Summer 2023 EJA Fellow:



Name: Marian Avila Breach

Law School: Berkeley School of Law

Organization: East Bay Community Law Center

Update 1:

This summer I am incredibly excited to be working with East Bay Community Law Center's Clean Slate Clinic. My work in criminal justice reform was what compelled me to go to law school and I am grateful for the support from Equal Justice America that has made it possible for me to continue to do this work over the summer. Within the Clean Slate unit, I have been exposed to the amazing work of both the Record Remedies unit and the Homelessness Practice. Within Homelessness Practice, I have been able to witness the creative lawyering taking place as advocates fight to ensure the protection of peoples' rights all over California. These efforts are a testament to the conviction and resourcefulness of the team at EBCLC and to homelessness advocates nationwide. I look forward to continuing to immerse myself within this particular area of law and provide aid to the community I live in. Similarly impactful has been my recent experience as part of the Clean Slate Clinic team at the Alameda Public Defender's office. By providing legal solutions to the barriers that our criminal legal system imposes on vulnerable communities, I hope to help people reclaim their lives and work towards their goals with less restrictions. Access to legal advice and aid, as a method of obtaining justice, should not be a privileged experience, but one that is accessible and available to all. Through my work this summer, I aim to continue to make a reality of that belief.

Update 2:

Halfway through my summer with East Bay Community Law Center's (EBCLC) Clean Slate unit and appreciative of all the examples of grit and community. At the Homelessness Practice, I've been able to experience many examples of the strength and joy inherent to people joining together to provide each other with help and companionship. In other areas of my life, I have often heard people mention having to reach some stage of preparation in order to be able to reach out to help others, as if the ability to help others is contingent upon an ability to dictate and effectuate action. My experiences with the Homelessness Practice at

EBCLC and organizations led by people experiencing houselessness has showcased a rejection of that narrative, instead uplifting the idea of aid as a community effort instead of an individual ability. This community-oriented approach is one that I am now continuously reintroducing to my own decision-making and incorporating into my formation as a legal advocate. I am grateful for this learning space and excited to continue to interact with revolutionary examples of community organizing and care.

Update 3:

Working with East Bay Community Law Center's (EBCLC) Clean Slate Unit and Homelessness Practice has really highlighted the importance and impact of local and state elections. The propositions and measures we vote for have a great and direct impact on our lives and communities, even if it's not immediately apparent to all of us all of the time. One of the great things about organizations that focus on community advocacy is the emphasis they place on knowing what is happening in the community so as to have a better understanding of how different proposals and measures will affect the existing issues and solutions. In addition, I have witnessed at EBCLC how staff members across different units address needed policy changes — promoting bills and measures that will help our communities and, if none are in the works, pulling together diverse groups of people to draft proposals. At a time where national policy can be excruciatingly slow and resultantly frustrating, tapping into local and state policy endeavors has been a great way to see how, through sustained effort, tailored policies can transform communities.

Update 4:

The idea I had of community advocacy has changed incrementally throughout my summer with the East Bay Community Law Center (EBCLC). I have learned from different vantage points – community advocacy from the lawyer perspective within EBCLC and community advocacy as expressed by a homelessness union. Ultimately, the different expressions highlight how community advocacy needfully is nascent of a strong sense of community belonging or of the desire to cultivate such. Both the lawyers I worked with and the members of the homelessness union clearly viewed themselves as working within and for the community, rather than doing community work as something tangential to their individual lives and identities. A key result of this perspective was how proposed projects would be carefully thought out with the larger community in mind. There was an awareness of the difference between sacrifice and compromise – the former being the practice of sidelining certain needs in favor of others and the latter an understanding that needs must be balanced, but none abandoned. I appreciate having learned this key distinction throughout my time with EBCLC this summer. I look forward to continuing to learn more about community justice from those who live and breathe the practice.

Update 5:

What does it mean to succeed as a lawyer? Often, everything from courtroom dramas to law school classes portray success as a result limited to either prevailing in a lawsuit or settling favorably. Within this narrow scope of success, what the client actually wants or needs can be lost, their voice subsumed by what the law says

success must mean in their case. Having wrapped up my time with EBCLC's Clean Slate Clinic, I walk away with a different, and more client centered approach to how I am going to measure my own effectiveness as a lawyer. When helping people with their criminal records at the Clean Slate clinics, people would come with all types of different goals in mind. People not only wanted the specific legal aid –petitioning to have records sealed or applying for dismissals of certain convictions– but generally wanted these actions taken insofar as they would contribute to a larger goal – removing barriers to employment, taking steps toward professional licensing, reducing feelings of shame and embarrassment, etc. Knowing and centering these larger goals became a key part of redefining my notion of success. By understanding what was motivating a person to come to the clinic, I was able to redefine my notion of success, expanding the remedies available depending on the person's needs and desires.

This expanded idea of success was starkly represented in how we responded to the needs of our clients struggling with homelessness. Many times, our clients sought legal help for reasons not fully encompassed by a traditional definition of legal success. When participating in encampment defense, a successful result of legal action wasn't limited to the prevention of encampment removal – often, success meant obtaining more time for clients to be able to safely move their belongings and find safe spaces to move to. Other times, success meant moving forward in small claims court, with the client's main goal centered on obtaining recognition of the harm committed against them. The law does not provide a way to turn back time, it can never truly give back what was taken or endured – it just attempts, in often a clumsy way, to acknowledge harm and provide some sort of remedy. My practice this summer consisted of the frequent acknowledgment of this limitation, as the team brought forward claims for things that had been destroyed and could never be given back – how do you give back someone's sense of safety? Their sense of belonging? These questions go beyond legal reach. What I could do was ask my clients what they wanted to see come out of a petition or claim, and work to match that aim, their aim. As long as that aim was reached or approximated, then not only could my advocacy be deemed successful, but it could, most importantly, fulfill a dream of justice.