See a Social Security Number? Say Something!
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Or call the IRS Identity Theft Hotline at 1-800-908-4490
## Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

The organization may have to use a copy of this return to satisfy state reporting requirements

### Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances

#### Revenue

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contributions, gifts, grants, and similar amounts received</td>
<td>2,977,509</td>
</tr>
<tr>
<td>Direct public support</td>
<td></td>
</tr>
<tr>
<td>Indirect public support</td>
<td></td>
</tr>
<tr>
<td>Government contributions (grants)</td>
<td></td>
</tr>
<tr>
<td>Total (add lines 1a through 1c)</td>
<td>2,977,509</td>
</tr>
<tr>
<td>Program service revenue including government fees and contracts</td>
<td>1,366,824</td>
</tr>
<tr>
<td>Membership dues and assessments</td>
<td></td>
</tr>
<tr>
<td>Interest on savings and temporary cash investments</td>
<td>144,472</td>
</tr>
<tr>
<td>Dividends and interest from securities</td>
<td>124,772</td>
</tr>
<tr>
<td>Gross rents</td>
<td></td>
</tr>
<tr>
<td>Less rental expenses</td>
<td></td>
</tr>
<tr>
<td>Net rental income or (loss) (subtract line 6b from line 6a)</td>
<td>608,661</td>
</tr>
<tr>
<td>Other investment income (describe)</td>
<td></td>
</tr>
<tr>
<td>Gross amount from sales of assets other than inventory</td>
<td>178,361</td>
</tr>
<tr>
<td>Net income or (loss) from special events (subtract line 9b from line 9a)</td>
<td>608,661</td>
</tr>
<tr>
<td>Sales of inventory less returns and allowances</td>
<td></td>
</tr>
<tr>
<td>Less cost of goods sold</td>
<td></td>
</tr>
<tr>
<td>Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)</td>
<td>97,187</td>
</tr>
<tr>
<td>Other revenue (from Part VII, line 103)</td>
<td></td>
</tr>
<tr>
<td>Program services (from line 44, column (B))</td>
<td>5,141,064</td>
</tr>
<tr>
<td>Management and general (from line 44, column (C))</td>
<td>187,065</td>
</tr>
<tr>
<td>Fundraising (from line 44, column (D))</td>
<td>218,172</td>
</tr>
<tr>
<td>Payments to affiliates (attach schedule)</td>
<td></td>
</tr>
<tr>
<td>Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11)</td>
<td>5,721,614</td>
</tr>
</tbody>
</table>

#### Expenses

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excess or (deficit) for the year (subtract line 17 from line 12)</td>
<td></td>
</tr>
<tr>
<td>Net assets or fund balances at beginning of year (from line 73 column (A))</td>
<td>12,219,429</td>
</tr>
<tr>
<td>Other changes in net assets or fund balances (attach explanation)</td>
<td>11,363,059</td>
</tr>
</tbody>
</table>

For Paperwork Reduction Act Notice, see the separate instructions
## Part II Statement of Functional Expenses

All organizations must complete column (A). Columns (B) through (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others. (See Specific Instructions on page 21.)

<table>
<thead>
<tr>
<th>Description</th>
<th>(A) Total</th>
<th>(B) Program Services</th>
<th>(C) Management and general</th>
<th>(D) Fundraising</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants and allocations (attach schedule)</td>
<td>65,000</td>
<td>65,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specific assistance to individuals (attach schedule)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benefits paid to or for members (attach schedule)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compensation of officers, directors, etc</td>
<td>495,000</td>
<td></td>
<td>495,000</td>
<td></td>
</tr>
<tr>
<td>Other salaries and wages</td>
<td>2,520,291</td>
<td>2,266,769</td>
<td>253,522</td>
<td></td>
</tr>
<tr>
<td>Pension plan contributions</td>
<td>73,630</td>
<td>58,808</td>
<td>14,822</td>
<td></td>
</tr>
<tr>
<td>Other employee benefits</td>
<td>423,110</td>
<td>337,938</td>
<td>85,172</td>
<td></td>
</tr>
<tr>
<td>Payroll taxes</td>
<td>243,190</td>
<td>194,236</td>
<td>48,954</td>
<td></td>
</tr>
<tr>
<td>Professional fundraising fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounting fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplies</td>
<td>62,883</td>
<td>52,011</td>
<td>10,872</td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td>101,819</td>
<td>83,866</td>
<td>17,953</td>
<td></td>
</tr>
<tr>
<td>Postage and shipping</td>
<td>25,926</td>
<td>15,366</td>
<td>10,560</td>
<td></td>
</tr>
<tr>
<td>Occupancy</td>
<td>461,055</td>
<td>404,489</td>
<td>56,566</td>
<td></td>
</tr>
<tr>
<td>Equipment rental and maintenance</td>
<td>100,736</td>
<td>74,149</td>
<td>26,587</td>
<td></td>
</tr>
<tr>
<td>Printing and publications</td>
<td>97,981</td>
<td>82,915</td>
<td>15,066</td>
<td></td>
</tr>
<tr>
<td>Travel</td>
<td>114,500</td>
<td>83,604</td>
<td>30,896</td>
<td></td>
</tr>
<tr>
<td>Conferences, conventions, and meetings</td>
<td>5,082</td>
<td>1,294</td>
<td>3,788</td>
<td></td>
</tr>
<tr>
<td>Interest</td>
<td>42,021</td>
<td>42,021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciation, depletion, etc (attach schedule)</td>
<td>156,459</td>
<td>114,601</td>
<td>41,858</td>
<td></td>
</tr>
<tr>
<td>Other expenses for services (attach schedule)</td>
<td>24,720</td>
<td>19,043</td>
<td>5,677</td>
<td></td>
</tr>
<tr>
<td>DIRECT LITIGATION COSTS</td>
<td>298,483</td>
<td>298,483</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DUES &amp; SUBSCRIPTIONS</td>
<td>102,212</td>
<td>89,585</td>
<td>12,627</td>
<td></td>
</tr>
<tr>
<td>(SEE SCHEDULE 6)</td>
<td>307,516</td>
<td>88,844</td>
<td>127,807</td>
<td>90,865</td>
</tr>
<tr>
<td>ALLOCATION COL C INDIRECT</td>
<td>985,376</td>
<td>1,112,683</td>
<td>127,307</td>
<td></td>
</tr>
<tr>
<td>Total functional expenses (and lines 22 through 43)</td>
<td>5,721,614</td>
<td>5,316,377</td>
<td>187,065</td>
<td>218,172</td>
</tr>
</tbody>
</table>

**Joint Costs:** Check □ if you are following SOP 98-2

Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services?

If "Yes," enter (i) the aggregate amount of these joint costs $ ______________ (ii) the amount allocated to Program services $ ______________ (iii) the amount allocated to Management and general $ ______________ (iv) the amount allocated to Fundraising $ ______________

## Part III Statement of Program Service Accomplishments

(See Specific Instructions on page 24)

What is the organization's primary exempt purpose? ▶ LATINO CIVIL RIGHTS

All organizations must describe their exempt purpose activities in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)

**a. LITIGATION:** MALDEF PROTECTS THE CIVIL RIGHTS OF LATINOS NATIONWIDE BY UNDERTAKING CLASS ACTION LITIGATION IN THE AREAS OF EMPLOYMENT, EDUCATION, IMMIGRATION, POLITICAL ACCESS, AND PUBLIC RESOURCE EQUITY. (Grants and allocations $ 0) 2,577,050

**b. PUBLIC POLICY AND RESEARCH:** MALDEF ALSO SEeks TO PROTECT THE CIVIL RIGHTS OF LATINOS NATIONWIDE THROUGH PUBLIC POLICY ADVOCACY AND RESEARCH IN THOSE SAME AREAS OF EDUCATION, IMMIGRATION, POLITICAL ACCESS, & PUB. RES. EQ. (Grants and allocations $ 0) 1,817,030

**c. COMMUNITY EDUCATION AND SERVICES:** COMMUNITY EDUCATION PROGRAMS INCLUDE LEADERSHIP TRAINING AND DEVELOPMENT, PARENT EDUCATION, AND OUTREACH PROJECTS, AS WELL AS A LAW SCHOOL SCHOLARSHIP PROGRAM FOR QUALIFIED STUDENTS. (Grants and allocations $ 65,000) 922,297

**d.**

**e.** Other program services (attach schedule) (Grants and allocations $)

**f.** Total of Program Service Expenses (should equal line 44, column (B) Program services) ▶ 5,316,377
## Part IV Balance Sheets (See Specific Instructions on page 24)

<table>
<thead>
<tr>
<th>Note</th>
<th>(A) Beginning of year</th>
<th>(B) End of year</th>
</tr>
</thead>
<tbody>
<tr>
<td>45</td>
<td>Cash - non-interest-bearing</td>
<td>4,400 45</td>
</tr>
<tr>
<td>46</td>
<td>Savings and temporary cash investments</td>
<td>4,423,738 46</td>
</tr>
<tr>
<td>47a</td>
<td>Accounts receivable</td>
<td>520,704</td>
</tr>
<tr>
<td>b</td>
<td>Less allowance for doubtful accounts</td>
<td>0 47c 520,704</td>
</tr>
<tr>
<td>48a</td>
<td>Pledges receivable</td>
<td>286,194 48c</td>
</tr>
<tr>
<td>b</td>
<td>Less allowance for doubtful accounts</td>
<td>849,564 49 1,101,755</td>
</tr>
<tr>
<td>49</td>
<td>Grants receivable</td>
<td>50</td>
</tr>
<tr>
<td>50</td>
<td>Receivables from officers, directors, trustees, and key employees (attach schedule)</td>
<td></td>
</tr>
<tr>
<td>51a</td>
<td>Other notes and loans receivable (attach schedule)</td>
<td>51c</td>
</tr>
<tr>
<td>b</td>
<td>Less allowance for doubtful accounts</td>
<td>52</td>
</tr>
<tr>
<td>53</td>
<td>Inventories for sale or use</td>
<td>55,146 53</td>
</tr>
<tr>
<td>54</td>
<td>Investments - securities (attach schedule)</td>
<td>Cost 55</td>
</tr>
<tr>
<td>55a</td>
<td>Investments - land, buildings, and equipment basis</td>
<td>55a</td>
</tr>
<tr>
<td>b</td>
<td>Less accumulated depreciation (attach schedule)</td>
<td>55c</td>
</tr>
<tr>
<td>56</td>
<td>Investments - other (attach schedule)</td>
<td>56</td>
</tr>
<tr>
<td>57a</td>
<td>Land, buildings, and equipment basis</td>
<td>1,353,788 57a</td>
</tr>
<tr>
<td>b</td>
<td>Less accumulated depreciation (attach schedule)</td>
<td>1,035,124 57c 318,664</td>
</tr>
<tr>
<td>58</td>
<td>Other assets (describe DUE FROM AFFILIATE)</td>
<td>360,098 58 297,124</td>
</tr>
<tr>
<td>59</td>
<td>Total assets (add lines 45 through 58) (must equal line 74)</td>
<td>15,230,272 59 13,052,884</td>
</tr>
<tr>
<td>60</td>
<td>Accounts payable and accrued expenses</td>
<td>317,849 60 235,194</td>
</tr>
<tr>
<td>61</td>
<td>Grants payable</td>
<td>61</td>
</tr>
<tr>
<td>62</td>
<td>Deferred revenue</td>
<td>9,338 62 9,338</td>
</tr>
<tr>
<td>63</td>
<td>Loans from officers, directors, trustees, and key employees (attach schedule)</td>
<td>63</td>
</tr>
<tr>
<td>64a</td>
<td>Tax-exempt bond liabilities (attach schedule)</td>
<td>64a</td>
</tr>
<tr>
<td>b</td>
<td>Mortgages and other notes payable (attach schedule)</td>
<td>723,336 64b 531,920</td>
</tr>
<tr>
<td>65</td>
<td>Other liabilities (describe FIDUCIARY/CUSTODIAL ACCOUNTS)</td>
<td>1,960,320 65 913,373</td>
</tr>
<tr>
<td>66</td>
<td>Total liabilities (add lines 60 through 65)</td>
<td>3,010,843 66 1,689,825</td>
</tr>
</tbody>
</table>

Organizations that follow SFAS 117, check here X and complete lines 67 through 69 and lines 73 and 74

| 67   | Unrestricted | 4,283,056 67 4,252,769 |
| 68   | Temporarily restricted | 6,028,079 68 5,201,996 |
| 69   | Permanently restricted | 1,908,294 69 1,908,294 |

Organizations that do not follow SFAS 117, check here and complete lines 70 through 74

| 70   | Capital stock, trust principal, or current funds | 70 |
| 71   | Paid-in or capital surplus, or land, building, and equipment fund | 71 |
| 72   | Retained earnings, endowment, accumulated income, or other funds | 72 |
| 73   | Total net assets or fund balances (add lines 67 through 69 OR lines 70 through 72) | 12,219,429 73 11,363,059 |
| 74   | Total liabilities and net assets / fund balances (add lines 66 and 73) | 15,230,272 74 13,052,884 |

---

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.
### Part IV-A Reconciliation of Revenue per Audited Financial Statements with Revenue per Return (See Specific Instructions, page 26)

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Total revenue, gains, and other support per audited financial statements</td>
<td>▶ 4,660,417</td>
</tr>
<tr>
<td>b</td>
<td>Amounts included on line a but not on line 12, Form 990 (LOSSES)</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Net unrealized gains on investments</td>
<td>▶ $275,820</td>
</tr>
<tr>
<td>2</td>
<td>Donated services and use of facilities</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Recoveries of prior year grants</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Other (specify)</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE (A)** $378,736

Add amounts on lines (1) through (4) ▶ b 654,556

c Line a minus line b ▶ c 5,314,973
d Amounts included on line 12, Form 990 but not on line a

(1) Investment expenses not included on line 6b, Form 990 ▶

(2) Other (specify) ▶

**NOTE (B)** $173,909

Add amounts on lines (1) through (4) ▶ b 173,909
c Line a minus line b ▶ c 5,586,770
d Amounts included on line 17, Form 990 but not on line a

(1) Investment expenses not included on line 6b, Form 990 ▶

(2) Other (specify) ▶

**NOTE (C)** $134,844

Add amounts on lines (1) through (4) ▶ b 134,844
d Line a minus line b ▶ c 5,721,614
e Total revenue per line 17, Form 990 ▶

### Part V List of Officers, Directors, Trustees, and Key Employees (List each one even if not compensated, see Specific Instructions on page 26)

<table>
<thead>
<tr>
<th>(A) Name and address</th>
<th>(B) Title and average hours per week devoted to position</th>
<th>(C) Compensation (if not paid, enter &quot;-&quot;)</th>
<th>(D) Contributions to employee benefit plans &amp; deferred compensation (if applicable)</th>
<th>(E) Expense account and other allowances</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANTONIA HERNANDEZ</td>
<td>PRESIDENT 40 + HRS.</td>
<td>135,000</td>
<td>5,400</td>
<td>0</td>
</tr>
<tr>
<td>VIBIANA M. ANDRADE</td>
<td>VICE PRES. 40+ HRS.</td>
<td>100,000</td>
<td>3,800</td>
<td>0</td>
</tr>
<tr>
<td>THOMAS A. SAENZ</td>
<td>VICE PRES. 40+ HRS.</td>
<td>95,000</td>
<td>3,000</td>
<td>0</td>
</tr>
<tr>
<td>ROBERT HETTINGER</td>
<td>VICE PRES. 40+ HRS.</td>
<td>80,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>HERIK VENegas</td>
<td>VICE PRES. 40+ HRS.</td>
<td>85,000</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**NONCOMPENSATED OFFICERS AND BOARD MEMBERS (SEE SCHEDULE 7)**

- 0
- 0

75 Did any officer, director, trustee, or key employee receive aggregate compensation of more than $100,000 from your organization or all related organizations, of which more than $10,000 was provided by the related organizations? □ Yes □ No

If "Yes," attach schedule - see Specific Instructions on page 27

**FOOTNOTES:**

(A) COMBINED (LOSS) OF AFFILIATE

(C) RENT PAID TO AFFILIATE

EVENTS.
Form 990 (2001)

Part VI Other Information (See Specific Instructions on page 27)

76 Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity.

77 Were any changes made in the organization or governing documents but not reported to the IRS? (SEE SCHEDULE 10)

78 a Did the organization have unrelated business gross income of $1,000 or more during the year covered by this return?

78 b If "Yes," has it filed a tax return on Form 990-T for this year?

79 Was there a liquidation, dissolution, termination or substantial contraction during the year? If "Yes," attach a statement.

80 a Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization?

b If "Yes," enter the name of the organization and check whether it is exempt or nonexempt.

81 a Enter direct or indirect political expenditure (See line 81 instructions)

81 b Did the organization file Form 1120-POL for this year?

82 a Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value?

b If "Yes," you may indicate the value of these services here. Do not include this amount as revenue in Part I or as an expense in Part II (See instructions in Part III)

83 a Did the organization comply with the public inspection requirements for returns and exemption applications?

83 b Did the organization comply with the disclosure requirements relating to quid pro quo contributions?

84 a Did the organization solicit any contributions or gifts that were not tax deductible?

b If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?

85 a 501(c)(4), (5) or (6) organizations: Were substantially all dues nondeductible by members?

85 b Did the organization make only in-house lobbying expenditures of $2,000 or less?

If "Yes" was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year.

c Dues, assessments and similar amounts from members

d Section 162(e) lobbying and political expenditures

e Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices

f Taxable amount of lobbying and political expenditures (line 85d less 85e)

g Does the organization elect to pay the section 6033(e) tax on the amount in 85f?

h If section 6033(e)(1)(A) dues notices were sent does the organization agree to add the amount in 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year?

86 501(c)(7) orgs Enter a initiation fees and capital contributions included on line 12

87 501(c)(12) orgs Enter a gross income from members or shareholders

b Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them)

88 At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 3017701-2 and 3017701-3?

If "Yes," complete Part IX

89 a 501(c)(3) organizations Enter Amount of tax imposed on the organization during the year under section 4911

b 501(c)(3) and 501(c)(4) orgs Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," attach a statement explaining each transaction

c Enter Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912 4955, and 4958

d Enter Amount of tax imposed on line 89c, above, reimbursed by the organization

90 List the states with which a copy of this return is filed

90 b CALIF

91 The books are in care of ROBERT HETTINGER, V.P., FIN. & ADMIN.

Located at 634 S SPRING ST., 11TH FLOOR, LOS ANGELES, CA

Telephone no (213) 629-2512

92 Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041 - Check here and enter the amount of tax-exempt interest received or accrued during the tax year

Form 990 (2001)
**Part VII** Analysis of Income-Producing Activities (See Specific Instructions on page 32)

<table>
<thead>
<tr>
<th>Note</th>
<th>Unrelated business income</th>
<th>Excluded by section 512, 513, or 514</th>
<th>(E) Related or exempt function income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enter gross amounts unless otherwise indicated.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>93 Program service revenue</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a COURT AWARDED FEES &amp; COSTS</td>
<td></td>
<td>1,366,824</td>
<td></td>
</tr>
<tr>
<td>b</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f Medicare/Medicaid payments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g Fees and contracts from government agencies</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>94 Membership dues and assessments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>95 Interest on savings and temporary cash investments</td>
<td>14</td>
<td>144,472</td>
<td></td>
</tr>
<tr>
<td>96 Dividends and interest from securities</td>
<td>14</td>
<td>124,772</td>
<td></td>
</tr>
<tr>
<td>97 Net rental income or (loss) from real estate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a debt-financed property</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b not debt-financed property</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>98 Net rental income or (loss) from personal property</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>99 Other investment income</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>100 Gain or (loss) from sales of assets other than inventory</td>
<td>18</td>
<td>(178,361)</td>
<td></td>
</tr>
<tr>
<td>101 Net income or (loss) from special events</td>
<td>01</td>
<td>608,661</td>
<td></td>
</tr>
<tr>
<td>102 Gross profit or (loss) from sales of inventory</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>103 Other revenue</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b PROGRAM FEES &amp; MISC.</td>
<td></td>
<td>97,187</td>
<td></td>
</tr>
<tr>
<td>c</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>104 Subtotal (add columns (B), (D), and (E))</td>
<td></td>
<td>699,544</td>
<td>1,464,011</td>
</tr>
<tr>
<td>105 Total (add line 104 columns (B), (D), and (E))</td>
<td></td>
<td></td>
<td>2,163,555</td>
</tr>
</tbody>
</table>

Note: Line 105 plus line 1d. Part I should equal the amount on line 12, Part I.

**Part VII** Relationship of Activities to the Accomplishment of Exempt Purposes (See Specific Instructions on page 32)

- **Line No**
- **93** COURT AWARDED FEES AND COSTS OF PUBLIC-INTEREST LAW FIRM.

