See a Social Security Number? Say Something!
Report Privacy Problems to https://public.resource.org/privacy
Or call the IRS Identity Theft Hotline at 1-800-908-4490
### Form 990

**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

#### A

For the 2002 calendar year, or tax year beginning MAY 1, 2002, and ending APRIL 30, 2003

- Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ)

G Web site ▶ www.maldef.org

J Organization type (check only one) ▶ 501(c)(3) or 4947(a)(1) or 527

K Check here ▶ if the organization's gross receipts are normally not more than $25,000. The organization need not file a return with the IRS but if the organization received a Form 990 Package in the mail, it should file a return without financial data. Some states require a complete return

L Gross receipts: Add lines 6b, 8b, 9b, and 10b to line 12 ▶ 5,619,525

### Part I

**Revenue, Expenses, and Changes in Net Assets or Fund Balances (See page 17 of the instructions)**

1 Contributions, gifts, and similar amounts received
   a Direct public support ▶ 1a 3,818,884
   b Indirect public support ▶ 1b
   c Government contributions ▶ 1c
   d Total (add lines 1a, 1b, 1c, and 1d) ▶ 1d 3,818,884

2 Program service revenue (excluding government fees and contracts (from Part VII line 93)
   ▶ 2 682,025

3 Membership fees and assessments ▶ 3

4 Interest on savings and temporary cash investments ▶ 4 116,447

5 Dividends and interest from securities ▶ 5 82,496

6 Other investment income (describe ▶ 6
   a Gross rents ▶ 6a
   b Less rental expenses ▶ 6b 6c
   c Net rental income or (loss) (subtract line 6b from line 6a)

7 Other investment income ▶ 7

8 Gross amount from sales of assets other than inventory [REALIZED LOSS]
   a Securities ▶ (212,327) 8a
   b Less cost or other basis and sales expenses ▶ 8b
   c Gain or (loss) (attach schedule) ▶ (212,327) 8c
   d Net gain or (loss) (combine line 8c columns (A) and (B)) ▶ 8d (212,327)

9 Special events and activities (attach schedule)
   a Gross revenue (not including $ ▶ 9a 1,041,549
   b Less direct expenses other than fundraising expenses ▶ 9b 153,353
   c Net income or (loss) from special events (subtract line 9b from line 9a)
   d Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)
   e Less cost of goods sold ▶ 10b 11c
   f Other revenue (from Part VII line 103)
   ▶ 11 90,451

12 Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11)
   ▶ 12 5,466,172

13 Program services (from line 44 column (B)) ▶ 13 5,704,274

14 Management and general (from line 44, column (C)) ▶ 14 180,361

15 Fundraising (from line 44 column (D)) ▶ 15 174,507

16 Payments to affiliates (attach schedule) ▶ 16

17 Total expenses (add lines 16 and 44 column (A)) ▶ 17 6,059,142

18 Excess or (deficit) for the year (subtract line 17 from line 12)
   ▶ 18 (592,970)

19 Net assets or fund balances at beginning of year (from line 73 column (A)) ▶ 19 11,363,059

20 Other changes in net assets or fund balances (attach explanation) [UNREALIZED LOSS]
   ▶ 20 (511,077)

21 Net assets or fund balances at end of year (combine lines 18, 19, and 20)
   ▶ 21 10,259,012

For Paperwork Reduction Act Notice, see the separate instructions

Form 990 (2002)
### Part II: Statement of Functional Expenses

All organizations must complete columns (A) Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) noneexempt charitable trusts but optional for others. (See page 21 of the instructions)

<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>49,500</td>
<td>49,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(cash $49,500, noncash $)</td>
<td></td>
<td></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>530,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other salaries and wages</td>
<td>2,768,053</td>
<td>2,533,035</td>
<td>235,018</td>
<td></td>
</tr>
<tr>
<td>Pension plan contributions</td>
<td>55,981</td>
<td>42,996</td>
<td>12,985</td>
<td></td>
</tr>
<tr>
<td>Other employee benefits</td>
<td>489,049</td>
<td>421,367</td>
<td>77,682</td>
<td></td>
</tr>
<tr>
<td>Payroll taxes</td>
<td>269,134</td>
<td>206,706</td>
<td>62,428</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>53,132</td>
<td>42,784</td>
<td>10,348</td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td>87,163</td>
<td>70,969</td>
<td>16,194</td>
<td></td>
</tr>
<tr>
<td>Postage and shipping</td>
<td>29,830</td>
<td>18,117</td>
<td>11,713</td>
<td></td>
</tr>
<tr>
<td>Occupancy</td>
<td>456,954</td>
<td>402,128</td>
<td>54,826</td>
<td></td>
</tr>
<tr>
<td>Equipment rental and maintenance</td>
<td>124,762</td>
<td>96,584</td>
<td>28,178</td>
<td></td>
</tr>
<tr>
<td>Printing and publications</td>
<td>127,664</td>
<td>116,567</td>
<td>11,097</td>
<td></td>
</tr>
<tr>
<td>Travel</td>
<td>91,116</td>
<td>71,257</td>
<td>19,859</td>
<td></td>
</tr>
<tr>
<td>Conferences conventions and meetings</td>
<td>40,004</td>
<td>6,760</td>
<td>33,244</td>
<td></td>
</tr>
<tr>
<td>Interest</td>
<td>30,320</td>
<td></td>
<td>30,320</td>
<td></td>
</tr>
<tr>
<td>Depreciation depletion etc (attach schedule)</td>
<td>170,215</td>
<td>129,655</td>
<td>40,560</td>
<td></td>
</tr>
<tr>
<td>MISC</td>
<td>42,121</td>
<td>18,537</td>
<td>23,584</td>
<td></td>
</tr>
<tr>
<td>DIRECT LITIGATION COSTS</td>
<td>201,231</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DUES &amp; SUBSCRIPTIONS</td>
<td>130,050</td>
<td>107,717</td>
<td>22,333</td>
<td></td>
</tr>
<tr>
<td>(SEE SCHEDULE $)</td>
<td>302,863</td>
<td>62,535</td>
<td>192,501</td>
<td>47,827</td>
</tr>
<tr>
<td>ALLOCATION COL. C INDIRECT</td>
<td>1,105,829</td>
<td>(1,232,509)</td>
<td>126,680</td>
<td></td>
</tr>
<tr>
<td>Total expenses (sum lines 2 through 43) Organizing columns (B)-(D), carry</td>
<td>6,059,142</td>
<td>5,704,274</td>
<td>180,361</td>
<td>174,507</td>
</tr>
<tr>
<td>these totals to lines 13-15</td>
<td></td>
<td></td>
<td></td>
<td></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? [ ] Yes [x] No

**Program Service Accomplishments**

(See page 24 of the instructions)

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

Program Service Expenses
- Required for 501(c)(3) and (4) organizations and noneexempt charitable trusts but optional for others

- **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) 2,897,738

- **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, AND PUBLIC RESOURCE EQUITY
  - (Grants and allocations $0) 1,650,494

- **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 $49,500) 1,156,042

- Other program services (attach schedule)
  - (Grants and allocations $)

**Total of Program Service Expenses** (should equal line 44, column (B) Program services)
- 5,704,274
### Part IV Balance Sheets

#### Note
Where required, attached schedules and amounts within the description column should be for end-of-year amounts only.

<table>
<thead>
<tr>
<th>Item</th>
<th>(A) Beginning of year</th>
<th>(B) End of year</th>
</tr>
</thead>
<tbody>
<tr>
<td>45 Cash - non-interest-bearing</td>
<td>4,100</td>
<td>3,672</td>
</tr>
<tr>
<td>46 Savings and temporary cash investments</td>
<td>2,701,247</td>
<td>983,063</td>
</tr>
<tr>
<td>47a Accounts receivable</td>
<td>561,659</td>
<td></td>
</tr>
<tr>
<td>b Less allowance for doubtful accounts</td>
<td>0</td>
<td>561,659</td>
</tr>
<tr>
<td>48a Pledges receivable</td>
<td>48a</td>
<td></td>
</tr>
<tr>
<td>b Less allowance for doubtful accounts</td>
<td>48c</td>
<td></td>
</tr>
<tr>
<td>49 Grants receivable</td>
<td>1,101,755</td>
<td>1,602,250</td>
</tr>
<tr>
<td>50 Receivables from officers, directors, trustees and key employees (attach schedule)</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>51a Other notes and loans receivable (attach schedule)</td>
<td>51a</td>
<td></td>
</tr>
<tr>
<td>b Less allowance for doubtful accounts</td>
<td>51b</td>
<td>51c</td>
</tr>
<tr>
<td>52 Inventories for sale or use</td>
<td>52</td>
<td></td>
</tr>
<tr>
<td>53 Prepaid expenses and deferred charges</td>
<td>48,019</td>
<td>117,759</td>
</tr>
<tr>
<td>54 Investments - securities (attach schedule)</td>
<td>8,061,271</td>
<td>7,322,018</td>
</tr>
<tr>
<td>55a Investments - land, buildings, and equipment basis</td>
<td>1,418,232</td>
<td></td>
</tr>
<tr>
<td>b Less accumulated depreciation (attach schedule)</td>
<td>55b</td>
<td>55c</td>
</tr>
<tr>
<td>56 Investments - other (attach schedule)</td>
<td>56</td>
<td></td>
</tr>
<tr>
<td>57a Land buildings, and equipment basis</td>
<td>1,205,338</td>
<td>212,894</td>
</tr>
<tr>
<td>b Less accumulated depreciation (attach schedule)</td>
<td>57b</td>
<td>57c</td>
</tr>
<tr>
<td>58 Other assets (describe DUE FROM AFFILIATE)</td>
<td>297,124</td>
<td>249,310</td>
</tr>
<tr>
<td>59 Total assets (add lines 45 through 58) (must equal line 74)</td>
<td>13,052,884</td>
<td>11,052,625</td>
</tr>
<tr>
<td>60 Accounts payable and accrued expenses</td>
<td>235,194</td>
<td>288,032</td>
</tr>
<tr>
<td>61 Grants payable</td>
<td>61</td>
<td></td>
</tr>
<tr>
<td>62 Deferred revenue</td>
<td>9,338</td>
<td>0</td>
</tr>
<tr>
<td>63 Loans from officers, directors, trustees, and key employees (attach schedule)</td>
<td>63</td>
<td></td>
</tr>
<tr>
<td>64a Tax-exempt bond liabilities (attach schedule)</td>
<td>64a</td>
<td></td>
</tr>
<tr>
<td>b Mortgages and other notes payable (attach schedule)</td>
<td>531,920</td>
<td>509,581</td>
</tr>
<tr>
<td>65 Other liabilities (describe FIDUCIARY/CUSTODIAL ACCOUNTS)</td>
<td>913,373</td>
<td>0</td>
</tr>
<tr>
<td>66 Total liabilities (add lines 60 through 65)</td>
<td>1,689,825</td>
<td>793,613</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrestricted</td>
<td>4,252,769</td>
</tr>
<tr>
<td>Temporarily restricted</td>
<td>5,201,996</td>
</tr>
<tr>
<td>Permanently restricted</td>
<td>1,908,294</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital stock, trust principal, or current funds</td>
<td>70</td>
</tr>
<tr>
<td>Paid-in or capital surplus or land, building, and equipment fund</td>
<td>71</td>
</tr>
<tr>
<td>Retained earnings, endowment, accumulated income, or other funds</td>
<td>72</td>
</tr>
</tbody>
</table>

