

Santa Clara University, School of Law

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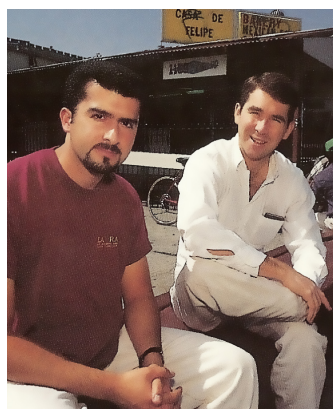
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The KGACLC Celebrates its 15th Anniversary

This year marks the 15th Anniversary of the founding of the Katharine & George Alexander Community Law Center, initially known as the East San José Community Law Center.

The Law Center was formed in 1993, after a number of SCU's La Raza law students decided to add practice to theory for the benefit of their community and their own education. Ruben Pizarro, a second-year law student at the time, recalls sitting right next to Professor Jim Hammer during a La Raza dinner event. Professor Hammer, then a Jesuit with a very practical commitment to the community, mirrored the same interests as Pizarro, and so the two got to work on their idea, hashed out over that same dinner.

"We had a passion to serve and our legal training gave us the tools to help those in need," recalls Ruben. Sandra Pizarro, his sister and also a law student at the time, agrees: "We wanted law school to have more meaning for us. We wanted to help real people with real problems." They did not have to look hard or far to realize that East San José, with its concentration of day workers, could use their legal expertise.

Left: Ruben Pizarro and Jim Hammer sit in front of the first interviewing space in the Day Workers' Job Center, in the Tropicana Center, in East San José.

Center: Ruben Pizarro poses with some of his very first clients at the ESJCLC building on Alum Rock Avenue.

Right: The current KGACLC building at 1030 The Alameda.

After some initial planning, Jim Hammer, the Pizarros and other students ventured to the former Home Base do-it-yourself store on Story and King, to speak to the workers in the store's parking lot. "It took a while for them to feel comfortable with us, but eventually they opened up and started sharing their problems," remembers Sandra.

The students' first break came that same year, when Sister Mary McCusker of Most Holy Trinity Parish helped to set up a Day Workers' Job Center in a former bakery in the historic Tropicana Center, on Story and King. Their initial success, however, soon revealed a need for an operational budget and a more structured relationship with SCU's Law School, their source of legal supervision. Professors Eric and Nancy Wright recognized this and decided to apply for two major grants. The California Department of Education and the Legal Services Corporation approved grants of over \$200,000 for the Law Center. The money was put to use immediately to pay the rent for badly needed office space, and to hire two attorneys, a law fellow, and an office manager. So, on its

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A Message from the Director

Once again, it's a great pleasure to send you greetings this holiday season. This year has been an important and successful one for all of us who work with the Katharine & George Alexander Community Law Center.

We remain committed to our goals of training Santa Clara University law students for leadership and excellence in the practice of law, and providing key legal services to the region's low-income population, with a special focus on immigrants with limited English proficiency.

With the many economic challenges facing our country, our clients often face difficult and extraordinary circumstances, not only in addressing legal problems but in simply surviving in American society. We at the Community Law Center address these problems through programs that draw on the experience and dedication of our supervising attorneys, staff, Advisory Board, and volunteers.

Our students are, of course, our single most important asset, combining their legal training and experiential learning with services to our clients. We assist over 1,000 clients each year, and the Center's work would be impossible without the dedicated students who enroll in our six clinical classes each semester or who volunteer with our community education program.

We continue to achieve important legal victories, including successes in consumer class action litigation, leading-edge work in immigration law, and important wins in workers' rights and employment law. At the same time, we've served hundreds of clients through our advising clinics and we've helped educate community members about their basic rights through our educational workshops. From the students' point of view, our work



continues to bring educational value to those who sign up for our courses, as expressed by Andrea Grieco, a recent KGACLC "alum" who kindly provided an article for this newsletter (see p. 7).

The past year has also seen some important transitions at the Center. Susan Levin, who directed our Workers' Compensation practice since 2001, retired this past summer, and she has been sorely missed. Susan has "retired" in name only, and she continues to be active in the community and in law practice, and we look forward to hearing many good things about her new endeavors. With Susan's departure and the help of Gary Neustadter, a faculty member at the law school and a former advisory board member, we have been shifting more of our work into the consumer protection arena, and we expect to expand our services in the coming months.

