

PRO BONO Matters



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25 Years of Service

The Newsletter of the Public Law Center

Fall 2005

Court Appoints Receiver To Make Neglected Repairs To Slum Apartment Building

Public Law Center volunteer attorneys obtained an important victory in the Orange County Superior Court this October when they obtained the appointment of a habitability receiver to take over control of a slum apartment building in Santa Ana so that needed repairs could be made. Gibson, Dunn & Crutcher LLP lawyers Lori Ginex-Orinion and Kelly Leggio's successful effort means that the many low income families currently living at the slum apartment building will finally see long awaited repairs made to their apartments.

This important step is part of a nearly yearlong effort on behalf of the tenants. Gibson Dunn first became involved in this matter when they represented a family faced with eviction. The Gibson Dunn attorneys had planned to raise habitability and retaliatory eviction defenses at the trial but were able to obtain a dismissal. The building was in such a sorry state that it affected every one else living there as well as their clients. Because of that, Lori and Kelley, working with Gibson Dunn OC managing partner Jeff Thomas, PLC board member and firm partner Nick Hanna, and several other attorneys and staff at the firm, filed an affirmative class action against the owners. Yet, even after the complaint was filed, the owners consistently refused to make even the most minimal repairs, generally placing the blame for the dilapidated state of the building on the tenants.

In July, Gibson Dunn filed a motion for appointment of a habitability receiver to take control of the building and make needed repairs. As part of this motion, Gibson Dunn submitted evidence showing that the City of Santa Ana had been serving violation notices on the Defendants in regard to the property for over two-and-a-half years and that there were currently at least 269 outstanding violations on the property. The Defendants opposed the motion, claiming that they

had hired a contractor who was moving ahead on the repairs. Initially, the Court was reluctant to appoint a receiver and continued the hearing on the motion for about 50 days to allow Defendants additional time to make the necessary repairs. There was an interim progress hearing a month later at which the Court noted it was not impressed with the Defendants' progress. By the time of the October hearing, the Defendants had completed none of the major repairs and had not even done minor work such as replacing nonworking smoke detectors. Significantly, Defendants were unable to prove that any of the 269 outstanding violations had been remedied when the parties appeared in October.

Dismayed with the Defendants' efforts to repair their building, Commissioner Jane Myers granted Plaintiff's motion for the appointment of a receiver to properly manage the badly needed repairs to the apartment complex. The appointment of a habitability receiver – a procedure rarely used in Orange County – will allow the receiver to periodically collect money from Defendants and borrow any additional sums needed for the necessary repairs. The appointed receiver, David Pasternak of Los Angeles, has considerable experience in receiverships, including habitability receiverships. He's also no stranger to issues involved in pro bono cases, as he is a former president of the Los Angeles County Bar Association and of Bet Tzedek Legal Services.

The state of disrepair at the apartment building is so severe that repairs could cost as much as a half-a-million dollars. In the meantime, Lori and Kelly report that the building's tenants are very excited that they may finally see the long delayed repairs to their building. Our congrats to Lori, Kelly, and the rest of the Gibson Dunn team! 🛠️



Get Involved with PLC...

If you would like to volunteer with PLC please contact Tracy Hermans, Senior Administrative Assistant, at (714) 541-1010 ext. 292 or thermans@publiclawcenter.org

We particularly need volunteers to help staff our evening Armory Homeless clinics in Santa Ana and Fullerton that we operate twice weekly from December through March.

Mission Statement

The Public Law Center, Orange County's *pro bono* law firm, is committed to providing access to justice for low income residents. Through volunteers and staff, the Public Law Center provides free civil legal services, including counseling, individual representation, community education, and strategic litigation and advocacy to challenge societal injustices.

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From the Executive Director



A friend of ours named Mary Jane is a mental health social worker at a large non-profit agency. Mary Jane and her staff regularly deal not just with mental health issues, but also with a wide array of other concerns brought on by their clients' overwhelming poverty. Housing, unemployment and health care are just a few of the issues they face every day. Mary Jane's job is always difficult, but now it's gotten much more so. That's because Mary Jane doesn't live in Orange County – she lives in New Orleans.

Since Hurricane Katrina devastated the Gulf Coast in early September a lot has been said and written about what happened and what didn't happen. Out of the jumble of thoughts, theories, accusations and denials a couple of things stood out.

