

PRO BONO Matters



PUBLIC
LAW CENTER

The Newsletter of the Public Law Center

Spring 2008

Innovative Legal Check-up Program Serves HIV/AIDS Clients



Equal Justice Works Fellow Alexis McLeod interviews a client to pinpoint potential "legal soft spots"

In Orange County, nearly 4,000 people are currently living with HIV/AIDS. Since 1993, the Public Law Center (PLC), through the AIDS Legal Assistance Project (ALAP), has been the sole provider of comprehensive legal services to this community. While ALAP has been extremely successful in making inroads against the myriad legal issues raised by the pandemic, PLC desired to implement a more preventive approach to its provision of legal services. Through its new staff member, Equal Justice Works (EJW) Fellow, Alexis McLeod, PLC introduced the Legal Check-up (LCU) program in September 2007.

The LCU is an innovative approach to serving the population afflicted by HIV/AIDS, whereby a legal advocate and client proceed through a series of diagnostic questions designed to pinpoint potential legal issues, referred to as "legal soft-spots". The underlying rationale of the Legal Check-up is that by proactively identifying and addressing existing and potential legal issues before they reach crisis levels, the program facilitates the mental well-being of clients, thus encouraging immunological health and

prolongation of life. Further, by counseling clients on confidentiality, the program helps to avoid discrimination and lessens the impact of HIV/AIDS stigma, thereby facilitating the educative and preventive efforts of other AIDS service providers in the community. Recent epidemiology of the disease in Orange County shows a sharp increase among women and minorities, who face a disproportionate burden of the epidemic. In combination, HIV/AIDS and poverty often pose seemingly insurmountable legal dilemmas, further highlighting the need for early preventive efforts.

The genesis of the LCU concept is owed to the joint effort of the HIV/AIDS Legal Services Alliance (HALSA, Inc.) and the L.A. City Attorney's Office who instituted the project in 1997. More recently, the ABA Young Lawyers Division selected the HIV Legal Check-up as its annual project in 2005. The necessity of programs such as the LCU became even more evident when, in 2001, the U.S. Centers for Disease Control and Prevention (CDC) advised that people who test positive for HIV should be immediately referred to legal services. This unprecedented recom-

mendation underscores the challenges faced by people living with HIV/AIDS, as well as the important role that attorneys can play in helping these individuals and stopping the spread of the disease.

Preventive law, through the Legal Check-up, is a means of accomplishing the CDC's goals of curtailing the onset of AIDS, slowing the spread of HIV, and increasing the welfare of both those living with HIV/AIDS and the community at large.

LCU clinics are housed in various HIV/AIDS service providers' locations throughout Orange County, the first of which took place in March at REACH (housed in the OC Health Care Agency). The support of partnering organizations such as AIDS Services Foundation (ASF), Shanti Orange County, REACH, and the Laguna Beach Community Clinic have been vital to the successful implementation of this novel approach to addressing legal issues. It is hoped that through the LCU clinics, a larger segment of the HIV-positive population will receive much-needed legal services.

Funding for McLeod's salary and the implementation of her LCU project is made possible by the **Morrison Foerster Foundation** and **Equal Justice Works**. EJW's mission is "to develop the public interest law leaders of the future, whether they continue to work in the nonprofit arena or become pro bono advocates in the private bar." PLC thanks **Morrison Foerster** and EJW for serving as a catalyst to the more holistic and comprehensive provision of services to those living with HIV/AIDS.

The LCU is heavily dependent on the support of volunteers; the participation of attorneys and law students is greatly appreciated. For more information on assisting with the LCU clinics, please contact Alexis McLeod at amcleod@publiclawcenter.org or (714) 541-1010 ext. 267. ↩

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



Years from now, people may still disagree as to what to call the current economic downturn. I'll leave it to the economists, politicians and historians to determine whether we're in a recession or not. But whatever you choose to call it, the current economy is not good. The sub prime mortgage crisis has everyone worried as credit becomes tighter, foreclosure rates increase and everywhere you look there's more bad economic news. Gas and food prices have climbed to record highs. Few among us are not feeling the pinch of the bad economy.