We have also had a successful year with fundraising, including increased funding from the Silicon Valley Campaign for Legal Services, a coordinated campaign for legal services groups, and we continue to receive generous support from government, foun-

dations, law firms, individuals, and cy pres awards, which are funds that are generated for charities through class action litigation. We continue to expand our fundraising efforts, including the "Swift Justice" campaign organized by recent law graduate J.T. Service. This year, over two dozen runners and walkers participated in the event.

Continuing financial support for the Center remains essential, of course. Less than fifteen percent of budget comes from the University, and like other legal services providers, we are facing reductions in governmental and foundation support. At the same time, legal needs continue to grow throughout the region.

Without our many supporters, we would not be able to accomplish our goals of serving low-income individuals and training future lawyers. We cannot thank you enough.

Best wishes for the holiday season.

Angelo Ancheta
Executive Director &
Assistant Professor of Law



Left to right: Jacquetta Lannan (recent graduate), Braid Pezzaglia (volunteer attorney), Patrick Stokes (recent graduate) and Margarita Alvarez (KGACLC Workers' Rights attorney) prepare for a mock hearing in one of the two conference rooms at the KGACLC.

15th Anniversary (continued from p.1)

second anniversary, the Law Center moved to its new location on 1765 Alum Rock, still in the heart of East San José. Sandra remembers: "It was hard work, but it was exciting. We all became painters, found some donated furniture, and fixed up the place." For years, portable fans and heaters mitigated the extreme summer and winter temperatures inside the offices, where activity never ceased.

Margaret Stevenson, the Law Center's first Executive Director, added Immigration, Consumer Law, Workers' Compensation and Small Business advice to the Center's roster of services. With additional funding from SCU and other private and public grants, the Center also added support staff to its payroll. By 2002, under the leadership of Law Professor and Interim Executive Director Cynthia Mertens, the Law Center was seeing over 1,100 clients per year (with varying levels of advice and representation). In 2002, the Law Center received notice that the sale of its building was pending. Faced with a lack of affordable and suitable office space in East San José, Professor Mertens turned to the University for help. In May 2002, Santa Clara University closed escrow on the Center's new location at 1030 The Alameda. In this new location, both clients and students found a mid-point between East San José and Santa Clara University. The row of cubicle partitions that afforded no privacy to clients in the former location was replaced by a number of private, air-conditioned interviewing rooms, each equipped with an up-to-date computer and the latest versions of office software.

In 2004, George Alexander, a former professor and dean of the Santa Clara School of Law, and his wife, Katharine, made a generous donation to

the East San José Community Law Center's endowment. In recognition of their gesture, the ESJCLC was officially renamed the Katharine & George Alexander Community Law Center, or KGACLC.

Today, the KGACLC focuses on Workers' Rights, Consumer Rights and Immigration Rights and serves about 1,000 clients on-site per year. It also reaches out to about 1,200 individuals through its mobile workshops on Consumer Rights, Workers' Rights and Tenant-Landlord Rights, given throughout the community. In these workshops, SCU Law students, supervised by attorneys who are experts in their fields, present the information in PowerPoint format and, sometimes, with the help of interpreters. Students gain the knowledge, confidence and skills that can better prepare them in their careers; the community benefits; and the volunteer attorneys have an opportunity to teach what they love.

Given its commitment to the community and the creative ways in which the KGACLC leverages its always-growing number of volunteers and its own experience to address local needs, it's not surprising that teams from as far as Japan, Vietnam and Brazil visit the Law Center to exchange views on legal clinical education. And although the KGACLC strives to adapt to the many changes in the law, community needs and its continuously-shifting sources of income, one thing has remained constant: the partnership between the students, their supervising attorneys, and the Law Center staff. They all understand that their purpose in being at the KGACLC is the same: to assist the community in the resolution of their legal issues with competence, conscience and compassion.

For the Community Law Center, "Swift Justice" Translates into "Swift Funds"

It was a brisk early morning on Sunday, October 26th. At 7:00, most people are getting the much needed rest that seems to elude them throughout the week. That was not the case for the 2,100 runners who participated in the Metro Silicon Valley marathon, half-marathon and 5K runs. Twenty-five of those runners ran in the name of Swift Justice, a fundraising event founded two years ago by JT Service, a former KGACLC student, and Sergio López, a KGACLC staff member.