**Part IX** Information Regarding Taxable Subsidiaries and Disregarded Entities (See Specific Instructions on page 33)

**Part X** Information Regarding Transfers Associated with Personal Benefit Contracts (See Specific Instructions on page 33)

- **(a)** Did the organization during the year receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? **Yes** × **No**
- **(b)** Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? **Yes** × **No**

Note: If "Yes" to (b), file Form 8870 and Form 4720 (see instructions)

**Please Sign Here**

- **Signature of officer**: Michael W. Duran, CPA, APC
- **Date**: 11/25/02
- **Preparer's SIGN or PTIN (See Gen. Inst. W)**
- **Preparer's signature**: Michael W. Duran, CPA, APC
- **Date**: 11/25/02
- **Check if self-employed**: ×
- **Preparer's SIGN or PTIN**: 545-86-4872
- **EIN**: 33-0940846
- **Phone**: (714) 441-2500
- **Address**: 1440 N. HARBOR BLVD., STE. 800
- **City, State, Zip**: FULLERTON, CA 92835-4121
## Part I  Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees

### (See page 1 of the instructions List each one. If there are none, enter "None")

<table>
<thead>
<tr>
<th>Name and address of each employee paid more than $50,000</th>
<th>Title and average hours per week devoted to position</th>
<th>Compensation</th>
<th>Contributions to employee benefit plans &amp; deferred compensation</th>
<th>Expense account and other allowances</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AL KAUFFMAN</strong></td>
<td>REGIONAL COUNSEL 40+ HRS.</td>
<td>90,939</td>
<td>3,637</td>
<td>0</td>
</tr>
<tr>
<td><strong>DENISE HULETT</strong></td>
<td>REGIONAL COUNSEL 40+ HRS.</td>
<td>73,000</td>
<td>2,920</td>
<td>0</td>
</tr>
<tr>
<td><strong>MARIA BLANCO</strong></td>
<td>REGIONAL COUNSEL 40+ HRS.</td>
<td>80,000</td>
<td>3,144</td>
<td>0</td>
</tr>
<tr>
<td><strong>MARIA VALDEZ</strong></td>
<td>REGIONAL COUNSEL 40+ HRS.</td>
<td>71,900</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>PATRICIA MENDOZA</strong></td>
<td>REGIONAL COUNSEL 40+ HRS.</td>
<td>77,800</td>
<td>3,055</td>
<td>0</td>
</tr>
</tbody>
</table>

Total number of other employees paid over $50,000: 6

## Part II  Compensation of the Five Highest Paid Independent Contractors for Professional Services

### (See page 2 of the instructions List each one (whether individuals or firms). If there are none, enter "None")

<table>
<thead>
<tr>
<th>Name and address of each independent contractor paid more than $50,000</th>
<th>Type of service</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NONE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total number of others receiving over $50,000 for professional services: 0
### Part III  Statements About Activities (See page 2 of the instructions)

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>X</td>
</tr>
</tbody>
</table>

- During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on legislative matter or referendum? If "Yes," enter the total expenses paid or incurred in connection with the lobbying activities $145,700 (Must equal amount on line 38, Part VI-A, or line I or Part VI-B)

Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A. Other organizations checking "Yes" must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities.

2 | During the year, has the organization either directly or indirectly engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee majority owner, or principal beneficiary? (If the answer to any question is "Yes," attach a detailed statement explaining the transactions)

- **a.** Sale, exchange, or leasing of property? X

- **b.** Lending of money or other extension of credit? X

- **c.** Furnishing of goods, services, or facilities? X

  (See PART V, FORM 990)

- **d.** Payment of compensation (or payment or reimbursement of expenses if more than $1,000)? X

- **e.** Transfer of any part of its income or assets? X

3 | Does the organization make grants for scholarships, fellowships, student loans etc.? (See Note below) X

4 | Do you have a section 403(b) annuity plan for your employees? X

**Note** Attach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs "qualify" to receive payments.

### Part IV  Reason for Non-Private Foundation Status (See pages 3 through 6 of the instructions)

The organization is not a private foundation because it is (Please check only ONE applicable box)

5 | A church, convention of churches, or association of churches Section 170(b)(1)(A)(i) (Also complete Part V)

6 | A school Section 170(b)(1)(A)(ii)

7 | A hospital or a cooperative hospital service organization Section 170(b)(1)(A)(iv)

8 | A Federal, state, or local government or governmental unit Section 170(b)(1)(A)(v)

9 | A medical research organization operated in conjunction with a hospital Section 170(b)(1)(A)(vi) Enter the hospital's name, city, and state

10 | An organization operated for the benefit of a college or university owned or operated by a governmental unit Section 170(b)(1)(A)(vii) (Also complete the Support Schedule in Part IV-A)

11 | An organization that normally receives a substantial part of its support from a governmental unit or from the general public Section 170(b)(1)(A)(viii) (Also complete the Support Schedule in Part IV-A)

12 | A community trust Section 170(b)(1)(A)(ix) (Also complete the Support Schedule in Part IV-A)

13 | An organization that normally receives (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc. functions - subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975 See section 509(a)(2) (Also complete the Support Schedule in Part IV-A)

14 | An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in (1) lines 5 through 12 above, or (2) section 501(c)(4) (5) or (6), if they meet the test of section 509(a)(2) (See section 509(a)(3))

Provide the following information about the supported organizations (See page 5 of the instructions)

<table>
<thead>
<tr>
<th>(a) Name(s) of supported organization(s)</th>
<th>(b) Line number from above</th>
</tr>
</thead>
</table>

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
</table>

### 14 | An organization organized and operated to test for public safety Section 509(a)(4) (See page 6 of the instructions)
### Part IV-A Support Schedule

(Complete only if you checked a box on line 10, 11, or 12) **Use cash method of accounting**

#### Note

You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting.

<table>
<thead>
<tr>
<th>Calendar year (or fiscal year beginning in)</th>
<th>(a) 2000</th>
<th>(b) 1999</th>
<th>(c) 1998</th>
<th>(d) 1997</th>
<th>(e) Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 Gifts, grants and contributions received (Do not include unusual grants. See line 28.)</td>
<td>2,269,224</td>
<td>2,997,006</td>
<td>4,623,245</td>
<td>2,879,736</td>
<td>12,769,211</td>
</tr>
<tr>
<td>16 Membership fees received</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17 Gross receipts from admissions, merchandise sold or services performed or furnishing of facilities in any activity that is related to the organization's charitable, etc., purpose</td>
<td>1,203,079</td>
<td>1,170,970</td>
<td>1,087,606</td>
<td>1,276,603</td>
<td>4,738,258</td>
</tr>
<tr>
<td>18 Gross income from interest, dividends, amounts received from payments on securities loans (section 512(a)(5)) rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19 Net income from unrelated business activities not included in line 18</td>
<td>343,285</td>
<td>195,190</td>
<td>187,637</td>
<td>153,441</td>
<td>879,553</td>
</tr>
<tr>
<td>20 Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22 Other income. Attach a schedule. Do not include gain or (loss) from sale of capital assets</td>
<td>21,230</td>
<td>50,800</td>
<td>70,901</td>
<td>80,664</td>
<td>223,595</td>
</tr>
<tr>
<td>23 Total of lines 15 through 22</td>
<td>3,036,818</td>
<td>4,413,966</td>
<td>5,969,389</td>
<td>4,390,444</td>
<td>18,610,617</td>
</tr>
<tr>
<td>24 Line 23 minus line 17</td>
<td>2,633,739</td>
<td>3,242,996</td>
<td>4,881,783</td>
<td>3,113,841</td>
<td>13,872,359</td>
</tr>
<tr>
<td>25 Enter 1% of line 23</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 26 Organizations described on lines 10 or 11

a. Enter 2% of amount in column (e), line 24

| 26a | 277,447 |

b. Prepare a list for your records to show the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 1997 through 2000 exceeded the amount shown in line 26a. Do not file this list with your return. Enter the total of all these excess amounts

| 26b | 4,662,647 |

c. Total support for section 509(a)(1) test. Enter line 24, column (e)

| 26c | 13,872,359 |

d. Add Amounts from column (e) for lines 18

| 26d | 5,765,795 |

e. Public support (line 26c minus line 26d total)

| 26e | 8,106,564 |

f. Public support percentage (line 26e (numerator) divided by line 26c (denominator))

| 26f | 58.4368% |

27 Organizations described on line 12

a. For amounts included in lines 15, 16, and 17 that were received from a "disqualified person," prepare a list for your records to show the name of and total amounts received in each year from each disqualified person. Do not file this list with your return. Enter the sum of such amounts for each year

|--------|--------|--------|--------|

b. For any amount included in line 17 that was received from each person (other than "disqualified persons"), prepare a list for your records to show the name of and amount received for each year, that was more than the larger of (1) the amount on line 25 for the year or (2) $5,000 (Include in the list organizations described in lines 5 through 11, as well as individuals). Do not file this list with your return. After computing the difference between the amount received and the larger amount described in (1) or (2), enter the sum of these differences (the excess amounts) for each year

|--------|--------|--------|--------|

c. Add Amounts from column (e) for lines 15

| 27c | |

d. Add Line 27a total and line 27b total

| 27d | |

e. Public support (line 27c total minus line 27d total)

| 27e | |

f. Total support for section 509(a)(2) test. Enter amount on line 23 column (e)

| 27f | |

g. Public support percentage (line 27a (numerator) divided by line 27f (denominator))

| 27g | % |

h. Investment income percentage (line 18, column (a) (numerator) divided by line 27f (denominator))

| 27h | % |

28 Unusual Grants. For an organization described in line 10, 11, or 12 that received any unusual grants during 1997 through 2000, prepare a list for your records to show, for each year, the name of the contributor, the date and amount of the grant and a brief description of the nature of the grant. Do not file this list with your return. Do not include these grants in line 15
### Part V

**Private School Questionnaire (See page 7 of the instructions )**  
*(To be completed ONLY by schools that checked the box on line 6 in Part IV)*

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body?</td>
<td>29</td>
<td></td>
</tr>
<tr>
<td>Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions programs, and scholarships?</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves?</td>
<td>31</td>
<td></td>
</tr>
<tr>
<td>If &quot;Yes,&quot; please describe; if &quot;No,&quot; please explain (If you need more space, attach a separate statement)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the organization maintain the following</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a Records indicating the racial composition of the student body, faculty, and administrative staff?</td>
<td>32a</td>
<td></td>
</tr>
<tr>
<td>b Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis?</td>
<td>32b</td>
<td></td>
</tr>
<tr>
<td>c Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships?</td>
<td>32c</td>
<td></td>
</tr>
<tr>
<td>d Copies of all material used by the organization or on its behalf to solicit contributions?</td>
<td>32d</td>
<td></td>
</tr>
<tr>
<td>If you answered &quot;No&quot; to any of the above, please explain (If you need more space, attach a separate statement)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the organization discriminate by race in any way with respect to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a Students' rights or privileges?</td>
<td>33a</td>
<td></td>
</tr>
<tr>
<td>b Admissions policies?</td>
<td>33b</td>
<td></td>
</tr>
<tr>
<td>c Employment of faculty or administrative staff?</td>
<td>33c</td>
<td></td>
</tr>
<tr>
<td>d Scholarships or other financial assistance?</td>
<td>33d</td>
<td></td>
</tr>
<tr>
<td>e Educational policies?</td>
<td>33e</td>
<td></td>
</tr>
<tr>
<td>f Use of facilities?</td>
<td>33f</td>
<td></td>
</tr>
<tr>
<td>g Athletic programs?</td>
<td>33g</td>
<td></td>
</tr>
<tr>
<td>h Other extracurricular activities?</td>
<td>33h</td>
<td></td>
</tr>
<tr>
<td>If you answered &quot;Yes&quot; to any of the above, please explain (If you need more space, attach a separate statement)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the organization receive any financial aid or assistance from a governmental agency?</td>
<td>34a</td>
<td></td>
</tr>
<tr>
<td>b Has the organization's right to such aid ever been revoked or suspended?</td>
<td>34b</td>
<td></td>
</tr>
<tr>
<td>If you answered &quot;Yes&quot; to either 34a or b, please explain using an attached statement</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**Schedule A (Form 990 or 990-EZ) 2001**

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>35</td>
<td>Does the organization certify that it has complied with the applicable requirements of sections 401 through 405 of Rev. Proc. 75-50, 1975-2 C.B. 587, covering racial nondiscrimination? If &quot;No,&quot; attach an explanation</td>
</tr>
</tbody>
</table>
**Part VI-A** Lobbying Expenditures by Electing Public Charities (See page 9 of the instructions)  
(To be completed ONLY by an eligible organization that filed Form 5768)

Check ▶ a [ ] if the organization belongs to an affiliated group  
Check ▶ b [ ] if you checked "a" and "limited control" provisions apply

### Limits on Lobbying Expenditures
(The term "expenditures" means amounts paid or incurred)

<table>
<thead>
<tr>
<th></th>
<th>(a) Affiliated group totals</th>
<th>(b) To be completed for ALL electing organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>Total lobbying expenditures to influence public opinion (grassroots lobbying)</td>
<td>36</td>
</tr>
<tr>
<td>37</td>
<td>Total lobbying expenditures to influence a legislative body (direct lobbying)</td>
<td>37</td>
</tr>
<tr>
<td>38</td>
<td>Total lobbying expenditures (add lines 36 and 37)</td>
<td>38</td>
</tr>
<tr>
<td>39</td>
<td>Other exempt purpose expenditures</td>
<td>39</td>
</tr>
<tr>
<td>40</td>
<td>Total exempt purpose expenditures (add lines 38 and 39)</td>
<td>40</td>
</tr>
<tr>
<td>41</td>
<td>Lobbying nontaxable amount (Enter the amount from the following table)</td>
<td>41</td>
</tr>
<tr>
<td></td>
<td><strong>If the amount on line 40 is</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not over $500,000</td>
<td>20% of the amount on line 40</td>
</tr>
<tr>
<td></td>
<td>Over $500,000 but not over $1,000,000</td>
<td>$100,000 plus 15% of the excess over $500,000</td>
</tr>
<tr>
<td></td>
<td>Over $1,000,000 but not over $1,500,000</td>
<td>$175,000 plus 10% of the excess over $1,000,000</td>
</tr>
<tr>
<td></td>
<td>Over $1,500,000 but not over $17,000,000</td>
<td>$225,000 plus 5% of the excess over $1,500,000</td>
</tr>
<tr>
<td></td>
<td>Over $17,000,000</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>42</td>
<td>Grassroots nontaxable amount (enter 25% of line 41)</td>
<td>42</td>
</tr>
<tr>
<td>43</td>
<td>Subtract line 42 from line 36 Enter -0- if line 42 is more than line 36</td>
<td>43</td>
</tr>
<tr>
<td>44</td>
<td>Subtract line 41 from line 38 Enter -0- if line 41 is more than line 38</td>
<td>44</td>
</tr>
</tbody>
</table>

**Caution** If there is an amount on either line 43 or line 44, you must file Form 4720

### 4-Year Averaging Period Under Section 501(h)
(Some organizations that made a section 501(h) election do not have to complete all of the five columns below  
See the instructions for lines 45 through 50 on page 11 of the instructions)

<table>
<thead>
<tr>
<th>Calendar year (or fiscal year beginning in)</th>
<th>(a) 2001</th>
<th>(b) 2000</th>
<th>(c) 1999</th>
<th>(d) 1998</th>
<th>(e) Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>45 Lobbying nontaxable amount</td>
<td>415,819</td>
<td>415,562</td>
<td>422,582</td>
<td>365,128</td>
<td>1,619,091</td>
</tr>
<tr>
<td>46 Lobbying ceiling amount (150% of line 45(e))</td>
<td>46</td>
<td>2,428,637</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>47 Total lobbying expenditures</td>
<td>145,700</td>
<td>156,334</td>
<td>180,597</td>
<td>156,695</td>
<td>639,326</td>
</tr>
<tr>
<td>48 Grassroots nontaxable amount</td>
<td>103,955</td>
<td>103,891</td>
<td>105,646</td>
<td>91,282</td>
<td>404,774</td>
</tr>
<tr>
<td>49 Grassroots ceiling amount (150% of line 48(e))</td>
<td>49</td>
<td>607,161</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50 Grassroots lobbying expenditures</td>
<td>26,500</td>
<td>33,200</td>
<td>44,109</td>
<td>36,750</td>
<td>140,559</td>
</tr>
</tbody>
</table>

**Part VI-B** Lobbying Activity by Nonelecting Public Charities  
(For reporting only by organizations that did not complete Part VI-A) (See page 12 of the instructions)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Yes</th>
<th>No</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volunteers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid staff or management (include compensation in expenses reported on lines c through h)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Media advertisements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mailings to members, legislators, or the public</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Publications or published or broadcast statements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants to other organizations for lobbying purposes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct contact with legislators, their staffs, government officials, or a legislative body</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rallies, demonstrations, seminars, conventions, speeches, lectures, or any other means</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total lobbying expenditures (add lines c through h)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Part VII Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations (See page 12 of the instructions)

51 Did the reporting organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>51a(i)</td>
<td>X</td>
</tr>
<tr>
<td>a(ii)</td>
<td>X</td>
</tr>
</tbody>
</table>

**a** Transfers from the reporting organization to a noncharitable exempt organization of

(i) Cash

(ii) Other assets

**b** Other transactions

(i) Sales or exchanges of assets with a noncharitable exempt organization

(ii) Purchases of assets from a noncharitable exempt organization

(iii) Rental of facilities, equipment, or other assets

(iv) Reimbursement arrangements

(v) Loans or loan guarantees

(vi) Performance of services or membership or fundraising solicitations

**c** Sharing of facilities, equipment, mailing lists, other assets, or paid employees

If the answer to any of the above is "Yes," complete the following schedule. Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting organization. If the organization received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received.

<table>
<thead>
<tr>
<th>(a) Line no</th>
<th>(b) Amount involved</th>
<th>(c) Name of noncharitable exempt organization</th>
<th>(d) Description of transfers, transactions, and sharing arrangements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

52a Is the organization directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527?