For low-income people, the news is particularly grim. Credit is harder to obtain, jobs are harder to find and the pressures to keep a roof over one's head is all the greater. Government programs that assist the poor are facing record cuts as our State struggles with its budget crisis. And charitable organizations face tougher times raising necessary funds as donors look anxiously to an uncertain future.

Even what was intended as good news, in the form of economic stimulus, had bad, unintended consequences. The Federal Reserve Board's action to cut the Federal Funds Rate on March 18 by three-quarters of a point, while generally viewed as good for the economy, was terrible news for the California Interest on Lawyers Trust Account (IOLTA) program.

IOLTA is one of the principal sources of funding for organizations like PLC which provide free legal services to low-income persons. *In that single day, it's estimated that the Fed's action cost the California IOLTA program \$8.8 million of potential revenue.* That \$8.8 million in lost IOLTA revenue amounts to about a \$125,000 loss of funding to PLC.

Fortunately, our funding at PLC is well diversified so what might have been devastating news is only troubling. More importantly, our support from the Orange County community remains as strong as ever. This year's Annual Fund Drive raised more to support our efforts to provide access to justice than ever before. And so far, support for our July 14 Volunteers for Justice Dinner is strong. We're hopeful that we're able to reach our budget goals – although the worsening economy means that in order to keep pace we need to exceed our initial goals. If you've already made your pledge we thank you; if you haven't, look for our invitation coming in the mail soon! And our volunteer lawyers, paralegals, law students and others continue to volunteer in incredibly generous fashion. In 2007 alone over 700 volunteers provided over 26,000 hours of free legal services to PLC clients.

That's all critically important, because the current economic situation – whatever you want to name it – is expected to increase the demand for our services to record levels. Our ability to provide access to justice is directly related to the willingness of those in the community to provide financial and volunteer support. Can we count on you to answer the call? ↵

Transitions and New Faces at PLC

PLC bids farewell to several board and staff members. Thank you to board member **Rigoberto Rodriguez**. Two of our staff attorneys left PLC to pursue new opportunities: **Liz Pejeau** is now working for the Office of the County Counsel and **Alexis Penn-Loya** joined the Orange County Public Defender office. Paralegal **Rosa Castillo** and Administrative Assistant **Viki Morales** left PLC for other career opportunities. We appreciate all of their contributions to PLC and our clients and wish them well in their new ventures.

PLC welcomes the following members who joined the Board of Directors in the first quarter of 2008: **Debra Healy Deem** is co-chair of Buchalter Nemer's Financial Institutions Litigation practice, serves as director of the firm's Litigation Training Program and is former Managing Partner of the Orange County office. Prior to joining the PLC Board Ms. Deem served on the Volunteers for

Justice Dinner Committee. **Julie McCoy** is a solo practitioner focused on business litigation. Ms. McCoy served as President of the Orange County Bar Association in 2006. She has been instrumental in leading the joint PLC and OCBA committee that is studying PLC's facilities needs.

Over the past several months the following individuals joined the PLC staff team: **Leslie Bigler Lindgren**, a graduate of UCLA School of Law, is coordinating PLC's AIDS Legal Assistance Project; **Laura Francine Shpiro**, attended Loyola Law School, is PLC's housing and homelessness attorney; **Diamond Tran**, Staff Attorney for the Community Organizations Legal Assistance Project (COLAP) is a graduate of UC Hastings College of the Law. **Joel Garcia** joined PLC as a Paralegal; **Kate Nguyen** is our Southeast Asian Legal Assistance Project Coordinator; and **Ada Aleman** and **Anna Cruz** are new administrative assistant/intake specialists. ↵

Legal Aid Association of California Annual Family Law Conference



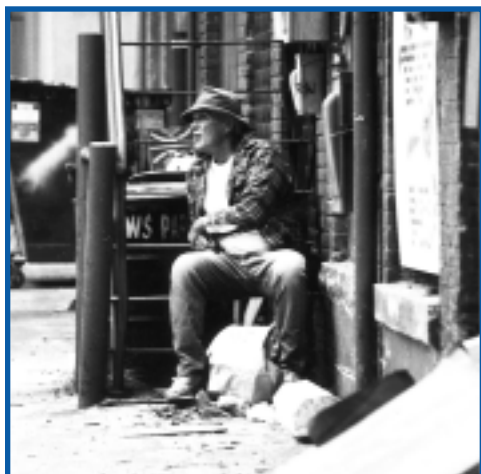
Presenters at the Legal Aid Association of California Family Law Conference: Steve Hittelman, Minyard Morris, Yolanda Omana, Legal Aid Society of Orange County, and Cynthia Holton, Public Law Center.

