



CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

ANNUAL REPORT 2009



FIGHTING
FOR
JUSTICE



CHANGING
LIVES



SINCE
1966



CRLA provides a wide array of legal services that directly touch thousands of low-income Californians and indirectly impact the lives of many more community members.

Through improvements in workplace protections, reductions in public benefit denials, enhanced county planning for affordable housing, and decreased exposure to harmful pesticides, CRLA is changing the social landscape and bringing dignity to the struggles of low-income people.

Every year our team of lawyers, community workers and support staff reach 39,000 individuals. That reach is multiplied by the many households and communities connected to those individuals.

Make our impact even greater, make a donation online
www.crla.org

2009 IMPACT AT A GLANCE

CRLA PRIORITY AREAS	<p>Civil Rights Language access, working toward equal governmental services in unincorporated areas, challenging discrimination towards minority populations, improving protections for lesbian/gay/bisexual/transgender populations.</p>	 312 New Cases
	<p>Community Development Advocacy to ensure poor communities have adequate infrastructure and basic services, such as safe drinking water; transactional legal services to help low-income clients achieve long-term financial success, including legal advice and support to clients to attend college, buy a home, or start a small business.</p>	 Awarded nine multi-year grants
	<p>Education Securing students' rights; special education placement problems; suspensions and expulsions, guaranteeing access to a free and appropriate public education, monitoring migrant education programs.</p>	 151 New Cases
	<p>Health and Human Well-Being Public benefits, sexual assault and intimate partner violence, health coverage, Disability and SSI coverage, water access and affordability, pesticide poisoning.</p>	 3,557 New Cases
	<p>Housing Enforce federal and state fair housing laws, monitor low-income community redevelopment, code enforcement, tenant evictions, foreclosure counseling, homeownership, predatory lending and insurance.</p>	 4,678 New Cases
	<p>Labor Collect unpaid wages, enforce minimum wage and overtime laws, uphold workplace health and safety protections, enforce workers' rights to rest and meal periods, collect unemployment insurance benefits, fight sexual harassment and sex discrimination in the workplace.</p>	 2,233 New Cases
	<p>Leadership Development CRLA has established Community Committees in 15 regions, and provides training to the membership of these Committees to promote leadership and civic engagement, to help low-income communities engage in effective self-advocacy.</p>	

INTERVIEW

with CRLA's José Padilla and
Adrian Andrade



José R. Padilla, Executive Director



Adrian Andrade, CRLA Board Chairman

Q: *Given the budget crisis, what is CRLA's "public value" to Californians?*

José: The rural communities we serve are far from the headlines, especially those who are isolated due to language, poverty, and fear. Their safety nets are the first to be cut, and they're too busy surviving to go to city hall and complain. These folks are invisible to most, so our value lies in being their staunch defenders.

In the process, they learn how to speak up for themselves. CRLA's Community Action Teams are a prime example. Originally designed to advise CRLA offices, they've become incubators for grassroots leadership—the voices of the community who push for change. It's a much stronger position to work from, and there's real value in empowering communities.

Adrian: CRLA should be valued even more in these tough times, because we serve those who bear the brunt of the economic recession in small towns where unemployment runs double that of urban areas. Standing between our clients and hunger or homelessness brought on by discrimination, foreclosures, evictions, or unpaid wages—CRLA softens these tough economic blows on the folks who are already struggling.

Q: *How do you measure the value of CRLA staff?*

José: You can't judge the value of commitment. CRLA's advocates are not nine to five people. They do whatever it takes because they believe in what they do. That type of commitment—it's palpable—runs throughout CRLA. We will not tell someone who is down and out or at the end of their rope 'no, we can't help you' and leave them to their own devices. If we must say 'no,' we add, 'but I can make a call for you, or here are two or three other places you can go for help.' There are ways to say 'no' and still be helpful. That level of service is invaluable.

Adrian: CRLA staff are the ground forces, the ones who understand the problems that exist and who share information among offices. They identify and crystallize the broad-based issues that affect our clients statewide, and work to create positive local and systemic change, something of true and lasting value. Without their commitment, CRLA would not exist.

Q: *How does CRLA measure the value of donors?*

José: Donors understand that we serve the most marginalized, and the stories in the following pages reflect that effort. Without donor support, we would have no stories to tell.

But there is so much more to do. A recent report by the California Commission on Access to Justice shows that rural Californians are more likely to be living in poverty, elderly, disabled, and less educated than their urban counterparts. And

it highlights the severe lack of legal aid resources in rural areas. We know firsthand about this need and that our own lack of resources stems from the gap between what the federal government has charged us with doing—serving the rural poor—and the funding we actually receive. Today, we're trying to serve twice as many poor people with 80 percent of the legal capacity we had thirty years ago. So we desperately need donors who believe in our work and who want to help us close this funding gap.

Adrian: We truly value how our donors help us to overcome some of the intractable problems we have with our federally-restricted funding. In addition to the day-to-day legal work, it takes a great deal of resources to fund special initiatives and to deal with cutting edge issues that send our litigators to the California Supreme Court. We take these impact cases—multi-year efforts—when no one else will or can, and they often have huge repercussions in California and nationally. Without our donors, we would no longer have this type of national impact.

Q: *How do you measure CRLA's value in terms of human lives?*

Adrian: When a child of a farmworker comes up to you and says 'thank you for helping my family,' or a farmworker says 'thank you for giving us hope,' or when kids stay in school because we've helped them deal with disability or family issues like domestic violence or homelessness, and they end up graduating with honors—you know you're saving lives. Children of people we helped 20 years ago are coming back to work for CRLA at all staff levels. CRLA as a family is really a metaphor that works. This sense of unity when we're pursuing the rule of law on behalf of those who believe they have no rights, this cohesiveness keeps us moving forward, saving lives, ensuring that justice prevails—even if it takes years.

José: You often never really know how profoundly you've changed someone's life, but every once in awhile you get a glimpse. We helped a worker who'd been fired from a landscaping job recover unpaid wages, what he thought was going to be about \$800. At settlement, the worker ended up getting \$5,000 because he hadn't been paid correctly for five months. Then he came in and gave CRLA a money order for \$1,000 and told us to use it to help other people like him. Imagine giving an entire month's pay! He'd been going hungry before the settlement, but the first thing he wanted to do afterward was to help others.

When our clients win domestic violence cases or sexual harassment, discrimination, or wage cases against powerful employers, and they say "thank you for giving me back my dignity, my self-respect," that's the glimpse we see. In the end, that's the value that CRLA provides, bringing a voice and hope to those who've lost it somewhere along the way. Priceless. ■



A Second Chance: Plucked From the School to Prison Pipeline

“Kids make bad choices, but we need to acknowledge that they’re children,” says Jeannie Barrett, Directing Attorney in CRLA’s Santa Maria office. “We need to do what we can to rescue them, give them time to learn and not lose their enormous potential.”

When you’re 12 or 13 years old, your heart can ache for something so badly that you justify breaking the law.

