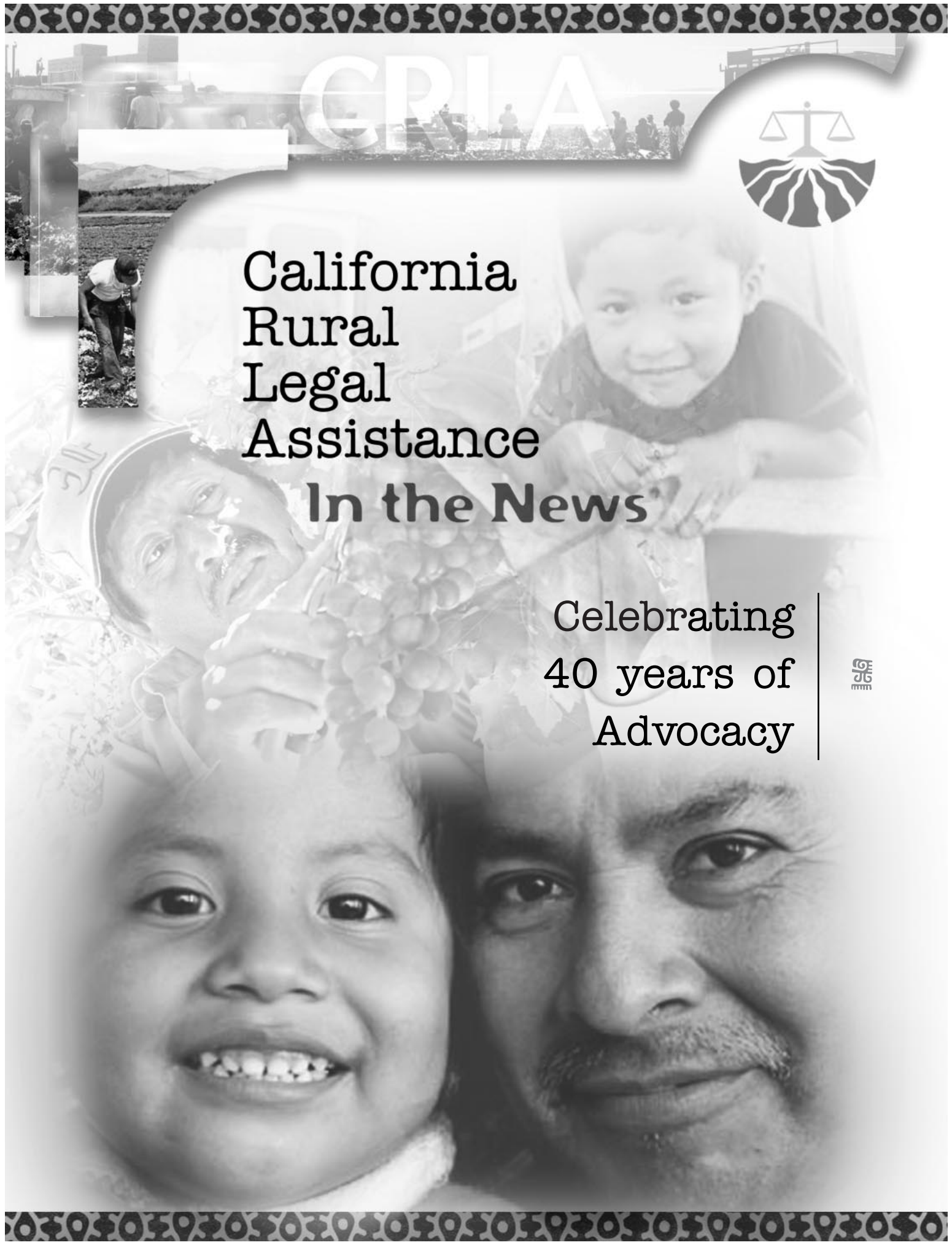


CRIA



California
Rural
Legal
Assistance
In the News

Celebrating
40 years of
Advocacy



Irma Luna

COMMUNITY WORKER PROFILE • BY EVA GURALNICK

Irma Luna knows the power of language. As a Community Worker in CRLA's Fresno office, she can speak with her clients—most of them farmworkers from Mexico—in their native tongue. Their shared language is not Spanish, but Mixteco Bajo.

"When people hear me speaking their language and know I'm from their own community, I can see a trust there," she said. "It can take a bit more effort to reach into a community of people who are new arrivals, and if they know I'm from their own community, it makes it a little easier."

Irma was born in Oaxaca, a region of Mexico with 16 different indigenous languages. When she came to the United States at 10 years old in 1983, she learned both English and Spanish in school. "Because we're from Mexico, it's assumed most of the time that we speak Spanish," she said. "Often people insist that people who speak Mixteco Bajo don't need an interpreter and that they of course they understand Spanish. But Spanish is not their language at all."

The language barrier can make members of the immigrant Mixteco community especially vulnerable to exploitation. "They experience a lot of abuse and isolation and live under the worst conditions," Irma said. Most of her clients are farmworkers who have come to CRLA because they haven't received their full wages, have received a verbal notice of eviction, need translation or interpretation services, or require assistance with administrative hearings.

Irma began working with CRLA in 1998, attracted by a chance to continue her career in social justice. She was already experienced in conducting educational outreach to clients, and continues to lead community meetings about issues such as labor rights that are of importance to farmworkers. "The difference was that at CRLA I would be



CRLA community workers Flavio Bautista and Irma Luna with social activist and co-founder of the UFW, Dolores Huerta.

"When people hear me speaking their language and know I'm from their own community, I can see a trust there."

working with attorneys as well," she said. "Educating people about their rights is really important, but having an attorney who can provide legal remedies means you can really better the situations of the clients. And because CRLA is a nonprofit, all our services are free of charge."

As the first line of support for her clients, Irma can often solve problems herself with a phone call to an employer who isn't paying on time or a landlord who is trying to unlawfully evict a tenant. But for those situations which require an attorney, she has seen gratifying results.

Recently CRLA attorneys worked on a case involving an unlawful eviction from a dwelling that was barely habitable to begin with. The housing had originally been a labor

camp and a new owner had taken possession. The bathrooms were a distance from the dwelling, there was no heat, the kitchen consisted of a gas grill on a table, and the building flooded in the winter. When the family asked the landlord for a cooling system in the summer, they were told they complained too much and were given a three-day verbal notice to vacate the premises.

"Our attorneys wrote a letter stating that the landlord didn't have permission to run a labor camp and that the site was not habitable," said Irma. "By the end of the week, they had negotiated for him to return all the rent the family had paid—which was \$2500—as well as their deposit." The family used the money to move into better housing.

"The injustice that I see can really make me angry," Irma said. "I hear people's stories and say to myself 'I've got to get back to the office right away to work on this.' In one case, a family had been working for a whole season and were not going to be paid until the crop was finished, and then they didn't get paid. I can't even imagine what it must be like. I get so happy when we can call the family and tell them that we've been successful and their check is waiting in our office."