First, you couldn't help being both saddened and angered to see that those living in poverty did not receive quickly the assistance they needed and, as a result, their situations worsened. For those who had forgotten that the poor in our country live with a lack of basic human necessities that many of us take for granted – things like adequate housing, sufficient food, transportation, access to health care – the aftermath of Hurricane Katrina was a stark reminder.

But at the same time, it was heartening to see so many people helping those in need. Whether trained professional or ordinary citizen, the many stories of those offering help, combined with the many millions of dollars that have been raised reminds us that we're all in one big family in which we are strongest when we all pull together.

While in the initial days after the disaster, people were dealing with the most basic of human needs, experience in past disasters tells us that those affected by the hurricane will need in the near future help from lawyers to deal with a variety of different problems caused by the hurricane.

Half a continent away in Orange County, we go on with our daily lives. Many of us have contributed dollars for hurricane relief and some have donated their time. And although it's still too early to tell, there may be some pro bono legal work needed locally for evacuees. While some of us have been scarred deeply by the devastation, most of us have gone back to our regular routines. But still, there are parallels between what we saw coming out of the Gulf Coast and our lives here in the OC.

Like in New Orleans and other affected areas in the Gulf region, we in Orange County have a large poverty population. Just as in New Orleans, the

poor are hidden away in areas not often frequented by most tourists or even by many residents. They live in overcrowded housing, they have limited access to health care and must deal with public transportation to get to and from the multiple jobs at which they work to keep a roof over their heads.

Just as in New Orleans, a broad spectrum of concerned residents in Orange County regularly pulls together to help out those in need. Whether by serving food to the homeless, helping to build a Habitat for Humanity home, cleaning up a run down neighborhood or donating money, Orange County residents daily give of themselves to help better the lives of those less fortunate.

And as will be the case in the Gulf, lawyers here in Orange County have an important role to play. To be sure, lawyers volunteer regularly for a wide array of extremely worthwhile charities. Lawyers in our community also provide a significant amount of charitable contributions – many of them to PLC, for which we are extremely grateful.

More important than anything else, however, lawyers provide free legal services to clients who can't afford a lawyer. Whether a lawyer is representing a tenant facing a wrongful eviction, helping a domestic violence victim obtain a divorce or giving brief advice to a senior citizen threatened with a consumer scam, our provision of pro bono legal services is so critical because it's the one thing that we lawyers can do that no one else can. And when we use our skills as lawyers to help those in need, we in a sense become part of the greater family of people here in Orange County.

We can become a strong, positive force for helping our communities only if we're willing. There will always be an excuse for declining to help, a reason not to get involved in providing legal assistance to those who need our help. We shouldn't have to wait for a disaster to help our neighbors. Get involved now.

P.S. Since first writing this column, a disaster of even greater portions has devastated Pakistan. Our thoughts and prayers are with the tens of thousands who lost their lives in the earthquake and the millions affected by the devastation. ↵

Elderly Couple to Stay in Home with PLC's Help

PLC volunteers Kent Schmidt and Chris Humphreys of Dorsey & Whitney represented the Bordens, an African American couple in their 70's who were faced with the loss of their home of many years. The Bordens were retired and lived on Social Security and a small pension. They moved into a Santa Ana house in 1984 as renters and paid \$700 a month rent until 1995. They had complained to the owner about a leaky roof and the property's general state of disrepair. The owner told them if the roof wasn't fixed they didn't have to pay rent. So in December 1995 the clients stopped paying rent and made the roof repairs, as well as other needed repairs. The property changed ownership shortly after, but no one came to collect rent. The Bordens were unsuccessful in their efforts to find the new owner. Delinquent property tax bills began arriving at the property and the clients, uncertain of what to do, paid the taxes. Finally, in April 2004 a trustee of the property surfaced and served the clients with a 60-day notice terminating their tenancy.

