



CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

ANNUAL REPORT 2011

**FIGHTING
FOR JUSTICE,
CHANGING LIVES.**

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.

CRLA PRIORITY AREAS

2011 impact at a glance



398 New Cases

Civil Rights

Ensuring language access, working toward equal governmental services in unincorporated areas, challenging discrimination towards minority populations, improving protections for lesbian/gay/bisexual/transgender populations.



9 Awarded multi-year grants

Community Development

Advocating to ensure poor communities have adequate infrastructure and basic services; supporting small non-profits; providing transactional legal services, including legal advice and support for clients to attend college, buy a home, or start a small business.



152 New Cases

Education

Enforcing students' rights in areas of special education and suspensions/expulsions, guaranteeing access to a free and appropriate public education, monitoring migrant education programs and alternative school placements.



2,333 New Cases

Health and Human Well-Being

Securing public benefits; supporting victims of sexual assault and intimate partner violence; maintaining health insurance, disability and SSI coverage; guaranteeing access to clean water and preventing pesticide poisoning.



4,235 New Cases

Housing

Enforcing federal and state fair housing laws; monitoring low-income community redevelopment, code enforcement, tenant evictions; providing foreclosure counseling, promoting homeownership, preventing predatory lending.



2,484 New Cases

Labor

Collecting unpaid wages, enforcing minimum wage and overtime laws, upholding health and safety protections, enforcing workers' rights to rest and meal periods, collecting unemployment insurance benefits, fighting sexual harassment in the workplace.



New Curriculum Leadership Development

Conducting training for low-income individuals through the use of an innovative leadership development curriculum; promoting leadership and civic engagement to advance effective self-advocacy in rural communities.



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

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Our Mission

To fight for justice and individual rights alongside the most exploited communities of our society.

Our Vision of Justice

A rural California where all people are treated with dignity and respect, and guaranteed their fundamental rights.



irrespon



Labor

CRLA takes on large Central Valley Agricultural Employer

sible practices

“After the first week of work, we asked what we were being paid,” says Zeferino Fernandez Gonzalez, one of more than 80 indigenous farmworkers from Mexico who worked for H&R Gunlund Ranches Inc., a major table grape grower in the Central Valley. “When the foreman told us that we were being paid 20 cents per vine instead of the 26 to 32 cents that we’d been paid the previous year, we told him that was too low. Then he told us to take it or leave it and called the California Highway Patrol and the Sheriff.”

Most of the workers were related: spouses, children, brothers and sisters, nieces and nephews, cousins—all part of a tightly knit community.

The group not only called CRLA for help, they also called KFTV Univision, a Spanish language station in the Central Valley. Within the hour, Silas Shawver, the former Directing Attorney for the Fresno Migrant Office and Ephraim Camacho, a Community Worker with CRLA for 34 years, were on the scene.

“We ended up interviewing people at a local park,” recalls Ephraim. “Many of our clients don’t have transportation, so we went to them to get the facts. And some speak only Triqui, so we called in Mariano Alvarez from the Salinas CRLA office, who speaks Triqui, to help translate.”

THE FACTS TURNED OUT TO BE PRETTY GRIM

“In some cases, if a husband and wife worked a row, they were counted only as one worker,” says Ephraim. “And they were being paid one piece rate for doing two jobs, pruning and tying the vines, which often need to be wired in several places, depending on the vine.”

One man displayed a pay stub with net pay of \$70 for the 54 hours he’d worked the previous week—far below minimum wage. Despite such low wages, workers were expected to buy gloves, pruning shears (\$40), and files for maintaining the cutting blades that needed replacing (\$10 per blade) every three to four days. And if they had the audacity to complain, they were fired.



But they had the power of the law on their side. The Fair Labor Standards Act (FLSA), under which this case was filed, requires growers to pay farmworkers at least the federal minimum wage for the number of hours worked. Similarly, under California law they are also responsible for paying overtime and premium pay, and providing adequate meal and rest periods as well as tools to do the job—something that Gunlund had failed to do going as far back as May 2006.

“Growers have resources to pay top lawyers,” says Felicia Espinosa, Directing Attorney for CRLA’s Fresno Migrant Office, a young lawyer who took over the case just a few short months after being

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December 2009 Press conference hosted by CRLA announcing the lawsuit and the workers' claims.

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hired. "And they leverage significant power in the Central Valley. But in this instance, our clients generated their own power and made sure their voices were heard."

As CRLA developed the case, the number of plaintiffs grew from 29 to 82, turning case management into a major exercise in coordination, partly because the workers migrate between the Central Valley and Oregon.

"The logistics were huge," says Felicia. "Over the course of two years, I put in over 600 hours on this case, but the community workers put in over 700 hours."

Everything done to litigate a wage and hour case for one client—locate and maintain contact, collect signatures and statements, copy pay stubs, set up and attend meetings—was multiplied by 82. But all of the hard work paid off in November 2011 when the court approved the \$915,000 settlement

between the parties that included attorneys' fees for CRLA and their co-counsel, Mark Talamantes (see sidebar) and an injunction requiring Gunlund to pay workers properly. If they don't, CRLA can take them to court without having to file another lawsuit.

The terminated workers still have a case pending with the Agricultural Labor Relations Board (ALRB). If they win, they will also be entitled to back wages and reinstatement.

"Thank God we will receive the years of wages we are owed," says CRLA client Gonzalez. "They paid us so little for our work. All I want to do is what everyone dreams of doing—to build a little house where I can live and do what I want to do."

For Zeferino, a grandfather with seven grandchildren, the money he received may help him finally retire and realize the dream he had when he first came to the United States to work.

1. Triqui is one of many indigenous languages spoken in Oaxaca, Mexico.
2. The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in certain jobs in the private sector and in federal, state, and local governments



SUCCESSFUL PARTNERSHIP: TALAMANTES VILLEGAS CARRERA, LLP

"I've been working with CRLA for the past 15 years. I feel like my firm is proudly part of the CRLA family," says Mark Talamantes, a partner with Talamantes Villegas Carrera LLP, CRLA's co-counsel on the Gunlund case.

"Although there are farms like Gunlund that don't comply with the labor code, I think it's less of a problem now than it was 10 years ago because of CRLA's success in large wage and hour impact litigation cases. If it wasn't for CRLA, it would be like the Wild West out there. They're a quiet, humble yet influential giant operating in the shadows of employment law in California.

KEYS TO THEIR SUCCESS?

"In this case, the facts were definitely on our side. The farmer had made a lot of mistakes with respect to the California labor code, like failing to keep proper records and paying only half of a husband and wife team who worked the same row.

"Successful litigation also takes time. Our law firm put in 825 hours on this case, and we were reimbursed accordingly, but CRLA staff worked many more hours. When the judge asked us to justify our request for recovery of reasonable attorneys' fees and costs, we presented stacks of billing records to justify our request. Still, even with recovery of attorneys' fees on some cases, these important cases would never come forward if CRLA didn't have donor support.

