



COMMUNITY
LEGAL SERVICES IN
EAST PALO ALTO

At Face Value

2008

Housing clients: **192**

Immigration Clients: **796**

Anti-Predatory Lending Clients: **115**

Volunteer Attorney Program Clients: **183**

In-House Pro Bono Attorney Hours: **3199**

Law Firm/Solo Pro Bono Attorney Hours: **5928**

08-09 Fiscal Year Budget: **\$472,000**



Predatory lending intern Katie Flores, left, discusses a case with staff attorney Shirley Hochhausen and volunteer attorney Kathryn Latour

CLSEPA Helps Hardest-Hit Families

The global economic crisis remains as turbulent as it was in September 2008. Yet while universally felt, the degree to which the crisis has impacted families varies profoundly. Many low-income families in San Mateo County stand on the very brink of homelessness. For those victimized by bad or illegal loans, or who rent from landlords themselves on the edge of foreclosure, legal assistance can make a tremendous positive difference. Over the last months, Community Legal Services in East Palo Alto has devoted more resources than ever to making the future hopeful for these clients.

Consider the following family: The M family was the victim of a mortgage scam perpetrated by their own loan broker. At closing, the broker had a check for \$200,000 issued in his own name, thereby stealing all of the loan proceeds. Without the money to meet the high cost payments on the loan, the M family was one week away from losing their home in a foreclosure sale.

With the help of the law firm Liuzzi, Murphy and Solomon, LLP, CLSEPA brought a lawsuit to stop the sale of the property and litigated

the case to a settlement which revised the home loan terms and recovered the stolen money. The M family and their 4 children look forward to spending many years in their home, while the broker is presently in jail awaiting trial.

Mr. F, meanwhile, had been renting an apartment for 23 years when his landlord was foreclosed. Twice, the lender tried to evict him. Each time, staff at CLSEPA contacted counsel for the lender, explained the circumstances of Mr. F's tenancy, and provided copies of East Palo Alto's Rent Stabilization Ordinance which prohibits evictions without good cause. Twice the lender ignored our letters and proceeded with the eviction. Finally, Mr. F, accompanied by a CLSEPA attorney, demanded a trial on the merits. The eviction case was dismissed, and Mr. F continues his 24th year of residence.

In all, CLSEPA's anti-predatory lending expertise has assisted 68 individuals and families with foreclosure-related issues. Of the 14 post-foreclosure eviction lawsuits on which we have assisted, we obtained three dismissals and 11 positive settlements for our clients.

Continued

CLSEPA has also worked actively to educate homeowners on relevant legal issues. In February 2009, in conjunction with the University of San Francisco, School of Law, CLSEPA published a 12-page guide to mortgage foreclosure prevention, entitled "Loan Default and Foreclosure: A Brief Guide for California Homeowners." The guide describes the foreclosure process and the documents homeowners may expect to receive in foreclosure. The guide highlights some of the important options and considerations of which homeowners must be aware when their home is threatened by foreclosure. The guide is available online at <www.law.usfca.edu/homeownerguide.pdf> and <www.clsepa.org>, and is available in English, Spanish, and Mandarin Chinese. As of May 2009, with the assistance of *EPA Today*, we have distributed over 5,000 copies of the guide in East Palo Alto, where approximately 30% of homes are currently in default.

In addition to educating about and reducing foreclosure, we have made it a top priority to help clients get out of debt and start over with a clean slate. Toward the end of 2008 and early 2009, increasing numbers of clients called to inquire about filing for bankruptcy. In response, CLSEPA began offering bimonthly pro bono bankruptcy advice clinics, staffed by consumer attorneys Fred Schwinn and Raeon Roulston of the Consumer Law Center and Ben Dupré of the Dupré Law Firm.



Consumer attorney Raeon Roulston, center, lectures CLSEPA clients on bankruptcy

As of May 12, 2009, 44 clients have been educated on filing for bankruptcy, dischargeable debt, non-dischargeable debt, exemptions, secured creditors, and debtor's rights. "Thank you for helping me see the light at the end of the tunnel," one client said with gratitude and relief.

At Community Legal Services in East Palo Alto, service is our mission. Creating positive outcomes is our bottom line. Yet we, too, need a life-support system. All of our work is a direct consequence of the generosity of the donors and volunteers who are reading this article now. We are deeply grateful to you for giving us the opportunity to serve. We urgently ask for your continued strong support during these challenging times.

