

Mobilizing for Justice in Our Community

Erin A. Gordon

For 145 years, the Bar Association of San Francisco (BASF) has championed equal access to justice and provided legal services to the city's disadvantaged and underserved populations. To further that mission, BASF forty years ago established what is now known as the Justice & Diversity Center (JDC), a direct provider of legal services to the community's most defenseless individuals, a program that today is the largest of its kind in Northern California.

While the legal services provided by BASF and JDC are always necessary, they've never been more so since the arrival of President Donald Trump's administration, which has ushered in drastic policy changes that disproportionately impact the nation's most vulnerable people. Anticipating this, BASF/JDC's leaders and members got to work immediately after the November 2016 election, preparing both to speak out against and to minimize the effects of President Trump's harshest policies through a range of community response actions.



Impressions from the Good Ally conference in January 2017

“This president has exhausted all of us,” explains Julie Traun, BASF’s director of court programs. “The Bar Association’s leadership has stepped into this place to protect people at risk of losing civil liberties. It’s been nothing short of triage in an ER. When Trump was elected, lawyers rose to a call of action like nothing I’ve ever seen.”

Since November 2016, BASF/JDC leaders have gathered every week to address issues related to immigrants, the homeless, and other at-risk populations. “We’re continually informing ourselves so we can be nimble and address issues sooner rather than later,” Traun adds. There have been so many needs arising from this administration’s policies that “we can barely keep up.”

According to BASF president Merri Baldwin, it’s an important time to be a lawyer. “We face great changes

as a country, changes that will have real and potentially devastating impacts in San Francisco. Many people in diverse communities face physical threats as well as potential loss of legal protections and financial and other support. We as lawyers understand the importance of equality and fairness, as well as the critical role lawyers play in helping ensure that all members of our community have access to justice.”

Half of JDC’s clients are immigrants, ill, disabled, seniors, or domestic violence survivors, says JDC’s Director of Pro Bono Legal Services Programs Gloria Chun. “These are the most marginal populations in San Francisco.”

Aware that the new administration’s proposed policies would not favor those people, BASF wasted no time in organizing to protect them. Former BASF President Kelly



Dermody, Lieff Cabraser Heimann & Bernstein, had an idea: “What if civil rights and social justice community leaders could inform the legal community about what they were anticipating and tell the legal community how to be a good ally?” Thanks to her leadership and hard work, the idea grew into action. In January, the bar association cohosted “How to Be a Good Ally: A Strategic Engagement Conference,” an event at the Bill Graham Civic Auditorium that attracted more than 1,300 members of the legal community.

The next month, JDC launched a “volunteer pop-up,” giving attorneys the chance directly to assist marginalized communities. “It was an opportunity for potential volunteers to talk with supervising attorneys, ask questions, and be able to plug in and get involved quickly,” Chun says. No fewer than 150 people showed up, which was “beyond our wildest hopes,” she adds. “We’ve also experienced an uptick in lawyers coming to our regular trainings. It’s been very heartening.”

Not surprisingly, immigration has been a huge focus of BASF and JDC’s work this year. “It makes all the sense in the world” to focus on helping immigrants, Baldwin says.

Carole Conn, director of public service programs, San Francisco–Marin Lawyer Referral Service, Alternative Dispute Resolution, and Immigrant Legal Defense Programs, says Trump has been “an agitator, especially in the immigration arena.” In response, BASF issued a public statement denouncing Trump’s executive order denying immigration and safe harbor based on country of origin and religion.

““BASF WILL CONTINUE TO WORK FOR DIVERSITY, EQUITY, AND FAIRNESS, TO FIGHT AGAINST INJUSTICE AND INTOLERANCE, AND TO SPEAK OUT WHENEVER NECESSARY,””

— Merri Baldwin

Trump's harsh policies have triggered a cultural shift among lawyers, Conn adds. "Three years ago, deportation defense wasn't sexy. But now with Trump, people see it as a due process issue, a fairness issue. It's now on the table."

While the focus recently has been on deportation, Deferred Action for Childhood Arrivals (DACA), and helping individuals detained at borders, immigrants need help in many ways, Chun notes. "We want to help immigrants at all points in time: the immigrant trying to get a divorce from an abusive spouse, the immigrant afraid to stand up against eviction, the immigrant needing consumer debt defense."