"I'm so grateful that we've been able to work with CRLA for so many years," adds Mark. "I've watched a new generation of lawyers develop and become superstars. They dedicate so much time and effort to their cases, while at the same time showing their clients the respect and dignity that they deserve. It's a great honor for me to be associated with CRLA—their lawyers are my heroes!"



Mr. and Mrs. Bailey in front of their residential hotel with their pet chihuahua named Angel.

When Kenneth Bailey came to CRLA's office in Oxnard, he was at a low point.

Due to a debilitating back injury the 61-year-old Vietnam veteran and certified nurse's assistant was unable to work, but Social Security denied him benefits.

Without assistance or the ability to work, there was no income. Mr. Bailey, his wife, and their pet Chihuahua were forced to live in their car in and around Oxnard. They would occasionally stay in shelters, but were unable to sleep in the same room because most shelters are gender-segregated.

"Living on the streets, we were mostly worried about our safety," said Mr. Bailey. "The police

without benefits



Health and
Human Wellbeing



Gabriela Vega,
CRLA Oxnard
Community Worker

looked out for us sometimes," but life without a home put the family constantly on edge. They remained in their car most days, taking breaks to go let the dog run at local parks.

CRLA community worker Gabriela Vega took on Bailey's case, and helped the couple obtain the tools and knowledge necessary to reapply for benefits, gather medical evidence, and eventually win—including \$12,000 in retroactive benefits and access to medical care.

The Baileys are currently living in a residential lodge while they marshal their resources and try to obtain Veterans' Administration housing assistance. In addition to security and the simpler comforts, like running water, Mr. Bailey can now work on regaining his health.

The Baileys' experience with CRLA has left the family more secure

"First off, it felt strange to finally have a place to stay again," he says. "But I'm doing real good. I'm working right now on getting my balance back."

The Baileys' experience with CRLA has left the family secure in the knowledge that the system is, in fact, capable of navigation. When Mr. Bailey now sees others in similar situations, he says, "I tell them: talk to CRLA. They are good. We need more people like them, and we need more people like Miss Vega."



powerful year

An important first step to delivering legal services in these communities includes raising the visibility of LGBT issues and creating safe spaces to begin honest conversations about the health and safety of LGBT community members.



Civil Rights

**Highlights from a powerful
year for rural LGBT rights**



CRLA's LGBT
Program Manager,
Dan Torres

In 2011, CRLA continued its commitment to defending and expanding civil rights for lesbian, gay, bisexual, and transgender people (LGBT) in rural California.

CRLA works to uphold civil rights by winning big changes for LGBT people in rural communities through system-focused litigation, policy work, leadership development, community outreach and strategic partnerships.

Here are some highlights from 2011:

LITIGATION

Last Spring, LGBT Program Director Dan Torres led a team of staff attorneys to confront homophobic slurs and sexual harassment in a workplace where individuals were targeted for harassment based on perceived sexual orientation. An elderly man in his 80s and three female coworkers were sexually harassed and then terminated for reporting their harassment. CRLA and the Equal Employment Opportunity Commission won a \$535,000 settlement from the employer, including an injunctive relief ordering the company to change their policies on reporting and retaliation, and to conduct in-depth harassment training under the jurisdiction of the federal court.

"Each person we represent gives us an opportunity to advance individual rights and create change in the community," says Dan Torres.

POLICY CHANGE AND LEADERSHIP DEVELOPMENT

When the U.S. Department of Housing and Urban Development (HUD) wanted to update its fair housing access rules to be more receptive to the needs of LGBT families, they sought out CRLA's help in gathering feedback from diverse sectors and experts. CRLA hosted a day-long event in Sacramento, that brought together stakeholders – including local LGBT nonprofits, fair housing advocates, and legal aid organizations – to comment and provide feedback on HUD's proposed rule. The rule allows for further inclusion of LGBT people and families seeking HUD services. Stable housing for LGBT community members in rural areas means more opportunities to participate in civic life and to build much needed leadership skills for maintaining civil rights gains in rural California.

CRLA also continues to push for greater consideration of the unique needs of transgender



Angela, a transgender farmworker in the Central Valley, does dishes in her home.

people, particularly with regard to those seeking refuge in shelters, which are largely segregated along traditional gender lines. Ilene Jacobs, Director of Litigation Advocacy and Training and fair housing project director, agrees, "CRLA's fair housing advocacy is more effective when it is inclusive of LGBT individual rights and the recognition that true access to a safe and decent place to live is a fundamental right regardless of sexual orientation or gender stereotyping."

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Angela and Claudia, two Central Valley farmworkers, supported by CRLA's LGBT work.

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STRATEGIC PARTNERSHIPS AND OUTREACH

CRLA continues our partnership with the National Center for Lesbian Rights (NCLR) through Proyecto Poderoso (Project Powerful), a targeted effort to deliver legal services and support to Spanish-speaking LGBT people in rural areas of California. Many CRLA clients come from farmworker communities. An important first step to delivering legal services in these communities includes raising the visibility of LGBT issues and creating safe spaces to begin honest conversations about the health and safety of LGBT community members. Separately, CRLA has developed a Spanish-language radionovela in partnership with Radio Bilingüe and The Family Acceptance Project to help start these much

needed conversations. Drawing on research and community input, the radionovelas help to catalyze conversations within Latino families and farmworker communities in rural areas. The 26 minute radio shows air periodically on Radio Bilingüe and utilize everyday scenarios to engage listeners in honest conversations, helping families and communities open up about LGBT issues. These families and communities can then take steps to uphold the rights of LGBT individuals and family members.

In 2011, CRLA launched a successful series of youth and parent summits in rural California communities providing parents, teachers, and students with the resources to overcome discrimination and attend to the unique needs of LGBT teens.

“Each person we represent gives us an opportunity to advance individual rights and create change in the community.”

– Dan Torres

“We can do this work only because we have collaboration and input from every level of the organization,” says José Padilla, CRLA Executive Director. He counts the participation and investment of CRLA staff from many departments as crucial to advancing civil rights for rural LGBT communities.



Participants learning about LGBT civil rights at a CRLA Conference in Fresno, CA.



heritage of giving back



(L-R) David Martinez and Roman Silberfeld of Robins, Kaplan, Miller & Ciresi L.L.P.