When Kent and Chris began working on the case, the Bordens were without a lawyer, one week before an unlawful detainer trial. With the help of the

Legal Aid Society of Orange County, the clients had filed an answer asserting an adverse possession defense. After PLC got the case and placed it with Dorsey & Whitney, Kent and Chris quickly filed a complaint to quiet title based on several theories, including adverse possession. The actions were consolidated, and the trial was continued for several months. Kent and Chris (working with firm partners Kathlene Lowe, John Baker, Gabrielle Wirth,

continued on page 8



Happy Homeowners Dorothy and David Borden

Two New Reports on Courts Spotlight Access to Justice Barriers

In the first week of September, eclipsed by the news coverage of Hurricane Katrina and the passing of Chief Justice Rehnquist, two major reports about our civil justice system in California were issued that make clear that the goal of equal access to justice for all is still elusive. Both should be required reading for anyone concerned about the justice system in California.

[Language Barriers to Justice in California, by the California Commission on Access to Justice.](#) This report highlights the difficulties faced by the nearly seven million Californians who cannot access the courts without language assistance. Limited funding for interpreters combined with an extremely difficult certification exam have thinned the ranks of certified court interpreters in California to a mere 1,238 for the entire state. Without the development and implementation of a comprehensive language access policy, including a concerted effort to bolster the interpreter ranks, an unacceptably large number of Californians will simply have no idea what is happening to them in the court system. Fundamental fairness requires something much better. We note that OCBA Treasurer Joe Chairez is Vice Chair of the Committee that authored this important new report.

[Trust and Confidence in the California Courts 2005 – A Survey of the Public and Attorneys, by the National Center for State Courts.](#) This report, commissioned by the Administrative Office of the Courts for the California Judicial Council, contains the results of the first major survey of the public and the bar about California's court system in 15 years.

While the good news in the report is that the public has significantly more trust and confidence in the courts than in the early 1990s, the report also raises significant concerns. Like the fact that most respondents think that a litigant with limited English proficiency will not fair well in court. Or that certain groups, like Blacks, Latinos, Asians and the poor are treated less fairly than other groups when in court. Or that the single greatest barrier to access to the justice system is the high cost of affordable legal services.

The California Judicial Council, led by Chief Justice Ronald George, has already sprung into action tasking its eighteen different advisory committees to accomplish a number of the recommendations in the Trust and Confidence Report. And by highlighting the plight of Limited English Proficient litigants in the courts, the Commission on Access to Justice is educating decision makers about the impact on everyday people of the paltry availability of court interpreter services. Together, these reports amount to a call to action to make our justice system truly equal and accessible to all.

At the Public Law Center, we see the real world impact of the findings in these reports every day. The inability to afford a lawyer compounded by the inability to understand court forms and proceedings are formidable barriers for many of PLC's clients. That's why our assistance – provided by our small staff and hundreds of volunteer lawyers and law students – is so critical to helping to ensure access to justice here in Orange County. ↵

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Check Out Our New Look

With this issue of our newsletter, we unveil to our general readership a new look. Our new logo's abstract design depicts PLC's central focus—service to people and the community. How we got this great new logo is an interesting story. Those who attended our 2005 Volunteer Recognition Dinner saw the logo's launching and heard the story. But it's worth repeating for our other readers.

We faced two daunting tasks in starting the logo redesign project. One was getting agreement on what the new logo should be. The other was the issue of funding. PLC simply does not budget for things like a corporate logo redesign. Both matters proved to be non-issues because of the expert help we received from Art Center College of Design in Pasadena.

Art Center College of Design has a long tradition of real-world relevance in the practice and work of its faculty and students. Building on this heritage, designmatters @ Art Center, a College-wide program led by the International Initiatives Department, explores the social and humanitarian benefits of design and responsible business. As part of designmatters, students can become involved in real world projects with a strong educational component, which can benefit community groups like PLC.

In the spring 2005 semester, Professor Leonard Konopelski's upper division graphic design program took on the Public Law Center as a pro bono client. PLC Executive Director Ken Babcock met with the class to discuss PLC's mission and work. In the following weeks each student designed a proposed logo, giving us over 20 high quality options from which to choose one. They were all outstanding; but one was compelling. We selected the new logo design and conferred with the students on its final iterations. Once it was completed, the students continued

their efforts and designed posters for a mock advertising campaign focusing on lawyers and justice. Whether the student designers provided positive or negative views of the law, their works were extremely well done professionally. Taken together, they present thought provoking images that are on display at our office.