Those who sign up agree to raise money among friends and family. In exchange, Swift Justice provides weekly training sessions that are enriched by top advice from JT and his father, Tom Service, SCU's Men's and Women's Cross Country Head Coach. JT, in particular, benefits from a long history of competitive marathon running and from his recent experience as a law student, and therefore provides very relevant training advice and tips as the runners prepare to participate in any of the three runs (the marathon, the half-marathon or the 5K run).

This year, thanks to the diligent participation of all the runners, the KGACLC was able to raise almost \$7,100 as of December 1st, with additional pledges trickling in almost daily.

Mariela Rodriguez, KGACLC's front office manager, says of Swift Justice: "It was an extraordinary experience, and I would do it again in a heartbeat." Mariela had initially planned to do the 5K run, but the training sessions and the encouragement from the other runners inspired her to run the half-marathon. She already has her sights on the full-marathon (26.2 miles) next year.

The 25 runners included current and former law students, volunteers, SCU faculty and KGACLC faculty and staff. The youngest runner, Grant Depositari (Dianne Blakely-Depositari's son), was only 14 years old.

The KGACLC would like to acknowledge and thank them for their participation and terrific fundraising efforts. A special thanks to JT Service, and to Tom Service and Felipe Montoro, from the Athletics and Recreation Department at SCU.

From left to right: Lily Gregerson, Professor Angelo Ancheta, Irene Cermeño, Jacquetta Lannan, Rueben Castillo and Sergio López enjoy each other's company at the Law Center's booth after the race.



Susan Levin, Workers' Compensation Attorney, Retires from the KGACLC

Susan Levin, the KGACLC's Workers' Compensation attorney, retired in July of this year.

Susan's departure caps seven years of stellar service to the community, and she leaves behind a great legacy that is best expressed in the excellence of her students, most of whom are now practicing lawyers. In Susan's absence, the Community Law Center is now shifting its resources towards the Consumer Rights area through the participation of Gary Neustadter, an SCU faculty member and former Law Center Advisory Board member.

Susan, an SCU Law graduate, joined the Law Center in 2001, after running her own practice for many years. She was initially attracted to the job because of its teaching component. In time, she learned that working with law students was really her passion because her influence went beyond the classroom. She was a role model, a friend, a sounding board, a mentor and an advisor. She readily admits that she "wanted to be personally involved in the growth of [her] students and be there for them in a critical moment in their lives as they transitioned into the legal profession."

Dealing with Workers' Compensation cases at the KGACLC was not easy. They were often emotionally charged and complicated. However, Susan always made sure to separate the cases from the clients, whom she always treated with the respect and dignity they deserved as she steered their cases with a steady hand though the legal system. Yet, her work was done behind the scenes because her students took the driver's seat and enjoyed the independence and trust that are so necessary for learning. They knew Susan was

there to back them up. On one occasion, Susan remembers, a student came into her office crying. The student had just done the initial interview with her client, and the circumstances and injustices of the case got the best of her. Susan listened to the student and empathized with her feelings, but in the end decided to turn this into a learning experience. Invoking the University's 3-Cs credo (Competence, Conscience and Compassion), she reassured the student that she had covered at least one of the Cs (Compassion) but that, for the sake of the client, she had to put herself together and go take care of the other two Cs – the client was waiting.

She may have retired from the Community Law Center, but Susan does not obey her own labor rules and so she's now busier than ever. Leveraging her vast legal experience, she is now learning immigration law to lend a hand in her daughters' legal practices. When she's not working on visa requests, she is in charge of a group of youngsters far more demanding than her ex-students: her seven young grandchildren, ranging in age from one to nine years old, whom she visits and baby-sits in San Francisco and New York. To Susan, there is nothing more rewarding than being in her grandkids' lives more consistently these days.

When asked about what she misses the most about the Law Center, she takes a deep breath and says, "the staff and my colleagues; they really helped me become a better person for my students and my clients." Little does she know that her feelings are reciprocated by the entire KGACLC staff. Although she visits the Law Center when her time permits, her day-to-day presence is sorely missed.