ABOUT THE FIRM

Robins, Kaplan, Miller & Ciresi L.L.P. is a national trial firm. With over 250 attorneys in Minneapolis, New York, Los Angeles, Atlanta, Boston and Naples, FL, they represent some of the world's largest companies, most innovative start-ups, and individuals from virtually every industry and walk of life, both in and out of the courtroom. Its diverse and divergent backgrounds and experience with both plaintiff and defense strategies allow its attorneys to bring valuable perspective and insight to its clients' sophisticated and challenging issues. It is the firm's foundational belief that everyone should have equal access to the civil justice system, regardless of their personal or economic situation. The firm has been repeatedly recognized for its significant pro bono efforts, and the extensive work they do for the community through the firm's private foundations.

ROBINS, KAPLAN, MILLER & CIRESI LLP

Why did Robins, Kaplan, Miller & Ciresi L.L.P. begin supporting CRLA's work?

According to David Martinez, a partner at the firm's Los Angeles office, "CRLA's clients are some of the most disenfranchised and vulnerable members of our communities. Most lack basic necessities that we all take for granted, such as access to education, fair wages, housing and even safe drinking water. Most are underpaid and overworked, spending endless hours under the sun, bent over the fields that produce the vegetables that we eat every day. And because they are located in remote areas in California, most don't have access to pro bono representation. CRLA's work across hundreds of rural communities in California, which includes community outreach, education and training and direct legal services, has a profound and immediate impact on the quality of life of tens of thousands of California's rural poor every year. CRLA's mission to alleviate the plight of the rural poor directly aligns with our firm's core value of equal access to the judicial system."

"Robins, Kaplan, Miller & Ciresi L.L.P. considers community involvement to be one of its hallmark values. We believe strongly that our legal training comes with a core professional obligation - to do good and provide redress wherever possible, and most especially for those who are unable to help themselves. As a result of our commitment, our lawyers are key leaders in a wide variety of worthy community, legal and support endeavors and organizations. We are proud of our heritage of giving back, we believe in honoring the communities in which we practice law through our commitment to them, and we look forward to always maintaining a leadership role in the service of the underprivileged." – Roman Silberfeld, *Regional Managing Partner, Los Angeles*

"By supporting our work, Robins, Kaplan, Miller & Ciresi, LLP is connecting power to justice, pooling the resources and expertise of a national law firm, and reinvesting in the betterment of California's rural poor...we can't do it without them." – José Padilla, *Executive Director of CRLA*

disadvantaged

Throughout California over half a million people live in Disadvantaged, Unincorporated Communities (DUCs). DUCs range from urban

pockets that are excluded from cities, to more remote, densely settled rural communities. Residents in these communities often live without the most basic features of a safe and healthy environment - potable drinking water, sewer systems, safe housing, public transportation, access to healthy food, sidewalks, streetlights and parks - due to decades of neglect and exclusion from formal decision making by city, county and state governments.

The Community Equity Initiative (CEI) is an innovative effort designed by CRLA to address and eliminate social, political and environmental problems that negatively impact residents of DUCs.

Working with partners like with PolicyLink and the California Rural Legal Assistance Foundation, we are working alongside community leaders to raise awareness of DUCs, increase investment in community infrastructure, advocate for equitable development, promote environmental justice, guarantee fair representation and build leadership capacity in DUCs, so that residents can engage meaningfully in decision-making processes that impact their neighborhoods and their families.



Health and
Human Wellbeing



Community
Development

What is the Community Equity Initiative (CEI)?

CEI is working to create safer play spaces for children in the San Joaquin Valley

communities

Major accomplishments of the first 3-year-phase of CEI:

LAND USE

Through SB 244 CEI advocacy helped to change land use practices and planning policy statewide by: **(1)** ensuring comprehensive identification and preliminary analysis of unincorporated communities through long term planning processes **(2)** promoting more efficient service provision and **(3)** making it unlawful to exclude a low income community from a city annexation.

SUSTAINABLE DEVELOPMENT

SB375 changes the way jurisdictions go about planning and prioritize investment through “sustainable communities strategies”. CRLA focuses on ensuring that the needs of DUCs are incorporated into these “sustainable communities strategies,” to guard against the perpetuation of past neglect and further disinvestment.

“With the help of CRLA supporters we have expanded our groundbreaking work to the Eastern Coachella Valley where we are addressing the critical infrastructure and environmental health disparities and deficiencies in the region while developing our statewide understanding of the obstacles to health and sustainability in rural California. ”

– Phoebe Seaton, CEI Program Director



CEI staff speak with community members outside Tulare Co. Board of Supervisors/Tulare LAFCO office.

WATER

Expensive water and wastewater threaten the economic security of hundreds of thousands of low income Californians. Rates are especially high in disadvantaged unincorporated communities, where water contamination adds to the cost of bottled water and/or treatment. Thousands of Californians pay over 10% of their income on water and wastewater services. Some of the ways we are addressing this crisis include:

- Through successful litigation against the State of California, CRLA ensured the development and distribution of a Safe Drinking Water Plan
- Working with state and local government to promote and facilitate service consolidation which would make services more affordable

For the past three years, CEI has focused most of its work in the San Joaquin Valley where we guided and supported local leaders from the communities of Tooleville, Laton, Parklawn, Lanare, Planada, Matheny Tract, Beachwood-Franklin.



Juventino Gonzalez is a resident of Lanare, one of the first DUCs that the CEI program assisted, in Fresno County. After being asked why he cared so much about his community, and why he does what he does to improve his community, he offered this very moving poem that we share with you here – Veronica Garibay, CEI Community Outreach and Education Coordinator

El Sentir de Los Pobres

Ocultar la verdad es mentir

En no hacer un trabajo bien se esta mintiendo usted y abusando de los demás,

La dignidad no es agachar la cabeza y dejar que te pisoteen sino defender tus derechos,

Cual es el secreto del bien? Hablar, saber escuchar, y actuar después.

