



### Our Mission:

The East San José Community Law Center educates law students in accordance with the highest professional and ethical standards by serving individuals and communities in need with competence, conscience and compassion, through pro bono legal representation and education.

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## We made our move!

**M**any of you know that the dilapidated building that was home to the ESJCLC for so many years is being sold. For a while, we were faced with the prospect of being unable to provide our legal services due to the lack of affordable office space elsewhere — that's until the University came to our rescue.

In May, the University closed escrow on a building located at 1030 The Alameda, on the corner of The Alameda and Keeble Avenue. Barry Swenson Builder then took over, and his company and subcontractors worked (frequently day and night, and on weekends) to prepare the building for our use. The interior was completely gutted and the architects worked extremely hard to accommodate our goals: providing work areas for students, confidential meeting places for clients to be interviewed by the law students, a conference room, etc. We finally moved in on October 7, 2002.

The move raises several questions. First, the Law Center's principal office will no longer be in East San José. We surveyed many of our current advice clinic clients to ascertain the impact

this would have on them, and 100% said they would be unaffected by the move. The few who take the bus are served by the same bus line that served the old location, and there is a bus stop at our new building. The move will not affect our ability to serve the under-privileged.

One tremendous benefit of the new location is that we will be better able to serve clients because students will find it more convenient to get to the Center, since we're only 1.5 miles away from campus. As the demand for our services continues to grow, the need for students willing to participate in the legal clinics also increases. Given the five advice clinics and full representation areas, we need a full enrollment each semester. The new location will greatly facilitate this.

In addition, we are committed to maintaining a presence in East San José. We have agreed to offer workshops through the East Community Resource Center (ECRC). We will evaluate the need to offer advice clinics as well, with a final determination depending on space limitations at the ECRC's location.



The new ESJCLC building, located at 1030 The Alameda, San José, California 95126

Another long-term benefit is that our space costs will remain constant for the indefinite future. We will not be subject to the vagaries of the rental market. We are grateful to the University for agreeing to buy the ESJCLC building, and to Law School Dean Mack Player for making this possible. The entire ESJCLC staff was supportive, patient, and industrious throughout the entire process.

Of course, a move requires additional outlays of resources. We are hoping to put in a total of 32 portable computer workstations for students, all networked to our new case management system. However, we have no money for the workstations as of now. In this newsletter there is a donation insert in the hopes that some of you may be able to help us out. As always, we appreciate your generosity.

**See "Our Move!" on back page**

## Mabie Award for Outstanding Graduate goes to Bart Volkmer

In maintaining Santa Clara University's reputation of educating competent, conscientious and compassionate graduates, Bart Volkmer has set a promising example.



We are proud to announce that he is the Law School recipient of the Mabie Award for Outstanding Graduate, selected from among the graduates last May. The Law Center takes exceptional pride in Bart's achievements since he volunteered here during all three of his law school years. His supervising attorney, Scott Maurer, was the one who nominated Bart for this prestigious award.

Bart is extraordinarily competent in both his academic and volunteer work. Academically, he graduated in the top 2

percent of his class. During his law school career, Bart received the Witkin Award for academic excellence in Evidence, Dispute Resolution and LARAW, as well as the CALI Excellence for the Future Award in Contracts and Constitutional Law II.

Volkmer also obtained the Award for Excellence in First Year Moot Court and received both the Manaster Scholarship and the Emery Scholarship. He began volunteering at the ESJCLC during his first year of law school, serving in the Consumers' Rights and Debtors' Rights Advice Clinics.

Bart enrolled in the Center's clinical course during his second year of law school and was able to put his excellent legal research, writing and oral advocacy skills to the test while representing a low-income couple when they refused to pay the unfair

amount that a company claimed they owed.

To Bart's dismay, the telecommunications company hired a well-seasoned lawyer who proceeded to file a motion to dismiss the case. However, Bart was able to out-brief and out-argue the experienced attorney.

In addition to Bart's work at the Law Center, he has volunteered his time at legal advice clinics with the Pro Bono Project of Santa Clara County and at Santa Clara University's Benefit for Justice.