The work of Irma and her colleagues helps more than just individuals. "The indigenous community I work with is a very united community," she said. "It's not just one individual benefiting from the service or information I'm giving. That little community as a whole has learned something that the migrant workers will take with them to other areas or states as they follow the crops. I know it will be useful to them wherever they go."

Register-Pajaronian

WATSONVILLE, CA • AUGUST 8, 2006

MIGRANT EDUCATION WINS CARRY-OVER FUNDS

BY AMY LARSON

California Migrant Education has won a battle for \$29.3 million in carry-over funds against Gov. Arnold Schwarzenegger.

On Feb. 15 of last year, Schwarzenegger vetoed the money given by the state department of Education to the California Department of Migrant Education Program.

Schwarzenegger redirected the funds to his own education project, called "program-improvement" districts, which are areas with underperforming schools.

Two days after the veto, outraged migrant parents teamed up with Watsonville Attorney Luis Alejo from California Rural Legal Assistance Inc., and filed a lawsuit against Schwarzenegger and the state in the San Francisco Superior Court.

"The governor violated state and federal law. The money first had to be passed through a bill in the Assembly and then by the Senate," said Alejo.

"The governor's move was very surprising. There has not been one governor in the history of California that tried to take money away from migrant students," Alejo said. "We did not want future governors to think they could take carry-over money away and put it in other programs."

Migrant students and parents protested the line-item veto outside the capitol building in August.



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was very surprising.
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to take money away
from migrant students"*

"What some people don't understand is that there are plenty of migrant students in these program-improvement districts, and it's eventually going to trickle down to them regardless," said governor's office spokesman Vince Sollitto.

Every public school in Watsonville has program-improvement status, minus a couple charter schools.

However, a recent report by the Legislative Analyst Office, a bipartisan research agency and advisory, found that 70 percent of migrant students in California do not attend program-improvement schools.

Migrant Ed funds highly specific programs that aim to improve migrant students' education. These programs include literacy in the home and bringing school dropouts back into the classroom, Alejo said. Their effectiveness has been proven in

past years, he said.

Money within the Migrant Ed program has paid for migrant parent advisory councils at local, state and regional levels.

Why do advocates believe migrant students should get special funding?

Many non-migrant students are denied a good education in schools without enough funding for learning materials and credentialed teachers, reflected in their dismally low test scores, advocates say.

"The Legislature recognized that migrant children are faced with challenges that other children do not have to face in California. They are constantly being displaced as parents move with the crop seasons for work," Alejo said. "This is a severe hardship on kids. They lose friends,

teachers and continuity in their educational program.”

“Programs were created a long time ago to address these particular needs. Our community benefits from that labor, but it is important to allow their children to prosper. They need education places to overcome obstacles.”

“Children of migrant workers tend to move frequently, attend school irregularly and suffer health defects and language handicaps that significantly inhibit their progress in school,” said Maria Medina, president of the Migrant State Parent Advisory Council. “This results in many becoming early school dropouts, poorly prepared for personal growth and fulfillment or economic success or upward social mobility.”

“California and the local economy are highly dependent on migrant workers,”

Alejo said. “Watsonville businesses could not prosper without migrant workers. But these families have certain needs.”

Every year there is an influx of migrant workers in Watsonville from April through October to provide labor for picking.

“We recognize that (underperforming schools are) an important issue too, because they are also facing serious challenges, like not making progress under No Child Left Behind,” Alejo said. “But the governor should not try to take it away from other very needy students in another program. The Legislature needs to do its part in providing adequate resources for those most in need.”

There are 320,000 migrant students in California, the majority of which are Latino with limited English-language ability. Out of the 20,000 students in the Pajaro Valley Unified School District, 9,000 of them are

migrant students. PVUSD receives \$200,000 to \$500,000 per year from the state Migrant Ed program.

The carry-over funds controversy remained unresolved last year, but the state legislature unanimously voted to return carry-over funds to the Migrant Ed program within the 2006 state budget.

On June 30, in approving the budget, Schwarzenegger gave in to pressure from lawsuits, demonstrations, migrant students and parents confronting him in his office.

Millions of dollars worth in funding were not spent because the fiscal year for the state Migrant Ed program is not in synch with the state budget’s fiscal year. Bureaucracy also creates a backlog in unspent funds.

“Every year funding goes unspent because they need to keep a cushion in the state budget to prevent overspending,” Alejo said.



Santa Maria Times

Pulitzer Central Coast Newspapers

MAY 4, 2006

SETTLEMENT SOUGHT WITH STUDENTS CITED IN PROTEST

By Mark Abramson, *Staff Writer*

Lompoc and school district officials are trying to reach a settlement with attorneys who represent some of the students police cited during a March 31 immigration protest.

At the city’s request, the county probation department has agreed to delay action against the 61 students who were cited for suspicion of violating the city’s daytime loitering ordinance. That ordinance, according to the California Rural Legal Assistance (CRLA), which represents several of the protesters, allows students to miss school to exercise their free-speech rights.

Students will not have to pay any fines, do community service or be subject to other penalties while the city, school district and students’ attorneys negotiate.

Two of the students’ families responded to the citations by filing a lawsuit against

*“Obviously, we’re going
to meet with them and
try to come up with some
mutual resolution,”*

the city, police department, Police Chief Bill Brown, the City Council, Lompoc Unified School District, School Superintendent Frank Lynch and the LUSD School Board. Attorneys from CRLA served the city last week and the school district this week. The CRLA now represents 30 students.

CRLA attorneys and officials from the police department, city and school district plan on meeting next week to see if they could resolve the matter before it goes to court.

The lawsuit filed by CRLA asks that the citations be thrown out and that the city ordinance not be used again against student protesters.

The police chief declined to discuss details about the incident.

“Obviously, we’re going to meet with them and try to come up with some mutual resolution,” Brown said.

Citations were issued when students cut class to protest proposed federal immigration laws. It resulted in scores of students from Lompoc Valley schools being rounded up by police, in some cases handcuffed, released to their parents or guardians at their school or being held at the police department until a parent or guardian could pick them up.



Los Adobes de Maria

BY EVA GURALNICK

In 1995, the first-ever affordable farmworker housing was built in Santa Maria, California. For three CRLA staff members, it was the culmination of nearly 10 years of advocacy—truly a dream come true.

Sylvia Torres, Jeannie Barrett and Mary Solorio-Jacka already have busy lives. As staff members at CRLA's Santa Maria office, they serve farmworkers and other low-wage workers. Many would say that they already were giving back to their community. But outside of their regular work hours, the three women volunteered their time with People's Self-Help Housing, a local nonprofit dedicated to building affordable housing.

Each came to CRLA, and to a life of service to the community, for her own reasons.

"I've been an Administrative Legal Secretary with CRLA for 27 years," said Sylvia Torres. "As a child growing up on a lemon farm just about eight miles from here, I watched one day as my friends and their families next door were brutally thrown on buses and taken away. I told my parents that I never wanted that to happen again. When I got out of high school I knew I wanted to work in the legal field, and my father told me about a job opening at CRLA. He said 'this is a place that really helps people.' I remember going to the interview and praying that I would be hired. My whole goal in working here is that if I can make a difference in just one person's life, my life is worth living."

