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Latino Residents Reach Settlement with City of Modesto and Stanislaus County on
Equal Access to Municipal Services

MODESTO, CA -- A settlement was announced today of a major civil rights action challenging the allegedly discriminatory delivery of municipal services to Latino communities in Modesto, California. The suit was originally filed in August 2004 on behalf of Modesto residents and two neighborhood organizations by Lawyers’ Committee for Civil Rights, California Rural Legal Assistance (CRLA), Brian Brosnahan (formerly of Heller Ehrman, currently of Kasowitz, Benson, Torres & Friedman), Covington & Burling, and Coblentz, Patch, Duffy & Bass.

These primarily Latino communities have been excluded in previous annexations by the city that have benefited bordering areas; thus, they have remained unincorporated and without the municipal services that are provided to other residents, who often reside in adjacent neighborhoods.

The plaintiffs filed suit against the city of Modesto and Stanislaus County to remedy these discrepancies in public services, alleging that their neighborhoods are forced to rely upon septic tanks that regularly overflow, and lack storm drains, sidewalks, curbs, gutters, street lights and adequate police enforcement and fire protection. The District Court dismissed the plaintiffs’ suit in a series of rulings in 2008. Later, the Ninth Circuit reversed much of the court’s rulings and sent the case back to the District Court for trial.

In its ruling, the Ninth Circuit established an important precedent with national ramifications when it found that the protections of the federal Fair Housing Act prohibit discriminatory actions throughout the occupancy of the residence, and not only at the time of purchase or rental, as the District Court had ruled. The ruling also found that un-annexed neighborhoods can benefit from city and County tax revenue, and that their previous exclusion was the result of intentional discrimination by the city and the County.
Shortly after the Ninth Circuit decision, serious settlement discussions with the city and County began. The claims against the Regional 911 agency settled quickly because law enforcement dispatch and response times had improved dramatically since the filing of the suit. The County also has agreed to establish objective priority criteria for undertaking infrastructure projects. As such, sewer projects within the Latino neighborhoods have been identified as a high priority and will be addressed accordingly. Other significant settlement provisions include commitments by the city and County to support future annexation efforts by the plaintiff neighborhoods.

Brian Brosnahan of Kasowitz, Benson, Torres & Friedman, said: “This case has been a long and, at times, contentious battle. With help from the Ninth Circuit, the parties were eventually able to work together toward the common goal of bringing infrastructure and, ultimately, annexation to the neighborhoods. While the settlement solves some of the problems faced by the neighborhoods, others will be solved in the future through continued good faith cooperation between all parties.”

Robert Rubin of the Lawyers’ Committee said: “For too long, city and County officials have neglected the needs of Latino neighborhoods that suffer from a lack of the most basic municipal services. Though we would have preferred outright annexation of the neighborhoods to ensure at least an equal right to municipal services, the city and County have agreed to make substantial improvements that should produce more livable conditions in these neighborhoods and ultimately lead to annexation.”

Ilene Jacobs of CRLA added: "Settlement of this case goes a long way toward ensuring that the city and County will provide critically needed improvements to these neighborhoods. Community members bravely pressed to be treated with equal dignity and to have the benefit of the services that many of us take for granted. The residents, city and County now can work together to achieve those goals."

About the Lawyers’ Committee:
For more than 40 years, the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area has worked to advance, protect and promote the legal rights of communities of color, immigrants and refugees -- with a specific focus on low-income communities and a long-standing commitment to African Americans. Lawyers' Committee staff, working with hundreds of pro bono attorneys, provides free legal assistance and representation to individuals on civil legal matters through direct services, impact litigation and policy advocacy. For more information, visit www.lccr.com.

About California Legal Rural Assistance:
California Legal Rural Assistance (CRLA) was founded in 1966 as a nonprofit legal services program. Its mission is to strive for economic justice and human rights on behalf of California’s rural poor. CLRA provides more than 40,000 low-income rural Californians with free legal assistance and a variety of community education and outreach programs.

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