The KGACLC Settles its First Nationwide Class Action

On September 18, 2008, the KGACLC's Consumer Protection practice won final approval for its first ever nationwide class action settlement.

Under the settlement approved by the court, class members will receive a total of \$596,000. This was an especially impressive result given that the underlying statute - the Federal Truth in Lending Act (TILA) - caps class recovery at \$500,000 for this particular kind of case.

The class representative was a 75-year-old retired construction worker. The matter came to the Community Law Center's attention when the client attended a consumer clinic in September of 2006. He complained about the failure of a national retailer to honor its money-back guarantee on the sale of an expensive bed. In the course of its investigation, the Law Center discovered that the lender failed to make all the financing disclosures required by TILA. Michael Gorman, a recent SCU law gradu-

ate and former KGACLC student, filed the class action suit against the lender in May of 2007, co-counseling with William E. Kennedy (a past recipient of the KGACLC Community Award). Cheryl Scheer, a current law student, assisted in the drafting of the settlement agreement.

In addition to recovering nearly \$600,000 for the class, the settlement gave the client the right to cancel his bed contract, and a cash payment of \$5,000. The Law Center was also awarded \$30,000 in attorneys' fees.

Gorman, now an employment attorney at Hinkle, Jachimowicz, Pointer & Emanuel, one of the largest criminal and personal injury law firms in the Bay Area, remembers the case well. "I worked on almost all the phases of the case, from discovery, to mediation, to the initial settlement agreement. I can say that this was an extremely valuable experience – one that gave me the confidence to succeed in my current job," said Gorman.

"It was very gratifying to know that I played a role in ensuring that hundreds of people recovered some of their damages in this case,"

Cheryl Scheer '09



"I can say that this was an extremely valuable experience – one that gave me the confidence to succeed in my current job."

Michael Gorman '07

...and the Community, Commitment & Courage Awards go to...



Attorney Jody Hucko, right, receives the Commitment Award from Lynette Parker, KGACLC's Immigration Attorney.

The KGACLC recognized one organization and two individuals who exemplify the spirit of community, commitment and courage during its annual celebration on October 2 on the Santa Clara University campus.

In awarding the Community Award, the Law Center honored the Silicon Valley Campaign for Legal Services for its unwavering financial support of the Center. Its support is even more meaningful given the financial hardships posed by the diminishing pools of local and state-wide funds. Its diligence in finding alternate sources of income makes it possible for many non-profit organizations in the Valley to literally continue to open their doors to the community. William F. Abrams, from Bingham McCutchen

LLP, was there to receive the award on behalf of SVCLS.

Attorney Jody Hucko received the Commitment Award. For five years, she has consistently volunteered her time during the Immigration clinics, supervising and giving advice and feedback to students, and ensuring that clients receive the proper service and information. Although she is not an immigration attorney, she has volunteered additional time to attend the immigration class offered by Lynette Parker, the KGACLC attorney in that area. Her consistent participation is appreciated by the Community Law Center, its students and its clients alike. (Read the interview with her on p.6 to find out more about her remarkable contributions to the Community Law Center).

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Left to right: Susan Levin, recent graduate Nicole Clemens and Marisol Escalera (Susan's Legal Assistant)

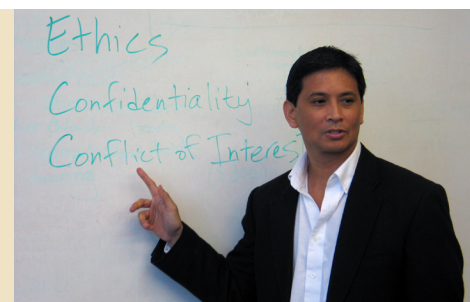


"Be compassionate & conscientious, but also know the law and act competently. That's the best way to help your clients."
Susan Levin

Professor Ancheta Receives Prestigious Award

Professor Ancheta received the Asian Pacific Americans in Higher Education Award on April 24, 2008, because of his past advocacy work on higher education access issues, including affirmative action policies.

Asian Pacific Americans in Higher Education (APAHE) has for 20 years been the leading national organization addressing issues such as student admissions, faculty tenure, under-representation in hiring and promotion, affirmative action and Asian American Studies.