**"WHEN TRUMP WAS ELECTED,
LAWYERS ROSE TO A CALL OF ACTION
LIKE NOTHING I'VE EVER SEEN."**

— Julie Traun, BASF

To address increasing demands for immigration services, BASF has expanded its Attorney of the Day program, which provides free lawyers at master calendar hearings in immigration court. JDC also organized a "Call-A-Lawyer Night" for listeners of KALW's *Your Legal Rights* program. And JDC launched a rapid response system to deploy immigration attorneys to San Francisco's ICE office when necessary and partnered with the American Civil Liberties Union of Northern California and other organizations to develop a Regional Rapid Response Network related to enforcement actions within Northern California.

At a broader policy level, BASF/JDC launched an Immigration Task Force and advisory group to recommend

policies that advance the rights of immigrant communities. And JDC has served for the last year as lead attorney for the San Francisco Immigrant Legal Defense Collaborative, a group of community-based organizations providing legal representation in removal proceedings, particularly unaccompanied minors and families.

In addition to immigration, increasing acts of intimidation and violence based on race, gender, sexual orientation, religion, and place of origin coincided with Trump's election. In response, BASF released statements applauding peaceful gatherings and demonstrations of unity in the face of potential violence resulting from right-wing rallies planned in San Francisco and Berkeley in August. BASF also issued statements condemning violence in Charlottesville and the president's announced plan to bar transgender individuals from military service. "BASF will continue to work for diversity, equity, and fairness, to fight against injustice and intolerance, and to speak out whenever necessary," Baldwin says.

Meanwhile, the bar association has continued its efforts to reform police culture. In 2015, it established a task force to examine comprehensively the city's criminal justice system practices and draft reports supported by data and expert opinion.

"We determined that there's a role for lawyers to roll up their sleeves in partnership with the police department to prevent a Ferguson situation" from happening here, according to Traun. Comprising prosecutors, law enforcement, defense attorneys, academics, civil rights lawyers, members of the judiciary, and police oversight agencies, the Criminal Justice Task Force has made nearly 300 best practices recommendations to the SFPD. One report, for example, focused on the use of Tasers, which, Traun explains, "we know are used more on vulnerable populations and people of color."

2017

BASF/JDC COMMUNITY RESPONSE ACTIONS

Standing up to Hate and Threats to Minorities and People of Color



- Cohosted “How to be a Good Ally: A Strategic Engagement Conference” that attracted over 1,300 members of the legal community and featured 37 speakers, 40 participating organizations and 13 panel discussions
- Launched a “Volunteer Pop-Up” to provide opportunities for attorneys to organize and mobilize to address threats to marginalized communities
- Spoke out against rising acts of intimidation and violence based upon race, gender, sexual orientation, religion, and birthplace
- Issued a statement condemning President Trump’s announcement to bar transgender individuals from military service
- Issued a statement on violence in Charlottesville, condemning acts of violence, hate, and intimidation
- Issued a statement applauding peaceful demonstrations of unity in the face of potential violence, when right-wing groups planned rallies in San Francisco and Berkeley the weekend of August 26

Immigration

- Launched an Immigration Task Force to identify, evaluate, and recommend policy opportunities to advance the rights of immigrant communities
- Expanded existing immigration program to address current and pending demands for immigration services in the Bay Area
- Issued a public statement decrying the executive order denying immigration and safe harbor based on country of origin and religion
- JDC staff were featured on KALW’s 97.1 FM *Your Legal Rights* and organized a “Call-A-Lawyer-Night” for listeners to discuss their questions one-on-one with immigration and family law attorneys
- Launched Rapid Response system in San Francisco to deploy immigration attorneys to the San Francisco ICE offices when arrests have been made
- Partnered with the American Civil Liberties Union of Northern California and other organizations to develop a Regional Rapid Response Network
- Created training for superior court judges on U Visa petitions, followed by training for ACCESS Center and legal intake staff to address the reluctance of undocumented victims/witnesses to report crimes to the police and the role of the courts to fill the gap

Police Culture and Police Reform

- Hosted panel discussion with leadership around police culture and reform
- Sent letter of recommendations to the San Francisco Police Commission regarding the Department of Police Accountability



- Criminal Justice Task Force representatives participated on working groups addressing the findings and recommendations of the Department of Justice Report issued October 2016
- Strongly urged San Francisco Police Commission to not approve use of ECW's (commonly known as Tasers)

Judicial Independence and Respect for the Judicial Branch

- Expressed opposition to splitting of Ninth Circuit Court of Appeals in formal letter to Senators Chuck Grassley, Ben Sasse, Dianne Feinstein, and Chris Coons, members of the Judiciary Committee
- Issued joint BASF/ JDC letter requesting that the federal government refrain from arresting undocumented citizens at California courthouses
- Issued statement urging the executive branch to respect the judicial branch, following statements, both by President Trump and his advisors, which undermine the authority of the judicial branch