Ernesto¹ was nice kid, quiet and a good student, sensitive to the fact that his parents, both farm workers, were stretched to cover rent and feed three children. But he desperately wanted clothes that weren’t hand-me downs, clothes that fit, clothes that wouldn’t draw teasing from his classmates. And he was too young to get a job. So he was particularly vulnerable when approached by older, more sophisticated kids, kids who convinced him that selling drugs was a good way to make some cash. He could buy clothes and have money left over to help out his family. Such is the logic of youth.

The Santa Maria police department, school board, and his school principal disagreed with this logic and summarily expelled him.

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“Ernesto and his parents came to me with his binder of school accomplishments in hand, and I immediately saw that he was a good student who had always done well in school, except for this one mistake. Essentially, the district wanted to expel Ernesto and send him to a probation/continuation school known for its gang activity, where he’d be the youngest kid in a group of tougher kids.

“If they had sent him there, it would not have improved his chances of staying out of trouble and it would have totally derailed his education. A school designed just to keep kids off the street does not provide access to college prep courses. It was clearly a case of the school to prison pipeline, where kids get pushed out of the track to an educated and productive life. They get discouraged and end up in jail.”

His parents, both Spanish-speaking farm workers, are immensely proud of his school accomplishments. They were devastated. And when they tried to attend the school board meeting that determined Ernesto’s fate, they arrived as the board and other attendees were filing out.

“They told us that we must not care about our son since we didn’t attend the meeting,” says Ernesto’s father. “But that was not the case. We showed them the paper that had the wrong time for the meeting listed on it.”

“And then we were told that it didn’t matter,” says Ernesto’s mother. “He would have been expelled anyway. So we came to CRLA to find some help for our son.”

“Although there truly are no ‘zero tolerance’ violations in the education code—each case is supposed to be decided on its own merits—most often the thinking is more limited,” says Jeannie. “Usually expulsions are cut and dried cases, but here I found some wiggle room in the school code, where a student can be allowed to return to school under a behavior contract. This was something that the board hadn’t considered before. Usually what happens is they expel students and then let them back in after a year or two.”

¹ pseudonym



Image by iStock.com

Sylvia Torres

Officer Al Torres of the Santa Maria DARE program

Having a DARE² officer agree to mentor Ernesto and supervise his contract was instrumental in getting the board to suspend the expulsion. Al Torres, the local DARE officer (and husband of Sylvia Torres, CRLA's legal secretary in the Santa Maria office) teaches 14 DARE program classes a year to kids entering middle school in the Santa Maria School District and is well-known and respected by the school board. Teachers, family, and friends also spoke on his behalf.

But Ernesto's heartfelt remorse also played a significant role. He wrote an apology to his parents and his school and read it at a follow-up school board hearing. His principal, originally adamant that he not return to her school, melted as she listened to his words. She told the board that they could send Ernesto to a different school if they chose to, but she would now welcome him back. So Ernesto got a second chance.

"I sat down with Ernesto and his parents and went over the ground rules," says Al. "He knew that he couldn't mess up again."

He went to teen court and followed every remediation program available in the community and provided proof of completion to the school district. He threw himself back into his school work and now has a part-time job at a pizza restaurant.

Already a good student, Ernesto transformed himself from a follower to a leader. He graduated at the top of his junior high class and is currently number one in his Freshman class at Santa Maria high school. He also completed his behavior contract, and the school expunged his error from school records.

Like ripples from a stone tossed into a pond, Ernesto's circle of influence is growing. Always eager to be up front about his mistake, he tells his classmates about the really stupid thing he once did, that he was lucky it didn't wreck his life, so they shouldn't make the same mistake. School administrators couldn't be more pleased.

The ripple has also reached Ernesto's older brother, Mateo, who works at a vegetable packing freezer with their mother. Mateo is seeing how a good education is opening up opportunities for Ernesto and has been inspired to enroll at Hancock College in Santa Maria.

"Ernesto sees us working in the fields, and he says that he's going to focus on school so he can help us and not work in the fields," says his father.

"I'm very happy that I was given a second chance," says Ernesto. "I really hurt my parents, and I never want to disappoint them again. And I'm so excited and proud to be on the honor roll."

"Ernesto knows what could have happened," says Jeannie. "Now he sees himself as the one who will help lift his family out of poverty. And he's going to make it!"

There will be no record in a file to haunt Ernesto, just his and his family's memories of how close he came to losing his future. In California, where minority students have about a fifty-fifty chance of graduating from high school³, so many others never get a second chance. ■

2 The DARE (Drug Abuse Resistance) Program gives kids the skills they need to avoid becoming involved with drugs, gangs, and violence.

3 California's Graduation Rate: The Hidden Crisis, WestEd, http://www.wested.org/online_pubs/cde.gradratell.pdf, May 2004.



From Fear to Freedom: Immigrant Women Escape Domestic Violence

“I was so afraid before,” says Felicita. “I didn’t trust anyone. I couldn’t go to the police or get help at the hospital. I didn’t even know how I would pay the bill. I don’t speak Spanish or English, and I was so afraid I’d be deported if I told anyone about the abuse. And I was afraid that my husband would come after me again.”

“When I saw Felicita’s¹ face, when she cried,” says Mariano Alvarez, a Community Worker for CRLA’s Indigenous Fieldworker Project (IFP), “I nearly cried, too.”

Felicita’s U Visa² hadn’t come through yet; Mariano was just presenting her and her two older children with work authorizations, one of the milestones along the year and a half route of paperwork and waiting that it takes to be granted the special visa for victims of domestic violence. In Felicita’s case, she had suffered years of abuse at the hands of her husband, and she finally had the courage to come forward and ask for help.

It is unusual for any woman from an indigenous community who is a victim of domestic violence to ask for help. Culturally, women are at the bottom of the pecking order. In addition to working in the fields alongside men, they’re first to rise in the morning [before 4am] attending to cooking and children. After a full day’s work, they cook again, clean, do laundry, and take care of their kids—while their husbands rest or socialize. Most often, they’re the last to fall into bed, usually around 10pm.

When a woman is beaten by her husband, she must keep her suffering quiet and within the family. In a culture where domestic violence is common, where asking for help from a stranger is taboo, other people—including women—in the community may accuse you of not liking your husband or being in love with another man if you want a separation or divorce.

So Felicita’s decision to come forward and ask for help is a true measure of the depth of her desperation and her tremendous courage. But more than that, when she needed to talk to someone in her own language, Triqui³, CRLA had a community worker who could listen and understand.

“I was so afraid before,” says Felicita. “I didn’t trust anyone. I couldn’t go to the police or get help at the hospital. I didn’t even know how I would pay the bill. I don’t speak Spanish or English, and I was so afraid I’d be deported if I told anyone about the abuse. And I was afraid that my husband would come after me again.”