#### Total net assets or fund balances (add lines 67 through 69 or lines 70 through 72)

<table>
<thead>
<tr>
<th>Column (A) must equal line 19</th>
<th>Column (B) must equal line 21</th>
</tr>
</thead>
<tbody>
<tr>
<td>11,363,059</td>
<td>10,259,012</td>
</tr>
</tbody>
</table>

#### Total liabilities and net assets / fund balances (add lines 66 and 73)

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>13,052,884</td>
</tr>
</tbody>
</table>

---

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 page 26 of the instructions)

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Total revenue, gains, and other support per audited financial statements</td>
<td>$4,721,018</td>
</tr>
<tr>
<td>b</td>
<td>Amounts included on line a but not on line 12, Form 990</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1) Net unrealized gains on investments</td>
<td>(511,077)</td>
</tr>
<tr>
<td></td>
<td>(2) Donated services and use of facilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(3) Recoveries of prior year grants</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(4) Other (specify)</td>
<td></td>
</tr>
<tr>
<td>NOTE A</td>
<td>$ (387,430)</td>
<td></td>
</tr>
</tbody>
</table>

Add amounts on lines (1) through (4) = $ (898,507)  

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>c</td>
<td>Line a minus line b</td>
<td>$5,619,525</td>
</tr>
<tr>
<td>d</td>
<td>Amounts included on line 12, Form 990 but not on line a</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1) Investment expenses not included on line 6b, Form 990</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2) Other (specify)</td>
<td></td>
</tr>
<tr>
<td>NOTE B</td>
<td>$ (153,353)</td>
<td></td>
</tr>
</tbody>
</table>

Add amounts on lines (1) and (2) = (153,353)  

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>e</td>
<td>Total revenue per line 12, Form 990</td>
<td>$5,466,172</td>
</tr>
</tbody>
</table>

### Part IV-B Reconciliation of Expenses per Audited Financial Statements with Expenses per Return

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Total expenses and losses per audited financial statements</td>
<td>$6,077,653</td>
</tr>
<tr>
<td>b</td>
<td>Amounts included on line a but not on line 17, Form 990</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1) Donated services and use of facilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2) Prior year adjustments reported on line 20, Form 990</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(3) Losses reported on line 20, Form 990</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(4) Other (specify)</td>
<td></td>
</tr>
<tr>
<td>NOTE B</td>
<td>$ 153,353</td>
<td></td>
</tr>
</tbody>
</table>

Add amounts on lines (1) through (4) = 153,353  

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>c</td>
<td>Line a minus line b</td>
<td>$5,924,300</td>
</tr>
<tr>
<td>d</td>
<td>Amounts included on line 17, Form 990 but not on line a</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1) Investment expenses not included on line 6b, Form 990</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2) Other (specify)</td>
<td></td>
</tr>
<tr>
<td>NOTE C</td>
<td>$ 134,844</td>
<td></td>
</tr>
</tbody>
</table>

Add amounts on lines (1) and (2) = 134,844  

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>e</td>
<td>Total expenses per line 17, Form 990</td>
<td>$6,059,144</td>
</tr>
</tbody>
</table>

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

<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 N/A)</th>
<th>(D) Contributions to employee benefit plans &amp; deferred compensation</th>
<th>(E) Expense account and other allowances</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANTONIA HERNANDEZ</td>
<td>PRESIDENT</td>
<td>40+ HRS.</td>
<td>160,000</td>
<td>6,400</td>
</tr>
<tr>
<td>VIBIANA M. ANDRADE</td>
<td>VICE PRES</td>
<td>40+ HRS.</td>
<td>100,000</td>
<td>4,000</td>
</tr>
<tr>
<td>THOMAS A. SAENZ</td>
<td>VICE PRES</td>
<td>40+ HRS.</td>
<td>95,000</td>
<td>3,600</td>
</tr>
<tr>
<td>ROBERT HETTINGER</td>
<td>VICE PRES</td>
<td>40+ HRS.</td>
<td>85,000</td>
<td>2,667</td>
</tr>
<tr>
<td>RAFAEL RAMIREZ</td>
<td>VICE PRES</td>
<td>40+ HRS.</td>
<td>90,000</td>
<td>N/A</td>
</tr>
<tr>
<td>NONCOMPENSATED BOARD OF DIRECTORS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JOSEPH A. STERN, CHAIRMAN</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HERLINDA GARCIA, 1ST VICE CHAIR</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TERESA LEGER de HERNANDEZ, 2ND V.C.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AL GURULE, 3RD VICE CHAIR</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HECTOR J CUellar, SECY / TREASURER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>THOMAS B. REston, COMMITTEE CHAIR</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GILBERTO CARDENAS, COMMITTEE CHAIR</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ANN MARIE WHEELock, COMMITTEE CHAIR</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

75 Did any officer, director, trustee or key employee receive aggregate compensation of more than $100,000 from your organization and all related organizations of which more than $10,000 was provided by the related organizations?  

- Yes [ ]  

No [x]  

---

**FOOTNOTES**

(A) COMBINED NET LOSS OF AFFILIATE  
(B) DIRECT COSTS OF SPECIAL EVENTS  
(C) RENT PAID TO AFFILIATE
Form 990 (2002)

Part VI Other Information (See page 27 of the instructions)

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 organizing or governing documents but not reported to the IRS?

a) If “Yes,” attach a conformed copy of the changes

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

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 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?

81 Enter direct or indirect political expenditures See line 81 instructions

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

82 Did the organization receive donated services or the use of materials, equipment, or facilities at no charge

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

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

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

84a 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 (51)(c)(4) (5), or (6) organizations a) Were substantially all dues nondeductible by members?

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) Due 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)

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

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

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

b) Gross receipts included on line 12, for public use of club facilities

87 (51)(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 301.7701-2 and 301.7701-3? If “Yes,” complete Part IX

89a (51)(c)(3) organizations Enter Amount of tax imposed on the organization during the year under section 4911

b) Section 4911 and section 4912

c) Section 4955

b) If section 4911 and section 4912

89b 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

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

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

b) Number of employees employed in the pay period that includes March 12, 2002 (See instructions)

91 The books are in care of

b) ROBERT HETTINGER, V.P., FIN. & ADMIN.

c) Telephone no

b) (213) 629-2512

d) Located at

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 (2002)

JSA

E 1041 1 000
### Part VII Analysis of Income-Producing Activities (See page 31 of the instructions)

<table>
<thead>
<tr>
<th>Business code</th>
<th>Amount</th>
<th>Exclusion code</th>
<th>Amount</th>
<th>Related or exempt function income</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A)</td>
<td>(B)</td>
<td>(C)</td>
<td>(D)</td>
<td></td>
</tr>
<tr>
<td>93 Program service revenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a COURT AWARDED FEES &amp; COSTS</td>
<td>682,025</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f Medicare/Medicaid payments</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g Fees and contracts from government agencies</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>94 Membership dues and assessments</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>95 Interest on savings and temporary cash investments</td>
<td>14</td>
<td>116,447</td>
<td></td>
<td></td>
</tr>
<tr>
<td>96 Dividends and interest from securities</td>
<td>14</td>
<td>82,496</td>
<td></td>
<td></td>
</tr>
<tr>
<td>97 Net rental income or (loss) from real estate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a debt-financed property</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b not debt-financed property</td>
<td></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>
<td></td>
</tr>
<tr>
<td>99 Other investment income</td>
<td></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>(212,327)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>101 Net income or (loss) from special events</td>
<td>01</td>
<td>888,196</td>
<td></td>
<td></td>
</tr>
<tr>
<td>102 Gross profit or (loss) from sales of inventory</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>103 Other revenue a</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b PROGRAM FEES &amp; MISC</td>
<td>90,451</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>e</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>104 Subtotal (add columns (B), (D), and (E))</td>
<td></td>
<td></td>
<td></td>
<td>674,812</td>
</tr>
<tr>
<td>105 Total (add line 104 columns (B), (D), and (E))</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes (See page 32 of the instructions)

- 93 COURT-AWARDED FEES AND COSTS OF PUBLIC-INTEREST LAW FIRM.

### Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities (See page 32 of the instructions)

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>EIN</th>
<th>Percentage of ownership interest</th>
<th>Nature of activities</th>
<th>Total income</th>
<th>Excess of year assets</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Part X Information Regarding Transfers Associated with Personal Benefit Contracts (See page 33 of the instructions)

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

### Please Sign Here

- Signature of officer: Robert Hettinger, V.P.
- Date: 12/11/03

- Firm's name (or yours if self-employed): Michael W. Duren, CPA, APC
- Address: 1440 N. Harbor Blvd., Suite 800
- City, State, ZIP: Fullerton, CA 92835-4121
- Phone: (714) 441-2500
- Preparer's SSN or PTIN: 545-86-4872

- Under penalties of perjury I declare that I have examined the return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.
**Organization Exempt Under Section 501(c)(3)**
(Except Private Foundation) and Section 501(e), 501(f), 501(k), 501(n), or Section 4947(a)(1) Nonexempt Charitable Trust

**Part I**

<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>MARIA BLANCO</td>
<td>REGIONAL COUNSEL 40+ HRS.</td>
<td>84,000</td>
<td>3,227</td>
<td>0</td>
</tr>
<tr>
<td>PATRICIA MENDOZA</td>
<td>REGIONAL COUNSEL 40+ HRS.</td>
<td>77,800</td>
<td>3,112</td>
<td>0</td>
</tr>
<tr>
<td>MARIA VALDEZ</td>
<td>REGIONAL COUNSEL 40+ HRS.</td>
<td>73,900</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>NINA PERALES</td>
<td>REGIONAL COUNSEL 40+ HRS.</td>
<td>68,500</td>
<td>2,677</td>
<td>0</td>
</tr>
<tr>
<td>HECTOR VILLAGRA</td>
<td>REGIONAL COUNSEL 40+ HRS.</td>
<td>65,000</td>
<td>1,053</td>
<td>0</td>
</tr>
</tbody>
</table>

Total number of other employees paid over $50,000: 7

**Part II**

<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>NONE</td>
<td></td>
<td></td>
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<tr>
<td></td>
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</tr>
</tbody>
</table>

Total number of others receiving over $50,000 for professional services: 0
Schedule A (Form 990 or 990-EZ) 2002

Part III  Statements About Activities (See page 2 of the instructions)

1 During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If "Yes," enter the total expenses paid or incurred in connection with the lobbying activities $ 209,847. (Must equal amounts on line 38, Part VI-A or line 1 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?

b Lending of money or other extension of credit?

c Furnishing of goods, services, or facilities? (SEE PART V, FORM 990)

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

e Transfer of any part of its income or assets?

