court. Homeless Court is a program that can be difficult to get into because of the paperwork required, but for those who are able to get through the application process, participants are able to clear debt from traffic infractions in Alameda County.

For those who are able to work with us to navigate through the bureaucracy, appearing in Homeless Court can be hugely impactful. Many who participate have thousands or even tens of thousands of traffic court debt cleared after their

appearance. In addition, those who failed to appear on a traffic ticket will have a hold on their driver license.

Appearing in Homeless Court can clear holds on a

driver license, meaning after participating, our clients can finally avoid the risks and challenges of not having a driver license. If you drive without a driver license, you are at risk of getting a misdemeanor punishable on your record with a minimum amount of jail time. Not being able to drive is challenging in Berkeley and Oakland, where public transportation is lacking or inaccessible for those with disabilities or

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parents. Over the course of the past month, I have been training our Program Coordinator on how to process Homeless Court applications and she will be continuing the work after my departure.

In my last report, I wrote about spearheading an effort to transform our current model of client services. My goal was to make our post-COVID infrastructure more efficient. Before the COVID-19 pandemic, we would have regular clinics where clients could come in and get legal advice. Since the COVID-19 pandemic, clients receive legal services by calling and leaving a voicemail, and then they are called back. This latter model often means that we spend time trying to connect with the client and may also need to devote resources to follow up as it arises. We established our new model, where clients can leave a voicemail and will be instructed that they will be called back at a specific time, in September 2022. Though we have had to tweak the model slightly, I am happy to report that the experiment was largely a success and led to a more organized way of addressing clients. Because we are a teaching clinic, our students communicate directly with clients after talking to us. This can sometimes result in a game of telephone, and having a time set aside every week to talk only about client issues and provide a forum for students to practice made a difference.

Before the COVID-19 pandemic, the Decriminalization of Poverty sub-unit had an in-person clinic at the Wiley Manuel courthouse in downtown Oakland, where individuals waiting to see a judge to address their traffic tickets could receive free legal advice. The Alameda County Superior Court opened limited in-person services in the summer of 2022: up to 20 people, once a month, could come in and see the judicial officer in person. Starting September 2022, we established an in-person presence at walk-on court. We made ourselves available to the 20 people appearing for walk-on court, so that they can talk through their legal options and be informed about the ramifications of entering a plea of guilty, not guilty, or no contest before they see a judicial officer. We have done walk-on court in September, November,



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December, and January, and will do one in February. Usually, between five and eight people sign up for free consultation with us before their appearance in traffic court. We have helped 29 people through walk on court. A few of these have gone on to work with us and be Homeless Court participants, and we did represent one client who we met at walk-on court in trial (his ticket was dismissed). Walk-on court has been a wonderful experience because we are able to work with clients who may not be aware of our services or who would not normally seek out our services.

SUCCESSSES

Two successes that I am very proud of which I have not yet mentioned are getting the parking tickets of a vehicularly housed community living in Berkeley dismissed and getting financial recourse for an elderly client with disabilities whose car was towed.

To review, members of a community of vehicularly housed people in Berkeley requested administrative hearings to address the denials of their parking ticket appeals. Though there were originally supposed to be 5 separate hearings, the hearing officer decided to consolidate the hearings into one (even though we had already had a hearing on one of the citations). All 5 of our clients were there, and it was powerful to see the clients directly address the City employees who had treated them so callously and be given a chance to speak truth to power. I gave opening and closing arguments at this hearing, and we learned a few days later that five of the six citations were dismissed. The City of Berkeley has for years harassed



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and lied to people experiencing homelessness and vehicularly housed people. I'm grateful that we were part of something that forced the City to finally admit on the record that they mistreated this community and take a small step towards making it right.

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Another success is my work with a client who was denied a tow hearing. Through this process, I was able to get a firsthand exposure to how inequitable tow policies are. A low-income person whose vehicle is towed must pay exorbitant impound lot fees in addition to paying to fix whatever issue caused the tow. Vehicles are frequently towed because of unpaid parking tickets or expired registration. When a person finally tracks down their car, they may be required to pay hundreds or even thousands of dollars to get their vehicle back. While they are entitled to a tow hearing, the proceeding is informal, conducted by a member of the same agency who ordered the tow, and winning is rare. We had a client with unpaid parking tickets. The unpaid parking tickets created a hold on their DMV vehicle registration. The client was unable to pay the parking tickets to update their registration and had been working with us to get enrolled in a payment plan. In July, after the client had applied for a parking ticket payment plan, the client let us know that their vehicle was towed for expired registration. I advised the client to ask for a tow hearing. The City of Berkeley denied our client's request for a tow hearing and stated that they do not give tow hearings for expired registration. This is an unlawful practice because any time a municipal entity seizes property, that entity must have an administrative hearing to review the seizure at the request of the person whose property was seized. I wrote and filed a Writ for Petition of Mandate in support of a client appealing the denial of a tow hearing. This was completely new: I had only