“One of the most important aspects of CRLA’s advocacy on behalf of this group of trauma survivors,” says Lisel Holdenried, Migrant Staff Attorney in CRLA’s Salinas office, “is being able to give them some measure of security—both personal and financial, so that they can begin to heal from their experiences of trauma, access victim services, and get education for themselves and their children. It’s a holistic approach that stems from CRLA’s defense of fundamental human rights and dignity.”

“With a work authorization and U Visa, I can go to work,” says Felicita, the relief evident in her voice. “I can move around with my children. I don’t have to be afraid anymore.”

Since 1993, CRLA’s IFP has been focused on serving the most exploited, underserved, underpaid, and isolated groups in California, indigenous workers from Mexico. Most often neglected and exploited in their native country, these workers have had limited or restricted access to traditional forms of education. They are most often desperate for work and seek respite from ongoing persecution or conflict at home.

1 pseudonym

2 U Visas are given to victims of domestic violence or other qualifying crimes if they meet certain requirements. Work authorization cards are valid for up to 4 years, allowing for adjustment of status after 3 years.

3 The tonal Mixtecan language family contains three language groups: Mixteco, Triqui, and Cuicatec. Bajo and Alto are two of the many Mixteco dialects.



Mariano Alvarez



Farmworker woman photo courtesy of David Bacon



Image by iStock.com

Wanting to improve their lives and the lives of their families, they come to the United States as farm laborers—an estimated 20 percent⁴ of the million-plus farm worker population in California. But most have little knowledge of Spanish and end up in the most back-breaking jobs, working 12 to 18 hour days and being exploited or harassed by their employers who fire or deport them if they complain. They also face harassment from their co-workers who speak fluent Spanish.

In the face of the sheer magnitude of the need, Mariano and CRLA’s six other community workers with the IFP spend long hours forging connections within indigenous communities, inspecting work environments, and ultimately serving as educators and translators for these farm workers so their voices can be heard and justice served. No other nonprofit or state agency has CRLA’s cultural and linguistic capacity to serve this community—highlighting just how isolated these workers are.

“I had been a volunteer for other organizations in Santa Rosa,” says Mariano who speaks Spanish and English in addition to his native Triqui, “and I saw how indigenous people were being taken advantage of where they work and in the community. When I saw that CRLA was trying to help, I asked if I could be a volunteer. Alfredo Sanchez [Community Worker in CRLA’s Santa Rosa office] taught me how to do field monitoring, and when a Community Worker position opened up at CRLA in Delano, I applied and got the job.”

“This is my fourth year with CRLA,” says Mariano, “and it has taken time for us to build trust within the community. Trust is especially hard for the women, because there may be things that, at first, they are embarrassed to tell me, but if I

use their language, explain many times about confidentiality and how CRLA can help, then they start to believe me and tell me their story.

“Once a Mixteco woman told me that she only wanted to speak to another woman, and I offered to have a female community worker from Fresno come and talk to her. After I gave her that choice, she started to trust me, and decided that we didn’t need to do that, that she could tell me her story. It also helped that the attorney at CRLA was a woman, so she could feel like she was talking to a woman with me as her interpreter.

“Usually, during the first interview, I can tell that it’s a U Visa case,” says Mariano, “but it takes several interviews to get all the information we need. These women fear everyone, and even if they have a friend who speaks both their indigenous language and Spanish and can help them talk to the police, they’re still afraid to tell the police everything because they think they’ll be misunderstood. So we need to explain things several times, make them feel comfortable, and give them a chance to tell their story.”

Felicita had that chance.

“We can go anywhere now without being afraid to talk to anyone,” says Felicita. “My children can learn English and get a good education. CRLA gave us these opportunities, and we are so happy now.”

What would happen if CRLA wasn’t there to help them?

“They would have no choice but to stay with their husbands,” says Mariano. “No choice.” ■

⁴ Estimate derived by CRLA from anecdotal evidence.



COMMUNITY
DEVELOPMENT



LEADERSHIP
DEVELOPMENT

Community Leaders Taking Action

“People succeed not only with help from us, but from other support systems. This work all falls under CRLA’s priority areas in community leadership development and housing. We support other organizations’ efforts and they lead the way. Together, we work to improve the quality of life for area residents.”

“The whole thing comes back to CRLA’s

encouraging community members to work together on the issues we face,” says Michael Paine, a member of the Community Action Team (CAT) for CRLA’s Marysville office. “I worked for an airline for 30 years and decided to come back to my hometown to retire, and then a friend invited me to attend a CAT meeting. The next thing I knew, I was the president of a nonprofit called *Bridges to Housing*.”

Michael says this all very good-naturedly, and then explains the three-year process it took to go from initial idea to placing their first clients in affordable housing.

“During our CAT discussions on various community issues, we found that there was no central source of information about housing. There are many homeless people in this two-county area [Sutter-Yuba¹], so this was a problem we thought we could do something about. Then CRLA suggested we form a nonprofit to deal with the problem.”

“CRLA plays a different role, depending on the needs of an organization,” says Lee Pliscou, Director of Community Programs. “Here, we actually helped an organization take form—in other cases, we help organizations work together or find support. We’re doing this throughout the state. Fifteen CRLA offices have formal CATs, and some members of these groups sit on CRLA’s board and serve as liaisons to local offices. But the most important thing is that they’re actively working to improve their own communities.

“We know that resolving legal issues is rarely the only barrier that people living in poverty face in their lives,” adds Lee. “People succeed not only with help from us, but from other support systems. This work all falls under CRLA’s

priority areas in community leadership development and housing. We support other organizations’ efforts and they lead the way. Together, we work to improve the quality of life for area residents.”

Within the two-county area, homeless advocates estimate that at least 1,500 people, including families, are living in encampments with little shelter in places like the river bottoms—a significant number for an area that is home to about 100,000. But funding to address homelessness is usually channeled to larger cities, so nonprofits are working together to take up the slack.

Bridges to Housing found a home in Yuba City with an organization called Hands of Hope, where homeless people can shower and do laundry and their children can play.

“It was a good fit for us to set up in their space,” says Michael. “People coming to Hands of Hope for assistance can step across the hall to talk to us.”

And although they only officially opened their doors in February, 2010, Bridges to Housing now has about 25 clients. At least one or two people come in looking for housing information each of the three afternoons they’re open during the week.

