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PURSUANT TO GOVERNMENT CODE
§ 6103

Attorneys for Respondent
THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

ENERGY POLICY ADVOCATES,
Petitioner,

v.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA,
Respondent.

Case No. 22STCP03214
Assigned to: Hon. James C. Chalfant,
Dept. 85

DECLARATION OF LAURA RILEY

Action Filed: August 30, 2022

1 I, Laura Riley, declare and state as follows:

2 1. I am currently the Director of the Clinical Program at the University of California,
3 Berkeley School of Law (“Berkeley Law”). The matters stated herein are true based on my own
4 personal knowledge and experience, unless otherwise stated on information and belief.

5 2. I received a Bachelor of Arts degree from Barnard College, Columbia University
6 in 2004, followed by a Juris Doctor degree from the University of California Gould School of
7 Law (“USC Law”) in 2010. Prior to joining Berkeley Law, I taught at USC Law, worked as a
8 managing attorney for the Los Angeles County Bar Association, project director at Bet Tzedek
9 Legal Services, staff attorney for California Women’s Law Center, staff attorney for Disability
10 Rights Legal Center, and a clerk for the United Nations International Criminal Tribunal for the
11 former Yugoslavia.

12 3. I joined Berkeley Law in January 2023.

13 4. My role at Berkeley Law is focused on clinical legal education. The clinical
14 program is an academic program and component of the core curriculum of the law school. Law
15 students have an experiential education graduation requirement, which may be satisfied through
16 participation in the clinical program. Each year, the program trains more than 300 students. As
17 the director of the program I develop, lead, and manage the full operations for the academic
18 program. I oversee the administration of the program, spearhead budgeting, design professional
19 and substantive programming on clinical legal education, and otherwise oversee the development
20 and administration of the educational mission of the program.

21 5. Berkeley Law currently has fourteen clinics, the Death Penalty Clinic,
22 Environmental Law Clinic, International Human Rights Law Clinic, New Business Community
23 Law Clinic, Policy Advocacy Clinic, Samuelson Law, Technology & Public Policy Clinic, and
24 eight housed within the East Bay Community Law Center. Across all of these clinics, Berkeley
25 Law offers students clinical opportunities in a very wide range of topics and legal subject matter
26 areas. I oversee all of the clinics outside of the East Bay Community Law Center.

27 6. The mission of Berkeley Law’s clinical program is to advance racial, economic,
28 and social justice. Clinics do this by teaching students the foundation in law and practice while

1 providing the opportunity to engage in hands-on client work to build critical lawyering skills.
2 Clinic operations and professional practices mirror those of law firms or legal service providers.
3 Clinics take on cases with live clients, establishing attorney-client relationships with their clients.
4 In fact, the American Bar Association Program of Legal Education Standard 304 requires that law
5 clinics provide substantial lawyering experience that involves advising or representing one or
6 more actual clients or serving as a third-party neutral.¹ Clinic students provide clients with
7 services under the direct supervision of licensed attorneys who are instructors/faculty within the
8 clinical program. The type of client services that students and their supervising
9 attorneys/instructors/faculty provide range depending on the nature of the clinic and matters at
10 hand but can include providing advice to clients (individual, group, or organizational), providing
11 policy analysis and advocacy, drafting briefs, helping to establish new businesses, and appearing
12 as counsel of record in litigation or other matters, among other client-centered responsibilities.

13 7. Clinics teach students skills necessary for the ethical and excellent practice of law,
14 providing essential training for the professionals they will soon be. They learn how to apply the
15 professional rules in practice, and the importance in doing so. Faculty and instructors, who are
16 practicing attorneys, abide by all of the professional responsibilities that all attorneys must,
17 including but not limited to those related to the attorney-client relationship. Not only do faculty
18 and instructors have to abide by these professional responsibilities, but teaching what those are
19 and how they apply in practice in the cases the students are involved in is a critical part of clinical
20 legal education pedagogy.

