



CRLA IN THE NEWS

CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

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FALL 2008

The Sacramento Bee

SACRAMENTO, CA • AUGUST 22, 2008

LEGAL GUEST WORKERS SUE CONTRACTOR

Just as the Bush administration is trying to push agribusiness to hire more legal guest workers, a dozen of the workers filed suit Thursday in Sacramento, claiming their employers have cheated them and have broken promises made in Mexico about the work here.

About 180 workers – the dozen among them – arrived in the Sacramento area in mid-July to work for six months on H-2A temporary visas.

Their departure was hailed in local media in their home state of Colima, Mexico, as a great opportunity to work legally in the United States.

The owners of Salvador Gonzalez Farm Labor Contractor, based in Galt, had traveled to Colima to meet with government officials there and recruit people to work for them on the H-2A visas.

In their suit, filed in U.S. District Court in Sacramento, workers say they were promised wages of \$100 a day – a figure touted in the media in Colima – to work for eight to 10 hours a day, six days a week. Instead, the workers say, many have been left mostly idle in remote labor camps.

Most of those in the lawsuit are housed in a decrepit labor camp with torn, bloodstained mattresses five miles outside the Delta town of Clarkburg.

*...the workers never received
a written contract of rights
and terms of employment,
as required under federal law...*

Workers who met with legal aides Wednesday night at the camp also invited media in to observe the conditions. They said they were fed up, but wondered if they would be thrown out on the street or sent back to Mexico because of the lawsuit.

In interviews, they described rising daily at 4 a.m., hoping that a driver who comes by would offer to take more than just a few to harvest pears or grapes.

In spite of promises, they said, many have worked only a few hours a day or not at all for as long as a week. Some have copies of pay records that show a mix of hours ranging from three to eight hours a day.

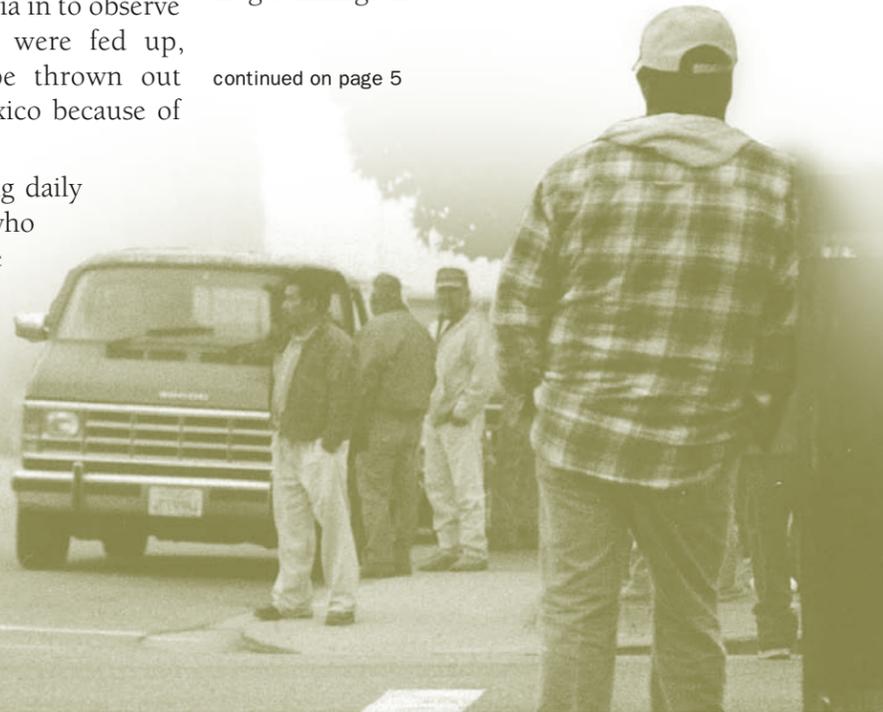
Even if they don't work, they said, they are required to pay almost \$10 daily for meals that consist of little more than beans and eggs.

"He promised us good wages, and to enter to work in a secure and legal way, with a visa," Daniel Becerra, 20, said of Julian Gonzalez, who is named in the suit along with his son, Salvador.