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

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

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. (SEE SCHEDULE 8)

Part IV  Reason for Non-Private Foundation Status (See pages 3 through 5 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)

6 A school. Section 170(b)(1)(A)(ii) (Also complete Part V.)

7 A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii)

8 A Federal state or local government or governmental unit. Section 170(b)(1)(A)(iv)

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)(v) (Also complete the Support Schedule in Part IV-A.)

11a 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)(vi) (Also complete the Support Schedule in Part IV-A.)

11b A community trust. Section 170(b)(1)(A)(vii) (Also complete the Support Schedule in Part IV-A.)

12 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.)

13 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>

14 An organization organized and operated to test for public safety. Section 509(a)(4). (See page 5 of the instructions.)
<table>
<thead>
<tr>
<th>Calendar year (or fiscal year beginning)</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>15 Gifts, grants, and contributions received</td>
<td>2,725,318</td>
<td>2,269,224</td>
<td>2,997,006</td>
<td>4,623,245</td>
<td>12,614,793</td>
</tr>
<tr>
<td>16 Membership fees received</td>
<td>890,625</td>
<td>1,203,079</td>
<td>1,170,970</td>
<td>1,087,606</td>
<td>4,352,280</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 purpose</td>
<td>269,244</td>
<td>343,285</td>
<td>195,190</td>
<td>187,637</td>
<td>995,356</td>
</tr>
<tr>
<td>18 Gross income from interest, dividends, amounts received from payments on securities loans, rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975</td>
<td>39,224</td>
<td>38,368</td>
<td>44,140</td>
<td>59,964</td>
<td></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>240,118</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>3,982,374</td>
<td>3,836,818</td>
<td>4,413,966</td>
<td>5,969,389</td>
<td>18,202,547</td>
</tr>
<tr>
<td>22 Other income (attach a schedule)</td>
<td>3,991,749</td>
<td>2,633,739</td>
<td>3,242,996</td>
<td>4,881,783</td>
<td>13,950,267</td>
</tr>
<tr>
<td>23 Total of lines 15 through 22</td>
<td>97,187</td>
<td>21,230</td>
<td>50,800</td>
<td>70,901</td>
<td>240,118</td>
</tr>
<tr>
<td>24 Line 23 minus line 17</td>
<td>4,957,065</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 Enter 1% of line 23</td>
<td>6,192,539</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26 Organizations described on line 10 or 11</td>
<td>7,657,728</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27 Organizations described on line 12 a For amounts included in lines 15, 16 and 17 that were received from a &quot;disqualified person&quot; prepare a list for your records to show the name of, and total amounts received in each year from each &quot;disqualified person&quot;</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28 Unusual Grants (For an organization described in line 10 or 11 that received any unusual grants during 1998 through 2001 prepare a list for your records to show for each year the date of 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)</td>
<td>55,2894 %</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q.</td>
<td>Question</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----</td>
<td>----------------------------------------------------------------------------------------------------------------</td>
<td>-----</td>
<td>----</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<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></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<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></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<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? 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>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Does the organization maintain the following</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>Records indicating the racial composition of the student body, faculty and administrative staff?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b</td>
<td>Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory base?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c</td>
<td>Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships?</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>d</td>
<td>Copies of all material used by the organization or on its behalf to solicit contributions?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Does the organization discriminate by race in any way with respect to</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>Students' rights or privileges?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b</td>
<td>Admissions policies?</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>c</td>
<td>Employment of faculty or administrative staff?</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>d</td>
<td>Scholarships or other financial assistance?</td>
<td></td>
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<tr>
<td>e</td>
<td>Educational policies?</td>
<td></td>
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<td></td>
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<tr>
<td>f</td>
<td>Use of facilities?</td>
<td></td>
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<td></td>
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<tr>
<td>g</td>
<td>Athletic programs?</td>
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<tr>
<td>h</td>
<td>Other extracurricular activities?</td>
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<td></td>
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</tr>
<tr>
<td>34a</td>
<td>Does the organization receive any financial aid or assistance from a governmental agency?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b</td>
<td>Has the organization's right to such aid ever been revoked or suspended?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>Does the organization certify that it has complied with the applicable requirements of sections 4 01 through 4 05 of Rev. Proc. 75-50, 1975-2 C B. 587, covering racial nondiscrimination? If &quot;No,&quot; attach an explanation</td>
<td></td>
<td></td>
<td></td>
<td></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)

<table>
<thead>
<tr>
<th>Limits on Lobbying Expenditures</th>
<th>Affiliated group totals</th>
<th>To be completed for ALL electing organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>36 Total lobbying expenditures to influence public opinion (grassroots lobbying)</td>
<td>36</td>
<td>39,205</td>
</tr>
<tr>
<td>37 Total lobbying expenditures to influence a legislative body (direct lobbying)</td>
<td>37</td>
<td>170,642</td>
</tr>
<tr>
<td>38 Total lobbying expenditures (add lines 36 and 37)</td>
<td>38</td>
<td>209,847</td>
</tr>
<tr>
<td>39 Other exempt purpose expenditures</td>
<td>39</td>
<td>5,494,427</td>
</tr>
<tr>
<td>40 Total exempt purpose expenditures (add lines 38 and 39)</td>
<td>40</td>
<td>5,704,274</td>
</tr>
</tbody>
</table>

#### Lobbying nontaxable amount

- **If the amount on line 40 is:**
  - The lobbying nontaxable amount is:
    - Not over $500,000: 20% of the amount on line 40
    - $500,000 but not over $1,000,000: $100,000 plus 15% of the excess over $500,000
    - $1,000,000 but not over $1,500,000: $175,000 plus 10% of the excess over $1,000,000
    - $1,500,000 but not over $17,000,000: $225,000 plus 5% of the excess over $1,500,000
    - $17,000,000: $1,000,000

| 41 Lobbying nontaxable amount | 41 | 435,214 |
| 42 Grassroots nontaxable amount (enter 25% of line 41) | 42 | 108,804 |
| 43 Subtract line 42 from line 36 Enter -0- if line 42 is more than line 36 | 43 | |
| 44 Subtract line 41 from line 38 Enter -0- if line 41 is more than line 38 | 44 | |

**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)

#### Lobbying Expenditures During 4-Year Averaging Period

<table>
<thead>
<tr>
<th>Calendar year (or fiscal year beginning in)</th>
<th>(a)</th>
<th>(b)</th>
<th>(c)</th>
<th>(d)</th>
<th>(e)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>435,214</td>
<td>415,819</td>
<td>415,562</td>
<td>422,582</td>
<td>1,689,177</td>
</tr>
<tr>
<td>2001</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,533,766</td>
</tr>
<tr>
<td>2000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1999</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,689,177</td>
</tr>
</tbody>
</table>

| Total lobbying expenditures                  | 209,847 | 145,700 | 156,334 | 180,597 | 692,478 |

| Grassroots nontaxable amount                | 108,804 | 103,955 | 103,891 | 105,646 | 422,296 |

| Grassroots lobbying                         |       |       |       |       | 633,444 |

| Grassroots expenditures                     | 39,205 | 26,500 | 33,200 | 44,109 | 143,014 |

### Part VI-B: Lobbying Activity by Nonelecting Public Charities

(For reporting only by organizations that did not complete Part VI-A) (See page 11 of the instructions)

During the year did the organization attempt to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of

- a Volunteers
- b Paid staff or management (Include compensation in expenses reported on lines c through h)
- c Media advertisements
- d Mailings to members, legislators, or the public
- e Publications or published or broadcast statements
- f Grants to other organizations for lobbying purposes
- g Direct contact with legislators, their staffs, government officials, or a legislative body
- h Rallies, demonstrations, seminars, conventions, speeches, lectures, or any other means
- i Total lobbying expenditures (Add lines c through h)

If "Yes" to any of the above, also attach a statement giving a detailed description of the lobbying activities.
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?

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Transfers from the reporting organization to a noncharitable exempt organization of</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) Cash</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(ii) Other assets</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b</td>
<td>Other transactions</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) Sales or exchanges of assets with a noncharitable exempt organization</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(ii) Purchases of assets from a noncharitable exempt organization</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(iii) Rental of facilities, equipment, or other assets</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(iv) Reimbursement arrangements</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(v) Loans or loan guarantees</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(vi) Performance of services or membership or fundraising solicitations</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c</td>
<td>Sharing of facilities, equipment, mailing lists, other assets, or paid employees</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

d 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></td>
<td>N/A</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?

b If "Yes," complete the following schedule.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>(a) Name of organization</td>
<td>(b) Type of organization</td>
<td>(c) Description of relationship</td>
</tr>
<tr>
<td>N/A</td>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EVENT</td>
<td>GROSS REVENUE</td>
<td>DIRECT COSTS</td>
</tr>
<tr>
<td>------------------------------</td>
<td>---------------</td>
<td>--------------</td>
</tr>
<tr>
<td>SAN ANTONIO DINNER</td>
<td>$186,200</td>
<td>$18,059</td>
</tr>
<tr>
<td>ANNUAL GOLF TOURNAMENT</td>
<td>50,940</td>
<td>9,908</td>
</tr>
<tr>
<td>LOS ANGELES DINNER</td>
<td>436,884</td>
<td>66,961</td>
</tr>
<tr>
<td>CHICAGO DINNER</td>
<td>210,250</td>
<td>30,932</td>
</tr>
<tr>
<td>WASHINGTON D.C. DINNER</td>
<td>110,975</td>
<td>12,481</td>
</tr>
<tr>
<td>OTHER EVENTS</td>
<td>46,300</td>
<td>15,012</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,041,549</strong></td>
<td><strong>$153,353</strong></td>
</tr>
<tr>
<td>ASSET</td>
<td>COST OR BASIS</td>
<td>METHOD &amp; LIFE</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------</td>
<td>---------------</td>
</tr>
<tr>
<td>FURNITURE &amp; EQUIPMENT</td>
<td>$1,200,733</td>
<td>SL 5YRS</td>
</tr>
<tr>
<td>LAW LIBRARY</td>
<td>217,499</td>
<td>SL 10YRS</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,418,232</strong></td>
<td></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 ($1,000,000 LIMIT)</td>
<td>$ 1,000,000</td>
<td>$ 398,511</td>
</tr>
<tr>
<td>LEGALLEASE COM, CAPITAL LEASE OF COMPUTER HARDWARE</td>
<td>185,912</td>
<td>47,440</td>
</tr>
<tr>
<td>LEGALLEASE COM, CAPITAL LEASE OF COMPUTER SOFTWARE</td>
<td>166,141</td>
<td>59,630</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 505,581</td>
</tr>
</tbody>
</table>

LINE OF CREDIT

The Organization has an unsecured $1,000,000 revolving line of credit, of which $601,489 was unused at April 30, 2003. Bank advances on the credit line are payable on demand and carry an interest rate of 4.25% (Bank's prime rate).

