



# Major Advocacy Report 2007

LEGAL AID FOUNDATION OF LOS ANGELES

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## Introduction

The Legal Aid Foundation of Los Angeles (LAFLA) is oldest and largest frontline law firm for more than 2 million poor and low-income people in the greater Los Angeles area. For almost 80 years, LAFLA is the first place that thousands of individuals and families turn to when faced with a crisis that threatens their shelter, job security, health and well being, or livelihood.

LAFLA is committed to promoting access to justice, strengthening communities, fighting discrimination, and effecting systems change through representation, advocacy, and community education. At its six offices, LAFLA serves over 14,000 clients annually, and assists 55,000 other individuals through referrals, education and other services. The organization has four Self Help Legal Access Centers at the Courthouses in Inglewood, Long Beach, Santa Monica and Torrance. LAFLA also holds legal clinics at churches, schools, public housing developments and senior centers. Our services are provided in English, Spanish, Korean, Mandarin, Cantonese, Vietnamese and Khmer.

LAFLA's culturally diverse team of 160 attorneys, paralegals, and support staff advocate for clients, represent community-based organizations, and provide education through workshops and seminars, contributing over 139,000 hours of service in 2007. In addition, more than 500 volunteer attorneys, law students, clerks, externs, interns, and community volunteers contribute over 15,000 hours of work each year in support of LAFLA's activities.

### LAFLA Priorities:

- Providing support for families
- Preserving the home
- Maintaining economic stability
- Assuring safety, stability and health
- Protecting populations with special vulnerabilities
- Enforcing Civil Rights

LAFLA also continued its legacy of providing leadership and expertise in promoting systemic change. Indeed, the Court of Appeal cited LAFLA's work as a model in pursuing broad advocacy "while vigorously representing individual clients." *In re Charlissee C.* (2007) 149 Cal. App. 4<sup>th</sup> 1554, rev. granted. This Major Advocacy Report 2007 highlights the year's efforts to enhance our assistance to individual clients by also working to more broadly challenge conditions of poverty and injustice.

## CONSUMER LAW

LAFLA assists low-income consumers and communities with a range of consumer problems, including homeownership fraud, unfair banking and loan practices, debt collection harassment, credit identity theft, and contract fraud. In 2007 LAFLA:

- Saved or won \$3.5 million for consumers
- Assisted 279 homeowners facing foreclosure
- Counseled 452 clients with consumer finance problems
- Helped 220 clients facing bankruptcies
- Assisted 159 clients in debt collection or wage garnishment cases
- Distributed 300 “Know your Rights” letters per month to homeowners with recorded notices of default, informing them of their legal rights and offering resources for foreclosure assistance.
- Made consumer rights presentations to 80 community-based organizations
- Attended 67 community fairs,
- Educating 6,387 people through outreach efforts addressing predatory lending and fair housing laws.

### In the Community

LAFLA participated in foreclosure prevention community fairs with partners at Neighborhood Housing Services, ACORN and the Los Angeles Department of Consumer Affairs. LAFLA convened the Advocates for Consumer Justice Foreclosure Response Team, a coalition of public interest lawyers and housing counselors including representatives from Bet Tzedek, Public Council, Neighborhood Legal Services, AARP, the State Attorney General’s office, Neighborhood Housing Services, ACORN, Operation Hope, County of Los Angeles Dept. of Consumer Affairs, East Los Angeles Community Development Corp, and the Department of Real Estate, to better address the subprime mortgage crisis. The group shared information, strategies, training, and resources to expand the reach of legal services attorneys involved in mortgage crisis work in greater Los Angeles.

LAFLA also participated in the Neighborhood Housing Services led Home-Ownership Preservation Taskforce/Neighbor Works to promote community fairs, collect loss mitigation data and convene planning sessions for a taskforce of housing counselors, lenders, state and federal banking regulators. LAFLA also was an active participant in the California Reinvestment Coalition Network, a statewide group of consumer advocates addressing banking, mortgage and affordable housing issues. LAFLA presented training to the Los Angeles Community Development Department’s Neighborhood Action Program (NAP) contractors on “Individual Fraud Protection.”

LAFLA published and distributed three issues of its *Banking, Finance, and Insurance Newsletter*, designed to (1) improve knowledge of issues related to banking, finance, and insurance as they affect low-income communities; (2) promote additional banking resources for low-income individuals in Los Angeles; and (3) develop programs that promote equal access to economic growth, financial stability, and the protection of assets.

## Affirmative Litigation

### *Foreclosure “Consultant”*

LAFLA assisted a mother of five children who faced a foreclosure after falling behind in her mortgage payments. Desperate to save her home, she relied on false promises of a “consultant” who instead of saving the home, took title, drained the equity, and attempted to evict her. Filing suit, LAFLA obtained a court order blocking the eviction and pursued litigation seeking title to the property and damages of \$150,000.

### *Fighting Elder Abuse*

When a family member teamed with both licensed and unlicensed loan brokers to divest an elderly, recently widowed homeowner of \$87,000 plus her equity in her home, LAFLA obtained a cancellation of the loan and assisted her in selling the home, thus perceiving her equity.

### *Victim of Identity Theft*

After a collection agency put a lien on the home of a victim of identity theft for a debt she never incurred, LAFLA set aside the judgment and obtained a dismissal with prejudice of the suit, clearing the homeowner’s credit report and protecting her equity of \$400,000.

### *Challenge to Predatory Loan*

LAFLA settled litigation against a lender and mortgage broker who had enticed a Chinese speaking homeowner, with no documentation to verify her income, into a mortgage she could not afford. The settlement provided her \$50,000, waiver of late fees, and a delay of foreclosure, enabling her to sell the property on favorable terms.

# HOUSING & EVICTION DEFENSE LAW

LAFLA seeks to create, preserve, and improve decent, affordable housing. LAFLA provides counsel and advice, pro per assistance and representation to thousands of families and individuals facing eviction.

