

10th Anniversary Edition

The Law Center celebrates 10 years of service

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Ten years ago, when Santa Clara law students decided to use their legal skills to help their community, they could not anticipate the tremendous success of their efforts. Today, their vision, represented by the East San José Community Law Center (aka, Santa Clara University Community Law Center) touches the lives of thousands of clients in the Valley who could not otherwise obtain legal representation. At the same time, as a result of an evolving relationship with Santa Clara University's Law School, the Law Center has become a practical training ground for the law students who serve the Center's clients under the supervision of expert attorneys. As a way to acknowledge this 10-year milestone, it seems fitting to celebrate the efforts of the many individuals who participated and continue to participate in the success of the Law Center.

The Law Center finds its beginning in 1993, when 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 event. Having expressed his dismay at the theoretical nature of his cur-

riculum, Ruben found a good ally in Professor Hammer, then a Jesuit with a very practical commitment to the community. "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. 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 case of workers José O., Ricardo V., and Nehemias S. was a typical one. For weeks they laid tile, poured cement, built kitchen cabinets, but at the end were not compensated for their hard work. Under the supervision of SCU Law Professor Eric Wright, the students were able to recover their unpaid salaries in the amount of \$1,110.00 each.

The students' first break came that same year,



The ESJCLC building, located at 1030 The Alameda, in San José.

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. Suddenly, the students had a place where they could offer their valuable expertise. 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. Professor Hammer and the students approached Professors Eric and Nancy Wright. The Wrights immediately saw the potential for the students and the community in a viable Law Center. On the academic front, they started offering credit to those students involved in the Center. On the financial side, the Wrights approached two major sources of funds. "We had never put together a grant proposal, but selling the idea was easy because the concept was so good," recalls Professor Eric Wright.

(Continued on p.3)



Presiding over the Law Center's 10th year anniversary is truly an honor. This past year has been energizing and exciting. When I reflect on what makes me excited about being the Director of the Law Center, the images that come to mind are of a warm and thankful clientele, a conscientious and talented staff, and enthusiastic and caring students. You can feel the energy in the air when the students are at work. When I receive the frequent reports of "success stories," it is obvious that it is the dedication and relentless efforts of the law students on behalf of their clients that have resulted in these victories. When I talk to the students, I see the appreciation and

A Message from the Director

respect they have for their supervising attorneys, who patiently and carefully train them in the intricacies of the law. In addition, we are able to serve over 1,000 clients a year who would otherwise have had no legal assistance whatsoever. What better environment could there be to train future lawyers of conscience, competence and compassion? This is truly the hallmark of the Law Center, a hallmark with ten years of history and a strong foundation for the future.

In addition to the students, staff and clients, the donors, including individuals, foundations, the Santa Clara County Trial Lawyers Association, the State Bar, the Silicon Valley Campaign for Legal Services, the City of San José and County of Santa Clara, and others too numerous to mention, are important and indispensable components of the Law Center. I enjoy fundraising because it brings me into contact with many different segments of the community, and I get to deliver a worthwhile message to very receptive audiences. The support from SCU law school grads, individual attorneys, and law firms is amazing. Those related to the legal profession naturally recognize the significance and value of clinical education. Those who are not di-

rectly related to the law also see the importance of this type of education. All see the benefit to the community, for the demand for civil legal services far outstrips the ability to meet the need. It is my hypotheses, without empirical evidence to support it, that law students who participate in the Law Center develop a life-long commitment to provide some sort of pro bono services to their communities. If I am correct, their training will benefit society for many years to come.

Lastly, the support of the Law School and its new dean, Donald Polden, the University administration, particularly that of the President, Father Paul Locatelli, and the entire university community is heart-warming. I want to extend my personal thanks to all those who make my job so enjoyable. I am most appreciative for the opportunity to participate in this endeavor and wish the Law Center many more years of positive influence in our community. I wish you all a peaceful and happy holiday season.