El mundo entero trata de vivir de el que menos tiene

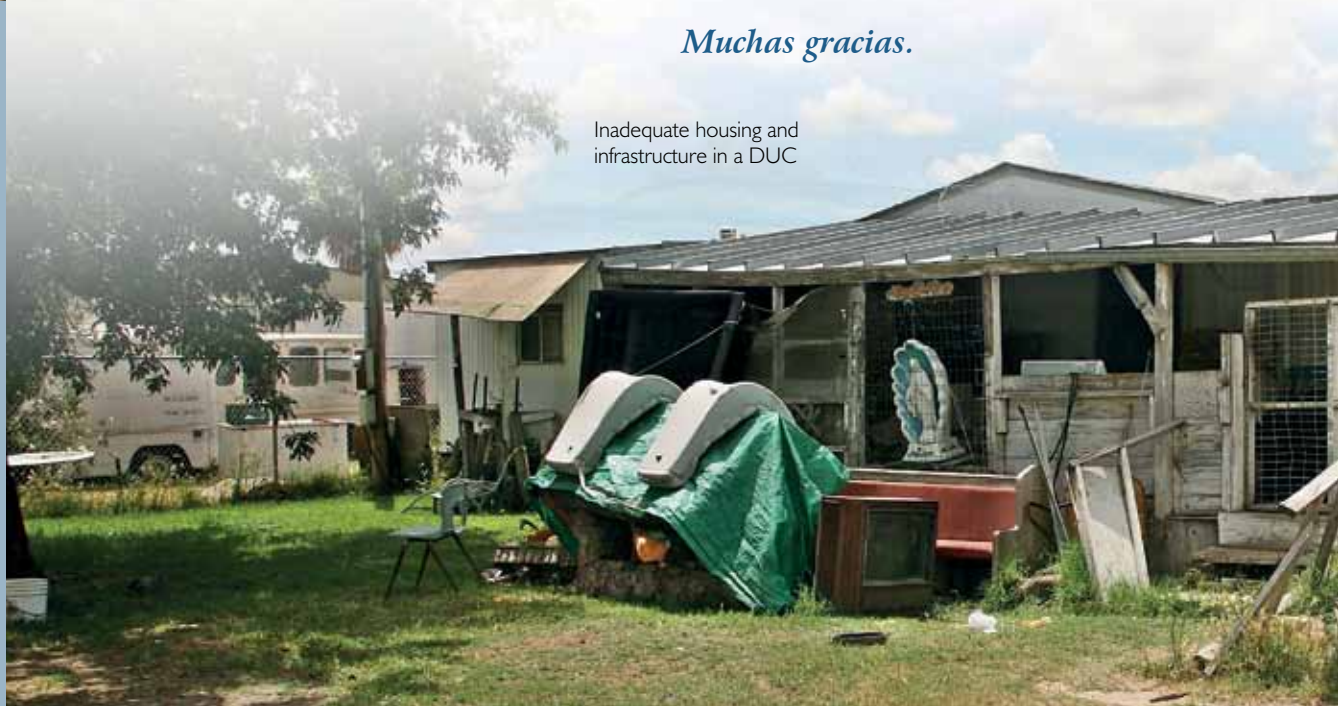
Por qué trata de vivir de nosotros sin molestar al que tiene?

Mi opinión es que si voy a morir de hambre moriré pero luchando por mis derechos sin importancia hasta donde llegue con la verdad y mis derechos

Este es el pensamiento de nosotros los pobres.

Muchas gracias.

Inadequate housing and infrastructure in a DUC



The Feelings of the Poor

To hide the truth is to lie

In not doing a good job you are lying to yourself and abusing others

Dignity is not bowing our heads and allowing to be stepped on but instead, to defend your rights

What is the secret of good? Talk, know how to listen, and then act

The whole world tries to live off of those that have less

Why do they try and live off of us without bothering those that have more?

My opinion is that if I am going to die hungry I am going to die but fighting for my rights without caring where I have to get to with the truth and my rights

These are the feeling of us the poor.

Thank you.



CRLA IN THE CLASSROOM



CEI legal specialist and BerkeleyLaw instructor, Juan Carlos Cancino, teaching a course at UC Berkeley School of Law.

One unique component of the CEI's scope of work is a partnership with UC BerkeleyLaw to offer a specialized course on land use and community equity to law students.

"The course marks an exciting partnership between CRLA and BerkeleyLaw. It allows our students to learn from—and provide legal research for—CRLA's extraordinary lawyers. We hope that it will inspire a new generation of our graduates to practice community-based lawyering and serve the needs of rural areas throughout their careers. For me and other members of the faculty, the course is bringing us closer to CRLA's work in ways that are inspiring and influential."

Michelle Anderson
Assistant Professor,
UC Berkeley School of Law



regional advocacy

THE NEED:

Summer 2011, Paso Robles Housing Authority (PRHA) residents approached CRLA for help, complaining of issues of discrimination based on:

- 1) Religion
- 2) Marital Status
- 3) National Origin

“In these times of tight budgets we are obviously stronger when we can work together as a region.”

– Jeannie Barrett
CRLA Regional Director,
Santa Maria Office



Housing

CRLA offices join forces to
support Central Coast residents



Law students from University of CA, Irvine arrived on the *OneJustice* bus as part of a pro bono program to assist with the surveys.

THE ACTION

Ruth Parker-Angulo, a community worker in CRLA's San Luis Obispo office, in consultation with the Fair Housing Initiatives Program staff in Marysville put together an extensive survey to confirm or refute tenant allegations. She then organized the survey's administration, often conducted in Spanish, to residents in 188 housing units.

THE PLAYERS

- CRLA Paso Robles office and volunteers
- CRLA Santa Maria office and volunteers
- CRLA Oxnard office staff
- CRLA San Luis Obispo office staff and volunteers
- CRLA Santa Rosa office staff
- 17 University of California, Irvine Law school volunteers via the *OneJustice Program*

