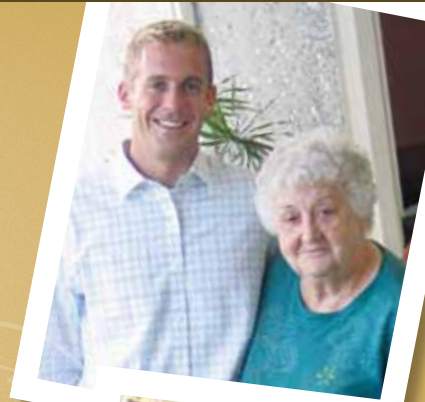


Katharine & George Alexander Community Law Center

La Voz del Centro

WINTER 2009



KGACLC to Combat Human Trafficking with Department of Justice Grant

The Katharine & George Alexander Community Law Center, along with four other organizations, has been awarded a \$300,000, two-year grant from the U.S. Department of Justice to help victims of human trafficking, a little-known but persistent problem in the South Bay area.

Acting as lead agency, KGACLC represented the long-standing relationships and dedicated work of the South Bay Coalition to End Human Trafficking (Coalition) and the San José Police Department Human Trafficking Task Force (Task Force) in identifying and serving the needs of human trafficking victims. A portion of the grant will further the work of the Coalition with the assistance of Santa Clara County's Office of

Women's Policy. The remainder will be shared jointly by KGACLC, Next Door Solutions to Domestic Violence, Community Solutions, and the YWCA Rape Crisis Center in order to provide comprehensive, coordinated legal and social services to victims of human trafficking.

The Coalition (<http://www.sbctht.org>) works in partnership with the Task Force (<http://www.sjpd.org/StopHT/>), which is comprised of the San Jose Police Department, Santa Clara County Sheriff's Office, Santa Clara County District Attorney's Office, Federal Bureau of Investigation, U.S. Attorney's Office, and Immigration and Customs Enforcement, among other law enforcement agencies. The Coalition and Task Force work closely to identify and serve victims of human trafficking through a victim-centered approach. Victims are men, women, and children

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CHARLES BARRY

3L student Michelle Forrest (right) confers with Attorney Lynette Parker during an immigration clinic this fall.

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La Voz del Centro

Published by the Katharine & George Alexander Community Law Center at Santa Clara Law

A Message from the Director

It's an honor and a pleasure to send you greetings this holiday season. The past year has been both successful and challenging for the Katharine & George Alexander Community Law Center, and our goals of training Santa Clara Law students for the practice of law and providing vital legal services to the local community have never been more important.

With the economic crises affecting our communities, many of our clients face difficult, often extraordinary, circumstances—not simply in vindicating their rights but in earning a living and surviving in American society. Our core work of providing educational and legal services to the community in the areas of consumer protection, immigration, and workers' rights remains critical.

Of course, the Community Law Center has not been immune to the economic instability. While many of our sources of funding remain secure, declines in both governmental and private funding, as well as the irregular ebbs and flows of litigation-related dollars, have meant short-term reductions in some of our staffing and services. But these challenges have only strengthened our resolve: we remain committed to addressing the needs of our students and our clients in creative ways that draw on the commitment of our supervising attorneys, staff, advisory board, and volunteers.

Even with these challenges, we have been fortunate in recent months to gain new funding to help maintain our financial stability going into the next year. For instance, the Center recently received a multiyear award from the U.S. Department of Justice to head a local coalition of governmental agencies and nonprofit

organizations to address the needs of victims of human trafficking (read the featured article).

In addition, a major *cy pres* award generated through consumer protection litigation involving smokeless tobacco products will be used, in part, to build up our in-house fundraising capacity by hiring a development professional whose work will focus on major donors and special event revenue.

These developments, coupled with other efforts such as our summer alumni fundraising drive, our participation in the Silicon Valley Campaign for Legal Services, and the Swift Justice run/walk spearheaded by Community Law Center alumnus J.T. Service '07, have helped position the Center for stability and new growth in the coming year.