Cynthia Mertens
ESJCLC Director



This summer, shortly after I joined the law school as dean, I paid a visit to the Law Center to meet with faculty, staff and summer session students. The visit gave me an opportunity to learn first hand about the significant work done by the Law Center and the educational experience of our students enrolled in clinic courses. Professor Cynthia Mertens served as my guide and explained the work of the clinic and introduced me to the faculty and staff. I also sat in on a legal clinic students' briefing session in which our students discussed the cases they

Dean Polden Meets the Law Center

worked on during the summer session and the effect of their work on their clients. It was a very impressive and informative session.

I learned that our students are working with very competent and dedicated faculty members and are supported by a capable and equally dedicated staff. The cases they worked on were educationally enriching to the students and meaningful to their clients. In particular, I was impressed with the close professional relationships that our students developed with their clients as they assisted the clients with a variety of legal disputes and problems. Clearly, our students were learning about the significant responsibilities that lawyers assume when they agree to represent a client and the dependence that clients place on the attorneys (and law students) who represent them.

In 1992, the American Bar Association published a significant task force report (now commonly referred to as "The MacCrate Report" after the task force's chair, Robert MacCrate) that called for law schools to do much more to close the "gap" between the academic work being done in the classrooms

and the practice settings that law students ended up in after graduation. In particular, the report recommended that law schools provide more legal clinical experiences and other forms of "experiential learning" settings for their law students. Santa Clara Law School's legal clinics and externship opportunities provide many of those opportunities for our students and, in my opinion, the learning opportunities provided to our students by the Law Center are among the finest in American legal education.

I am pleased to have had several other opportunities to return to the Law Center since my initial visit and I hope that future visits will give me an opportunity to meet with our faculty, staff and students and continue to learn about the meaningful work they do.

Donald Polden
Dean of the Law School

10th Year Anniversary (...continued from front page)

The Wrights' work paid off when the California Department of Education and the Legal Services Corporation approved grants of over \$200,000 for the Law Center. "We could not believe it. We actually got both grants; we were ecstatic!" remembers Professor Nancy Wright.

The money was put to use immediately to pay the rent of badly needed office space, and to hire two attorneys, a law fellow, and an office manager. So, on its second anniversary, the Law Center moved to its new location on 1765 Alum Rock, still in the heart of East San José. Kristin Nevarez, then a second-year student, recalls the transition: "The place was in horrible condition, but we decided that it was not going to interfere with our work." Sandra agrees: "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. "It was a place where I could find solace during my law school years. That's where things made sense to me; it became my second home," confides Kristin Nevarez, who signed up for a semester during her second year and worked there as a volunteer her entire third year of law school. In fact, it was this location that saw the addition of 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 Cynthia Mertens, its current Director, the Law Center was seeing over 1,100 clients per year (with varying levels of advice and representation) and employed five attorneys and a seven-person staff, including a multilingual interpreter.

Today, the Law Center is a thriving institution that maintains its original commitment to the community and its students. Not surprisingly, the Center's excel-

lence continues to draw national and even international attention as similar teams from Watsonville, and from as far as Brazil and Australia, strive to emulate some aspects of the Law Center (See p. 4 — The 2003 Awards, and p. 10 — Down Under). The Law Center drew additional national attention when Scott Maurer, the supervising attorney for the consumer law area, received the "Clinical/Legal Services Attorney of the Year" Award from the National Association of Consumer Advocates (NACA) for his accomplishments in helping curb abusive and predatory business practices (See p. 4). Trevor Caudle, a returning second-year student, augurs the Law Center's continued success when he expresses his enthusiasm: "At the risk of students overloading holiday registration on E-Campus and flooding the Center with add slips on the first day of "class" at the Center next semester, every Santa Clara law student should experience the East San José Community Law Center."

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Some of the students and staff at the Alum Rock location shortly after the grand opening. Sandra Pizarro is fourth from the right. Ruben Pizarro is behind her.