Jeannie Barrett, Directing Attorney, has been at CRLA for 27 years. "CRLA is the place that caused me to decide I wanted to be a legal services lawyer in the first place,"



Sylvia Torres, Mary Solorio-Jacka, and Jeannie Barrett of the Santa Maria Office

"As a child growing up on a lemon farm just about eight miles from here, I watched one day as my friends and their families next door were brutally thrown on buses and taken away. I told my parents that I never wanted that to happen again."

Sylvia Torres.

she said, "so it's appropriate I came here. I heard about CRLA many years ago when they were making the news with their first big cases. I thought, poor people need access to justice. It's a great job, you get a

lot of personal satisfaction. You can sleep at night knowing you're fighting the good fight. Our clients are wonderful—they're the hardest-working people, the most dedicated to their families, just the most honorable people I've ever known."

Mary Solorio-Jacka, who encouraged Sylvia and Jeannie to get involved in People's Self-Help Housing and advocate for farmworker housing, joined CRLA 21 year years ago. "I grew up in the Santa Maria Valley and my parents were farmworkers, immigrants from Mexico," she said. "We had no hot water, and I remember picking at the wallpaper in my room as a little girl and suddenly being able to see right outside. It was even colder in my room after that!"

Mary had been volunteering with a community organizing project for about three years when she became aware of CRLA. "I applied for and received a temporary position as a Community Worker filling in for someone and was just loving it," she said. "When I had a chance to move to a permanent position I of course accepted it. It was the same thing I'd already been doing in the community, but now I was getting paid. I thought 'wow, you mean people get paid to do this?'"

Farmworker housing had been a huge need in the Santa Maria community for many years when Mary decided to join the Board of People's Self-Help Housing. The process from the idea's inception until construction was completed took nearly ten years as the group searched for funding and a suitable location. "Mary kept

saying ‘what about farmworker housing? What about farmworker housing?’ said Sylvia. “I think she wore down not only the Board but the city council as well. All three of us were involved in the community, and the community had come to us asking for housing, and Mary was right there in the front lines making sure it was going to happen. We did community education and presentations as a team, the three of us, making sure the farmworker perspective was included.”

At one point, it appeared that they might be able to secure land in a subdivision called Tanglewood on the outskirts of Santa Maria. “This was my neighborhood,” said Mary, “and I was so excited because our area really needed not only the housing but a community center, and the plan was to include that into the construction. But then some of my neighbors said they didn’t want ‘farm labor camps’ in their area. Even some very close friends didn’t understand that this would be housing for families. I’d sit in their homes, which they’d been able to buy through Farmer’s Home Fund because they worked at a local sugar factory, and it just wasn’t clicking for them how nice this would be for other families.”

Mary spoke on local television about the plans to build farmworker housing in Tanglewood. “When the news got out, some of the neighbors were outraged,” said Jeannie. “People spray-painted things on her door and egged her house. But she hung in there and said ‘This is housing that I believe in, we need to put it somewhere, and these people will be good neighbors.’ It was very exasperating at times, going to city council meetings and hearing people make racist and classic stereotypes of the people who were going to live in this housing. It’s very annoying and you come home muttering under your breath about how obnoxious people can be.”

Mary remained undeterred. “I thought it was pretty sad, but that was their opinion and that’s how they wanted to deal with it,” she said. “It was frustrating because we had the money but we couldn’t find a location. It took seven years.”

Eventually the group found a site for the project, and construction was completed on 65 affordable townhouse rental units in 1995. The complex even included a much-needed onsite clinic offering free medical care to people who work in agriculture if they do not have an insurance or receive Medi-Cal.

“I decided on ‘Los Adobes de Maria’, because Mary and Joseph had a difficult time finding room at the inn, and that’s exactly what happens to these families.”

-Mary Jacka

Mary was given the honor of naming the complex. “I thought about it a lot,” she said. “This was going to be a safe haven for these working families, a nice home. I wanted a name that would be pronounceable for Spanish speakers. It was during the winter months and nearing the Christmas holidays. Finally I decided on Los Adobes de Maria, because Mary and Joseph had a difficult time finding room at the inn, and that’s exactly what happens to these families. I felt very privileged to be able to name it.”

All three women attended the dedication ceremony. “I love dedication events,” said Jeannie. “The families had moved in and you could tour their homes, and it was obvious that everything had been polished up to the pinnacle of clean and neat. Everyone was so proud of their homes. When you see all that you’ve accomplished for the families, you can’t beat that. And then Mary

explained what the project meant to her and there wasn’t a dry eye in the house. She talked about how it was essentially dedicated to her parents who were hard working folks who had brought their family to a strange land. She wanted something that would make it easier for other families. What came through in her speech loud and clear for me was ‘Mom and Dad, this one’s for you.’”

The quality of the housing complex so impressed the community that a local grower sold land adjacent to Los Adobes de Maria for a second complex. Named Los Adobes de Maria II, it opened in 2004. “They dedicated a room to Mary,” said Sylvia, “and some of the original families that had moved into the first complex came to the ceremony. Some had gone on to purchase homes of their own. Their kids were thriving and many had gone on to universities. They all came back to honor Mary. I’m so delighted with the outcome—it’s going to affect not only the people it houses today, but it’s going to affect generations.”

Mary occasionally considers reducing her volunteer work, but the issues keep pulling her back. “Sometimes I tell myself I need to wind down,” she said, “but when I sit back the things that I see and care about don’t get taken care of. Then I tell myself darn it, I’m going to have to stand up and talk about it. I feel that the farmworkers are underappreciated, they have no voice, and as long as God’s giving me another breath, it must be that I have to use it for this.”

Did you know?

Hispanic Business magazine has named their 100 most influential Latinos for 2006 and look who made the list:

Jose Padilla

Executive Director

California Rural Legal Assistance



Mr. Padilla, the son of poor farmworkers in California’s Imperial Valley, has overseen California Rural Legal Assistance, a nonprofit group that has provided legal aid to the poor, for the last 22 years. A 1974 Stanford graduate, he taught for Campesinos Unidos for a while until deciding he could be a better advocate as an attorney, and he entered University of California, Berkeley’s Boalt Hall School of Law. He started as a staff attorney at CRLA, and now Mr. Padilla has an operating budget of \$10 million and a staff of 138, which includes 51 attorneys.



PHOTO BY DAVID BACON



By Diwata Fonte

LINDSAY Music, food and the story of how “José Learns to Outsmart Pesticides” worked together to improve farmworkers’ health and safety Sunday afternoon.

“Healthy Farmworkers” – an event organized by California Rural Legal Assistance, California Rural Legal Assistance Foundation, Radio Campesina and Radio Bilingüe – addressed issues such as heatstroke in the fields, AIDS and nutrition.

Maria Eraña, director of broadcasting for Radio Bilingüe, said the community event is important because many farmworkers do not know about the various resources available to them.

“The idea is to help bridge this gap and help connect them to the services out there,” she said.

Forty-four agencies provided information and assistance such as free diabetes tests and dental screenings, she said. The event also assisted farmworkers’ families.

Proteus Inc., a nonprofit employment and community service organization, had a storytelling board for children.