Ultimately, our students will always be our most important asset, combining their training in law with services to low-income clients. We assist more than 1,000 individuals each year, and the Center's work would not be possible without the dedicated students who enroll in our clinical classes each term or who volunteer through our community education program.

The past year saw many legal victories, including successes in consumer class action litigation, innovative work in immigration law, and solid achievements in workers' rights and employment law. Some of those cases are highlighted in this newsletter.

As well, our work continues to influence public policy and set legal precedent through our cases and through the work of our graduates, who continue to cite their experience at the KGACLC as instrumental to their current professional

achievements (read the article on page 4).

We've also served hundreds of clients through our interviewing and counseling clinics and helped educate community members about their rights through our workshops, including a much-needed new workshop on consumer credit rights headed by Center-affiliated attorney Mark Reedy. Thanks to Mark and his 1L students, the community is learning about personal finances, obtaining and protecting their credit, learning about credit scores and reports, and understanding their rights and responsibilities as credit card holders, among other things.

And we want to extend our thanks and best wishes to Sophia Hinojosa, who was the Center's administrative director for finance for over eight years. Sophia has taken a full-time position with SCU's Sponsored Projects office, where she will be assisting the KGACLC and other campus units with grant research and proposals.

As we move forward, it's clear that we could not fulfill our mission of serving low-income clients and training students for excellence in the practice of law without our many supporters. We cannot thank you enough for this support, and we hope that you, like us, will redouble your efforts in the coming year to ensure that the Center remains a strong and vibrant resource for our community.

Best wishes,

ANGELO ANCHETA
Director



KGACLC Receives Grant from the Department of Justice

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from countries throughout the world, but also include citizens and residents of the United States. They are forced into not only the commercial sex industry, but also into other labor situations, including service industries, agriculture, and domestic servitude.

Since 2003, the KGACLC has provided legal services to victims of human trafficking. The immigration practice area, headed by Attorney Lynette Parker, has worked closely with the Coalition since its inception in 2005.

“More than anything, this project reflects the three core values of a Santa Clara University education—competence, conscience and compassion. I am excited about being able to help more people in a more comprehensive way, and I welcome the many educational opportunities that this may represent for my students.”

—LYNETTE PARKER

Through the dedicated efforts of its law students, KGACLC has successfully provided legal representation for many victims, while working tirelessly with other agencies to spotlight this modern-day form of slavery.

Parker credits the Task Force and Coalition for establishing the City of San José and County of Santa Clara as leaders in their collaborative approach to addressing human trafficking. She therefore believes that this grant simply recognizes that work and provides the impetus that the Coalition and the Task Force need to take their cooperative efforts to a higher level. “We hope to utilize this funding to facilitate better tracking of services provided to victims, establish more long-range policies and procedures, and strengthen the coordinated work on behalf of victims by identifying and closing any potential gaps in services,” says Parker. “I hope that this in turn leads to a cycle of

continuous improvement in our joint services and work.”

For Parker the grant culminates a long series of planning sessions and meetings with the partnering agencies to submit a strong, competitive bid for the federal dollars, which she says was driven by Santa Clara’s Jesuit tenet of service to others, particularly those in greater need. “More than anything, this project reflects the three core values of a Santa Clara University education—competence, conscience and compassion. I am

excited about being able to help more people in a more comprehensive way, and I welcome the many educational opportunities that this may represent for my students,” she adds.

Patty Bennett, an advocacy manager at Next Door Solutions and one of the original members of the Coalition, echoes Parker’s excitement. She highlights the legal component as key to the Coalition’s role and believes that the timing of the grant is perfect to continue to assist the Coalition’s clients and to take the Coalition to “the next level of coordination and service.” As for the grant’s impact on her organization’s budget, among other things, she is looking forward to having a small discretionary fund of what she calls “empowerment money”—money used to buy clothes and the basic necessities for her clients “to make life just a little easier after their ordeal.”