In 2007, LAFLA:

- Appeared as counsel of record in 479 eviction cases, obtaining a favorable result in 96% of cases going to trial
- Obtained \$461,000 in waived rent, \$303,000 in relocation assistance, and 12,000 extended days of shelter for those moving.
- Secured economic benefits exceeding \$6 million representing tenants at trial, based on calculating the difference between rent levels maintained in blocking eviction and market rents in subsequent rentals over 42 months, the federal standard of average tenancies.
- Saved subsidized housing benefits for 37 families, drafted legal papers for over 3,000 households representing themselves on court eviction proceedings and provided counsel and advise to 3,400 more.

## In the Community

In 2007, LAFLA provided leadership to and facilitated Call to Action and Housing Long Beach, networks of housing advocates in Los Angeles and Long Beach respectively. LAFLA partnered with the University of Southern California, Gould School of Law to provide more than 30 hours of substantive housing law education to 12 soon-to-be attorneys, examining strategies to address the serve housing crisis confronting low income families. The students volunteered more than 200 hours of work on behalf of LAFLA clients. LAFLA also worked with community advocated in the Share the Wealth Coalition, combining community strategies with policy advocacy and litigation on a range of housing issues.

With the Los Angeles Community Action Network, Fulbright & Jaworski LLP and UCLA School of Law, LAFLA lead weekly “Know Your Rights” Clinics on Skid Row for area residents. In addition to providing housing rights information to hundreds of tenants, clinic advocates assisted more than 200 hundred persons defend “quality of life” tickets, threatening incarceration if unpaid, for dropping cigarettes, using open containers, urinating in public, and other similar conduct.

LAFLA established a new collaborative with the Western Center on Law and Poverty and Legal Services of Northern California to increase affordable housing through enforcement of redevelopment law, using litigation and other forms of advocacy. The collaboration provided support and training to attorneys advocated and community based organizations on redevelopment law.

LAFLA partnered with Koreatown Immigrant Workers Alliance (KIWA), Koreatown Youth and Community Center (KYCC), South Asian Network (SAN), and Eviction Defense Network (EDN) to provide housing rights information to tenants in the Koreatown area.

## **Affirmative Litigation**

### ***Companion Slum Cases***

LAFLA teamed with co-counsel in participating in some 50 depositions in continuing to litigate against a national slumlord owning more than 30 substandard properties in Los Angeles. Together with Hadsell & Stormer and the Inner City Law Center, LAFLA litigated companion cases on behalf of more than 80 tenants living in two severely substandard properties. The litigation resulted in temporary relocation to livable units and seeks return to affordable, habitable apartments and recovery of damages for unfair business practices, nuisance and personal injury. An injunction obtained through LAFLA cooperation with the Los Angeles City Attorney protected the tenants from the dangerous conditions and harassment that necessitated the suit.

### ***Preserving Rent Control***

In 2006, LAFLA teamed with Munger, Tolles & Olson LLP (MTO) to preserve rent control protections for hundreds of tenants in the City of Los Angeles, when apartment owners loophole in the law to circumvent rent control of units subsidized by Los Angeles Authority. Officials amend a local ordinance proceeded to appear in numerous evictions. LAFLA and its co-counsel successfully assist dozens of tenants facing similar eviction from affordable units and in 2007, filed six appeals on the issue.

### ***Preserving Rent Control II***

LAFLA and the National Housing Law Project (NHLP) were successful before the United States District Court which ruled that 26 Section 8 voucher holders were entitled to protection under the City of Los Angeles Rent Stabilization Ordinance. The trial court awarded LAFLA and NHLP \$180,000 in attorney fees. Co-counseling with Munger, Tolles and Olsen, LAFLA also filed two similar suits on behalf of over 60 tenants at two apartment complexes. The three companion cases were designed to establish that a tenant's receipt of a HUD subsidy does not exempt the landlord from regulation under local rent control law.

### ***Lost Money Order***

LAFLA prevailed for a tenant in an appeal following an eviction based on payment of rent by money order which the bank then lost and the tenant failed to replace.

### ***Court of Appeal Confirms Right to Return***

LAFLA and its co-counsel, O'Melveny and Myers LLP, prevailed in the Court of Appeal defending a trial court decision establishing tenants' rights to return to their rent controlled apartments after life-threatening conditions forced them to vacate with only a few hours notice. After city-ordered repairs were completed, the owner had refused to permit the families to return, and had attempted to re-rent their units at substantially higher rents. The Court of Appeal upheld the monetary judgment of \$292,000 for 11 families and clearly established that tenants had a right to return to their apartments even after accepting emergency relocation benefits. LAFLA then settled the case for \$350,000, having already obtained \$55,000 for emergency relocation expenses.

### ***Victims of "Gentrification"***

Together with McDermott, Will and Emery, LAFLA continued prosecution of administrative complaints and a lawsuit against a slumlord who systematically forced tenants from their apartments through harassment and "renovation" of their building while still occupied. The owner of the dangerously substandard property had removed the exterior walls and windows and failed to replace

them for over six months. LAFLA persuaded the Los Angeles City Attorney to criminally prosecute the property owner. With tenants temporarily relocated at owner expense to decent housing until they can return to their repaired and affordable rent controlled units, LAFLA engaged in discovery, trial preparation, and the initiation of settlement negotiations.

### ***Downtown Redevelopment***

LAFLA monitored of a settlement resulting from negotiations following a Court of Appeal order preventing implementation of a downtown redevelopment plan that threatened to displace 17,000 of the City's poorest residents and demolish, without replacement, 9,000 units of very low income housing. The Court's ruling had been in response to the City's appeal of a favorable trial decision obtained in litigation LAFLA filed in 2003. The settlement preserved 8,000 affordable units in downtown Los Angeles and ensured replacement of any unit converted or demolished. The settlement also includes a "no net loss" policy for all affordable housing within the redevelopment area and establishes a local hiring and job training program.

