

Lawyers for America Partnership Proposal

City of Berkeley City Attorney's Office

Organization

Please provide any information about your organization (mission, history, size, office location(s), etc.) that you think would be helpful to student applicants.

*The organization is the Berkeley City Attorney's office. Berkeley is a charter city that has been incorporated since 1879. It provides the full range of municipal services, and in addition is one of the few cities in the state that has its own health department, and the only one that provides its own mental health services.*

*We are located at 2180 Milvia Street in Berkeley, one block west of the Downtown Berkeley BART station. Our office consists of eight attorneys, one paralegal and three support staff. We provide advice and litigation representation to all city departments, on the full range of municipal issues.*

*In general, we have significant practice in the following areas:*

- *General government law (administrative law, open meetings, public records, conflicts of interest, elections, etc.)*
- *Public liability (including section 1983)*
- *Municipal finance (Propositions 13, 218 & 26)*
- *Land use planning and regulation*
- *Affordable housing*
- *Labor and employment*
- *Nuisance abatement/code enforcement*
- *ADA*
- *Contracts/leasing*
- *Constitutional law (esp. due process and First Amendment issues)*

*Recent projects include a local minimum wage ordinance, an ordinance banning smoking in multi-unit buildings, GMO labeling, and an ordinance regulating medical cannabis dispensaries. We are currently experiencing a significant amount of development activity, particularly in the downtown and Telegraph Avenue areas. We have also been engaged in a significant amount of code enforcement activity as well.*

*Municipal attorney work traditionally involves a broad range of issues, and this is particularly the case in Berkeley. As a result, we can offer more flexibility than many other kinds of placements in terms of subject matter.*

Supervision

What is the name and job title of the person you expect to be the fellow's supervisor and the LfA liaison? Will other attorneys be giving the fellow assignments as well?

*Deputies in the Berkeley City Attorney's office have specific areas of expertise within which they both provide advice and litigation representation. At present, we have identified the following areas to which we would assign fellows:*

- *Nuisance abatement/code enforcement*
- *Pitchess motions (criminal defense requests for police personnel records)*
- *Public liability and civil rights litigation*
- *Other areas, depending on a fellow's interests and coursework*

*Depending on an applicant's interests, coursework and background, he or she would be assigned to one or more different attorneys.*

*A fellow's supervisor(s) will depend on his or her specific assignments.*

What formal training will the fellow be provided by your office? Please describe the duration, nature, and scope of that training.

*There will be an orientation to the office and the City, as well as one-on-one and small group training on specific legal topics and practice areas. Most training will be one-on-one with the supervising attorney(s). We expect that assignments will be relatively long-term, so that the fellow can develop expertise in specific areas of interest.*

What additional training opportunities (regular in-services, conferences, etc.) will be available to the fellow during the two-year fellowship?

*The main training opportunity will be practice. Free conferences and City-sponsored training in municipal issues will be available.*

Supervisors will be asked to participate in periodic formal written evaluations during the 3L year. What additional evaluation and feedback structures will you implement for the fellow throughout the fellowship?

*We will provide ongoing feedback on each task and project.*

Does your office currently employ, or has it recently employed, post-graduate fellows and/or volunteer attorneys? Does your office host externs earning academic credit? Would the LfA fellow(s) supplement or replace other fellows/volunteers?

*We routinely have 3Ls, post-graduates and new attorneys on a volunteer basis. We have in the past had 2L and 3L students from both Hastings and Northeastern through externship programs, and we have a Class of 2015 Lawyers for America Fellow.*

#### Fellow's Work and Professional Development

To maximize her/his professional development, the fellow should be assigned lawyering tasks of increasing complexity and responsibility during the course of the entire fellowship. The second semester

should build on the first, and the post-graduate year should include tasks typical of an entry-level attorney.

Below, please describe as concretely and specifically as possible the work that the fellow will perform in her/his first semester.

- *Legal research and drafting of memos and pleadings (depending on our evaluation of writing skills)*
- *Litigation (attending depositions and court hearings); discovery, summarizing depositions.*
- *Document review and analysis (discovery responses, public records, leases and contracts, etc.)*
- *Assisting with the preparation of staff reports for commission meetings and attending commission and City Council meetings*
- *Assisting in researching and writing up/ presenting campaign finance legal issues related to the 2014 election*
- *Working closely with staff in other departments on specific projects (new ordinances or programs, city construction projects, etc.)*

Please briefly describe what additional skills and experiences you anticipate that the second semester will offer.

*Higher level tasks and more responsibility, depending on demonstrated skill level.*

Finally, describe the fellow's responsibilities during the post-graduate year.

- *Increased/more independent responsibility for nuisance abatement and code enforcement, including court appearances, and appearances before the Zoning Adjustments Board/City Council, working directly with Code Enforcement staff, the Berkeley Police and neighbors to develop code enforcement and nuisance abatement strategies.*
- *Apprenticing with an attorney with respect to ADA and labor relations issues and advice*
- *Working with various attorneys in public liability litigation*
- *Preparing motions and appearing on discovery (Pitchess) motions in criminal court.*
- *Working independently with other departments*
- *Preparing/providing legal review of staff reports for commissions and City Council*

#### Preferred pre- and co-requisites

What, if any, classes *must* a fellow take before starting work at your organization? Include both substantive/doctrinal classes, as well as skills classes. What classes would you *prefer* that candidates take before starting? Please note whether fellows could take these classes *during* the fellowship.

#### *Pre-requisites*

- *Constitutional law*
- *Evidence*

- *Remedies*
- *Administrative law (very helpful, not absolutely required)*
- *Local Government Law (very helpful, not absolutely required)*

*Co-requisites (depending on particular field of interest)*

- *Land Use Regulation*
- *Employment Law*
- *Employment Discrimination*
- *Public Health Law*
- *Community Economic Development Seminar*
- *Environmental Law and Policy*
- *Government Lawyer Concentration Seminar*
- *Contract Writing*
- *Real Estate Transactions*

If there are other requirements or preferences (e.g., prior experience in a particular field or language ability), please note them here.

- *Good research and writing skills*
- *Strategic thinking*
- *Ability to work independently*
- *Sense of humor*
- *Ability to multitask effectively*

In addition to eight units of fieldwork credit, LfA fellows will earn four units through accompanying classroom work each semester. If there is an area of substantive law or professional skills that would ideally be covered in the classroom portion, please note that here.

- *Local Government Law*
- *Administrative law*

Other relevant areas, based on the fellow's particular interests LfA fellows are expected to work a minimum of 32 hours/week at the partner site. To earn the four units/semester of classroom credit, they will need to take a very limited course load on campus. What days/times would the fellow need to be consistently available, e.g. for weekly staff meetings or a particular court calendar? We will try to accommodate those scheduling needs to the extent possible.

Finally, please feel free to tell us anything else you think might be useful for the LfA program or student applicants.

*We are an informal office with a sense of humor. At the same time, our work is very fast-paced and demanding, and we are constantly required to switch from one project to another. Good time management skills are critical. We also operate in a political environment, where maturity, good judgment and discretion are also very important.*