



April 30, 2020

Dear Berkeley Law Alumni,

I hope that this message finds you and your loved ones healthy and safe, and doing as well as possible at this difficult time.

Normally, I send out a communication of this sort quarterly, but given the rapidly changing environment in which we find ourselves, I wanted to update you on what has occurred at the Law School since my last email in mid-March. I apologize for the length, but so much has transpired over the last six weeks.

LEGAL EDUCATION IN THE AGE OF THE COVID-19 PANDEMIC

Although I had hoped that we might reconvene on campus before the end of the term, that has not proven to be the case. Our classes ended on April 28 and students entered the reading period and then exams. We went to all-online classes via Zoom on March 10 and our building was closed on March 17. I have been stunned by how well it has gone. I constantly hear from our students their appreciation for how smooth the transition has been and the high quality of their classes since we had to shift to teaching via Zoom. It, of course, is not what any of us would have chosen, but I know that we have continued to provide an excellent legal education despite the unprecedented circumstances. Every class this semester will have a take-home exam and like all of our peer law schools, all classes will be graded on a credit/no-credit basis.

Our recruitment of the J.D. Class of 2023 continues despite the need to pivot our Admitted Students Weekend from an in-person experience to a multi-week electronic Admitted Week Experience (AWE) program. Over 300 alumni volunteered to contact admitted students directly to assist them with information and guidance as they make this important career decision. We also held three virtual alumni panels during AWE that drew nearly 350 admitted students. The feedback to AWE from admitted students has been overwhelmingly positive. A number of them mentioned that no other law school has reached out with such energy and warmth. I am so very grateful to the many alumni who volunteered to assist the Admissions Office this year. The deadline to firmly commit to Berkeley Law has been pushed to June 1. I will share news about the entering class with you sometime this summer.

We are preparing for many contingencies for the fall semester. On April 23,

Executive Vice Chancellor and Provost Paul Alivisatos sent a message to all students on campus explaining that there are two possibilities for Fall 2020 classes: One is that we will conduct all instruction remotely. The alternative is that at least some classes will be conducted in person, with adjustments as necessary for safe social distancing. He was clear that all such in-person classes would need to have remote participation options for students or faculty who cannot be present.

Last week, the Law School's contingency planning committee met and came to the same conclusion. Our goal is to have in-person classes as much as the public health situation allows. But all in-person classes must have the opportunity for students and faculty to participate by Zoom throughout the fall semester. We know that for some students (both LL.M. and J.D.) the visa situation will make it impossible for them to arrive in Berkeley in August for in-person instruction. Also, it is likely that some students and faculty for health reasons will not be able to attend classes in person.

OUR INTELLECTUAL ENVIRONMENT

One of Berkeley Law's strengths is its rich intellectual environment with a variety of events—speaker's forums and symposia—available on any given day. We have maintained and enhanced these opportunities utilizing Zoom.

In addition to many programs by our centers, we created a new Monday lecture series where faculty members speak on aspects of the legal issues resulting from the public health crisis. Presentations have addressed topics such as presidential power in a pandemic (Dan Farber); legal issues in increasing testing for COVID-19 (George Horvath '14); civil liberties in a pandemic (me); criminal justice and the pandemic (Andrea Roth); and evolving employment issues (KT Albiston '93 and Catherine Fisk '86). (The Monday lectures can be viewed here --<https://www.youtube.com/playlist?list=PLIUbB46fTGWw3GsGL6fdqlsLcdm5RJX9G>.)

We also created a speaker's series on Thursdays where Professor Amanda Tyler interviews prominent individuals in the legal system. These have included Judge Michelle Friedlander (U.S. Court of Appeals, Ninth Circuit) and Judge Vincent Chhabria '98 (U.S. District Court, Northern District of California) on managing the federal courts in the age of COVID-19, and Karen Korsematsu on civil rights issues.