Help Support CLSEPA Golf Tournament



On Columbus Day, October 12, 2009, at the Stanford University Golf Course, the Palo Alto Area Bar Association will hold its 20th Annual Charity Golf Tournament benefiting Community Legal Services in East Palo Alto. Last year, the tournament drew 107 participants; this year, we are hoping for even more. Participants enjoy a full round of golf followed by hors d'oeuvres and jazz music.

The tournament is a great way to support Community Legal Services while enjoying a round of golf at one of the finest courses in the country. The tournament cost is \$350 per golfer. Sponsor-

ships start at \$1,000, with four-player Tee Sponsors at \$2500. If you are interested, please contact Candice Greenberg at (650) 326-6440 ext. 304 or Candice@clsepa.org, or Jon Frohnmayer at (650) 326-6440 ext. 305.

CLSEPA Advocates for Immigrant Victims of Crime

CLSEPA continues to aid those most vulnerable among us. Much of CLSEPA's immigration work involves providing assistance to immigrant victims of crime, including domestic violence. The U visa statute was approved by Congress in 2000 to provide permission to be in the United States and work authorization to immigrant victims of crime who aid law enforcement in the crime's investigation or prosecution.

Approved

◇ As of October of 2008, 85 out of 13,300 applicants nationally had been adjudicated, with 65 approved. Of those 65, nine were CLSEPA clients. On April 29, 2009, CLSEPA celebrated its 20th U visa approval.

Removal Intervention

◇ We met one of our clients, a sexual assault survivor, after she had been in a Santa Clara County detention facility with an ICE hold for more than three months while waiting to testify against her abuser at trial. The District Attorney was not going to certify her U visa application until the trial was over. CLSEPA attorney Marilia Zellner convinced the DA that waiting would probably result in the client being deported, since she already had a removal order and would no longer be necessary as a witness once the trial concluded. The DA decided to certify her application and called in a favor to its Immigration and Customs Enforcement (ICE) contact, who gave the client a Stay in the United States and released her from detention. The client is now awaiting approval for her U visa.

◇ Another client in removal proceedings was the husband of a previous client, whom we had assisted in applying for U visa relief based on her being kidnapped for hire to be murdered.

Continued





We placed the husband as a derivative beneficiary on the earlier client's U visa application. When the U visa application was approved on April 20, 2009, the husband's removal proceedings were terminated, and the family was able to stay in the United States.

Advocacy

◇ CLSEPA participated in a nationwide advocacy effort that indigent survivors of domestic violence not be required to pay the \$545 fee to file form I-192 (request for waiver for having entered the U.S. without a visa). CLSEPA's efforts were successful: United States Citizenship and Immigration Services (USCIS) now allows applicants to file fee waivers.

◇ As part of the U visa regulations USCIS approved in February 2007, law enforcement agencies had to designate person(s) to certify the helpfulness of the applicant, and that this designation had to be detailed in writing. CLSEPA, as well as a number of other organizations, argued that the requirement to state the designation in writing was a large burden on law enforcement agencies. As a result, USCIS dropped this requirement, and decided to accept any signature on the certifying form itself as proof that the person signing was the designated certifier.

◇ CLSEPA filed the first brief in the country with US Citizenship & Immigration Services on the "any credible evidence" standard used to U visa applications for victims of certain serious crimes who have been helpful to law enforcement. The brief illustrates that Congress and USCIS policy that U visa adjudicators should use a broad and flexible standard of evidence.

◇ CLSEPA has been able to establish a strong relationship with the Mexican Consulates in both San Francisco and San Jose, which has expedited the issuance of passports for many of our clients. Passports are a requisite of the U visa application. One of our clients had her Mexican consular ID confiscated, and couldn't get married or receive her U-visa without evidence of her nationality. CLSEPA requested that the Mexican Consulate issue her a passport in as little time as possible, and it did so in less than one day.

Pro Bono Results: Late 2008 / Early 2009

To say that pro bono attorneys are essential to our work would be an understatement. Pro bono attorneys *are* our work - the very reason we were able to offer meaningful assistance to nearly 1300 clients in 2008. We are deeply appreciative to all those who assist CLSEPA clients.