> □ Yes  □ No

**b** If "Yes," complete the following schedule

<table>
<thead>
<tr>
<th>(a) Name of organization</th>
<th>(b) Type of organization</th>
<th>(c) Description of relationship</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Schedule B (Form 990, 990-EZ, or 990-PF)  
Department of the Treasury  
Internal Revenue Service  

Name of organization  
MALDEF  

Organization type (check one)  

| Filers of |  
| --- | --- |  
| Form 990 or 990-EZ |  |  
| 501(c)(3) (enter number) organization | X |  
| 4947(a)(1) nonexempt charitable trust not treated as a private foundation |  |  
| 527 political organization |  |  
| Form 990-PF |  |  
| 501(c)(3) exempt private foundation |  |  
| 4947(a)(1) nonexempt charitable trust treated as a private foundation |  |  
| 501(c)(3) taxable private foundation |  |  

Check if your organization is covered by the General rule or a Special rule (Note: Only a section 501(c)(7), (8), or (10) organization can check box(es) for both the General rule and a Special rule - see instructions)

**General Rule -**  

☐ For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, $5,000 or more (in money or property) from any one contributor (Complete Parts I and II)

**Special Rules -**  

☐ For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33 1/3% support test of the regulations under sections 509(a)(1)/170(b)(1)(A)(v) and received from any one contributor, during the year, a contribution of the greater of $5,000 or 2% of the amount on line 1 of these forms (Complete Parts I and II)

☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than $1,000 for use exclusively for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals (Complete Parts I, II, and III)

☐ For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use exclusively for religious, charitable, etc., purposes, but these contributions did not aggregate to more than $1,000 (If this box is checked, enter here the total contributions that were received during the year for an exclusively religious, charitable, etc., purpose Do not complete any of the Parts unless the General rule applies to this organization because it received nonexclusively religious, charitable, etc., contributions of $5,000 or more during the year)

Caution Organizations that are not covered by the General rule and/or the Special rules do not file Schedule B (Form 990, 990-EZ, or 990-PF) but they must check the box in the heading of their Form 990, Form 990-EZ, or on line 1 of their Form 990-PF to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF)

Schedule B (Form 990, 990-EZ, or 990-PF) (2001)
## Part I Contributors (See Specific Instructions)

<table>
<thead>
<tr>
<th>(a) No</th>
<th>(b) Name, address and ZIP + 4</th>
<th>(c) Aggregate contributions</th>
<th>(d) Type of contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>[PLEASE SEE SUPPORTING SCHEDULE 1]</td>
<td>1,919,683</td>
<td>Person X</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Payroll</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Noncash</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Complete Part II if there is a noncash contribution)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Person</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Payroll</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Noncash</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Complete Part II if there is a noncash contribution)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Person</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Payroll</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Noncash</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Complete Part II if there is a noncash contribution)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Person</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Payroll</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Noncash</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Complete Part II if there is a noncash contribution)</td>
</tr>
</tbody>
</table>
### SCHEDULE B  SCHEDULE OF [> 2%] CONTRIBUTORS & GRANTS RECEIVABLE

<table>
<thead>
<tr>
<th>NAME &amp; ADDRESS</th>
<th>BEGINNING GRANTS RECVB’L</th>
<th>RECEIVED THIS YEAR</th>
<th>ENDING GRANTS RECVB’L</th>
<th>TOTAL CONTRIBUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$0</td>
<td>$113,500</td>
<td>$0</td>
<td>$113,500</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>600,000</td>
<td>200,000</td>
<td>800,000</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>(40,000)</td>
<td>90,000</td>
<td>50,000</td>
<td>100,000</td>
</tr>
<tr>
<td></td>
<td>(50,000)</td>
<td>0</td>
<td>50,000</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>(75,000)</td>
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<td>75,000</td>
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</tr>
<tr>
<td></td>
<td>(75,000)</td>
<td>75,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>(50,000)</td>
<td>40,000</td>
<td>30,000</td>
<td>20,000</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>100,000</td>
<td>0</td>
<td>100,000</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>(75,000)</td>
<td>197,500</td>
<td>0</td>
<td>122,500</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>0</td>
<td>2,068</td>
<td>2,068</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>50,000</td>
<td>100,000</td>
<td>150,000</td>
</tr>
<tr>
<td></td>
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</tr>
<tr>
<td></td>
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<td>35,000</td>
<td>0</td>
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<tr>
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<tr>
<td></td>
<td>0</td>
<td>0</td>
<td>1,500</td>
<td>1,500</td>
</tr>
<tr>
<td></td>
<td>(40,000)</td>
<td>80,000</td>
<td>0</td>
<td>40,000</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>0</td>
<td>20,000</td>
<td>20,000</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>45,000</td>
<td>0</td>
<td>45,000</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>83,683</td>
<td>0</td>
<td>83,683</td>
</tr>
<tr>
<td></td>
<td>(100,000)</td>
<td>50,000</td>
<td>50,000</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>(75,000)</td>
<td>175,000</td>
<td>350,000</td>
<td>450,000</td>
</tr>
<tr>
<td></td>
<td>(215,000)</td>
<td>120,250</td>
<td>94,750</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>(54,564)</td>
<td>1,127</td>
<td>53,437</td>
<td>0</td>
</tr>
</tbody>
</table>

**TOTAL**

|                | ($849,564) | $1,931,060 | $1,101,755 | $2,183,251 |

**CONTRIBUTIONS > 2% ($59,550)**

|                |            |            |            | $1,919,683 |
### PART I, LINE 9: SPECIAL EVENTS

<table>
<thead>
<tr>
<th>EVENT</th>
<th>GROSS REVENUE</th>
<th>DIRECT COSTS</th>
<th>NET INCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAN ANTONIO DINNER</td>
<td>$151,120</td>
<td>$21,011</td>
<td>$130,109</td>
</tr>
<tr>
<td>ANNUAL GOLF TOURNAMENT</td>
<td>29,065</td>
<td>11,502</td>
<td>17,563</td>
</tr>
<tr>
<td>LOS ANGELES DINNER</td>
<td>395,074</td>
<td>58,404</td>
<td>336,670</td>
</tr>
<tr>
<td>CHICAGO DINNER</td>
<td>149,090</td>
<td>36,080</td>
<td>113,010</td>
</tr>
<tr>
<td>OTHER EVENTS</td>
<td>58,221</td>
<td>46,912</td>
<td>11,309</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$782,570</strong></td>
<td><strong>$173,909</strong></td>
<td><strong>$608,661</strong></td>
</tr>
</tbody>
</table>
PART II, LINE 42: DEPRECIATION
PART IV, LINE 57: PROPERTY & EQUIPMENT

<table>
<thead>
<tr>
<th>ASSET</th>
<th>COST OR BASIS</th>
<th>METHOD &amp; LIFE</th>
<th>PRIOR</th>
<th>CURRENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>FURNITURE &amp; EQUIPMENT</td>
<td>$1,136,289</td>
<td>SL 5YRS</td>
<td>$661,166</td>
<td>$156,459</td>
</tr>
<tr>
<td>LAW LIBRARY</td>
<td>217,499</td>
<td>SL 10YRS</td>
<td>217,499</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,353,788</td>
<td></td>
<td>$878,665</td>
<td>$156,459</td>
</tr>
</tbody>
</table>
PART IV, LINE 64b: MORTGAGES & NOTES PAYABLE

<table>
<thead>
<tr>
<th>LENDER</th>
<th>ORIGINAL BALANCE</th>
<th>CURRENT BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>BANK OF AMERICA, LINE OF CREDIT ($500,000 LIMIT)</td>
<td>$ 500,000</td>
<td>$ 352,465</td>
</tr>
<tr>
<td>LEGALLEASE.COM, CAPITAL LEASE OF COMPUTER HARDWARE</td>
<td>185,912</td>
<td>87,581</td>
</tr>
<tr>
<td>LEGALLEASE.COM, CAPITAL LEASE OF COMPUTER SOFTWARE</td>
<td>166,141</td>
<td>91,874</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 531,920</td>
</tr>
</tbody>
</table>

LINE OF CREDIT

The Organization has a $500,000 revolving line of credit, of which $150,000 was unused at April 30, 2002. Bank advances on the credit line are payable on demand and carry an interest rate of 5.5% (0.75% over the Bank’s periodically changing reference rate). The credit line is secured by MALDEF’s accounts receivable, inventory, and equipment.

CAPITAL LEASE OBLIGATIONS

MALDEF leases a substantial amount of its computer systems under two capital leases. The economic substance of these leases is that MALDEF is financing the acquisition of the systems through them, and accordingly, the computer systems are recorded as assets and the lease obligations as liabilities.

As of April 30, 2002, the cost basis and accumulated depreciation for these computer systems were $352,052 and $176,025, respectively, and are included in the amounts for MALDEF’s property and equipment.

As of April 30, 2002, the future minimum rentals due under these capital leases over the next five fiscal years are as follows:

<table>
<thead>
<tr>
<th>April 30,</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>$ 82,460</td>
</tr>
<tr>
<td>2004</td>
<td>82,460</td>
</tr>
<tr>
<td>2005</td>
<td>26,640</td>
</tr>
</tbody>
</table>

Total minimum payments: $191,560
Amount representing interest: $(12,105)
Present value of payments: $179,455

SCHEDULE 4
PART IV, LINE 54. INVESTMENTS - SECURITIES (ALL PUBLICLY TRADED & HELD THROUGH BROKERS)

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>COST</th>
<th>MARKET VALUE</th>
<th>UNREALIZED GAIN (LOSS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S TREASURY BONDS &amp; NOTES</td>
<td>$1,068,720</td>
<td>$1,166,315</td>
<td>$97,595</td>
</tr>
<tr>
<td>CORPORATE BONDS &amp; FIXED INCOME FUNDS</td>
<td>980,814</td>
<td>1,061,266</td>
<td>80,452</td>
</tr>
<tr>
<td>COMMON STOCKS &amp; EQUITY FUNDS</td>
<td>4,711,624</td>
<td>5,833,690</td>
<td>1,122,066</td>
</tr>
<tr>
<td></td>
<td><strong>$6,761,158</strong></td>
<td><strong>$8,061,271</strong></td>
<td><strong>$1,300,113</strong></td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>TOTAL (A)</td>
<td>PROGRAM SERVICES (B)</td>
<td>MANAGEMENT &amp; GENERAL (C)</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------</td>
<td>----------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>INDIRECT SPECIAL EVENTS COSTS</td>
<td>$89,938</td>
<td>$</td>
<td>$89,938</td>
</tr>
<tr>
<td>PURCHASED SERVICES</td>
<td>120,106</td>
<td>50,823</td>
<td>69,283</td>
</tr>
<tr>
<td>INSURANCE</td>
<td>30,365</td>
<td>22,171</td>
<td>8,194</td>
</tr>
<tr>
<td>DIRECT MAIL</td>
<td>927</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOARD OF DIRECTORS</td>
<td>50,330</td>
<td></td>
<td>50,330</td>
</tr>
<tr>
<td>GRADUATIONS</td>
<td>10,543</td>
<td>10,543</td>
<td></td>
</tr>
<tr>
<td>INTERNS</td>
<td>5,307</td>
<td>5,307</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$307,516</strong></td>
<td><strong>$88,844</strong></td>
<td><strong>$127,807</strong></td>
</tr>
</tbody>
</table>
MEXICAN AMERICAN LEGAL DEFENSE & EDUCATIONAL FUND
2001 FORM 990

PART V. NONCOMPENSATED OFFICERS & DIRECTORS

MALDEF Board of Directors

Barbara Aldave
Professor
University of Oregon
School of Law
Eugene, Oregon

Edward J. Arcila
President
Project Reserve
Los Angeles

Zoë Baird
President
John and Mary R. Markle Foundation
New York

Mike Baller
Partner
Saperstein Goldstein Demchak & Baller
Oakland Calif.

Norma Cantu
Professor
University of Texas Austin
School of Law
San Antonio

Gilberto Cardenas
Assistant Provost and Director
Institute for Latinx Studies
University of Notre Dame
Notre Dame, Indiana

Robert Cruz
Corporate Affairs Director
AT&T
Basking Ridge, NJ

Hector J. Cuellar
Managing Director
Bank of America
Los Angeles

Berta F Degraw
Dean
College of Extended Education
Arizona State University
Phoenix

Rena Díaz
President & CEO
Díaz Foods Inc.
Atlanta

Patricia Díaz Dennis
Senior Vice President
Regulatory and Public Affairs
SBC Communications Inc.
San Antonio

Susan Duvier
Senior Group Director
Corporate Relations
Anheuser Busch, Inc.
St. Louis, Missouri

Horst Figerow
Senator
California State Senate
Sacramento Calif.

Hervinda Garcia
Professor
J P Henderson School and
Houston Community College System Board of Trustees
Houston

Albert Gurse
Owner
Pueblo Community Corrections/Southwest Medical
Pueblo Colorado

Paul Gutierrez
Managing Partner
Sedgman & Bancroft, LLP
Francisco

Frank Herrera, Jr
President
The Law Offices of Frank Herrera
San Antonio

Federico Jimenez
Owner
Federeg
Venice, Calif.

Teresa Lege de Fernandez
Partner
Northcutt Haltom,Taylor,
Traddash & Frye
Santa Fe

Manuel Martinez
Attorney at Law
Holmes Roberts & Owen, Llp
Denver

Tateo Muiroliu,Jr
Director
Center for Mexican American Studies
University of Houston

Mrs. Gloria Molina
Supervisor
Los Angeles County Board of Supervisors
Los Angeles

Don Pierce
Executive Managing
tom Peters Co.
Henderson, Nevada

Matthew J. Pats
Partner
Geesler Hughes & Socol Ltd.
Chicago

Frank J Quevedo
Vice President of
Equal Opportunity
Southern California
Edison Company
Rosenhead, Calif.

Guadalupe Rangel
Education Consultant
Corpus Christi Texas

Thomas B. Reston
Attorney at Law
Washington, D.C.

Araceli Romo
Law School Student Representative
UCLA Law School
Los Angeles

Maria Saldaña
Attorney
Alzheimer & Gray
Chicago

Andrew Segovia
Associate General Counsel
General Motors
Legal Staff
Detroit

Marcia Silverman
Chief Executive
Olgyy Public Relations
Worldwide
Washington, D.C.

Ed Steed
Executive Vice President, General Counsel and Secretary
Blockbuster Inc
Dallas

Joseph Stern
Partner
Frank Harris
Shriver & Jacobson
New York

Peter Valdivias
First Vice President
Washington Mutual
Los Angeles

Ann Marie Wheelock
Sousi Vice President
Fanuc Mw Western Region
Pasadena Calif.

Sam Zamarrupa
Candidate
Georgia State House of Representatives
Atlanta

Chair
Gloria Molina
1st Vice Chair
Hervinda Garcia
2nd Vice Chair
Teresa Lege de Fernandez
3rd Vice Chair
Al Gurski
Secretary/Treasury & Fiscal & Fundraising Committee Chair
Joseph Stern
Program & Planning Committee Chair
Thomas B. Reston
Community Ed & Actuation Com Chair
Ann Marie Wheelock
Personnel & Nominations Committee Chair
Frank J. Quevedo
President & General Counsel
Antonia Hernandez
Chair, MALDEF Property Management Corp
Frank Herrera, Jr

2001-2002 OFFICERS

SCHEDULE 7
SCHEDULE A, PART III, LINE 3: SUMMARY OF SCHOLARSHIP PROGRAMS

MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND
634 South Spring St., 11th Floor, Los Angeles, CA 90014
(213) 629-2512

APPLICATION FOR THE 2002 MALDEF LAW SCHOOL SCHOLARSHIP

The MALDEF Law School Scholarship Program each year awards scholarships ranging from $2,000-$6,000 to deserving individuals entering their first, second or third year of law school. Students must be enrolled in law school full-time to qualify.

The scholarships are awarded to students based upon three primary factors: (1) demonstrated involvement in and commitment to serve the Latino community through the legal profession, (2) academic achievement; and (3) financial need.

Please read the application instructions thoroughly before sending your completed file. All applications must be completed and received by the MALDEF LAW SCHOOL SCHOLARSHIP PROGRAM, 634 S. Spring Street, 11th Floor, Los Angeles, California 90014 by July 1, 2002. FAXED APPLICATIONS AND ANY ITEMS RECEIVED AFTER JULY 1ST WILL NOT BE ACCEPTED.

A complete application must include the following nine (9) requirements, items “a-i”

a. Your current resume.

b. A typed, 500-word essay detailing your reasons for studying your chosen field, your professional objectives, and your plans after graduation.

c. A brief activities statement describing your past involvement in activities which you believe to have served or benefitted the Latino community.

d. A copy of your undergraduate transcript.

e. A copy of your LSDAS Report with your LSAT score.

f. A letter of recommendation from a member of the Latino community describing your community involvement.

g. A letter of recommendation from a college, university, or law school professor.

h. Enclosed financial need statement from the school you are or will be attending which indicates both the financial assistance that will be provided to you by the school and your unmet financial need. Please use the enclosed form, and

i. Law school students who have already completed one year or more of law school please also provide a copy of your law school transcript.
Law School Scholarship Program

Our scholarship program to support law students with a demonstrated commitment to serving the Latino community continues to be an important part of MALDEF's mission. This year, we also began an important new component of our scholarship program by establishing a scholarship committee made up of Latino attorneys in private practice at the early to mid-career level. Committee members not only participated in making the selections of scholarship recipients but have begun planning fundraising efforts for the MALDEF scholarship program for the next fiscal year.

As in the past, MALDEF had a large number of scholarship applicants from law schools across the country. Scholarships were awarded based on three primary factors:

- demonstrated involvement with and commitment to serve the Latino community
- academic achievement indicating the potential for successful completion of law school
- financial need

This year, we were pleased to award $40,000 in scholarships to 10 outstanding students.

2001-2002 MALDEF LAW SCHOOL SCHOLARSHIP RECIPIENTS

Valerie Kantor Memorial Scholarship – Outstanding Overall Applicant
Arcelia Campos, $7,000.00
Stanford Law School

Vilma Martinez / Helena Rubenstein Scholarship – Outstanding Female Applicant
Sandri M. Gallardo, $6,000.00
Boalt Hall Law School

William Randolph Hearst Endowment Scholarship – Best Essay
Ancris Muñoz, $6,000.00
Columbia University School of Law

OTHER RECIPIENTS
Briget Greason Alvarez, $3,000.00
UC School of Law
Lucra Ortiz, $3,000.00
Northeastern University School of Law
Arcelia P. Perez, $3,000.00
Hastings College of the Law
Ana M. Quintana, $3,000.00
Columbia University Law School
Jasmine B. Rose, $3,000.00
Harvard Law School
Daniel P. Torres, $3,000.00
UC Davis School of Law
Yasmin Yavar, $3,000.00
University of Texas School of Law
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<td>ANA M QUINTANA</td>
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<tr>
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<td>AUSTIN, TX</td>
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<td>DENIA GARCIA</td>
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<td>CHICAGO DINNER</td>
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<td>MELISSA LOPEZ</td>
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<td>NEREIDA ESPARZA</td>
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TOTAL $65,000

SCHEDULE 8 (Page 3 of 3)
PART VII, LINE 93: PROGRAM SERVICE REVENUE

AMOUNTS RECEIVED

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<td>2018</td>
<td>RODRIGUEZ V LAUSD</td>
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<td>4026</td>
<td>GREGORIO T V WILSON</td>
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<td>3052</td>
<td>LOPEZ V. MONTEREY COUNTY</td>
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<td>SALINAS V KATE MANTILINI</td>
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<td>ROCHA V CITY OF POTH, TX</td>
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TOTAL RECEIVED

1,000,562

ACCRUED FEES RECEivable, BEGINNING OF YEAR

(139,738)

ACCRUED FEES RECEivable, END OF YEAR

506,000

REVENUE REPORTED, PART VII, LINE 93a

$1,366,824
AMENDMENTS TO BY-LAWS

BY-LAWS OF
THE MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

AMENDMENT

Approved at Annual Board of Directors Meeting, April 27, 2002

Article 3, Section 3 1 (4)
STANDING COMMITTEES

PROPOSED DRAFT
Community Education and Activation Program Leadership Development Committee

FINAL APPROVED DRAFT
Community Education and Leadership Development Committee

BY-LAWS OF
THE MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

AMENDMENT

Approved at Annual Board of Directors Meeting, April 27, 2002

1.4 (1)

The term of the Chair of the Board of Directors and of his/her directorship may be extended for an additional year should the Board of Directors wish to nominate an individual to an additional year as Chair of the Board
MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

NATIONAL OFFICE

Antonia Hernandez, President and General Counsel
Thomas A. Saenz, Vice President of Litigation
634 South Spring Street, 11th Floor
(213) 629-2512
(213) 629-0266 FAX

REGIONAL OFFICES

Chicago
Patricia Mendoza
Regional Counsel
188 W Randolph St, Suite 1405
Chicago, IL 60601
(312) 782-1422
(312) 782-1428 FAX

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Albert H. Kauffman
Regional Counsel
140 E Houston, Suite 300
San Antonio, TX 78205
(210) 224-5476
(210) 224-5383 FAX

Los Angeles
Hector O. Villagra
Regional Counsel
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Los Angeles, CA 90014
(213) 629-2512
(213) 629-0266 FAX

Atlanta
41 Marietta Street, Suite 1000
Atlanta, GA 30303
(678)559-1071
(678)559-1079 FAX

Washington, D.C.
Marisa Deemo
Regional Counsel
1717 “K” Street NW, #311
Washington, D.C. 20036
(202) 293-2828
(202) 293-2849 FAX
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<tr>
<td>Title V Public Resource Equity</td>
<td>45</td>
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<tr>
<td>Title VI Access to Justice</td>
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</tbody>
</table>
PREFACE TO LITIGATION DOCKET

This litigation docket covers only litigation matters in which MALDEF attorneys represent parties in court or in formal administrative proceedings, or where MALDEF has filed an amicus brief. Matters under investigation, in informal proceedings, or involving public policy advocacy are not included. Entries in bold are the activities which occurred during the current fiscal year.

EXPLANATION OF DOCKET CONTROL NUMBERS

The symbols preceding each case listed and summarized in this litigation docket are part of MALDEF’s docket control system.

Four digit numbers have been assigned to each of MALDEF's six litigation and advocacy programs and to all of MALDEF's active cases. Each litigation and advocacy program has been assigned a series of 1000 numbers as set forth below.

1000 - 1999  Employment
2000 - 2999  Education
3000 - 3999  Political Access
4000 - 4999  Immigrants' Rights
5000 - 5999  Public Resource Equity
6000 - 6999  Access to Justice

The letters preceding the case number indicate the MALDEF office in which the case originated or the lead office currently handling the case. The codes are:

AT = Atlanta
CH = Chicago
LA = Los Angeles
SA = San Antonio
NT = National

In some cases, staff from more than one regional office may be working on a case. In these instances, the case may be listed in the regional office index under more than one regional office. However, the office code remains the same because it continues to denote which is the lead office handling the case.
INDEX TO REGIONAL OFFICE DOCKETS

This index lists the cases on the legal dockets of MALDEF’s four regional offices with litigation staff. The Washington D.C. office has no listing of cases as this office focuses exclusively on public policy advocacy. Cases are listed by subject matter according to their docket control numbers. Page number references for each case show where the case is described.

