

**Fall 2006 Social Justice Visiting Practitioner José Padilla**  
**“Surviving 40 years of Poverty Law Practice: Salvaging Justice - Promises made to**  
**the Rural and Farm Worker Poor”**  
**by Jennifer Alesio, '08**

The Center for Social Justice and Public Interest at Santa Clara University Law School hosted a lecture by Visiting Practitioner José Padilla of the California Rural Legal Assistance, Inc. (CRLA) on October 16, 2006. With 28 years of experience working on behalf of a largely Latino, farm worker population in California's central valley, Mr. Padilla offered students and professors a big picture look at the trends and challenges of government sponsored legal aid services. From the outset, he asserted that the government of “this country promised social justice for poor people but has reneged on that promise.” Highlighting the major theme of his talk however, he went on to discuss the myriad ways that CRLA is persevering in this noble goal despite a seemingly endless series of road blocks thrown up by the federal government.

Mr. Padilla's central point was that poverty cannot be disconnected from wider social conditions and therefore legal aid is obliged to not only provide services to individual clients but to try and address the wider social conditions that continually create poverty. Here, Mr. Padilla spoke extensively about the “ethnicization of poverty.” He argued that the federal government has sought to sever the linkages between the ethnicity and poverty despite studies showing that Latinos constitute the largest poverty community in the United States and are medically uninsured some 78%. In light of this trend, Mr. Padilla noted that the focus of legal aid has now shifted from primarily seeking public benefits (welfare etc.) to employment and housing concerns as CRLA is now largely serving a *working* poor population.

With specific regard to the difficult conditions of the farm workers he served, Mr. Padilla cited statistics showing that the average life expectancy of a migrant farm worker is only 49 years, and that rural farm workers are second only to coalmining in terms of annual fatalities and to construction in number of injuries suffered. From these facts he concluded that the social conditions under which this segment of the rural poor live are a great deal more than mere abstract discussions about economic impact. In short, they require legal remedies which are often politically charged.

It would seem apparent that this sector of the population would benefit from having access to lawyers and the judicial oversight of the industry to insure that labor and housing conditions are maintained at levels that do not violate the human rights of rural farm workers. However, Mr. Padilla noted that the federal government has sought to discourage this type of work in a variety of ways. Mechanisms ranging from cutting funding to declaring certain areas of law or types of suits off-limits are common. Specifically, CRLA is no longer able to bring class action suits and political redistricting. From its inception, certain hot-button political issues were off limits; school desegregation, abortion rights, and anti-war actions, but Mr. Padilla argued that when combined with the modern restrictions, the thrust is that the federal government is seeking to regulate race issues and ethnic discrimination out of legal aid work all together.

Fortunately, CRLA has been able to continue their work despite the difficulties encountered from the very institutions that are their alleged support. Mr. Padilla noted that despite the failure of the government, “the poor communities demand their advocacy, they demand their justice workers” and CRLA has responded. In the last decade CRLA

successfully recovered 1.8 million dollars on behalf of migrant women who were victims of sexual harassment in the work place. Over the past two years, CRLA has recovered over 2 million dollars in back pay for workers from the Dairy Industry as well as successfully recovering over 29 million dollars for the education of migrant children which had been redirected to other programming. Mr. Padilla attributed these victories to CRLA's attitude of pursuing rural advocacy "not as a job, but as a cause" and to CRLA's continuing dedication to impact litigation even as the Federal Government seeks to deprive legal aid organizations of this vital tool.

Mr. Padilla ended on a powerful note, "I hope I am blessed with another 20 years to do this work" and reminded all present by his passion, dedication and inspiration that "there is always dignity in this justice work."