Congratulations to Bart Volkmer for his achievements as the outstanding graduate of the law school and as an advocate for the under-privileged clients of the Community Law Center.

## Stars shine at the Community, Commitment and Courage Awards Celebration

The ESJCLC benefits everyday from the participation of outstanding people who help the Center to carry out its mission. On October 18th of this year, the Center had an opportunity to formally thank them all, and in particular those individuals and firms that exceed all expectations in terms of their community involvement, their commitment to justice, and their unwavering display of courage. The event, which has now become an annual tradition, is dedicated to these special individuals and firms.

This year, the Wyndham Hotel on First Street was the setting for the gala. The event was truly a lesson in humility for those of us who applauded the award recipients. It was also a heart-felt lesson in history, as some of the recipients were among the initial founders of the East San José Community Law Center who recounted stories about the very first clients of the Center. Jim Hammer was among these mavericks, and tears

were hard to contain when his brilliant storytelling style made us feel the day when the Center received its very first check for \$500 from a company that had exploited a man in a shady business deal. "To us", he said, "\$500 may not be a big deal. But to that man, \$500 was life to him and his family. We won our first case!" Our hats off to you all!

This is an alphabetic list of the recipients, along with a summary of the inscriptions on their awards:

**Reuben Castillo — *The Executive Director's Award*.** With heart-felt thanks for always being there for the clients, the students, and the staff at the ESJCLC. Your support and dedication to us all go beyond the call of duty in more ways that we can express.

**Jim Hammer—*The Commitment Award*.** In recognition of your abiding concern for the under-represented in our society that led to your co-founding the East San José Community Law Center and for your continued efforts to bring justice to those who

need it the most.

**Joseph Kamau — *The Courage Award*:** Read why he received this award on page 3: "Client expresses our *raison d'être*". Thanks, Mr. Kamau.

**Scott Maurer — *The Eric & Nancy Wright Award*.** In appreciation of your tireless dedication to the students you have supervised and the clients you have served; your continuous inspiration both personally and professionally to those who work with you; your innovative leadership as the Supervising Attorney for the Consumer Law Project in envisioning and developing new programs for the Community Law Center, as well as giving advice to, providing training for and fostering collaboration among consumer law

**Continued on p. 7: "Awards Celebration"**

## A recent client expresses our raison d'être

*By Mr. Joseph Kamau,  
Immigration Client*

The day was Tuesday. The time, approximately 10 minutes to four. The place, East San José Community Law Center. Here I was, a newly arrived stranger from the eastern part of Africa in a strange place among strangers in what I was to learn later was known to Californians as the Bay Area.

You see, I needed some legal representation in my immigration case and I did not have a dime in any denomination in my pocket. I had hurriedly left my country with only \$50 between starvation and me. I had already spent the money on basic items, and prospects of a job, any job, were zero.

I did not have the right papers to legally allow me to in engage in any sort of employment. There was this magic number the employers wanted me to fill in on application forms every time I sought a job — the social security number. In short, I could not afford the astronomical fees the lawyers would charge to take up my case.

So here I was, apprehensive and unsure of what I was to encounter. I had been told about the Law Center by an organization that helps newly arrived refugees worldwide, and the organization was almost sure that East San José Community Law Center would take up my case. On that particular day there was quite a number of people, who I came to learn were seeking legal assistance of one form or another. Some wanted to become American citizens, others needed help to get Green Cards while others sought to know how they could start small businesses to keep body and soul together.

The thing that struck me most while waiting at the reception for my turn to be attended to was the friendly atmosphere that pervaded the whole place. Although most of the conversation between those who had come to seek assistance and the



staff at the front desk was mainly in a language I assumed to be Spanish, I could tell from the happy faces that there were no ugly words being thrown around.

"Are you Joseph," a smiling lady asked me

in way of introduction and I said yes, I was Joseph. "I am Lynette Parker and welcome to the Center," the lady continued, still wearing that reassuring smile that made my apprehension start to disappear. I began to feel at ease and calm. Maybe this was the calm before the storm, I thought to myself. "This way please," she said as she led me to an office with a table, two chairs and a phone among other items. She introduced me to a student who was to listen to my experience and my case to see whether I qualified for free legal representation, pro bono or something that sounded Latin to me. She then left me in the hands of the student who was very sympathetic as I narrated my ordeal in the hands of politicians who should know better but who only think of their short selfish political gains instead of nationalistic ideals.