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, 2003, the cost basis and accumulated depreciation for these computer systems were $352,052 and $246,435, respectively, and are included in the amount for MALDEF's property and equipment.

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

Total minimum payments: 109,100
Amount representing interest: (2,030)

Present value of payments: $107,070

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>$1,196,961</td>
<td>$128,241</td>
</tr>
<tr>
<td>CORPORATE BONDS &amp; FIXED INCOME FUNDS</td>
<td>968,999</td>
<td>1,067,108</td>
<td>98,109</td>
</tr>
<tr>
<td>COMMON STOCKS &amp; EQUITY FUNDS</td>
<td>4,493,183</td>
<td>5,057,949</td>
<td>564,766</td>
</tr>
<tr>
<td></td>
<td>$6,530,902</td>
<td>$7,322,018</td>
<td>$791,116</td>
</tr>
</tbody>
</table>
### PART II, LINE 43d  OTHER EXPENSES

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>TOTAL (A)</th>
<th>PROGRAM SERVICES (B)</th>
<th>MANAGEMENT &amp; GENERAL (C)</th>
<th>FUND-RAISING (D)</th>
</tr>
</thead>
<tbody>
<tr>
<td>INDIRECT SPECIAL EVENTS COSTS</td>
<td>$44,947</td>
<td>$</td>
<td>$44,947</td>
<td></td>
</tr>
<tr>
<td>PURCHASED SERVICES</td>
<td>145,035</td>
<td>25,140</td>
<td>119,895</td>
<td></td>
</tr>
<tr>
<td>INSURANCE</td>
<td>30,073</td>
<td>23,373</td>
<td>6,700</td>
<td></td>
</tr>
<tr>
<td>DIRECT MAIL</td>
<td>2,880</td>
<td></td>
<td>2,880</td>
<td></td>
</tr>
<tr>
<td>BOARD OF DIRECTORS</td>
<td>65,906</td>
<td></td>
<td>65,906</td>
<td></td>
</tr>
<tr>
<td>GRADUATIONS</td>
<td>8,810</td>
<td>8,810</td>
<td></td>
<td></td>
</tr>
<tr>
<td>INTERNS</td>
<td>5,212</td>
<td>5,212</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$302,863</strong></td>
<td><strong>$62,535</strong></td>
<td><strong>$192,501</strong></td>
<td><strong>$47,827</strong></td>
</tr>
</tbody>
</table>
MEXICAN AMERICAN LEGAL DEFENSE & EDUCATIONAL FUND
2002 FORM 990

PART V  NONCOMPENSATED OFFICERS & DIRECTORS

Barbara Aldave
Stewart Professor of Law
University of Oregon
Eugene, OR

Edward J. Avila
President
Project Restore
Los Angeles, CA

Zoe Baird
President
The John and Mary R. Markle Foundation
New York, NY

Morris J. Baller
Partner
Goldstein, Demello, Baller
Bergen & Dardanone
Oakland, CA

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

Colberto Cardenas
Assistant Provost and Director
Instituto for Latino Studies
University of Notre Dame
Notre Dame, IN

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

Hector J. Cuellar
Managing Director
Bank of America Securities
Los Angeles, CA

Bette F. DeGraw
Dean, College of Extended Education
Arizona State University
Tempe, AZ

Hon. Liz Figueroa
State Senator
California State Senate
Sacramento CA

Herlinda Garcia
Principal, IP Henderson School and
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College System
Houston TX

Albert Gurule
Owner/Manager
Pueblo Community
Corrections/Southwest Medical
Pueblo CO

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

Federico Jimenez
Owner
FEDERICO
Ventura, CA

Arnold J. Kleiner
President and General Manager
KABC Talktown Glendale CA

Teresa Leger de Fernandez
Partner
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Torrance & Biscal
Santa Fe, NM

Manuel Martinez
Partner
Holme Roberts & Owen, LLP
Denver, CO

Hon. Gloria Molina
Los Angeles County Board of Supervisors
Los Angeles, CA

Carlos Y. Montoya
President and CEO
Aztec America
Chicago IL

Michael A. Olivas
Associate Dean
University of Houston Law Center
Houston, TX

Don Pierce
Independent Consultant
Henderson NV

Gudalupe Rangel
Education Consultant
Corpus Christi TX

Thomas B. Reston
Attorney at Law
Washington, DC

Matt Rezvani
Director of Local Government Affairs
BP Corp
Los Angeles, CA

Jose R. Rodriguez
County Attorney
El Paso County, TX

Maria Saldaña
Senior Vice President
Ramirez & Co. Inc.
Chicago IL

Andrew Segovia
Associate General Counsel,
Latin America
General Motors Corp
Detroit, MI

Marizza Soto Keen
Executive Director
Latin American Association
Atlanta, GA

Joseph A. Stem
Partner
Fred Frank, Harris, Shriver & Jacobson
New York, NY

Peter Villegas
First Vice President, Regional
Manager
Washington Mutual
Los Angeles, CA

Ann Marie Wheelock
Senior Vice President
Western Region
President, CA

Sam Zamarripa
Candidate Georgia State House of
Representatives
Atlanta, GA
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 in 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-1”

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.
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 work at and commitment to serving the Latino community
- Academic achievement indicating the potential for successful completion of law school
- Financial need

**2002 MALDEF LAW SCHOOL SCHOLARSHIP RECIPIENT**

**Valerie Kantor Memorial Scholarship Recipient**
Outstanding Overall Applicant

$7,000.00

Tedoro B. Bosquez IV
Harvard Law School 1st Year

**Wilma Martinez / Helena Rubenstein Scholarship**
Outstanding Female Applicant

$6,000.00

Francelina Christina Herrera
Boalt Hall Law School 1st Year

William Randolph Hearst Endowment Scholarship
Best Essay

$6,000.00

Enrique A. Ramirez
University of North Carolina, Chapel Hill School of Law 1st Year

MALDEF Law School Scholarship

$3,000.00

Shireen Karimi
Harvard Law School 1st Year

Felicia Maria Medina
Yale Law School 1st Year

Oscar Amor Pardo
UCLA School of Law 1st Year

Nora Perez
Boalt Hall Law School 1st Year

Veronica Ramirez
UC Davis School of Law 2nd Year

Francis Elizabeth Valdez
University of Texas School of Law 1st Year

Ray Anthony Yearby
Stanford Law School 1st Year
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**TOTAL** $49,500
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**TOTAL RECEIVED**  
788,025

**ACCRUED FEES RECEIVABLE, BEGINNING OF YEAR**  
(506,000)

**ACCRUED FEES RECEIVABLE, END OF YEAR**  
400,000

**REVENUE REPORTED, PART VII, LINE 93a**  
$682,025
MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND

LITIGATION DOCKET

Antonia Hernández
President and General Counsel

May 2002 - April 2003
MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

NATIONAL OFFICE
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(213) 629-0266 FAX

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Regional Counsel
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Washington, D.C. 20036
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(202) 293-2849 FAX
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
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<tbody>
<tr>
<td>Preface</td>
<td>11</td>
</tr>
<tr>
<td>Explanation of Docket Control Numbers</td>
<td>11</td>
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<td>Index to Regional Office Dockets</td>
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<tr>
<td>Title I Employment</td>
<td>1</td>
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<td>Title II Education</td>
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<tr>
<td>Title III Political Access</td>
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<tr>
<td>Title IV Immigrants' Rights</td>
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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 authored and 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
- NT = National
- SA = San Antonio

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 Hernández, President and General Counsel
Thomas A. Saenz, Vice President of Litigation
Maria Blanco, National Senior Counsel
Shaheena Ahmad Simons, MALDEF / Fried Frank Fellow
Victor Virmontes, Staff Attorney

Title I: Employment

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<tr>
<td>NT/1020</td>
<td>Brionez v. United States Dep’t of Agriculture</td>
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<td>LA/1054</td>
<td>Ramirez v. Kroonen</td>
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<td>Hernandez v. City of Los Angeles</td>
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Title II: Education

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<td>Gratz v. Bollinger</td>
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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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1Works primarily out of the Sacramento satellite office

2Joined MALDEF effective March 17, 2003
NT/2074 National Center for Fair & Open Testing v Florida Bright Futures Scholarship Program 22
NT/2081 Grutter v Bollinger 23

Title III: Political Access

NT/3017 Ruiz v Santa Maria 25
NT/3077 Cano v Davis 31
LA/3090 Padilla v Lever 34

Title IV: Immigrants' Rights

NT/4061 Society of Saint Vincent de Paul of Santa Clara County v City of Los Altos 39
NT/4070 Comite de Jornaleros de Rancho Cucamonga y Upland v City of Rancho Cucamonga 43
NT/4074 La Raza Centro Legal v City and County of San Francisco 44

* * * ATLANTA OFFICE * * *

Lawyers: Tisha Tallman, Regional Counsel
Diana Sen Connerty, MALDEF / Fried Frank Fellow
Jose Gonzalez, Staff Attorney

* * * CHICAGO OFFICE * * *

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

3 Joined MALDEF effective June 17, 2002
4 Joined MALDEF effective October 15, 2002
5 Joined MALDEF effective September 23, 2002
Title II:  Education

CH/2043  Gratz v. Bollinger  10
CH/2059  White v. Engler  16
CH/2063  Cortez v. Calumet Park Sch. Dist. #132  19
CH/2073  Lucero v. Detroit Pub. Schools  21

Title III:  Political Access

CH/3050  King v. Illinois State Bd. of Elections  26
CH/3064  Moreno v. Loren-Maltese  28
CH/3067  Del Valle v. Illinois State Bd. of Elections  28
CH/3071  Winters v. Illinois State Bd. of Elections  30
CH/3071  Campuzano v. Illinois State Bd. of Elections  30
CH/3078  Barnett v. U.S. Dept’t of Commerce  32
CH/3079  Polish American Congress v. City of Chicago  33
CH/3087  Gonzalez v. City of Aurora  34

Title IV:  Immigrants’ Rights

CH/4049  Guevara v. City of Norcross  37
CH/4066  Ramos v. Ashcroft  41

Title V:  Public Resource Equity

CH/5022  Burgos v. McDonald  45

*** LOS ANGELES OFFICE ***

Lawyers:  Hector O. Villagra, Regional Counsel
Belinda Escobosa Helzer, 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  3
LA/1054  Ramirez v. Kroonen  4
LA/1068  Flores v. Albertson’s, Inc.  6
Title II: Education