The Legal Aid Association of California held its annual Family Law Conference at the Los Angeles Convention Center on February 19 and 20, 2008. **Cynthia Holton**, Public Law Center Staff Attorney, served on the Conference Planning Committee along with a number of other attorneys from legal aid associations based in northern and southern California. Ms. Holton planned the plenary session presentation on "Handling Move-Away Cases in the Public Law Setting." **Leslie Shear**, Attorney at Law, and the **Honorable Thomas Trent Lewis** of the

Superior Court of California, County of Los Angeles Central District spoke on move-away issues in the public law setting. A live demonstration highlighting important aspects of a move-away case in court followed. **Steve Hittelman**, attorney at Minyard Morris, **Yolanda Omana**, staff attorney at the Legal Aid Society of Orange County, and Ms. Holton gave closing arguments based on a move-away fact pattern emphasizing the elements of current case law that must be weighed by the judge deciding a move-away case. ↴

Hope for the Homeless

We wish to extend our heartfelt gratitude to the volunteers for their participation in this winter's homeless legal clinics conducted at the National Guard armory shelters in Santa Ana and Fullerton. Over the course of four short months, 50 volunteers provided free legal clinics for the community. **Thanks to your support, PLC's Homeless Advocacy Project provided direct legal services to nearly 250 homeless individuals this season. We couldn't have done it without you!**



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Access to Justice Annual Fund Bridges the Gap

PLC's work is life-changing for thousands of children, families, adults and seniors each year. They depend upon PLC for assistance in civil matters that threaten their safety and security in basic areas of living. PLC, in turn depends upon financial support to the Access to Justice Annual Fund to ensure that Orange County's low income and underserved residents receive vitally needed legal assistance. As of March 31st, PLC has received more than \$85,000 from our generous donors.

The generosity of donors and volunteers is making a world of difference for our indigent clients. Last year alone, volunteers and staff provided \$11 million worth of free legal assistance. Every dollar invested was leveraged to yield over seven times the value in services - \$7.50 worth of services for every \$1 donated.

The Annual Fund is a critical part of PLC's long-term stability in Orange County. It provides unrestricted revenues that PLC uses to offer the level

and breadth of pro bono legal services needed by disadvantaged individuals in our community.

Thanks to those who have already partnered with Public Law Center with a gift to the 2007-2008 Access to Justice Annual Fund. If you have not given, your contribution is particularly important now because the recent interest rate cuts by the Federal Reserve will cost California's IOLTA program, one of our principal sources of funding, an estimated \$8 million in lost revenues. That will have a real impact on our ability to provide services right when the economic downturn is putting more families in crisis and in need of our services - unless people like you help bridge the gap.

To discuss other giving opportunities, including gifts of appreciated securities, real estate or to include PLC in a planned gift, contact Charlotte Finklea, Director of Fund Development at (714) 541-1010 ext. 277 or cfinklea@publiclawcenter.org.

Orange County United Way Challenge Gift

PLC has been awarded a \$10,000 Challenge Grant from **Orange County United Way Success by 6®** to fund a new Child Care Law Project. The project is designed to help meet the critical shortage of quality affordable child care spaces in Orange County focusing on advocacy and representation of individ-

ual child care providers. PLC is soliciting support to meet this challenge. If you are interested in contributing to the Challenge and doubling the value of your support please contact Charlotte Finklea, Director of Fund Development at (714) 541-1010 ext. 277 or cfinklea@publiclawcenter.org.

