



Save the Dates:

Join us in celebrating 42 years of social justice

🕒 **JUNE 21,**
2:00–6:00pm
Los Angeles
Tardeada
at the home of
Tomás Olmos and
Dolores Leal

🕒 **OCTOBER 19,**
2:00–6:00pm
San Francisco
Tardeada
Golden Gate Club
in the Presidio

🕒 **NOVEMBER 1,**
6:00–10:00pm
San Diego
Tardeada
at the Museum of
Natural History,
Balboa Park



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CRLA



SPRING 2008

CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

SOUR GRAPES: TASTING IN THE FIELDS LEADS TO LAWSUIT



After five years of litigation, California Rural Legal Assistance recently celebrated a long awaited victory for grape harvesters in the Coachella Valley. In 2002, CRLA filed a lawsuit on behalf of five farmworkers who came forward to complain that their employer, Richard Bagdasarian Inc., forced its crews totaling over 1,000 grape harvesters to taste unwashed grapes for ripeness. This practice caused some of the workers to experience a myriad of physical ailments; including stomach pain, diarrhea, headaches and numbing of the mouth and face.

The company had also instituted a practice that provided workers with only a single twenty-minute break at 9:00 o'clock in the morning. The workers were then denied a mid-day meal period and a rest break in the afternoon. It is not uncommon for temperatures in the Coachella Valley to exceed 100, or even 110 degrees Fahrenheit during the grape harvest.

Richard Bagdasarian, Inc. eventually agreed to settle the claims brought forth by the plaintiffs for \$585,000.00. The bulk of the money, \$525,000.00, will be distributed to the harvest crews who worked the 2002 and 2001 seasons with Bagdasarian Inc. as compensation for the company's failure to provide the meal period and afternoon break. In addition to the monetary settlement, the company further agreed to a five-year permanent injunction to stop the grape tasting practice and to provide rest and meal periods as required by wage order 14. This is the first known case in which the California Court of Appeals has ruled that workers have a private right of action under the California Unfair Competition Law to seek injunctive relief to prohibit dangerous and unsafe labor practices.

Congratulations to the Coachella staff lead by Arturo Rodriguez, CRLA Director of Litigation Advocacy and Training Cynthia Rice, and private co-counsel Mark Talamantes on this great success!

CRLA Continues Fight against Foreclosures and Predatory Lending

CRLA was recently certified by the Department of Housing and Urban Development (HUD) as an official "Housing Counseling Agency." CRLA has, since its inception, helped clients and their families obtain and maintain safe, decent housing. Providing advice on renting, buying a home, and what to do when behind on rent or mortgage payments are all essential parts of the HUD housing counseling program. This certification as a Housing Counseling Agency not only enhances our reputation within our client community and with other organizations, but it also represents an opportunity for us to expand our capacity to assist and counsel more clients statewide to help them avoid home foreclosures and predatory lending.

Four CRLA offices—Santa Cruz, Watsonville, Santa Rosa, and Marysville—have been funded over the past 4 years by HUD through a fiscal intermediary, the Rural Community Assistance Corporation (RCAC) to provide housing counseling services. The pilot program demonstrated overwhelming success, and this recent approval by HUD will allow CRLA to expand HUD-funded housing counseling to all 21 offices statewide.

For more information on Housing Counseling, visit:
http://www.hud.gov/offices/hsg/sfh/hcc/hcc_home.cfm



CRLA IS LAUNCHING A NEW WEBSITE

We are very pleased to report that we will be launching our new website this Spring! Please visit us and learn about the services and resources that we offer and how you can get involved to help California's rural poor.

visit us at
www.crla.org

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UPDATE

CRLA CONTINUES TO
STAND UP AGAINST FEDS
TO DEFEND CLIENT RIGHTS

A year ago we reported that on March 26, 2007, the Department of Justice filed the case *United States of America et al vs. California Rural Legal Assistance Inc., et al.* It was an action to enforce the subpoena issued October 2006, that seeks thousands of unredacted internal documents and data that CRLA claimed was protected under attorney work product or attorney client privilege doctrines.

Most troubling about this case was the demand for client names and other client data covering a 33-month period that CRLA estimated to impact the privacy of 39,000 clients. CRLA refused to comply with the request because hundreds of rural clients make inquiries with CRLA, at the risk of facing retaliation from landlords, abusive spouses, or grower employers. The Inspector General refuses to provide any real justification for its request, but Ken Boehm of the National Legal and Policy Center said the Inspector General “has requested the names of 35,000 to 40,000 clients that CRLA has represented since 2003 to discover if the grantee is illegally aiding undocumented persons.” Most recently, the Legal Service Corporation informed CRLA that it does not believe it can finish the current investigation “until the subpoena enforcement action is resolved”.

Since March 2007, the court has decided to allow CRLA attorneys to participate in the Federal case independently of CRLA because as attorneys, they have their individual obligations to comply with professional rules and state laws. CRLA attorneys are represented by attorney Jack Londen and the law firm of Morrison & Foerster. CRLA clients were not allowed intervenor status; their interest was to be defended by the firm of Drinker, Biddle & Reath. We thank them for their efforts. CRLA is represented pro bono by two firms- Howard Rice Nemerovski Canady Falk & Rabin; and Kirkland & Ellis.

The parties are awaiting Judge Emmet G. Sullivan’s decision, which may be issued at any time.