### ***Abuse of Public Funds***

LAFLA teamed with McDermott, Will and Emery, the Disability Rights Legal Center, the Western Center on Law & Poverty to file suit against the owner of the Alexandria Hotel and the Los Angeles Community Redevelopment Agency to redress violations of civil rights and redevelopment laws. In 2006, the owner received over \$50 million in community redevelopment funds to rehabilitate the Alexandria as affordable housing. However, instead of improving the building for existing occupants, the owner began a campaign of systematic harassment to displace the low-income, elderly, disabled, and predominantly African-American tenants, intermittently terminating electricity, water, and elevator service. The landlord also denied reasonable accommodations to those with disabilities, and evicted over 100 tenants, including many with mental and physical disabilities, despite promises no displacement would occur.

### ***Appeal from Alleged Nuisance***

LAFLA successfully appealed from a trial court's eviction judgment based on a tenants' creating a nuisance by failing to remove an inoperable vehicle from an assigned parking space.

## **Policy Advocacy**

### ***City Ordinance for Coastal Housing***

Following up on litigation settled with the City of Los Angeles in 2001, LAFLA, along with the Western Center on Law and Poverty, continued working with city staff to draft a permanent ordinance requiring low-income housing in new coastal residential developments. LAFLA's efforts resulted in substantial revisions, strengthening the proposed ordinance at the Planning Department level. Meanwhile, LAFLA participated in the process to preserve and create coastal zone affordable housing. LAFLA continued to enforce the settlement as applied to a number of smaller housing projects, successfully blocking applications for exemptions from affordable unit requirements.

### ***Rights of Subsidized Tenants***

LAFLA worked with Los Angeles Rent Adjustment Commission to amend its regulations to provide that tenants who receive Section 8 rent subsidies enjoy the same protections as other tenants living in rent controlled housing when facing attempts to terminate or modify their tenancies.

### ***County Ordinance for Coastal Housing***

On behalf People Organized for Westside Renewal (POWER), LAFLA teamed with the Western Centers on Law and Poverty to challenge Los Angeles County's coastal housing policy, which failed to include adequate low-income housing in new residential development. In response, the County revoked its policy and worked with LAFLA to draft a new policy that complies with state affordable housing requirements.

### ***Affordable Units in Marina Del Rey***

LAFLA worked with the Western Center on Law and Poverty to challenge a major developer's attempt to circumvent state law requiring preservation and inclusion of affordable housing in a 544 unit apartment project. As a result, the Los Angeles County Board of Supervisors mandated the inclusion of 54 units of affordable housing.

### ***Long Beach Housing Trust Fund***

LAFLA teamed with a coalition of housing advocates to draft and promote the passage of a City Council motion to undertake a revenue source study for adoption of a comprehensive funding plan for the City's Affordable Housing Trust Fund, created in 2006 after extensive LAFLA effort.

### ***Saving Affordable Units***

LAFLA teamed with housing advocates in Long Beach in securing stricter limitations on condominium conversions and demolition of low income housing, while also successfully arguing for enforcement of present law.

***Long Beach Relocation Assistance Ordinance:*** LAFLA provided critical support to local housing advocates in drafting and promoting the passage of code amendments to the Relocation Assistance Ordinance to make it more tenant friendly and prevent landlord abuses.

## GOVERNMENT BENEFITS

LAFLA helps children, families, seniors and the disabled maintain their safety net by navigating the Social Security Administration system with issues such as Supplemental Security Income, Social Security Retirement and Medicare. Our advocates also negotiate resolutions for clients with the Department of Public Social Services' (DPSS) CalWORKs, Food Stamps, Medi-Cal, General Relief and In Home Supportive Services programs. LAFLA's Bill Smith Homeless Veteran's Project helps vulnerable veterans access needed services from the U.S. Veteran's Administration.

In 2007, LAFLA:

- Assisted over 1100 families maintain or restore cash aid essential to their financial stability, or access critical services necessary to achieve self-sufficiency.
- Won approximately \$650,000 in lump-sum awards, and more than \$1.2 million in ongoing monthly benefits.
- Saved \$174,000 by getting overpayments waived.
- Worked with the Department of Social Services to conduct 104 state hearing clinics; represented 111 individuals at hearings; provided information, counsel and advise to more than 460 individuals, and provided nearly 700 Hearing Tip Sheets to people preparing for their hearings.
- Trained approximately 75 Los Angeles County Public Health Nurses at three public benefits orientations and conducted public benefits trainings for organizations including the Center for Pacific Asian Families, Inner City Law Center, Nueva Maravilla housing department, and Sojourn Shelter.

## In the Community

LAFLA collaborated with key community partners on a range of critical issues facing children. LAFLA addressed the needs of abused and neglected children, and their caregivers, by actively participating on the Los Angeles County Commission for Children and Families' Relative Caregivers Committee, and by providing trainings, sometimes with other agencies like the Alliance for Children's Rights, on public benefits.

LAFLA collaborated in several fronts to serve youth transitioning to foster care. LAFLA participated on the Juvenile Court Taskforce, working to create a youth-centered court and streamline the process of sealing juvenile records. LAFLA also participated in the American Bar Association's presentation of its Bar Youth Empowerment Project, seeking to increase access to attorneys for emancipating youth. LAFLA also regularly met with pregnant and parenting teens to monitor the County's provision of required services.

## Affirmative Litigation

### *Foster Care Benefits*

LAFLA obtained a favorable decision from the U.S. Court of Appeals in Rosales v. Thompson in March 2003 that expanded foster care benefits for children placed with relatives. In 2006, Congress amended the statute, effectively nullifying that decision. However, California never complied with the court decision for the period when it was effect. In 2006, with the help of pro bono counsel,

McDermott, Will, and Emery LLP, LAFLA returned to the U.S. District Court to seek a compliance order, and then filed a new appeal in the Court of Appeals. Briefing was completed in January 2007 and oral argument was presented in October, 2007.