All attorney staff members assigned to the Litigation Department during fiscal year 2001-2002 are listed under their offices.

** NATIONAL OFFICE **

Lawyers: Antonia Hernandez, President and General Counsel
Vibiana Andrade, Vice President of Legal Programs
Thomas A. Saenz, Vice President of Litigation
Maria Blanco, National Senior Counsel
Denise Hulett, National Redistricting Director
Victor Viramontes, Staff Attorney

Title I: Employment

<table>
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<td>Brionez v. United States Dep't of Agriculture</td>
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<td>LA/1037</td>
<td>Hernandez v. City of Los Angeles</td>
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<td>LA/1054</td>
<td>Ramirez v. Kroonen</td>
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<td>LA/1055</td>
<td>Hernandez v. City of Los Angeles</td>
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<td>LA/1071</td>
<td>Baiz v. Screen Actors Guild, Inc</td>
<td>8</td>
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</tbody>
</table>

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1Became Vice President of Public Policy effective June 1, 2001

2Promoted to Vice President of Litigation effective June 1, 2001

3Works primarily out of the Sacramento satellite office

4Works primarily out of the San Francisco redistricting office, leaving MALDEF effective April 30, 2002

5Joined MALDEF effective October 22, 2001
### Title II: Education

<table>
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<tr>
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<td>Angel v. Davis</td>
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<td>Castañeda v. Regents of the Univ. of Cal</td>
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<td>Diana Doe v. Los Angeles Unified Sch. Dist</td>
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<td>Godinez v. Davis</td>
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<td>LA/2064</td>
<td>Belmont G R E E N v. Los Angeles Unified Sch. Dist</td>
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<td>LA/2067</td>
<td>Santa Ana Unified Sch. Dist v. City of Tustin</td>
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### Title III: Political Access

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<td>Ruiz v. Santa Maria</td>
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<td>SA/3069</td>
<td>Balderas v. Texas</td>
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<td>SA/3073</td>
<td>Del Rio v. Perry</td>
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<td>SA/3075</td>
<td>Associated Republicans of Texas v. Cuellar</td>
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<td>NT/3077</td>
<td>Cano v. Davis</td>
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<td>SA/3080</td>
<td>Arizona Minority Coalition for Fair Redistricting v. Arizona Indep. Redistricting Comm'n</td>
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### Title IV: Immigrants' Rights

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<td>Society of Saint Vincent de Paul of Santa Clara County v. City of Los Altos</td>
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### Title V: Public Resource Equity

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<td>NT/5027</td>
<td>Proyecto Pastoral v. County of Los Angeles</td>
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### Title VI: Access to Justice
### **CHICAGO OFFICE**

**Lawyers:**
- Patricia Mendoza, Regional Counsel
- Maria Valdez, Senior Litigator
- Ruperto Alba, Pro Bono Attorney
- Alonzo Rivas, Staff Attorney

### Title I: Employment

### Title II: Education

| CH/2043 | Gratz v. Bollinger |
| CH/2059 | White v. Engler |
| CH/2063 | Cortez v. Calumet Park Sch Dist #132 |
| CH/2073 | Lucero v. Detroit Pub Schools |

### Title III: Political Access

| CH/3050 | King v. Illinois State Bd. of Elections |
| CH/3064 | Moreno v. Loren-Maliese |
| CH/3067 | Del Valle v. Illinois State Bd. of Elections |
| CH/3070 | Torrez v. Lake County Bd |
| CH/3071 | Winters v. Illinois State Bd. of Elections |
| CH/3072 | Campuzano v. Illinois State Bd. of Elections |
| CH/3079 | Cole-Randazzo v. Ryan |
| CH/3079 | Polish American Congress v. City of Chicago |

### Title IV: Immigrants' Rights

| CH/4049 | Guevera v. City of Norcross |
| CH/4056 | Indian Oaks Academy |

### Title V: Public Resource Equity

| CH/5022 | Burgos v. McDonald |
| CH/5033 | In Re. Interest of Z. Minors |

### Title VI: Access to Justice

| CH/6019 | Chavez v. Illinois State Police |

---

*Joined MALDEF effective September 10, 2001*
**LOS ANGELES OFFICE**

**Lawyers:**
- Hector O Villagra, Regional Counsel
- Belinda Escobosa Helzer, Staff Attorney
- Enrique Gallardo, Staff Attorney
- Steven J Reyes, Staff Attorney
- Maureen Guadalupe Tellez, MALDEF / Fried Frank Fellow

**Title I:** Employment

| LA/1042  | Vanegas v Irving I Moskowitz Found | 4 |
| LA/1052  | Salinas v Kate Mantilini           | 4 |
| LA/1054  | Ramirez v Kroonen                  | 5 |
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**Title II:** Education

| LA/2018  | Rodriguez v Los Angeles Unified Sch Dist | 12 |
| LA/2045  | Angel V v Davis                        | 16 |
| LA/2050  | Diana Doe v Los Angeles Unified Sch Dist | 19 |
| LA/2061  | Godinez v Davis                        | 21 |
| LA/2062  | Williams v State of California         | 22 |
| LA/2064  | Belmont G R E E N v Los Angeles Unified Sch Dist | 24 |
| LA/2067  | Santa Ana Unified Sch Dist v City of Tustin | 24 |
| LA/2072  | Corona-Norco Unified Sch Dist v State Allocation Bd | 26 |

**Title III:** Political Access

| SF/3017  | Ruiz v Santa Maria                    | 28 |
| SA/3073  | Del Rio v Perry                       | 34 |
| NT/3077  | Cano v Davis                          | 36 |
| SA/3080  | Arizona Minority Coalition for Fair Redistricting v Arizona Indep Redistricting Comm'n | 37 |

---

1Promoted to Regional Counsel effective June 16, 2001

2Joined MALDEF effective December 3, 2001

3Resigned effective June 29, 2001

4Joined MALDEF effective January 2, 2002
Title IV: Immigrants' Rights

LA/4044  Rodriguez v. United States  38
NT/4061  Society of Saint Vincent de Paul of Santa Clara County v. City of Los Altos  41
LA/4064  Gebin v. Mineta  42

Title V: Public Resource Equity

Title VI: Access to Justice

** ** SAN ANTONIO OFFICE ** **

Lawyers: Albert H Kauffman, Regional Counsel¹
Joe Berra, Staff Attorney
Nina Perales, Staff Attorney
Leticia Saucedo, Staff Attorney

Title I: Employment

SA/1038  Kossman Contracting Co v. City of Houston  2
SA/1070  Avena v. Texas Department of Human Services  8
SA/1073  Colindres v. Quietflex Mfg. Co.  9
SA/1084  Aleman v. Quietflex Mfg. Co.  9
SA/1074  Bullington v. United Airlines  10
SA/1076  Ruiz v. Arena Brands  10

Title II: Education

SA/2016  United States v. Ector County Indep. Sch. Dist.  11
SA/2049  Carbajal v. Albuquerque Public Sch. Dist.  18
SA/2068  Hopson v. Dallas Indep. Sch. Dist.  25

Title III: Political Access

SA/3014  Valero v. City of Kerrville  28
NT/3017  Ruiz v. Santa Maria  28
SA/3069  Balderas v. Texas  32
SA/3073  Del Rio v. Perry  34

¹Leaving MALDEF effective April 30, 2002
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**Title IV: Immigrants' Rights**

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<td>Hoffman Plastic Compounds, Inc. v. NLRB</td>
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<tr>
<td>SA/4065</td>
<td>Medina Remigio v. Pasquarelli</td>
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**Title V: Public Resource Equity**

**Title VI: Access to Justice**
TITLE I: EMPLOYMENT

NT/1020  Brionez v. United States Dep’t of Agriculture, No. C 01-3969-CW (U.S. Dist Ct, N.D. Cal)

We represent the Hispanic Workers Group of the National Forest Service in a federal court class action case, charging the agency with discrimination in hiring, promotion, harassment, and retaliation in Region 5 of the Forest Service. MALDEF previously negotiated a comprehensive settlement of the administrative complaint, and monitored compliance with that agreement until it expired in May 1995. Individual complaints of discrimination and harassment were investigated by a team established under the agreement, and all but one of those claims were favorably settled.

However, although the overall workforce percentage increased slightly under the settlement agreement, the hiring levels for Hispanics in the Region actually decreased under the agreement. At the same time, Latino employees, particularly those who were active in monitoring the agreement, were harassed. In fact, one of the lead plaintiffs faced retaliatory termination. MALDEF reached a settlement with the Region on the employee’s behalf that included a $300,000 damage award.

Because of the agency’s failure to correct under-representation, MALDEF lodged a formal administrative complaint of non-compliance with the settlement agreement. When the Department of Agriculture ruled (USDA) against our complaint of non-compliance, MALDEF appealed to the EEOC. The EEOC ruled first in plaintiffs’ favor on appeal, but ultimately reversed itself, finding that the USDA had no obligation to attain the goals of the agreement.

We finally arrived at a settlement with the USDA and the Department of Justice. The proposed consent decree includes enforceable goals for the hiring and promotion of Latinos, an outside monitor, and attorney’s fees to be determined by the court. We are in the process of resolving a procedural matter prior to signing the Consent Decree. In order to ensure that the limitations period would not expire while settlement is finalized, we filed a complaint in the District Court for the Northern District of California on October 22, 2001.

Heller, Ehrman, White & McAuliffe
Employment Law Center
Co-counsel

Denise Hulett
MALDEF National Office

NT/1037  Hernandez v. City of Los Angeles, Nos. CV 98-0675-WMB (U.S. Dist Ct, C.D. Cal.), 99-56453 (U.S. Ct. App., 9th Cir.)

Lt. Patricio Hernandez, a twenty-year veteran of the Los Angeles Police Department (LAPD), was passed over for promotion to the rank of Captain several times over the course of
four years Most recently, the LAPD chose instead to promote several white officers who had scored lower than Hernandez on the department's promotional examination. Earlier, the department was so confident of Hernandez's promotion based upon his examination score that they sent him to command development school, specifically designed for officers at the rank of Captain and above, which he successfully completed in June 1996. Several of the white officers promoted instead of Hernandez had not completed the school. We filed this individual Title VII case in order to deter the LAPD from making such discriminatory promotional decisions at the highest ranks of the department in the future. The percentage of Latinos among the 100 or so officers at the rank of Captain or above is currently roughly half the level of Latino representation among the 9000-plus officers at lower ranks.

We filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) in November 1997. After the EEOC issued a right-to-sue letter as we requested, we filed a federal-court lawsuit on January 28, 1998. After discovery was completed, the City moved for summary judgment and for judgment on the pleadings. On July 6, 1999, the district court granted both motions. The court granted summary judgment on the grounds that plaintiff could not show that the City's proffered reason for not promoting Hernandez was a pretext for discrimination. It also granted judgment on our section 1981 claim based on its conclusion that California public employment, because it is covered by civil service laws, is immune from challenge under section 1981.

Because we believe the district court improperly weighed the evidence in granting summary judgment and effectively imposed a requirement of producing direct evidence of discrimination, we filed an appeal on August 2, 1999. We also challenge the district court's legal conclusion that public employment is not contractual and therefore immune from section 1981. We fully briefed the appeal. After a wait of nearly a year from the completion of briefing, oral argument was heard on March 8, 2001. On May 15, 2001, in a brief, unpublished disposition, a Ninth Circuit panel affirmed the district court's decision. We filed a petition for rehearing en banc, an unlikely prospect for an unpublished, non-precedential disposition. The court denied the petition on June 29, 2001.

Thomas A. Saenz
MALDEF National Office

SA/1038 Kossman Contracting Co. v. City of Houston, No. H-96-3100 (U.S. Dist. Ct., S.D. Tex.)

In this federal lawsuit, a white contractor challenges the City of Houston's affirmative action plan for city contracts. The contractor complains that the city's good-faith goals for city contracts and the requirement that prime contractors obtain bids from minority and women business enterprises give minority firms an unfair advantage.
More than sixty percent of Houston residents are minorities, with Latinos the largest group. Prior to 1984, less than one percent of the city's budget for construction, professional services, and vendors was paid to minority or women business enterprises (MWBE). In 1985, the city council established policies to increase utilization of local MWBEs in city procurement. The program was subsequently amended in 1995 after a disparity study was conducted. The affirmative action plan is not a set-aside program but contains reasonable good-faith goals that correlate with MWBE availability in the Houston metropolitan area. Since 1985, participation of MWBE's in city contracts have dramatically increased. In 1996, minority and women firms received about 20 percent of city contract dollars. On November 4, 1997, Houston voters rejected a referendum similar to California's Proposition 209 that sought to eliminate the city's affirmative action plan in city contracts.

On December 4, 1997, MALDEF moved to intervene on behalf of the Mexican American Contractors Association (MACA) and an individual Latino contractor. The court denied our request for intervention but invited MACA to participate as amicus curiae.

On February 9, 1998, the court held a status conference and ordered the City of Houston to submit all its evidence of discrimination against minorities and women by March 19, 1998. In response, our clients submitted a brief describing the history of discrimination by the City of Houston against Latinos in contracting, public employment, public education, housing, and public accommodations. On April 3, 1998, the plaintiff filed its motion for summary judgment, arguing that the city's affirmative action plan in city construction contracting was unconstitutional. On May 1, 1998, we filed an amicus brief on behalf of our clients arguing that strict scrutiny did not apply to the city's affirmative action plan because minorities were not given any preferential treatment and that the city's inclusive recruitment efforts were lawful business concerns.

The district court has not ruled on plaintiffs' motion for summary judgment. However, the Fifth Circuit reversed the same district court in a related case, Houston Contractors Association v Metropolitan Transit Authority of Harris County, No 97-20619 (5th Cir 1999). The court held that the district court had erred in believing plaintiffs' version of the facts regarding the intent and effect of the transit authority's affirmative action plan. The Contractors Association case is so similar to the Kossman case that we are encouraged that the district court will deny plaintiffs' summary judgment motion in this case.

While plaintiffs' summary judgement motion in this case remains pending, the district court has denied all four of plaintiff's motions for Temporary Restraining Order, the latest on October 18, 2000. On behalf of the Latino community, MALDEF will participate in the trial as amicus curiae. We continue to await the setting of trial.

Al Kauffman
Leticia Saucedo
MALDEF San Antonio Office
Vanegas v. Irving I. Moskowitz Found., No. SACV-02-298-GLT
(U.S. Dist. Ct., C.D. Cal.).

This federal class action was filed on March 19, 2002. We represent plaintiffs
Herendida Vanegas and Jorge Ortiz, who seek to recover wages owed to them, and owed to
others employed at the Hawaiian Garden Bingo Club but fraudulently and unlawfully
denied wages. The defendants are the Irving I. Moskowitz Foundation, South Bay
Protective Services, and Al Lazar, who jointly operate the Hawaiian Gardens Bingo Club.

Defendants have implemented a scheme to violate state gaming law, and evade
paying lawful wages to employees operating its bingo games, by pretending that those
employees are mere “volunteers.” State gaming law permits only charity-sponsored bingo
games, requiring that bingo games be run only by an authorized charity and volunteers
from the charity. The Bingo Club is owned by the Irving I. Moskowitz Foundation, a non-
profit charitable organization. Open 363 days a year, the Bingo Club runs about a
thousand games a week, and reportedly takes in up to $50 million a year. The Foundation
ostensibly employs South Bay Protective and Security Services to provide security at the
Bingo Club. But South Bay – through its President/Director, Lazar, and his agents –
illegally oversees day-to-day operation of the games and supervises the twenty-four so-
called “volunteers” who make up the heart of the bingo staff – the “breakers” and
“runners” who work about 25 hours a week selling bingo cards. The breakers and runners
are not volunteers in any true sense of the word; they are not members of the Foundation,
nor are they voluntarily donating their time to the Foundation. They are supervised and
controlled by defendants, but they receive only tips for their labor.

The complaint alleges violations of state and federal wage laws, essentially for
failure to pay the required minimum wage. It also includes claims under the federal RICO
(Racketeer-Influenced and Corrupt Organizations) Act, as well as under state unfair
business practice, civil rights, and fraud provisions. We await defendants’ answer.

Hector Villagra
Belinda Escobosa Helzer
MALDEF Los Angeles Office

Salinas v. Kate Mantilini, Nos BC213900 (Los Angeles County Superior Ct ),
CV 99-8549 CAS (U S Dist Ct, C D Cal )

This action challenges the hiring practices of The Kate Mantilini, an upscale restaurant in
Beverly Hills. The restaurant has employed an entirely Latino busboy staff, while it has
employed a nearly entirely non-Latino staff of servers and food runners. Our lead plaintiff was
fired by the restaurant after he and the other busboys signed a written petition to management
seeking an end to unfair tip distribution and other discrimination against the busboys at the
restaurant Our second plaintiff, who organized the busboys in signing the petition, left the restaurant after learning of the firing of his co-plaintiff and after receiving poor treatment and veiled threats from management.

We filed this action in state court on July 22, 1999, the complaint challenges the restaurant’s pattern of discriminatory hiring and job segregation, as well as its actions in discharging our clients A month later, the restaurant filed its answer and removed the case to federal court because the case raises both state-law and federal-law claims. We moved for class certification as to the discriminatory hiring claims In late December 1999, the court granted the motion, certifying a class of actual and deterred Latino applicants for server positions.

The parties engaged in discovery through much of the year 2000. In July 2000, we amended the complaint, eliminating the federal-law claims, and the case was remanded to state court. In November 2000, the parties attended a mediation of the case, and agreed to a settlement of the individual hiring discrimination and wrongful termination claims and of the class hiring discrimination claims.

The court approved the settlement on September 24, 2001. The plaintiffs received their monetary awards, and a claims process was completed for members of the class to receive compensation. A check in the amount of $33,449, representing the unrecovered portion of the class fund, was issued to the Hispanic Scholarship Fund, as provided by the settlement. This donation was specifically ear-marked for undocumented students now eligible to pay in-state tuition at California public colleges and universities under AB 540.

Enrique Gallardo
Steven J Reyes
MALDEF Los Angeles Office

LA/1054 Ramirez v Kroonen, Nos CV 99-7681 GHK (U S Dist Ct, C D Cal ), 01-55994 (U S Ct App, 9th Cir )

We filed this action on July 26, 1999 to challenge the refusal of the College of the Desert in Palm Desert to promote our client to the position of Custodial Supervisor. Jimmy Ramirez has worked for the college as a custodian since 1979. When the incumbent Custodial Supervisor became ill and required much time off, the college gave Ramirez a Custodial Lead position, in which he fulfilled all of the duties of the Custodial Supervisor. Nonetheless, when it came time to hire a new Custodial Supervisor, Ramirez’s application was rejected because he lacks a high school diploma. The college refused to permit Ramirez to work toward his G E D while Custodial Supervisor. Even though he was disqualified from receiving the permanent position, the college placed Ramirez on the interviewing committee and asked him to train the individual who was hired.
This lawsuit challenges as discriminatory the college's actions in not hiring Ramirez. After it was filed, the court urged the parties to consider settlement, and stayed the case to permit consideration of settlement. In February 2000, the defendants rejected plaintiff's settlement proposal and made no counter-offer. Nonetheless, because of the case, the College has already changed its policy, regarding experience or skills equivalent to high school degree, for all future hires.

Discovery was completed in January 2001. In February 2001, we moved for partial summary judgment to establish plaintiff's prima facie case, including his qualification for the promotion. Defendants filed their own motion for summary judgment. On April 27, 2001, the district court granted defendants' motion, holding that plaintiff failed to present sufficient evidence from which a jury could reasonably infer that the decision not to promote plaintiff was pretextual. We filed an appeal on May 25, 2001. Briefing was completed in the Fall of 2001. We await the scheduling of oral argument.

Hector O Villagra
MALDEF Los Angeles Office

Thomas A Saenz
MALDEF National Office

NT/1055  Hernandez v. City of Los Angeles, Nos. BC058601 (Los Angeles County Superior Ct.), CV 01-6578 WMB (U S Dist Ct, C D Cal)

Our client in litigation challenging the Los Angeles Police Department for promotional discrimination (see case 1037 above), became the subject of a targeted investigation by Internal Affairs. Although termed an environmental audit of an entire divisional watch, in fact the investigation focused on our client and was initiated at the instance of a deputy chief. Although the investigation could substantiate none of the allegations initially made against him, the interviews with virtually every officer on the watch turned up some minor allegations of misconduct in the form of improper remarks allegedly made about other officers. Our client denies all of the charges; we contend that the entire investigation was retaliation for his discrimination lawsuit.