joining forces

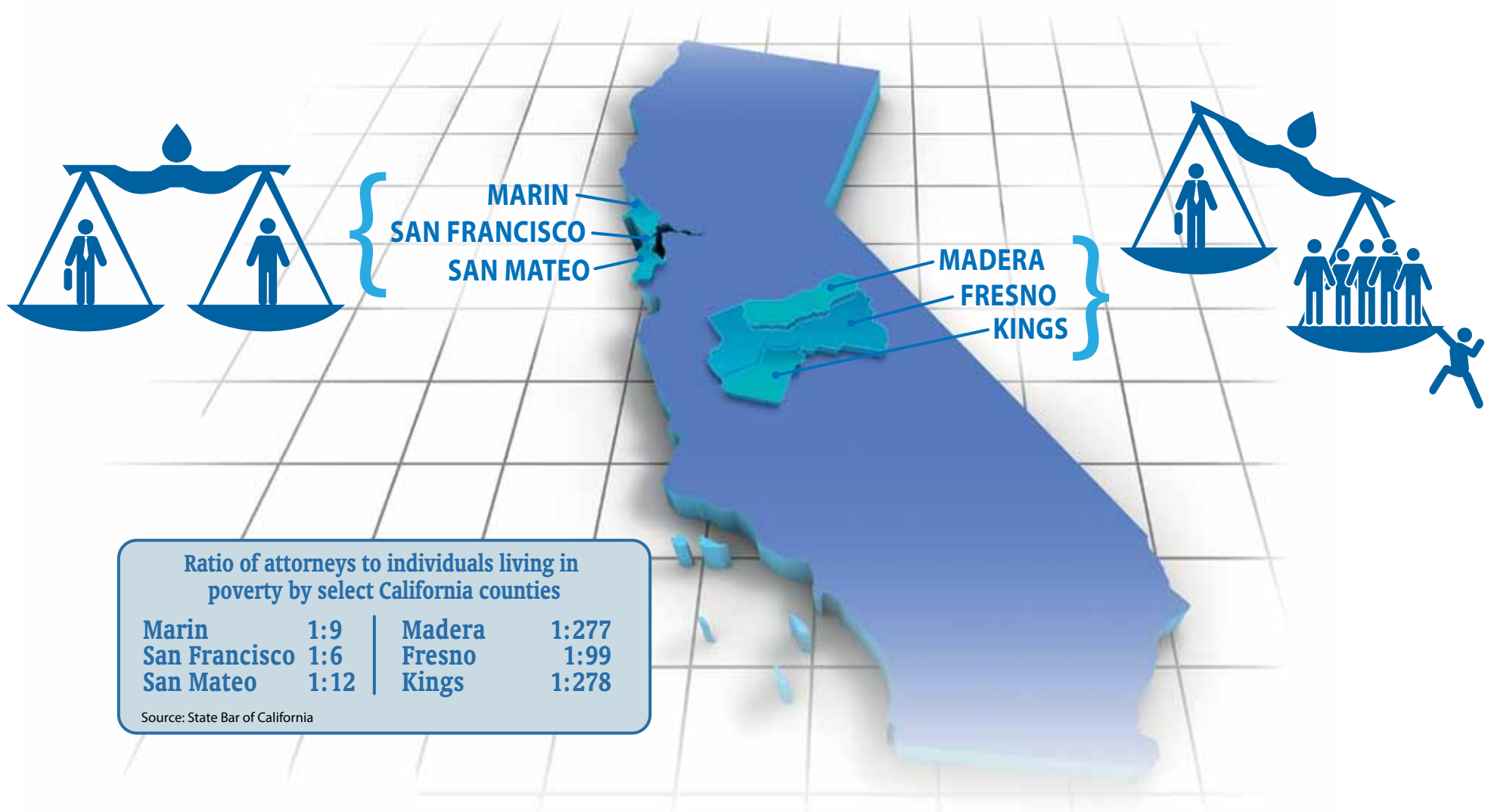
THE OUTCOME

CRLA brought together an amazing group of bright, dedicated staff and volunteers to quickly address potential issues of discrimination. The surveys were completed by March of 2012 and are currently being reviewed and compiled.

"Surveying the Paso Robles Housing Authority (PRHA) residents was a great example of CRLA offices working together as a region. These people were willing to work on weekends to make sure that the PRHA is following fair housing laws. This is another good example of the Oxnard, Santa Maria, San Luis Obispo and Paso Robles CRLA offices working under a regional model." – Michael Blank, Directing Attorney, San Luis Obispo.



rural justice denied



Dear Friends:

When we talk to supporters living in large cities and urban areas, they sometimes find it difficult to understand how hard it is for low-income rural residents to find legal help. Take the Adelson's a low-income family, living in Madera County, CA and in need of legal assistance. Mrs. Adelson calls CRLA for help with her family's legal issue. Statistically, she has just unknowingly stepped into a line with 277 other rural poor individuals seeking legal help from an attorney (see info graphic left, pg 16).

Now imagine Mrs. Adelson lives in San Mateo...same scenario as before...just 160 miles northwest of Madera Co.... she is now in line with only 12 individuals at poverty level seeking legal aid from an attorney. Can you believe 277 low-income individuals must share one attorney in Madera Co.?

Access to an attorney and free legal representation is a constitutional right that becomes more difficult to obtain the further away from an urban center one lives.

Of the 48,000 people CRLA assists annually, there are thousands more who we simply do not have the financial resources to assist.

We are asking for your support to help provide legal assistance in rural California...Imagine how many more lives we could change and improve...

- \$50** provides one individual with an appointment at one of our legal clinics
- \$500** allows us create a brochure for farmworkers to inform them about their rights to things like water, shade and bathrooms while working in the fields
- \$1500** helps us to represent a mother who has been wrongfully fired by her employer

Help us balance the scales of rural justice with your gift.

Adelante creando luz.

José Padilla and Adrian Andrade



José R. Padilla,
Executive Director



Adrian Andrade,
CRLA Board Chairman

overwork



Labor

CRLA Helps Nursery Workers Seek Justice

“We would start work at 7am,” says Moises Hernandez, a former employee of Gold Coast Farms, a nursery in Tulare County. “We’d spray the plants and then prepare orders for shipping, working until lunch and then straight through to seven or eight p.m. without another break. I was always tired. I’d eat when I got off work and then go to bed so I could work the next day.”

Moises and his co-workers repeated this schedule six or seven days a week when the nursery needed to fill large orders from retailers. While the shipping trucks waited, work was done at fever pitch.

Moises didn’t complain about missing breaks for fear of being fired. And he didn’t know he was being paid incorrectly. Then in the Fall of 2009, the workers were called together and summarily laid off. Gold Coast had hired a middleman, Jaguar FLC, a labor contractor that brought in its own workers.

When Moises and his co-workers went to CRLA, they discovered that being laid off wasn’t the main legal issue—being shortchanged on wages over the years was. Like many nurseries throughout California, Gold Coast had misclassified the work-

Jorge Lemus a former Gold Coast Farms Nursery Worker and CRLA Client.

ed underpaid

ers as being covered by wage order 14 (agriculture) instead of wage order 8 (industry), saving the employer thousands of dollars each year. Also, the workers generally did not receive a second meal period on days when they worked more than 10 hours, correct overtime, or double time after working 12 hours in a workday.

Over the course of the two-year case, CRLA alleged that the workers were not performing tasks covered by Wage Order 14. Instead, they were receiving seedlings from other locations, planting to fill orders, and shipping the transplants to retail stores, a job description more in line with packing houses, which are classified as a Wage Order 8 industry. By misclassifying the workers, CRLA argued that the nursery had been illegally shortchanging the workers for breaks and overtime. CRLA also argued that the nursery should provide gloves since they were required to do the job. "It's a standard nursery practice in California," says Felicia Espinosa, Directing Attorney for CRLA's Fresno Migrant Office. "Many are misclassifying workers. And in this case, they were also expecting the workers to pay for their own gloves, an enormous expense for low wage employees. They had to replace their plastic and cotton gloves on a weekly basis.

"It was inspiring to see how our clients supported each other during the case. They came to group meetings, sometimes commuting an hour to our offices. Other times we would drive to Tulare. It was a lot of commitment for them, especially after they found other jobs.

"CRLA needs to do more of these cases, and there needs to be more publicity so that nursery employers will take notice and workers will know they're being underpaid. It's on our radar now. I want the industry to pay attention."

Although happy with the settlement, Moises will not be on easy street when he receives the back pay he is owed.

"After my wife and I were fired, we fell behind before we found more work," says Moises. "So the money from the settlement will be used to pay off our debts to friends and credit cards."