### ***Access to Health Services***

In December of 2005, LAFLA and its co-counsel reached agreement with the Los Angeles County Board of Supervisors to keep open both Rancho Los Amigos Rehabilitation Center as a 162 bed facility and 100 beds at LAC-USC Medical Center. The County was also required to seek out an entity to take over and maintain Rancho as a catastrophic rehabilitation hospital providing services to indigent patients. LAFLA continued to actively monitor the County's compliance with the agreement, which allows for a reduction in beds only after a reduction in average length of stay and boarding times for patients. With the approaching opening of the new LAC-USC replacement and the closure of King Harbor Medical Center, LAFLA maintained close communication with County officials regarding proposed delivery models to assess any threats to the provision of adequate hospital beds for the County's poor.

### ***General Relief***

LAFLA entered into pre-litigation settlement negotiations with Los Angeles County to end General Relief's (GR) "lump sum" rule, barring GR recipients who had obtained funds from receiving benefits for extended periods of time, even if they had already spent down the "lump sum" on necessities of life such as rent or food, or to satisfy an outstanding medical debt. Under the rule, GR recipients were forced to endure months with no cash support whatsoever, despite state law requiring counties to provide basic assistance to the poor. As a result of LAFLA's intervention, the Department of Public Social Services (DPSS) agreed to ask the Board of Supervisors to vote to end the Draconian "lump sum" rule, which the Board of Supervisors did.

### ***Helping a Mother Transition to Self-Sufficiency***

LAFLA filed an appeal in Superior Court to challenge the state's decisions to deny payment for supportive services to a mother on welfare working to get an education. A single mother of an autistic child, she received CalWORKs and was pursuing a nursing career. Despite its obligation to provide necessary supportive services, including payment for certain expenses for those in approved education programs, CalWORKs refused to reimburse LAFLA's client for books and school supplies, leaving her with less money to pay for rent and food.

### ***Victories for Children in Foster Care***

LAFLA filed a petition for a writ of mandate after the State denied foster care benefits to a disabled child, after overruling a favorable hearing decision and misinterpreting the federal court's ruling in Rosales (see above). The case was settled, and LAFLA obtained an award for the child of \$11,363 with on going benefits of \$1,142 per month. In a separate case, three children placed with an aunt and uncle had their foster care benefits terminated based solely on the error of the LA County Department of Children and Family Services. The children and their foster parents were not represented at their hearing and their claim was denied. LAFLA partnered with The Alliance for Children's Rights in filing a Petition for Writ of Mandate in Superior Court and judgment was granted in the petitioner's favor. Retroactive benefits of \$39,256 were awarded, with ongoing benefits of \$1097 per month.

## Policy Advocacy

### *Health Care for South LA Residents*

In August 2007, King Harbor Medical Center closed inpatient operations due to a negative finding by the federal Center for Medicare and Medicaid Services. This action resulted in CMS terminating its contract with King Harbor, the only public hospital serving the Watts/South Los Angeles area. LAFLA took action to ensure compliance by the County with the Beilenson Act, mandating notice and a public hearing prior to a reduction of health services at a County facility. LAFLA worked with Neighborhood Legal Services, obtained declarations from patients, doctors, nurses, community advocates to present as testimony at the public hearing. LAFLA also met with Department of Health Services officials to develop strategies to limit the negative impact of the elimination of inpatient services at King/Harbor on the indigent community, and to evaluate criteria for choosing a new operator for the King Harbor Facility.

### *Safety Net for Immigrants*

LAFLA reviewed the practices and “Administrative Directives” of Los Angeles County’s Department of Public Social Services (DPSS), which provides assistance to over one million people. One such policy sought to implement a new state law, SB1569, providing critical state and local benefits to immigrant survivors of human trafficking, domestic violence, and other serious crimes. The impacted benefits include CalWorks, Cash Assistance Program for Immigrants (CAPI), California Food Assistance Program (CFAP), and Refugee Medical Assistance (RMA). LAFLA put DPSS on notice that its interpretation of the new law as automatically terminating benefits after eight months was erroneous. LAFLA then succeeded in obtaining clarification from the State that Los Angeles County had indeed misinterpreted its legal responsibility. Finally, LAFLA succeeded in obtaining a DPSS review of all such benefits already terminated, and full restoration to those families entitled to their benefits under law.

## FAMILY LAW

LAFLA provides representation and assistance to clients with cases involving child abduction and concealment, child custody and visitation, domestic violence, and sexual assault, operating nine weekly walk-in family law and domestic violence restraining order clinics at Los Angeles County Courthouse in downtown Los Angeles, Long Beach Courthouse and Santa Monica Courthouse.

In 2007, LAFLA helped:

- 191 parents get custody of their children
- Seven parents get court-ordered visitation
- 104 clients obtain divorces seeking to end violent marriages
- 450 survivors of abuse get protection from domestic violence
- 31 parents obtain child support orders
- 18 parents secure paternity determinations
- Four parents get return of their abducted children

## In the Community

LAFLA collaborated with many community organizations and public agencies such as the Los Angeles County Superior Court, the Child Abduction Unit of the Los Angeles District Attorney's Office, the Child Support Services Department of Los Angeles County, the Los Angeles County Department of Children and Family Services, the Los Angeles City Attorney's Office and the Los Angeles County Department of Public Social Services.

LAFLA was active throughout the community in training its community partners. LAFLA staff worked closely with domestic violence shelter provider to train, on an ongoing basis, their staff members and volunteers on civil aspects of domestic violence and family law litigation. LAFLA provided similar training to law enforcement and community groups. LAFLA participated in the LAC-5 community college consortium on domestic violence, and made presentations on domestic violence issues to students and staff of local community colleges.