“The community event is important because many farmworkers do not know about the various resources available to them”

- Maria Erana of Radio Bilingue.

José, the main character who outsmarts pesticides, learns safety techniques such as washing fruit before he eats it and wearing long-sleeved shirts when he visits his father in the fields.

The organization also queried passers-by in English and Spanish about worker and pesticide safety:

“True or False: Your boss can punish or fire you if you try to protect yourself from pesticides.”

False.

The event included an hour-long forum called “Dying to Work,” which brought together testimonials about heatstroke victims and workers’ issues.

Jesus Castro, 42, of Poplar came to tell about the case he and his brother filed in September 2003 against his former employer, Case Vander Eyk Dairy of Pixley.

Castro said the case, which was settled for \$360,000, was filed because they worked without overtime and were not given proper breaks.

“Sometimes I couldn’t even use the bathroom because there was a lot of pressure to work fast,” he said through a translator.

“Healthy Farmworkers” is part of The California Endowment’s Agricultural Worker Health Initiative “Poder Popular Para la Salud del Pueblo” program, which is aimed at healthy conditions in the fields and communities.

Joe Vela

COMMUNITY WORKER PROFILE • BY EVA GURALNICK

Joe Vela may just have the perfect background for his position at CRLA. He became the Secretary/Receptionist for the CRLA Santa Cruz office in 2001 after 25 years working as a Santa Clara Superior Court courtroom clerk. He's bilingual, speaking Spanish and English with equal ease. And perhaps most importantly, he spent a summer during his teens as a migrant farmworker, which gave him a life-long appreciation for the conditions of the working poor.

In the 1950s, Joe left his native Texas and joined his Tia Natalia, Tio José and cousins on a trip to California to work on the farms. They started in Wasco, where Joe picked thousands of pounds of potatoes per day, and then moved on to Gilroy to pick garlic and prunes. A day of backbreaking labor netted him only a few dollars—as he recalls, \$12.80 for a 10-hour day.

Now Joe is the first contact with the public who approach CRLA for help, whether by phone or in person. "I evaluate if they are eligible for our services, help them with their paperwork and then send them to the back office for assistance," he said. "Even if they're totally ineligible, which is very rare, I give them options—a phone number, a cheerful word, anything so that they don't walk away empty-handed. I really enjoy working with people."

A large percentage of the clients Joe greets are seeking assistance with housing issues—evictions, habitability issues, problems with their landlords, threatened evictions. Others have been denied Social Security or welfare benefits or need help with their children's educational system. "Most of our clients are working in the service industry at hotels, car washes—jobs that aren't very glamorous and don't pay very



"Most of our clients are working in the service industry at hotels, car washes—jobs that aren't very glamorous and don't pay very much. It's our function to make sure that their rights are not trampled on."

much," Joe said. "It's our function to make sure that their rights are not trampled on. Since CRLA provides justice for the poor, I tell our clients that our advocates will explain procedural justice to them, prepare their court documents, defend them in court, or simply dispense everyday, uncomplicated legal advice. I want to promote in our clients a belief in the importance of the court for solving some of their legal problems, no matter how hopeless it seems."

Some of the CRLA clients whom Joe

assists are in desperate straits. "We had one case where a landlord was renting a tool shed for a family of three to live in," he said. "They were very afraid to come for help. Finally it was raining so badly that water was coming in under the shed, and the wife said it was too much for their son and they came in to see if we could be of assistance. It took a lot of bravery on her part."

Joe takes a great deal of inspiration from his coworkers. "When we go to these CRLA statewide conferences, everyone is just incensed with injustice for the poor, people who cannot defend themselves," he said. "I like my fellow coworkers here, they get up in arms if someone is trounced upon, and they will not let up. It's a wonderful unifying cloth that binds us." He has also been impressed with the legal interns who work with CRLA. "These are students from U.C. Santa Cruz who are considering law school," he said. "We take inspiration from them. Since I've been here we've worked with about 30 extraordinary interns. One of them was coming here during a bus strike, and she'd walk four or five miles in the rain to get here. Others used their spring breaks to go to Baja and build homes for the poor. We've had about five of our interns become attorneys, and another five are in law school."

Despite the many ways in which he gives back to CRLA clients, Joe insisted that he gets a great deal of satisfaction out of his job as well. "Today I helped one or two people and it makes me feel good," he said. "You don't want anything back, it's just a good deed to do. That's the type of person I am—it's part of my background."

MONTEREY COUNTY WEEKLY

MONTEREY COUNTY, CALIFORNIA • MAR 23, 2006

STIFFED IN THE FIELDS

Farmworkers file lawsuits against Dole, Diversified labor contractor.

By Raúl Vázquez

Dole Food Company officials know that 11 seasonal farmworkers who labored on Dole-owned fields in Monterey County last year weren't paid wages owed them. In fact, company officials have known about this for four months. But as of this week, Dole still hasn't given the workers their money.

Earlier this month, the 11 farmworkers, represented by California Rural Legal Assistance (CRLA) in Salinas, filed a lawsuit against both Dole and Diversified Harvester, a Central Valley-based labor contractor that Dole charged with finding, hiring and paying the farmworkers.

The CRLA's lead lawyer on the case, Michael Meuter, says that the workers are owed a total of nearly \$42,000. That sum includes wages due from bounced checks and unpaid overtime hours, as well as fines for failing to pay workers at least the minimum wage and other labor violations.

Jacinto Melchor of Salinas is one of the workers who didn't get his money.

Early one morning in October of last year, he approached a large white bus in Salinas that was about to head out into the fields. Melchor says he told the man in charge that he needed a job, and was quickly let on the bus. In a few minutes, he was headed towards a lettuce field owned by Dole.

Melchor worked with the same crew plucking lettuce heads out of the earth for about 10 days, after which his services were no longer needed.

When he went to cash the two checks the foreman had given him, however, they bounced.

Melchor was in a bind. He had never asked the full name of his foreman and knew only that the labor contractor, Diversified, had an office in Hanford. So Melchor hopped on a bus for Hanford to complain about the two bounced checks, which totaled \$229.40.

"But I never found their office, so I came back home," Melchor says.



"Diversified paid workers less than minimum wage and, in some cases didn't pay laborers anything at all."

As a last resort, Melchor went to the CRLA office. That's when he realized that other workers contracted by Diversified to work on Dole lands were having similar problems.

In addition to bounced checks, Meuter says that Diversified paid workers less than minimum wage, didn't pay any overtime and, in some cases, didn't pay laborers anything at all.

Meuter explains that the reason Dole is being targeted in the suit (in addition to Diversified) is because Diversified's labor contracting license expired on July 1, 2005. This, Meuter says, makes

Dole vulnerable to any civil action for the money owed to the workers. Meuter cites California Labor Code Section 1695.7, which says that a grower who enters into an agreement with a farm labor contractor whose license expires is "subject to a civil action by an aggrieved worker for any claims...that are a direct result of any violation of any state law regulating wages, housing, pesticides, or transportation committed by the unlicensed farm labor contractor."

"California law is pretty black and white on this issue," Meuter says.