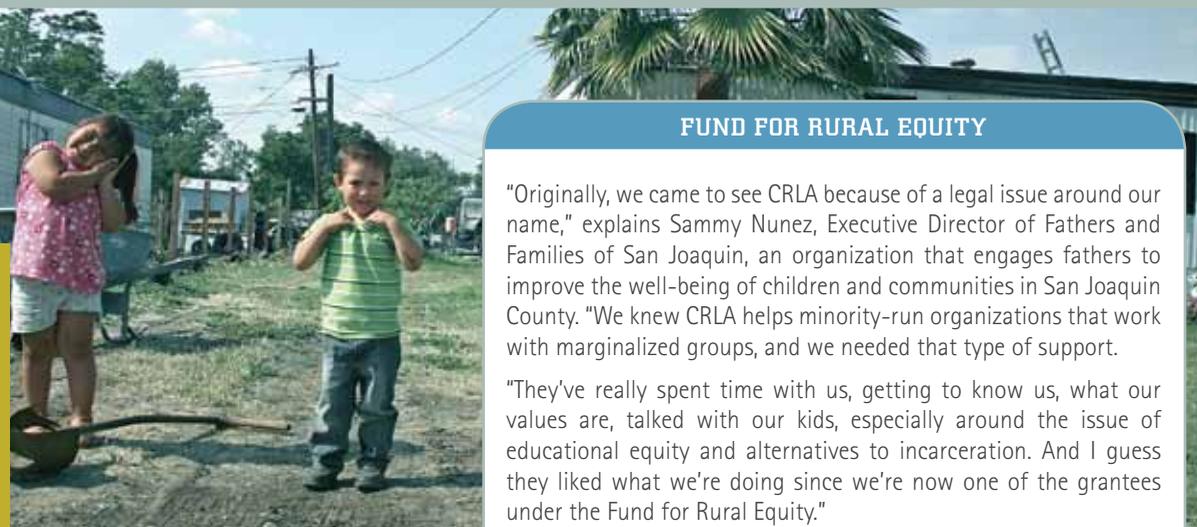
“In the last couple of months, we’ve put four people into housing,” says Michael. “It might not sound like much, but it’s really a big deal. Most of the homeless people here have jobs, but they just can’t afford the first and last month’s rent and cleaning fee for a deposit.

“The St. James of Jerusalem Episcopal Church in Yuba City has been a lifesaver. They stepped forward to pay

¹ CRLA’s Marysville office serves Sutter, Yuba, and Colusa counties.



Lee Pliscou



Background photo courtesy of David Bacon

FUND FOR RURAL EQUITY

"Originally, we came to see CRLA because of a legal issue around our name," explains Sammy Nunez, Executive Director of Fathers and Families of San Joaquin, an organization that engages fathers to improve the well-being of children and communities in San Joaquin County. "We knew CRLA helps minority-run organizations that work with marginalized groups, and we needed that type of support.

"They've really spent time with us, getting to know us, what our values are, talked with our kids, especially around the issue of educational equity and alternatives to incarceration. And I guess they liked what we're doing since we're now one of the grantees under the Fund for Rural Equity."

The re-granting program, administered by CRLA through the Fund for Rural Equity, is supported by a grant from The Community Leadership Project, a joint effort funded by The David and Lucile Packard, James Irvine, and William and Flora Hewlett foundations. The foundations asked CRLA to identify nine organizations whose missions are to serve low income and communities of color in the San Joaquin Valley and the Central Coast counties of San Benito and Santa Cruz. Each of the nine organizations selected received multi-year grants plus access to management, planning, and legal training services normally accessible only to much larger nonprofits.

"It's part of a capacity building effort to help our communities address their issues from within," says Joana Horning, Directing Attorney in CRLA's Stockton office. "Fathers and Families is highly respected in Stockton, targeting their services to previously isolated members of our community and providing positive alternatives to what's available on the street. We recognize that they can serve their constituents better than any 'outsiders' ever could."

"We're starting to find our own power," says Sammy. "We have people and soul power, but we don't have the resources, so having a relationship with CRLA is important!"

"We want to continue to grow our theory of change, our vision for our community. We're getting our 'Healing the Hood' campaign underway. It's aimed at making systemic change to remove barriers for people of color, mobilize the community, heal oppressed communities, and empower people of color through advocacy training.

"So often we call young people 'at risk,' but they're really living in 'at risk' communities. The social indicators of disparity such as poverty, broken homes, fragile families, unresolved issues with fathers because they were incarcerated or just out of the picture. When kids come with that kind of baggage, we need to address the root causes," insists Sammy, with the emphasis place on "we."

the deposit for the first two couples we've placed, with the agreement that the renters would pay them back quickly—and they have. Without that money, *Bridges to Housing* wouldn't have been able to help those families.

"In another instance, we found a trailer home in Sacramento that was offered to us for free if we hauled it away. So we put a person in a trailer park with that trailer. We've got another trailer coming and will do the same thing with it. So we're really pleased that in the last six months we're finally accomplishing what we initially set out to do!"

Arlene Hite, originally a fundraiser for Hands of Hope, is now the president of *Bridges to Housing* with Michael serving as vice-president.

"I had to step back a little since I'm doing so much other volunteer work. We've got a lot to do," says Michael, reeling off a mental checklist. "We've got to set up a database, contact rental places in both cities, get a rough idea about what rental costs are in these places, give people housing lists. We've only got six volunteers, so we need more volunteers to do outreach to clients and landlords, help overcome some landlords' concerns about taking in homeless people, and get more funders to help with deposit money so we can put more people into rentals.

"We've gotten one bite, so now we can say to others, 'The Episcopal church is helping us, wouldn't you like to be a part of this, too?' Maybe we can apply for block grants, extend our hours. CRLA can give our clients training in areas like money management."

"Michael is a man of action," says Lee. "Letting folks know how important it is to meet the needs of low income

communities, speaking at meetings, writing letters to newspapers, and a whole range of other civic engagement activities. People rally around him for the leadership he demonstrates on a day-to-day basis."

"But without CRLA, this never would have happened," says Michael. "They've been with us every step of the way." ■



Courageous Stand Against a Powerful Grower

“Indigenous immigrants have little to take for granted. Marita’s family lives in Duroville, an unincorporated community known for its 50-year-old patched up trailer homes; open sewage ponds and broken sewage pipes; nonexistent sidewalks, streetlights, or garbage pick-up; and unreliable electrical power.”

Marita¹ was 17, a summer farm worker pruning vines for one of the biggest table grape producers in the United States. Within days of her employment, she was being sexually harassed by a much older male co-worker, the godson of the supervisor. He touched her, made sexual comments, and even threatened to kidnap her. She cried every day at work, but the man wouldn’t stop. Her mother, father, brother, and another co-worker knew it was happening, but they were powerless to stop him. What Marita endured during the day haunted the family at night as she cried again in the close quarters of their worker housing.

But the abuse wasn’t solely focused on Marita. At the beginning of each day, when all the workers received their instructions, the foreman would single out her parents and other indigenous workers, calling them stupid, or derogatory names, because they understood only a little Spanish.