Photo courtesy of Charles Barry, SCU's Photographer

Written by Sergio Lopez
ESJCLC Staff

NACA Names Scott Maurer Top Consumer Protection Advocate for 2003



Scott Maurer, a supervising clinician at the East San José Community Law Center (aka Santa Clara University Community Law Center), was awarded the title of Clinical/Legal Services Attorney of the Year by the National Association of Consumer Advocates (NACA) for his accomplishments in helping curb abusive and predatory business practices. Scott is the supervising attorney of the consumer law

area at the Law Center.

"In making these awards, NACA has begun a tradition of recognizing those NACA members who have done particularly outstanding work on behalf of consumers," commented Ira Rheingold, Executive Director of NACA. "These awards are intended to shine a light on folks who, day in and day out, provide an example for all of us to follow."

The honors were awarded on the basis of individual achievements in key NACA issue areas, including all forms of automobile fraud, home equity scams, unlawful and abusive business and debt collection practices, unfair credit reporting, mandatory arbitration, and abusive practices by financial and credit card institutions. Second and third year law students, under Scott's close supervision, have successfully represented hundreds of individuals in these areas.

In addition to the NACA Award, Scott also received the *Founders Award* from the Law Foundation of Silicon Valley for "distinguished volunteer service."

Congratulations to Scott Maurer for helping the Law Center gain local and nation-wide recognition.

NACA is a nationwide association of more than 900 attorneys and consumer advocates who believe that many consumers are inadequately protected from unscrupulous business practices in connection with the extension of credit and the collection of debts. NACA members have a wide range of experience curbing abusive and predatory business practices and promoting justice for consumers.

Article courtesy of NACA and Cynthia Mertens

The 2003 Community, Commitment and Courage Awards

A law school graduate who started a law center for poor residents in Watsonville was among the honorees at the Sixth Annual Community, Commitment, and Courage dinner held on October 24. The event was a fundraiser for the Law School's East San José Community Law Center.



Guests interact during the event at the Mexican Heritage Plaza.

Dori Rose Inda '00 was honored with the **Commitment Award** at the dinner held at the Mexican Heritage Plaza in San José. Inda worked at the Law Center while in law school and after she graduated. She

noticed that clients were coming from Watsonville, where she lived, and with the support of law center attorneys, she opened the Watsonville Law Center in January 2002. The center has two attorneys and two paralegals, five student interns and an annual budget of \$400,000.

With funding from foundations, individual donors, and government agencies, the Watsonville Law Center helps clients with workers' compensation and consumer issues. It also assists people clear records that prevent them from obtaining employment.

"Every step of the way we relied on the East San José Community Law Center," Inda said. "I felt like I've had a model to base it on."

"Since graduation, she has been working hard to provide affordable legal representation in South Santa Cruz County," said ESJCLC attorney Lynette Parker. "I know that resources are very limited there, so Dori's work is very important."

At the dinner, the San José law firm of Hoge, Fenton, Jones & Appel was honored with the **Community Award** for its volunteering, financial, and consulting services to the law center. The firm has actively co-counseled several significant cases with the Law Center, and firm member Jim Towery is on the center's Advisory Board. Towery was also honored with an individual award at the dinner for his work with the Silicon Valley Campaign for Legal Services.

The **Courage Award** was given to S. Sina, an immigration client whose work on political issues in his native country made him a target of the government there. Few details were provided about Mr. Sina since he has family residing in his country.

Written by Larry Sokoloff
Article Courtesy of
Et al Magazine

The Law Center from a student's eyes...

Working at the East San José Community Law Center has been the single most valuable and important learning experience of my law school career. That may appear to be a bold statement to other law students and to the community in general, but for most involved with the Center, it will come as no surprise. In my view, the Law Center provides two incredible opportunities to students.

First and foremost is the chance to use the skills we have acquired in law school and in life to help people with real problems. Most know that the Center's clients have limited funds, but what may come as a shock to many, including myself, is their limited understanding of the system. By that I mean that for many clients paying taxes and opening bank accounts is a complicated mystery, and the ins-and-outs of the legal system are even more foreign. The greatest reward of working at the center is seeing the smile



on a client's face not just when you solve a legal problem they are having, but when they understand the problem and how it was solved.