Julian Gonzalez said he hadn't read the lawsuit and had no comment except, "None of this is true."

Cynthia Rice, an attorney with California Rural Legal Assistance Inc. – which is representing the workers – said their allegations challenge the wisdom of the Bush administration's plan to change the H-2A program, possibly within weeks. The aim is to make it faster and easier for employers to recruit workers from abroad to fill labor shortages and help employers stop hiring illegal immigrants.

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The Bay Area Reporter

SAN FRANCISCO, CA • AUGUST 28, 2008

LAW FUND PROVIDES GRANT TO CONTINUE HELPING RURAL LGBTs

A lawyer working to help LGBT farm workers and other low-income people in rural California will be able to continue her work with the help of a \$25,000 grant from the Pride Law Fund.

Lisa Cisneros is the Pride Law Fund's Tom Steel fellow at Proyecto Poderoso – or Powerful Project – the collaborative effort by the National Center for Lesbian Rights and California Rural Legal Assistance Inc. This is the first time the Pride Law Fund has refunded a project with the Steel fellowship for a second year since it began giving out the fellowships in 2001.



Lisa Cisneros

"In the first year, we've had LGBT-related discrimination cases in Visalia and Modesto, in Stockton and Salinas, to name a few places," so there are wrongs that are being perpetrated against LGBT people in rural California, Cisneros said. "There is a need we're meeting by providing legal representation."

Cisneros, 28, is a lesbian who grew up in Salinas, which is about two hours south of San Francisco. She left the area when she was 18 to attend UC Berkeley's Boalt Hall law school. She returned to Salinas last year.

LGBT civil rights law is still relatively new, so Cisneros helps bring attorneys up to speed and provides support for them in litigation, advises attorneys on what facts need to be gathered in investigation of clients' claims, trains community outreach workers, and helps represent LGBT clients. CLRA has attorneys in 21 offices throughout the state, she said.

One case successfully settled in December involved a man who was perceived to be gay. The man, whose job involved detailing small planes, was soft-spoken and more sensitive than his peers, so the client's co-workers and supervisors verbally harassed him on a daily basis. They repeatedly forced him to look at straight porn "to make him a man," and physically threatened him, according to Cisneros.

Cisneros noted CLRA is not specifically an LGBT organization, but an agency that serves rural California regardless of sexual orientation or race. However, she said, CLRA has recognized there's a growing and increasingly visible LGBT population in rural California.

Between September 2007 and June 2008, Cisneros said she trained 113 CLRA attorneys, community

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Los Angeles Times

LOS ANGELES, CA • AUGUST 2, 2008

A REAL HEAT SHIELD FOR FARMWORKERS

OPINION EDITORIAL

Government spreadsheets tell their stories:

“Found dead under grapevine; had been missing for approximately 15 hours.”

“Found dead in a melon field.”

“Died after driving all day on a tractor in 111°F.”

Dozens of farmworkers have died from heatstroke in the last decade in California. No one knows exactly how many because sometimes their deaths are not recorded as heat-related or not recorded at all. Maria Isabel Vasquez Jimenez is one whose story we do know.

Summer hadn't officially begun when Vasquez collapsed May 14 while pruning grapevines near Stockton. She died from heat illness two days later. The 17-year-old's core body temperature had exceeded 108 degrees Fahrenheit after working 9 1/2 hours in 95-degree heat with only limited access to drinking water and no shade.

Two years earlier, the state Division of Occupational Safety and Health had cited Vasquez's employer, Merced Farm Labor, for violations including not having adequate drinking water. But Cal/OSHA never followed up on the citation, and the employer never corrected the situation. Last week, the state fined the company a record \$262,700 for violating workplace safety requirements in the Vasquez case.

Workers' compensation statistics show that farmworkers suffer from heat illness in higher numbers than any other occupational group except firefighters. But unlike farmworkers, few firefighters die of heatstroke. Perhaps it's the greater access to drinking water and rest breaks that save the lives of firefighters. Perhaps it's better emergency preparedness and access to first aid. Or maybe it has to do with the value that society places on the lives



CRLA attorneys Dorothy Johnson and Michael Marsh.

of people who fight fires as opposed to the lives of those who harvest the nation's food.