In order to fight this retaliation, we joined with a union representative in defending the client at his internal affairs interview and at a Board of Rights hearing. At the hearing, we succeeded in defeating two of the four charges against him, but the Chief of Police suspended him for ten days for the two remaining charges of improper remarks. We filed an action in state court to overturn the discipline on grounds that it was unsupported by the evidence and that the conduct was not improper as a matter of law.

After the City produced the administrative record, the parties briefed the petition for writ of mandamus. In December 2000, the superior court ruled entirely in our client's favor, finding
that the evidence did not support any of the Board of Rights' findings of guilt, and expressing serious reservations about why the charges were filed or pursued in the first place. The court ordered the City to vacate all findings of guilt, remove all documentation of punishment from our client's personnel file, and compensate our client for lost pay during his wrongful suspension.

Also, in November 2000, we filed a Title VII complaint in federal court, challenging the entire investigation and pursuit of charges as unlawful retaliation. In February 2001, we revised the complaint to reflect the outcome of the state-court writ of mandamus, and served the First Amended Complaint on the City.

**Discovery commenced and is ongoing. The parties agreed to use a private mediator to seek settlement, and a mediation session went forward on April 5, 2002.**

Thomas A. Saenz
MALDEF National Office

LA/1068  **Flores v. Albertson's, Inc., Nos. BC241027 (Los Angeles County Superior Ct.), CV-00-13628 CM (U.S. Dist. Ct., C.D. Cal.)**

This action challenges a practice that has become increasingly prevalent: outsourcing work to contractors to avoid responsibility for compliance with wage and hour laws. In the past ten years, supermarkets have increasingly contracted with janitorial service companies, especially the industry giant, Building One Service Solutions, Inc. ("BOSS"), which recently merged with Encompass Staffing Services, Inc. ("Encompass").

Generally, in this supermarket janitorial contracting industry, janitors are hired, ostensibly as "independent contractors," by people who are themselves "independent contractors." In practice, the janitors clean supermarkets for about eight hours each night, beginning at midnight. As a rule, they work every day, with only one day off every two weeks. It is not uncommon for the janitors to work months without a single day off. They do not receive any premium wages for the tremendous amount of overtime they work. They are paid by cash or personal check, and generally do not receive a statement of their hours or their wages as the law requires. They work with strong cleaning agents, but generally are not supplied with any protective clothing at all. If they are injured on the job, the common practice is simply to replace them, with no provision made for the injured worker. Supermarket personnel supervise the work of the janitors, just as they supervise the work of other employees. The supermarkets are aware of the overtime hours worked by the janitors, and of many of the other wage and working condition violations. The "prime" contractors also demonstrate a high level of supervision and control of the provision of janitorial services. Thus, although they attempt to shield themselves by conducting the janitorial work through layers of "independent contractors," both the supermarkets and the "prime" contractors are "employers" of the janitors, and jointly responsible for wage violations and working conditions.
MALDEF, along with a number of civil rights and labor lawyers, filed this class action in state court on November 30, 2000. Defendants immediately removed the case to federal court. The suit alleges a number of wage violations, including the failure to pay overtime wages and the failure to provide workers with itemized wage statements. The class includes affected janitors who work in California for the named defendant supermarkets, Albertson's, Ralph's, and Vons/Pavilions, and the industry giant in janitorial contracting services, BOSS/Encompass. The Service Employees International Union ("SEIU") joined the plaintiff janitor class in their suit, alleging that the defendants engage in unfair business practices. In February 2001, the defendant supermarkets reached a preliminary agreement with the SEIU, agreeing to either hire union contractors or pay union-scale wages to janitors in the future. Although the agreement by the supermarkets holds much hope for the future, the past damages to janitors still require a remedy.

The court certified the class on May 16, 2001. The parties have been engaged in extensive discovery, and the cut-off date has been extended to April 2003.

Bahan & Herold
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SA/1070 Avena v. Texas Department of Human Services, Nos. SA-00-CA-0655-IV (U.S. Dist. Ct., W. D. Tex.), appeal filed (U.S. Ct. App., 5th Cir.)

This individual Title VII disparate treatment case seeks a promotion, back pay and compensatory damages for a Latino with unique experience of 35 years of work in civil rights enforcement and administration who was denied promotion to a state level administrative post in civil rights enforcement by the Texas Department of Human Resources. Avena was denied the promotion when he was listed a close second on the list of applicants for the position. When the highest ranking employee refused the position, the position was restructured rather than given to Avena. Then Avena was denied the opportunity even to compete for one of the newly created positions. After discovery and development of expert reports, defendant filed a motion for summary judgment. Although we filed 40 pages of summary judgment pleadings and about 8 inches of documentary proof and deposition excerpts, the district court granted summary judgment against us on March 1, 2002. We have filed a notice of appeal to the Fifth Circuit.

Al Kauffman
MALDEF San Antonio Office
This lawsuit challenges the failure of the Screen Actors Guild ("SAG") to promote the plaintiff, Thomas Chavez Baiz, to the position of Executive Administrator - Affirmative Action, and its termination of Baiz from Assistant Administrator of that office, eliminating the only high-level Latino employee in the office. The case is significant because the affirmative action administrator is charged with working to increase minority representation in the entertainment industry.

Baiz worked for SAG beginning in 1995. In December 1997, the Executive Administrator - Affirmative Action, who was also Latino, left his employment after a dispute with SAG management. SAG asked Baiz to assume the position of Acting Executive Administrator - Affirmative Action, and he did so. He performed the work proficiently. He was qualified for and applied for the permanent position, but was not selected. He was then assigned again to the position of Assistant Administrator. He was terminated from his position of Assistant Administrator by SAG in July 1998.

Baiz filed a complaint of discrimination with the California Department of Fair Employment and Housing (DFEH) in August 1998. The DFEH issued a Right-To-Sue Notice in August 1999. We filed a complaint in superior court in August 2000. After much discovery, including several depositions of involved individuals, the parties reached a settlement in order to avoid trial. The case was dismissed in November 2001.

Enrique Gallardo
Hector O Villagra
MALDEF Los Angeles Office

Thomas A Saenz
MALDEF National Office

On October 12, 2001, MALDEF filed Colindres v. Quietflex Mfg. Co. in federal court in the Western District of Texas. The case has since been transferred to the Southern District of Texas. We represent approximately 80 employees of Quietflex who have been discriminated against in their terms and conditions of employment in violation of Title VII of the Civil Rights Act of 1964. Quietflex is a Houston-based company that manufactures air conditioning ducts. The Latino employees in the facility are segregated from the rest of the employees, work under the most difficult conditions, and have the most limited opportunities for advancement. The company enforces an English language fluency requirement for transfer into more desirable departments for Latinos, but not for
other employees. When the Latino employees protested their unequal working conditions, the company fired them. After the company reinstated the workers, it began to retaliate against them. We will seek to represent a class of Latino employees who are currently working, or have worked for Quietflex in the past. We also filed a related lawsuit, *Aleman v. Quietflex Manufacturing Co.*, to protect the interests of the 80 individual MALDEF clients, each of whom filed separate charges with the EEOC. The case is in discovery.

Leticia Saucedo
MALDEF San Antonio Office

SA/1074 *Bullington v. United Airlines*, No. 00-1527 (U.S. Ct. App., 10th Cir.).

In April 2001, MALDEF filed an amicus brief, along with the NAACP LDF and the NELA, in support of a plaintiff who filed litigation based on disparate treatment and disparate impact theories of Title VII violations. United Airlines attorneys claimed that because the plaintiff failed to articulate her disparate impact claim at the administrative level, she cannot now bring her theory to trial. The district court agreed, and the plaintiff appealed the case. MALDEF filed an amicus brief arguing that the district court’s requirement that a plaintiff plead legal theories in an Equal Employment Opportunity Commission (EEOC) charge statement sets too high a barrier for charging parties – the vast majority of whom are not represented by attorneys at the administrative stage. We await a decision.

NAACP Legal Defense & Educational Fund
National Employment Lawyers Ass’n
Co-counsel

Leticia Saucedo
MALDEF San Antonio Office


On August 24, 2001, MALDEF and co-counsel filed a class-action lawsuit on behalf of approximately 200 employees laid off in violation of the federal WARN Act. The case, filed in federal district court in the Western District of Texas, challenges a boot manufacturer in El Paso. The manufacturer, which does business as Lucchese Boot Co., laid off approximately one third of its workforce in December 2000 without giving the workers the required 60 days advance notice. The court has certified a class, and we are in discovery.

Leticia Saucedo
MALDEF San Antonio Office
TITLE II: EDUCATION


This is a desegregation case filed by the Department of Justice in 1970. In 1981, we intervened on behalf of Hispanic and African American parents. Following a trial in 1981, and an appeal to the Fifth Circuit in 1984, the school district was ordered to desegregate the schools.

In February 1998, we responded to a motion by the school district to modify the existing plan for desegregation based on the school district's application for funds to expand their magnet school program. Staff investigated the effects of the existing and proposed magnet programs and met with community members to discuss the proposed expansion of the programs. After investigation and community input, we agreed to the proposed modification. As part of the modification, we secured an agreement from the school district eliminating an element of the magnet program that placed burdensome contractual requirements solely on core neighborhood minority parents whose children were enrolled in the magnet programs. In response to the community concern regarding access by minority children to the programs, we also secured an agreement that previously unavailable admission criteria to the magnet programs would be published and disseminated to all parents.

In November 1998, the District Court ordered the parties to confer regarding the status of the desegregation order. At the status conference held in December 1998, the parties reported that the school district had agreed to work with us to address ongoing concerns regarding the testing and placement of students within the school district's magnet and honors programs.

In 2000-2001, we have worked with the Department of Justice Civil Rights Division and have identified several issues on which the district has not complied with the court order: (1) the continued segregation of two elementary schools, (2) low number and proportion of minority students in advanced placement and gifted and talented courses, (3) failure to recruit minority faculty, (4) disparate concentration of uncertified teachers in heavily minority classrooms, and (5) lack of participation by minorities in extracurricular activities. We have sent informal discovery requests to the district to document the district's compliance with the order's provisions and will then either negotiate a settlement on these issues or seek a court hearing to enforce the decree.

After reviewing the documents supplied by the district, we, our clients, and the Department of Justice are considering the actions we would require of the district in order to join in a joint motion to declare the district unitary and dismiss the case.

Al Kauffman
MALDEF San Antonio Office
In 1982, MALDEF filed an administrative complaint, charging that the Los Angeles Unified School District (LAUSD) does not deliver equivalent school services and school facilities to Latino school sites. In August 1986, MALDEF and co-counsel filed this lawsuit alleging disparities between schools in teacher experience, expenditures per student, and facilities. Four years of discovery and two years of negotiations led to tentative settlement. The teachers' union, administrators' union, and parents from West LA and the San Fernando Valley intervened. Despite opposition, the court approved the consent decree in August 1992. Parent intervenors filed an appeal. In July 1994, the appellate court upheld the decree.

The decree requires LAUSD to move toward equal per-pupil expenditures on basic classroom resources, including teacher salaries. Such equalization would prevent the continued concentration of experienced teachers at particular schools or in particular areas. In addition, the decree requires LAUSD to work to mitigate the impact of school populations that exceed the optimum size established by educational research.

School year 1997-98 is the first year that district compliance is to be measured. Prior to that year, we closely monitored the district's efforts to initiate compliance. Complications arose from the district's transition to a decentralized model of school funding, which could exacerbate unequal resource distribution, and with implementation of California's class-size reduction program for primary grades. Due to differences in space constraints and in teacher recruitment, district schools' ability to take full advantage of the state program varies widely.

In 1996, the district proposed numerous modifications to the decree. After studying and evaluating the proposals, we indicated that we could not agree to most of them, some of which would render the decree's equalization imperative nearly unenforceable. Data showed continued dramatic differences between schools despite LAUSD allocating $5 million to low-spending schools in 1996-97 based on prior year expenditures.

In the spring of 1997, LAUSD informed plaintiffs that it had negotiated the settlement of a teachers' union grievance regarding class size in such a manner as to direct $15 million per year to multi-track year-round elementary schools and to secondary schools with high drop-out rates. The intent and effect of the grievance settlement was to direct substantial additional resources to those schools that have typically shown below average per-pupil expenditures. This step brought the district much closer to compliance with the decree. The district also allocated, after prodding from plaintiffs, an additional $10.9 million to schools whose budgets showed they would have below-average expenditures in 1997-98.
We continue to discuss significant compliance issues with the district regularly, including actual per-pupil expenditures, facilities, teacher hiring and assignment, and the small school administrative subsidy. Construction of new schools has become an increasing concern as class size reduction and increased enrollment have severely affected overcrowding and diminished students’ educational experience in inner city areas. Our growing concern about the lack of school construction has led to a focus on that issue. We have attempted to reach agreement with new school district leadership to little avail. We commenced formal discovery related to the district’s non-compliance with key decree provisions related to construction, this has led to further discussion of the issue directed toward obtaining information on the success or failure of efforts by interim and new superintendents to improve the district’s school construction staff.

We are set to begin depositions on April 30, 2002 regarding the district’s non-compliance with the decree, in particular with respect to per-pupil expenditures and construction of new schools.

San Fernando Valley Neighborhood Legal Services
Center for Law in the Public Interest
Multicultural Education, Training & Advocacy
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NT/2032 Jesus Doe v Regents of the Univ of Cal., No 965090 (San Francisco County Superior Ct)

This lawsuit was filed on behalf of a class of undocumented college students and applicants who would be denied enrollment and admission to public universities under Proposition 187. The complaint challenges sections eight and nine of the initiative and raises constitutional and statutory claims under both federal and state law, including FERPA (Family Educational Rights and Privacy Act), Contracts Clause, 42 U.S.C. § 1981, privacy rights, and due process. Defendants are California’s three public post-secondary educational institutions—the University of California, California State University, and the California Community Colleges—their governing bodies and presidents, and the Attorney General.

On March 15, 1995, the court issued a preliminary injunction barring implementation of sections eight and nine of the initiative pending trial. The three colleges are enjoined from using any provision of sections eight or nine of the initiative as the basis for expelling, or denying admission to, undocumented college students and applicants. The colleges are required to give notice of the injunction to all campuses, particularly employees in admissions and registration.
In late 1996, we completed all discovery, including depositions of the state’s few declarants. Both sides then submitted to the court the evidence on which they rely. The parties briefed all of the legal and factual issues raised in the case in the spring of 1997. The Court heard oral argument on August 29, 1997, and the case was formally submitted for decision shortly after. In reaction to the federal court’s November 1997 order indicating that it would strike all of sections eight and nine in the federal-court challenge to Proposition 187, the Court asked the parties to brief why this case should not be dismissed as moot. Plaintiffs explained that the preliminary injunction must remain in place until a formal permanent injunction issues in the federal-court litigation, and that a stay would be preferable to dismissal, in case the federal-court decision is reversed on appeal. At a status conference in February 1998, the Court agreed to postpone taking any action until a formal federal-court judgment is issued, and to consider a formal stay of this case at that time. At a status conference in April 1998, the court agreed to stay the case formally pending appeal of the federal cases.

With the full settlement of the federal challenge to Proposition 187, this case became moot. We have deferred dismissal until we can attempt to resolve, through settlement or motion, plaintiffs’ right to attorney fees and costs. We have engaged attorney fees expert Richard Pearl, who has submitted a demand letter for fees and is in the process of seeking to negotiate the matter or to file an application for fees with the court. We filed our application for fees, and on August 1, 2001, the court held a hearing on the application and awarded plaintiffs over $900,000 in fees and costs, of which just below half represents MALDEF’s share. The state chose not to appeal.

Multicultural Education Training & Advocacy
Lawyers Committee for Civil Rights
Traber, Voorhees & Olguin
Co-counsel


On October 14, 1997, two white Michigan residents who were denied admission to the University of Michigan at Ann Arbor filed a lawsuit against the University. The students allege that they were discriminated against on the basis of their race because they had GPA and SAT scores that were higher than those of the most minority students who were accepted by the University’s College of Liberal Sciences and Arts. Specifically, the plaintiffs contend that the University employed race as one of the predominant factors, rather than as a "plus factor," in determining admission to the College. Plaintiffs also allege that the University lacked any compelling interest and was not motivated either by an interest in furthering educational diversity or an interest in remedying the effects of past discrimination. In the alternative, the plaintiffs allege that even if the University had a compelling interest for considering race, the University
failed to employ race neutral alternatives to achieve that interest. Through this legal challenge to
the University's admissions program, the plaintiffs seek to eliminate the consideration of race in
determining admission.

On February 5, 1998, in conjunction with local Detroit counsel and other national civil
rights organizations, we filed intervention papers in defense of the University's admissions
program on behalf of Latino and African American high school students who seek or will seek
admission to the University's College of Liberal Science and Arts and who are likely to be denied
admission if plaintiffs prevail. Plaintiffs opposed our motion to intervene, the University did not

On July 7, 1998, the district court denied our motion to intervene based on the court's
conclusion that the proposed intervenors lacked a “significant protectable interest” in the
litigation. Furthermore, the court held that the University of Michigan would adequately
represent the interests of Latino and African American students by defending its admissions
program. In November 1998, we appealed to the Sixth Circuit Court of Appeals. On August 10,
1999, the Sixth Circuit issued a ruling reversing the District Court's decision and allowing us to
intervene.

After an initial trial date in September had to be continued, the District Court heard
arguments on several motions for summary judgment in November 2000. During argument, the
court stated that he did not see a need for this case to go to trial and indicated that it would
resolve this matter via summary judgment.

On December 13, 2000, the court issued an opinion that gave plaintiffs and defendants
partial victories, but did not address the remedial issues presented by intervenors. In its opinion,
the court granted plaintiffs' motion for summary judgment with respect to the admissions
programs in existence from 1995-1998, declaring these admissions programs unconstitutional.
However, the court granted defendant's motion for summary judgment with respect to the
admissions programs for 1999 and 2000. The court found that diversity was a compelling
interest. The court's opinion was limited to issues relating to the “diversity” rationale proposed
by the defendants. It did not address intervenors' arguments that a race-conscious admissions
program is constitutional under a remedial theory.

Subsequently, on February 27, 2001, the court issued an order granting plaintiffs' motion
for summary judgment with respect to intervenors' claim that the University was justified in
using race as a factor in admissions to remedy the present effects of past discrimination. This
order came about despite the fact that plaintiffs did not make a motion for summary judgment
with respect to intervenors' claim.

As a result of all of these decisions four appeals were filed. The university appealed that
part of the decision that struck down their prior affirmative action program. Plaintiffs appealed
the portion of the decision that upheld the current program. Plaintiffs also appealed the court’s
decision to grant university officials qualified immunity. Finally, intervenors appealed the denial of their claims. The appeals were fully briefed, and the court heard argument on December 6, 2001.

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Citizens for Affirmative Actions' Preservation
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NT/2045 Angel V v Davis, Nos C 98-2252 CAL (U S Dist Ct, N D Cal ), 98-16355, 01-15219 (U S Ct App, 9th Cir)

This class-action lawsuit, originally filed under the name Valeria G v Wilson, presents a facial challenge to the legality of Proposition 227, the English-only education initiative that California voters enacted in June 1998. The complaint alleges that the initiative, which replaces the multiple English language acquisition programs that California school districts previously used with a single mandated one-year program of "sheltered English immersion," violates several federal constitutional and statutory provisions. In the lawsuit, filed on June 3, 1998, the day after the election on Proposition 227, we argue that the initiative's mandated program violates the federal Equal Educational Opportunities Act of 1974 (EEOA) by preventing or impeding districts from providing "appropriate action" to serve the educational needs of limited-English-proficient (LEP) students. The law's single mandatory program does not rest on sound educational theory, and the program fails to permit adequate time for students to acquire academic English proficiency before transition to mainstream classes. The initiative, by focusing all instruction on language acquisition in a program virtually entirely in English, also fails to provide LEP students equal access to the full academic curriculum.

We also allege that Proposition 227 violates federal regulations implementing Title VI of the Civil Rights Act of 1964 by providing an unequal education, particularly in access to curricula other than language, to LEP students, who are overwhelmingly minority students. The initiative also violates the Supremacy Clause by forbidding federally-favored district development of effective bilingual education programs and prohibiting adjustment of the mandated program to meet individual student needs. Finally, we also argue that the initiative, which can only be changed by a future voter enactment, violates the Equal Protection Clause by raising a high procedural barrier to policy change in an area—LEP instruction—of particular concern to minorities.

