



## Summer 2020 EJA Fellow:



**Name:** Elaine Marshall

**Law School:** Northeastern University School of Law

**Organization:** East Bay Community Law Center

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### Week of June 15<sup>th</sup>

I am working for East Bay Community Law Center (EBCLC) in the Health and Welfare Unit. After my first year of law school, where we were buried in text book learning, it feels rejuvenating to work on a team with like-minded attorneys and interns. In addition, I feel thankful to be working for EBCLC because they are an organization that actively teaches solidarity and client-centered approaches to law. Most people probably know that a “client-centered” approach is best practice. It is another level of commitment and leadership, however, to actively remind and challenge students to think about how to ensure the client’s voice is the driving force in an attorney-client relationship. My supervisors have asked me how I can rephrase my communication with clients to guarantee the client is telling me the situation, what they want, and their experience. Again, it is important to me that “client-centered” is not just used as a popular buzzword, but actively taught as a practice. Therefore, I am thankful for EBCLC’s commitment to ensuring client voices and stories are elevated.

It has also been beneficial to be able to work during the rapidly changing times of Covid-19. The maneuvering of the health and welfare system is slightly different as clients cannot come into the EBCLC office to fill out forms or meet with us. In addition, various additional barriers for our low-income clients emerge. Local printing services may be closed, and exiting the house to the post office or for additional appointments may be dangerous. Practice maneuvering and working through these very real concerns with our clients will hopefully set me up for practicing in a “new normal” during Covid-19 or after Covid-19.

An added concern, as well, is the building of client relationships solely over the phone. It is important to have positive client relationships and trust as many of our clients have experienced systematic harm from the legal system. Therefore, in order to be a resource for them, advocate effectively, and ensure positive life outcomes, I must work to build good relationships. Over the phone people cannot see the compassion and attentiveness in my facial expressions and body language. As Covid-19 continues and phone interactions, without any face-to-face contact becomes the norm, I am thankful to have practice working with clients in this way.



My final reflection surrounds the EBCLC Name and Gender Change Workshop, hosted this past weekend. When folks' name or gender do not match their identifying documentation it may cause anxiety interacting with governmental systems and create a barrier to receiving healthcare because the person may be dead named or misgendered. Therefore, I am thankful to have the opportunity to support clients in receiving the healthcare they deserve by first ensuring their name and gender match their identity.

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## **Week of July 6<sup>th</sup>**

In the Health and Welfare Unit at East Bay Community Law Center, we learn that prolonged exposure to heightened cortisol levels is a social determinant of health and negatively impacts people's health. This leads to health disparities among people who are constantly exposed to unsafe housing, food insecurity, job insecurity, and systemic racism and oppression. It adds even more stress for people when they must address legal issues, call government agencies to advocate on their behalf, and put a cohesive story of their life together in the form of admissible arguments. These tasks are even more difficult when people don't understand how to correctly navigate the system and public agencies simply seem like a black hole of "no's". Therefore, it is of immense value and a promotion of public health to decrease stressors for people by providing health and welfare benefit support. Therefore, I am thankful to be doing tangible work for people to make life a little easier for them and ultimately increase their health.

I am enjoying advocating on behalf of individuals and formulating arguments that tell their story in their perspective while also illustrating why they qualify for public benefits. In my opinion, however, people deserve more governmental support so that they can live healthier and happier lives. Too many people in need do not qualify for benefits. I am thankful to have this experience working at EBCL to see how the public benefit system is not meeting people's needs over and over again. Then, I look forward to taking this knowledge to fight for people to qualify and create a government benefits system that actually works for people. Ultimately, the system should meet people's needs as they see them, not as people in power assume them to be.

Thank you Equal Justice America, again, for the opportunity to serve individuals in the community who would not otherwise receive the assistance of an attorney; while simultaneously allowing fellows to learn how to make the legal services system better for those that need it.