The Center also provides many students with their first exposure to the actual practice of law. The Center looks and oper-

ates like a normal law firm. Although the awesome supervising attorneys guide students, ultimately students speak to opposing counsel, draft motions, explain legal concepts to clients, and prepare for and attend court hearings.

This sort of hands-on experience prior to entering the job market is invaluable not as a résumé builder, but as a confidence builder.

Students who work at the Law Center actually feel like attorneys, which paves the way for a smooth transition into the legal community after graduation.

At the risk of students overloading holiday registration on E-Campus and flooding the Center with add slips on the first day of "class" at the Law Center next semester, every student at Santa Clara should experience the East San José Community Law Center.

Written by Trevor Caudle
Third-year Law Student

----- *Fold along the dotted line and tape shut.* -----

**Place
stamp
here**

**Santa Clara University
East San José Community Law Center
1030 The Alameda
San José, California 95126**

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The East San José Community Law Center would like to thank the many foundations, firms, organizations and individuals who generously contributed, financially and otherwise, to the Law Center's *Community, Commitment and Courage* event this year.

Although this event has never been a fundraiser in the past, it is imperative that we make it so in light of the current economic situation. Your



Photo courtesy of Charles Barry, SCU's Photographer

support was invaluable, and your presence at the event served as our motivation to continue to do the work that is so necessary in our community.

We apologize in advance for any omissions in our lists below. Please let us know if your name is missing so that we can update our online version of the newsletter. Please know that your support is equally appreciated.

**The Santa Clara University Law School
and
The East San José Community Law Center
would like to thank you!**

Foundations and Grant Supporters

- Asian American Community Involvement
- City of San Jose Community Development Block Grant
- The California Community Foundation
- Consumer cy pres Awards
- Inspirational Opportunities for Youth
- Legal Services Trust Fund Program of the California State Bar
- Morrison & Foerster Foundation
- Myra Reinhard Family Foundation
- Santa Clara County Bar Association
- Santa Clara County Social Services
- SKOLL Community Fund
- The Consumer Trust Fund
- The Silicon Valley Campaign for Legal Services

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- Toll House Hotel
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- Spa of Los Gatos
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- Plumspa
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- Bella Mia Italian Restaurant
- Left Bank Restaurant
- Willow Street Restaurant
- The Mission Pipe Shop
- See's Candies
- J. Lohr Vineyards and Wines
- Emilio Guglielmo Winery
- Barry Swenson Builder
- Silicon Valley Law Group

The Success Stories Corner...



Marco Quintana

Consumer Law — Congratulations to third-year student **Marco Quintana**, who settled a case with impressive speed and effectiveness, saving his client more than \$28,000.

When Mr. K came to a Consumer Clinic at the Law Center in September of 2003, his frustration was quite visible. Two months earlier, Mr. K had purchased a vehicle from a used-car lot. In order to induce Mr. K to sign a contract, the salesman promised that if the truck ever developed any problems, the dealership would repair them for free. Shortly after he signed the contract and drove off the lot, Mr. K noticed a number of problems with the vehicle, including engine troubles. When Mr. K attempted to have the defects repaired by the dealership, he and his family members were verbally abused by the dealership employees.

Marco reviewed the facts and the law and wrote a compelling demand letter. The dealership responded, and Marco was able to negotiate a settlement agreement that required the dealership to 1) pay Mr. K over \$1,000, 2) cancel the contract, and 3) ensure that no negative credit information would be reported. "This is by far the fastest resolution to a car case I've seen in years!" says Reuben Castillo, a paralegal with a long history at the ESJCLC. "This only speaks to the caliber of the students that we have, and the attorneys that supervise them," concludes Reuben.