After we filed, Ron Unz and other sponsors of the initiative intervened to join state officials in defending the law. We moved for a preliminary injunction against implementation of the initiative, which was set to begin on August 1, and the court heard argument on July 15. The
court denied the requested injunction, concluding that the lawsuit was premature and that plaintiffs had failed to show likely irreparable harm or likely success on the merits of our claims. See Valeria G v Wilson, 12 F Supp 2d 1007 (ND Cal 1998). We immediately filed an appeal with the Ninth Circuit Court of Appeals, we dismissed the appeal when the appellate court denied a requested stay of implementation of Proposition 227.

While we attempted to work out a schedule for resolution of the case at trial, Unz and his co-intervenors unexpectedly moved to dismiss the action. We opposed the motion, and we also filed our own motion for summary judgment on our preemption/supremacy claim and our Equal Protection claim. After an extended briefing schedule, the court heard argument on both motions on January 15, 1999. On March 31, 1999, the district court denied both motions.

The parties agreed to bifurcate the proceedings, with resolution of the equal protection claim proceeding ahead of the other claims. The parties also agreed on a paper trial process for all claims. Discovery on the equal protection claim was completed, and plaintiffs filed their opening evidence. Meanwhile, the parties commenced the first phase of discovery on the remaining claims. In the meantime, we sent a letter to the Attorney General, presenting a formal settlement offer as to all claims except equal protection. Settlement was rejected.

After due consideration of the likely outcomes and the potential effect on the prospects of future as-applied challenges, we decided to drop all claims other than equal protection. In May 2000, the parties stipulated to the filing of a Second Amended Complaint, which was limited to that single claim.

The parties filed their opening and reply trial briefs on the equal protection claim, and the court held a hearing on November 20, 2000. At the hearing, the court indicated its intention to rule for defendants on the same basis that it denied the preliminary injunction. The court issued its order and judgment against us on December 15, 2000. We filed an appeal on January 12, 2001. The appeal was fully briefed, and a panel of the Ninth Circuit heard oral argument on March 14, 2002. We await a decision.

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NT/2048  Castañeda v Regents of the Univ of Cal., No  C 99-0525 SI (U S Dist Ct , N D Cal )

The passage of California’s anti-affirmative action initiative, Proposition 209, resulted in a dramatic drop in the number of Latino students enrolled in the University of California (UC) Without the affirmative action policies that served to counteract the discriminatory effects of standardized tests, tracking, and underfunded public schools, Latino access to UC has been severely set back At the University of California at Berkeley, Latino enrollment in Fall 1998 was approximately 50 percent less than the previous year Over 700 Latino, African American, and Filipino American students with 4.0 GPAs were rejected by Berkeley

After Proposition 209, UC Berkeley carefully considered and adopted new admissions criteria Among Berkeley’s goals in devising the new criteria, was guaranteeing and expanding its stature as a preeminent and elite educational institution To this end, it uncapped the GPA to favor students with high school honors and advanced placement courses, despite the fact that Latino and African American students disproportionately attend schools that offer few, if any, honors and AP courses In addition, the new policy places a heavy emphasis on academic achievement as measured by college entrance exams with acknowledged discriminatory effects

We filed a complaint in federal court in February 1999, alleging violation of Title VI of the 1964 Civil Rights Act and of the Fourteenth Amendment. Plaintiffs moved to certify the classes in October of 1999 After completing extended written discovery, the parties agreed to mediation, which failed. Concurrently, and in large part because of the litigation, Berkeley and the UC Regents are looking at significant changes in their admissions criteria, including the elimination of the SAT, that could resolve plaintiffs’ lawsuit In May 2001, the UC Board of Regents voted to rescind Resolution SP-1, the precursor to Proposition 209 that initially eliminated race-conscious affirmative action in admissions. Because of provisions in SP-1 that required that a certain proportion of admissions be made on “academic criteria” alone, the repeal of SP-1 created the possibility that UC Berkeley would adopt a “whole person” admissions system for all applicants. This case remains stayed while we await further development of the new Berkeley admissions system and as we attempt to arrive at a settlement involving ongoing monitoring.

NAACP Legal Defense & Educational Fund  Maria Blanco
Asian Pacific American Legal Center  MALDEF National Office
Lawyers’ Committee for Civil Rights ACLU Northern California
Co-counsel
In this case, we represent a group of Albuquerque parents and Latino and immigrants' rights organizations intervening in an anti-bilingual education lawsuit brought by a group of parents challenging the constitutionality and legality of the New Mexico Bilingual Multicultural Education Act and the Albuquerque Public School District bilingual programs. In July 1998, the district court granted our motion to intervene as defendant-intervenors and cross-claimants. In representing the intervenors, we are defending the constitutionality and legality of the New Mexico Bilingual Multicultural Education Act and those aspects of the Albuquerque Public School District bilingual programs carried out in accordance with federal and state law. Additionally, through cross claims, we seek improvements in the bilingual education program at Albuquerque Public School District (APS).

Extensive discovery was conducted from September 1998 through January 1999. We filed a motion for summary judgment against the plaintiffs in February 1999. In a detailed and scholarly opinion, the district court entered summary judgment against plaintiffs on their claims against the New Mexico Bilingual Multicultural Education Act, their claims for breach of contract, and most of plaintiffs’ individual claims. The court then considered plaintiffs’ remaining claims on a lengthy record of stipulated facts. In the interim, APS and intervenors agreed to an extensive settlement agreement improving the implementation of the bilingual education program.

Finally, in January 2000, the District Court dismissed all of plaintiffs’ claims. We are monitoring the district’s compliance with the decree and the remaining litigation issue of retaliation between the district and the original plaintiffs. We expect an appeal of the underlying issues in the case to be commenced when the retaliation case is completed.

After several failed attempts to perfect an appeal, the plaintiffs have appealed the issues of the summary judgment against them on the merits of their discrimination claims and state claims, and the factual findings against them on a stipulated factual record regarding their claims of retaliation. We have joined in opposing the plaintiffs’ appeal to the 10th circuit. Argument is set for May 2002.

Multicultural Education Training and Advocacy Co-counsel
Al Kauffman
MALDEF San Antonio Office
Despite having submitted an amicus brief in the statewide facial challenge to Proposition 227 (see case 2045 above) arguing that it had insufficient time to develop and implement a successful program that complies with the initiative, the Los Angeles Unified School District (LAUSD) chose to implement its new program earlier than Proposition 227 requires. After sending a letter unsuccessfully urging the district to choose a later implementation date, we filed this as-applied challenge on July 30, 1998, and sought a temporary restraining order to bar LAUSD from implementing Proposition 227 on August 3, 1998 at many of its campuses. We argued that, by its own admission, LAUSD had not developed its full curriculum, obtained classroom materials, or trained its teachers to implement successfully the new “immersion” program for English learners. The suit alleges that inadequate planning, preparation, and training will deny limited English-proficient students the “appropriate action” guaranteed by the federal Equal Educational Opportunities Act of 1974 (EEOA).

On July 31, 1998, the court denied our TRO application, placing great faith in district teachers’ ability to adapt to the radical changes Proposition 227 mandates, and giving credence to the district’s new assertions that it was further along than it anticipated it could be when it filed its amicus brief in the facial challenge to the initiative. We discussed the possibility of settlement, but the district expressed no interest. The court set very advanced dates for discovery and trial (scheduled for January 2000), in order to permit the parties to evaluate a full year of implementation of Proposition 227. On April 23, 1999, the district court granted plaintiffs’ motion for class certification. See 48 F. Supp. 2d 1233 (C.D. Cal. 1999).

The district expressed greater interest in settlement. At the parties’ urging, the district court appointed Senior Judge Marana Pfalzler to oversee settlement negotiations. The parties met on numerous occasions to discuss settlement. We submitted a lengthy proposed draft agreement in October 1999. The district responded with its own proposed agreement in February 2000. All trial dates have been stayed in light of our progress on settlement.

We negotiated with LAUSD counsel about specific language for a settlement agreement, a handful of issues remained for which the parties determined they would need the further assistance of the settlement judge. We then experienced a delay in settlement negotiations due to the unavailability of Judge Pfalzler. Due to this unavailability, Judge Margaret Morrow was appointed at the parties’ request to serve as settlement judge. After two meetings with Morrow and attempts to resolve remaining issues, the LAUSD board rejected the settlement agreement in January 2001 and indicated that they did not believe that further negotiations would be helpful. Nonetheless, the district asked that the case remain stayed for six months so that it could prepare new materials for our review. We reviewed the district-provided materials, but before we could complete our review, the district informed us that it intends to alter its instructional program radically, by eliminating its two-model immersion program in favor of a single immersion model. We met with the district to discuss the change, and we are in the process
of reviewing the documents to be used to communicate with parents under the new program. The stay of the case has been extended.

ACLU Foundation of Southern California
Co-counsel

Thomas A Saenz
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Hector O Villagra
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CH/2059  **White v Engler**, No 00-72882 (U S Dist Ct, E D Mich)

On June 27, 2000, we filed this lawsuit seeking to enjoin the State of Michigan from continuing to use the Michigan Educational Assessment Program (MEAP) High School Test as the sole academic criterion for awarding Michigan Merit Award Scholarships. The Michigan Merit Award Scholarship Program, created by the Legislature in 1999 with funds from the state’s share of the multi-state tobacco settlement, awards scholarships to graduating seniors on the basis of scores on the MEAP test. However, the test has never been validated as a means of assessing individual student achievement. The lawsuit charges that the present method of selecting recipients for these scholarships discriminates against high school students on the basis of race, ethnicity, and educational disadvantage. The defendants filed a motion to dismiss the lawsuit as well as a brief in opposition to our motion for a preliminary injunction.

On June 19, 2001 prior to the court issuing any decision on the pending motions, we amended our complaint in light of the United States Supreme Court’s decision in *Alexander v Sandoval*, 532 U S 275 (2000), which held that private individuals did not have a right to sue under Title VI regulations prohibiting disparate impact. In dissent, however, Justice Stevens noted that a lawsuit alleging disparate impact in violation of Title VI regulations could still be filed by a private person under 42 U.S.C. §1983. **In our amended complaint, we did just that by restating our Title VI disparate impact claim as a violation of 42 U.S.C. §1983.** Defendants renewed their motion to dismiss, and, on November 19, 2001, the district court denied defendants’ motion. Discovery has commenced. We have drafted and will be filing a motion for class certification.

Pitt, Dowty, McGehee & Mirer
ACLU Michigan
Trial Lawyers for Public Justice
NAACP, MI State Conference
Co-counsel

Patricia Mendoza
Alonzo Rivas
MALDEF Chicago Office
We filed this action on March 29, 2000, challenging the state of California’s allocation of new school construction funds under Proposition 1A, a state bond enacted by voters in November 1998. The voters were told that the new school construction portion of Proposition 1A funds would be used to relieve overcrowding and accommodate student enrollment growth. The legislation that accompanied the bond measure when it was passed provides a need-based priority system to identify the districts experiencing the most severe overcrowding. Our plaintiffs reside in the Los Angeles Unified School District, where the need for new schools is the greatest. Overcrowding has forced over 45 percent of the District’s students onto educationally inferior multi-track, year-round schedules and has required the daily busing of over 15,000 students because their neighborhood schools have no space for them. The District is eligible for a significant share of Proposition 1A’s new school construction funds, and under the bond legislation’s need-based priority system, LAUSD’s needs would have a high priority.

However, the state refused to distribute funds based on the need-based priority system set forth in the statute. It replaced the statutory priority system with a “first-come, first-served” system that prejudices students in overcrowded school districts in heavily congested urban areas like LAUSD. Such urban districts face time-consuming obstacles like occupied land or contaminated sites requiring clean-up that prevent them from getting applications in as quickly as suburban or rural areas. LAUSD has 12 percent of the schoolchildren in the state and 33 percent of all students in schools on educationally inferior multi-track, year-round schedules. Yet, under the system defendants were operating, LAUSD stood to receive less than 1 percent of the new school construction money the bond provides.

We challenged the state’s distribution of funds on constitutional grounds as violating the state obligation to provide fundamentally equivalent education across the state, and on statutory grounds as violating the needs-driven legislation implementing the bond. In August 2000, after several hearings on our motion for a preliminary injunction, the court ordered the state to revise its system for distributing funds, finding that the state was under a statutory obligation to distribute funds on a needs basis, and not simply on a first-come, first-served system as it had been.

We then entered negotiations with the state and agreed on a settlement. Under the settlement, the state has implemented a program under which, after deducting $450 million for a final allotment, seven equal allotments of funds shall be made on a quarterly basis between now and the second quarter of 2002. All apportionments, including the reserved $450 million, shall be made on a priority point basis. To be eligible for the final allotment, districts must have legally valid applications accepted for processing by June 26, 2002. (This program is a modified version of a proposal we made to slow down the pace of allocations to ensure that funds would be available at a time when LAUSD could be expected to submit its applications.)
We have stipulated to a stay pending completion of the settlement. We shall dismiss the

We have begun discussions about fees, and are preparing to file a request for attorneys’ fees.

English, Munger & Rice
Hector O Villagran
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MALDEF Los Angeles Office
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MALDEF National Office

LA/2062 Williams v State of California, No 312236 (San Francisco County Superior Ct)

This action challenges substandard learning conditions in schools throughout the state

that are overwhelmingly populated by low-income and minority schoolchildren. The suit raises

state constitutional and statutory claims, as well as a federal claim under Title VI, and seeks to

ensure that all schools meet basic minimal educational standards. The suit contends that state

officials charged with responsibility for education have failed to develop or implement

appropriate procedures to identify and correct the substandard conditions at the schools the

members of the plaintiff class attend. Although the suit challenges a variety of deprivations of

equal educational opportunities, including the unequal distribution of textbooks and trained

teachers, we represent only the subclass of children who attend schools that have resorted to

multi-track calendars or busing to address severe overcrowding. These techniques allow school

districts to deal with growing enrollments without building additional schools. However, multi-

tracking results in children receiving far fewer days of school, and busing costs children hours a

day and impedes parental participation.

The state filed a demurrer, which the court denied. The state then filed a cross-complaint

against each of the school districts with schools attended by named plaintiffs, contending that the
districts and not the state bear responsibility for the poor conditions.

The court certified a class action in October 2001. The class includes children

subjected to one or more of the conditions cited in the complaint. Extensive discovery is

underway. We have retained an expert, who is in the process of preparing a report

describing the inferior and inequitable education provided to children subjected to the

multi-track, year-round calendar known as Concept 6.

On February 15, 2002, the case was stayed as part of a mediation process. The

current stay is set to end on April 8, 2002. It will either be continued or lifted, depending

on the progress that is made in preparing a settlement agreement that is acceptable to all
parties. That agreement is not expected to encompass school construction, the issue in which MALDEF is involved.

ACLU Foundation of Southern California Hector O Villagra
ACLU Foundation of Northern California Maureen Guadalupe Tellez
Public Advocates MALDEF Los Angeles Office
Center for Law in the Public Interest
Lawyers’ Committee for Civil Rights
Morrison & Foerster
Co-counsel


We filed this case against both Calumet Public School District #132 and the Illinois State Board of Education. The complaint alleges failure to address the specific educational needs of the increasing limited English proficient (LEP) student population. Specifically, we allege that the District has failed to properly evaluate LEP students, maintained inadequate bilingual programs, exited children early from the bilingual programs that do exist, failed to inform and involve parents through communication in their native language, and failed to train and certify bilingual teachers.

The State Board filed a motion to dismiss; we responded on January 31, 2002. The court has not yet ruled on the motion. A discovery schedule has been set with a tentative discovery cut off date of October 31, 2002.

Patricia Mendoza
Alonzo Rivas
Chicago MALDEF Office

LA/2064 Belmont G R E E N v. Los Angeles Unified Sch Dist., No BC233627 (Los Angeles County Superior Ct)

This action, filed on July 19, 2000, challenges, under the California Environmental Quality Act (CEQA), the decision by the Board of the Los Angeles Unified School District (LAUSD) not to complete construction of the Belmont Learning Complex. CEQA requires that public bodies like the Board consider the environmental consequences of a project before making a decision to approve it. Here, the Board’s decision to abandon the half-completed school has obvious environmental consequences that the Board did not assess before making its decision, as required by CEQA. The Board decided to abandon the project, purportedly because it constituted a health and safety risk, but did not study adequately whether any risk was substantial or could be successfully remediated. Moreover, the district failed to study the potential environmental impact of leaving the site unremediated. Likewise, the district did not study the potential
environmental impact of increasing overcrowding and busing, as well as of building many additional schools in the area to replace the Belmont Learning Complex. The lawsuit seeks to rescind the Board's decision and require compliance with CEQA before the Board makes a decision with respect to the Belmont Learning Complex.

LAUSD filed a demurrer to our CEQA challenge. A hearing on the motion was held on June 11, 2001, and the court sustained LAUSD’s demurrer. We filed an appeal on July 26, 2001, and completed briefing for the appeal on April 2, 2002. We await a date for argument.

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LA/2067 Santa Ana Unified Sch. Dist. v. City of Tustin, No. 01-3426WJR (U.S. Dist. Ct., C.D. Cal.).

In this case, filed on April 16, 2001, we challenge a re-use plan for a former military base because it calls for the property to be used by predominantly white districts experiencing no overcrowding, but not predominantly Latino districts experiencing severe overcrowding, even though the base is partially located in those districts. The complaint states claims for intentional as well as disparate impact discrimination. On August 7, 2001, the court substantially denied defendants’ motion to dismiss. The court held that the claim asserted under 42 U.S.C. § 1983 for violation of Title VI’s implementing regulations could go forward, rejecting defendants’ contention that Alexander v. Sandoval barred such claims. The court thus endorsed one of the avenues we have been exploring in the aftermath of Sandoval to permit continued private enforcement of Title VI’s prohibition against policies that have an unjustified disparate impact. Recently-enacted state legislation may resolve the issues in the case, but discovery is on-going, as are settlement discussions.

Connor, Blake & Griffin
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In this continuation of the *Edgewood* cases, MALDEF represents seven low wealth districts as intervenors in a challenge by wealthy districts to the $1.50 tax cap required by the Texas school finance system. The case is, in effect, a challenge to the entire Texas school finance system. We, the state defendants, and other low wealth districts filed motions to dismiss. On July 25, 2001, the court, in a lengthy and scholarly opinion describing the history of the Texas school finance system and the history of the *Edgewood* litigation, dismissed the case, holding that the case was not ripe and that the wealthy districts had not pled essential facts to make their claim. The wealthy district plaintiffs immediately appealed to the Texas Court of Appeals, and, after thorough briefing, the appeals court heard oral argument in December 2001. On April 11, 2002, the appellate court affirmed the trial court’s dismissal.

Al Kauffman  
MALDEF San Antonio Office

In this second 2001 challenge to the equitable “recapture” and “weighted students” parts of the Texas school finance system, taxpayers in several property-wealthy Texas school districts filed this state court challenge to the state school finance system in Dallas County, against other wealthy districts that have historically opposed the present system and have filed litigation against it. This lawsuit can be accurately described as a sweetheart lawsuit. On behalf of seven low-wealth districts, we intervened to defend the tax cap, recapture, and “weighted student” parts of the Texas school finance system that we helped to create during the *Edgewood* litigation in 1984-1995. The original plaintiff taxpayers did not sue the state as a party and did not bring their suit in the Travis County court that has had jurisdiction of the school finance case since 1984. The district judge has refused to set hearing on the many challenges to the court’s subject matter jurisdiction, venue, and failure to include the state, clearly an indispensable party. We have now brought in the state as a party and joined with the state and other low-wealth districts to move to dismiss the case or to transfer it to the Travis County court. We await a hearing and expect to move to force the court to set a hearing if the hearing is not held and our motions granted. Meanwhile, there is still a trial setting for June 2002, which the district court has not vacated.

Al Kauffman  
MALDEF San Antonio Office
In this case, school districts dissatisfied with the settlement we obtained in Godinez v. Davis (see case 2061 above) challenged the regulatory amendments the state made to ensure that the remaining $1.5 billion in new school construction funds were distributed on a priority basis to districts experiencing the most severe overcrowding. We successfully moved to have the Corona-Norco case transferred to Los Angeles for coordination with Godinez, and filed an opposition to the districts' petition for writ of mandate. On September 25, 2001, the court rejected the districts’ arguments, upholding the regulatory changes that afford the Los Angeles Unified School District, which serves about 500,000 Latino students, the opportunity to obtain an estimated $430 million worth of new school construction funding.

Hector Villagra
MALDEF Los Angeles Office

On July 26, 2001, MALDEF, along with the National Lawyer’s Guild Sugar Law Center, filed a complaint and a motion for a preliminary injunction against the Detroit Public Schools, seeking to prevent the opening of a new school, built on a former industrial site, in a predominantly Latino neighborhood until such time as adequate site remediation has been completed. School was scheduled to open on August 25, 2001, but the opening was postponed until September 4, 2001 in order to allow the court time to rule on the motion. On August 30, 2001, the Court denied the motion for preliminary injunction but implemented several safeguards which have been or will soon be put into place.