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About us:

The Katharine & George Alexander Community Law Center (KGACLC) is a civil legal component of Santa Clara University School of Law. Its mission is to educate law students in accordance with the highest professional and ethical standards by serving individuals and communities in need with competence, conscience and compassion through pro bono legal representation and education.

You may learn more about KGACLC at <http://law.scu.edu/kgaclc/>. We are located at 1030 The Alameda, San José, California, 95126. Telephone: (408) 288-7030; Fax: (408) 288-3581

Santa Clara Law, founded in 1911 on the site of Santa Clara University, California’s oldest operating higher-education institution, is dedicated to educating lawyers who lead, with a commitment to excellence, ethics, and social justice. One of the nation’s most diverse law schools, Santa Clara Law offers its 975 students an academically rigorous program, including graduate degrees in international law and intellectual property law; a combined J.D./MBA degree; a combined J.D./MSIS degree; and certificates in intellectual property law, international law, and public interest and social justice law. Santa Clara Law is located in the world-class business center of Silicon Valley, and is distinguished nationally for its top-ranked program in intellectual property. For more information, see <http://law.scu.edu>.

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Recent KGACLC Alum Helps Set Legal Precedent In Consumer Protection Case

Erica Pun '08, an Equal Justice Works Fellow at the Legal Aid Society of San Mateo County, recently co-authored an *amicus* brief which resulted in an important consumer rights decision. The decision in *Komarova v. National Credit Acceptance, Inc.*, 175 Cal. App. 4th 324 (Cal. App. 1st Dist. 2009) incorporated and adopted the arguments in Pun's brief. As a result, consumers have greater rights to present evidence in unfair debt collection suits. Specifically, the court adopted a "continuing violation" theory that will allow consumers to bring in evidence of unfair practices that occurred more than a year prior to the filing of a suit.

Pun's brief was filed in support of Anastasiya Komarova, a recent Russian immigrant who received numerous threatening calls from National Credit Acceptance Inc. in relation to a debt that was not hers. Komarova had procured the services of attorneys Anne Marie Murphy and Justin T. Berger, from Cotchett, Pitre & McCarthy. Recognizing that the case had resonance with many other consumers, Komarova's attorneys decided to invite public interest law firms to submit *amicus* briefs, since the outcome could in fact affect their clients.

Pun gained practical knowledge of consumer protection issues during her third year of law school, when she took the Consumer Protection courses at the KGACLC. Says Pun, "As a student, when I worked at the KGACLC, I was appalled at the harassing things collectors would do. Clients would receive threatening calls at all hours of the day and night. Now, as an attorney at the Legal Aid Society, I see clients in San Mateo County who are subject to

the same abusive tactics. When Legal Aid was invited to file an *amicus* brief, I jumped at the chance to help enforce the rights of low-income consumers in our community."

In its ruling, the Appellate Court strengthened the provisions of the Robbins-Rosenthal Fair Debt Collection Practices Act. This California law offers protections to consumers who, like Komarova, are harassed by debt collectors. For instance, the Act regulates when and how collectors may contact consumers, and it also provides



www.equaljusticeworks.org

Erica Pun '08

"By far, working at the KGACLC was one of the best and most productive experiences I had in law school, and it was certainly instrumental in writing this *amicus* brief," says Erica Pun '08, an Equal Justice Works Fellow at the Legal Aid Society of San Mateo County.

—ERICA PUN '08

consumers the right to take legal action against collectors who engage in abusive behavior. Until recently, a barrier to the application of the Robbins-Rosenthal Act had been its one year statute of limitations. Now, thanks to the precedent set by this case, consumers can present evidence of abusive conduct that occurred more than a year prior to suit, so long as the conduct was part of a pattern that continued into the one-year period.