Kim Pederson

Immigration Law — Congratulations to **Kim Pederson**, third-year Santa Clara law student, and **Lori Benintendi**, second-year student, for

their successful advocacy and representation of a Law Center's client who has been granted legal status in the United States under recently-approved provisions for immigrant victims of crimes. The students' representation included outreach to law enforcement, as well as persistent advocacy with various offices of Immigration.



Lori Benintendi

The client and her son were victims of severe domestic violence. Ultimately, the client and her son were shot by the abuser. As a victim of a crime who has cooperated with law enforcement in the investigation, the client has been granted legal status that will allow her to obtain work authorization and possible permanent residence in the United States.

Immigration began granting this type of benefit in mid-October 2003. The benefit will help many immigrants who have been victims of violent crimes in the United States. The success of Kim and Lori marks the beginning of similar successes for other immigrant victims of crime.



Viva Stowe

Workers' Compensation — Congratulations to Yselle Gonzalez, Evan Groff, Viva Stowe, and Trevor Caudle who, over the course of several semesters, settled a difficult Workers' Compensation case for more than \$9,000.

A year and a half ago, Mr. B., a twenty-two year old cabinet worker, injured his left hand while working for a man who, in direct contra-

vention of the law, had no workers' compensation coverage for his employees. The employer took him to a nearby hospital for emergency treatment, but when he found out how much it would cost, removed Mr. B and took him to Valley Medical Center. This facility is run by Santa Clara County, and treatment is offered on a sliding scale, with taxpayers making up the difference. The employer urged Mr. B to lie by pretending that the injury happened at home so that the employer would be protected. The employer then terminated Mr. B and offered him \$600 if he would sign a document stating that he would not claim any additional benefits. Luckily, Mr. B declined and contacted our Workers' Comp clinic for advice.

The students faced many challenges, but eventually, just before the case was set to go to trial, managed to reach a settlement. Mr. B. directly received \$6,504.00 in compensation for his lost wages and permanent restrictions. His outstanding medical expenses of \$2,610 were also covered. Mr. B was very happy with the results.



Kristin Herman

Immigration Law — Congratulations to Kristin Herman, second-year student, who successfully represented her client, a young man from Côte d'Ivoire (Ivory Coast), before the Bureau of Citizenship and Immigration Services.

On April 22, 2003, Kristin's client, Mr. S, was granted political asylum in the United States. Mr. S arrived in the United States to visit friends, but was later warned not to go back to his country. He was told by family and friends that the Ivory Coast government was looking for him for his involvement in the youth wing of the opposing party. People similarly involved in the opposition party, and of the same ethnic group as Mr. S, are tortured and killed by his country's government. Thanks in great part to Kristin's work, Mr. S is now free to pursue his life in safety in the United States.

In addition, the Law Center, through its multilingual interpreter, was able to provide complete translation and interpretation services to Mr. S, a French-speaking client.

Undergrads Play a Key Role at the ESJCLC

Much of the success of the ESJCLC is due to the symbiotic relationship that it has with the Law School and undergraduate students. For law students, the Law Center is a training ground in which they apply their theoretical knowledge of the law to real-life cases. For the undergraduates, the Center represents a resource where they can learn and hone valuable skills in a community-based environment. While the law students enjoy a more structured learning environment imposed by their class work, the undergraduates have a less formal but equally important participation in the Center's day-to-day operations. Undergraduates act as interpreters, as assistants to the attorneys and paralegals, and as administrative assistants.