Royal Jackson, the designer of our new logo, is a 22-year-old Michigan native who came to Southern California four years ago to pursue a career in graphic design. His goal is to be on the forefront of change in working with entrepreneurs in different cultures. In doing PLC's logo design, he expressed that we "reach out, connect and try to help others." He hit the mark sharply.

PLC is grateful to Royal (pictured below) Professor Konopelski and the other students in the graphics design program for their hard work on this project. We also thank the Art Center College of Design for its generosity and vision in connecting its students with real world clients, like PLC. ↩



ABTL Raises the Bar – Raising a Record \$17,000 for the Public Law Center

On June 8th, the Orange County Chapter of the Association of Business Trial Lawyers held its 6th Annual PLC Wine Tasting Event at the Westin South Coast Plaza. The featured speaker, Justice William W. Bedsworth of the California Court of Appeal and author of "A Criminal Waste of Time," was highly entertaining and informing as he spoke about the "Care and Feeding of Judges."

Some 300 attendees were present at this fun and educational event. It raised a record breaking \$17,000 to benefit PLC's mission and directly support PLC's work on behalf of low income families, children and seniors in Orange County. PLC recognizes the hard work that goes into organizing this special event and appreciates the efforts of the ABTL board and chapter executive director, Rebecca Cien, and thanks the ABTL members for their continuous support. ↩

Thank You PLC Annual Fund Donors! Yours are Gifts of Hope, Security, Safety and Freedom for PLC's Clients

As a reader of Pro Bono Matters, you think about those who need help to understand and exercise their rights to justice. You understand the importance of keeping our community strong by preserving services that underpin society's core values and principles, such as Access to Justice. But you may not realize what the precious gift of Access of Justice means to PLC's clients?

For the victim of human trafficking finally freed of bondage, PLC's assistance in getting a special visa that allows her to get a work permit means **hope** for a new life. For the elderly couple living on a small pension and threatened by an unlawful eviction from their home of thirty years, PLC's help in proving ownership means **security** and **freedom** from health-impairing worry. For the mother with small children, PLC's intervention in modifying support and supervised visitation orders means **safety**.

To those who live without the assurance of access to justice, life can be filled with fear and desperation. For those who are oppressed by obstacles of poverty, language barriers, and lack of knowledge of their rights, PLC's pro bono legal services mean hope and empowerment.

You have an opportunity to give the precious gifts of hope, safety and security by contributing to PLC's Annual Fund. Your support makes a meaningful difference in PLC's ability to respond to the increasing and changing needs of our community. In 1992, a decade after its founding, PLC handled 600 cases, providing 13,000 hours of pro bono legal services. By 2004,

the number of cases exceeded 2600, and the hours of service, 35,000. In all, 11,500 persons benefited from PLC's work last year.

Our Annual Fund Drive is a critical part of PLC's budget. It provides a dependable source of unrestricted revenues that PLC uses to address priority needs. A good portion of PLC's budget is funded

by contracts and grants that are restricted for specific programs or services. PLC depends upon the generosity of our annual fund supporters like you to help the growing number of families, adults and seniors who need legal assistance in matters affecting their basic living needs. When you receive our Annual Fund appeal in the next few days, please be as generous as you can. Remember, your gift to PLC will change lives. ↵

8:1 - A Great Yield on Your Investment

Every dollar you give to PLC results in more than \$8 worth of legal services to the needy. PLC is able to leverage your donations to have an 8-fold return because of its extensive use of volunteer lawyers, paralegals and law students.

The 35,000 hours of free legal services provided by PLC staff and volunteers in 2004, are valued at over \$8.7 million. Your gifts enabled PLC to serve more than 11,500 people last year.

To discuss giving opportunities contact Fran Marshall, Director of Fund Development at 714-541-1010 ext. 277 or fmarshall@publiclawcenter.org.

PLC Supports the Fight Against AIDS

PLC staff and volunteers, along with thousands of people from across Southern California, joined together on Sunday, June 5, 2005, at the University of California-Irvine for the 19th Annual AIDS Walk Orange County. The efforts of walkers, donors, corporate sponsors and agencies brought in \$700,000 for the fight against HIV and AIDS. In addition to the walk itself, the day's events included a Family Fun Zone, face painting, a Health Expo, live concert, and a pie-eating contest, which was won by one of PLC's volunteer attorneys!