The case is also significant in that it makes clear that debt collectors can no longer use a "litigation privilege" defense to shield themselves from liability for violations of the Rosenthal Act that occurred in connection with a lawsuit. Another KGACLC alum deserves credit for this important decision. Christopher

Jennings, a visiting law student, had convinced a federal district court to apply the continuing violation theory (whose origins are in employment law) to the Fair Debt Act's context for the first time in 2003.

Although the brief in point was the result of the collaboration between the Legal Aid Society of San Mateo County and Bay Area Legal Aid, Pun played a significant role in researching the issue and establishing the proper legal arguments, drawing upon her own experience at the KGACLC. "By far, working at the KGACLC was one of the best and most productive experiences I had in law school, and it was certainly instrumental in writing this *amicus* brief," she concluded.

KGACLC Supporters Run for Justice

KGACLC participated in the Dean Karnazes Silicon Valley Marathon under the banner of Swift Justice, for the third consecutive year, on October 25. Originally spearheaded by J.T. Service, a law graduate and former KGACLC student, the event is gaining traction among Community Law Center supporters. County Supervisor David Cortese and some members of his staff were among the participants this year. In addition to providing in-kind support, Mr. Cortese's office publicized the event and the work of KGACLC among the recipients of his e-newsletter in District 3, which comprises Northern Sunnyvale, Milpitas, North San Jose, Evergreen and the Alum Rock foothills. "As a lawyer and as an elected official, I am proud to support Swift Justice. The County could not

serve communities in need without your good work and I hope I can do more in the future to help the program. Besides, it was fun running in the race!" said Mr. Cortese.

Participants pledge a minimum of \$200, which they can raise among friends, colleagues, and family members. In turn, J.T. (also a nationally-recognized runner), or Tom Service and Felipe Montoro (coach and assistant coach of the SCU Cross Country-Track teams, respectively) provide expert training and advice over several weeks in preparation for the marathon, half marathon or 5k run. For more information about Swift Justice, visit <http://law.scu.edu/kgaclc/swift-justice.cfm>.

"This was a great event, and even though we did not quite surpass last year's figure of \$7,500, we were pleased



Grant Depositar and Dave Cortese pose after the 5k race. Grant, 15 years-old, came in second place in his age group, and first in the Swift Justice fundraising effort at \$525.

with the excitement, the broad support and exposure that we obtained this year," said Sergio López, KGACLC's Swift Justice organizer. Michelle Pelayo-Osorio echoed that excitement: "I had a great experience participating in the Swift Justice 5k run, and I am looking forward to participating next year. I definitely plan on getting more people to run with me."

Winners of the 2009 Community, Commitment & Courage Awards

The Community Law Center held its annual celebration on October 1 at the Mission Gardens and the Adobe Lodge, on the Santa Clara University campus.

This year, the **Community Award** was presented to Jacquetta Lannan '06. Ms. Lannan participated in the Community Law Center's Workers' Rights, Workers' Compensation and Consumer clinics throughout her law school years. During that time, she logged more than 100 client interviews and hundreds of hours of legal work on behalf of the



Jacquetta Lannan '06

Community Law Center's clients. Upon graduation, she continued to work on her pending cases while waiting for the Bar exam results. She was then invited to serve on the

Center's advisory board, and has been recently nominated to serve as the board's chair for 2010.

The **Commitment Award** went to the law firm of Bramson, Plutzik, Mahler & Birkhaeuser LLP, for its dedication to consumers, to consumer law, and to high ethical standards in the prosecution of consumer class actions. The award also recognized the important financial support that the firm has given to the Katharine & George Alexander Community Law Center, and to many other legal service agencies throughout California.