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## **Week of July 27<sup>th</sup>**

As the summer comes to a close, I am thankful for the support of Equal Justice America and the teachings of East Bay Community Law Center (EBCLC). It doesn't feel like low-income people will ever have enough support but I'm thankful that the Staff Attorneys at the Health and Welfare Unit at East Bay Community Law Center are there to assist as many clients as possible.

This summer has taught me that you have to fight for what you need, you cannot take the first answer, and you have to ask multiple times. In other words, in legal jargon, you have to appeal. It's amazing to me how often people are denied public health and welfare benefits and it takes an appeal to show that to the system. It makes me reflect on how many people receive a denial and think, "well I just don't qualify". In reality if they knew or had the means to appeal, they would likely be successful. This



invigorates me to keep advocating on behalf of my clients because if we don't ask or appeal, so often clients will not receive what they deserve.

It was also really important this summer to gain experience working in the midst of the pandemic. I am now able to better serve people when emergency situations arise or there are constantly changing regulations. Ultimately, I want to do what is best for my client and sometimes that is not clear when there are many factors at play - changing regulations, doctors' appointments which increase risk of exposure, and mass unemployment leading to changes in healthcare. During my time at EBCLC there were many novel legal questions that arose because of the public health emergency and California's response. It is one challenge to advise under law that has remained stagnant for years, it is another challenge to maneuver regulations and advise based on legal rules that could change next month. I now feel prepared to argue within dynamic and fluid regulations, advising clients on how their decisions may impact public benefits, even in uncertain times. Thank you, EJA, for providing me the tools to assist during this current pandemic and in future emergency situations.

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## **Week of August 10<sup>th</sup>**

On my last day of my fellowship, a colleague informed me that one of my clients told them that I made them feel supported and comfortable. This was the best compliment I could ever receive as I actively try to center the client's needs and desires. This feedback is in contrast to the stereotypical, overbearing, elitist lawyer who only cares about the facts that they need and not about how revealing those facts may impact the client.

This client-centered lawyering is one of the biggest teachings I will take from this summer. I learned how to be kind and gentle with clients who are experiencing challenging circumstances, or who are revealing sensitive information, while also obtaining the facts necessary to advocate on their behalf. In this way, I hope to support people in navigating the public benefits legal system and advocate for them within the system, while also reducing the harm that the legal system invokes on people.

Additionally, this summer I furthered my professional skills by paying close attention to confidentiality. One of the Health and Welfare Staff Attorneys said in a training that once you reveal information you cannot take it back and you have just given up someone's rights. That statement really stuck with me and I tried to be extremely cautious about confidential information. I can always provide more information to a referral source or the county but cannot take back disclosed information. My supervisor supported me in this by providing examples of how to frame information.

Furthermore, I deepened my knowledge of substantive health and welfare law and enhanced my ability to express myself persuasively. This summer I learned the eligibility requirements of health and welfare benefits. I also became familiar with the appeals process and negotiations with county workers. Not only did I learn the procedure of the appeals process, I gained experience in persuasively and effectively working within the process to advocate for clients. For example, I learned when to cite All County Welfare Directors Letters (ACWDL) versus the California Code of Regulations (CCR). With this tool, I can now craft arguments persuasively depending on my audience of a county worker or an Administrative Law Judge.



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While researching eligibility requirements, exploring ways for clients to qualify for benefits, and crafting arguments for clients, I learned some of the limits of the health and welfare system. I touched on this briefly in one of my previous journal entries for EJA. It is frustrating when clients make just a little too much money or are not considered disabled enough under the structured legal analysis even though they are in need of support. This disconnect between eligibility requirements and the real needs of low-income clients is especially heightened in the San Francisco, Bay Area. In the Bay Area the cost of living is so high that it seems like eligibility requirements do not match the actual difficulties and income required to raise a healthy family. Thus, the health and welfare system may be another example of a disconnect between the actual needs of people and the law.

Thank you, again, for the opportunity to learn best practices in advocacy work for low-income clients through health and welfare law.