OCBA Charitable Fund



OCBA President Cathrine Castaldi (far right) presents the OCBA Charitable Fund check to PLC Executive Director Ken Babcock and Director of Fund Development Charlotte Finklea

Our Thanks to the **Orange County Bar Association** for its unwavering support of PLC. The **OCBA Lawyer Referral & Information Service** has provided a donation of \$60,000 to assist us in our mission to provide justice for low income Orange County residents. And the **OCBA Charitable Fund** recently provided PLC with a \$32,000 grant to further our efforts to recruit, train and mentor volunteer

attorneys who can assist clients with civil legal matters, particularly in specialized areas. We are especially grateful for the efforts of the LRIS Committee Chair Nikki Miliband, Charitable Fund Chair Joseph Chairez, OCBA President Cathrine Castaldi, Executive Director Trudy Levindofske and the rest of the OCBA board and staff.

Major Gift News

PLC is honored to receive a \$25,000 grant from the **Orange County Community Foundation Margaret E. Oser Fund for Women** to fund PLC's Domestic Violence Legal Assistance Project. The Margaret E. Oser Fund for Women supports organizations that provide programs that benefit women's health, education, and social welfare. This financial support helps PLC address the significant unmet need in the availability of civil legal services to victims of domestic violence, dating violence, sexual assault, and stalking in Orange County. PLC collaborates with four comprehensive Domestic Violence shelters in Orange County to fill the identified gap of need for civil legal services to complement the continuum of care for their clients.

Community Services Program, Inc. (CSP) Victim Assistance Programs has awarded PLC \$20,000 for outreach and training to community based organizations to help them identify individuals who are vic-

tims of human trafficking. PLC was a founding partner and has continued to be a member of the **Orange County Human Trafficking Task Force**. This award will support the continued collaboration with members of the coalition. Funds will also be used to provide outreach to the legal community with several trainings to groups of attorneys.

Congratulations to **Gregg Macey** who was recognized by the New York office of Kirkland & Ellis LLP for contributing more than 200 hours to pro bono work in 2007. Gregg served as a PLC Law Clerk in 1998 and designated PLC as the recipient of a \$1,000 contribution from the Kirkland & Ellis Foundation. PLC thanks Gregg for remembering us with this generous gift.

Fisher & Phillips LLP partner **John Lattin** selected PLC to receive a Cy Pres award from a recent class action settlement. This unexpected generosity is much appreciated. ✍

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Volunteers For Justice
 2008 Annual Dinner



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Recent PLC Cases

Dan Robinson of O'Melveny & Myers assisted two victims of human trafficking in petitioning for immigration relief by filing T visa petitions. The female clients are a Vietnamese and Chinese national who were living in Singapore when they were recruited by a friend to come work in the U.S. at another friend's massage parlor. The clients came to the U.S. and were terrified when they discovered that the massage parlor was actually a front for a prostitution ring and that they would have to have sex with the parlor's customers in order to pay back a debt to their traffickers. The clients had their passports taken from them by the owner of the massage parlor, were constantly monitored, and forced to work 14 hour days, 7 days per week at the parlor. Eventually law enforcement raided the massage parlor and identified the women as victims of human trafficking. Law enforcement contacted the Orange County Human Trafficking Task Force, who referred the victims to PLC. The client's cases were screened and placed with **Dan Robinson**. One client has already received her T visa approval and work permit. She is now building a new life for herself in the U.S., including getting a driver's license, taking English classes, and working as a manicurist.

Tarzana-based sole practitioner Steven Simons represented a 74-year old woman who suffers from Alzheimer's in a collections lawsuit. This action arose out of an alleged debt of \$11,585 the client owed to a receivables management company. Simons informed the debt collector that the client was a vic-

tim of identity theft and over the next three months made numerous calls requesting proof of the debt. In spite of knowledge of the identity theft and the disputed nature of the debt, the debt collector ignored the proper legal processes and continued to pursue the lawsuit by entering a default against the client. The court ultimately dismissed the entire action. The plaintiff was ordered to pay a statutory penalty to the 74-year old woman.