Marita’s family is Purépecha, an indigenous group from the southwestern state of Mexico called Michoacán. Historically known for their exceptional copper metal work, the Purépecha were never conquered by the Aztec Empire, but Spanish colonization nearly decimated the entire population. Since then, the Purépecha have been deprived of education and opportunities in their homeland and have come to expect less than

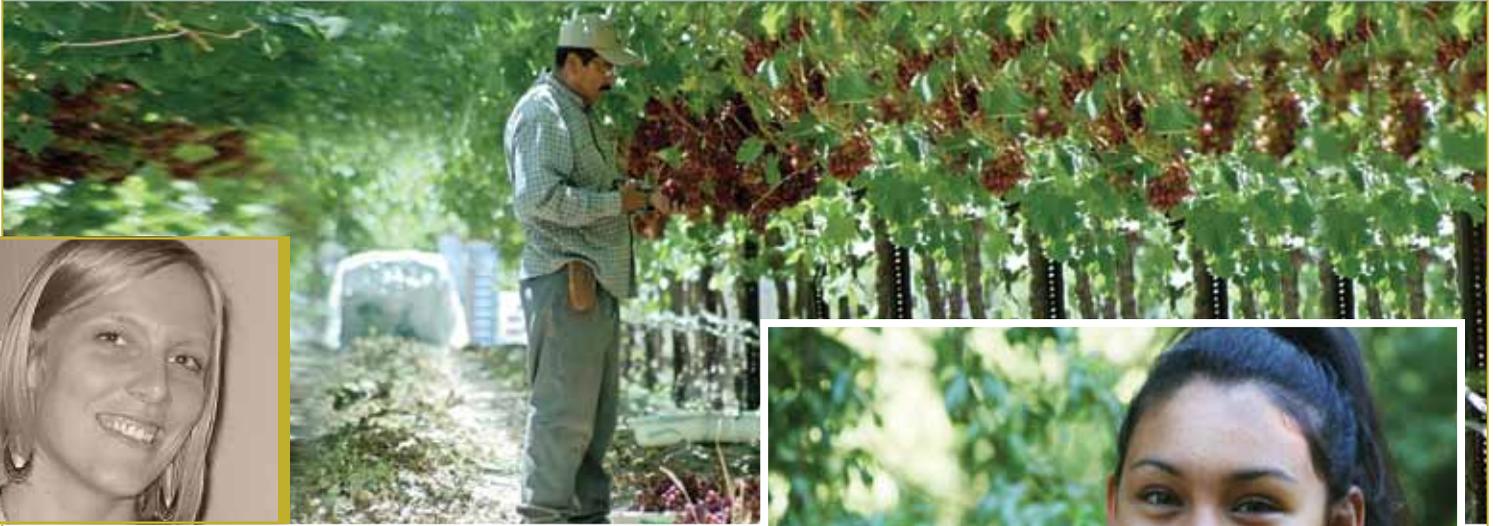
justice for their people. With severely limited resources and virtually no upward economic mobility, there is little hope for improving their lives in Mexico. So it is in desperation that they come to the United States, seeking better lives for their children.

Once in the states, indigenous workers usually don’t know that they have any right to complain—until CRLA community workers who speak their language let them know otherwise. For example, they have the right to be paid fairly for a day’s work that often includes overtime, to take breaks, eat lunch, use a clean bathroom instead of a ditch, and have access to fresh drinking water. They also have the right not to be abused or harassed in the workplace. Things many workers take for granted.

Indigenous immigrants have little to take for granted. Marita’s family lives in Duroville, an unincorporated community known for its 50-year-old patched up trailer homes; open sewage ponds and broken sewage pipes; nonexistent sidewalks, streetlights, or garbage pick-up; and unreliable electrical power. Able to communicate very little in Spanish or English, indigenous farm workers tend to stick together, forming tightly knit enclaves in communities such as Duroville that are mostly inhabited by farm workers. They usually get jobs with the help of a spokesman who knows enough Spanish to talk with employers. But once they’re on the job, they’re often subject to the type of harassment and discrimination they’ve come to expect in Mexico. And culturally sensitive issues like sexual harassment are usually very difficult to discuss even within their own community.

1 Pseudonym. Due to pending litigation, details have been generalized or excluded so as not to jeopardize the outcome of this case.





Megan Beaman Carlson

Farmworker photos courtesy of David Bacon



So it was a testament to the severity of the harassment and the bravery of the family despite fears of retaliation when they and a family friend (co-worker) complained to the supervisor in the presence of the harasser. The result? The supervisor dismissed their complaint and laughed as the harasser threatened to beat up the young woman's brother and their friend. And when they reported for work the next day, the supervisor confiscated their pruning tools and keys to worker housing and then fired the entire family and their friend who had supported their complaint.

In one respect, these workers were lucky—they knew about CRLA and took their complaint to CRLA's Coachella office.

"So often, indigenous workers will come to us to explain their problem," says Fausto Sanchez, a Community Worker in CRLA's Lamont office who is indigenous Mixteco. "But they don't want to do anything because they fear retaliation. So they may say 'if you have the opportunity could you do a field inspection, because when you show up at our workplace, the foreman will treat us better."

"It is significant when they do want to file a claim," Fausto adds. "They feel they have no other choice because their case is extreme, and they feel their life is in danger or that something bad is going to happen to them."

"This case is also significant," says Megan Beaman Carlson, a staff attorney in CRLA's Coachella office, "because it's the first time we've seen the Equal Opportunity Employment Commission (EEOC)—an organization that's supposed to understand the distinctions between groups of people—recognize the difference between indigenous and non-indigenous immigrants, and investigate the claim.

"In general, people look at immigrants as a cohesive population of people—in this case, they're all from Mexico. So we had to explain how indigenous Mexicans emigrate to the U.S. without losing their indigenous status, and how they still suffer in the same context. It was a challenge to describe what that relationship is like and what we need to do to protect indigenous workers.

"It's taken two years to get approval from the EEOC to move forward, and they actually decided that there was such a strong case for the sexual harassment and retaliation charges that they wanted to prosecute it themselves. Now we're adding additional claims based on discrimination due to immigration status, the eviction from worker housing, hostile work environment, and other state law violations.

"What's really exciting is making the voices of especially vulnerable groups of workers heard against those of powerful companies," says Megan. "It gives me goose bumps when my clients finally have their chance to testify. There is a justice system in place. It may be slow, and it may be imperfect, but often with the right context and support, the workers' voices end up winning out. That's when I know I'm doing the right thing."

Should CRLA's argument prevail, Marita and her family will receive compensation for lost wages and the pain and suffering endured during their time at the vineyard. As for Marita, she's on her way to fulfilling her parents' dream for a better life: she's in college now. ■



A Decade-Long Path to Justice

“We wanted the judges to see that we are hard-working people,” says Antonio Perez Cortes, one of the Mixteco field workers who were never paid at the end of the strawberry picking season ten years ago. “We wanted the judges to understand our needs, to see how necessary it is for us to be paid for our work.”

Ten years after filing their original claim

for unpaid wages and having it thrown out on summary judgment, 180 indigenous farm workers boarded a bus at 4am in Santa Maria in the Central Valley and drove to San Francisco to have their history-making day at the Supreme Court. Never before had farm workers sat before this prestigious bench of judges. The court had offered to provide a special auditorium next to the main courtroom with an interpreter and close circuit TV to watch the proceedings, but the workers chose to sit before the judges even if they couldn’t understand what was being said.

“We wanted the judges to see that we are hard-working people,” says Antonio Perez Cortes, one of the Mixteco¹ field workers who were never paid at the end of the strawberry picking season ten years ago. “We wanted the judges to understand our needs, to see how necessary it is for us to be paid for our work.”