Giving Back to the Community as a Volunteer Attorney at the KGACLC

Jody Hucko, MBA '86, JD '91, shares her thoughts on five years as a volunteer at the Katharine & George Alexander Community Law Center's Immigration Advice Clinic, which earned her this year's KGACLC Commitment Award.

You're an immigration lawyer, right?

No, far from it, although I've learned much about immigration from my work at the clinic. I was a high-tech corporate lawyer, and before that, an MBA marketing type, and even before that, a research biochemist. I graduated from SCU's Public Interest Law program but didn't take any immigration classes in law school. When I started volunteering at the clinic, I was just another concerned citizen who followed the issue in the press.

How did you get involved with the immigration advice clinic?

My husband and I have supported SCU public interest programs for years. When we attended the KGACLC open house at the new Alameda building, Cynthia Mertens, then KGACLC Interim Executive Director, approached me about observing and providing additional feedback to an Immigration Advice Clinic student – not with substantive law but with the mechanics of interviewing and counseling clients. I wasn't familiar with the advice clinic format but I remembered the valuable experience I'd gained in Professor Kandis Scott's civil law clinic, both as a student and teaching assistant, when I was at SCU. So for me, it was an opportunity to give something back, and I readily agreed.

That was helping one student five years ago. What brings you back semester after semester?

The opportunity to work with dedicated professionals, multi-talented students and deserving clients. SCU Law's clinical programs are a true expression of our Jesuit values of competence, conscience and compassion. Yet I think that many students, especially those who sign up for the one-hour advice clinic because it fills a Wednesday afternoon hole in their schedule or because it doesn't require an exam or paper, initially underestimate the long-term value of the clinical experience. They also don't realize how it can open their eyes to needs they will have the power to address throughout their lives, through their pro bono work or generous financial support. These are important messages, and I want to help ensure that our students hear and understand them.

What do you hope to achieve through your volunteer work at the clinic?

My goal is to enhance the students' clinic experience and enable them to provide even better service to our clients. Under the current advice clinic model, Lynette Parker, the supervising attorney, is occupied full-time, evaluating cases and formulating advice with students to relay to clients. It's impossible for her to sit in on individual client interviews. That's where I come in. In a typical semester, I'll work one-on-one at least once with each clinic student. I observe and facilitate their client interactions in an unobtrusive way. Afterwards, I engage them in specific and constructive discussion about the session. If time permits, we may also discuss larger issues, like current immigration policy or their long-range professional goals. My comments may be the only feedback students get on their interviewing and counseling skills during the Advice Clinics, and our time together is an opportunity to discuss their feelings about the complex issues that arise in client interviews.

How does your participation fit with the standard clinic training program?

Every student participates in an intensive all-day training at the beginning of the semester that covers interviewing and advising clients, working with interpreters and some substantive law. Before the advice clinics, Professor Parker also presents tightly-organized half-hour sessions on key aspects of immigration law students are likely to encounter during the semester. But there's an incredible amount of information and a broad skill base to acquire in a very short time. Further, unlike the consumer and workplace matters addressed in other advice clinics, many immigration problems fall outside students' life experience. As I work with students, I try to reinforce and enhance the standard training program in a way that current staffing does not permit. I want every student to have the same in-depth clinic experience that I did.



Jody Hucko (far right) supervises 3L student Lily Gregerson (in the background) during an immigration advice clinic.

How do KGACLC clients benefit?

Although I'm typically a silent observer during client interviews, I listen carefully and can often assist the student to recognize an inconsistency, a missing piece of information or a legally significant point that needs to be explored. When that happens, I suggest a question or two that sometimes reveal a new fact or aspect of the client's story. This enables us to convey more complete and appropriate legal advice. It also ultimately accelerates the process because students are less likely to need to re-interview clients to answer the supervising attorney's foreseeable follow-up questions.

Right after conferring with the immigration attorney, I also help students organize their advice to make it easier for clients to understand and move forward with. Sometimes a simple reminder to eliminate legal jargon is all it takes to transform potentially confusing advice into a model of clarity. The results speak for themselves. Surveys show that our clients are highly satisfied with the advice they get at the immigration clinic, even if it's not what they had hoped to hear.