ever practiced in traffic (criminal) and had to learn how to e-file in civil court, how to write this kind of motion, and the ins and outs of this kind of civil litigation. The experience was particularly stressful because of the statute of limitations – while I filed before the statute of limitations tolled, my first filing was rejected. Luckily, my second filing was accepted. After I served the writ, my coworker and I began negotiating with opposing counsel for potential settlement. This was also my first time negotiating with opposing counsel. The City Attorney agreed to pay the amount our client paid to get their car out of tow via certified check. Although I had thought that financial compensation was not likely to be on the table, I am so thrilled we were able to get our client, who lives paycheck to paycheck off disability, financial recourse for the denial of her right to a hearing. Our client was not feeling very optimistic about our likelihood of success because the City had initially offered only a tow hearing, which our client may or may not have won. Our client actually became emotional over the phone when we called to let her know the City had accepted our counter-offer. I am really proud of the outcome on that matter because it was challenging to navigate so much on my own.

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CHALLENGES

Doing this work in a semi-remote environment has been challenging. Being a new attorney and having to make difficult decisions is harder when I am not physically in the same space as more established attorneys who could help. Challenges I have identified in previous biannual reports have mostly related to being new to coalition and policy advocacy spaces. I have since learned that the way to make headway on those challenges is to put the time in to building relationships with more established and knowledgeable members of the coalition, and I am proud of my work with SPUR in the Equity in Tolling Coalition on PRAs to FasTrak.

SUPERVISOR REPORT

See next page.



Over the past year and a half as our Brian Lewinstein Fellow, Shazzy Kamali has made a clear and substantial mark on the work we do in the Clean Slate Unit at the East Bay Community Law Center. Through both direct services and policy work Shazzy has contributed greatly to our decriminalization of poverty efforts.

In the last report I commented on Shazzy's efforts along with another attorney to re-open our monthly in court traffic clinics. These clinics provide a necessary and otherwise unavailable service for people appearing in court to face infractions who are often unaware of what they will be facing. Since beginning these clinics in September on 2022, we have done one every month (except October) and have served close to 40 people. People who have to come to traffic clinic span the demographic spectrum but are mostly low income. The experience can be very dehumanizing and discouraging for clients, having an attorney to walk them through all of their rights and options has tremendous value.

Shazzy not only serves clients directly by advising them on their rights during traffic clinic, she also took the lead in organizing all of the logistics involved in making traffic clinic happen. She coordinated directly with the courts regarding access to space and onsite issues and took responsibilities for materials so that we would be prepared for clients when they arrive.

Shazzy has remained our lead policy person on issues involving court debt. This past year has seen some critical advances on this issue with successful legislation to reduce the Civil Assessment fee and forgive past debt. This legislation eliminated \$500 million in debt statewide. Many of our clients saw \$1000 or more in debt for themselves eliminated.

In addition to this Shazzy has also participated in advocacy work involving local bodies like the JPA that governs FasTrak and the City of Oakland. Working with the



Equity in Tolling Coalition and SPUR she has helped to advocate for fairer policies from FasTrak. Shazzy has also engaged in advocacy efforts around the cities of Oakland and Berkeley's parking policies.

Homeless & Caring Court (HCC) has been a major part of her work with our team. HCC provides an incredible one-time opportunity for folks in Alameda County to wipe off all of their court debt (with the exception of restitution, parking tickets or DUI fees). Not only has Shazzy done a great job since joining our team of guiding clients through the HCC process, she has done a great job of training one of our program coordinators so that the work can continue seamlessly after she leaves. Through HCC Shazzy has been able to have a consistent and meaningful impact on many clients on a regular basis.

On a personal note, it has been an honor work with and support Shazzy as she grows into an effective and impactful advocate for so many. I know that the work she's done with us is just the beginning of what will undoubtedly be a long career of successes. Her work with our Unit expanded our capacity in ways that we needed at the time we needed it most and has helped us transition from a fully remote service model during the height of the pandemic to the more hybrid model we have today. She has been an incredible and important member of our team.

Sincerely,

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