I had been put in jail not for any crime I had committed but for daring to challenge the hypocrisy and ruthlessness of those in power towards their own people. This is the dilemma that Africa is facing. Anyway, my experience could be a story for another article.

After the student had listened to my experience and written down some notes, she left me alone in the room and went to consult with Lynette Parker. I was left wondering what the decision would be. Would they take my case or not? And if not what was going to be my next move? These were the questions going on in my mind when I heard a knock on the door and Lynette walked in. "The Center will take your case," she told me with that disarming smile that is her trademark. "Thank you very much," I replied, unable to express my gratitude fully. "Come back next Tuesday and we will begin the process of compiling your application. We will need any

document that you think may be important to your case," she explained.

The three months that followed were very hectic. I was privileged to work with a law student, Ann Renzi, who tirelessly collected numerous documents to strengthen my case. Under the supervision of Lynette, Ann perused uncountable documents, categorized them and itemized the papers to make it easy for the immigration officer who was going to decide my case.

Finally my application was sent to Nebraska and then began anxious days of waiting for an interview date. Within two weeks I appeared before an immigration officer who listened to my experience without any hint whatsoever on her face whether she was going to recommend that I be granted political asylum. Another three months of living with anxiety and uncertainty.

In July of this year, the results came in at last. The asylum had been granted. I was totally overjoyed.

I knelt down to thank God for the decision. I also thanked Him for leading me to the East San José Community Law Center where I met an understanding staff right from the receptionist to the students and their supervisors, specifically Lynette Parker.

This article is my way of paying my tribute to the Law Center for the assistance it gives not only to me but also to others in need. It is my prayer and hope that the Center will continue to be a guiding light and a tower of support to those who seek help but have no means to pay for valuable legal services.

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## What students are saying about their experience at the Law Center

### **Betsy Carroll, 3rd year Law Student, Workers' Rights Group:**

"Many of the clients I've met deal with daily challenges that I will never have, and I have tremendous respect for their persistence, and gratitude for how blessed my life has been. I realize that I am extremely lucky to have been born in a place where I am safe and have opportunities to pursue a career, and to have received the education I have and the resulting wider employment options. This clinical experience has been the most valuable educational experience I have had in law school, and I am so grateful for the legal and personal lessons I've learned from our clients."

### **Gabriel Garcia, 3rd year Law Student, Small Business Group:**

"My experience with the ESJCLC was extremely beneficial, especially as I got to work in the Small Business Group (SBG). The SBG work is an exciting combination

of venture capital law and public interest law. An understanding of the former is essential for any student hoping to practice in the Valley. The latter is an area of law that provides the greatest opportunity for a student to give expression to his or her social conscience."

### **Wendy Unland, 3rd year Law Student, Immigration Law Group:**

"Working with clients at the ESJCLC has been the most rewarding experience of my law school education. It has helped me shape my career goals by showing me that there's a way to dedicate your life and career to helping those in need. We provide a service for individuals who have nowhere else to go. Through my clinical work at the ESJCLC I have experienced immeasurable growth, educationally, professionally and personally."

### **Marcella Moran, 3rd year Law**

### **Student, Workers' Rights Group:**

"Law School is a bewildering experience. It is easy to lose sight of the real world. Fellow law students, loans, homework, and finals begin to overcome and overwhelm. Tuesday nights at the East San José Community Law Center allow law students to re-focus and overcome the tedious obligations of law school."

### **Ben Dupré, 3rd year Law Student, Consumer Law Group:**

"The Consumer Clinic is the quintessential training ground for teaching litigation skills. I'm handling my own case involving arbitration against a credit card company for violating fair debt collection laws. The Clinic's supervising attorney, Scott Maurer, is an excellent teacher in assisting all students in every stage of the litigation process. Two thumbs way up! "

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## What clients are saying about their experience at the Law Center

Mr. Fausto Lugardo, Carina's Mobil Mechanic, owner



"Last year [2001] I was setting up my car repair business, but I was not doing it properly because I lacked the legal support. I turned to the Law Center, and I am now very satisfied with the results. They gave me legal advice and showed me how to run my business. I also lacked financial resources, but they inspired me to go forward, and now my business is generating a profit and is legally established."