“We went in the humble clothes we have because we’re the ones who work in the fields,” adds Jesus Mendosa, another spokesperson for the group. “It was important for us to be present in front of the judges so they could remember us, the workers who weren’t paid. We were so very proud to be there.”

“I’ll never forget one of our clients saying, ‘We want the judges to see that we do not wear ties,’” says Mike Blank, Directing Attorney for CRLA’s San Luis Obispo office, who assisted with the case. “It was incredibly powerful to have this group of Mixteco people sitting in the main chambers, directly in front of the judges in a space that is normally filled with lawyers. It is something I will never forget.”

The details of the case are a bit convoluted. In 2000, toward the end of strawberry season, the workers who had been hired by an independent contractor to pick strawberries were not paid for their labor—to the tune of about \$4,000 per worker. The reason? The intermediary contractor lost money on a gamble that the price of strawberries would remain high enough to cover the brokers’ costs before he got his share. The price dropped; the brokers took their share to cover costs; the contractor filed for bankruptcy; and the workers were left penniless.

“This type of intermediary contracting happens quite often in agriculture and in other industries that employ large numbers of low wage workers,” says Bill Hoerger, Director of Litigation, Advocacy, and Training for CRLA and the lead attorney who argued the case before the court.² “The companies who would normally be considered the employer use these intermediaries to insulate themselves from their legal obligations to the workers. The contractors are usually undercapitalized, and they aggressively underbid contracts at rate that won’t allow them to pay workers minimum wage or overtime, payroll benefits, or in this case—to pay the workers at all. And if we try to get the money from the intermediary, they either file for bankruptcy or skip town.”

When this large group of workers asked for help, CRLA staff embarked on an unprecedented research effort. In the process, they dug through original materials from various libraries, including the California State Archives. Some of

¹ The Mixteco are indigenous people from central Mexico who speak a number of Mixteco dialects as their native language. When this case began ten years ago, very few spoke Spanish.

² The team of lawyers and interns involved in this 10-year effort includes:



Bill Hoerger

Farmworker photo courtesy of David Bacon

the materials were even found in boxes in the basement of the archives. But one of the key documents they tracked down was a Masters thesis from Kansas State University that provided detailed information about California’s Industrial Welfare Commission (IWC) and its chair, Katherine Philips Edson.³ Using that document and the original minutes of the meetings of the commission, CRLA attorneys presented what they believe to be the original intent of the IWC.

CRLA argued that the workers should have been paid by the brokers under “suffer or permit,” the model law adopted in 1916 by the IWC. At the turn of the century, large numbers of immigrants were being exploited in a very similar fashion, with employers using intermediaries to say that the person doing the work wasn’t their employee. A number of national advocates, including the National Child Labor Association in New York and National Commissioners for Uniform State Laws, were promoting “suffer or permit” to define the employer-employee relationship in a way that would avoid this very situation.

The law asserts that any business that receives the benefits of labor, that either knew or reasonably ought to know that there was an illegal condition occurring—in terms of wages—is liable for the wages of the workers. The law is on the books in California; case closed.

The only problem? There were no existing decisions in California that interpreted or applied “Suffer or Permit.” There were appellate decisions in other states where “suffer or permit” had been applied very broadly. But in California, CRLA was entering uncharted territory.

“It is viewed as an incredibly uphill battle,” emphasizes Bill, “considering we’re arguing a case for a fundamental change



CRLA clients, staff and co-counsel at the CA Supreme Court

in worker’s rights--which is tremendously exciting. And the court is considering the arguments carefully. They asked a lot of question of both sides.

“If we prevail, it means that the real people who are running the business won’t be able to contract away their liability. And it means that these workers, 10 years after all this began, will finally have the right to take their case to court.”

Would the workers go through this again, knowing what they know now?

“Yes! Absolutely,” says Antonio, without hesitation.

“I feel we were heard in the courtroom--and that’s important!” says Josephina, Antonio’s wife and co-worker. “We want to find justice!”

“However many times, however long,” adds Jesus. “We’d do it again. You have to move forward to win. All workers should know that we and CRLA make a powerful force. But more than anything, I want to thank CRLA for making us feel important.”

No matter the result, the true importance of these 180 farm workers who continue to toil long days in the fields under a blistering sun will be forever undisputed. ■

3 Susan Diane Casement, Katherine Philips Edson and California’s Industrial Welfare Commission, 1913-1931, thesis, (1987), Kansas State University. Used to demonstrate the goals or intent of the woman who 1) drafted the bill that became California’s minimum-wage law and created the Industrial Welfare Commission and 2) led the Commission to adopt regulatory language for employer liability in 1916.



Fulfilling An Awesome Responsibility to Help Others

“Everyone has to make choices about the issues and organizations that they feel strongly about. There are lots of organizations that need support. But we all have to find our own personal connections. CRLA is one of the organizations that we feel a personal connection with.”

“My father has battled alcoholism and homelessness for a long time, and we’re often working on his behalf to help him through some sort of social service process, or trying to take care of his business issues when he can’t,” says Tom Saiz, Chief Financial Officer of Grossmont Healthcare District in Southern California and longtime CRLA supporter, along with his wife, Lorna.

“And in one of those instances, among his few possessions, I found a business card for the CRLA office in El Centro. Lorna and I were quite taken aback when we realized the significance of that card. Here’s an organization that we’d been supporting for years, and unbeknownst to us, my own father had made his way to one of their offices and received some assistance. It is something that neither one of us will ever forget.”

“Tom’s father had a nice life,” adds Lorna. “He’s an educated man, a vice-president of a bank who later in life became destitute. And CRLA was there, trying to help him. They’re there for people who need help.”

“It made both of us realize that CRLA makes an impact beyond the obvious,” says Tom. “I became a CRLA supporter in 1989 when they were a client of the auditing firm I worked for, but my initial inspiration for supporting CRLA came from my grandfather who was a migrant farm worker. The more I learned about CRLA and their work, the more I realized I wanted to support them.

“My grandfather and grandmother lived in a typical Spanish-settled enclave in Northeastern Arizona. He traveled the Southwest as a livestock worker from Arizona to Oceanside, California. My father and his siblings had opportunities because of their hard work. My Dad was



Tom and Lorna Saiz

the first in his family to go to college. My siblings and I have had additional opportunities, and I hope to give our daughters even more opportunities.”

“Tom was already involved with CRLA when I met him,” says Lorna. “But I feel a connection from my mother’s side of the family. She was born in Chihuahua, Mexico. Her father left when she and her three brothers were very young, and one of her brothers died when he was five. They were so poor that my mother was very lucky to get a middle school education.

“She married my father, an American citizen, and led a quiet life in El Centro. But she died at age 36 when I was only nine years old. I feel so very fortunate to be here with our teenage daughters now.”

Tom and Lorna’s keen sense of their own good fortune is evident, and they show it through their generosity to CRLA. They’ve hosted many Annual Fundraisers at their home and continue to support CRLA financially and by spreading the word about CRLA’s efforts to friends and colleagues.