Solo practitioner **Robert Chastain** represented a client who was receiving demand letters from a collection agency for \$78,000 allegedly relating to a mortgage opened in his name. The client believed he was the victim of identity theft. In less than one month, Mr. Chastain was able to clear the client's entire debt with the collection agency and get them to cease all collection activity.

Mr. Chastain simultaneously represented a second client who was being sued for \$19,788 by a major insurance company for allegedly causing a car accident on the freeway. The initial police report assigned blame to the client; however, after a subsequent re-investigation, the police amended the report and concluded the other vehicle was at fault. Mr. Chastain was able to get the lawsuit dismissed and cleared the client of the entire debt.

Lisa Chen and Morgan Lopez, associates at a Bay Area law firm, represented a mother and her three minor daughters, one of whom was disabled, who were being evicted by Page Mill Properties for allegedly being involved in gang activity. Asserting that the eviction lacked merit, Ms. Chen and Mr. Lopez were able to get the lawsuit dismissed and obtained a settlement allowing our clients to remain in their apartment and keep nearly all terms of their lease agreement.

Cooley Godward Kronish LLP partner **Wendy Brenner** and associate **Scott Petersmeyer** represented an HIV-positive tenant with hepatitis, neuropathy, and high blood pressure being evicted from Page Mill Properties for possessing a dog in his apartment, despite the fact that the client had a doctor's note identifying the medical need for the dog. Ms. Brenner and Mr. Petersmeyer successfully obtained a settlement that allowed the client to remain in his home and keep his dog.

Cooley
GODWARD KRONISH LLP

Cooley Godward Kronish LLP associate **Ilana Landsman** represented a client being evicted by Page Mill Properties for alleged nonpayment of rent. Ms. Landsman took the position that: (1) the landlord's three-day notice to pay or quit was invalid since the landlord had never paid the client interest on her security deposit; (2) the landlord had failed to address numerous habitability concerns with the apartment; and (3) the eviction may have been unlawful in retaliation for the client's complaints to property management personnel regarding habitability concerns. Ms. Landsman obtained a settlement dismissing the lawsuit and allowing the client to move out on favorable terms.

Sean Coutain, associate at a Bay Area law firm, represented a client who purchased a used vehicle which stopped working three days

after purchase. Taking the position that the dealer had committed fraud in representing the vehicle as functional and attempting to conceal flaws in its condition, Mr. Coutain was able to obtain a favorable settlement from the dealer.

Gal Dor and Michael G. Cross, associates at a Bay Area law firm, represented a client who purchased a used vehicle which stopped working almost immediately after the sale. Taking the position that the dealer had committed fraud in representing the vehicle as functional, and that the dealer had not included a smog certificate per California law, Ms. Dor and Mr. Cross were able to convince the dealer to rescind the contract and reimburse all of the client's money.

Fenwick
FENWICK & WEST LLP

Scott Maurer, of the **Katharine and George Alexander Community Law Center**, together with **Fenwick & West LLP** associates **Dawn Belt**, **Ruomu Li**, **Abraham Zuckerman**, and **Rita Tan**, conducted several intake clinics at CLSEPA, advising clients on consumer-related legal issues.

HOWREY
LLP

Howrey LLP associate **Brett Jackson** represented a Section 8 client being evicted for alleged nonpayment of rent. Asserting that

the landlord had failed to cure numerous habitability concerns, including a cockroach infestation and a faulty heater, Mr. Jackson was able to obtain a settlement allowing the client to keep her Section 8 benefits and relocate to a new apartment on favorable terms.

Solo practitioner **Bill Keegan** represented a client being sued for \$5,598 by a debt recovery agency, allegedly stemming from an original debt of approximately \$900 that the client believed was the result of an identity theft. Mr. Keegan achieved dismissal of the lawsuit two weeks before trial.

LATHAM & WATKINS ^{LLP}

Latham & Watkins LLP associate **Andrew Farthing** represented a client who was being asked to pay over \$4,000 for a debt originally based on one month's rent of \$1,300. Taking the position that the debt collector had violated numerous debt-collection statutes, Mr. Farthing was able to obtain a settlement favorable to the client.

Latham & Watkins LLP associates **Elif Kimyacioglu** and **Matthew Titolo** represented a client who was being sued for causing a car accident, despite



the fact that he was not the driver of an involved vehicle, and the vehicle in which he was a passenger was not at fault. Ms. Kimyacioglu and Mr. Titolo succeeded in getting the lawsuit dismissed.