Mr. Daniel Duffaut

Mr. Daniel Duffaut received a check for nearly \$4,000 on November 22 for a case he opened with the ESJCLC on October 30th of this year. His previous employer laid him off and refused to pay him for his final work hours. Sean Krstulja, the student handling the case under Ellen Braff-Guajardo's supervision, was able to recover the unpaid salary plus the maximum waiting-time penalty from the employer.

This is what Mr. Duffaut has to say about his experience:

"Thank God that there exists a place like the ESJCLC. I think that it performs a crucial role in the community, especially when people don't have the kind of money needed to hire a lawyer. I am truly satisfied with the speed, the respectful manner and the kind disposition with which the ESJCLC handled and solved my case. I am infinitely grateful to the Center and to Sean Krstulja, the student who helped me with the case. Sean was quick, knowledgeable, professional and very respectful. He'll make an excellent lawyer."

## Some of our successes this Fall Semester

***Congratulations to Emily Fisher, who won two cases in less than a week!***

Case #1

Emily's client had no idea why he was sued for \$4,000. When the plaintiff collector failed to timely respond to discovery, Emily threatened to move to compel the discovery, and for sanctions. "Yikes!!" exclaimed the collector. "We surrender!! Case dismissed!"

Case #2

Emily's client was sued for a \$7,000 credit card debt. In fact, the account had been run up by an identity thief. Unfortunately, Emily's client failed to answer on time (before he came to the Center), and a default judgment was entered against him. When the plaintiff collector failed to respond to an informal request to set the judgment aside, Emily prepared a motion to set aside the default, as well as a cross-complaint. Once again, the collector caved in to Emily. "Judgment set aside!! Case dismissed!!"

***Total client savings: \$11,000***

***Congratulations to Isaac Escobedo, who achieved rescission of four gym membership contracts for his client.***

A local fitness center fraudulently induced Isaac's client to sign up for membership for herself and family members by misrepresenting — among other things — the term of the contract. Because of the misrepresentation and the fact that Isaac's client received only English disclosures after Spanish language negotiations, she was shocked to discover that she had signed up for a three year commitment. Furthermore, the fitness center refused to cancel the contract after Isaac's client provided a note from her doctor that she could no longer use the facilities (although the fitness center was required by law to rescind the contract).

After Isaac sent a scathing four page demand letter, the fitness center promptly agreed to cancel all the contracts.

***Total client savings: \$2,880***

***Congratulations to Jesse Ruben and Zeena Batliwalla, for successfully representing an ESJCLC client before an Immigration Judge.***

Ms. G has been a client of the ESJCLC since November 1994. She entered the U.S. from Mexico as a child. Due to several choices that her parents made on her behalf, Ms. G found herself in deportation proceedings. Ms. G has five U.S.-born children. Due to complications with her case and changing immigration law, Ms. G's deportation hearing has spanned 20 years (6 of those years with the ESJCLC) and numerous appearances in court.

Jesse Ruben and Zeena Batliwalla spent this fall semester researching the various changes in immigration law and preparing a brief on the remaining issue in her case. In Immigration Court, they conducted the remaining direct exam of Ms. G. On November 20, 2002, the case reached a happy ending.

***Total benefit to client: Ms. G's permission to remain in the U.S. as a permanent resident.***

fold on dotted lines and tape closed

Place stamp here

Santa Clara University  
East San José Community Law Center  
1030 The Alameda  
San José, CA 95126

tear or cut along the score to separate, then fold on along the dashed lines to create a self-mailer. Use a piece of tape to close the mailer. Put stamp in appropriate location and mail back to us at ESJCLC.