Dole officials, apparently, have another way of looking at the law. Dole's attorney, Kathleen Wandorziel, says that the 11 farmworkers in the case weren't paid for their labor "by the employer [Diversified]...the labor contractor is the employer."

In other words, Wandorziel says that Dole wasn't technically the employer of the workers, and therefore isn't liable for the unpaid wages.

Wandorziel refused to answer any further questions. She said that a company spokesperson would contact the Weekly to make further comments. At press time, no one from Dole had contacted the Weekly.

Meuter says CRLA did its part to avoid a court case by repeatedly sending Dole letters with specific information about each of the workers and what they were owed for their work. "We were hoping that they would do the right thing," Meuter says, "but they haven't."

A court date has yet to be set.

Meuter says that Diversified has a history of "stiffing workers," and that in the past, CRLA has represented workers with similar complaints against the company. So far, neither CRLA nor Dole have been successful in making contact with Diversified officials. Both telephone numbers listed for Diversified have been disconnected.



Virginia Esquivel

CLIENT PROFILE • BY EVA GURALNICK

Virginia Esquivel has seen more than her share of heartache since she was born 73 years ago in rural Texas. “We didn’t have any electricity,” she said. “We used lanterns. And when we ironed clothing, we used the kind of iron that you heat up in the fire.” Her mother, who worked in the cotton fields, served as midwife for the entire community since there were no doctors or hospitals nearby. The young Virginia bore her first of five children at age 15, with her mother in attendance. She experienced domestic violence at the hands of her children’s father, and when she left him to live in California she found herself in another abusive relationship. She eventually made a happy marriage with Luis Esquivel.

But Luis Esquivel died several years ago, and her troubles continued. When Mrs. Esquivel went to the Social Security office to obtain her spouse’s benefits as a widow, she was denied—not just once, but for three years. “They wouldn’t give me anything,” she said. “They claimed I was not the person I said I was, that I didn’t have the right identification, and that I was not eligible for benefits. They were very stubborn. They even told me I had to show them my green card, when I was born in Texas.”

Mrs. Esquivel’s luck changed for the better when she met José, who is now her fiancé. “José even went to the immigration office to ask them if I really needed a green card,” she said. “They told him no. Then José told me that they could help me at CRLA and we should try there. CRLA had helped him with a legal matter already.”

“She had her and her late husband’s birth certificates and Social Security cards. She had their marriage certificate, and his death certificate. It made no sense to me that they were questioning her residency status or denying her benefits.”

At CRLA, Mrs. Esquivel met with Gabriela Vega, a Community Worker. “The case made no sense to me,” Vega said. “Here is this elderly woman with all her documentation in order, and they’re making her jump through all these hoops. Her case was as cut and dry as it could have been. She had her and her late husband’s birth certificates and Social Security cards. She had their marriage certificate, and his death certificate. It made no sense to me that they were questioning her residency status or denying her benefits.”

Vega made a call to the national Social Security office during her first meeting with

Mrs. Esquivel and learned that identity theft might be the problem. She had information on the case sent to the local office in Oxnard, and the process of establishing Mrs. Esquivel’s benefits was on its way.

Within three months, the case was cleared up, and Mrs. Esquivel received a check for \$15,737 for benefits that had been accruing since she first filed a claim. She now receives nearly \$850 in monthly benefits, nearly all of it her spouse’s benefits, with only a small portion coming from her own Social Security income.

“Before, José and I didn’t even have money for gas,” said Mrs. Esquivel. “We could hardly pay our rent. Sometimes we had to live in a group home. For a while we lived in a trailer. We could barely fit—it was very small and very uncomfortable, and the rent was very high. While all this was going on, my car was stolen as well. Now I have a new car and we can afford a nicer place to live. I love Gabriela! I would tell other people to go to CRLA because they handle things so efficiently. They help a lot.”

Vega was satisfied with the outcome as well. “I do this work because we’re the safety net for people,” she said. “We don’t want people to fall through the cracks. We can really help change people’s lives, and empower them to speak for themselves.”

CRIA



CALIFORNIA BAR JOURNAL

MAR 23, 2006

CONFIDENTIALITY BATTLE FAR FROM WON

By Diane Curtis — Staff Writer

Attorneys critical of what they say has been a dangerous erosion of the attorney-client privilege are pointing to indicators that the tide is turning back toward confidentiality. But the battle is far from won, they add.

In April, the U.S. Sentencing Commission, a judicial branch agency, voted to delete language in its sentencing guidelines that encourages federal prosecutors to demand that corporate attorneys waive the attorney-client privilege in exchange for more lenient sentences.

Members of both parties in the House and Senate have publicly criticized the Department of Justice and other agencies for efforts to weaken attorney-client privilege. The National Law Journal reported last month that a bipartisan group of House members may ask the department to change its policy (which the DOJ denies having) and that Senate Judiciary Chairman Arlen Specter, who has met with critics of DOJ, has expressed concern about the issue and an interest in holding a hearing.

Representatives of the American Bar Association, the American Civil Liberties Union, the Association of Corporate Counsel, the National Association of Criminal Defense Lawyers, the National Association of Manufacturers and the U.S. Chamber of Commerce all have denounced the practice.

Corporations have complained that what began as a voluntary incentive to cooperate with Securities and Exchange Commission and Department of Justice white-collar crime investigations has become a requirement that results in punishment if the corporations don't comply.

In 2002, the SEC released proposed rules loosening attorney-client privilege that were based on its interpretation of the Sarbanes-Oxley Act, which was aimed at stemming corporate corruption. The so-called "Thompson Memo" followed in 2003. That memo included a revised set of



California Rural Legal Assistance, which advocates for farmworkers, finds itself in controversy.
Photo by David Bacon

"I am quite certain that the reason other agencies are taking these approaches is that they are following the lead of the DOJ, which has basically concluded that attorney-client privilege is not worth protecting."

principles from Deputy Attorney General Larry Thompson guiding prosecutors seeking charges against a corporation or company. He listed waiving of attorney-client confidentiality as a

gauge of corporation cooperation. In 2004, the U.S. Sentencing Commission wrote its guidelines including attorney-client privilege waiver as a sign of investigation cooperation.

Referring to the U.S. Sentencing Commission reversal and indications from Congress, Steven Hazen, a Los Angeles attorney with Davis Wright Tremaine and a member of the advisory committee of the ABA Presidential Task Force on the Attorney-Client Privilege, said, "I think it's starting to turn around." Congressman Dan Lungren, R-Sacramento, a member of the House subcommittee that held an attorney-client privilege hearing, also said he thinks there is a "move in the right direction."

However, added Hazen, the DOJ practice has emboldened other agency inspectors general, prosecutors and investigators to use the tactic.



CRLA says it would be forced to turn over to the government between 30,000-40,000 files that identify clients if an attorney-client confidentiality waiver is mandated.
Photo by David Bacon

The inspector general for the LSC has demanded the names of all of the clients of California Rural Legal Assistance Inc., which represents many of the state's agricultural workers, for the years 2003-05. William Hoerger, CRLA's director of litigation, advocacy and training, estimates between 30,000 and 40,000 files are being requested. Hoerger says inspectors will neither reveal what they are looking for, nor agree to sit down to work out a mutually agreeable plan on how to retrieve the information they're seeking without violating California Constitution and California Business & Professions Code provisions that protect the identity of clients. Laurie Tarantowicz, assistant inspector general and legal counsel for the LSC, said her office does not comment on current investigations.