A **Latham & Watkins** team led by supervising partner **Jon Anderson**, associates **Melinda Luthin** and **Jason Liljestrom**, and paralegals **Rob Dickson**, **Adriana Gonzalez**, and **Kanita Nandhavan**, represented a 40-year old single woman with two minor children in an eviction case. The matter arose from ongoing harassment of the client and her daughter from a neighbor. After one incident, the client first approached the apartment manager asking for assistance. The apartment manager suggested the client call the police. Based on this advice, the client called the police and filed police reports for each of the incidents. Following the filing of the police reports, the client was served with a Notice of Eviction. The **Latham** team successfully worked with opposing counsel to have the case dismissed. The client said that the tenants in her apartment complex have faced many evictions, and yet no one had ever successfully defended an eviction. **Melinda Luthin** remarked that sometimes, all it takes is representation to make sure everyone gets his or her fair chance in the legal system. ✍️

O'Melveny & Myers LLP & Dechert LLP Conduct Community Economic Development Clinics



For the past 2 years, PLC has partnered with **O'Melveny & Myers LLP** and the **Volunteer Center of Orange County** to provide an invaluable resource to PLC's nonprofit clients and other local nonprofit organizations in the form of an annual Nonprofit Legal Clinic held at O'Melveny's Newport Beach offices. Led by O'Melveny Partner **Phillip Kaplan** and Associate **Mike Symons**, the firm's attorneys have conducted community education presentations followed by legal clinics where potential clients have received additional legal counseling one-on-one. Organizations that have required lengthier services have been given the opportunity to request pro bono assistance from O'Melveny through PLC's intake process. With issues ranging from wage and hour law to contracts, clinic participants obtain important legal information to help them manage their organizations and better serve their clients. The hard work and dedication that O'Melveny's attorneys have shown in this project reflects their exceptional commitment to providing pro bono legal services.



Since 2006, PLC and **Dechert LLP** attorneys, in collaboration with **Orange County SCORE**, a nationwide nonprofit organization that provides free confidential business counseling, have partnered to conduct quarterly Micro Business Legal Workshops. Dechert attorneys, with the leadership of Associate **Kevin Babikian**, pioneered a new community education workshop which provides advice on starting a micro business to low income residents of Orange County who typically do not qualify for conventional bank loans. To encourage economic and social development through self employment, the free workshops compare and contrast the various forms of California business organizations, discuss practical considerations to take into account when starting a micro-business, and provide a wealth of information on resources that are available in Orange County to aspiring entrepreneurs. With a long-standing commitment to pro bono and community service work, Dechert attorneys continue their partnership with PLC to offer one-on-one counseling to workshop attendees. To date, the workshops have been held at Santiago Community College District and Westminster Public Library.

Focus on Pro Bono



"Doing pro bono work with the Public Law Center (PLC) has been both professionally and personally rewarding. As a litigator at Howrey LLP, my practice is focused on patent law. Assisting PLC clients, however, has afforded me the opportunity to explore a wider spectrum of the law and to directly touch the lives of people in need. I have had the privilege of helping a family with a child custody dispute, an employee who was unfairly terminated, a family who was renting from a landlord who failed to keep the property habitable and safe for occupancy and a family who was unjustifiably accused of breaching a lease agreement. I am grateful for the opportunities PLC and Howrey have given me to help obtain justice for people whose lack of financial means would otherwise prevent them from obtaining legal assistance."

Jesse Mulholland
Senior Associate,
Howrey LLP

Take a Pro Bono Case!

PLC has a variety of pro bono cases for both litigators and transactional attorneys. PLC offers training, samples and mentors to support your pro bono work. Areas of need include:

- Bankruptcy
- Consumer
- Employment
- Family Law
- Guardianship
- Housing
- Immigration
- Individual Rights
- Micro Entrepreneur
- Nonprofit
- Wills

To receive PLC's bi-monthly case list or find out more information about volunteering for PLC, please contact Peri Doshie-O'Neill, PLC Pro Bono Managing Attorney at pdoshieoneill@publiclawcenter.org or (714) 541-1010 ext. 263

Calendar

Volunteers For Justice Annual Dinner

Monday, July 14, 2008:
PLC's 2008 Volunteers for Justice Annual Dinner

A noteworthy event to support access to justice for the underserved in Orange County! Hyatt Regency, Irvine. Registration and Silent Auction begins at 5:30 p.m. Dinner Program begins at 7:00 p.m. with distinguished Keynote Speaker Erwin Chemerinsky, Founding Dean of the Donald Bren School of Law, University of California, Irvine. For more information, contact Nicole Surratt at (714) 541-1010 ext. 276 or by email at: nsurratt@publiclawcenter.org.