KGACLC client Sandra Gonzalez received the **Courage Award**. Ms. Gonzales, a long-time San José resident and mother of six, withstood seven years of litigation in a consumer class action suit even though she was offered a settlement early on. In 2001, she co-signed a contract for the purchase of a truck for her father. Out of a job, her father missed some payments on the truck, which was quickly repossessed by the finance company and

sold below market price. The finance company then contacted Ms. Gonzalez to pay the balance owed on the vehicle. The company made a large number of collection calls to

Ms. Gonzalez over several months, always over-stating the amount due. It was later discovered that the company repeated the same process with thousands of consumers throughout California. In 2004, the finance company offered Ms. Gonzalez a generous settlement to drop her case, which would have deprived the class action of its last representative. She courageously declined and elected to go forward, representing the other members of the class. The case was finally settled favorably in 2009, recovering over \$1 million for the entire class.



Sandra Gonzalez

KGACLC Students: Making a Difference in the Community

NATALIE FRYE '11

When Natalie Frye '11 heard about the Alexander Community Law Center during law school orientation week, her interest was piqued. She made a mental note of it as she decided that perhaps the experience could give her some professional skills before leaving law school. So during her second year when the opportunity to take the Skills I course in the Consumer Law Program at the KGACLC presented itself, she embarked on what she later would call an "eye-opener." The first thing she noticed was that "although you are given the guidance and tools to do well, there is no spoon-feeding; you take ownership of your cases and become responsible to your clients." And that's exactly what she did when she delved into the case of Ms. L, one of her four clients at the KGACLC during the fall semester. Frye's client was lured to a car dealership by advertising that promised a specified low down payment and that offered "incredible low pricing thanks to bailout funds" (the bait). The dealership then required Frye's client to make a much higher down payment and charged a base price for the car which was well over the standard retail price, not including several overpriced "extras" (the switch).

After some research, Frye, under the guidance of Supervising Attorney Scott Maurer, drafted a demand letter asking the dealer to rescind the contract based on the initial violations. "They caved in right away because they knew that what they had done was illegal," Frye said of the dealership. She then drafted a settlement agreement that essentially cancelled the contract and reimbursed Ms. L's down-payment and all the money she had paid up until that



SERGIO LÓPEZ

Natalie Frye '11

point. "Surprisingly and sadly," Frye said, "many of our clients had very similar stories of being ripped off by car dealers. From that perspective, I am glad that the Law Center is there to help, if it can."

Frye is now considering the Skills II course at the KGACLC next year. "Where else can you build your legal skills by negotiating with opposing counsel, drafting settlement agreements, applying what you learn in the classroom, building relationships with integrity and gaining confidence as a future attorney? I am hooked on Consumer Law now, and I have Scott Maurer to thank for that," said Frye.

JACKIE MEILANDER '10

Jackie Meilander '10 took the Skills I course in the Workers' Rights Program this past fall semester at KGACLC. Mr. R, one of her clients, was a hard-working employee whom Jackie described as "very proud of his 20 years of experience as an iron-worker and extremely proud of his long-standing iron workers' union membership."

Mr. R, a contractor, had asked to be excused on a Friday because he was

not feeling well. The following Monday, when he returned to work, his employer told him that he was being laid off due to a lack of work, and he was given his severance pay. Mr. R then applied for unemployment benefits while he looked for another job. However, he was soon notified by the EDD (Employment Development Department) that his previous employer was appealing Mr. R's request for such benefits. In the appeal, the employer cited violations to the company's safety policy and maintained that Mr. R had been fired for misconduct. However, Jackie and her supervising attorney, Margarita Alvarez, suspected that the real reasons for the appeal were the employer's fear that his payroll tax rates would go up and that his unemployment reserves would be diminished if Mr. R's claim were to be paid. The severance pay that Mr. R received and which, according to Mr. R's union collective bargaining agreement is reserved only for employees who have been laid off, clearly contradicted the employer's dismissal claims.