Judge Hood has been very active in encouraging both sides to settle. The Detroit Public Schools announced several months ago that, because of concerns with the safety of the new site, they would be willing to perform additional, ongoing testing for toxins in and around the school.

DPS has selected an independent environmental consultant to analyze the history of the building and to make recommendations. To date, several settlement conferences have been held, but little progress has been made. Discovery has begun. Defendants recently filed a motion to dismiss the complaint arguing that we cannot allege a violation of Title VI regulations under 42 U.S.C. § 1983. We anticipate defeating this motion because another court has already addressed this issue. We filed our response on March 22, 2002.

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TITLE III: POLITICAL ACCESS

SA/3014 Valero v City of Kerrville, No 96-CA-0413 (U S Dist Ct, W D Tex)

We represent the lead plaintiff in this Section 2 challenge to the at-large, numbered post system used to elect members of the City Council of Kerrville, Texas. Kerrville, which has a combined Latino and African American population of 26 percent, has not elected a minority candidate to the five-member City Council in the past twenty years. In a summary judgment motion, the city argued that any majority-minority district proposed by plaintiffs must contain a majority-minority citizen voting age population, may not combine Latinos and African Americans, and may not use race as a predominant criterion. In August 1997, MALDEF responded and showed that a majority-minority citizen voting age population district can be drawn with or without combining Latinos and African Americans. The court denied defendants' motion for summary judgment in December 1997.

The parties continued preparing for trial, and filed their joint stipulation of facts. On December 4, 1998, the district court abated the case until the 2000 Census data is released. A trial is expected after the release of Census long-form data in the Spring of 2003.

Rolando Rios  
Co-counsel  
MALDEF San Antonio Office

NT/3017 Ruiz v Santa Maria, No 92-4879 (U S Dist Ct, C D Cal)

Through a lawsuit filed in August of 1992, we challenged the at-large electoral system used to elect the Santa Maria City Council. Although Santa Maria is 45 percent Latino, no Latino had ever been elected to the City Council under the at-large system. Following extensive discovery, cross motions for summary judgment were denied, and trial was set for July 1994.

On the eve of trial, the court continued the trial in order to examine the results of the next city council election to be held the following November. In the November 1994 elections, for the first time ever, Latinos were elected to the city council, receiving unprecedented political and financial support from Santa Maria's Anglo political power structure. Nonetheless, preparations for trial proceeded because the one-time election of a Latino, particularly under unusual and suspect circumstances, does not remove the discriminatory effect of the at-large election system.

A year following the election, again on the eve of trial, Judge Ideman, with no motions pending by any party, canceled the trial, and issued an order sua sponte declaring his intention to dismiss the case. The judge received extensive briefing from both sides, and in September 1996, dismissed the lawsuit as moot, and we appealed to the Ninth Circuit.

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We obtained a very favorable voting rights decision from the Ninth Circuit Court of Appeals in November 1998. See 160 F.3d 543 (9th Cir. 1998). The Ninth Circuit reversed the dismissal and remanded for trial, with instructions that will significantly aid plaintiffs in their prosecution of the case. The Ninth Circuit held that (1) the 1994 election was characterized by special circumstances, including the existence of the lawsuit and the lower court's scrutiny of the election, the first-time financial support and endorsements by Anglo political leaders to Latino candidates, and unprecedented Anglo "cross-over" voting for Latino candidates, 2) that the use of single-shot voting and the changing demographics of Santa Maria are irrelevant, and, 3) that the election of a Latino-preferred white candidate is not as probative as the defeat of a Latino-preferred Latino candidate.

Santa Maria petitioned for review and for rehearing en banc, and both petitions were denied. In June of 1999, the U.S. Supreme Court denied Santa Maria's petition for certiorari. Judge Lourdes Baird is assigned to the case on remand to the Central District. In August 2000, the case went to trial over a five-week period. Post-trial briefing was completed in October. The City requested the court to take judicial notice of the November election, which resulted in the election of one Latino and the appointment of a second Latino to fill a city council vacancy. We continue to wait for the trial court's decision. Another city council election takes place in November 2002, so we may seek injunctive relief before the filing period.

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CH/3050 King v. Illinois State Bd. of Elections, No. 95-C-827 (U.S. Dist. Ct., N.D. Ill.)

In February 1995, an Anglo plaintiff filed suit challenging the constitutionality of the Latino-majority Fourth Congressional District in Illinois. The district was drawn in 1991 as the result of a Voting Rights Act lawsuit we filed on behalf of Latino voters (Nieves v. Illinois State Bd. of Elections). In Nieves, a three-judge panel found that the Voting Rights Act required the creation of a Latino-majority district and the maintenance of three African American majority districts. The King suit was filed after the U.S. Supreme Court's Shaw v. Reno decision and sought to challenge the configuration of the Fourth Congressional District as an illegal racial gerrymander.

Shortly after the lawsuit was filed, we intervened on behalf of Latino voters to defend the Fourth Congressional District. African American voters and the U.S. Department of Justice also
intervened to defend the challenged plan. However, the African American intervenors took no active role in the litigation since there was no direct challenge to the African American districts.

In December 1995, a trial was held. Following trial, the three-judge panel issued its decision upholding the constitutionality of the Fourth Congressional District. The court held that the district was an appropriate remedial measure for a proven violation of the Voting Rights Act. The court further found that the district advanced the compelling state interest of remedying past electoral discrimination against Latinos in the Chicago area and that the shape of the district was necessary to preserve a shared Latino community of interest.

Following this favorable decision by the three-judge court, the plaintiff sought an appeal in the U.S. Supreme Court. The plaintiff requested summary reversal of the trial court's decision. In response, we filed a motion to affirm. In December 1996, the Court issued an order vacating and remanding the case for further consideration in light of two intervening Supreme Court decisions, *Vera v. Bush* and *Shaw v. Hunt*.

Upon remand to the three-judge court, we asked the court to reinstate its original opinion and to deny the plaintiff's request for a new evidentiary hearing. The three-judge court denied plaintiff's request for a new evidentiary hearing and on August 1, 1997, issued an opinion once again upholding the constitutionality of the Fourth Congressional District. The plaintiff subsequently filed a direct appeal to the U.S. Supreme Court. We filed a motion to affirm the opinion of the three-judge court. On January 26, 1998, the Supreme Court summarily affirmed the favorable decision of the three-judge panel.

We have filed a fee petition requesting fees as a prevailing party. Because the State failed to defend the challenged plan, and MALDEF was compelled to step in and defend the action, we argue that the principle of quantum meruit and the meaning and intent of the fee-shifting provisions support an award of fees (to be payable by the State) in this case. On March 5, 2002, four years after we filed the initial petition, the district court granted our petition for fees.

Miner, Barnhill & Galland
Co-counsel

Maria Valdez
Patricia Mendoza
MALDEF Chicago Office

CH/3064 *Moreno v. Loren-Maltese*, No. 00 C 1516 (U.S. Dist Ct, N D Ill.)

On March 13, 2000, we filed this challenge, based on the Voting Rights Act, Equal Protection Clause, and First Amendment, to an ordinance that the Town of Cicero passed to extend the state law residency requirement for elective office from one year to eighteen months. The U.S. Department of Justice also filed a lawsuit alleging similar claims. In order for the ordinance to have legal effect, it must be ratified by the voters at the March 21, 2000 election. If the change is given legal effect, it will prevent a Latino from being able to run against the current
Town President  The Town of Cicero has undergone dramatic demographic changes. The town had a Latino population of 9 percent in 1980, Latinos now comprise 62 percent of the total population. The town has a history of discriminating against Latinos in the area of housing, police abuse, and voting matters. We have alleged intentional discrimination. In addition to filing the complaint, we asked for a Temporary Restraining Order, seeking to prevent a vote on the referendum.

On March 14, 2000, the court issued the TRO. Our case proceeded to discovery on the intentional discrimination claim. Currently, discovery has been stayed pending settlement discussions.

Maria Valdez
Patricia Mendoza
MALDEF Chicago Office

CH/3067 Del Valle v. Illinois State Bd. of Elections, No. 01 C 0796 (U.S. Dist. Ct., N.D. Ill.)

In this suit, filed in February 2001, we challenge the use of the punch card balloting system in Cook County, Illinois. The City of Chicago is in Cook County. The lawsuit alleges violations under Section 2 of the Voting Rights Act and the Equal Protection Clause. Evidence suggests that the punch card system used in Cook County resulted in a far greater voter error rate than the non-punch card systems used outside of Cook County. In particular, within the City of Chicago, while there was an overall high error rate, the voter error rate was particularly large in the minority areas of the city. These higher error rates mean that Latino and African American voters were not given an equal opportunity to elect candidates of their choice due to the inferior balloting system. Outside of Cook County, other jurisdictions using non-punch card systems, such as optical scan balloting, had a far lower error rate than in Cook County.

Multiple lawsuits have been filed on this issue by a variety of racial/ethnic and political interests. The cases were consolidated on February 28, 2001.

Most recently, MALDEF and its co-counsel, was forced to go to court to seek a Temporary Restraining Order to enforce the bilingual assistance provisions under the Voting Rights Act in Cook County, particularly in the City of Chicago. Because of the new balloting system, voters had to communicate with the election judges to finalize their ballots. If Spanish-speaking voters were not provided verbal assistance, they would not be able to cast an effective ballot. We were able to agree to some stop gap measures with the
City of Chicago for the March 19, 2002 primary election, and will continue with our lawsuit to compel full compliance with the Voting Rights Act. Defendants were granted a four month discovery extension.

Miner, Barnhill & Galland
Gesslar, Hughes, Socol, Piers, Resnick & Dym
ACLU
Co-Counsel

SA/3069 Balderas v. Texas, Nos. 6:01CV158 (U.S. Dist. Ct., E.D. Tex.), 01-1196 (U.S. S. Ct.).

We filed this federal redistricting case in April 2001 as it became clear that the Texas Legislature would adjourn its 2001 Session without enacting any statewide redistricting plans. After we defeated several motions to dismiss the case in July, 2001, this became the lead federal case in this round of statewide redistricting, and included parties representing Latinos, African Americans, the State Democratic Party, the State Republican party, political action committees, elected officials, political aspirants and concerned citizens. In October 2001, the federal panel of judges concluded that Texas was unable to create congressional, State House and State Senate redistricting plans in time for the 2002 election and moved the case to trial. We kicked off the two-week congressional redistricting trial, presenting a proposed remedial plan with two additional Latino-majority congressional districts in the state. Immediately following the congressional trial, the federal judges held a trial on the Senate plan and then held a trial on the House of Representatives plan. After the trials, the federal court created a congressional redistricting plan for the state that contained no additional Latino-majority districts and upheld the Senate redistricting plan that also failed to add any Latino-majority districts. The federal court did find that the Texas House of Representatives redistricting plan discriminated against Latinos and ordered the creation of 35 Latino voting age-majority districts -- the number that we had requested.

In December 2001, we filed an appeal to the United States Supreme Court of the federal court's orders with respect to the congressional and senate redistricting plans. We filed our Jurisdictional Statement in February 2002. The state and one intervenor filed
Motions to Affirm summarily, and we filed our Reply briefs in April 2002. The Supreme Court may summarily affirm the federal trial court’s decisions or note probable jurisdiction and hear the case in its next term.

Nina Perales  
Al Kauffman  
Leticia Saucedo  
MALDEF San Antonio Office

Denise Hulett  
Thomas A. Saenz  
MALDEF National Office

CH/3070  
Torres v. Lake County Bd., No. 01 C 6567 (U.S. Dist. Ct., N.D. Ill.).

In April 2002, the Lake County Board adopted a redistricting plan that fractured the Latino population into three districts in order to protect white incumbencies. This happened without an opportunity for public comment and despite MALDEF’s testimony prior to adoption, urging considerations of the growing Latino population and an opportunity for comment. As a result of the plan’s adoption, we filed a lawsuit for violation of both the Equal Protection Clause and Section 2 of the Voting Rights Act.

After filing our lawsuit, and after settlement discussions held by the judge, Lake County agreed to correct the Section 2 violations and to adopt our district for Waukegan. This district combines most of Waukegan into one district, which creates, for the first time, an opportunity for Latinos in Lake County to elect a candidate of choice to the County Board of Commissioners.

Maria Valdez  
MALDEF Chicago Office

CH/3071  
Winters v. Illinois State Bd. of Elections, No. 01 C 0796 (U.S. Dist. Ct., N.D. Ill.).

This case is a federal-court challenge to the Illinois statewide redistricting plan. We intervened to defend against a challenge to the Latino districts on the basis of political gerrymandering. This case was brought before a three-judge panel, which dismissed the case on the grounds that the plaintiffs failed adequately to allege due process and equal protection claims. Plaintiffs have filed an appeal to the U.S. Supreme Court.

Maria Valdez  
MALDEF Chicago Office

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As a result of our advocacy efforts, the Illinois redistricting commission adopted a map that included the Latino districts we proposed. The plaintiffs filed this legal challenge alleging: 1) the map was not compact, 2) the map was not politically fair, and 3) the map violated the Voting Rights Act. We sought and were granted leave to intervene as defendant-intervenors on November 6, 2001, in order to protect Latino interests. Trial began on January 14, 2002. On January 15, 2002, the court granted our motion for a directed verdict on the plaintiffs’ claims relating to Latino interests.

William Harte
Michael Kasper
Courtney Nottage
Larry Rodgers
U.S. Dept. of Justice
Lawyers’ Committee for Civil Rights
Under Law
Co-counsel

CH/3072 Cole-Randazzo v. Ryan, No. 92443, (Ill. S. Ct.).

This is a state court challenge to the state redistricting map adopted by the Illinois Redistricting Commission. Plaintiffs maintain that the map must be rejected because it is not sufficiently compact. We sought and were denied intervention. However, we were granted leave to file an *amicus curiae* along with the African-American Group on Reapportionment, arguing that plaintiffs’ claim failed to recognize the myriad of factors, particularly compliance with the Voting Rights Act, that must be considered in determining the validity of a redistricting map. The Illinois Supreme Court issued its opinion on November 28, 2001, holding that “districts need to only be reasonably compact” and that maximum compactness or perfection is not required.

Maria Valdez
Patricia Mendoza
MALDEF Chicago Office

SA/3073 Del Rio v. Perry, No. GN 003665 (Travis County Dist. Ct.).

We intervened, on behalf of American GI Forum, in these two state court redistricting cases filed by Democrats in Austin, Texas. Plaintiffs asked the Austin state court to create a congressional redistricting plan for Texas. During the two-week trial of the case in September 2001, we presented the case for creating an additional Latino-majority congressional district in South Texas and an additional Latino-majority
congressional district in Dallas. The state court created no new Latino-majority districts in its final congressional redistricting plan, which was vacated by the Texas Supreme Court on October 19, 2001. At that point, the federal court had taken up redistricting (see case 3069 above), so this case did not continue.

Nina Perales
Al Kauffman
Leticia Saucedo
MALDEF San Antonio Office

Steven J. Reyes
MALDEF Los Angeles Office

Denise Hulett
Thomas A. Saenz
MALDEF National Office


We filed this original action on behalf of American GI Forum in Edinburg, Texas on July 25, 2001, seeking a congressional redistricting plan that would not dilute the voting strength of Latinos in Texas. The case was unable to proceed to trial in Edinburg when the Texas Supreme Court ruled on September 12, 2001 that dominant jurisdiction for congressional redistricting cases lay in the Travis County state court (see case 3075 below).

Nina Perales
MALDEF San Antonio Office

SA/3075  Associated Republicans of Texas v. Cuellar, No. GN 2001-26894 (Harris County Dist. Ct.).

We intervened to protect the interests of Latino voters in these two state court redistricting cases filed by Republicans in Houston, Texas. The plaintiffs asked the Houston state court to create a congressional redistricting plan for Texas and also to declare that the Senate and Texas House of Representatives redistricting plans enacted by the Legislative Redistricting Board were legal. On behalf of the American GI Forum of Texas, we successfully moved to dismiss, for lack of jurisdiction, the state legislative claims
in the case. In September, 2001, the Texas Supreme Court decided that dominant jurisdiction for congressional redistricting cases lay in Travis County and the cases did not proceed.

Nina Perales
MALDEF San Antonio Office

Denise Hulett
MALDEF National Office

NT/3077  Cano v. Davis, CV 01-08477 MMM (U.S. Dist. Ct., C.D. Cal.).

Soon after California adopted its congressional and legislative redistricting maps, we filed this challenge to congressional district lines in two areas – the San Fernando Valley area of Los Angeles County and San Diego County – and to State Senate district lines in southeast Los Angeles County. The complaint alleges that the state intentionally discriminated by splitting the Latino community in the San Fernando Valley between two districts when the Latino community had previously been united in one district, which had become a Latino-majority district; we argue that this move was made to protect white incumbents in the two districts from any potentially successful Latino primary challenger. We also argue that the state intentionally discriminated in San Diego County by lopping off Latino areas from a district in order to ensure that the white incumbent would not face the prospect of a successful Latino primary challenge. We also argue that the state violated Section 2 of the Voting Rights Act by failing to create a Latino-majority congressional district in the San Fernando Valley and failing to create an additional Latino-majority State Senate seat in southeast L.A. County.

We moved for a temporary restraining order (TRO) to bar the March 2002 primary election from going forward under the challenged lines. The three-judge panel heard argument on October 31, 2001. In November, the panel denied the TRO, but recognized that our papers raised serious questions. We successfully defeated motions to dismiss and to abstain. Discovery has gone forward despite continuous state attempts, some of them successful, to foreclose discovery on the basis of legislative privilege. The state has filed motions for summary judgment, to be heard in May 2002. Trial is scheduled for July 2002.

Denise Hulett
Thomas A. Saenz
Maria Blanco
Vibiana Andrade
MALDEF National Office

Steven J. Reyes
MALDEF Los Angeles Office
Polish American Congress v. City of Chicago, No. 02 C 1477 (U.S. Dist. Ct., N.D. Ill.).

The Polish American Congress filed this challenge to the 30th aldermanic ward in the City of Chicago on the basis that it unfairly dilutes Polish American voting strength. The district in dispute is a Latino majority district. We have sought to intervene as defendants to protect the interests of Latino voters.

Maria Valdez
Patricia Mendoza
MALDEF Chicago Office

Arizona Minority Coalition for Fair Redistricting v. Arizona Indep. Redistricting Comm’n, No. 2002-004380 (Maricopa County Superior Ct.).

We filed a motion to intervene in this action on behalf of several Latino voters on March 29, 2002. We moved to intervene when another action, Ricarte v. Arizona Indep. Redistricting Comm’n, No. 2002-004882, was filed. That case was consolidated with this previously-filed case. The Ricarte plaintiffs challenge the only Latino-majority congressional district in the Arizona plan. The district, which has a bare Latino majority in the voting-age population, has a Latino incumbent. The Ricarte plaintiffs assert that the redistricting plan unlawfully concentrates Latinos in this district and fails to create enough competitive district. Their obvious desire is to shift Latino voters to other districts to give Democrats a greater chance of winning those districts. We intervened to defend the Latino district.

Nina Perales
MALDEF San Antonio Office

Steven J. Reyes
MALDEF Los Angeles Office

Thomas A. Saenz
MALDEF National Office
 TITLE IV: IMMIGRANTS’ RIGHTS

SA/4036 In the Matter of Rodolfo Balderas Martinez, (Exec Office of Immigration Review, San Antonio)

In September 1998, we served as amicus on behalf of Rodolfo Balderas Martinez, who had been placed in deportation proceedings as a result of the expanded “aggravated felony” definition created by the IIRIRA. In our brief, we argued that Balderas was not deportable because the underlying plea in his criminal case had been withdrawn and his conviction vacated by the state district judge with jurisdiction over the case. In November 1998, we prepared private counsel’s oral argument for Balderas’ hearing. Having reviewed the briefs and counsel’s oral arguments, the immigration judge ruled that Balderas was not deportable.

INS appealed the case to the Board of Immigration Appeals (BIA). In March 2002, we received the transcript and briefing schedule from the BIA. The INS brief is due April 3, 2002. Our brief is due May 3, 2002.

Rolando Rios, Esq
Co-counsel
MALDEF San Antonio Office

LA/4044 Rodriguez v United States, No CV 99-11821 CBM (U S Dist Ct, C D Cal)

The five plaintiffs in this action are family members whose Oxnard home was invaded by INS officers in the early morning of November 16, 1998. Border Patrol agents, who were searching for someone who does not live in the residence without a warrant. The agents treated the entire family with tremendous disrespect, yelling at and intimidating all members of the family who tried to exclaim their innocence. The family’s 10-year old daughter was particularly traumatized by the experience.