CRLA Improves Healthcare Access in Imperial Valley

Over 22 percent of Imperial County residents are living below the poverty line. This Southern California County has one of the highest unemployment rates in the state, due in large part to the high percentage of migrant workers employed in seasonal agriculture. It is no surprise that these low-income residents face unique and significant barriers to healthcare access. With nearly 28% of residents under age 64 uninsured all or part of the year, CRLA is working to improve healthcare coverage in and around Imperial County. At the center of our strategy are two dynamic programs, The Health Consumer Center of Imperial Valley (HCCIV) and the Ventanilla de Salud program (VDS).

“The Health Consumer Center was established to improve the chances that the low-income community members, vulnerable seniors, and people with disabilities in our county could access the health care they needed,” explains Beatriz Garcia, HCCIV program director. Established as part of the El Centro office in 2004, the HCCIV has been able to identify and address a wide range of health-access issues. HCCIV staff work with clients to secure health insurance, address immigration-related questions related to public benefits, reduce client medical debt, and work towards improved quality of care across the county.



Some Spanish-speaking legal residents find the healthcare system so daunting, in fact, that they will cross the border to Mexico to receive health services even if they qualify locally. This issue was at the crux of the development of the Ventanilla de Salud program. The Ventanilla de Salud program was created in 2002 by the Office of the Mexican Consulate. The VDS “window to health” model incorporates bilingual, bicultural, and highly trained health educators and health advocates into the regular flow of “walk-in” consulate services. A CRLA community advocate works at the consulate office to provide on-site needs assessments, referrals, and linkage to available health services.

Both programs have helped to identify common issues experienced by the rural and migrant population residing near the Mexican border, such as frequent denial of public benefits based on assumed or suspected status as a “non-resident”. “We help legal residents navigate an increasingly complicated health insurance system,” says Beatriz.

Through outreach and education workshops to community-based organizations, agencies and providers, both programs continue to improve the outlook for Imperial Valley residents. As Beatriz simply puts it, “We identify and address the root causes of health care access problems.”

The Cost of Fresh Spinach?

Following the notorious spinach *E. coli* outbreak near California’s Salinas valley in 2006, vegetable processors increased efforts to eliminate bacteria, but oftentimes at the expense of farmworker health and safety. “Some packing sheds now use higher levels of chlorine or different kinds of disinfectants to clean the produce and equipment. More oversight is needed to ensure that these chemicals are used according to safety directions, and always with adequate ventilation,” says Michael Marsh, a CRLA attorney and the director of their Agricultural Worker Health Project.

CRLA has received numerous reports since the *E. coli* outbreak from workers complaining of headaches, chest pain, burning skin and eyes, and other side effects assumed to be directly related to chlorine or other disinfectant exposure. “Farmworkers and packing shed workers need to be trained in recognizing and reporting symptoms of overexposure,” states Marsh. “At the Agricultural Worker Health Project, we strive to educate farmworkers about their health and safety rights, and fight to ensure that growers and government agencies protect farmworkers from injury and illness,” he added.

The exact cause of the contamination in 2006 that sickened 205 consumers across the nation and killed 3 may never be known, but US Food and Drug Administration identified two important environmental risk factors associated with the outbreak: the presence of wild pigs in the area, and surface waterways exposed to feces of cattle and wildlife. “The irony is that the same chlorine that makes consumers safer is making packing shed workers sicker, and it doesn’t have to be an ‘either, or’ choice. We can have safe produce and safe workers,” Marsh says.

Marsh laments that in our frenzy to eradicate harmful environmental bacteria in our produce, we have ignored other threats potentially more harmful to consumers and farmworkers. “While all the focus is on biological contaminants, the risks posed by dangerous pesticides and pesticide residues is all but ignored. Unless a consumer or a farmworker dies within hours of being exposed to pesticides, no one pays attention. No one is adequately watching out for the effects of long-term exposure to pesticides, and pesticide residue causes short and long term illness in thousands of people each year.”

For more information on CRLA’s Agricultural Worker Health Project, visit www.agworkerhealth.org



DONATE NOW TO CRLA AND UNION
BANK WILL DOUBLE YOUR DONATION*

please send your donation in the attached envelope

Your individual gift to CRLA is needed. When you contribute to CRLA, you take an active role in ensuring that California’s poorest communities have access to justice.

Your donation will directly support CRLA’s work to:

- Ensure access to safe and decent housing for working-poor families
- Fight sexual harassment in the agricultural industry
- Advocate for immigrant civil rights
- Enforce the right of all children in California to a quality education
- Guarantee workers receive their wages for an honest day’s work
- Promote health access and health care for low-income children and their parents

(*UP TO \$125,000)

WE NOW ACCEPT ONLINE DONATIONS!
visit us at www.crla.org

THANK YOU FOR YOUR SUPPORT!

California Rural Legal Assistance would like to thank the following individuals, foundations, companies, and firms for being one of our top 25 donors of 2007. Thousands of rural poor Californians were given a chance to achieve justice thanks to your generous support!

The Estate of Christopher S. Scheffler	Garcia Calderon Ruiz, LLP
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Kazan Foundation	Kaiser Foundation
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Entravision Communications Company	The California Endowment
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	Richard M. Pearl

Did you know?

CRLA had a record breaking year for Cy Pres awards in 2007!

What is a Cy Pres award? Class Action attorneys negotiating settlements must often address the probability that not all class members will be located, or that a defendant’s conduct has made full restitution to all injured victims impossible. Under such circumstances, the courts may approve a charitable donation out of unclaimed residue of class action funds.

Thanks to the following firms for nominating CRLA to receive \$297,604 of cy pres awards in 2007:

Saveri & Saveri	\$103,799
Berman, Devalerio, Pease, Tabacco	\$84,211
Lieff, Cabraser, Heimann & Bernstein	\$52,705
Trump Alioto Trump & Prescott	\$41,867
Kingsley & Kingsley	\$14,819