## The East San José Community Law Center on the International Radar

It was a tiring, 25-hour trip from São Paulo, Brazil, but they finally made it to the San José International Airport on October 17 of this year. They were exhausted but determined to get to work. The President of São Paulo Lawyers' Bar Association who is a Professor of Law and four students from the Universidade Paulista's Law School were on a mission, and Santa Clara University's East San José Community Law Center was their subject of study.

In their country, the students and Professor Reis are considered mavericks because of their daring approach to the dissemination of legal information to the masses in the São Paulo region. In a country where the monthly minimum salary is 200 Reales (about \$50), the most disadvantaged citizens cannot afford to take a day off from work, travel miles on an expensive bus ride, and spend precious time looking for someone in the maze of government ministries who is willing to listen to their legal problems. So the legal teams, composed of five lawyers and 20 law students, bring the information to the people.

The students identify the target neighborhoods and contact the local police. The police station lends them an office-van for the event. The week



Left to right: Rogério Piccino Braga, Professor Edson Reis, Nubia dos Anjos, Alisséia Luciana de Souza and Daiton do Nascimento.

before the event, a community volunteer drives through the streets with a loudspeaker, announcing the date and time of the "legal clinic." In a typical clinic the law students, under the supervision of attorneys, see between 50 and 100 people with issues ranging from consumer, family, and workers' rights matters. Says Daiton do Nascimento, "After their consultation, people know their rights and leave with a very clear idea of which public [government] agency they'll have to see to solve their problem."

Their program has been operating for a year and half very successfully. However, the team felt the need to share its experiences with similar projects in other regions of Brazil and even internationally. The Law School's Civil Clinical Program/The East San José Community Law Center (ESJCLC),

was honored to be considered for their study and celebrates the similarities between both programs.

The Brazilian team spent a week observing SCU law students at work in the advice clinics at the ESJCLC. They also attended a community presentation at the Day Worker Center, where law students, under supervising attorney Cindy Thorp, explained the services offered at the Law Center and gave information on how to start a small business. The Brazilians also attended a law clinic class and presented information on their program to the SCU clinical law students. They were invited to observe a portion of a trial in the courtroom of Superior Court Judge Robert Baines, who graciously extended an invitation to them to exchange information in his chambers during a recess.

The visit by this group of committed Brazilians was inspiring to all of us who had the opportunity to meet them. The experience not only gave the SCU law students and the Brazilian law students a chance to compare notes on the benefits of community-based legal education, but it has also increased each group's understanding of the pervasive legal problems that exist in both cultures for the under-represented.

## Awards Celebration .... continued from page 2

practitioners throughout the United States and your deep commitment to the dual goals of educating law



ESJCLC's Scott Maurer receives his award and golf hat from the Wrights.

students and providing legal services to the poor and disenfranchised.

**Luis Rivadeneyra** [from the SCU IT Department] — For generously giving your own time to meet the computer needs of the ESJCLC and for going above and beyond the call of duty in arranging for numerous donations to the Law Center's new building. Using your talents to benefit the under-represented is a gift that will not be forgotten.

**Chavez & Gertler LLP** — *The Community Award*: For its exemplary service

to consumers throughout the Bay Area. For providing outstanding legal representation to consumers, defending the rights of those exploited by others, and speaking for those members of our community who otherwise would have no voice.

The firms **Barry Swenson Builder** and **Santa Clara Valley Corporation** and some of its employees and architects each received an award for completing the new building quickly and efficiently.

## Our move!.... continued from front page

If you have any questions about any aspect of the ESJCLC, please contact me.

We look forward to staying in touch during this exciting yet challenging time. I can honestly say that the last 18 months as Executive Director of the Law Center have been among the most rewarding of my career.

*Cynthia*

Cynthia Mertens,  
Professor of Law

Our new building allows us to protect client confidentiality. We now have 5 private interview rooms like the one shown below, as well as a large, versatile conference room.



Law student Eva Martell (center, facing you) meets with Workers' Rights Client on October 8, 2002.  
Translators: Juan Luna and Marisol Monarrez

Our new building provides our clients with an atmosphere of professionalism and respect.



Clients await their Immigration Clinic appointment on October 9, 2002.

Some of our Fall 2002 Students in the lobby of our new, two-story building.



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