1. The California Industrial Welfare Commission (IWC) Wage Orders regulate wages, hours, and working conditions for 17 industry classifications. Wage Order 8 comprises industries handling products after harvest, while Wage Order 14 comprises agricultural occupations. Employees covered by Wage Order 14 are entitled to overtime pay only after working more than 10 hours in a workday, while employees covered by Wage Order 8 and every other wage order earn overtime after working more than 8 hours in a workday.



Maria Gomez a former Gold Coast Farms Nursery worker and CRLA Client.

"But we finally got justice!" he adds, a note of triumph in his voice. "I would tell other workers to not stay quiet. You must speak up to be heard."

– Moises Hernandez

changing lives

"Her power came from finding out that she had rights. We helped her use her power, by way of this lawsuit, and the company settled this case because it was forced to recognize her power."



Health and
Human Wellbeing

**One Woman's Courage
Changes Lives**

“I came to CRLA out of desperation,” says Francisca Alvarado Garcia, CRLA’s client in a lawsuit filed by the Equal Employment Opportunity Commission (EEOC). “Supervisors would touch my rear end, they would hug me and make comments about my body, they would ‘check’ on me in the bathroom, and they would tell me that Mexican women are lazy, and the reason we have so many children is because we like *chaca-chaca* [a derogatory term for having sex].”

Francisca went to work every day for years, knowing she and her co-workers would be groped, propositioned, or insulted. But as a single mom supporting a nine-year-old son, she was afraid to speak up for fear of losing her job. Finally, when Francisca bolstered her courage to complain, her worst fear was realized, she and a male co-worker who defended her were fired.

“Francisca was very isolated in terms of her day to day experience,” says Andres Garcia, Directing Attorney for CRLA’s Oxnard Migrant Office. “But after she talked with us, she recognized that what happened to her was not right or lawful. Her power came from finding out that she had rights. We helped her use her power, by way of this lawsuit, and the company settled this case because it was forced to recognize her power.”

CRLA filed initial charges with the EEOC in the Fall of 2008. After two years of investigation and an unsuccessful attempt at mediation,

the EEOC filed a lawsuit against Cyma and its predecessor, Taaen Orchids, in September 2010 on behalf of seven other greenhouse workers. CRLA then intervened in the EEOC lawsuit on behalf of Francisca.

When the \$240,000 settlement was finally reached in November 2011, after three long years of legal limbo, the case made headlines throughout the state of California, with television, radio, and newspaper coverage heaviest in the Ventura County region. As part of the settlement, the company is bound by a two-and-a-half-year consent decree (see sidebar) to ensure that they will comply with Title VII of the Civil Rights Act in the future.

“Even though the case lasted a long time, I couldn’t give up until I found justice. And now that I know about workers’ rights, if anything like this ever happens to me again, I know to come to CRLA.”



Ms. Garcia receives her settlement payment.

“The publicity is a deterrent for employers,” says Carol Igoe, Senior Trial Attorney with the EEOC. “It keeps them from tolerating or engaging in this behavior because many are motivated by money. And this lawsuit cost Cyma and Taaen a lot of money.

“I think the publicity also helps women who weren’t involved in the lawsuit. It makes it a little less scary for other women to speak up, and it makes something that seems impossible, possible.”

“We were able to prosecute this lawsuit effectively because of our partnership,” says Carol. “CRLA’s community workers helped us maintain contact with the clients. And their legal expertise in terms of strategy was very powerful—a real



CRLA Directing Attorney Andres Garcia with Ms. Garcia and her son.

factor in moving the employer to such a high dollar settlement so early. We worked together seamlessly."

But the question remains: Is the agriculture industry's track record on sexual harassment improving in response to these types of lawsuits?

"I think it's getting better because there's more information circulating among employers about what's right and wrong," says Andres. "But much more work needs to be done to educate the industry."

"I think it's getting better because there's more information circulating among employers about what's right and wrong. But much more work needs to be done to educate the industry."

"If there was no public monitoring like this lawsuit, sexual harassment in agriculture would be even more pervasive," says Carol. "But something additional happens when CRLA is involved. Participants gain a sense of social agency that they carry with them into other jobs and other aspects of their lives. For example, another woman in this case has been quite active in fighting unfair employment practices in her new job.

"Enfranchisement of rights is incredibly powerful. It starts with the individual, then workers begin to empower each other. In this case, enfranchisement placed power in the hands of these low-wage workers who successfully held their boss accountable."

CONSENT DECREE DETAILS

"The consent decree is very robust - a positive culture shock for this employer," says Carol Igoe, Senior Trial Attorney with the EEOC. "It assures employees that CYMA will hold everyone accountable for engaging in sexual harassment or discrimination. It also is binding on successors, so if the company is sold and becomes a different legal entity, they still have to follow the decree. And if it's violated, we can get the decree extended."

Overview of terms specified by the consent decree:

- Cyma may not discriminate or retaliate against former or current employees involved in the lawsuit.
- Cyma may not discriminate against or harass employees because of their sex, or tolerate a hostile work environment.
- Cyma will work with an EEOC coordinator for the duration of the decree to ensure compliance with Title VII requirements and this decree.
- Cyma must visibly post information about the decree or distribute copies to all employees annually for the length of this decree.
- Cyma must revise its policies and procedures related to sexual discrimination and harassment and make them available to employees in English and Spanish.
- The EEOC coordinator will ensure that Cyma provides regular mandatory training (a detailed description of training requirements is included in the decree) for all employees, including managers and human resource specialists, so that everyone knows how to recognize, report, and investigate sexual harassment and discrimination.
- Cyma is required to record and track attendance at trainings, all reported incidents and investigation details as well as associated resolutions, and provide this information in annual reports to the EEOC.



A pregnant Laronda Tirshell (who has since had her baby) shows CRLA her apartment.

unsafe conditions



A VISION OF DIGNITY AND RESPECT FOR RURAL CITIES

When a client community is living without a safety net, day-to-day quality of life issues often denote larger systemic imbalances – such as the case of the Doyle Gardens apartment complex near Stockton where an outbreak of bedbugs brought CRLA into action with local residents.

Doyle Garden residents, largely low-income individuals, live in a place already plagued by unsafe conditions, cockroach infestations, fixtures falling off walls, broken windows, and general disrepair. When a bedbug infestation added to their health and safety woes, even preventing them from sleeping at night, the landlord refused to correct the situation – and still kept collecting full rent.

Overseeing public agencies were little help – the residents repeatedly requested inspections and after they finally took place, the situation failed to improve. “The units were written up for violations by the city and county,” said staff attorney Marcela Ruiz, “but the problems still remained.”

“The bugs were bad enough when my husband, my older son and I were getting bit,” said Laronda Tirshell who still lives at Doyle Gardens. “Now that my baby wakes up with bites too it really makes me mad and something has got to change.” So the residents enlisted CRLA in filing suit. Twenty-one Doyle Gardens tenants filed a lawsuit in September 2011, hoping to have their day in court, the opportunity to tell their story and to improve the conditions for themselves and their neighbors.