21 8. Clinics are critical avenues to provide access to justice, an obligation of the legal
22 educational system. As noted previously, clinics are not simulations; clinics take on real-world
23 clients to help in meeting the legal needs of underserved communities. Clinics are a major source
24 of law student contributions to underserved communities. To underscore the impact at a national
25 level, in 2022 the American Association of Law Schools (AALS) reported that law students,
26 Berkeley Law students among them, contributed 2,702,124 hours in legal services as part of their

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28 ¹ https://www.americanbar.org/groups/legal_education/resources/standards/

1 legal education, an estimated value of \$80,928,000 in student time.² Clinics are a critical
2 component of this effort and it is hard to describe how vital it is in bridging the justice gap, and in
3 particular the services gap in this state. In its 2019 Justice Gap Report, The State Bar Association
4 of California found that low-income Californians were fully served for only 30% of the legal
5 problems they faced.³

6 9. I am informed and believe that the present litigation involves a demand by
7 Petitioner Energy Policy Advocates (“Petitioner”) for the release of two agreements between the
8 University of California, Los Angeles School of Law’s Frank G. Wells Environmental Law Clinic
9 and a law firm called Sher Edling LLP. I have not reviewed these agreements, but I am informed
10 and believe based upon my review of interrogatory responses that the agreements are engagement
11 and fee agreements whereby Sher Edling LLP retained the Frank G. Wells Environmental Law
12 Clinic to provide it with legal services.

13 10. I see clear and direct harm to the public interest if law school clinic clients cannot
14 trust that their attorney-client relationships in clinics will be treated as any other attorney-client
15 relationship would; that is, with privilege protections. If law school clinic clients cannot trust that
16 they will have privilege protections, they will not retain clinics. The result would be that law
17 school clinics could not operate, which would in turn have negative impact on the public interest
18 in two main areas. First, it would mean that a vital pedagogy would be lost; students would not be
19 able to learn and practice representing clients in law school under the supervision of attorneys
20 before entering into the profession. Second, it would result a vast reduction in legal services work
21 that law students typically provide to under resourced and vulnerable communities.

22 11. Taken together, not acknowledging law school clinic attorney-client relationships
23 as coming with the privilege protections of any other attorney-client relationships signals that
24 those clients, often from minoritized and underrepresented groups have a reduced right to legal
25 representation. It would both chill the legal academy and further limit access to legal

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27 ² <https://www.aals.org/aals-newsroom/aals-survey-law-class-of-2022-contributed-more-than-80-million-worth-of-pro-bono-legal-services/>

28 ³ <https://www.calbar.ca.gov/Access-to-Justice/Initiatives/California-Justice-Gap-Study>

1 representation in areas of much need.

2 12. Moreover, producing clinics’ attorney-client representation agreements—and any
3 associated co-counsel agreements—would require clinics to violate their representations to their
4 clients, because such agreements typically promise clients that work products and correspondence
5 will be protected by the attorney-client privilege.

6 13. Attorney-client relationships, along with their privilege protection, must be
7 respected in the law school clinic setting. Anything else would mean violating the ethics and
8 professional responsibility of our practice and profession, precisely the areas that we are
9 endeavoring to instruct our students in through client-facing and substantive legal experiences.

10 I hereby declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct to the best of knowledge. This declaration is executed this 20th day
12 of November, 2023, in Berkeley, California.

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Laura Riley

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Laura Riley

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PROOF OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF SAN FRANCISCO) ss.

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is 101 California Street, Suite 3800, San Francisco, CA 94111.

On, November 22, 2023 I served a copy / original of the foregoing document(s) described as **DECLARATION OF LAURA RILEY** on the interested parties in this action addressed as follows:

James K.T. Hunter Attorney for Petitioner Energy Policy
10100 Santa Monica Boulevard, 13th Fl Advocates
Los Angeles, CA 90067
Tel: 310-277-6910
Fax: 310-201-0760
Email: jhunter@pszjlaw.com

- By placing true copies thereof enclosed in a sealed envelope(s) addressed as stated above.
- BY MAIL (CCP §1013(a)&(b)):** I am readily familiar with the firm’s practice of collection and processing correspondence for mailing with the U.S. Postal Service. Under that practice such envelope(s) is deposited with the U.S. postal service on the same day this declaration was executed, with postage thereon fully prepaid at 101 California Street, Suite 3800, San Francisco, California, in the ordinary course of business.
- BY ELECTRONIC SERVICE (CCP § 1010.6; CRC Rule 2.251(g)):** I transmitted the above-stated document(s) and an unsigned copy of this declaration from my computer (electronic notification address NTPhan@Venable.com) located Venable LLP, 101 California Street, Suite 3800, San Francisco, CA 94111 to the interested parties in this action whose names and e-mail addresses are listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. Service by e-mail or electronic transmission was agreed upon based on a court order or an agreement of the parties to accept service.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 22, 2023, at San Francisco, California.



Kim Nhung Phan