"I am quite certain that the reason other agencies (such as LSC) are taking these approaches is that they are following the lead of the DOJ, which has basically concluded that attorney-client privilege is not worth protecting," said Hazen.

Lungren, California's attorney general from 1991-99, said that while he is pleased with the sentencing commission's reversal, he has a "continuing concern" about the policies of the DOJ and the SEC. They have taken the position, he said, "that prosecutors should pressure corporations to waive the attorney-client privilege as a condition of being cooperative. I just happen to believe that those are unnecessary and misguided and dangerous policies."

"If the government routinely insists on the waiver of attorney-client privilege, that will have a chilling effect on communication between company employees and lawyers and supervisors."

Getting corporate lawyers to waive attorney-client privilege makes the prosecutors' job easier, he added, but it erodes "one of the oldest privileges that is recognized in our jurisprudence" and discourages employees from talking to company attorneys for such goals as reforming company policies and procedures.

"If the government routinely insists on the waiver of attorney-client privilege, that will have a chilling effect on communication between company employees and lawyers and supervisors," agreed Jan Handzlik of Los Angeles' Howrey LLP. Handzlik is a former federal pros-

ecutor specializing in white collar crime and a member of the ABA task force. If they aren't already, employees will be reluctant to talk to general counsel because "they'll think they might as well be talking to the FBI or the U.S. attorney."

Lungren, who noted that former U.S. attorneys general in both Republican and Democrat administrations, have written letters to the DOJ about the policy, said that it wasn't "inappropriate in all situations" to demand a waiver but that it should not be general policy.

In March 7 testimony before the House Subcommittee on Crime, Terrorism and Homeland Security, Associate Attorney General Robert McCallum denied that waiver of the attorney-client privilege is required in assessing cooperation in all cases, or that it was routinely sought. Federal prosecutors may not request a waiver without supervisory review, McCallum said.

"Nothing could be further from the truth," he said, than the accusation that the DOJ is contemptuous of legal privileges. In the difficult task of prosecuting corporate fraud, the department "balances the legitimate interests furthered by the privilege with the societal benefits of rigorous enforcement of the laws supporting ethical standards of conduct." Some-times that balance includes the waiver of privileges, McCallum said.



Wella Jean Larsson

CLIENT PROFILE • BY EVA GURALNICK

Mrs. Wella Jean Larsson decided to seek assistance at CRLA because of Charlie, a 10-pound Chihuahua-Cairn mix with fluffy black hair.

Mrs. Larsson had been depressed since the death of her husband a few years ago. She had retired from her lifelong career as a schoolteacher, and her worsening arthritis was causing her constant pain. At 77 years old, she lived alone in her Los Osos apartment complex and her spirits were sinking, especially after back surgery that left her temporarily paralyzed on one side. Her physician diagnosed depression, recommended a companion animal, and provided a letter documenting her medical need for one.

"My landlady did not want any animals in our complex," Mrs. Larsson said, "so I knew I'd hear something back right away after I mailed the letter, and I did. A few days later she was pounding on my back door. I wouldn't go out until after she left, and then I checked and there was an eviction notice." A week later, her landlady's husband confronted Mrs. Larsson as she arrived home by car. "It was a dark night," she said, "and as I pulled up in my parking spot and went to open the door, the husband came around the back of my car and really scared me. I just stayed in my car. He kept saying 'Why are you doing this to us? What's going to happen here if you do this? People will be bringing in dogs, cats, maybe a hippopotamus or a giraffe.' I finally said 'I'm not going to listen to this any longer,' and walked to my apartment, closed the door behind me and locked it."



Mrs. Larsson's rent was subsidized by a federal Section 8 voucher through the Housing Authority of San Luis Obispo, and they helped her find a unit in another complex, this time in San Luis Obispo. She adopted Charlie one Christmas day after moving to her new apartment. "I was looking through the newspaper and saw an ad from a family that was selling puppies," she said. "I went to their house and there was this cute little black dog, so tiny, and he was the only puppy that wasn't too shy to come over to me. I took him home that day."

But her experience with her previous landlady still upset her. "My daughter sent me an article about a woman who had been evicted from her mobile home park because

she had a small pet," she said. "She told me, 'Mom, you've got to do something.' I was a good tenant, I had kept my unit very clean and in good shape. I hated the way my landlady had treated me and the other tenants. I thought about it. I'd always been nice and given in and this time I just got tired of it. What my landlady had done wasn't fair or right."

The housing authority referred Mrs. Larsson to CRLA, where she met Community Worker Ruth Angulo. "I think you're always nervous when you go to do something like that," Mrs. Larsson said. "I met Ruth and I told her I didn't want my former landlord to have my phone number or know where I lived. But Ruth was just the nicest person. She asked me about my story and then she worked so hard for me, putting all the paperwork together. She explained to me about my right to have a companion animal and she did a great job. And I got a settlement which helped me to pay my medical bills and put aside some money for savings. It all went very smoothly. I was really pleased. I stood up for myself and it was worth it."



LOS ANGELES

DAILY JOURNAL • SEPTEMBER 18, 2006

CRLA DENIES MISUSE OF FUNDS

By Anat Rubin, Staff Writer

Returning fire at a congressional critic, officials of California Rural Legal Assistance said Monday that accusations that the organization misused federal funds were inaccurate and politically motivated.

Citing a recent audit by Legal Services Corp.'s inspector general, Rep. Devin Nunes, R-Visalia, charged that the rural legal assistance program violated congressional restrictions barring legal aid programs from representing undocumented people and from lobbying.

But Cynthia Rice, director of litigation for the rural legal assistance program, said Nunes is attacking the program because he is beholden to one of the program's key targets, dairy producers.

The Rural Legal Assistance Foundation has "recovered more than \$1 million in unpaid wages from a variety of dairy farmers in the last five years," Rice said. "We have litigation pending against four or five more."

Rice said Nunes' relationship to powerful dairy farmers is "unofficially very close." Nunes is co-chair of the congressional dairy caucus.

She also cited another political reason for Nunes' criticism.

"It's certainly not coincidental with the immigration backlash raging through the country," she said. "We provide assistance to families associated with immigrants."

Taylor Amstutz, a spokesman for Nunes, denied the audit request was political motivated. He said the congressman has felt for a long time the organization, and possibly other LSC-funded legal aid groups, "have been flouting [congressional] guidelines."

The audit of the California Rural Legal Assistance Foundation, requested by Nunes,

*"It's certainly not
coincidental with the
immigration backlash
raging through the
country... We provide
assistance to families
associated with immigrants."*

comes as Congress considers a budget increase for Legal Services Corp., the organization that funds legal aid programs nationwide. It would be the first budget increase for the organization in four years.

The audit, based on the allegations of a whistle-blower, accuses Rural Legal Assistance of favoring high-impact litigation at the expense of individual representation and focusing on issues that affect farmworker and Latino communities at the expense of other populations.