NT/2045  Angel V. v. Davis  11
LA/2050  Diana Doe v. Los Angeles Unified Sch. Dist.  15
LA/2061  Godinez v. Davis  17
LA/2062  Williams v. State of California  18
LA/2064  Belmont Green v. Los Angeles Unified Sch. Dist.  19
LA/2067  Santa Ana Unified Sch. Dist. v. City of Tustin  20
LA/2082  Pazmuñó v. California Bd. of Educ.  24

Title III: Political Access

NT/3017  Ruiz v. Santa Maria  25
NT/3077  Cano v. Davis  31
LA/3090  Padilla v. Lever  34

Title IV: Immigrants' Rights

LA/4044  Rodriguez v. United States  36
NT/4061  Society of Saint Vincent de Paul of Santa Clara County v. City of Los Altos  39
LA/4064  Gabin v. Mineta  39
LA/4067  Avila v. Department of Motor Vehicles  42
NT/4070  Comite de Jornaleros de Rancho Cucamonga v. Upland v. City of Rancho Cucamonga  43
LA/4071  In re Corona, Nava, Damian & Hucochea  43

** SAN ANTONIO OFFICE **

Lawyers:  Nina Perales, Regional Counsel6
Joe Berra, Staff Attorney
Leticia Saucedo, Staff Attorney
Selena Solis, Staff Attorney7

6Promoted to Regional Counsel effective July 15, 2002
7Joined MALDEF effective November 1, 2002
| Title I: Employment |  |
|--------------------|--| |
| SA/1038 Kossman Contracting Co v City of Houston | 2 |
| SA/1073 Colindres v Quietflex Mfg Co | 7 |
| SA/1084 Aleman v Quietflex Mfg Co | 7 |
| SA/1076 Ruiz v Arena Brands | 7 |
| SA/1093 Equal Employment Opportunity Commission v Anchor Coin | 8 |

| Title II: Education |  |
|--------------------|--| |
| SA/2016 United States v Ector County Indep Sch Dist | 9 |
| SA/2049 Carbalajal v Albuquerque Public Sch Dist | 14 |
| SA/2068 Hopson v Dallas Indep Sch Dist | 21 |
| SA/2076 West Orange Cove Consol Indep Sch Dist v Nelson | 23 |

| Title III: Political Access |  |
|-----------------------------|--| |
| SA/3014 Valero v City of Kerrville | 25 |
| NT/3017 Ruiz v Santa Maria | 25 |
| SA/3069 Balderas v Texas | 29 |
| SA/3080 Arvizu v Arizona Indep Redistricting Comm'n | 33 |
| SA/3081 LULAC v City of Seguin | 33 |
| SA/3082 LULAC District 15 v City of San Antonio | 34 |

| Title IV: Immigrants' Rights |  |
|------------------------------|--| |
| SA/4036 In the Matter of Rodolfo Balderas Martinez | 36 |
| SA/4052 Lopez v City of Rogers, Arkansas | 38 |
| SA/4065 Medina Remigio v Pasquarell | 40 |
| SA/4068 Pozo Rodriguez v McHugh | 42 |
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 federal court on October 22, 2001.

In June 2002, we filed the settlement agreement in court, and sought class certification. The court certified the class and set a fairness hearing on the settlement. In October 2002, the court approved the class settlement agreement.

Heller, Ehrman, White & McAuliffe Shaheena Ahmad Simons
Employment Law Center MALDEF National Office
Denise Hulett Co-counsel
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 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 MWBE's 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.

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 vs 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 judgment motion in this case remains pending, the district court has denied all four of plaintiffs' motions for Temporary Restraining Order, the latest on
October 18, 2000  Kossman filed a new motion for summary judgment and injunctive relief in May 2002. The court has not yet ruled on the motion. We continue to await the setting of trial.

Selena Solis
Leticia Saucedo
MALDEF San Antonio Office

LA/1042 Vanegas v Irving | Moskowitz Found, No SACV-02-298-GLT (U S Dist Ct, C D Cal)

On March 19, 2002, we filed this federal suit on behalf of plaintiffs Herendida Vanegas and Jorge Ortiz, who seek to recover wages owed to them, and owed to others employed at the Hawaiian Gardens Bingo Club but fraudulently and unlawfully denied wages. The defendants are the Irving | 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 | 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 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—“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.

On December 17, 2002, the federal district court granted in part and denied in part defendants' motion to dismiss the amended complaint. The court ruled that because state law prohibits paid employees from working at bingo games, it could not grant the plaintiffs any relief under either state or federal labor law. Accordingly, the court dismissed those
claims. However, the court held that the claims alleging unfair competition, RICO violations, fraud, and wrongful discharge remain viable. We have now begun discovery, which is set to close in June 2003.

Belinda Escobosa Helzer  
Hector O Villagra  
Maureen Guadalupe Tellez  
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 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 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 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 suit 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 talks to go forward. 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 as equivalent to high school degree, for all future hires.

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.

On August 15, 2002, the Ninth Circuit reversed the trial court’s decision dismissing the case. The Ninth Circuit held that Mr. Ramirez had presented sufficient evidence of intentional discrimination to warrant a trial against the Director of Personnel at the College.
In January 2003, we began court-ordered settlement discussions before the magistrate judge.

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 separate litigation challenging the Los Angeles Police Department for promotional discrimination 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, 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. 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. The parties agreed to use a private mediator to seek settlement. Through the mediation, we reached a monetary settlement, and we dismissed the case in June 2002.

Thomas A Saenz
MALDEF National Office
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.

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 janitorial services. Thus, although they attempt to shield themselves by conducting the 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 the 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. The main contractor's recent bankruptcy filing and subsequent purchase has complicated matters.
We are currently embroiled in a dispute over 400 boxes of documents seized from BOSS/Encompass by the state department of labor as part of a now-closed criminal investigation.

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SA/1073  

SA/1084  

On October 12, 2001, MALDEF filed *Colindres v. Quietflex Manufacturing 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 federal Equal Employment Opportunity Commission (EEOC).

We continue to conduct discovery and have filed a protective order governing document production. The EEOC intervened in the case in the Fall of 2002. The case drew national attention when the New York Times published a feature on the lawsuit and the plight of the QuietFlex workers in February 2003.

Leticia Saucedo  
MALDEF San Antonio Office

SA/1076  

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 Worker Adjustment and Retraining Notification (WARN) Act. The case 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.

We settled the case through mediation in February. We are awaiting the judge's approval of the settlement agreement in this class action case. MALDEF and co-counsel obtained relief for approximately 135 former employees who were laid off without the required notice under the WARN Act.

Leticia Saucedo
MALDEF San Antonio Office

SA/1093   **Equal Employment Opportunity Commission v. Anchor Coin, No. 01-B-0564 (PAC) (U.S. Dist. Ct., Colo.)**

In February 2003, MALDEF filed an appearance on behalf of ten former housekeeping employees challenging hostile working conditions and an English-only rule under Title VII of the Civil Rights Act of 1964. The workers now participate in this case as Plaintiff-Intervenors; the case was initially filed by the Equal Employment Opportunity Commission's (EEOC) Denver office in March 2001. The housekeeping employees of Anchor Coin were subjected to an English-only policy at all times despite the fact that the majority of Plaintiff-Intervenors are monolingual Spanish speakers. Employees who complained about the blanket policy and abusive work atmosphere faced retaliation or constructive discharge. The case is in discovery and is set for jury trial in October 2003.

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TITLE II: EDUCATION

United States v. Ector County Indep. Sch. Dist., No. M-70-CA-64 (U.S. Dist Ct., W.D. Tex.)

The Department of Justice filed this desegregation case 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. After investigation and community input, we agreed to the proposed modification. As part of the modification, we secured agreement from the district to eliminate an element of the magnet program that placed burdensome contractual requirements solely on core neighborhood minority parents with children 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 worked with the Department of Justice and identified several issues on which the district has not complied with the court order: (1) 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 non-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.

Leticia Saucedo
Joseph Berra
MALDEF San Antonio Office
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 higher than those of most minority students who were accepted by the 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 remediating the effects of past discrimination. In the alternative, plaintiffs allege that even if the University had a compelling interest, the University failed to employ race-neutral alternatives to achieve that interest. 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 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 had to be continued, the District Court heard arguments on several motions for summary judgment in November 2000. During argument, the court stated that it 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. On May 14, 2002, the en banc Sixth Circuit issued a decision in Grutter v. Bollinger (see case 2081 below), a similar challenge to the admissions program at the University of Michigan law school. Even though the court had not yet rendered a decision in this case, the parties sought Supreme Court review at the same time as the Grutter case. The Supreme Court agreed to review Grutter and agreed to review this case as well. The two cases, Gratz and Grutter, have been briefed, and the Court is set to hear argument in both cases on April 1, 2003.

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NT/2045 Angel 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 alleged 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 argued 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 alleged 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, 1998. 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 (N D 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. On October 7, 2002, the panel rejected our appeal, concluding that the structural equal protection doctrine, like conventional equal protection claims, requires proof of racial intent.

Because this reasoning contradicts Supreme Court precedent, we filed a petition for rehearing en banc. Although the panel voted to deny the petition, another Circuit judge requested a vote on taking the case en banc. Unfortunately, a majority of the active, non-
Recused judges did not vote to take the case en banc. On February 25, 2003, the court issued its order denying rehearing en banc; Judges Harry Pregerson and Richard Paez filed a dissent from the order.

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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.

In February 2003, we settled this suit. UC Berkeley has revised its written guidelines for admission, including reweighting of the SAT to decrease over-reliance on the test and on applicants' enrollment in advance placement courses. The settlement establishes a five-year consent decree requiring the Regents to produce specific admissions data to plaintiffs' counsel over the next five years, and that the University will retain Yale Professor Robert Sternberg to assist University counsel in efforts to ensure that admissions procedures comply with relevant laws. The settlement also requires the University to pay some of plaintiffs' out-of-pocket costs.

NAACP Legal Defense & Educational Fund
Asian Pacific American Legal Center
Lawyers' Committee for Civil Rights
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Co-counsel

SA/2049 Carabajal v. Albuquerque Pub. Sch. Dist., Nos. 98-279 MV/DJS (U.S. Dist Ct, NM), 01-2288 (U.S. Ct App, 10th Cir)

In this case, we represent a group of Albuquerque parents and Latino and immigrant 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.
Plaintiffs appealed the summary judgment entered against them. We joined in opposing the appeal. In July 2002, the Tenth Circuit Court of Appeals affirmed the trial court’s decision.

