

PRO BONO Matters

The Newsletter of the Public Law Center



Spring 2005

Affordable Housing in Orange County - Still an Oxymoron

Recent stories in the local press noted a new milestone in Orange County – median home prices again had hit a record high. It was another sign that the Orange County economy has recovered from the downturn of several years ago.

It was telling that those articles made little mention of what that milestone means for low-income Orange County residents. According to the County of Orange's recently released Community Indicators Report, only 11% of Orange County households can afford to purchase a home at the median level. The situation for renters is even worse. The county's report indicates that a minimum wage earning worker would need to work 125 hours each week in order to afford a one-bedroom apartment. That works out to about 18 hours of work a day, seven days a week. It is obvious from these statistics that affordable housing is far beyond the reach of Orange County's low-wage workers.

Low-income people in Orange County struggle daily to make ends meet working at low paying jobs, oftentimes more than one, while at the same time, working with local schools or career centers to find a better job to make a better life for themselves and their families. Those same residents spend significant portions of their day trying to deal with a dizzying array of problems – accessing health care, dealing with domestic violence, figuring out the transportation system, the list goes on and on. And the day ends with sleeping in one of the scarce shelter beds to be found in the County, or – more likely, in a car, a motel, a garage or on the street.

Obviously, there's no ready solution to the complex problems facing those with few economic means. Nowhere is that more true than with housing. An article by Tim Paone of Manatt Phelps & Phillips in the April edition of Orange County Lawyer points out that vocal NIMBYs ("Not In My Back Yard") combined with a lack of local political will have stood as strong barriers to attempts to meaningfully address the affordable housing crisis. And the fact that there are

34 local jurisdictions in Orange County allows far too many of them to point the finger of blame at someone else. The result is an economic form of apartheid – the poor live in certain parts of the county, in woefully overcrowded conditions, while other parts of the county hope that by ignoring the problem of poverty it will go away. It won't.

And neither will PLC. That's why we're popping up at a variety of places advocating for our clients. In any given week, our housing attorney Eileen McCarthy will find herself at several meetings of local planning commissions, redevelopment agencies and city councils. The particular housing issues vary jurisdiction by jurisdiction, but the basic message is the same – state law and fundamental fairness require that more than lip service be paid to affordable housing concerns. Fortunately, colleagues at places like the Legal Aid Society of Orange County and the Kennedy Commission, a local affordable housing advocacy group, help share the daunting task of addressing the myriad housing issues scattered throughout our county.

But as in any other area of PLC's work, we can't begin to address the concerns of our low-income clients in the affordable housing arena without help from volunteers – be they lawyers, law students, college students or others. Contact us at emccarthy@publiclawcenter.org to find out how you can get involved. ↗

SAVE THE DATES

Contact Fran Marshall
for more information
fmarshall@publiclawcenter.org

Sunday, June 12, 2005

PLC's 2nd Annual
Day at the Races
Hollywood Park - Turf Club
12 p.m. – 5:30 p.m.

Thursday, July 21, 2005

PLC's Annual Volunteer Recognition Dinner
Celebrating PLC's pro bono volunteers and Honoring
those who give exceptional service
Hyatt Regency Irvine
5:30 pm Reception and Silent Auction
7:00 pm Dinner and Program

Public Law Center

601 Civic Center Drive West • Santa Ana, CA 92701-4002
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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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Local Nonprofit brings Farmers' Markets and Revitalization to Santa Ana and La Habra

Just six months ago, the Nelson A. Rockefeller Institute of Government's "Update on Hardship" named Santa Ana the hardest city in the United States to live in. The study was based on six factors: unemployment, overcrowded living conditions, education levels, number of dependents per household, percentage living below the federal poverty level, and per capita income level. This is stark contrast to the wealthier cities of Orange County displayed in the media. Nevertheless, a local nonprofit organization strives to create change and revitalize Orange County's inner city.