One thing is certain: Vasquez did not have to die.

By law, California employers must provide farmworkers with adequate drinking water and training on heat illness. Employers must have a shade structure and allow workers to take an extra rest break of no less than five minutes in the shade if they feel ill or need relief from the heat. But Vasquez's death shows the woeful inadequacy of the heat-illness prevention regulation and its implementation.

Studies prove that farmworkers would greatly benefit from having all rest- and meal-period breaks in the shade, yet few employers provide for that, and the regulations do not clearly require it.

In addition, during very hot weather, more rest breaks should be mandatory. Under current regulations, the burden is on an ill farmworker to seek an additional rest break as provided by law.

Risks to farmworker health and safety are not just heat-related. Every year, transportation and heavy-

machinery accidents cost the lives of farmworkers. And then there are the pesticides. Some, such as sulfur, frequently cause skin, eye and respiratory irritation. Others, such as methyl bromide, chlorpyrifos and diazinon can cause chronic illness, including cancer.

Just as with heat illness, the safety regulations covering these risks are weak. Rule-making bodies within Cal/OSHA and the Department of Pesticide Regulation are heavily influenced by growers and employers. As a result, health and safety rules such as the heat-illness regulation are watered-down versions of the original proposals and take years to put into place.

Even after a regulation is in place, there is little oversight of what goes on in agricultural fields. Our agency, California Rural Legal Assistance Inc., found that Cal/OSHA inspected relatively few agricultural employers for violations of the heat-illness prevention regulation last year, although since Vasquez's death, reports show a marked increase in inspections.

And, finally, when employers are cited and fined for violations, those fines are often reduced on appeal or in other negotiations. At other times, the fine is rendered meaningless because the employer never pays it.

California must put money and effort into aggressive enforcement of strong regulations intended to protect farmworkers. Otherwise, the state sanctions the conditions that caused Vasquez's death. Consumers, too, must insist that the farmworkers who cultivate and harvest our food are not in danger of dying in the process.

It's ironic that November's ballot will carry an initiative to ensure that chickens are humanely treated on California farms, while weak regulations fail to protect farmworkers from heat illness and other risks. The workers who provide us with our daily meals deserve better.

By Michael I. Marsh and Dorothy A. Johnson.
Michael I. Marsh is the director of the Agricultural Worker Health Project of California Rural Legal Assistance Inc. Dorothy A. Johnson is the directing attorney of CRLA's Oceanside office.



The Press Enterprise

RIVERSIDE, CA • JUNE 23, 2008

JUDGE ORDERS SHADE, WATER FOR A COMPANY'S COACHELLA VALLEY FARM WORKERS

As thousands of Coachella Valley farm workers harvest fruits and vegetables in the searing heat, a Riverside County judge has ordered a farm-labor contractor to allow its workers there to have state-mandated access to adequate water and shade.

Superior Court Judge Harold W. Hopp issued a temporary restraining order Friday against Magaña Labor Services Inc. after concluding there is a "probability that there is immediate danger" to its workers from heat-related illnesses.

Two former Magaña employees sued the Fillmore, Calif.-based company last week, alleging that June 3 the contractor fired them and 25 co-workers because some complained they were not allowed to take enough shade breaks and either did not have enough water or were sometimes only given water, which got hot after sitting outside.

The company denies the allegations. Co-owner Juvenal Magaña said he was not bothered by the judge's order because "they're telling us to do what we're doing already." He said only the work crew's foreman was fired, for "poor work."

The company's safety coordinator, Miguel Angel Magaña, said the contractor regularly fills jugs of water with ice to keep them cool and has a canvas-covered shelter that workers stand under for shade relief.

The nonprofit California Rural Legal Assistance, which represents the employees, had asked Hopp for an expedited ruling on the temporary restraining order because of the extreme heat, said legal-assistance lawyer Arturo Rodriguez.

"If this is the way the company was operating, the workers were at serious risk of heat stress,"

Rodriguez said. "This is a very serious issue. You could literally die because of dehydration."