Thursday, May 8, 2008:
Pro Bono Basic Training: Custody & Visitation Issues. Co-sponsored with OCBA

Registration at 5:30p.m. Program 6:00 – 9:15p.m. at Orange County Bar Association MacArthur Court Conference Center, 4685 MacArthur Court, Suite 380, Newport Beach. Approved for 3 CLE credits. Topics for training are: Initial Custody and Visitation Orders/Pendent Lite Orders, Custody and Visitation Issues at a Time of Trial and Judgment, Post Judgment Move-Away Issues. Speakers: Hon. Claudi J. Silbar, Central Justice Center, Steve Hittleman, Esq., Minyard Morris LLP, Ann A Thomson, Esq., Law offices of Ann A Thomson with join Cynthia Holton, Esq. from PLC.



Saturday, May 10, 2008
22nd Annual AIDS Walk Orange County

PLC's AIDS Legal Assistance Project (ALAP) is a beneficiary of AIDS Walk OC, which is being held at Angel Stadium in Anaheim on Saturday, May 10, 2008. The Walk will culminate in a lap around the Stadium warning track, which will be broadcast on the JumboTron. The event will also feature entertainment, a family fun zone, a food festival, and health education tent. Walk sponsors and Walk team members who raise \$1,000 will receive a special invitation to the VIP breakfast on the day of the event at the exclusive Angel Stadium Diamond Club.

Your involvement with AIDS Walk helps provide the services and assistance that are desperately needed by people living with HIV/AIDS, including legal assistance. We ask you to "step up to the plate" and sponsor or join PLC's walk team by going to <http://www.aidswalk.org/oc>. You can also organize your friends or firm as a sub-team of PLC. Please contact Alexis McLeod at amcleod@publiclawcenter.org if you have any questions or would like additional information. Your participation directly affects the financial support PLC receives as a beneficiary.

Tuesday, May 13, 2008:
Domestic Violence Legal Clinic Training.
Co-sponsored with OCBA

Registration at 5:30p.m. and Program 6:00–8:00p.m. at the Orange County Bar Association MacArthur Court Conference Center, 4685 MacArthur Court, Suite 380,

Newport Beach. Approved for 2 CLE credits. Understand the cycle of violence along with many of the other family law issues typically involved in domestic violence cases including: process of obtaining a temporary restraining order; interview techniques for traumatized clients; other commonly asked questions at domestic violence legal clinics. Speakers: Judy Haskell, Human Options, Steve Hittelman, Esq., Minyard and Morris, LLP, and Leticia Ambriz, CSP Domestic Violence Assistance Program will join Cynthia Holton, Esq. from PLC. OCBA members can attend for free in exchange for taking 3 visits to a clinic. For more information, visit www.ocbar.org.

Wednesday, June 4, 2007:
Association of Business Trial Lawyers (ABTL) Annual Wine Tasting and Dinner

This annual event at Westin South Coast Plaza, Costa Mesa supports PLC. Wine Tasting begins at 6:00 p.m. Dinner and Program begins at 7:00p.m. For more information, please contact Adrienne King at (323) 939-1999 or email abtloc@abtl.org.

Tuesday, October 7, 2008:
3rd Annual PLC Volunteer Appreciation Reception

PLC Volunteers watch for your invitation to our reception to be held this year at the Sky Garden at 3161 Michelson Drive. The reception recognizes PLC volunteers for their hard work and contribution to access to justice for low-income residents of Orange County.

Monday, October 13, 2008:
Association of Corporate Counsel So-Cal Chapter Annual Charity Golf Classic

Trump National Golf Club. For additional information, please contact William Harn at William.Harn@SCE.com or visit www.acc.com.



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