The case has received widespread press coverage, striking a chord with a community that too often sees these types of violations go uncorrected. We continue to work alongside the residents of Doyle Gardens to bring about a more safe and habitable living place, while furthering the vision of a world where fundamental rights are upheld and protected. Visit <http://crla.org/news-and-events> for updates on this case over the next several months.

CRLA Helps a Rural Community Address Habitability and Health Issues



Doyle Gardens resident sharing concerns with CRLA staff.

- 22.3%** of Stockton Residents live at or below the poverty level
- 21.5%** of Stockton Residents are African American
- 40.3%** of Stockton Residents are Latino
- 16.2%** of Stockton Residents are Unemployed
- 27.2%** of San Joaquin County residents (where Stockton is located) are disabled

Source: US Census

“Ya gotta love it!”

Gary Hernandez posing with his penguin collection

In the early summer of 2011 CRLA's mailbox was unusually full. Donation cards and PayPal contributions in memory of Gary Hernandez streamed in with notes reading: “Gary was an amazing man...he is missed” or “In memory of Gary and his significant works.”

With such an outpouring of love and support for a man one quickly got an idea – albeit small in comparison to how large of a life he lived – of Gary's personality and passions thanks to the stories and gifts made to CRLA in his memory. “He believed in uplifting people out of their situations...Gary was a law firm partner, rainmaker and a philanthropist,” said Deidra ‘Red’ Williams, Secretarial Supervisor at SNR Denton and long-time colleague of Gary's.

Reflections from each of Gary's friends and colleagues' include mention of his mentoring and leadership qualities. Wherever he worked everyone was treated equally... if a case was settled or a brief published Gary made sure each hand involved was recognized. “He had a huge vision of equality and social justice and has left a big hole in the community and in peoples' lives,”



Donor

Friends, colleagues and family celebrate Gary Hernandez's life through stories & memorial gifts to CRLA.

“He had a huge vision of equality and social justices and has left a big hole in the community and in peoples’ lives.”

– Teri Hernandez

said Teri Hernandez his wife and partner for over 21 years.

Gary’s personal and professional life fit together seamlessly. Clients were his friends and work an extension of his person. “We had a rule, if Gary was gone for more than 48 hours on business I also went on that trip with him,” said Teri who used to work with CRLA’s Development Department and organized our first Tardeada fundraiser.

When Gary died on Friday, May 27, 2011 from a pulmonary embolism, Teri chose CRLA as the beneficiary of all memorial donations. “I was looking for something that represented his values. He’s known José Padilla and CRLA for years and it seemed like the right thing to do.”

One visit to his office and you would have immediately saw his sense of humor and lovable eccentricities...in a 2006 interview in “San Francisco Attorney” about Bay Area lawyers who collect unusual things, Gary jokes about his love for penguins: *Hernandez, who has penguin items in his office and at home, cites the dictionary definition of penguins as “shortlegged, flightless*

aquatic birds.” He quips, “I’m sure I have a personal affinity because that also applies to me.”

“People really enjoyed working with him,” Red remarked fondly. When Gary worked on a project, not only was the final product amazing...but all those working with him came away from the experience as better people.

We are grateful to be one of Gary’s final projects, and we are thankful to his family and friends for continuing his mentorship and vision for equality through giving to CRLA .

He believed in uplifting people out of their situations...Gary was a law firm partner, rain-maker and a philanthropist.”



GARY'S WORK WITH SNR DENTON

The last firm where he worked, SNR Denton, definitely feels his absence. From SNR Denton’s in memoriam webpage: *Gary joined the Firm in 1997 in our San Francisco office directly from government. Previously a deputy city attorney for the City and County of San Francisco, Gary had just concluded service as the California deputy insurance commissioner and chief of enforcement in charge of insurer enforcement and market conduct, fraud investigations and management of all failed insurers in the state.*

SNR Denton’s profile in Insurance Regulation, and the depth of our team’s talent in handling state regulatory compliance, company and agency formation, and regulatory approval and administrative law matters on behalf of insurers and holding companies, is merely a reflection of the vision Gary first set upon implementing almost 15 years ago.

Gary’s profound commitment to serving clients creatively and responsively will be carried forward by the team of exceptional lawyers and professionals he recruited, trained, advanced and inspired.

(From www.snr Denton.com)

firmly planted

Emanuel with coworker Lorena Martinez collecting surveys in the Duroville Mobile Home Park case from 2012.

In his 22 years as a CRLA community worker in Oxnard and Coachella, Emanuel Benitez has seen it all: rampant workplace safety violations, discrimination, harassment, uninhabitable housing and brutal living conditions. But he's also seen the irrepressible strength of California's field workers fighting for their rights and recognition under the law. And Benitez knows this strength firsthand – as a former field worker himself, Benitez's feet remain firmly planted in the real fields and struggles of rural California.

How long have you worked with CRLA, and how did you come to the organization?

I've worked here for 22 years. I began as a farm-worker in the Salinas valley, and then I became involved with the United Farm Workers in the 70's. Then I came to CRLA as a community worker, first in Oxnard and now in Coachella.

What does a CRLA community worker do?

Well, all kinds of things! With the work CRLA does, we always have the law behind us. But no one else is out there enforcing the laws. Cal OSHA or other government agencies don't have the resources to be out in every workplace.



CRLA STAFF

**CRLA Staff Q-and-A:
Community Worker, Emanuel Benitez**

So mostly we interact with the workers. We visit the fields and make sure that there's toilets and drinking water.

We show people better ways to use tools, give them resources for heat stress relief. We also do trainings in labor law and things like that for the whole community.

It helps that I was a farm worker, because I'm able to relate to people and I understand the issues firsthand – how the working environment really is out there. And organizing with the UFW helped me a lot because when I got to CRLA, I had already spent 15 years in the field talking with workers.

What kinds of cases have you been involved in during your time with CRLA?

I've worked on so many cases – Labor Commission and Employment Development Department cases, workplace issues, like employers forcing the workers to use short-handled tools to weed. Cases trying to get toilets for workers in the field, which we helped make standard. I've worked on discrimination and harassment cases with women in packing houses, where they're not allowed to do a "man's" job like driving fork lifts or when they're not allowed to use the toilets, so they're forced to wear diapers.

More recently I've worked on grape testing in Coachella Valley, where workers for a huge grower were being forced to taste-test unwashed grapes in the fields to find out if the grapes had enough sugar and were ripe and ready to be harvested. We won an injunction that forced the grower to stop this practice.

You're famous within CRLA for this map you used to have on your office wall. Can you tell us about it?

When I transferred from Oxnard to Coachella in May 1999, I started working on a big housing discrimination case against the County of Riverside.