Kevin Thompson, editor of the Cal-OSHA Reporter, which covers occupational-safety issues, said this was the first temporary restraining order he is aware of that was issued under 2005 state regulations aimed at protecting workers from heat-related illness and death.

Last month, a pregnant 17-year-old farm worker died of heat stroke in a San Joaquin County vineyard after working a nine-hour shift in 100-degree heat. State officials later shut down the labor contractor who employed the girl for allegedly denying her access to adequate shade and water.

State law requires employers to provide at least one quart of water per hour along with shade breaks when necessary, and training so employees recognize symptoms of heat-related illness.

By David Olson. 951-368-9462, dolson@pe.com
The Associated Press contributed to this report.

Appeal-Democrat

MARYSVILLE, CA • AUGUST 9, 2008

VINBOY NAMED IN 2 LAWSUITS



Owners of an Olivehurst mobile home park haven't paid PG&E bills, says a lawsuit that describes the Sacramento owners as also ignoring repeated demands for repairs to facilities.

"Vinboy Mobilehome Park is in seriously substandard condition endangering the health and safety of families," says the lawsuit filed Thursday in Yuba County Superior Court by California Rural Legal Assistance and Yuba County.

The owners, husband and wife, Quynh Hoang and Ty Thi Hoang Tran of Sacramento, failed to repair a

broken water pipe in the main office eight months ago and left residents without laundry facilities, the suit states as an example of park problems.

About 17 units are occupied at the mobile home park at 5028 Powerline Road, said CRLA attorney Molly Stafford.

She said the owners' response to problems "seems to have been to walk away from their responsibilities under the state law."

She said the suit seeks to have a judge order that a nonprofit agency or individual take over responsibility for the property.

PG&E on July 29 gave a 10-day notice to end service to the park, the suit states.

Paul Moreno, utility spokesman, said PG&E does not plan to cut off power to the park. The utility has a policy in such situations to provide renters with the opportunity to pay for future electricity, Moreno said, and does not require renters to cover past bills by park owners.

A separate lawsuit by Union Bank against the owners seeks to foreclose on the Olivehurst property.

"These guys have been in default for months," said bank attorney Mark Serlin.

The July 31 suit by the bank alleges the park owners began to fail to make payments on a \$355,000 promissory note. The suit by the bank seeks \$345,493 plus \$66 daily in interest.

Owners of the Olivehurst mobile home park could not be reached for comment Friday.

CRLA's suit notes that the Olivehurst Public Utility District on May 29 warned about the loss of water services because of unpaid bills.

Stafford said officials for the Olivehurst utility and Yuba County have worked to continue water service by arranging for individual bills for mobile home park residents.

The state Housing and Community Development Department suspended permits to operate the mobile home park in December, according to the lawsuit.

CRLA said many of the residents at the Olivehurst park are low-income. Most have nowhere to move their mobile homes, the legal group said.

"Mobile home parks are one of the only ways that low-income people in rural communities can own their own homes," Stafford said.

Contact Appeal reporter Ryan McCarthy at 530-749-4707 or rmccarthy@appeal-democrat.com

Monterey County Herald

MONTEREY, CA • JULY 18, 2008

COURT SAYS HEALTH A FACTOR IN ALLOWING METHYL BROMIDE

A state appeals court has upheld a lower court ruling that orders the Department of Pesticide Regulation to consider health risks to Farmworkers and residents when issuing fumigation regulations for methyl bromide.

In a 25-page ruling, a three-judge panel of the First Appellate District said the Department of Pesticide Regulation is required to work with the Office of Environmental Health Hazard Assessment “while formulating regulations relating to the safety of persons working with or around methyl bromide.”

The ruling was hailed as a victory by California Rural Legal Assistance and the Environmental Defense Center, which filed the lawsuit on behalf of two California residents.

“The result of this will be new regulations that reduce the amount of highly toxic pesticides being used,” said Mike Meuter, an attorney with CRLA. “We will have additional protections for workers and everybody who works and lives near fields treated with methyl bromide.”

Methyl bromide, a highly toxic compound used as a soil fumigant, was supposed to be phased out by Jan. 1, 2005, under an international protocol that bans ozone-depleting substances. Despite the ban, agricultural operations can get exemptions to continue its use.