FULFILLING OUR PUBLIC MISSION

Particularly impressive has been the work done by our faculty and students to help individuals and small businesses facing severe financial hardships due to the public health crisis. Thanks to the efforts of our Policy Advocacy Clinic, the Franchise Tax Board became the first state taxing authority to suspend immediately the collection via wage garnishments, bank levies, and tax intercepts of all criminal justice debt and most other government-owed debt.

Professor Bobby Bartlett and over 95 students are assisting small business owners to access potentially forgivable loans made available through the recently enacted CARES Act. See the full story here: (<https://www.law.berkeley.edu/article/as-federal-funds-flow-berkeley-law-offers-small-businesses-critical-help/>.)

Another group of students has been working to get migrants released from detention camps where there is a serious threat of the spread of COVID-

19. ([https://alumni.berkeley.edu/california-magazine/just-in/2020-04-15/race-get-migrants-out-detention-covid-strikes.](https://alumni.berkeley.edu/california-magazine/just-in/2020-04-15/race-get-migrants-out-detention-covid-strikes))

Ted Mermin '96 and the Berkeley Center on Consumer Law and Economic Justice led a successful effort to prevent money that people receive from the CARES Act, or other pandemic-related assistance programs, from being subjected to garnishment or attachment. Governor Gavin Newsom issued an executive order on April 23 to provide this protection.

These are just a few examples of how the Law School community continues to meet its commitment to our public mission.

ATTENDING TO OUR COMMUNITY

I have been especially concerned about our students and staff facing financial emergencies involving health needs, food, shelter, and travel. A few weeks ago, I created a student emergency fund to provide small grants of up to \$1,000 for students in need. So far, we have raised over \$50,000 for the fund from 70+ donors. Among the donors are a number of current students who have stepped up to help their classmates. Their response says much about the character of our community. Here is a link to the fund should you like to contribute to the effort: **[Berkeley Law Student Emergency Fund](#)**.

I am also concerned about our 1Ls, 2Ls, and returning JSD students whose summer jobs have been cancelled. I reallocated funds in our operating budget to create additional fellowships (through the Edley Grant program) so that students caught in this situation can be employed by Law School faculty, centers, or clinics.

Sadly, we have had to postpone graduation for our 3Ls and graduate students. I have created a committee of students and administrators to look at ways we might honor and celebrate the Class of 2020. Needless to say, we are so very proud of our (soon to be) newest alumni, and wish them great success as they begin their legal careers. I worry about our graduates whose jobs may be delayed or cancelled. We have also created an emergency fund to help students in this class who will face health, food, and shelter emergencies after graduation.

Additionally, although we could not use Law School funds, GoFundMe accounts were created to help our staff and Café Zeb employees who are experiencing financial emergencies.

FINANCIAL CHALLENGES

My greatest fears for the Law School, besides for the health of all in our community, are financial. Chancellor Christ has said that the campus will lose at least \$210 million in revenue because of the pandemic. Because the Law School is so dependent on tuition revenue, we are extremely vulnerable. Of greatest concern is the steep decline in the number of committed summer and fall LL.M. students. I expect a loss of about \$15 million in LL.M. revenue for the coming year.

As you can see, our financial situation is precarious. I am committed to ensuring the high quality of our educational program and we will not allow it to be compromised. I have instituted many cost-savings measures including a hiring freeze, postponing the conversion of the unused library stacks into usable space, and looking for places to cut spending without harming our

educational program and adversely affecting staff. We have some reserves and will use those judiciously.

But the reality is that more than ever before we will need the help and generosity of our alumni. If you are positioned to be able to help us, I ask that you give serious consideration to making a gift today. **Give Now**.

From the moment I arrived at Berkeley, I have seen time and again that Berkeley Law is a very special community, a place of extraordinary warmth and caring. I have seen it in the way people treat each other and, when needed, take care of each other. No matter what the situation, I always have the strong sense that we know we are all in it together and we all will work together as a community. Never, though, has this sense been stronger than in the last two months. I try and constantly remind our students that this, too, shall pass and that I have no doubt that we will come out of this crisis a stronger community.

I wish you and your family all the best for health and safety at this difficult time.

Warm regards,

Erwin