A LAFLA attorney served as President of the Long Beach Area Child Abuse and Domestic Violence Prevention Council. LAFLA advocates provided leadership and training to the Westside Domestic Violence Network, the Women's Advisory Group to the (Long Beach) Chief of Police, and the California Alliance against Domestic Violence. A LAFLA attorney served as Chair of the Family Law Coalition, a group of legal services providers, court staff, governmental agency staff and social service providers from throughout Los Angeles County who meet quarterly to work on domestic violence and family law issues. A LAFLA attorney also served on the California State Bar's Family Law Executive Committee (FLEXCOM). LAFLA attorneys served on the Los Angeles County Superior Court Partners Committee and related supporting committees to ensure the needs of Los Angeles County's poor low income communities are reflected in court planning efforts.

## Affirmative Litigation

### *Appeal for Children's Safety*

LAFLA worked closely with the Western Center on Law and Poverty to seek appellate review of a trial court's refusal to grant custody orders in a domestic violence restraining order case. In Gonzalez v. Munoz (2007) 156 Cal. App. 4<sup>th</sup> 314, the Californian Court of Appeal found that the trial court had abused its discretion in denying extended custody orders, requested under the Domestic Violence Prevention Act, solely because the little girl's parents were not married and her parentage had not been determined in a separate case. Eight organizations participated on an amicus brief in support of LAFLA's appeal.

### *Confidentiality for Domestic Violence Victims*

LAFLA successfully represented WomenShelter, a Long Beach domestic violence shelter, in quashing a prosecutor's subpoena for shelter records after a domestic violence survivor had declined to testify in the criminal trial of her batterer.

### *International Custody*

On behalf of a U.S. Citizen who had married and given birth in Dubai in the United Arab Emirates (UAE), LAFLA challenged a custody order, issued under UAE law, based on violations of "fundamental principle of human rights." In this case of "first impression," LAFLA argued that UAE laws deprive mothers and children of fundamental liberties and rights including care and custody of children, freedom of religion, freedom to marry and start a family, freedom to move freely, and equal protection of the law.

## Policy Advocacy

### *Domestic Violence*

LAFLA provided both oral and comments written on the "Draft Guidelines and Recommended Practices for Improving the Administrative of Justice in Domestic Violence Cases," proposed by a judicial taskforce the Administrative Office of the Courts.

### *Limited English Proficient Litigants*

LAFLA provided written comment to the California Assembly's Judiciary Committee on pending legislation intended to improve court practices involving certified interpreters in family law and probate guardianship matters.

## EMPLOYMENT LAW

LAFLA promotes the right of working people to a fair day's pay for a fair day's labor, free from discrimination and harassment, and assists low wage workers with a range of work place issues including payment of wages, meal and rest breaks, access to unemployment benefits, and conditions of health and safety. Through community education, advocacy, self-help assistance, and community collaboration, LAFLA strives to empower low-wage workers to fight for their rights in the workplace. Our advocates provide legal representation and assistance to low-wage workers who toil in various industries at construction sites, restaurants, garment sweatshops and other factories, and who work as janitors and security guards or in other low-wage jobs in the Los Angeles area. In 2007, LAFLA:

- Won nearly \$597,000 in unpaid wages and overtime pay
- Collected \$175,000 in unfairly denied unemployment insurance benefits.

### In the Community

Through a partnership with Equal Justice Works, LAFLA implemented a comprehensive community education project to educate low-wage workers about their rights and the resources available to them. LAFLA conducted more than 59 “Know Your Rights” presentations for Latino and Asian low-wage workers at various locations in the community such as adult schools, churches and areas, where day laborers wait for work. These presentations, coupled with participation in various community gatherings such as resource fairs, ethnic festivals and other events, provided valuable information about workplace rights to more than 3,341 low-wage workers in Los Angeles County.

Operating 10 monthly walk-in clinics in downtown Los Angeles, Skid Row, and Long Beach, LAFLA assisted over 842 low-wage workers and facilitated the filing of over 300 wage claims at the downtown Los Angeles State Labor Commissioner office, where LAFLA operates the only on-site Self-Help Legal Access Clinic of its kind in California.

LAFLA provided leadership to the Coalition of Low Wage and Immigrant Workers Advocates (“CLIWA”), a statewide coalition of advocacy organizations and workers centers which share information and collectively act to improve working conditions for low-wage workers. A LAFLA attorney continued to serve on the board of WorkSafe, a nonprofit organization recognized throughout California for expertise in occupational health and safety issues.

### Affirmative Litigation

#### *Fair Proceedings for Wage Dispute*

LAFLA successfully argued before the California Court of Appeal on behalf of a domestic worker seeking \$70,000 in unpaid wages, penalties, and interest. In Gonzalez vs. Beck (2007) 158 Cal.App. 4<sup>th</sup> 598, the Court of Appeal held that employers had to exhaust administrative remedies through the Labor Commissioner before seeking relief in the Superior Court. Gonzalez is California's first published case to address this issue so critical to low-wage workers.

### ***Employee Meals and Rest Breaks I***

LAFLA filed as amicus in Murphy v. Kenneth Cole Productions (2007) 40 Cal. 4<sup>th</sup> 1094, in which the California Supreme Court held that when an employer fails to provide meal and rest breaks as mandated by law, an employee may seek additional payments from the employer for a period up to three years as such payments constitute wages and not penalties.

### ***Employee Meals and Rest Breaks II***

LAFLA filed as amicus in Corrales v. Bradstreet (2007) 153 Cal. App. 4<sup>th</sup> 33, in which the Court of Appeal held that the State Labor Commissioner improperly issued a precedent decision declaring the statute of limitation for employers' failure to provide meal and rest breaks to be one year instead of three years.

### ***Wages for Carwash Workers***

LAFLA represented a car wash worker who had worked 10 hours a day, six days a week with no overtime pay, receiving a favorable decision, and a fully paid \$35,757 judgment for unpaid wages.

### ***Group Home Caretaker***

LAFLA settled a case for \$9,000 on behalf of a caretaker for residents of a group home, after the employer had withheld overtime pay.