Methyl bromide, a highly toxic compound used as a soil fumigant, was supposed to be phased out...

As a result, the Environmental Protection Agency authorized the use of 4,813.5 metric tons of the compound in 2008 for “critical uses” such as strawberry and potato production and commodity fumigation. That’s an 88 percent reduction from 1991 levels.

In Monterey County, one of the state’s top producers of strawberries, 1.6 million pounds of methyl bromide were used in 2006 — with 1.4 million pounds used on strawberries, said the Monterey County agricultural commissioner.

Glenn Brank, director of communications for the Department of Pesticide Regulation, said he wouldn’t be able to comment until attorneys have reviewed the ruling.

“It will take them awhile to analyze that,” Brank said. “Until then we won’t be able to decide whether or not to appeal.”

The California Strawberry Commission, a co-appellant of the lawsuit, could not be reached for comment.

At issue are the levels of concentration of methyl bromide that the Department of Pesticide Regulation considers appropriate for workers and residents to be exposed to — 9 parts per billion for the public and 16 parts per billion for workers. Studies commissioned by the department had determined that people exposed to even 1 part per billion of methyl bromide could show effects.

So the Office of Environmental Health Hazard Assessment recommended that regulations be based on 1 part per billion for the public and 2 parts per billion for workers. The Department of Pesticide Regulation established regulations with the higher concentration levels that went into effect in November 2004, but a lawsuit challenging those levels was filed Dec. 1, 2004.

The department has argued that the health hazard office has no say in establishing regulations for pesticide use, but the courts disagreed and in this week’s ruling ordered the Department of Pesticide Regulation to take into consideration health risks from exposure to pesticides, including methyl bromide.

Claudia Meléndez Salinas can be reached at 831-753-6755 or cmelendez@montereyherald.com.



Law fund provides grant to continue helping rural LGBTs

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workers, and support staff on LGBT-related issues and the law.

“What we’re talking about is cultural competency,” Cisneros said, and understanding what it means to be lesbian, gay, bisexual, transgender, queer, or questioning.

The project also works to educate LGBT people through presentations and media such as Spanish-language radio, letting them know that discrimination based on sexual orientation and gender identity is wrong, and explaining what that discrimination looks like.

Angie Dalfen, Pride Law Fund co-chair, said in a statement, “Lisa represents everything Pride Law Fund created the Tom Steel Fellowship to do: empower brilliant young attorneys to do life-changing work in underserved LGBT communities.”

Proyecto Poderoso is receiving \$35,000 from the David Bohnett Foundation that will allow the project to hire another full-time staff person. Having another staff person will help Proyecto Poderoso to expand its efforts in Southern California. There, it is already working in places like Oxnard, where 15-year-old Oxnard junior

high student Lawrence King, who self-identified as gay, was shot to death in February, allegedly by another student, Brandon McInerney.

Cisneros said the financial support is crucial. It’s one thing “to have the desire to make a difference and to have a plan, but if we can’t get funding support to pay salaries and benefits, we can’t hire people to actually put that plan into action,” she said.

By Seth Hemmelgarn – s.hemmelgarn@ebar.com

CRLA RECEIVES \$546,000 From The California Endowment to Support the Community Equity Initiative

Within the San Joaquin Valley's (SJV's) eight counties, there are over 220 low-income unincorporated communities or *colonias* that lack basic infrastructure (e.g., sidewalks, parks, streetlights) and reliable access to public services (e.g., public safety officials, healthy drinking water) for their nearly 500,000 residents. In response to community requests across the SJV for legal education and advocacy to eliminate infrastructure inequality, CRLA is working in five to six SJV *colonias* to develop a regional advocacy agenda intended to hold local, county-level, and state level decision-makers accountable to the unincorporated communities' critical infrastructure and public service needs. In partnership with PolicyLink, CRLA Foundation (CRLAF), and other local partners, CRLA will ensure that stakeholders in unincorporated communities receive training and education on governance structures, community participation requirements, and applicable policy and regulatory systems, which will enhance and facilitate broader community participation in local and regional decision-making meetings.