Access to Justice for Low-Income Communities

- BASF/JDC joined twelve California bar associations urging the rejection of President Trump's proposed cuts to Legal Services Corporation Funding
- JDC joined the California Low-Income Consumer Coalition, to help bring voices of low-income consumers to the Capitol

Combining the two goals of protecting immigrants and reforming the criminal justice system, BASF also established a working group, made up of immigration lawyers, family lawyers, and law enforcement, to train family courts on U Visas. When undocumented immigrants are victims of crimes, they're often too frightened to come forward because they fear they'll be deported. But "day-to-day law enforcement needs immigrant victims to come forward to report crime," Traun explains. "A U Visa buys you a couple of years."

BASF's trainings resulted in a whole new U Visa procedure in San Francisco, which is now being copied in other parts of California. "To be spearheading something important is great," Traun says. "That it's being replicated is even better."

Also on the intersection of immigration and criminal justice, a joint letter from BASF and JDC supported the March 2017 letter by California Supreme Court Chief Justice Tani G. Cantil-Sakauye to US Attorney General Jeff Sessions and US Secretary of Homeland Security John Kelly [currently the White House chief of staff], asking them to cease using California courthouses as "bait" for arresting undocumented immigrants.

Another focus for BASF this year has been the judiciary—both judicial independence and access to justice. Following statements by President Trump and his advisors that undermined the authority of the judicial branch, BASF issued a statement urging the executive branch to respect the constitutional separation of powers. Similarly, in a letter to Senators Chuck Grassley, Ben Sasse, Dianne Feinstein, and Chris Coons and members of the Judiciary Committee, BASF expressed opposition to splitting the Ninth Circuit Court of Appeals.

"Our judicial system is in the crosshairs," Conn explains. "Lawyers have a heightened responsibility to protect this system; we have a heightened sensitivity to what's at stake."

**“WE STAND AS A BEACON FOR DUE
PROCESS, FAIRNESS, ACCESS TO
COURTS, AND LAWYERS.”**

— Carole Conn, BASF/JDC

Similarly, BASF has continued working to close the justice gap, a gap that “has been amplified” this year, according to Chun. “Immigrants, women, and low-income individuals are not only targets of hateful rhetoric, but they also face diminished access to health care” and other threats to basic livability. These individuals are already tenuously housed and landlords are “capitalizing on the climate of fear and intimidation by threatening to call ICE” if they don’t move out, she adds. So closing that justice gap by providing counsel in these situations remains JDC’s critical mission.

To that end, BASF joined twelve other California bar associations urging the rejection of Trump’s proposed cuts to Legal Services Corporation funding.

“These cuts disproportionately affect lower-income communities of color,” Conn explains. “Yet these priorities are not held by the federal government.”

For example, cuts could affect critical proceedings such as judicial dependency hearings, which, according to Baldwin, involve vulnerable children and families, many of whom are living in poverty. “Legal representation for families and children in dependency hearings helps keep families together,

reduces unnecessary entry into the foster care system, and ensures quality care for children,” Baldwin explains. “We’re working closely with San Francisco Superior Court to try and leverage funding and will continue those efforts.”

All of BASF’s and JDC’s work this year fits with the organizations’ mission to render legal services to defenseless communities, Conn says. “We stand as a beacon for due process, fairness, access to courts, and lawyers.”

Although 2017 has been “a trying time” in the legal aid world, “it’s encouraging to see people who hadn’t been involved step up and want to help,” according to Chun. The alarming policies coming out of Washington do have a “silver lining,” she adds. “We’re depressed every day but the mobilization of lawyers has also been inspiring. We’re now the frontline heroes. It’s a great movement to be a part of.”

A former lawyer, Erin. A. Gordon is a freelance journalist living in San Francisco. She is the author of Cheer: A Novel and Heads or Tails, both on Amazon. She can be reached at ErinGordonSF@gmail.com.

Mobilizing *for Justice* in our Community

\$20+
MILLION

Value of legal services
donated to the community



1,683

Number of attorneys,
paralegals, and law students
who volunteered in 2016



45,278

Volunteer hours donated
in 2016



8,500

Number of low-income
San Francisco residents who
received pro bono legal help
last year

"We as lawyers understand the importance of equality and fairness, as well as the critical role lawyers play in helping ensure that all members of our community have access to justice."

— Merri Baldwin, 2017 BASF/JDC President

Join us today!

TEXT **GIVEJDC** TO **71777**

to get started, or visit jdc.sfbar.org

Add your support. Make a contribution at **jdc.sfbar.org**