Defending the rural legal assistance program, Dick Rothschild, director of litigation for the Los Angeles-based Western Center on Law and Poverty, said that "there is no prohibition in federal law about doing impact work, and the [audit] report didn't cite a single statute or regulation to that effect."

Amstutz said the whistle-blower came to Nunes because she "knew the congressman has been working on the broader issue of CRLA since he was elected."

"There's nothing politically motivated about a whistle blower coming to us with information that is troublesome," he said.

Rice said her organization is "not disproportionately serving the Latino community."

"You are not going to find any kind of disparity between the demographics of the areas we serve and our services," she said.

The Rural Assistance Foundation is known for protecting the rights of California's farmworkers and rural poor. Rice said her organization does not represent undocumented workers.

"To the extent that undocumented people benefit from our services, they come to community educational forums," she said. "LSC" doesn't require us to screen for status at these events."

She also said the group does not engage in lobbying but does provide information when it is requested by a legislator. She said the organization would not make a recommendation to that legislator.

The audit, conducted by the Legal Services Office of the Inspector General, states that some of its findings are inconclusive because CRLA hasn't turned over all of the documents the office requested.

The contested documents include information CRLA said is protected under the work-product privilege.

"They've painted a broad picture of what they call inappropriate activity without tying much of it to a specific regulatory violation," Rice said.

The organization is accustomed to being the target of attacks on Legal Services.

"There is a long and rich history of attempts to attack and defund CRLA," Rothschild said, "beginning when Ronald Reagan was governor in the 1960s, before the establishment of the Legal Services Corp."

Register-Pajaronian

WATSONVILLE, CA

STATE QUESTIONS COUNTY HOUSING PLAN

BY AMANDA SCHOENBERG

In the latest twist in the path toward a state-certified Santa Cruz County housing element, the state requested more revisions Tuesday, after the county submitted its latest plan in June.

The state Department of Housing and Community Development is concerned about a plan to create an affordable-housing combining district, or overlay district, that would re-designate 44 acres of county land to allow for higher-density housing for low- and very low-income families.

The plots identified include mostly residential property in urban areas, which the county hopes will translate into about 440 new affordable units.

Cathy Creswell of HCD's Housing Policy Department, in a Tuesday letter to County Administrative Director Susan Mauriello, questioned whether the overlay district would result in enough new affordable housing.

"They are very, very new and really sort of unproven," said Jane Huston, director of communications at the HCD.

Only six other jurisdictions in the state have adopted such districts, Huston said.

In the letter, Creswell asked the county to clarify what incentives it will offer owners to encourage them to build multifamily units and to move forward on creating the district as soon as possible.

Planning Director Tom Burns cheered the state response to the housing element,



PHOTO BY DAVID BACON

which plans for 3,441 new housing units by 2008.

"I thought it was good news," he said. "We did not go into the housing element thinking HCD was happy with everything in it. To know that we're down to one remaining issue is good news."

The county has not been in compliance with HCD since 1980, Huston said. A revision will be the county's fifth attempt at gaining state certification.

The only difficult issue remaining is the HCD request that multifamily, owner-occupied and rental properties in the overlay district be built "by right," Burns said.

That would mean projects would not need to go through an environmental review or public input process, which Burns said would not pass muster with locals.

"We don't think that is legal or practical, and we don't think the public will be too happy with it," he said. "I've told them that this is very problematic."

"If we can resolve that, everything else will fall into place," he added.

Gretchen Regenhardt, an attorney with California Rural Legal Assistance, said she was not surprised the plan did not pass state certification.

Regenhardt and other housing advocates have criticized the plan for not providing space for farm-worker housing or emergency shelters. Although the county was required to produce 5,000 units of affordable housing, it

produced only 227 units in the past 10 years, she said.

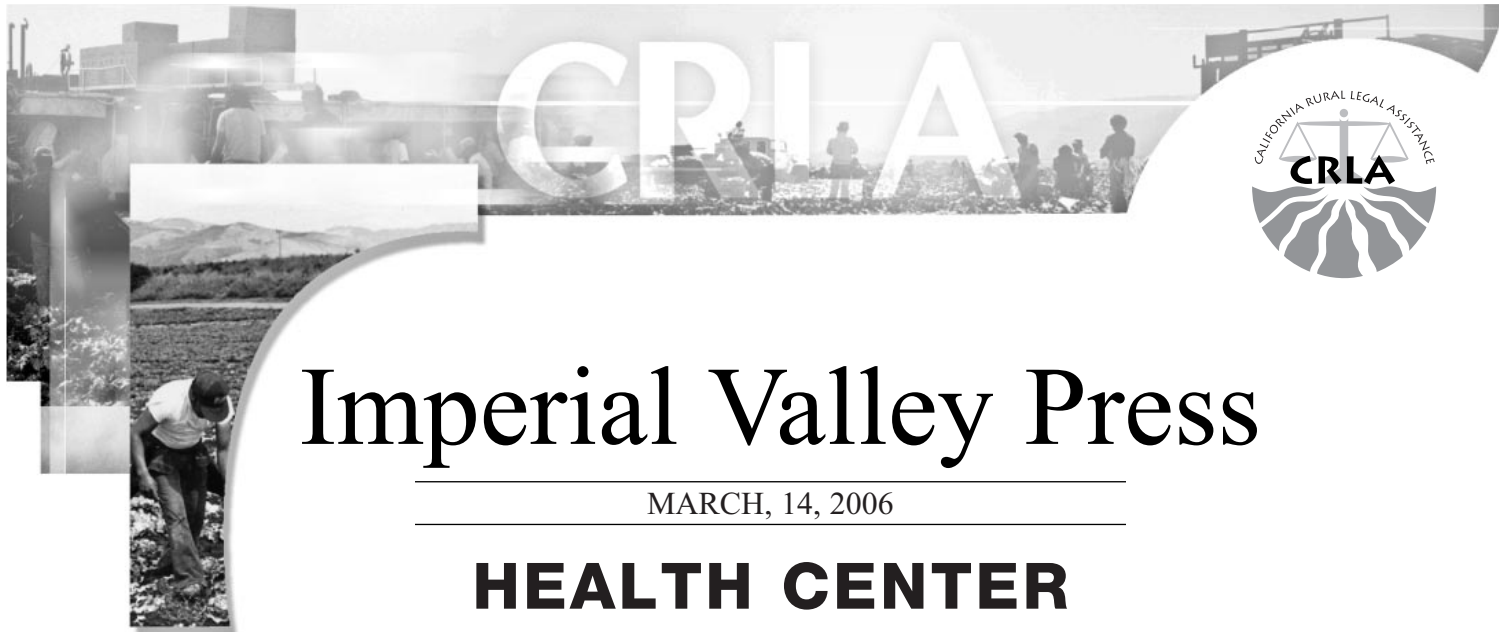
She added that she did not see a program in place that would encourage owners in the overlay district to convert property into multifamily units. She also questioned the county's reluctance to adopt a building-by-right policy.

"What we would really prefer is that there be sufficient land zoned, rather than an overlay district," she added.