CRLA GRANTED \$435,000 From the Department of Justice's Office on Violence Against Women

CRLA, has been funded by the Department of Justice, Office on Violence Against Women (OVW), to increase the availability and quality of legal assistance and generally strengthen effective responses to violence for victims of sexual assault living within migrant and farmworker communities in all fifty states with a specialized regional emphasis on legal services providers in Arizona, California, Idaho, Oregon, and Washington.

CRLA, together with its Project Partners *Lideres Campesinas*, *Southern Poverty Law Center*, *Esperanza: The Immigrant Women's Legal Initiative*, and the *Victim Rights Law Center* will develop and pilot educational materials and a safety plan for farmworker sexual assault victims, particularly for those victims living in labor camps. The grant also requires CRLA to focus on increasing the knowledge base of other national OVW grantees and professionals (attorneys, advocates, law enforcement, medical personnel, and judges) on the challenges and issues related to addressing sexual assault among women in farmworker and migrant communities.

Legal guest workers sue contractor

continued from page 1

The changes will reduce oversight by state and federal officials, who must certify labor shortages and approve sponsoring employers' applications before U.S. officials abroad issue visas, Rice said.

As it is, she said, the H-2A program can give employers "complete and exclusive and total control over workers."

The men in the Clarksburg camp said the 180 H-2A workers are being housed at various locations. Some have returned to Mexico .

Joel González Avila, said he became disgusted with the housing and scarce work hours within days. He called a nephew in Sacramento , who called the United Farm Workers union.

"I think my dog ate meals better than they gave us," he said in an interview before returning to Mexico in July.

The UFW quietly initiated talks with the workers and contacted California Rural Legal Assistance Inc. and its foundation.

Rice said the workers never received a written contract of rights and terms of employment, as required under federal law.

H-2A workers remain a sliver of California's estimated half-million farm labor force, but UFW activist Anna Reynosa, who investigates H-2A abuses, said that some 3,000 such guest workers were authorized to work for California businesses in 2007.

Rice said that as many as 6,000 were authorized to work in California this year.

Becerra said the Gonzalez family explains work-hour shortages by saying, "The sugar is not ready" yet in area wine grapes.

The workers' lawsuit demands unpaid minimum wages as well as reimbursement of visa fees and other costs that H-2A employers must cover.

H-2A workers in California must be paid a minimum of \$9.72 an hour. All H-2A workers must be paid at least three-quarters of what was promised for their contract.

On Thursday, state Department of Housing and Community Development inspectors checked the Clarksburg camp at the urging of attorneys.

Kim Strange, the department's deputy director, said the camp was inspected and approved in February.

On Thursday, she said, inspectors issued 11 citations for violations, including cracked and decaying bathroom floors and old, stained mattresses without tight-fitting covers.

The law permits old mattresses if they are well covered, said Chris Anderson, field operations manager for the department. They may not look good, he said, "but there isn't a lot we can do about that."

By Susan Ferriss – sferriss@sacbee.com

HOW TO GIVE TO CRLA

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- ⊗ Provide farm worker families with safe and affordable housing
- ⊗ Fight sexual harrasment in the agricultural industry
- ⊗ Advocate for immigrant civil rights
- ⊗ Enforce the right of all children in California to a quality education
- ⊗ Guarantee workers receive their wages for an honest day's work
- ⊗ Promote health access and health care for low-income children and their parents
- ⊗ Help victims of domestic violence to start a new life
- ⊗ Protect the elderly and immigrants from consumer fraud

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(*up to \$125,000)

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Union Bank's expertise has deep roots. After all, we've been at this since 1864. Our main banking hall in San Francisco recently celebrated its 100th anniversary as the first commercial structure to rise out of the ashes of the 1906 earthquake and fire. Noting the bank's long history of contributing to the economic growth of the city and the state — both through business activities and philanthropic investments — Mayor Gavin Newsom declared September 8, 2008, Union Bank of California Day. That's a commendation we're proud of, and one we aim to live up to every day of the year.