### ***Overtime Pay for Domestic Worker***

LAFLA represented a domestic worker whom had never been paid the overtime wages she earned in 10 years working for a Beverly Hills family. LAFLA successfully negotiated her claim for \$25,000.

### ***Justice for Garment workers***

LAFLA collected \$105,000 for husband and wife garment workers who consistently worked six days a week in downtown Los Angeles without benefit of overtime pay.

## **Policy Advocacy**

### ***State Enforcement***

LAFLA provided oral and written comments on the prevalence of employers' failure to provide meal and rest breaks at a hearing convened by the State Labor Commissioner to address enforcement of workers' rights under the current legal and regulatory framework.

### ***Taxicab Drivers' Rights***

LAFLA represented the Los Angeles Taxi Workers Alliance (LATWA) in its efforts to improve working conditions for taxi drivers who earn approximately \$8 an hour – less than the living wage – despite the taxi industry being regulated as a public utility by the City of Los Angeles. LAFLA provided oral testimony and written comments to the City Council addressing the lack of financial transparency and accountability on the part of taxicab company management, a critical cause of drivers' poverty conditions.

# IMMIGRATION LAW

LAFLA provided assistance to immigration status, family reunification, and government benefits to a diverse community of immigrants in various states of crisis, including survivors of torture, families facing deportation, victims of modern-day slavery, and women and children affected by domestic violence.

In 2007, LAFLA

- Obtained legal benefits for 152 victims of torture
- Led a consortium of organizations to conduct naturalization workshops, filing over 1200 applications for lawful permanent residents to become U.S. citizens

## In the Community

Since formation of the Los Angeles Metropolitan Task Force on Human Trafficking in 2005, LAFLA has continued to play a vital role. Last year, LAFLA attorneys served on the outreach, training, and protocol committees, laying the groundwork for a major human trafficking awareness campaign that was launched in January 2007 with the slogan “KNOW HUMAN TRAFFICKING: Modern-day slavery exists. Be Alert. Be Aware.” The event included a press conference, at which the Mayor as well as Board of Supervisors and Councilmembers spoke, followed by an education fair. LAFLA continued its national leadership role in combating human trafficking. LAFLA conducted trainings throughout the U.S. for legal advocates, social services providers and law enforcement personnel and responded to calls for technical assistance on human trafficking and related matters.

With grants from the United Nations Voluntary Fund for Victims of Torture, and the Office of Refugee Resettlement from the Department of Health and Human Services, LAFLA assisted hundreds to receive support services in the U.S. and to become reunited with their family members from abroad. In June 2007, LAFLA co-sponsored its second UN Day in commemoration of victims of torture with an event held at the Museum of Tolerance. The speakers included the Regional Director of the International Criminal Court.

LAFLA developed a legal orientation program to provide information to detained immigrants at the San Pedro (Terminal Island) Detention Center. Throughout 2007, developed and disseminated educational materials in multiple languages to detainees to educate them of their rights and immigration procedures. LAFLA also conducted training in conjunction with the Catholic Legal Immigration Network (“CLINIC”) to train attorneys on detention and removal and to recruit *pro bono* counsel.

## Affirmative Litigation

### *Christian Torture Victim Assisted in Appealing Denial of Asylum*

LAFLA filed the opening and reply briefs before the Ninth Circuit U.S. Court of Appeals to stop the deportation of the son of a US Citizen who had been tortured by the government in China because of his participation in Christian bible studies. In 2006, LAFLA had obtained an order granting a stay of removal.

### ***Fighting to Keep Family Intact and Prevent Hardship to US Citizen Spouse***

LAFLA filed a case in the U.S. Court of Appeals on behalf of the spouse of a US citizen asking that the case be sent back to the immigration court for a proper consideration of the hardship to his chronically ill wife, whose medical condition prevents her from working and driving. If he is deported, his US citizen spouse will be left without her major source of support.

## **Administrative Advocacy**

### ***Relief for Victims of Human Trafficking***

LAFLA continued to represent 38 Thai workers before the United States Citizenship and Immigration Service. Each of the workers had been enticed to pay substantial fees and come to the U.S., based on false promises of welding jobs at minimum U.S. wages. Instead, the victims were sent to work at two Los Angeles area restaurants where they received no pay and had their passports confiscated. LAFLA's collaboration with the U.S. Equal Employment Opportunity Commission (EEOC) had previously resulted in the employer's agreement to provide employment at \$12 per hour to increase after completion of job training, and further provide relocation costs, deposits for apartments and six months rent, and payment of college tuition. LAFLA secured visas for each of its clients. With LAFLA's help, each of its clients have received work authorization, most have reunified with their families in the U.S., and many have already applied for permanent residence status.

## **Policy Advocacy**

### ***Access to Public Benefits for Victims of Human Trafficking, Domestic Violence and Other Violent Crimes***

LAFLA provided vital input in various stages in the drafting of a state bill (SB 1569) to provide state-funded benefits for victims of human trafficking, domestic violence and other violent crimes. The bill became law and LAFLA took a leadership role in the development of policies and procedures at the State and County levels to implement the law. LAFLA also informed clients of their rights to obtain Cal Works related assistance and worked with both DPSS staff and advocates in LAFLA's government's benefits unit to insure that clients received the benefits owed to them and, in many cases, that had previously been denied to them.

### ***Collaborating with Los Angeles Police Department***

LAFLA continued to work with the Los Angeles Police Department in the development of a uniform policy regarding the issuance of "cooperation with law enforcement agency" letters, allowing victims of certain crimes to lawfully remain in the U.S. with a "U-Visa" if they participate in the investigation and prosecution.

### ***Fee Increases***

LAFLA submitted written comments to the U.S. Citizenship and Immigration Services in opposition to 1) a proposed substantial increase in immigration and naturalization fees and 2) proposed restrictions on access to fee waivers for indigents, particularly survivors of domestic violence and other crimes.

**U-Visa** LAFLA submitted written comments to the U.S. Citizenship and Immigration Services to strengthen its proposed U-Visa regulations providing procedures for victims of violence domestic and other crimes.