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MALDEF San Antonio Office

LA/2050 Diana Doe v. Los Angeles Unified Sch. Dist., No CV 98-6154 LGB (U S Dist Ct, C D Cal)

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 other case. 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 Pfalzner 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. 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 Pfalzner. 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. Recognizing that the district program has changed dramatically from when the case began, and that the district has voluntarily adopted many of the procedures set out in our rejected settlement agreement, we agreed to a dismissal of the case without prejudice. To facilitate this dismissal, we sought and the court granted de-certification of the class in February 2003.

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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, before 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 do 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.

Having completed our discovery we began preparations for a trial while at the same time pursuing a settlement. We have been involved in talks with the staff of Michigan’s
newly elected governor, who had publicly expressed her desire to reform the scholarship program to bring more equity, since January.

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LA/2061 Godinez v. Davis, Nos. BC227352 (Los Angeles County Superior Ct.), B161508 (Cal. Ct. App., 2d Dist.)

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 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. As a result of the settlement of the action, LAUSD obtained some $600 million in new construction funding under Proposition 1A, which it will use to relieve the rampant overcrowding in the district and particularly in Latino communities.

On August 5, 2002, the court granted plaintiffs’ motion for attorney fees. The state appealed. However, on February 4, 2003, we accepted a proposal from the state to pay a reduced amount of fees in exchange for the state dismissing its appeal. The state has 90 days from that date to pay the fees.

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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 have failed to develop or implement appropriate procedures to identify and correct the substandard conditions at schools. 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.

In October 2002, plaintiffs filed 16 reports by various experts in the field addressing the conditions raised in the complaint and their detrimental impact on the quality of education. The reports are publicly available at http://www.decentschools.org/whatsnew.php. The reports addressing MALDEF’s issues are those of Drs. Oakes and Mitchell: *Multi-Track, Year-Round Calendar (Concept 6) and Busing to Address Overcrowding and Segregation in California’s K-12 Public Schools: Biases in Implementation, Assignment, and Achievement with the Multi-Track Year-Round Calendar*, respectively. Expert discovery began on January 7, 2003, with the deposition of Dr. Mitchell, Ph.D., our expert on multi-tracking issues. The state is now in the process of
concluding the deposition of the experts plaintiffs designated and then the state will designate its own experts and produce their reports.

ACLU Foundation of Southern California
ACLU Foundation of Northern California
Public Advocates
Center for Law in the Public Interest
Lawyers’ Committee for Civil Rights
Morrison & Foerster
Co-counsel

CH/2063 Cortez v. Calumet Park Sch Dist #132, No 1:01-CV-8201 (US Dist Ct, N D Ill)

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 properly to 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. The court denied the motion in August of 2002. As a result, the State Board has expressed a desire to settle. We are currently working on a settlement proposal and will begin settlement talks. We also continue building our case against both defendants through discovery in case no settlement is reached.

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 (BLC). 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 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 BLC. The lawsuit seeks to rescind the Board's decision and require compliance with CEQA.

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 appealed on July 26, 2001. On August 2002, the court denied the appeal, upholding the lower court's conclusion that CEQA does not apply.

Jennifer Hernandez
Beveridge & Diamond
Co-counsel

Hector O Villagra
MALDEF Los Angeles Office

Thomas A Saenz
MALDEF National Office

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.

In May 2002, the case was settled, with Santa Ana Unified School District receiving 22 acres for a school site on the former base, plus $38 million to finance the purchase of land for another school. The Rancho Santiago Community College District had earlier settled its portion of the case in exchange for 15 acres of land on the base.

Connor, Blake & Griffin
Co-counsel

Hector O Villagra
MALDEF Los Angeles Office

Thomas A Saenz
MALDEF National 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 action 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 Dallas ISD 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. A hearing was held in June 2002 and the trial court issued an order transferring venue to Travis County. Plaintiffs appealed to the court of appeals in Dallas. The court reviewed the case and affirmed the trial court’s order. We are awaiting a discovery plan for the case from the trial court in Travis county.

Leticia Saucedo
Joseph Berra
MALDEF San Antonio 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.
After the filing of the motion to dismiss, we filed a motion seeking clarification of the court’s August 30, 2001 order. While the safeguards at the school remain in place, we continue to await rulings on the motion to dismiss and the motion for clarification.

Julie Hurwitz
Alma Lowry
Sugar Law Center
Co-counsel

Patricia Mendoza
Ruperto Alba
MALDEF Chicago Office

NT/2074 National Center for Fair & Open Testing v. Florida Bright Futures Scholarship Program, No. 04-02-1428 (U.S. Dep’t of Educ., Office for Civil Rights, Administrative Complaint).

In August 2002, on behalf of a coalition of complainants, we filed an administrative complaint with the Office for Civil Rights of the United States Department of Education, charging that Florida’s “achievement based” scholarship program, the Bright Futures Scholarship Program, discriminates against Latino and African American students. We challenged two of Florida’s scholarships, one a full scholarship and one a 75-percent scholarship. In 2001, for the Academic Scholars Award, Florida’s full scholarship, whites were ten times more likely to receive an award than African Americans and two and a half times more likely than Latinos. In the same year, for the Merit Scholars Award, Florida’s partial scholarship, whites were more than three times more likely to receive a scholarship than African Americans and one and a half times more likely than Latinos.

These illegal disparities result because Florida uses SAT I and ACT minimum test scores as a scholarship criterion. These rigid minimum scores create a discriminatory effect on qualified Latino and African American high school students, resulting in a low number of Latino and African American students receiving these valuable scholarships. In addition to their discriminatory effect, the SAT I and ACT are designed to be college admissions tools; they are not a measure of high school students’ academic achievement. Therefore, Florida’s Bright Futures Scholarship Program, which relies on the tests’ ability to assess high school academic achievement, is inevitably flawed. The end result of Florida’s discriminatory practices is that Latino and African American students are denied necessary funding to attend Florida’s colleges and universities.

On January 15, 2003, the Office for Civil Rights commenced its investigation after taking a lengthy period -- and consulting headquarters in Washington, D.C. -- to consider whether it had jurisdiction over the Florida Bright Futures complaint letter.

Victor Viramontes
Thomas A. Saenz
MALDEF National Office
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 in 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.

The wealthy districts appealed the case to the Texas Supreme Court, which granted the petition for review in February 2003. Oral arguments are set for March 27, 2003.

Leticia Saucedo
Joseph Berra
MALDEF San Antonio Office

This case involves a white student’s challenge of the University of Michigan Law School’s race-conscious admissions process. The Sixth Circuit Court of Appeals, sitting en banc, upheld the law school’s affirmative action program. The United States Supreme Court granted certiorari in this case and the parallel challenge to the University of Michigan’s college admissions affirmative action program, *Gratz v. Bollinger* (see case 2043 above). The two cases, set for oral argument on April 1, 2003, mark the Supreme Court’s first consideration of affirmative action in university admissions since *Regents of the University of California v. Bakke* in 1978.

We drafted and filed an amicus curiae brief in this case on behalf of 29 Latino organizations, including MALDEF, LULAC, NALEO, NCLR, and PRLDEF. The brief argues that Latinos have long been viewed and treated as a separate racial group by United States society, that Latinos long have been subjected to discrimination on the basis of this difference, and that this experience makes consideration of applicants’ Latino identity appropriate either in order to secure diversity in the student body or to redress past and continuing discrimination in society and in the law school admissions process. We
coordinated the drafting of this brief with another amicus brief, filed on behalf of the same
Latino organizations (with the exception of MALDEF, which cannot be an amicus because
we represented intervenors) in the Gratz case.

Puerto Rican Legal Defense and Education Fund
Co-counsel

Thomas A. Saenz
Victor Viramontes
MALDEF National Office

LA/2082  Pazmiño v. California Bd. of Educ., No. CPF 03-502554 (San Francisco
County Superior Ct.).

On March 6, 2003, we, as part of a coalition of advocates for limited-English-
proficient students, filed a challenge to state regulatory requirements that rendered
Proposition 227 waiver classrooms ineligible for participation in Reading First, a program
created by the No Child Left Behind Act that provides funding to promote literacy in
grades K-3. The action challenges the state Board of Education's failure to follow the
prescribed procedure for promulgating regulations.

That same day, the court ordered the state to file an opposition by March 19, and
denied the request for a temporary restraining order on the grounds that no funds are to
be distributed until April 9 at the earliest. The court held a hearing on March 26, 2003 to
decide whether it should order the state to revise the eligibility requirements. On March
27, the court granted a preliminary injunction and peremptory writ barring the state from
continuing to disqualify waiver classrooms.

Multicultural Education, Training and Advocacy, Inc. (META)
California Rural Legal Assistance
Youth Law Center
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Hector O. Villagra
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24
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 Voting Rights Act 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 criteria. In August 1997, MALDEF responded and showed that a majority-minority citizen voting-age population district could 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. In March 2003, we began our review of Census 2000 estimates of Latino citizen voting-age population in Kerrville.

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 Idenman, 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.
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.

On August 19, 2002, nearly two years after trial, the district court issued its decision in favor of defendants. While the court made many favorable findings, it ultimately concluded that, through passage of so much time since the filing of the case, Latinos had grown to comprise a large enough proportion of the city population to elect candidates of choice. After the decision, we succeeded in cutting the costs to be awarded defendants in half; defendants then waived costs in exchange for our not pursuing an appeal, which we believed unlikely to succeed in any event.

Joaquin Avila
Denise Hulett
Barbara Phillips
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Thomas A. Saenz
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Nina Perales
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Steven J. Reyes
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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 held that the Voting Rights Act required the creation of a Latino-majority district and the maintenance of three African American majority
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 Latino shared 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 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 filed a fee petition requesting fees as a prevailing party. Because the State failed to defend the challenged plan, and we were 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. We filed a supplemental memorandum on the proper amount of our fee and cost award in November 2002 and another supplemental memorandum in February 2003. We await the court's decision.

Miner, Barnhill & Galland
Co-counsel

Manuel Valdez
Patricia Mendoza
MALDEF Chicago Office

27
On March 13, 2000, we filed this challenge, based on the Voting Rights Act, Equal Protection, and First Amendment, to an ordinance passed by the Town of Cicero to extend the state law residency requirement for elective office from one year to eighteen months. The U.S. Department of Justice has 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% in 1980, Latinos now comprise 62% 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 of the referendum.

On March 14, 2000, a federal judge granted the Temporary Restraining Order. Our case proceeded to discovery on the intentional discrimination claim. Discovery had been stayed pending settlement discussions. We continue settlement discussions. If settlement is not reached by the beginning of April 2003, depositions are scheduled to resume.

Maria Valdez
Patricia Mendoza
MALDEF Chicago Office

In this suit filed in February 2001, we challenge the use of the punch card ballot system in Cook County, Illinois. 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 ballot 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, together with co-counsel, we were forced to go to court to seek a Temporary Restraining Order to enforce the bilingual assistance provisions of the Voting Rights Act in Cook County, particularly in the City of Chicago. Because of the new ballot system,
voters had to communicate with 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. Court-mediated settlement discussions have begun, and a short stay of discovery has been entered.