PLC was again both a beneficiary and a participant in the Walk. PLC's Walk Team raised over \$3,800, placing 12th in the Small Business/Social Group category. The efforts of the PLC Walk Team and its sponsors

directly supported PLC's AIDS Legal Assistance Project (ALAP), a program that provides free legal services to over 350 Orange County residents living with HIV and AIDS each year. ↵



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Recently PLC received donations of furniture and other items that were just what we needed:

- Snell & Wilmer, L.L.P.: conference tables and chairs, cubicle stations and miscellaneous items
- Irell & Manella LLP: computer monitors

Others who have donated needed items include:

Ralph Blakeney, Essential Publishers, Aaron Nagayama, Nancy Richmond, Tolapa, Inc, David E. Wald, Stanley Zipser

Due to space limitations, we can only list those donors who gave \$100 or more. Our heartfelt thanks to those who gave less.

*This listing includes our Annual Fund supporters, as well as other individual supporters who gave from October 2004 through September 2005. It does not include foundation grants, corporate grants or legal services funds, which will be recognized in a future issue. Also this listing does not include sponsors of PLC's Annual Volunteer Recognition Dinner, who are recognized elsewhere in this newsletter. We apologize for any errors or omission in our listing.

THANKS to our many volunteers. We couldn't do what we do without you.

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PLC Honors Exceptional Pro Bono Service to our Community and Raises over \$278,000 at Annual Dinner

The Public Law Center held its annual Volunteer Recognition Dinner on July 21, 2005 at the Hyatt Regency, Irvine. Nearly 600 guests attended, among them 40 judges. The event began with a standing-room only reception where friends and colleagues actively networked. The guests also had a chance to bid on more than 120 items in the silent auction, almost four times the size of last year. There was something for everyone including coveted Angel and other sports tickets, wine, spa treatments, travel packages, art, and much more.

The dinner highlighted the work of the PLC volunteers in providing access to justice and raised

important operating funds to support PLC's programs and related activities. This dinner is PLC's single largest fundraising event annually. This year's event raised a record breaking \$278,000, thanks to PLC's generous sponsors and the leadership of our dinner committee led by co-chairs Deborah Arbabi of Crowell & Moring and Crystal Needham of Edison Mission Energy.

This event also was a chance to recognize exemplary pro bono service by several of PLC's partners. The honorees were: Law Firm of the Year - Gibson, Dunn & Crutcher LLP; Attorney of the Year - Beatriz M.G. Gordon of Morrison & Foerster LLP; Corporate Partner of the Year—Edison



(left to right): Jenene Wilson, Edison Mission Energy; Bea Gordon, Morrison & Foerster; Debbie Kwast, Orange County Public Defender; Jeff Thomas, Gibson Dunn & Crutcher



Ken Babcock, Public Law Center; Justice Cruz Reynoso, California Supreme Court (Retired)



Mark Robinson, Robinson, Calcagnie & Robinson; Dr. Michael Drake, Chancellor, University of California, Irvine; Andy Guilford, Sheppard, Mullin, Richter & Hampton



Kathy Jensen, Rutan & Tucker; Judge Franz Miller, Orange County Superior Court; Justice William Rylaarsdam, California Court of Appeal



Tom Malcolm, Jones Day; Ashleigh Aitken, Morrison & Foerster; Michael Penn, Aitken, Aitken & Cohn



John Hurlbut, Rutan & Tucker, Judge David Thompson, Orange County Superior Court

International; and Community Partner of the Year – Orange County Public Defender’s Office. These stellar colleagues have helped significantly, each in their own way, to make Orange County a better place to live for everyone.

Assembly Members Todd Spitzer (71st Dist.) and Tom Umberg (69th Dist.) helped to hand out PLC’s awards along with resolutions of recognition from the State Legislature. California Supreme Court Associate Justice Cruz Reynoso (Ret.) delivered the keynote address. He provided remarks that touched upon his youth in Orange County and urged all present to take up the cause of access to justice.