The Grain Project (www.grainproject.org), based in Santa Ana, is working to improve the lives of low-income residents in Orange County. The Grain Project's purpose is to promote united, healthy and sustainable communities through certified farmers' markets, community gardens for seniors and children, education about health and nutrition, and public art projects. PLC's Community Organizations Legal Assistance Project (COLAP) was able to assist The Grain Project by counseling the organization through the nonprofit startup process. The Grain Project's staff attended a workshop on forming a charitable nonprofit corporation through the Volunteer Center and presented by Keith Nagayama, coordinator of COLAP. COLAP then reviewed the organization's articles of incorporation and bylaws and drafted their conflicts of interest policy and application for tax exemption.

The Grain Project plans to open farmers' markets in La Habra and downtown Santa Ana in late Spring 2005. The farmers' markets will bring fresh produce, dietary education, volunteer opportunities, and economic activity. Unlike many farmers markets in Orange County, The Grain Project will accept food stamps in addition to cash so that low-income residents can more easily shop at the farmers' markets. PLC looks forward to continuing to assist the organization as it grows in the Orange County community. ↵

From the Executive Director



As I write this column, the world is focused intensely on the recent passing of Pope John Paul II. No doubt the world has lost an important spiritual leader. This view appears to be shared by all – regardless of whether one embraces a particular religion or whether one agrees with Vatican policies. The voices of priests, pastors, rabbis, imams and secular leaders have noted this Pope's impact on the world.

A significant number of thoughtful commentators have offered their description of the challenges that will face the new Pope. One was Father Richard McBrien, an eminent Notre Dame historian, speaking on the CBS News Show 60 Minutes. He noted that the new Pope's principle challenge would be dealing with a world "which sees net worth and the gathering of

creature comforts and powers and possessions as kind of the norm of happiness. How do you get a world like that to say, 'That fellow with a black face, that gay over there, that homeless person, these are your brothers and sisters, we're all one human family.'"

Here in our own little corner of planet Earth, the one called by some "the OC," it's easy to appreciate the problem identified by Father McBrien. The notion that we are all one big human family doesn't fit neatly within a focus on creature comforts and the powers and the possessions that we spend so much time attaining. The fact that we live in a community that is becoming more and more diverse every day unfortunately is seen by some as a threat and not an opportunity.

Moreover, the fact that tens of thousands of our fellow Orange County residents live in poverty and have little hope of realizing some of the basic necessities of life, such as housing or health care, should be deeply troubling to us all. Indeed, the lack of affordable housing or of access to health care for low-income residents of our county should be no less troubling than if a loved one was in a similar situation. Some among us simply fail to factor the indigent into the calculation of human net worth. But ignoring the reality of poverty won't make it go away.

Fortunately, many in our community see the value of all and not just of the few. And believe it or not, some of those caring individuals are lawyers. Our newsletter highlights a few of their good works and deeds. We thank them for their willingness to look at all of those in our community as one big, human family. ↵

New Faces at PLC

The Public Law Center's Board of Directors saw the addition of three superb new members earlier this year.

Dimetria A. Jackson is Vice President, Corporate Counsel, Chief Compliance Officer and Secretary for First American Trust, FSB. She is active in a number of Orange County Bar Association committees and is a member of the State Bar's Committee on Ethnic Minority Relations. Dimetria also represents the OCBA on the California Minority Counsel Program's (CMCP) Steering Committee.

Mark P. Robinson, Jr. is a senior partner in the firm of Robinson, Calcagnie & Robinson. He is a well-known and respected trial lawyer who has devoted his legal career to product safety. He is a former president of the Consumer Attorneys of California and of the Orange County Bar Association Charitable Fund. He has received numerous awards, including having been named by California Law Business in 2001 as one of the ten most influential lawyers in the state.