Seeking to deter such INS abuses, we filed an administrative claim for damages against the federal government. The INS is investigating the claim. On November 24, 1999, we filed this federal-court action against the individual officers, whose names were then unknown, seeking damages for violation of the family’s constitutional rights.

The INS denied the family’s administrative claims for damages in March 2000. In April 2000, we amended the complaint to include claims under the Federal Tort Claims Act against the United States for the actions of the INS officers. Prior to the inclusion of the United States in the suit, the INS continually refused our requests to disclose the names of the INS officers involved in the raid and to disclose the results of their investigation of the raid. Once it was added as a party to the suit, the United States still refused to provide the information through discovery.
Facing our threat of court intervention, in September 2000 the United States finally disclosed the names of the INS officers involved in the raid, and their reports of their investigation into the raid. We amended the complaint in December 2000, adding the true identities of the INS officers. We currently are attempting to serve the individual officers, and we are continuing to conduct discovery.

We have retained Fried, Frank to serve as co-counsel. We are about to conclude discovery. However, based on what we have learned during discovery, which suggests a systemic problem, we are contemplating an amendment to the complaint to state a claim against the United States for its failure to provide necessary procedures and guidelines to prevent unconstitutional searches and seizures. Finally, we have retained an expert to prepare a psychiatric report detailing the trauma suffered by plaintiffs as a result of their unlawful detention. Trial is currently set for September 3, 2002.

Fried, Frank, Harris, Shriver & Jacobson
Hector O Villagra
Belinda Escobosa Helzer
Co-counsel
MALDEF Los Angeles Office

In late 1998, the City of Norcross adopted an ordinance prohibiting signs not primarily in the English language. This ordinance was challenged in federal district court as violating the free speech and due process rights of establishments using non-English signs. *Covarrubias v City of Norcross* (N D Ga, Mar 18, 1999) The City repealed the ordinance in May of 1999. Less than one month later, Norcross adopted yet another ordinance that again prohibited the use of a language other than English in signs unless the owner of the sign met certain onerous conditions.

Rev. Carlos Guevara was cited for having a sign at his church, in Spanish, inviting people to attend a religious revival. In January 2000, MALDEF, along with the ACLU of Georgia, filed suit contesting the constitutionality of the Norcross ordinance. The claims in the original complaint included First Amendment claims of free speech and freedom of religion, an equal protections claim based on national origin discrimination and a first amendment and due process claim alleging vagueness and overbreadth. Sometime after the filing of the complaint, Rev. Guevara ceased being the pastor of the Hispanic Wesleyan Church, and he moved out of Norcross, though he continues to run a tax preparation business in Norcross.

In November 2001, the court granted summary judgment to the defendants, stating that Rev. Guevara's claims were moot because he is no longer the pastor at the church. We appealed that ruling. In its discussion, the trial court assumed, without deciding, that Rev. Guevara had standing to pursue his claims, but held that because of the change in circumstances, his claims had become moot. However, the original complaint asked for
nominal damages, and Rev. Guevara is entitled to have his case heard. For that reason, we appealed the decision. The appeal will address both standing and mootness issues. A settlement conference is scheduled for April 16, 2002.

ACLU of Georgia Patricia Mendoza
Albert Bolet Hipolito MALDEF Chicago Office
Goico Goico & Bolet
Asian Pacific American Bar Association Co-counsel

SA/4052   Lopez v City of Rogers, Arkansas, No 01-5061 (U S Dist Ct, W D Ark)

The Rogers, Arkansas Police Department has implemented a policy, or pattern and practice of stopping, detaining and questioning Latinos living or traveling in the City in an effort to enforce federal immigration law. We believe that the police department is engaging in racial profiling aimed at Latino newcomers who have increasingly made their home in this part of the state. Plaintiffs are a married couple and an individual who in separate incidents were stopped by the police and questioned about their immigration status. We filed this class action in federal court on March 23, 2001, and seek declaratory and injunctive relief, as well as damages.

Intense discovery and depositions were conducted over the course of the summer of 2001. In August 2001, we filed our motion for class certification with extensive documentation. In September, defendants moved for partial summary judgment on our claim for injunctive relief. We moved to amend our complaint to add two new plaintiffs, and for a protective order to prevent deposition questioning related to immigration status. Further discovery requests were served in October by both sides, and disputes emerged regarding defendants’ refusal to offer dates for the scheduling of further depositions and defendants’ inadequate response to discovery requests. We moved the court for leave to conduct more than 10 depositions. We also obtained permission from the U.S. Department of Justice to depose two INS agents who worked closely with the Rogers Police Department. Defendants moved to quash our October deposition notice.

With these motions pending and disputes unresolved, the defendant Mayor of Rogers was called up for military service as a member of the Arkansas National Guard. Defendants moved for a stay under the Soldiers and Sailors Civil Relief Act. We opposed the stay arguing that the Mayor would not be materially prejudiced in his defense if the proceeding, particularly discovery already initiated, were allowed to continue. After a hearing on the motion, the Court stayed all proceedings under the Soldiers and Sailors Civil Relief Act until the Mayor’s return from his tour of duty. The Mayor is expected to return in July 2002.
In February 2002, we met with opposing counsel to open up settlement discussions. We plan to meet again in April with concrete proposals on our part for settlement.

Gary Kennan, Esq
Co-counsel
MALDEF San Antonio Office

We filed a complaint with the Office for Civil Rights of the United States Department of Health and Human Services on behalf of a woman who was effectively denied visitation with her daughter. The residential facility where the daughter is placed, Indian Oaks Academy, has not attempted to utilize any interpreter services and does not have bilingual staff. The facility is mandated, both under Title VI and under its licensing agreement with the Illinois Department of Children and Family Services, to provide services in a minor’s primary language.

OCR provided technical assistance to help the Academy develop an effective policy statement to ensure that persons with Limited English Proficiency ("LEP") are provided interpretation services in all situations, including monitored visitations. The Academy voluntarily developed and disseminated the policy, which states that interpreters will be provided free of charge for communication between the staff and LEP residents or visitors.

Rene Heybach
Chicago Coalition for The Homeless
Co-counsel

Patricia Mendoza
MALDEF Chicago Office

NT/4061 Society of Saint Vincent de Paul of Santa Clara County v. City of Los Altos, No. C 02-00847 PVT (U.S. Dist. Ct., N.D. Cal.).

Together with pro bono co-counsel, we filed this action on February 19, 2002 on behalf of the former operator of a day labor hiring center and a commission of day laborers, to challenge a Los Altos ordinance prohibiting day laborers from soliciting work on public sidewalks. We challenge the ordinance as a violation of the First Amendment. The ordinance is very similar to the Los Angeles County ordinance we challenged successfully in CHIRLA v. Burke, 2000 U.S. Dist. LEXIS 16520. This case originally was to challenge an ordinance from the neighboring city of Mountain View as well, but after we threatened to file suit and identified the similarities to the CHIRLA case, the Mountain View city council repealed that ordinance. Los Altos refused to repeal its ordinance. We
are attempting to convince Los Altos at least to stipulate to a preliminary injunction in light of the virtually indistinguishable CHIRLA case.

Morrison & Foerster
Co-counsel

Thomas A. Saenz
MALDEF National Office

Belinda Escobosa Helzer
MALDEF Los Angeles Office

SA/4062 Hoffman Plastic Compounds, Inc. v. NLRB, No. 00-1595 (U.S. S. Ct.).

Together with several other employment and immigrant advocacy organizations, we filed an amicus brief in this case in support of the National Labor Relations Board's position that an undocumented worker who was fired for his organizing activities in violation of the National Labor Relations Act is entitled to back pay for the period that the employer did not know about his immigration status. The Supreme Court heard argument in January 2002. In a 5-4 decision, the Supreme Court decided against the undocumented worker on March 27, 2002.

Leticia Saucedo
Joe Berra
MALDEF San Antonio Office

LA/4064 Gebin v. Mineta, No. CV 02-493 RMT (U.S. Dist. Ct., C.D. Cal.).

This case, filed on January 17, 2002, challenges the citizenship requirement of the Aviation Transportation and Security Act, which was signed into law on November 19, 2001. One of the act's primary purposes is to place the federal government squarely in control of aviation security by ending the role of the airlines in the operation of screening checkpoints and providing for the creation of a federal screener workforce. Under the act, to be eligible for employment as a screener, an applicant must, among other things, be a citizen of the United States. Consequently, thousands of lawful permanent residents who are employed as airport screeners will be summarily fired from their jobs without any determination whether their continued employment would reasonably pose a security risk. Many of these people, however, have worked for years as screeners, and have spotless work histories. Some are in the process of becoming citizens, and some have even served in the U.S. military. On April 1, 2002, the government filed a motion to dismiss. The motion is set to be heard on June 3.

ACLU Foundation of Southern Cal.
Co-counsel

Belinda Escobosa Helzer
Hector O. Villagra
MALDEF Los Angeles Office
Our client, a long time permanent resident, pled guilty to one count of transporting an illegal alien in June of 1996. Medina accepted the charge with the understanding that, at the time of his plea, the conviction would not make him deportable, and that, in any event, other avenues of relief might be available to him.

In 1998, the Immigration and Naturalization Service (INS) decided to apply retroactively an interpretation of a September 1996 immigration law that made Mr. Medina deportable. Moreover, under the new definition of “aggravated felony,” the immigration judge ruled that Medina is not eligible for any form of relief, and that the new law had retroactively eliminated the previously-available “212(c)” relief. Medina tried to challenge the constitutionality of the way the new law was being applied in his case, but the Fifth Circuit denied his first habeas petition under the interpretation that the new law had removed federal court habeas jurisdiction in cases like his.

In July 2001, the Supreme Court held in *INS v. St. Cyr*, 121 S. Ct. 2271 (2001), that federal courts retain habeas jurisdiction in cases like Medina’s, and also that the retroactive elimination of 212(c) relief is improper for those who pled in reasonable reliance on the availability of that relief.

In February 2002, we filed, with local attorney Rolando Rios, a habeas corpus action on behalf of Medina, who was scheduled to be deported on February 11. Medina’s wife is a recently naturalized U.S. citizen, and he has two U.S. citizen daughters, all of whom he supports. We sought and obtained a Temporary Restraining Order, preventing his deportation. We also filed an emergency motion to reopen before the Board of Immigration Appeals. In each action, we sought relief in the form of reopening his immigration case in order to allow him to apply for relief from deportation under the Supreme Court decision in *St. Cyr*. The INS opposed the application of *St. Cyr*, and Medina’s ultimate eligibility for relief.

The TRO was extended twice to allow for briefing of the issues, including those raised by respondents’ motion to dismiss. In preparation of a preliminary injunction hearing, respondents agreed to stay Medina Remigio’s deportation and we agreed to dismiss the habeas action while the motion before the Board is pending. The Board is preparing a regulation on *St. Cyr*, and we plan to use this case to argue for a liberal interpretation and application of *St. Cyr* to cases of immigrants who were denied due process.

In February, we also filed for the spouse, Oralia Medina, an I-130 petition with her husband as beneficiary, to allow Medina an alternative form of relief should his case be
reopened. The petition was approved in April 2002. We now plan to seek the non-
opposition of INS to a motion to reopen based on this alternative form of relief.

Rolando Rios, Esq.  Joe Berra
Co-counsel  MALDEF San Antonio Office
TITILE V: PUBLIC RESOURCE EQUITY

CH/5022  Burgos v. McDonald, No. 75 C 3974 (U.S. Dist Ct, N.D. Ill)

In 1975, plaintiffs filed a class action lawsuit under Title VI challenging the failure of the Department of Children and Family Services (DCFS) to address adequately the needs of Spanish speakers. Plaintiffs were represented by the Legal Assistance Foundation of Chicago (LAF).

A consent decree was entered on January 10, 1977. The decree required DCFS and its vendors to provide child welfare services in Spanish to Latino clients whose primary language is Spanish, requires children with Spanish-speaking parents to be placed with Spanish-speaking foster parents, unless a waiver has been signed, and requires individual or general written communications to Spanish-speaking clients to be in Spanish.

Contempt petitions were filed in 1979 and 1987 and resolved by supplemental agreements. In March 1992, the judge ordered the appointment of an independent monitor to review DCFS compliance.

On December 17, 1993, the monitor filed a report with the court making a number of recommendations concerning compliance with provisions, including the appointment of a new independent monitor who could review progress and ensure compliance for the next 18 months. A long transition period ensued, and finally in September 1995, a new monitor was appointed. In January 1996, the new monitor began a full review of DCFS compliance. The monitor completed her report and recommendations regarding DCFS compliance in early 1998. The report has not yet been filed with the court. It has however served as the catalyst for DCFS and MALDEF to agree to move from a court monitor to an implementation consultant who will assist DCFS in implementing the changes necessary to bring the department into compliance with the consent decree.

By agreed order, on November 12, 1999, the Court Monitor's Report of 1997 was filed in District Court along with a jointly developed workplan. The workplan was designed to implement the recommendations made in the 1997 Court Monitor's Report. Indicators and time lines by which IDCFS is to comply with specific provisions outlined in the Workplan have been developed.

Under both the Burgos Consent Decree and the 1991 Agreed Order, IDCFS has to provide monthly reports on an array of information. Given the amount and significance of the data provided, we have decided to work jointly in reviewing the current reporting system in order to make the reporting process more streamline and timely.

Over the last year, we have received numerous complaints from Latino parents and court staff concerning the rights and treatment of Latinos within the juvenile court system.
and the seeming disregard for the *Burgos* provisions. For this reason, defense counsel agreed to set up meetings between us and Cook County and collar county court personnel. These meetings took place over the course of several months. Present at each of these meetings were the juvenile court judges, public defenders, guardians ad litem, court appointed special advocates, and assistant state's attorneys.

Patricia Mendoza
MALDEF Chicago Office

NT/5027  Proyecto Pastoral v. County of Los Angeles, Nos CV 98-0832 NMM (U.S. Dist Ct, C.D. Cal), 00-55955 (U.S. Ct. App., 9th Cir.)

In February 1997, the Los Angeles County Board of Supervisors voted 3-2 to distribute the funds that would have gone to a defunct county program, Community Youth Gang Services, in five equal parts to each of the supervisors to distribute as they see fit to gang prevention programs within their districts. While the Board pledged to develop a mechanism to distribute these funds countywide on the basis of need, it has not changed the allocation system. Because the gang problem is not distributed evenly among the five supervisorial districts, the adopted system, which seems to have been dictated more by parochial politics than rational policy, has a discriminatory effect on those districts with the greatest need. The Board majority did not change its policy even after we sent a strongly-worded letter protesting the allocation decision.

As a recipient of federal funds, the County must comply with Title VI of the Civil Rights Act and its implementing regulations. These regulations prohibit the adoption of policies with a discriminatory effect on particular racial/ethnic groups. Latinos and African Americans are more heavily represented in the supervisorial districts with the greatest need for gang prevention services. In order to prevent the County from continuing to allocate these important funds in such a discriminatory manner, on February 3, 1998, we filed a federal-court lawsuit challenging the Board's allocation as a violation of the Title VI regulations. Our clients are two organizations serving the Latino and African American communities in areas with gang prevalence—Proyecto Pastoral at Dolores Mission and the Southern Christian Leadership Conference of Greater Los Angeles.

The County filed its answer in April 1998. We engaged in several initial meetings about the possibility of settlement, to no avail. The County retained outside counsel to defend it. After two successive transfers of the case to newly-appointed district court judges, we moved through discovery toward trial. At the close of discovery, the County filed a motion for summary judgment. We opposed the motion. However, acting on its own accord, the district court twice continued the motion on the eve of scheduled oral argument. As a consequence, the motion, which was originally set for hearing in late August 1999, was not heard until April 10, 2000. On April 12, 2000, the court granted the County's motion, holding that our plaintiffs lack standing to challenge the distribution the gang prevention funds.
We filed an appeal on May 11, 2000. Briefing was completed in the fall of 2000. A Ninth Circuit panel heard oral argument on October 15, 2001. Less than three weeks later, the court issued a brief, unpublished decision affirming the district court’s grant of summary judgment in favor of the County.

Thomas A. Saenz
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CH/5033 In Re: Interest of Z. Minors, No. 2-00-1305, (Ill. App. Ct., 2d Dist.).

This case involves a monolingual, Mexican national who is the non-custodial parent of two children within the Illinois child welfare system who were placed in a non-Spanish speaking foster home and whose mandated therapy sessions were conducted solely in English. Both of these acts violate the Burgos consent decree (see case 5022 above), which requires language appropriate placements, language determination, and access to a wide range of services in Spanish. In addition, the welfare agency failed to notify the local Consulate’s office that a guardian had been appointed for the children of a Mexican national.

In December 2000, the juvenile court judge changed the permanency goal from “return home” to long-term foster placement despite both Mr. Z.’s satisfactory completion of all service requests by the child welfare agency and the recommendations of various therapists and the Illinois Department of Children and Family Services (DCFS) caseworker. Mr. Z. appealed the denial of the motion to return his children to him.

We filed an amicus brief in support of his appeal raising the Burgos violations and the failure to provide consular notice, which we argued violated Articles 37 and 38 of the Vienna Convention on Consular Relations.

In August 2001, before a decision was rendered on this matter, the Illinois Appellate Court for the Second District issued a decision in In Re: A.M., holding that a change in the permanency goal was not a final order and, therefore, not appealable. Relying on that decision, the appellate court dismissed Mr. Z.’s appeal for lack of jurisdiction.

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TITLE VI: ACCESS TO JUSTICE

CH/6019 Chavez v Illinois State Police, No 94 C 5307 (U S Ct App, 7th Cir )

Together with the Chicago Lawyers’ Committee for Civil Rights Under Law, we filed an amicus brief in support of the plaintiffs’ petition for a writ of mandamus to compel the Illinois Secretary of State to produce requested information.

The original suit, filed in the Northern District of Illinois through the ACLU, challenges the practice of the Illinois State police of making unlawful automobile stops, searches and detentions based on the race of the driver. Initial statistical data gathered by the plaintiffs indicated that an abnormally high percentage of African American and Latino drivers were being detained. In order to collect more accurate data, the plaintiffs sought third party discovery from the Illinois Secretary of State requesting information regarding licensed Illinois drivers. The Secretary of State refused to release the social security numbers of the drivers, and would only deliver a list of licensed drivers upon an advance payment of over $160,000. When the district court upheld the Secretary of State’s position on both issues, the plaintiffs appealed and MALDEF filed the amicus brief.

In our brief, we argued that the Secretary of State was charging the plaintiffs the retail cost of the information rather than the $500 that is prescribed in the Illinois Administrative Code. The Code specifies that for information provided to governmental agencies or for governmental purposes, the charge for the requested information is $500. Since the district court ordered the Secretary of State to produce the requested information and the information was to be used in furthering the public interest, we argued that the payment demanded by the Secretary of State violated the clear language of the statute and the accompanying code. The Secretary of State also cited privacy concerns to justify refusing to provide the drivers’ social security numbers. However, the federal statute governing privacy allows release of information from motor vehicle records, including a driver’s social security number, as long as it is used in connection with a civil proceeding in any state or federal court. The Secretary of State’s refusal thus violates the plain language of the federal statute.

The brief was filed in February 1999. Meanwhile, the trial court dismissed the case on summary judgment, holding that 1) the plaintiffs failed to bring forth similarly situated white persons to say that they drove on the same highways as the plaintiffs but they were not stopped and detained, and 2) the class action claim was dismissed because the named plaintiffs did not have injunctive standing. As a result of this holding, the ACLU elected to withdraw its petition for review from the Seventh Circuit and instead appealed the trial court’s dismissal.

We then joined as amicus curiae, along with the Lawyer’s Committee, in the appeal. The trial court’s decision limits the ability of individuals to bring lawsuits and to demonstrate
"similarly situated" through the use of statistical data. This decision directly affects both disparate treatment and disparate impact analysis, as well as injunctive standing issues.

The 7th Circuit issued its opinion on May 23, 2001, affirming the district court’s holding. The Court held in part that: (1) the Court lacked jurisdiction to review claims that were voluntarily dismissed; (2) the failure to rule on class certification before granting summary judgment dismissing equal protection claims was not reversible error; (3) the refusal to allow the joinder of a new plaintiff was within the court’s discretion; (4) the motorists could potentially use statistics to show the requisite discriminatory effect of State police conduct to support equal protection claims; but (5) the statistics relied on were inadequate to show such an effect; (6) the motorists in any event failed to show requisite discriminatory intent; (7) the allegations failed to state a claim for a violation of the constitutionally protected right to travel; and (8) the coordinator of unit was not subject to supervisory liability under section 1983.

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