# COMMUNITY ECONOMIC DEVELOPMENT

LAFLA assists in developing, training, and empowering community-based organizations and low-income individuals to become actively involved in the revitalization process. Our work helps clients:

- Create and improve access to self-sufficiency wage jobs
- Create and preserve affordable housing
- Win community benefits from developments impacting their neighborhoods
- Overcome barriers to employment
- Improve the transportation system and create transportation alternatives

Provide or access other support services vital to improving the quality of life in low-income communities.

In 2007, LAFLA:

- Assisted 12 nonprofit incorporate or become tax exempt
- Trained over 150 leader of community based organizations
- Helped 75 job training participants renew revoked or suspended driver's licenses.

LAFLA provides legal assistance with nonprofit start-up issues such as incorporation and tax exemption, and also offers training and technical assistance to help these community-based groups become stronger, better managed organizations. These organizations often go on to make major contributions to their communities. For example, LAFLA incorporated and prepared tax exemption applications for Holiday Venice Tenant Action Committee, a group dedicated to the preservation of the Holiday Venice apartments as an affordable, safe and decent place to live through the provision of services such as advocating for tenant rights and advancing resident ownership in the apartment buildings. Another group assisted by LAFLA, Africans in America, is a public benefit corporation whose purpose is ensuring the critical availability of legal and social services to Southern California's growing African immigrant population, most of whom are economically disadvantaged. In addition, LAFLA represents innovative and impactful community groups with fiscal sponsorship and other kinds of administrative agreements to allow them to maximize resources to achieve their missions.

LAFLA provided training to representatives of community-based organizations on capacity building issues and topics such as public participation in planning and development or developing and financing affordable housing.

LAFLA also supported individuals attempting to overcome barriers to employment. LAFLA provided assistance with expungement of criminal records and restoration of lost driver's licenses for low-income people in job training or placement programs, collaborating with the Urban League, Job Starts, and Friends Outside.

## Transactional Representation

### *Beverly-Vermont Community Land Trust*

LAFLA provided support to the Beverly-Vermont Community Trust (BVCLT) in securing a commitment from Cooperative Resources and Services Project to transfer its Los Angeles Eco-

Village land to BVCLT for free or a nominal sum and its two buildings with 48 residential units to a limited equity cooperative. BVCLT not only helped develop the City of Los Angeles' plan for creating park and pedestrian-oriented space in the neighborhood, but also completed the first certification steps in a pilot project for integrating smart growth and green building into an urban neighborhood. Resolving the legal issues in this case helped create permanent environmentally responsible and resident-controlled affordable housing.

### ***Korean Resource Center***

LAFLA assisted the Korean Resource Center ("KRC") in developing a new 32 unit affordable senior rental housing project. The work included filing restated articles of incorporation, and obtaining the necessary zoning variances for the project to secure funding. Through collaborative negotiations, KRC secured commitments for \$2.9 million from the city of Los Angeles Affordable Housing Trust Fund, \$ 5.9 million from Wells Fargo Bank, and \$3.8 million from the National Equity Fund.

### ***United Job Creation Council***

With LAFLA's assistance, United Job Creation Council ("UJCC") incorporated, adopted bylaws, and secured its tax-exempt status. Through collaboration with PV Jobs, UJCC also secured its first city of Los Angeles sub-contract for outreach and intake sites to help coordinate construction job training and placement of local at-risk and low-income residents.

### ***Figueroa Corridor Community Land Trust***

LAFLA assisted the Figueroa Corridor Community Land Trust (FCCLT) in creating a complex partnership with a partner organization that will acquire and transfer land to the land trust. LAFLA represented FCCLT in negotiations resulting in funding agreements for (1) \$2 million from the City of Los Angeles Community Redevelopment Agency, and (2) up to \$6.8 million from a private developer to fund the acquisition of land for the development of 170 units of affordable housing in the Figueroa Corridor neighborhoods of Los Angeles.

### ***Strategic Actions for a Just Economy***

LAFLA jointly represented SAJE and the Figueroa Corridor CLT on the development of a fiscal sponsor agreement, wherein SAJE serves as the fiscal sponsor, and a facilities and services agreement, wherein SAJE provides office space and administrative services. These agreements were executed in March 2007 and enabled both organizations to further their respective missions of service to the low income community through clear and coordinated efforts.

### ***Community Land Trust of West Marin ("CLAM")***

LAFLA reviewed and revised this West Marin County affordable housing group's form ground lease, which it will use to maintain the permanent affordability of any for-sale housing located on its land. CLAM plans to sell its first homes this year and will use the ground lease to maintain the permanent affordability of the homes.

## **Policy Advocacy**

### ***Figueroa Corridor Coalition***

LAFLA assisted the Coalition, an organization that advances the economic interests of low-income and working class individuals in the Figueroa Corridor neighborhood, undertake a campaign in opposition to a massive luxury residential development project slated to replace a community-serving hospital. LAFLA provided substantial research on land use approvals and CEQA to help

develop both an advocacy campaign and a popular education series for community members regarding the development process.

### ***Grand Avenue Project Community Benefits Agreement***

Working with a coalition community groups, LAFLA helped win an unprecedented package of community benefits tied to the development of the multi-billion dollar Grand Avenue Project in downtown Los Angeles. LAFLA filed multiple submissions to a range of local government agencies regarding land use and environmental issues, represented the coalition at hearings, and provided support in negotiations with both the project developer and Los Angeles Community Redevelopment Agency. The final agreement provides \$1.5 million for permanent, downtown supportive housing for the homeless; a local hiring program targeting residents of high unemployment areas, along with up to \$2.8 million for job training; on site affordable housing, including units for those earning 35% of area media income; and a formal role for community members in overseeing implementation.