Miner, Barnhill & Galland
Gessler, Hughes, Socol, Pters, Resnick & Dyn
ACLU
Co-counsel

Maria Valdez
MALDEF Chicago Office

SA/3069 Balderas v Texas, Nos 6 01CV158 (U S Dist Ct, E D Tex ), 01-1196 (U S S Ct ), No 02-40933 (U S Ct App, 5th Cir )

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, Balderas became the lead federal case in post-2000 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. MALDEF opened 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. On June 17, 2002, the U.S. Supreme Court summarily affirmed the case, leaving intact the trial court’s refusal to create any additional Latino-majority congressional or state Senate districts in Texas.

With respect to redistricting of the Texas House of Representatives, in which MALDEF successfully fought for 4 additional Latino-majority districts, the trial court concluded that MALDEF was a prevailing party and awarded attorneys fees and costs. The Texas Attorney General appealed the trial court’s decision to award attorneys fees to
MALDEF and other successful counsel in the case, and we filed our briefs with the Fifth Circuit Court of Appeals in December 2002. We expect oral arguments to be set in May 2003.

Nina Perales
Leticia Saucedo
MALDEF San Antonio 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 as violative of the Voting Rights Act 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 to adequately allege due process and equal protection claims. Plaintiffs filed an appeal to the U.S. Supreme Court. The Court denied certiorari.

Maria Valdez
MALDEF Chicago Office

CH/3071  Campuzano v. Illinois State Bd of Elections, No. 01 C 50376 (U.S. Dist Ct, N.D. Ill.)

As a result of our advocacy efforts, the Illinois redistricting commission adopted a map which 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 the Latino interests. Trial began on January 14, 2002. On January 15, 2002, the court granted our motion for a directed verdict on the claims relating to Latino interests. Subsequently, we sought an award of attorneys' fees and costs against the defendant State of Illinois, based on their failure to defend the plan. On January 15, 2003, the three-judge panel declined to award us fees on the basis of LULAC v. Clements, a case out of the Fifth Circuit.

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

Maria Valdez
Patricia Mendoza
MALDEF Chicago Office
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 by 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 filed motions for summary judgment.

The three-judge panel heard the defendants’ motions for summary judgment in May 2002. On June 24, 2002, the panel issued a ruling granting defendants’ motions. The court concluded that, even assuming that our evidence showed intentional racial discrimination, we had shown enough of an “effect” of vote dilution. The panel concluded that Latino attainment of significant political power in California, coupled with evidence of some cross-over voting by whites to support certain Latino candidates, showed the absence of a necessary dilutive “effect” from any intentional limitation of Latino proportion of the districts involved.

Because we believe the panel’s decision creates an unprecedented and dangerous permission for intentional discrimination, we filed an appeal to the United States Supreme Court. After we filed our jurisdictional statement, defendants filed a motion to affirm the
panel decision summarily. We filed our opposition. In January 2003, the Court granted
the motion, issuing a summary affirmance in a one-line ruling with no explanation.

Denise Hulett  Thomas A Saenz
Co-counsel  MALDEF National Office

Steven J Reyes  Hector O Villagra
MALDEF Los Angeles Office

CH/3078  Barnett v U S Dep’t of Commerce, No 01 C 8347 (U S Dist Ct, N D Ill )

In January 2002, we moved for and were granted leave to intervene as defendants in
Barnett v U S Dept of Commerce, a federal lawsuit filed in December 2001 against the U S
Department of Commerce and the Illinois State Board of Elections, seeking to invalidate the
statewide legislative plan for Illinois because the Redistricting Commission did not use
citizenship data in drawing the plan. The claim against the Department of Commerce seeks the
release of citizenship data. Plaintiffs allege that the failure to use citizenship data violates the
one-person, one-vote principle of the Equal Protection Clause and results in vote dilution for
African Americans and Latinos under the Voting Rights Act. The case focuses on districts in
Chicago. We will defend the counting of all residents, regardless of citizenship, in crafting the
districts.

We filed a motion to reassign this case to the same three-judge panel that heard
Campuzano v Illinois State Board of Elections (see case 3071 above), another challenge to the
statewide redistricting plan. The defendant Department of Commerce filed a motion to sever the
claim for release of the citizenship data from the remaining claims. After that motion was
granted, our motion for reassignment of the remaining counts to the Campuzano panel was also
granted.

We filed a motion for judgment on the pleadings on the issue of citizenship as the
incorrect measure for “one-person, one-vote” claims. Rather than responding to our
motion, in December 2002, the plaintiffs sought – and were granted – a voluntary dismissal
of the case.

William Harte  Mana Valdez
Michael Kasper  Patricia Mendoza
Courtney Nottage  MALDEF Chicago Office
Larry Rodgers
Co-counsel
CH/3079  **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 voting strength. The district in dispute is a Latino-majority district. We filed a motion to intervene as defendants to protect Latino communities of interest. The court denied our motion to intervene without prejudice because the court does not yet know if the City of Chicago will adequately defend our interests. In addition, however, the court has asked the parties to serve MALDEF with all pleadings, and we have been allowed to participate in depositions.

Maria Valdez  
Patricia Mendoza  
MALDEF Chicago Office

SA/3080  **Arvizu v. Arizona Indep. Redistricting Comm'n**, No. 2002-004882 (Maricopa County Superior Ct.)

We filed a motion to intervene in this congressional redistricting case on behalf of several Latino voters on March 29, 2002. The Arvizu plaintiffs, whom we oppose, seek to drastically reconfigure the two Arizona congressional districts that elect Latino candidates of choice District 4 (Ed Pastor) and District 7 (Raul Grijalva), but the plaintiffs' plans will not increase Latino electoral opportunity in the state. MALDEF has taken the lead in defending the Latino-majority districts at issue in the litigation. The parties are conducting discovery and trial is set for July 8, 2003.

Nina Perales  
MALDEF San Antonio Office


We filed this Section 5 enforcement action and immediately won a temporary restraining order preventing the City of Seguin, Texas from holding its City Council elections under an unprecleared redistricting plan. We sought to enjoin the election because although Seguin had created a new Latino-majority council district, it then refused to allow any Latino candidates to place their names on the ballot for that district. This case was successfully settled in July 2002. In the settlement, Seguin agreed to obtain preclearance for its redistricting plan, hold its municipal election in September 2002, and conduct a full and free candidate filing period. As a result of this litigation, all of the
Latino-majority council districts elected candidates of choice in the subsequent election, and Latinos gained a first-ever majority of the seats on the Seguin City Council.

Nina Perales
MALDEF San Antonio Office

SA/3082    **LULAC District 15 v. City of San Antonio**, No. SA-02-CA-618-FB (U.S. Dist. Ct., W.D. Tex.)

We represent the Latino voters of LULAC District 15 in this Voting Rights Act Section 2 and Section 5 case regarding procedures used by the City of San Antonio to verify signatures on referendum petitions. We joined the case to challenge the City’s use of a computer system that rejected the information provided by many of the Latino registered voters who signed a petition in May 2002. As a result of the City’s flawed process, petition circulators were forced to gather many thousands of additional signatures. Although the City certified the petition that sparked this litigation in July 2002, we remain in the litigation to ensure that the City changes its petition verification practices. Dispositive motions are due by the end of March 2003.

Nina Perales
MALDEF San Antonio Office

CH/3087    **Gonzalez v. City of Aurora**, No. 02 C 8346 (U.S. Dist. Ct., N.D. Ill.).

This case involves a Voting Rights Act challenge to the aldermanic plan in Aurora, Illinois, filed in December 2002. We have alleged both an “effects” claim and an intentional discrimination claim. Aurora has the second largest concentration of Latinos in Illinois. The City failed to draw multiple Latino seats despite a significant Latino population and a long history of defeat of Latino candidates. Pre-filing settlement discussions stalled. Defendants have filed their answers, and we are in the discovery phase of litigation.

Maria Valdez
Patricia Mendoza
MALDEF Chicago Office

LA/3090    **Padilla v. Lever**, Nos. SACV02-1145 AHS (U.S. Dist. Ct., C.D. Cal.); 03-55147 (U.S. Ct. App., 9th Cir.).

On December 12, 2002, we filed a challenge under the federal Voting Rights Act against the Orange County Registrar for failing to ensure the circulation of recall petitions in Spanish. The failure to provide Spanish-language petitions has created significant barriers for limited English proficient voters to participate equally in the electoral process.
There were numerous allegations that people were fraudulently induced into signing a petition to recall a member of the Santa Ana Unified School District Board based on misrepresentations of its contents. We requested a preliminary injunction to enjoin the February 2003 recall election. On January 13, 2003, the court denied our request.

We filed an appeal and sought an injunction pending appeal. On January 30, 2003, a Ninth Circuit panel denied our request on a 2-1 vote. We dismissed the appeal when the completion of the recall election rendered our original request for a preliminary injunction moot.

On February 25, 2003, the district court granted intervenor’s motion to dismiss the case. The case remains pending against the registrar defendants.

Joaquin G. Avila
Co-counsel

Steven J. Reyes
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Thomas A. Saenz
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TITLE IV: IMMIGRANTS' RIGHTS


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.

In November 1998, we prepared private counsel’s oral argument for Balderas’s hearing before an immigration judge. Having reviewed the briefs and counsel’s oral arguments, the immigration judge ruled that Balderas was not deportable.

The INS appealed the decision to the Board of Immigration Appeals (BIA). The INS withdrew its appeal before the briefing deadline, allowing the immigration judge’s decision to stand and Balderas to remain a permanent resident.

Rolando Rios  Joseph Berra
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 armed INS officers in pre-dawn hours of November 16, 1998. The agents were in search of someone who does not live in the home and who is not known to the family. The agents entered the home without permission, proceeded to roust the family members from their beds, herd them into the living room, and question them for 30 to 45 minutes.

The men made little effort to explain themselves to the frightened Rodriguez family, who did not understand what was going on. The men repeatedly yelled at the eldest daughter to “shut up” whenever she attempted to translate for her parents, who do not speak English and wanted to understand the situation. After some time, the agents stated that they wanted “Marsela” because she was an “illegal.” This purported explanation made no sense to the family, and aroused their suspicions about the true identities and intentions of the men who had invaded their home. The Rodriguez family has a daughter named Marsela Rodriguez Valencia, but she not only does not live at the family home, she has been a lawful permanent resident since 1976. She had, in fact, recently applied to become a U.S. citizen. When told that Marsela was legal, the men responded that they would take her anyway.

Based on their aggressive and unjustified behavior, the Rodriguez family did not believe that the men were police officers as they claimed. Instead, the family believed that the armed men were criminal intruders intent on doing serious physical harm to them or their daughter.
Marisela Indeed, as soon as the men left, the Rodriguez family made two calls one, to make sure that their daughter Marisela was taken somewhere safe, in case the men should proceed to her home, and two, to inquire of the local police department whether officers had, in fact, been dispatched to their home.