Rigoberto Rodriguez is a doctoral candidate in the field of Urban Political Geography at the University of Southern California. He is active in a variety of different issues involving Latinos in Santa Ana and is an appointed member of the City of Santa Ana's Community Redevelopment & Planning Commission. He has worked with Orange County Future Search Network, the Orange County Children & Families Commission and the Delhi Center in Santa Ana.

PLC's staff also saw a number of outstanding additions.

Fran Marshall is PLC's new Director of Fund Development. Fran, who has a Masters in Public Administration, has extensive management, fundraising and strategic planning experience as a result of spearheading numerous organizations and academic programs, including her role as Executive

Continued on PG. 8

OPPORTUNITIES TO HAVE A POWERFUL IMPACT

You can make a powerful difference in people's lives and in the community, as a member of the PLC family. Your PLC partnership is an active way to protect the principle of Access to Justice for all, and to make a values-based investment that generates strong returns.

Did you know? Your gift to PLC helps people with immediate needs and strengthens the community for the future.

This is because PLC uses a strategic, three-pronged approach in its programs and services:

Personalized services to individuals (children, youth, adults, and seniors), addressing and finding solutions to pressing civil legal matters that affect their well-being and quality of life.

Specialized legal assistance programs and projects, focused on priority needs in the community. These programs change over time as new needs emerge in vulnerable and underserved populations.

Strengthening the community by providing legal assistance to local non-profit organizations, and helping start-up non-profits that will benefit Orange County's low income residents. PLC also is involved in advocacy efforts to improve access to affordable housing and health care.

Did you know? Your gift to PLC yields an 8-fold return.

Because of PLC's extensive use of volunteer lawyers, its limited resources are leveraged to have maximum impact. To illustrate, the 35,000 hours of

free legal services provided by PLC staff and volunteers in 2004, is valued at over \$8.7 million. Indeed, for every \$1 of PLC resources spent we are able to provide \$8 of free legal services.

Did you know? There are many ways to give to PLC. Annual gifts, special and legacy gifts can have tax advantages for you.

1. Gifts by check or credit card – now you can give online thanks to our partnership with groundspring.org's secure giving site.

2. Gifts of appreciated property, such as securities and real estate.

3. Gifts of cars, boats or other vehicles.

4. Annual gifts through United Way or your company's employee giving program (please remember to designate your gift to benefit the Public Law Center).

5. Memorial gifts, or those in tribute, in honor of a birthday or other occasion.

6. Planned giving – wills, trusts and other estate plans. Remembering PLC in your estate helps to ensure access to justice in future years.

7. Life Insurance and Retirement Savings Plans.

8. In-kind gifts (that fulfill our programmatic needs).

PLC can be successful in advancing its mission only with your support. You make a vital difference. To discuss a gift, contact Fran Marshall at (714) 541-1010, ext. 277, or visit our website at www.publiclawcenter.org to make a gift online. ↵

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Lending a Helping Hand for Health's Sake

The Public Law Center's AIDS Legal Assistance Project (ALAP) recently provided assistance to a client living with AIDS who had been a successful businessman until he became too sick to work. He received no medical treatment for two years because he had no income or insurance. Unfortunately, because he had no medical records to document his disability, he was denied benefits. An ALAP volunteer represented the client at an SSI appeal hearing and obtained a determination that the client had been disabled since 1997 and was entitled to receive monthly benefits in addition to \$33,000 in past benefits.

This story is one that has been replicated innumerable times since 1993 when PLC began the AIDS Legal Assistance Project. ALAP is Orange County's only legal service program dedicated to preserving and protecting the rights of low-income people living with HIV or AIDS. Last year, ALAP staff and volunteers were able to assist over 350 clients with over 500 different legal matters.

There were few AIDS treatment options when ALAP was established, and as a result, most clients asked for help in drafting wills. While estate-planning is still a large part of what ALAP volunteers and staff do, in the past several years the Project has shifted its focus because people who are HIV-positive are living longer and have more complex legal needs. ALAP now assists with a variety of matters through direct legal services and community education.