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² Get \$150 off the equipment lease documentation fee on a new equipment lease. This is not a commitment to lend. Financing subject to credit and any applicable collateral approval. Other restrictions may apply. Financing available to businesses located in California, Oregon, and Washington. Terms and conditions subject to change. Unless otherwise withdrawn, offer available on applications received by September 30, 2008 and booked by October 31, 2008.

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The Recorder

SAN FRANCISCO, CA • DECEMBER 7, 2007

LEGAL NONPROFIT FIGHTS FEDERAL PROBE



Howard, Rice's Martin Glick is co-counsel to CRLA, which claims that a federal probe of its work was prompted by a Central Valley congressman who has ties to the dairy industry.



Howard, Rice's Bernard Burk says an Office of Inspector General subpoena is too onerous for his nonprofit client. "If the OIG's tactic is vindicated in this case, that office will be able to investigate any program to death."

Lawyers for the poor, like California Rural Legal Assistance Inc., are no strangers to conflict with Republicans in Congress. The California legal nonprofit has always been a leading combatant whenever conservatives ratchet up their scrutiny of legal aid groups.

But now CRLA is in the political and legal fight of its life — which the nonprofit claims was sparked by the very agricultural interests it targets in litigation. The legal battle, proceeding in Washington, D.C., district court, has attracted *amicus curiae* support from big firm lawyers and the L.A. County Bar Association.

The ruckus started when the inspector general for Legal Services Corp. — CRLA's biggest funder — launched an investigation in 2005 in response to prodding from Rep. Devin Nunes, R-Visalia.

The congressman had forwarded a whistleblower complaint from a former CRLA attorney that alleged CRLA had been working on so-called impact litigation. Under federal law, organizations like CRLA cannot work on class action lawsuits or other fee-generating cases.

CRLA argues in court papers that Nunes — a former cattleman — is really just acting as an instrument of the dairy industry in his agricultural district.

"CRLA's advocacy focusing on certain California dairies' illegal treatment of its low wage work force has been increasing since 2000," the nonprofit argued in court filings. "In the past few years, CRLA singly or with co-counsel has recovered \$1.6 million in unpaid wages for hundreds of dairy workers."

The congressman received more than \$150,000 in political donations from the dairy industry during the 2006 election cycle — tops in Congress, according to the campaign finance Web site opensecrets.org.

CRLA also has raised tough attorney client privilege questions in court. It claims the inspector general's investigation would chew up thousands of hours of attorney and staff time — effectively grinding the group's real client work to a halt — as CRLA reviews which of its records must be withheld on confidentiality grounds.

"If the OIG's tactic is vindicated in this case, that office will be able to investigate any program to death," said Bernard Burk, who with Martin Glick at Howard, Rice, Nemerovski, Canady, Falk & Rabkin serve as CRLA's outside counsel.

A spokesman for Rep. Nunes said campaign donations had nothing to do with the investigation. "Those issues are totally unrelated to the evidence and testimony of the former CRLA employee," said Andrew House, a senior policy adviser for Nunes. "And it was that evidence and testimony that spurred the OIG to pursue the investigation, not any political concerns by Rep. Nunes."

The OIG investigators say their inquiry is a legitimate probe into how millions of taxpayer dollars are spent. Attorney Laurie Tarantowicz at the inspector general's office declined to discuss specifics of the investigation, but disputed any notion that it is tainted by politics.

"Our office does not engage in politically motivated investigations," Tarantowicz said. "We do independent and objective work."

DEMANDING DOCUMENTS

Founded in 1966, CRLA provides legal services for the indigent across a wide swath of California. It employs roughly 50 attorneys spread across several offices, with headquarters in San Francisco. Federal funding doled out through Legal Services Corp. makes up about 60 percent of CRLA's \$11.2 million budget.

LSC asked the legal aid group in 2006 to turn over a range of records, including "documents sufficient to show CRLA client names, addresses, dates of representation and 'problem codes' (codes indicating the subject matter for which the client sought assistance)," the government states in court filings.

CRLA resisted the request. The individuals who seek legal aid's help often face retaliation for asserting their rights in the workplace, and disclosing their very identities could reveal information about the nature of their claim and must remain privileged.