Farmworker photos courtesy of David Bacon

“I think that by bringing about awareness in our daily living, keeping CRLA in mind as we meet new people,” says Tom, “and spreading the word about how CRLA impacts all our lives helps others understand how landmark legislation affects us all as we eat our meals, knowing that the fruits and vegetables have been picked and packed in places where safety and pesticide legislation has a direct impact on farm workers. These are ways—in addition to financial—that we all can support CRLA .

“Everyone has to make choices about the issues and organizations that they feel strongly about. There are lots of organizations that need support. But we all have to find our own personal connections. CRLA is one of the organizations that we feel a personal connection with.

“I find Jose’s passion for the work that CRLA does inspirational. We all need avenues for our passions in life, and Jose certainly has found his. When I listen to him talk about all the work that needs to be done, it’s quite inspirational. But then, many of the people associated with CRLA are truly inspiring.”

“Jose cares so much and speaks from the heart about the issues that are so important,” adds Lorna. “That truly touches me.”

Tom and Lorna offer a favorite quote from Cesar Chavez, one that also speaks to their hearts:

‘It is possible to become discouraged about the injustice we see everywhere, but God did not promise us that the world would be humane and just. It gives us the gift of life and allows us to choose the way we will use our limited time on earth. It is an awesome opportunity.’



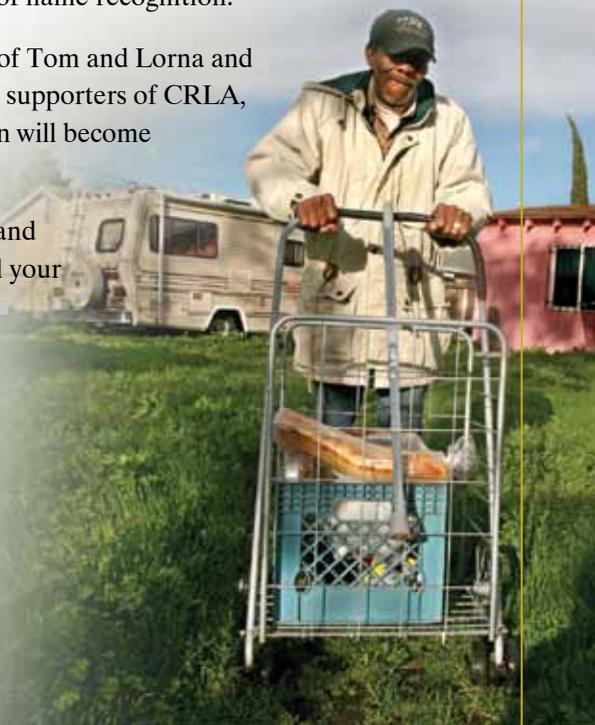
“That’s how Lorna and I look at life,” adds Tom. “We’ve only got so much time here and we all share in that awesome responsibility to help each other. That is the essence of why we support CRLA.”

Tom and Lorna’s steadfast support is evident, but they also have a vision for the future.

“CRLA’s work is known in certain circles within California,” they agree, “and we would like to see the greater population become aware of CRLA and their work. Just like we all know what the Red Cross and Salvation Army do, we’d like CRLA to have that type of name recognition.”

With the support of Tom and Lorna and other like-minded supporters of CRLA, perhaps that vision will become a reality!

Thank you, Tom and Lorna Saiz, for all your years of support!





NEW GENERATION

The New Guard

Stories from the next generation

Andres Garcia



“When I was born, my dad was working for CRLA in the Santa Maria office,” says Andres Garcia, Staff Attorney with CRLA’s Migrant Office in Oxnard.

“I actually *didn’t* want to be a lawyer because I sat in the back of so many courtrooms. It just wasn’t any fun for a kid,” he adds wryly.

So it wasn’t until a few friends and their families had some legal issues and called his dad for advice that he began to appreciate how important an attorney’s role was. And once he’d made the decision to follow in his father’s footsteps, it was Andres’ family history that sent him to CRLA.

“My dad grew up in East Los Angeles and spent some time in the projects. He was the first member of his family to go to university. My mom grew up in Ventura County and was also the first person in her family to go to university. Her family worked in the fields, and she worked summers alongside her grandparents, parents, and siblings. So for me, working at CRLA makes me feel like I’m helping someone in my family.

“I’ve worked for CRLA for about two years, and my first case was against a local grower who was trying to derail new, stricter pesticide regulations. I didn’t know much about pesticides other than that they were harmful to handle, but I learned fast, working with Mike Meuter (Director of Litigation, Advocacy, and Training) and Jeff Ponting (Director, Indigenous Farmworker Project) to draft the documents that helped us intervene.

“We co-counseled with the Center for Race and Poverty and the Environment, and I flew to Sacramento to watch the oral argument. It was a very exciting case with complicated issues. And we got to develop relationships with the state agriculture office and argue against one of the biggest attorneys representing growers in the area. In the end, our intervention kept the regulations in place while the EPA developed a phase-in plan, so it was successful.”

Even though the litigation is exciting, talking with kids is close to Andres’ heart and one of the most rewarding parts of his work. CRLA staff often spends time educating kids at schools near their offices, discussing education discrimination, farmworker exploitation, and other social issues.

“When kids learn about social issues, the lives of others become more real to them,” says Andres, “and those issues become their issues, too. Late last year, I spoke to about

170 kids at Pacifica High School in Oxnard. I told them about the toll that pesticides and backbreaking work take on farmworkers. With kids, it’s easy to tell if you’ve got their attention. They weren’t laughing or telling jokes on the side. Their eyes were transfixed on us.

“At the end, we talked about education issues, and many asked about how to become a lawyer. How we got to where we are. One of the kids we talked to volunteers in our office now twice a week.

“If I can get out and talk to kids, then—like my friends growing up—all them know at least one attorney. And at the very least, I come across as someone who is nice, who’s talked with them respectfully, someone they can look to as a role model. They can say, ‘That guy’s from Oxnard. He went to Channel Island High School, and I can do it, too.’ So I am there to tell them that yes, they can do it, too.”

Dylan Saake



“My mom works for the school system in Northern California and my dad is self-employed,” says Dylan Saake, Directing Attorney in CRLA’s Marysville office. “My sisters and I were all expected to go to college, and I ended up as an English Major. But the deciding factor for going to law

school grew from an experience I had the summer between high school and college.

“I was 18 years old, young and full of energy, working at a dehydrating facility where plums came in and prunes went out. I worked mostly with migrant farmworkers, 12 to 13 hours a day, seven days a week. At the end of the season, I was exhausted in a way that I haven’t been since. I was so glad to be going to college and not moving on to the next season where most of my co-workers were headed.”

“I decided that if you’re going to spend a lot of time each day doing something, you should do something interesting where you can help people. And from my awareness of the issues facing farmworkers, I knew this was a population I wanted to help.”