"You are truly a godsend for those who have no other options because of a lack of money." - PLC Client Comment

"You provide an important and much-needed service and do it in a very caring manner." - PLC Client Comment

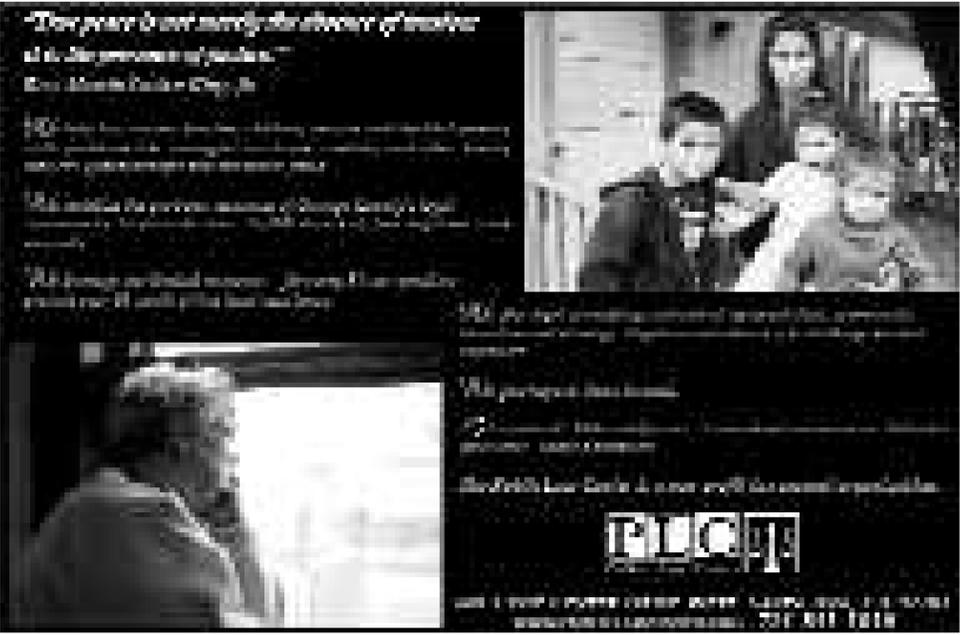
Those living with HIV and AIDS face many poverty law problems seen by our other clients, like evictions, denial of benefits, bankruptcy, collection defense, insurance coverage and immigration. But our ALAP clients also have to worry about discrimination, breaches of confidentiality, employment matters and permanency planning for their children. Moreover, their legal problems may be exacerbated due to the hours they spend in treatment or therapy, and many have lost their memories or physical mobility. All of this comes with the emotional toll of having a terminal illness, particularly one that is still accompanied by public stigma and fear.

For example, one ALAP client was working fewer hours due to her health problems, which made it difficult to pay her bills. As a result, collectors from a department store harassed her over the course of a year by calling her several times a day and contacting her neighbors and apartment managers, accusing the client of being a "deadbeat" who was unable to pay her bills. The client became so embarrassed and fearful that her employer, family and friends would find out about her unpaid bills that her health declined, she became fully disabled, and could no longer work. Since she hadn't disclosed her HIV status to anyone, she was reluctant to take any action against the department store. ALAP staff and volunteers negotiated a settlement with the store, which agreed to pay the client \$3,500 and forgive her outstanding debt.

ALAP's services are essential to helping our HIV-positive clients resolve their legal problems so that they can focus their energy on their health and well-being. If you are interested in taking a case, serving as a mentor to other volunteers for ALAP, or helping to conduct community education clinics, contact Liz Pejeau, PLC's staff attorney coordinating ALAP, at lpejeau@publiclawcenter.org.