Latham & Watkins LLP associates **Edward Tran** and **Jon Novotny** represented a client who purchased a vehicle that the dealer subsequently attempted to repossess after changing the terms of the contract to increase the monthly payments. Taking the position that the dealer's failure to provide a copy of the new contract to the client violated the Rees-Levering Act, Messrs. Tran and Novotny were able to negotiate a settlement whereby the dealer waived all payments of interest on the vehicle.



MILLER STARR REGALIA

Miller Starr Regalia partner **Bruce Laidlaw** represented two clients who were being charged substantial sums of money by debt collectors. Mr. Laidlaw was able to reach settlements in both cases.

MORRISON | FOERSTER

Morrison & Foerster LLP associates **Susan Vaughan** and **Christopher Robinson** represented a client being evicted by Page Mill Properties for a verbal altercation involving his sister and Page Mill Properties management, after Page Mill attempted to tow a number of vehicles owned by their tenants.

Ms. Vaughan and Mr. Robinson succeeded in getting the lawsuit dismissed, allowing the client, his sister, and his sister's two children to remain in their apartment.

SIMPSON THACHER

Simpson Thacher & Bartlett LLP associates **Kristyn Greene**, **Victoria White** and **Stephen Blake** represented a client who was being evicted for alleged breaches of her lease agreement. While the lawsuit was underway, a fire started in the client's apartment, rendering her homeless. The landlord declared that she was liable for the damages. Ms. Greene, Ms. White, and Mr. Blake negotiated a settlement that dismissed the lawsuit and protected the client's Section 8 benefits for future tenancies.

Sarah Scollard and **Dede Orraca-Cecil**, associates at a Bay Area law firm, represented a client at small claims appeal who was being sued by her sister's abusive ex-boyfriend. The client had dented the plaintiff's car with a plastic broom in an effort to stop the plaintiff from driving away without putting the client's four year-old nephew into a seat with a seat belt. Ms. Scollard and Ms. Orraca-Cecil won the trial, and the client did not have to pay plaintiff any damages for the repairs.

Ms. Scollard and Ms. Orraca-Cecil simultaneously represented the client's sister in a custody dispute with the same plaintiff, where they successfully obtained full physical and legal custody with supervised visitations.

B BOARD OF DIRECTORS

Nozipo Wobogo, Co-Chair
Community Activist
Andrew Valentine, Esq., Co-Chair
DLA Piper LLP (US)
William Webster, Secretary
East Palo Alto Rent Stabilization Board
Court Skinner, Ph.D., Treasurer
Consultant, Semiconductor Technology
Michael Armstrong, Esq.
Nolan, Armstrong & Barton LLP
Alvaro Huerta
Stanford Law School Student
Renee Glover Chantler, Esq.
DLA Piper LLP (US)
Angela Dunning, Esq.
Cooley Godward LLP
Richard L. Ehrman, Esq.
Thotts Love Hershberger & McLean APLC
Sunit Kulkarni, Esq.
Morrison & Foerster LLP
Kristin Major, Esq.
Skadden, Arps, Slate, Meagher & Flom LLP
Marcia Perez, Esq.
Allen & Associates
Patrick E. Premo, Esq.
Fenwick & West LLP
Allan Johnson
Director of Youth Services, JobTrain
Carolyn Tucher
Former Board President,
Palo Alto Unified School District
Alexa Van Brunt
Stanford Law School Student

Community Legal Services
in East Palo Alto
2117-B University Avenue
East Palo Alto, CA 94303

NONPROFIT ORG
U.S. POSTAGE PAID
PALO ALTO, CA
PERMIT NO. 107

Staff & Volunteers



From Left:

Candice Greenberg
Einat Arbel
Jose Umbert
Jon Frohnmayer
Maricela Castillo
Sabir Ibrahim
Maleeha Haq
Mark Shepherd
Estelle Houtchens
Erik Connell
Nancy Shepherd

Sean Quirk
Anne Connell
Mary Dutcher
Marilia Zellner
Amir Adibi
Susan Solomon
Jordana Mosten
Debora Eizips Dreyman
Carolyn Tucher
Dave Connell

Contact Us

Community Legal Services in East Palo Alto
2117-B University Avenue
East Palo Alto, CA 94303
(650) 326-6440 (phone)
(650) 326-9722 (fax)

Printing Services Provided by,



**BLACKSTONE
DISCOVERY**