The Coachella Valley is home to lots of migrant farm workers because they are able to pay low rent in mobile home parks and have a base here, and then travel to harvest in Bakersfield and other nearby places. So there are all these unpermitted trailer parks. And in Riverside, the county tried to close about 300 of them and force all these people out of their homes. We won the case and had an agreement with the county for about \$21 million, where park owners were required to provide sewer and electrical infrastructure and tenants could exchange old mobile homes for new, safe ones.

So in the middle of the summer in 1999, I arrived in Coachella to work on this case– it's hot here, it feels like you're getting buckets of fire thrown on you. And my job was to drive around and visit all these mobile homes in unincorporated rural areas, and I didn't know the area at all, or how to get around. So I acquired a map, and made it into an adventure. I'd put a dot at each place I visited a mobile park. It helps me get a handle on cases, and see where I've been and where I'm going.

Are things getting better now for farmworkers in California than they were 20 years ago?

Well, we have been able to make some big changes. But there are still violations—it doesn't stop. And you have to always be vigilant. As soon as the employers don't see you out in the fields



Emanuel in front of a field monitoring map.

any more, the same issues will start coming back. If you want to keep making change, you always have to be on top of it, and be physically present in these workplaces and in these communities. Monitoring is essential to ensuring workplace safety and field sanitation.

After two decades, what keeps you doing this work every day?

For me, it's natural. I'm just glad I've been able to have the opportunity. I began as a farmworker and I always wanted to reach more people and talk to more people and help them in their positions.

When you see people's faces after they've won a case – for example, a worker comes to you and they're being denied benefits and they're out of work. Then when you're able to help this person pay their rent and feed their family – it's amazing. Or for women being sexually harassed, when you're able to be a part of them raising their voices, to be heard – it's incredible. I'd almost do it for free.

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Barrio Logan Winery	Zac Placencia
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Bradford Portraits	Rowley Children's Portraiture
Memo Cavada	Thomas and Lorna Saiz
Dobson's Bar and Restaurant	San Diego Chargers
El Fandango Restaurant	Community Foundation
Daniel Hernandez	Southwest Airlines
Hornblower Cruises	Delia Talamantez
Law Offices of Moreno & Perez	Reyes Topete
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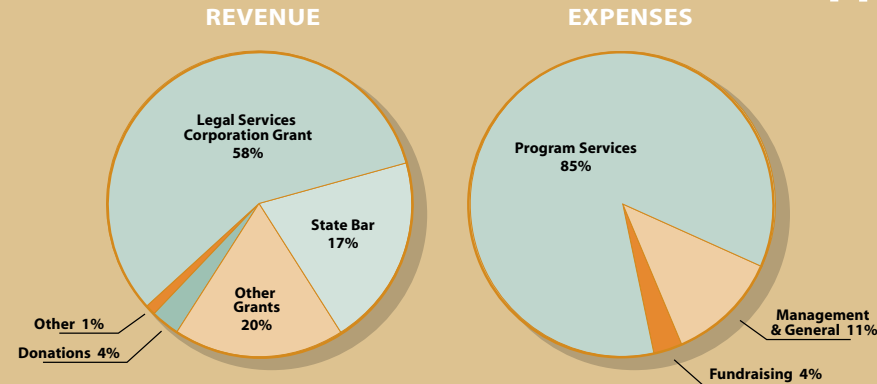
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Watsonville Law Center
Women's Foundation of California

STATEMENTS OF FINANCIAL POSITION

December 31, 2011 and 2010

ASSETS	2011	2010
CURRENT ASSETS		
Cash and cash equivalents	\$1,759,484	\$1,642,543
Grants receivable	725,505	748,528
Pledges receivable	11,445	34,628
Other receivable	135,419	76,854
Prepaid expenses, deposits, and employee advances	169,338	157,100
Other assets	1,630	1,425
Total current assets	\$2,802,821	\$2,661,078
NON-CURRENT ASSETS		
Client trust funds	157,896	475,917
Property and equipment	1,324,121	1,399,264
Total non-current assets	\$1,482,017	\$1,875,181
Total assets	\$4,284,838	\$4,536,259
LIABILITIES AND NET ASSETS		
CURRENT LIABILITIES		
Accounts payable	\$230,515	\$182,702
Accrued liabilities	844,674	910,333
Refundable advances	966,236	606,720
Current portion of notes payable	38,867	40,680
Total current liabilities	\$2,080,292	\$1,740,435
NON-CURRENT LIABILITIES		
Client trust funds payable	157,896	475,917
Notes payable	572,246	609,751
Total non-current liabilities	\$730,142	\$1,085,668
Total liabilities	\$2,810,434	\$2,826,103
NET ASSETS		
Unrestricted	262,832	374,978
Unrestricted board designated	1,037,777	1,046,106
Temporarily restricted	173,795	289,072
Total net assets	1,474,404	1,710,156
Total liabilities and net assets	\$4,284,838	\$4,536,259



financials



2011-2010

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STATEMENTS OF ACTIVITIES AND CHANGES IN NET ASSETS

	Year Ended December 31, 2011			Year Ended December 31, 2010		
	UNRESTRICTED	TEMPORARILY RESTRICTED	TOTAL	UNRESTRICTED	TEMPORARILY RESTRICTED	TOTAL
REVENUE AND SUPPORT						
Grant revenue	\$20,000	\$13,165,132	\$13,185,132	\$2,741	\$14,014,631	\$14,017,372
Donated Services	1,257,000	-	1,257,000	1,382,050	-	1,382,050
Contributions	563,022	3,477	566,499	301,434	27,549	328,983
Attorneys fees and costs recovery	179,000	188,993	367,993	60,517	75,462	135,979
Special event revenue	168,881	-	168,881	204,435	-	204,435
Other revenue	45,806	48,341	94,147	38,146	76,358	114,504
Net assets released from program restrictions	13,521,220	(13,521,220)	-	14,232,641	(14,232,641)	-
Total revenue and support	15,754,929	(115,277)	15,639,652	16,221,964	(38,641)	16,183,323
EXPENSES						
Program services	13,518,009	-	13,518,009	14,001,775	-	14,001,775
Management and general	1,589,963	-	1,589,963	1,774,470	-	1,774,470
Fundraising	767,432	-	767,432	712,515	-	712,515
Total expenses	15,875,404	-	15,875,404	16,488,760	-	16,488,760
Change in net assets	(120,475)	(115,277)	(235,752)	(266,796)	(38,641)	(305,437)
NET ASSETS						
Beginning of year	\$1,421,084	\$289,072	\$1,710,156	\$1,687,880	\$327,713	\$2,015,593
End of year	\$1,300,609	\$173,795	\$1,474,404	\$1,421,084	\$289,072	\$1,710,156

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Written by Manjula Martin &
Mike Courville

Heritage of Giving Back
Written by Austin Cummings
and Kim Jones



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