Annual AIDS Walk

Join PLC in the 19th Annual AIDS Walk Orange County at UC Irvine on Sunday, June 5th. AIDS Walk is a 7.5-kilometer fundraiser that improves the lives of those infected and affected by HIV/AIDS in Orange County. PLC is one of the nine recipient agencies that benefits from the Walk. You can join PLC's walk team, start your own team, or make a contribution at www.aidswalk.org/oc



Thanks to new PLC board member Mark P. Robinson, Jr. for underwriting the cost of this advertisement, which appeared in the April edition of Orange Coast Magazine. With a projected monthly readership of 168,000 many more in Orange County now know about PLC because of this ad. Reprinted with permission of Orange Coast Magazine.

Recent PLC Cases

JOHN HURLBUT, JR. OF RUTAN & TUCKER represented an elderly couple just making ends meet with a small pension. They wanted to buy a home, but were unable to qualify for a loan due to a recent bankruptcy. An acquaintance of their son offered to assist the couple and title to the home was taken in his name. At some point the clients believed they might be able to qualify for a loan and asked the titleholder to transfer the title to them. He refused taking the position that they were renters and that their payments on the mortgage were rent payments. John filed suit on the clients' behalf seeking a resulting trust and declaratory relief. The matter settled with John's clients receiving nearly \$40,000.

One PLC client had scrimped, saved and borrowed to buy a diesel truck tractor. Because the truck needed work, the client had contacted a repair facility and explained he needed the work done quickly so he could begin generating an income. The work on the truck dragged out, not taking the five days promised, but five weeks; meanwhile the client and his family were living in a motel. When the truck was at last ready the repair cost had increased by fifty percent over the original written estimate. The client couldn't pay so the repair facility moved the truck to a storage lot, began assessing daily storage fees and ultimately sued the client for breach of contract. DONALD DAYBELL, JASON WHITE AND ROBERT NAGEL OF ORRICK, HERRINGTON AND SUTCLIFFE agreed to handle this case. They were able to quickly reach a settlement with the mechanics and the client was able to reclaim his truck and begin earning a living.

SANDRA SMITH THAYER OF HOWREY, SIMON, ARNOLD & WHITE represented a young man with a dream to own a business. Along with two associates he acquired a lease, equipment, and a failing corporation with a plan to make it work. Unfortunately despite their best efforts the business continued its demise. The client was sued for breach of lease, breach of contract, conversion, false imprisonment and infliction of emotional distress. The other two shareholders were not sued. With trial approaching, Sandra was able to negotiate a settlement of the case whereby the client paid nothing and waived costs in exchange for a dismissal.

A disabled homeless man approached PLC while he was staying at the Fullerton Armory. The client kept all his possessions in a rolling duffle bag and was dependent on public transportation. While attempting to board an OCTA bus, the client was told by the bus driver that he would not allow the client to use the disabled lift to enter the bus. The client struggled to get his luggage aboard and in the process fell and damaged his bag. The client was not physically injured but wanted OCTA to reimburse him for his bag. PLC DIRECTING ATTORNEY GARY MCGAHA intervened on the client's behalf and was able to obtain reimbursement for the cost of the duffle bag. Most importantly, the OCTA issued guidelines to all its drivers making clear that drivers must allow disabled persons who do not use wheelchairs to use the lift ramp for boarding.

Volunteers Continued

- | | | |
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We apologize for any inaccuracies. If you believe our records are incorrect and should contain your name, please contact Monique McDavid at (714) 541-1010 x280 or mmc david@publiclawcenter.org.

PLC Donors Step Up To The Plate Again For 2004-05 Annual Fund Drive

This year's Annual Fund Drive proved to be PLC's most successful ever. PLC received nearly \$57,500 from 228 donors, reflecting a significant increase in the amount given (33%) and number of donors (20%), over the prior year. PLC was fortunate to have longstanding supporters renew, and many upgrade, their Annual Fund gift. We were pleased also to have new friends join our donor base.

The scope and breadth of PLC's services would not be possible without the continued generosity of our supporters. The PLC Annual Fund is a much-needed source of funding for our efforts to provide access to justice for Orange County's low-income residents. Thanks to all our donors. We greatly value your partnership in advancing our mission.