The path to the housing element, which is supposed to shape the course of housing in the county, is paved with lawsuits and revisions.

In April, a Superior Court judge ruled that the Board of Supervisors did not comply with procedural requirements when it drafted the January housing element. The county then appealed the decision.

California Rural Legal Assistance also sued the county in July 2004 for failing to pass a housing element in a timely



Imperial Valley Press

MARCH, 14, 2006

HEALTH CENTER OFFERS HEALING TOUCH

HELPING THE ELDERLY: Rights, understanding Medicare Part D are all part of the job.

By Darren Simon, *Staff Writer*

Imperial County may be seeing a period of economic growth, but it has yet to shake many of the financial struggles facing low-income residents.

The county still has one of the highest unemployment rates in the state and one of the lowest median incomes.

It should come as no surprise that the rate of those in the county without health insurance exceeds the state average, according to the California

Endowment, the largest health foundation in the state. Thrown in the mix of healthcare issues is the new Medicare Part D benefit program that has left the elderly in the Valley – many already facing low income healthcare concerns – confused about their prescription medication coverage.

For those with either no health insurance or limited insurance, and for those concerned about Medicare Part D, there is help in Imperial County in the form of the Health Consumer Center of the Imperial Valley, a project of California Rural Legal Assistance.

The Health Consumer Center is one of nine in the state, all funded by the California Endowment.

The consumer centers assist low income health consumers with medical debt issues, accessing specialists' care if the patients are on Medi-Cal and helping seniors and the disabled sign up for the new Medicare Part D benefits as well as a number of other services.

"It's really a great resource to have in your community."

Recently, the foundation awarded \$ 11.3 million to be shared by the nine centers. That money is to keep the centers in operation for the three years and a portion is to go to helping the elderly deal with Medicare Part D benefit questions.

The Imperial Valley center's portion of the new funding is \$ 767,159.

Jeff Okey, a spokesman with the California Endowment, said of the health consumer center: "It's really a great resource to have in your community."

Okey said the Medicare Part D program has created a great deal of confusion, partly because of the way the government has provided information to the public. He said the government provided information via the Internet, which didn't help the situation since there are a number of elderly who do not have access to computers or do not understand the Internet.

He said there also is confusion as some who are both on Medi-Cal and Medicare were signed up automatically for a Part D program benefit plan that may not cover their medication needs.

He said the health consumer centers are there to help those who have questions. One problem, Okey said, is people may not be aware there are local centers ready to help.

The Imperial Valley Health Consumer Center is at 449 Broadway in El Centro.

Beatriz Garcia heads the local center. She said the Health Consumer Center provides advocacy work, from helping low-income residents navigate the healthcare industry to providing legal advocacy support in the courts.

She added of Medicare issues: "We can be a resource to those who have any questions or concern about Part D."

The center will conduct a workshop on Medicare Part D at 11 a.m. Thursday in the Calexico Senior Nutrition Center, 506 E, 4th St.

Employees of the center also visit the Clinicas De Salud Del Pueblo clinic at Ninth and Main streets in Brawley twice a month on Wednesdays to work with low-income residents.

Garcia said the center can help the elderly and those with disabilities who qualify for Medicare Part D with information about a low-income subsidy program that can help cover the cost of prescriptions. She said the center can make sure people have access to information in the language they speak.

Garcia said residents with questions about the Healthy Families healthcare program, which provides low-cost insurance for children, also can visit the center for information.

The goal of the center, Garcia said, is to make sure residents understand their rights and responsibilities when it comes to healthcare services.

Anyone with questions can meet with her in her office from 1 to 5 p.m. Mondays, Tuesdays and Thursdays.

She added if any group would like a presentation, the center can provide one. The center's telephone number is 355-0222.

2004 Union Bank of California Young Artist Contest
Finalist: Francisco Valle, age 12, Ontario



**We recognize the heroes
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Union Bank of California congratulates the 2006 Hispanic Heritage Month Local Hero Award winners.

We are proud to salute those who have made a significant contribution to their communities in the areas of the Arts, Education, Social Services, Business and Community Activism. This year's honorees were recognized at a local Hispanic Heritage Month Celebration during the month of September.

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Business: José Daniel Ocampo
Community Activism: Eddie "Piolín por la mañana" Sotelo

San Diego

Mario Torero
Isidro Ortiz, Ph.D.
Marisa Ugarte
Linda Caballero-Merritt
José González

Fresno

Agustin Lira
Michael P. Mendoza
Teresa Alvarado
Carol E. Hernandez
Enrique Reade



DIVERSITY

NOT THE NEW “BUZZ” WORD FOR UNION BANK OF CALIFORNIA

Lately, diversity seems to be a new “buzz word” or hot topic among top corporations. Many companies have recently implemented programs that leave behind the true intent and benefit of diversity. In addition, programs may be implemented as a short-term program and not part of on-going commitment to embrace diversity. However, diversity is not a new initiative or a fleeting program for Union Bank of California, N.A.

Union Bank has incorporated diversity into its core values and demonstrates this commitment through a number of initiatives, programs and activities throughout the year. In 1995, Union Bank launched the Local Hero of the Year Awards in partnership with the Public Broadcasting Station (PBS) affiliates in San Diego, Los Angeles, Fresno, Sacramento and San Francisco. This is a statewide initiative developed to recognize the contributions of the unsung heroes in the African-American, Asian/Pacific-Islander and Hispanic communities.

Union Bank's Local Hero of the Year Awards are presented during a

special awards ceremony that launches the celebrations for each respective heritage month. With Black History Month being celebrated in February, Asian/Pacific American Heritage Month in May and Hispanic Heritage Month in September, this is a year-long initiative. In addition to the awards ceremony, the local PBS affiliates produce short video segments about each of the honorees. These video vignettes are viewed during the award ceremonies and also broadcast throughout the heritage month. Through the PBS partnership, the selected local heroes the year receive television exposure for their commitment.

The local heroes who are acknowledged through the award's program are chosen primarily because of their passionate efforts to make significant contributions in their communities in order to make them better, rather than for any type of financial reward. They don't do it for money or recognition, but mainly because they have a true enthusiasm for improving the lives of others. They work very hard, giving of their time and

talent, usually for the “compensation” of knowing that the work they do really makes a difference.

This program was created by the Union Bank as a way of demonstrating its key core values – diversity, giving back to the community and quality customer service. This is just one program that shows the company's commitment to support the community at large, its employees, vendors, and clients. It also showcases Union Bank's commitment to consistently acknowledge and reward those who make a difference in our communities everyday, often thanklessly.

Based in San Francisco, UnionBanCal Corporation (NYSE:UB) is a bank holding company with assets of \$50.8 billion at June 30, 2006. Its primary subsidiary, Union Bank of California, N.A., had 321 banking offices in California, Oregon and Washington, and 2 international offices at June 30, 2006.

The company's Web site is located at www.unionbank.com.



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- ⊗ Guarantee workers receive their wages for an honest day's work
- ⊗ Promote health access and health care for low-income children and their parents
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- ⊗ Protect the elderly and immigrants from consumer fraud

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