### ***Korean Immigrants Workers Advocates (KIWA) - California Market***

LAFLA continued to represent KIWA to assist low-wage immigrant workers in the Koreatown neighborhood of Los Angeles. In 2006, LAFLA prepared and filed several submissions to the Los Angeles City Planning Department, City Council, and Community Redevelopment Agency Board. LAFLA also appeared on behalf of KIWA at hearings in front of these bodies and in negotiations with the project's developer. In January 2007, the developer agreed in negotiations to accept a condition on their project requiring the developer to enter into written employment contracts obligating the developer to pay their employees elevated wages. Later in 2007, the developer agreed to the terms of the employment contract, meaning approximately 100 low-wage workers at California Market, a Koreatown grocery store, will see an increase in their base wage.

### ***Holding the Line on High Wage Job Training***

LAFLA participated through a seat on the City of LA Workforce Investment Board in protecting Workforce Investment Act (WIA) moneys that are allocated to job training activities, advocating to increase the percentage of funds allocated for training targeted to high wage jobs in growing industry sectors. As a result, the total amount of Los Angeles WIA dollars going to training remained constant in a year when the overall budget was cut significantly. LAFLA's advocacy for such funding over the years has not only helped hundreds of low income people receive training and placement in self-sufficiency wage jobs, but also the City's workforce development system leveraging resources by attracting millions of dollars of additional public and private investment based on the success of our job training programs.

### ***Improving Federal Local Hiring Laws***

LAFLA worked with members of a national coalition of advocates concerned with Section 3 of the Housing and Urban Development Act to share lessons from LAFLA's Long Beach experience and provide suggestions for federal policy reform. Ultimately, the coalition persuaded New York Congresswoman to introduce a bill revising Section 3 and building to create stronger local hiring standards for construction projects subsidized with HUD funds.

### ***Nonprofit Tax Obligations Comment to IRS Form 990***

LAFLA submitted comments to the IRS on its draft revision of Form 990, the annual federal tax information return for most nonprofit organizations. The IRS the form to increase ease of use, reduce administrative burdens and eliminate potentially misleading funding ratios for small

community-based nonprofit agencies, allowing them to dedicate more of their meager budgets to providing needed services to the community.

### ***Density Bonus for Affordable Housing***

LAFLA provided oral and written testimony to both Los Angeles' City Planning Commission and City Council addressing adoption of an ordinance to implement the state's law giving density bonuses to developers of residential property which include affordable housing. LAFLA and its partners succeeded in obtaining ordinance provisions that ensure that the re-sale price of affordable ownership units remains affordable for at least ten years and that the City receives a share of the proceeds from sale thereafter.

## **Affirmative Litigation**

### ***Association of Communities for Reform Now ("ACORN") and Southern California Association for Non-Profit Housing ("SCANPH")***

In 2007, the developer of a large luxury residential development challenged the legality of the application by the City of Los Angeles of a specific plan requiring the inclusion of affordable housing or the payment of an in-lieu fee. Working together with attorneys at Western Center on Law and Poverty and the ACLU of Southern California, LAFLA prepared and filed a petition for intervention in the case on behalf of ACORN and SCANPH. After the petition was denied, LAFLA and its colleagues prepared and filed an appeal and opposed a motion to dismiss the appeal.

### ***Construction Jobs for Long Beach Residents***

LAFLA monitored its favorable 2006 ruling an arbitration judge ordering the City of Long Beach to require preferences for low-income residents in employment and contracting in \$130million of future city assisted construction. The ruling followed successful argument that the City had violated its agreement with LAFLA to follow detailed procedures in construction of the waterfront Pike Project. LAFLA also monitored the City's performance in targeting opportunities on an additional \$56 million in construction separately identified in the agreement.

### ***Queensway Bay Restitution***

LAFLA monitored the City of Long Beach's compliance with an order from the U.S. Department of Housing and Urban Development, finding the city had failed to comply with its obligation in accepting federal assistance in construction of the Queensway Bay Project. The order that LAFLA obtained required the city to restore 3,000 hours of high-wage construction employment and \$3.2 million in contracts for low-income Long Beach residents within three years.

# ACCESS TO JUSTICE

## SELF HELP LEGAL ACCESS CENTER

LAFLA has opened a Self Help Legal Access Center in the Torrance Courthouse, joining Centers already in the Inglewood, Long Beach and Santa Monica Courthouses. The Self Help Legal Access Centers assisted 17,000 unrepresented litigants file their own legal documents and provided education in self representation in court, administrative hearings, and negotiations.

### Affirmative Litigation

#### *Attorney Fees*

With Co-counsel O'Melveny and Myers, LAFLA obtained Court of Appeal approval of a \$124,000 attorney fee award based on a lease provision the court interpreted to provide fees to the prevailing party for both contract and tort claims. The fees arose from LAFLA's suit on behalf of 11 families which had been forced to vacate their homes due to life threatening conditions, only to have the property owner seek substantially higher rents after completing city ordered repairs. See Cruz v. Ayromloo (2007) 155 Cal. App. 4<sup>th</sup> 1270.

### Policy Advocacy

#### *Limited English Proficient Litigants*

LAFLA submitted written comment to the California Assembly's Judiciary Committee on pending legislation intended to improve court practices involving certified interpreters in family law and probate guardianship matters.

#### *Increasing Access to Legal Services I*

LAFLA provided briefings to various state legislators on the Governor's Legal Representation Pilot Program for low-income family law and unlawful detainer litigants.

#### *Increasing Access to Legal Services II*

LAFLA provided briefings to various state legislators on AB 1723, a bill designed to increase funds available to legal services organizations receiving funds via the Interest on Lawyer's Trust Accounts (IOLTA) program.

# Legal Aid Foundation of Los Angeles

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The Legal Aid Foundation of Los Angeles (LAFLA) is the frontline law firm for poor and low-income people in Los Angeles. LAFLA is committed to promoting access to justice, strengthening communities, fighting discrimination, and effecting systemic change through representation, advocacy and community education.

*Working for Justice in Our Communities Since 1929*

[www.lafla.org](http://www.lafla.org)