Forget to send in your Annual Fund gift? It's not too late, and it's easy. You can send a check to PLC's office, or go to our website at www.publiclawcenter.org and use your credit card. Your gift to PLC always makes an important difference.

GIVING STORIES

Our thanks to the **Orange County Bar Association** for its continued strong support of PLC. The **OCBA Lawyer Referral & Information Service** has provided a donation of \$95,000 to assist us in our efforts to provide access to justice for low-income Orange county residents. And the **OCBA Charitable Fund** recently provided PLC with a \$21,000 grant to further our efforts to recruit, train and mentor volunteer lawyers who provide much needed pro bono legal services to PLC's low-income clients. We're especially grateful for the efforts of LRIS Committee Chair Catherine Castaldi, Charitable Fund Chair Kim Hubbard, Executive Director Donna Foust and the rest of the OCBA staff.

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**This listing includes our Annual Fund Drive Supporters from 3/18/04 to 3/31/05, as well as other individual supporters who contributed to PLC during that period. It does not include supporters of PLC's Annual Volunteer Recognition Dinner, who were recognized in our Fall 2004 Newsletter, or sponsors of the Judge Jameson Retirement Dinner, who are recognized elsewhere in this newsletter. We apologize for any errors or omissions in our listing.*

Judge Jameson Retirement Roast Helps Support PLC

On Friday January 14, approximately 450 well wishers paid tribute to retired Orange County Superior Court Judge C. Robert Jameson. The dinner was one of the larger retirement dinners for a local judge in recent memory — a testament to Judge Jameson's 20 year career on the bench.

But this roast was different than most such fetes. A number of local lawyers, led by Joe Chairez of Baker & Hostetler and Dan Callahan of Callahan & Blaine, organized the event so that it would raise money for charity. And Judge Jameson made clear that if there were any net proceeds they would go to PLC. Due to the generosity of those who came to pay tribute to Judge Jameson, PLC received approximately \$18,000 to help provide access to justice for low-income Orange County residents. Judge Jameson and all the roasters and revelers in attendance made the evening a truly memorable one for the Judge — and for PLC.

Thanks particularly to the many table sponsors: Event Sponsor — Judicate West; Gold Sponsor — Callahan & Blaine; Silver Sponsor — Day, Day & Brown / Jones Day / O'Melveny & Myers / Robinson, Calcagnie & Robinson / The Williams Law Firm; Bronze Sponsor — Aitken, Aitken & Cohn / Baker & Hostetler / Barbaro & Valentine / Bonne, Bridges, Mueller, O'Keefe & Nichols / Celtic Bar Association / Chapman University School of Law / Cohelan & Khoury / Gibson, Dunn & Crutcher / Hispanic Bar Association of Orange County / Law Offices of Michelle A. Reinglass / Morrison & Foerster / Prenovost, Normandin, Bergh & Dawe / Sheppard, Mullin, Richter & Hampton / Wells Fargo Bank / Whittier Law School. Thanks also to the members of the Banyard Inn of Court (whose tribute to Judge Jameson was inadvertently omitted from the program materials).

GIVING STORIES (cont'd)

Buchalter Nemer Fields & Younger has once again come through with extraordinary support for PLC's Community Organizations Legal Assistance Project (COLAP). For the second year in a row, the firm has provided PLC with a \$25,000 grant to provide the required matching funds for the federal AmeriCorps grant brought to PLC through the efforts of **Equal Justice Works** in Washington DC. Thanks to Debra Healy and Suzanne Burke of the firm's Orange County office for their work in ensuring this critical support for our business law efforts on behalf of Orange County's non-profit community.