Meilander assisted Mr. R in his appeal for unemployment benefits. She researched the law and consulted



SERGIO LÓPEZ

Jackie Meilander '10

the collective bargaining agreement to prepare for a hearing before an administrative law judge. “This case gave me a real insight into the construction business and how contractors interact with unions. I was also very surprised to see how some employers will try anything, including lying, to get out of their obligations,” said Meilander.

Meilander was able to prove that Mr. R deserved unemployment benefits while he looked for another job. “As a law student, you look at your professors for answers. At the Law Center, I was the one being looked at for answers; that was new and refreshing to me, but it does involve greater responsibility. All in all, I am glad I had a chance to learn while helping people who would not be able to find help otherwise,” she said.

EILEEN CHOU '10

Eileen Chou '10 took the Skills I course in the Immigration Program this fall at KGACLCLC. She worked with several clients throughout the semester, but one particular case really touched her. It was that of Ms. Evelyn Meraz, a mother of three who, in 1999, was brutally assaulted by her former employer. Ms. Meraz, an undocumented babysitter at the time, cooperated with the police to identify and testify against Wilbur W. Atcherley, a prison parolee who slashed Ms. Meraz's throat and left her to die in a muddy field south of Gilroy. She was referred to KGACLCLC to obtain a U-Visa, which is reserved for victims of crimes committed in the United States. Chou assisted Ms. Meraz most recently with her application for permanent residence based on Ms. Meraz's approved U-Visa.

“It's actually quite a paradox. Out of all my clients, Ms. Meraz is the

most gentle and optimistic. She is also the one who smiles the most, which only shows her incredibly resilient spirit,” said Chou. Perhaps it is that resilience which

helped her overcome the trauma that began when Mr. Atcherley knocked on her door one night, under the pretense that his wife had been in an accident and that he needed help with his children while he visited his wife at the hospital.

“He seemed very agitated in a strange way, and every fiber in my being was telling me not to go with him, but I knew his family and I really wanted to help,” said Ms. Meraz. After driving in circles in dark and deserted roads in Gilroy, Mr. Atcherley stopped and asked Ms. Meraz to get out of the car. She did, and he started to fondle her. He hit her on her face and body repeatedly. “That's really all I remember. After a while, when I opened my eyes, I tried to scream, but there was no sound. That's when I realized that my throat had been cut. There was no one around. I dragged myself to the edge of the road, but it was a desolate road. Finally, a car passed by, and the driver called the police,” says Ms. Meraz. Mr. Atcherley, registered at the time as a serious-risk sex offender under Megan's Law, was prosecuted under California's “three strikes, you're out” law. Ms. Meraz bravely testified in the case even when Mr. Atcherley threatened to get her deported if she did. Mr. Atcherley's conviction in connection with this incident sent him to prison for 60 years to life.

“Working with Ms. Meraz has been one of the best experiences I've had in



Eileen Chou '10 and Ms. Meraz

law school. Honestly, it's been difficult at times to look into a client's eyes and see the emotional weight of their stories. It's heartbreaking, really. But it's also incredibly rewarding,” said Chou.

Ms. Meraz shares the same feeling. “Eileen was extremely helpful, efficient, and very easy to talk to, just like my attorney Ms. Parker and her assistant, Margarita Sandoval.” When asked if she wanted to share some advice with the readers, Ms. Meraz said, “Don't let the small problems get to you; there are always bigger problems, and there's always a way out of them. You never know; something good may come out of them in the end.”

As for her overall experience at KGACLCLC, Chou highlighted that “while medical schools devote the last two years of their programs to practical hands-on training, law schools seem to indulge in theory-based instruction instead. We may learn a considerable amount of substantive law but I think some graduates enter the profession without a real sense of how to work with clients. I think the Law Centers fills that void, and I wish that SCU could increase the number of experiences like those offered by KGACLCLC.”

Our sincere thanks to all of our supporters.

Thanks to you, the KGACLC is able to educate law students with competence, conscience, and compassion while assisting the most vulnerable members of our community with their legal issues.

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