What else is KGACLC doing to improve advice clinic feedback?

I understand that KGACLC is working with the campus IT department to install innovative video technology in the client interview rooms. Although the details aren't worked out yet, the new system will provide a lasting record of client interviews and allow students and supervisors to review them on their own and together. Eventually, the system may also enable real-time monitoring and feedback. It should be a tremendous asset.

How can other attorneys help?

I hope other experienced lawyers reading this are thinking, "Hey, I could do that!" Yes, you can! The time investment is manageable and the rewards are great. If you're interested, I encourage you to talk to the Executive Director, Professor Angelo Ancheta or to Lynette Parker, Scott Maurer or Margarita Alvarez, the supervising attorneys. Each clinic has its own format and needs, but there are as many ways to support the Law Center's clinical programs as there are creative individuals motivated to help. Your financial support of technology upgrades, like the new video system, is especially welcome.

Looking back: A Student's Perspective

At the Community Law Center, I learned from one of the best attorneys in the field of immigration. But above all, I learned about life by working with my clients.

I took the Skills I Immigration class at the KGACLC during the Spring semester of my second year of law school. Working under the supervision of Lynette Parker, the Immigration attorney, I became immediately involved in a political asylum case. My client, a woman from an African country, fled her country because she was being persecuted for her political beliefs. She believed in democracy and fairness, in giving people hope and a chance to dream that someday a democratic government could change things for the better. Her government disagreed with her views, so it persecuted her, murdered members of her family and tortured her on more than one occasion. Still, she persevered – until she was forced to flee to save her life. By the time I took the case, she had already been interviewed by an immigration officer who had referred her case to an immigration judge.

My job was to review with her the facts of the case in preparation for her court hearing. Although this was all new to me, she had already been down this road several times during the preparation of her declaration and the initial interview with the immigration officer. I quickly found out that, for a survivor of torture, "reviewing the facts of the case" is an extremely traumatic experience every time, and unfortunately I had to make my client recount her experiences more times than I would have liked because her court dates kept getting re-calendared at the very last minute. My client was generally very contained and in control of her emotions, but every time I began questioning her about the events surrounding her injuries, she would break down crying. Besides the crying, she

expressed her emotional agony by unconsciously blocking events, blurring dates, being short-tempered at times and getting frustrated with the process. But – thanks to the weekly KGACLC Health Law Trauma Course, organized by Ms. Parker and offered by trained psychologists with years of experience working with traumatized individuals – I was able to understand this behavior and learn techniques to overcome these obstacles. At the same time, these sessions helped me deal with my own emotions as a receiver of such painful information. It was this well-rounded approach that allowed me to eventually conduct interviews more effectively and be more mindful of the risk of re-traumatizing clients.

Inevitably, Spring turned to Summer and then I found myself at a private law firm doing corporate transactional work. This could not be more different from my immigration work, but I also enjoyed it very much. I think my work at the KGACLC gave me confidence at my new job because many of the skills I learned at the clinic were immediately transferable. Everything from managing a case load to writing memos came back to me very naturally, and I was able to hit the ground running.

This past year was full of new experiences, challenges and growth, and I must say that I thoroughly enjoyed it. For me, law school has taken on a real dimension thanks to my most recent work experiences. But in the end, I owe this growth to the people with whom I have worked. I know that years after my graduation, I will think of my experience at the Community Law Center with great satisfaction for what it taught me about the law. I will also remember my client from Africa, the one who taught me about what really matters in life.



Andrea Grieco

Celebration Awards (continued from p. 5)

The Courage Award went to Ms. Ninibeth G. Ms. G. exemplifies a zeal for the truth in the unfortunate murder of her daughter, who was married to a member of a very powerful family in her country of origin. When the police report did not reflect the evidence that she found at the scene of the crime, she pursued her own investigation. This meant questioning the forensic police, the coroner's office and others. She soon started receiving anonymous calls, threatening her life if she did not desist. Still,

she decided to take her complaints to the media, hoping to find some support for her investigation. When the threats became more serious, she still found the courage to rescue a young family member, whose own life was in danger for being a witness to the murder. Upon her arrival in the US, she requested political asylum. The Homeland Security Agency granted her request, and she is now free to seek a new life for herself and for her young family member in this country.





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