Last October, the Southern California chapter of the **Association of Corporate Counsel America** held its annual Corporate Counsel Charity Golf Tournament at SeaCliff Country Club in Huntington Beach. The tournament resulted in a \$20,000 donation to PLC — ACCA's largest donation ever to PLC and over double its contribution from last year! Our thanks to tournament chair, Harry Field of Boeing, the rest of the tournament committee and chapter Executive Director Sandy Lee for all their hard work in making this year's event such a tremendous success. PLC is extremely grateful for ACCA's continued support. And we look forward to this year's tournament — which will be on Monday, October 10, 2005 at the new Trump National Golf Club in Palos Verdes.

McDermott, Will & Emory made a number of year end contributions to public interest organizations around the country to support legal services benefiting children. The Public Law Center was one of those groups, receiving a \$10,000 donation. Thanks to Dan Foster of the firm's Orange County office for helping to ensure this important support came PLC's way.

New Faces at PLC *Continued from PG. 3*

Director for the National Conference for Community and Justice and for the Long Beach Symphony Association, as President of the Greater Los Angeles Zoo Association and as Associate Dean for External Affairs of the UCLA Anderson Graduate School of Management.

Eileen McCarthy focuses her efforts on housing litigation and advocacy. Prior to joining PLC, Eileen spent 13 years at California Rural Legal Assistance in Oxnard, representing farmworkers and other indigent clients in housing, labor, and environmental health matters. Before that she was at Legal Services of Northern California, Inland Counties Legal Services, and ECHO Housing. Recently, she received the Labor Leadership Award from El Concilio del Condado de Ventura for improving the quality of life in Ventura County for the Latino community.

Julie McCormick is PLC's new family law attorney. Most recently, Julie was a partner at the family law firm Chandler & McCormick in Placentia.

Prior to that, she was at Break the Cycle, an organization in Santa Monica that provides young people with preventive education, free legal services, advocacy and support so that their lives can be free of dating and domestic violence. Julie, who graduated from Pepperdine University School of Law, hopes to expand PLC's efforts in protecting the children of Orange County.

Hien Vo joined PLC's staff after spending several months volunteering for PLC. A recent graduate of University of San Diego School of Law who is fluent in Vietnamese, she's now coordinating PLC's Southeast Asian Legal Outreach Project (SEALOP) and works on telecommunications and human trafficking matters. Hien's previous experience includes working at Voluntary Legal Services of Northern California and clerking for an international law firm in Ho Chi Minh City in Vietnam. ↩

CALENDAR

Sunday, June 5, 2005

19th Annual AIDS Walk Orange County

An event of the AIDS Services Foundation to benefit PLC and several other agencies. U.C. Irvine, Administration Loop and the Chancellor's Rose Garden. Registration at 7:30 a.m. Run begins at 9:00 a.m. and walk begins at 9:30 a.m. For more information, please contact Liz Pejeau at (714) 541-1010 ext. 273 or log on to www.aidswalk.org/oc.

Wednesday, June 8, 2005

Association of Business Trial Lawyers (ABTL) Annual Wine Tasting & Dinner

Speaker: Justice William Bedsworth. Westin South Coast Plaza, Costa Mesa. Wine Tasting at 6 p.m. Dinner and program begins at 7 p.m. For more information, please contact Becky Cien, ABTL, at (323) 939-1999 or abtl@attbi.com.

Sunday, June 12, 2005

PLC's Day at the Races

Join PLC for our second annual Day at the Races at Hollywood Park! Enjoy a gourmet buffet and private wagering windows from an exclusive room at the Turf Club, and a chance to view a race from the winner's circle. Transportation to and from the racetrack available. For more information, contact Fran Spears-Marshall at (714) 541-1010 ext. 277 or fmarshall@publiclawcenter.org.

Thursday, July 21, 2005

PLC's Annual Volunteer Recognition Dinner

Celebrating the work of PLC and its volunteers. Hyatt Regency Hotel, Irvine. Cocktails and registration at 5:30 p.m. Dinner and program begins at 7:00 p.m. For more information, contact Fran Spears-Marshall at (714) 541-1010 ext. 277 or fmarshall@publiclawcenter.org.

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