The evening also contained a few surprises. One was the unveiling of PLC’s new logo. The logo was created as part of a project of the graphic arts pro-

gram at Art Center College of Design in Pasadena. Royal Jackson, the student designer of the logo, creatively captured PLC’s role as an organization that helps people Royal was present and warmly acknowledged by the audience. Then Ken Babcock received a surprise when State Bar Board of Governors member Joel Miliband presented him with a special commendation from State Bar President John Van de Kamp. Another surprise followed with a Legislative resolution by Assembly Members Spitzer, Umberg and Lynn Daucher (72nd Dist.) recognizing Ken’s work at PLC.

As guests departed, many said it was: “PLC’s best dinner ever.” “Very inspiring.” “Actually fun.” Overall, the event was a huge success thanks to all of our 2005 Volunteer Recognition Dinner sponsors, supporters and attendees. 🍴

Thank you to our 2005 Dinner Sponsors:

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	Sindee Smolowitz	John Zitty

We apologize for any errors or omissions. If you believe our records are incorrect and should contain your name, please contact Tracy Hermans at (714) 541-1010 ext. 292 or thermans@publiclawcenter.org

Recent PLC Cases

Michelle A. Reinglass and John Y. Igarashi represented a PLC client who was HIV positive (and eventually developed AIDS) in an employment law case. The client had worked for a large employer and had been terminated, allegedly for unexcused absences. The employee contended that he had notified his employer of his condition, of the fact that he would need to take time off from time to time to care for his condition, that he had received prior approval for his absences, and that the stated reason for his termination was a pretext to mask the real reason, which was disability discrimination and the fact that he had taken time off from work to care for his condition. Michelle and John filed suit on the client's behalf alleging a wrongful termination. The action resulted in significant discovery, including the taking of a number of depositions. Ultimately, Michelle and John were successful in resolving the matter to the satisfaction of the PLC client, who donated most of the proceeds to his family, friends, church and agencies who had been so giving to him.

Christine Greenhouse, of Kendrick, Jackson and Kearnl, represented three clients who had their cars towed unlawfully from their apartment parking lot. The apartment complex had unlawfully delegated the discretion to tow cars from assigned parking stalls to a tow truck company. Even though valid permits were displayed in the cars, the towing company had them towed. Not only did the towing company negligently handle the vehicles, causing damages that needed repair, but the company then refused to release at least one of the

vehicles to the owner without payment of storage fees. Thanks to Christine's assistance, the clients did not have to pay any additional towing or storage fees and obtained reimbursement for storage fees paid and the damages caused by the towing company.

PLC recently assisted a 27-year-old single mother obtain relief under the Victims of Trafficking and Violence Protection Act (VTVPA), passed by Congress in October 2000. A little over a year ago, the client took her two young sons to her aunt's house for a family member's birthday party. That evening, she was raped by her uncle. She reported the rape to the police and her uncle was arrested and convicted. The client came to a PLC community legal clinic and was identified as eligible for immigration relief under the VTVPA, which created the U visa, a new nonimmigrant classification for victims of certain types of crime who assist in the detection, investigation and/or prosecution of the crime. With PLC's assistance, the client recently obtained interim relief under the VTVPA, the only form of relief presently available. She is now able to legally work in the U.S. and, more importantly, can move forward with her psychological recovery and continue to care for her sons without the threat of deportation. ↩

*Elderly Couple to Stay in Home
continued from page 3*

and Juan Basombrio, paralegal Vanetta Perisho and administrative assistant, Maria Santos) conducted discovery, including a deposition of the plaintiff, who admitted she had washed her hands of the property many years earlier and had not given it a thought since. The case proceeded to the eve of trial, and the elderly clients nervously prepared to testify to save their home. Exhibits, briefs, and displays were loaded into boxes and ready to go. An hour before the trial was scheduled to begin; the parties executed a settlement allowing the clients to keep their home. Needless to say, the Bordens were extremely happy and very grateful for the several hundred hours of hard work by Kent, Chris and their colleagues at Dorsey & Whitney. ↩

PLC E-Communications

PLC is in the process of improving its e-communications. PLC will soon have a newly designed website which will allow volunteers, donors, and others to easily find important information.

Please check out the new website at the first of the year! www.publiclawcenter.org

PLC also wants to provide this newsletter and other important information to you via e-mail. If you would like to be added to the e-mail list send your email address to: mailinglist@publiclawcenter.org.



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