In his four years of fighting education discrimination and predatory lending battles for CRLA clients, Dylan has discovered how CRLA staff can change people’s lives.

“One mom in Santa Rosa came to CRLA when her son was having discipline problems at school,” Dylan recalls. “So many things came from our initial meeting. She’s now serving

on CRLA's Community Advisory Committee in Santa Rosa. Her son is going to graduate this year instead of being forced out because we pressed the school district to provide services for his learning disabilities. And when she came with questions about how homeowner associations work, she ended up being elected president of hers.

"When I told them I was moving to fill a CRLA vacancy in Marysville, she brought me a dozen homemade pork tamales, gave me a hug, and told me 'thank you' for all I'd helped them with. And her son called me—you know adolescent boys are not known for their outpouring of emotions—and told me that they were going to miss me. And I just received an invitation to his graduation. It reminds me, really makes me feel that what I'm doing is truly important."

Now that Dylan is the Directing Attorney in CRLA's Marysville office, he's focusing on predatory lending litigation.

"One of my clients had \$200,000 of her homeowner's equity stolen by a company who told her they would help her prevent foreclosure. It's been an exciting case with many players and a crash course in lending issues. The case was filed in December of 2007, and my client has had to file for bankruptcy since then. We're going up against a heavily financed opponent, but we hope to have a positive result by the end of 2010. I would love to get her house and some of her equity back.

"In the four years I've worked for CRLA, my passion has only increased for this work. There is a numbing feeling that you develop when you see certain issues every day, but if it's an ongoing problem, it makes you madder and sparks your passion to change things. 'Paso a paso'—step by step, things will change."

Joana Horning



"From a very young age, I wondered why our schools and our community didn't look as nice as those in North Stockton," says Joana Horning, Directing Attorney in CRLA's Stockton office. "I thought it wasn't fair that entire groups of individuals were treated differently than others. And I also noticed that the communities in South Stockton tended to be communities of color, while North Stockton, which was well-groomed and better taken care of, tended to be white America.

"I carried this idea throughout my education, so when I went to community college and took sociology courses and learned about systemic issues and institutionalized poverty, I began to see that the law was truly the mechanism to make a difference in our society."

Joana's sense of fairness has driven her achievement. One of five kids in a single parent household, her life could have turned out very differently.

"My father left when I was three years old," says Joana. "We never saw him again. My mother did her best to raise us, using public assistance like food stamps and TANF. My mother also worked lots of jobs to bring in money, including housekeeping, welding, and dishwashing.

"I stayed at school until it closed every day. It was an outlet, a safe place to engage, and it had books and crayons and activities that I didn't have at home. Plus I had a series of great educators and mentors, starting from a young age.

"At community college, I had a professor who insisted that I apply to Berkeley so that I could be exposed to its social activism. At the time, I had never heard of Berkeley. I hadn't even seen the ocean until I was 13 and went as part of a school science camp."

Berkeley fueled her interest in fairness and social justice that, in turn, brought her to CRLA.

"There are so many people in this amazing country who need to be given the opportunity to advance themselves," Joana says, her voice filled with the certainty she brings to her legal arguments. "Even to have their basic needs fulfilled. But I want to stay in Stockton and make a difference here, and I can do that at CRLA."

Joana has seen this first hand by defending the rights of those with disabilities.

"I was representing a client with mental health issues who has a steward who's responsible for paying her rent because she doesn't have the capacity to pay it herself. The rent hadn't been paid on time, and the landlord just wanted to kick my client out. They didn't want to talk with the steward. But when a disability is involved, landlords have to make reasonable accommodations.

"The opposition could have cared less about their obligation and showed no compassion for my client. During closing argument, I started to get emotional as I stated how these protections are created so that the most vulnerable members of our society have access to fundamental rights like a roof over their heads. My client saw me tearing up and tapped me on the shoulder, saying 'It's OK, you're doing a good job. You're fantastic!'

"It was so moving to me to see that the opposition, with all their privilege in our society, couldn't feel empathy for the woman they were kicking out of her home, and yet she—with all of her disabilities and issues as a low-income person—she could empathize with the human element of the situation. I'll never forget that moment. And then we won!" ■



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Farmworker photo
 courtesy of David Bacon



Financials

California Rural Legal Assistance Inc.

Statements of Activities and Changes in Net Assets

Year Ended December 31, 2009

Year Ended December 31, 2008

	UNRESTRICTED	TEMPORARILY RESTRICTED	TOTAL	UNRESTRICTED	TEMPORARILY RESTRICTED	TOTAL
REVENUE AND SUPPORT						
Grant revenue	\$300	\$12,949,743	\$12,950,043	\$37,000	\$11,942,691	\$11,979,691
Donated Services	1,339,275	-	1,399,275	1,060,550	-	1,060,550
Contributions	1,025,078	29,250	1,054,328	231,567	55	231,622
Special event revenue	257,594	-	257,594	153,308	-	153,308
Other revenue	39,382	71,449	110,831	30,550	96,502	127,052
Attorneys fees and costs recovery	15,993	733	16,726	56,352	-	56,352
Net assets released from program restrictions	13,026,274	{13,026,274}	-	12,042,263	{12,042,263}	-
Total revenue and support	15,703,896	24,901	15,728,797	13,611,590	{3,015}	13,608,575
EXPENSES						
Program services	13,084,710	-	13,084,710	11,868,855	-	11,868,855
Management and general	1,584,811	-	1,584,811	1,596,397	-	1,596,397
Fundraising	601,759	-	601,759	388,837	-	388,837
Total expenses	15,271,280	-	15,271,280	13,854,089	-	13,854,089
Change in net assets	432,616	24,901	457,517	{242,499}	{3,015}	{245,514}
NET ASSETS						
Beginning of year	1,255,264	302,812	1,558,076	1,497,763	305,827	1,803,590
End of year	\$1,687,880	\$327,713	\$2,015,593	\$1,255,264	\$302,812	\$1,558,076

Statements of Financial Position December 31, 2009 and 2008

ASSETS	2009	2008
Cash and cash equivalents	\$3,294,492	\$2,389,288
Cash held in trust	130,886	375,709
Grants receivable	598,270	250,101
Pledges receivable	14,618	66,696
Other receivable	85,209	55,733
Prepaid expenses, deposits, and employee advances	324,895	420,675
Other assets	2,510	845
Property and equipment	1,096,988	1,164,198
Total assets	\$5,547,868	\$4,723,245

LIABILITIES AND NET ASSETS

	2009	2008
LIABILITIES		
Accounts payable	\$167,526	\$221,999
Accrued liabilities	907,462	666,392
Refundable advances	1,639,607	1,180,543
Cash held in trust	130,886	375,709
Notes payable	686,794	720,626
Total liabilities	\$3,532,275	\$3,165,269
NET ASSETS		
Unrestricted	687,880	355,264
Unrestricted board designated	1,000,000	900,000
Temporarily restricted	327,713	302,812
Total net assets	2,015,593	1,558,076
Total liabilities and net assets	\$5,547,868	\$4,723,345

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