Some students, like senior Maria Arons, obtain class credit for their work at the Law Center through the Pedro Arrupe Center for Community-Based Learning (formerly known as the East Side Project). The Arrupe Center places SCU students with community organizations in a mutually beneficial arrangement. Students participate in their placements weekly throughout each quarter, or through a variety of projects especially adapted to course requirements. For instance, Maria receives credit for her Spanish 147 class (Cinema and the Novel in Contemporary Latin America) in exchange for her work at the Law Center. Assistant Professor Juan Velasco, Maria's teacher, maintains that their experience at the ESJCLC "gives the students a real familiarity and understanding of the legal problems faced by Latinos in this country. Students realize that what we study in our novels and movies is more than a theory. Students may eventually forget the theory, but their personal experience stays with them." Professor Velasco emphasizes that "above all, I make it very clear that their participation at the Law Center is not an act of charity. They go there to learn about their community, to grow and to help others grow." Dianne Blakely, an Administrative Director at the ESJCLC's, praises the Arrupe students. "I am very satisfied with the assistance that

they provide, and in fact I wish that we could get more students involved each quarter," says Ms. Blakely.

Other students, like senior Yessica Islas, satisfy their interests in a particular area while obtaining general credit towards their degree. Yessica, an Anthropology major, came to the Center with an interest in Immigration Law. At the end of two quarters (one of which was completed as an internship), she decided that a law degree looms large in her future. Now she knows that she wants to become a public interest attorney. "It's not about money; it's about helping people," says Yessica with a humble smile. When asked if there was a particular experience that influenced her decision, her thoughtful frown reveals her resolution as she describes a client who had been a victim of domestic violence (DV). "I was interpreting [for the law student]," she says, "when she [the client] suddenly showed us the shot wound made by her husband. I was in shock, but I had to continue interpreting." After an emotional pause, Yessica admits, "I had never spoken to a victim of DV. I was very sad but also very happy because I knew that I had somehow helped this woman."



"It's not about money; it's about helping people."

Senior Yessica Islas

Junior Cindy Morales, who is pursuing a Political Science degree at SCU, was also unsure about law school. A resident of Watsonville, Cindy was contemplating becoming a kindergarten teacher before she ran into the ESJCLC. "I love kids," she says, "and thanks to my experience at the Center, now I want to become a Family Law attorney. Children



"Thanks to my experience at the Law Center, now I want to become a Family Law Attorney."

Junior Cindy Morales

are not always able to defend themselves, so I want to help them." As a Center for Multicultural Learning Scholar placed by the Arrupe Center at the ESJCLC for a year-long internship, Cindy exemplifies the inter-departmental and innovative ways in which Santa Clara University incorporates community-based learning into its undergraduate curriculum. According to Shirley Okumura, the placement coordinator at the Arrupe Center, her center has about 40 community partners which, depending on the students' course-work requirements, can become ideal places of learning. The East San José Community Law Center is certainly lucky to be one of them.

Whether they are volunteers or work-for-credit students, one thing is certain: undergraduate students will continue to play a key role at the ESJCLC, one that is greatly appreciated.

Written by Sergio Lopez
ESJCLC Staff

The Law Center Attracts Attention Down Under

The East San José Community Law Center had the honor of another international visit recently. Christopher Kendall, Dean of the Murdoch University School of Law in Perth, Western Australia, visited several law schools during his trip to the United States. Santa Clara University was among them. Specifically, Dean Kendall was interested in learning more about certain operational aspects of the Law Center.

Murdoch has its own off-campus clinical center, called SCALES – Southeast Communities Advocacy and Legal Education Services. Cynthia Mertens, the Law Center's Director, and Immigration Attorney Lynette Parker had the pleasure of exchanging views with Dean Kendall, as both law centers strive to provide legal services to the underrepresented.

This visit highlights the Law Center's increasing visibility internationally. Last year, the president of Sao Paulo Lawyers' Bar Association and four students from Universidade Paulista's Law School, in Brazil, traveled to San Jose to compare notes with the ESJCLC on the benefits of community-based legal education.

SCCTLA Raises Funds for the Law Center

The ESJCLC was the beneficiary of a fundraising golf tournament held last June at the San Jose Country Club by the Santa Clara County Trial Lawyers Association. The event raised about \$8,000, according to president-elect Lawrence Ramirez '84. Ramirez said the group plans to have an annual golf tournament to benefit the ESJCLC.

**Santa Clara University
East San José Community Law Center
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San José, California 95126**