In past audits, CRLA says, the feds were satisfied with narrower samples of client records, which took much less time to review for privileged material. But this time, CRLA says, investigators have been inflexible on the point.

The burden of sifting through 39,000 client records to identify privileged information will consume 3,000 hours of attorney time and 4,000 hours of staff time, CRLA says, crippling the organization.

CRLA is attempting to quash the subpoena in a proceeding before Washington, D.C., District Judge Emmet Sullivan. That motion has attracted amici like the Los Angeles County Bar Association, which enlisted Washington based Arnold & Porter lawyer Philip Horton to help make the privilege argument this past October.

Morgan, Lewis & Bockius of counsel Carl Bretscher filed a brief at the same time for the Legal Aid Association of California. Even the American Bar Association weighed in last year, with then-President Michael Greco urging the inspector general to use alternate means of gathering its data, like using unique identifiers instead of names. "We continue to urge the OIG to take advantage of, rather than resist, the approaches described in these protocols," Greco wrote.

CRLA further argues in court papers that turning over client names to the inspector general risks having them wind up in the hands of Nunes — especially since the government "refuses to guarantee" that such information would not be shared.

But Nunes' spokesman, House, said the congressman has no interest in obtaining the client names. Nunes' office has not received any material from the inspector general beyond basic updates on their investigation, House said.

"CRLA is using their clients as human shields in court to hide their own wrongdoing," House said.

MEET THE NEW BOSS

How the inspector general has conducted its investigation is a large part of what has CRLA's blood up. The legal aid group argues that the inspector general refused to discuss the subject of the probe for several months, unlike past audits.

And in September 2006, the inspector general released an interim report trashing the legal aid group to a congressional subcommittee. Investigators found "substantial evidence" that CRLA improperly solicited clients, worked a fee-generating case and associated with political activities, the report said.

The legal aid group said investigators never gave them a chance to respond to the allegations before they went to Congress. In a subsequent rebuttal, CRLA said investigators mischaracterized a tiny number of cases to make sweeping judgments about the program. The government in fact had scant evidence beyond the whistle-blower's allegations, CRLA claimed.

Political winds in Washington, though, may be shifting in favor of the nonprofit. At the time of the interim report, the House Subcommittee on Commercial and Administrative Law — which oversees LSC — was in the hands of Republicans. Now it is chaired by Rep. Linda Sanchez, D-Cerritos. Her chief of staff, Michael Torra, said Sanchez and staffers have met with both sides over the past year to hear each of their concerns.

The congresswoman feels it is "not up to a political figure to interfere in an ongoing investigation,"

Torra said. But he added that, in general, Sanchez thinks CRLA "does excellent work for its clients."

IT'S MY PRIVILEGE

On the privilege question, Department of Justice lawyers representing the inspector general argue they have a case directly on point: *United States v. Legal Services for New York City*, 249 F. 3d (2001), in which the D.C. Circuit found that an administrative subpoena "expressly supersedes the broad undertaking of state professional codes and requires production of client names."

Moreover, federal attorney-client privilege should not protect CRLA's workplace retaliation claims, which the government calls "speculative and dubious" in court papers.

CRLA contends California's professional ethics laws are different from those cases cited by the government. But putting state privilege aside, the federal privilege makes the subpoena unduly burdensome, CRLA says, because of the work involved in sifting through all its files and determining what should be withheld.

Judge Sullivan — whose online biography says he spent a year working for legal aid in Washington early in his career — has had the government's reply motion before him since October and could rule at any time.

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Photographs by Jason Doiy.

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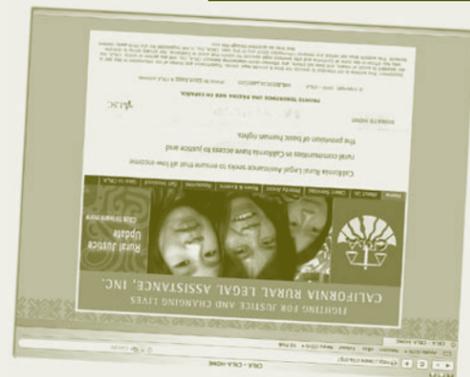
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