On August 19, 2002, the court denied the government’s motion for summary judgment on the constitutional and tort claims. The court urged the government to discuss settlement, because the officers, “with just a few computer keystrokes,” could have learned that they had targeted the wrong home.

On October 12, 2002, the parties met with a mediator, but were unable to reach settlement. On October 15, 2002, the government submitted a Rule 68 offer to settle the case for $75,000, up from its prior offer of $25,000, and filed a notice of appeal from the denial of summary judgment on the constitutional claim—that the officers violated the family’s Fourth Amendment right to be free of unreasonable searches and seizures.

The government’s appeal does not affect the trial on the tort claims. Trial on claims of negligence, false imprisonment, and intentional infliction of emotional distress is currently set for April 15, 2003. On February 24, 2003, the government conceded liability for the officers’ negligence. The government apparently intends to dispute the harm that the family has suffered.

Fried, Frank, Harris, Shriver & Jacobson
Co-counsel

Hector O Villagra
Belinda Escobosa Helzer
MALDEF Los Angeles Office

CH/4049 Guevara v City of Norcross, Nos 100-CV-0190-CAP (U S Dist Ct, N D Ga), 01-16909-JJ (U S Ct App, 11th Cir)

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 in

Reverend 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 protection 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 parties briefed the appeal. On October 8, 2002, soon after hearing oral argument, the Eleventh Circuit affirmed the district court’s decision that Guevara’s claims are moot.

ACLU of Georgia
Goico Goico & Bolet
Asian Pacific American Bar Association
Co-counsel

Patricia Mendoza
MALDEF Chicago Office

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. 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 to 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, 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 until the Mayor’s return from his tour of duty.
After the Mayor's return to Rogers in July 2002, the case was re-activated on the docket. Discovery continues in the case, and, in March 2003, we submitted our final proposed scheduling order. Trial is set for October 20, 2003.

Gary Kennan
Co-counsel

Joseph Berra
MALDEF San Antonio Office

NT/4061 Society of Saint Vincent de Paul of Santa Clara County v. City of Los Altos, Nos C 02-00847 PVT (U S Dist Ct, N D Cal), 02-16761 (U S Ct App, 9th Cir)

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 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 attempted to convince Los Altos at least to stipulate to a preliminary injunction in light of the virtually indistinguishable CHIRLA case.

When Los Altos refused to stipulate, we moved for a preliminary injunction against enforcement of the ordinance. The court heard argument on July 15, 2002, and issued the injunction in August. The city filed an appeal of the injunction, and also sought a modification from the district court to permit enforcement as to solicitation in the roadway. Rather than decide the motion, the district court commenced mediation, which the judge himself has overseen. We continue to discuss settlement, and the appeal has been stayed to permit the mediation process to continue.

Morrison & Foerster
Co-counsel

Thomas A. Saenz
MALDEF National Office

Belinda Escobosa Helzer
MALDEF Los Angeles Office

LA/4064 Gedin 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. Under the act, to be eligible for employment as an airport screener, an applicant must, among other things, be a citizen of the United States. Consequently, thousands of lawful permanent residents who are employed as screeners will be summarily fired from their jobs without any determination whether their continued employment would 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 November 13, 2002, the court denied the government’s motion to dismiss, ruling that, although improving security is a compelling governmental interest, the court could not at this stage conclude that the categorical exclusion of all non-citizens from employment as screeners is the least restrictive means to accomplish that interest. On November 15, 2002, the court granted a preliminary injunction. The government appealed the grant of the injunction on December 6, 2002. The appeal is set to be heard in May 2003.

ACLU Foundation of Southern California
Co-counsel
Belinda Escobosa Helzer
Hector O Villagra
MALDEF Los Angeles Office

SA/4065 Medina v. Pasquale, No. SA 02 CA 0109 (U.S. Dist. Ct., W.D. Tex.)

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 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, concluding 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 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’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 secured the cooperation of the INS on a joint motion to allow Medina to adjust his status based on his wife’s petition. After successfully reopening Medina’s case with the Board of Immigration Appeals, we obtained a remand for a hearing before an Immigration Judge in order to allow Medina to seek adjustment of status. We filed Medina’s application and supporting documentation. The hearing was continued until April 11 to allow for processing of Medina’s fingerprints and the required background check. We expect favorable adjudication of his application for adjustment of status and return to legal permanent residency.

Rolando Rios
Co-counsel
Joseph Berra
MALDEF San Antonio Office


On November 13, 2002, in conjunction with the Midwest Immigrant & Human Rights Center (MIHRC) and private attorney Steve Saltzman, we filed this suit against U.S. Attorney General John Ashcroft and the Immigration and Naturalization Service (INS) on behalf of thousands of individuals who applied prematurely for legal permanent residence pursuant to Section 245(i) of the Immigration and Naturalization Act (INA) after being defrauded by self-styled immigration consultants. We allege that the Chicago District Office violated the INS’s own regulations and instructions, and the Equal Protection and Due Process Clauses of the Fifth Amendment, by: 1) accepting these applications for processing despite knowing of the widespread problem of “immigration consultants,” 2) retaining thousands of dollars in special processing and filing fees, and 3) starting investigations against these applicants that eventually exposed most of them to deportation.
Defendants filed a motion to dismiss, which the court bifurcated in order to deal with the jurisdictional issues first. Both parties have filed their briefs addressing jurisdiction, and we await a decision.

Charles Roth
Midwest Immigrant & Human Rights Center
Steven Saltzman
Co-counsel

Patricia Mendoza
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MALDEF Chicago Office

LA/4067 Avila v. Department of Motor Vehicles, Nos. 02CS00617 (Sacramento County Superior Ct.); C042014 (Cal. Ct. App., 3d Dist.).

On May 2, 2002, we challenged the failure of the California Department of Motor Vehicles to implement A.B. 60, a bill enacted by the Legislature, but never signed by the Governor, which would have allowed certain undocumented immigrants to qualify for a driver's license. We contend that the bill became law when the Governor failed to sign or veto the bill within the time period set by the state constitution. The Governor, not wanting to sign or veto the bill, engineered its return to the Legislature, without any formal request by either house, so that it could be rewritten to his liking. We contend that state constitution neither recognizes nor permits such a method of return.

On August 1, 2002, the court dismissed our petition, holding that the courts have no authority to rule on the matter and, in the alternative, that the Governor's return of the bill lifted the constitutional deadline that would have automatically converted the bill into law.

We appealed on August 26, 2002, and filed our opening brief on January 2, 2003. The State has obtained two extensions to file its opposition brief, now due on April 5.

Hector O. Villagra
MALDEF Los Angeles Office

SA/4068 Pozo Rodriguez v. McHugh, No. A02- CA-713 SS (U.S. Dist. Ct., W.D. Tex.)

In November 2002, we filed this suit against individual State Troopers and the Texas Department of Public Safety on behalf of Juan Pozo Rodriguez, a Honduran immigrant whose immigration papers were confiscated and held by the Department for nearly four months after he applied for a Texas driver's license with the Department. The suit alleges violations of Fourth (unlawful seizure) and Fourteenth (due process and equal protection) Amendment rights. The suit seeks damages for Pozo as well as changes in DPS policy that will prevent future discriminatory and unwarranted scrutiny of documents.
presented by Latino license applicants. Defendants answered, and the Texas Attorney General sought immediate mediation in the case. We are currently in settlement negotiations.

Joseph Berra
MALDEF San Antonio Office

NT/4070 Comite de Jornaleros de Rancho Cucamonga y Upland v. City of Rancho Cucamonga, No. EDCV 02-1010-VAP (U.S. Dist. Ct., C.D. Cal.).

We filed this action in September 2002 on behalf of day laborers who solicit employment in the San Bernardino County cities of Rancho Cucamonga and Upland. The suit alleges that the cities' ordinances restricting the solicitation of work violate free-speech rights protected by the First Amendment. Soon after we filed the suit, both cities amended their ordinances so that they do not apply to solicitation conducted on the sidewalk, and the cities removed posted signs that declared solicitation unlawful. The cities answered the suit, and discovery has commenced. We are exploring settlement in light of the revisions made to the two ordinances.

Thomas A. Saenz
MALDEF National Office

Belinda Escobosa Helzer
MALDEF Los Angeles Office

LA/4071 In re Corona, Nava, Damian & Huicochea (INS Deportation Proceedings).

On September 11, 2002, we became co-counsel on behalf of four high school students currently in deportation proceedings. While on a school field trip to upstate New York, four high school students from Phoenix were questioned and detained for more than nine hours at the Canadian-U.S. border by the INS. We challenge their deportation because: (1) of the nine students in the group, they were targeted for questioning because they are Latino; (2) they were questioned for more than nine hours; (3) immigration officials failed to inform the students of their rights; and (4) immigration officials used intimidation and scare tactics during the interrogation. The plight of these children relates directly to the Development, Relief and Education Act for Alien Minors ("DREAM Act"), which we seek to have enacted. The DREAM Act would allow immigrant children the opportunity to become permanent residents and apply for citizenship.
The deportation hearings have been put off until November 28, 2003, as the students have applied for humanitarian relief under the immigration laws.

Judy Flanagan
Marianne Gonko
Co-counsel

Belinda Escobosa Helzer
Hector O. Villagra
MALDEF Los Angeles Office

NT/4074 La Raza Centro Legal v. City and County of San Francisco, No. C 03-01265 CW (U.S. Dist. Ct., N.D. Cal.).

In March 2003, we filed this challenge to the retaliatory decision to end the funding of La Raza Centro Legal (LRCL) to operate the San Francisco Day Labor Program. LRCL successfully ran the program for three years, but the City of San Francisco decided to put the contract to run the program out to bid after LRCL assisted day laborers in organizing a peaceful protest targeting the police department and Mayor’s office. Representatives of the Mayor’s office made clear that the decision came because LRCL was organizing the workers. Ultimately, even though LRCL twice submitted responsive and satisfactory bids in a protracted bidding process, the City awarded the contract to run the program to the only other bidder. Our lawsuit alleges that the City’s decision violates the First Amendment because it was made in retaliation for political speech.

Thomas A. Saenz
Maria Blanco
MALDEF National Office
TITLE 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 requires 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. It 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 timelines 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 streamlined and timely. In August 2002, we reached an agreement concerning both the new format for the mandated monthly reports as well as the format for the Program Progress Reports generated by the Implementation Consultant. All reports were been timely issued since the informal change, however, IDCFS’s counsel resigned, and a replacement has not yet been named. As a result, we have not received the
monthly reports from IDCFS for a couple of months, however, the Implementation Consultant continues to issue her Workplan Progress Reports monthly.

Patricia Mendoza
MALDEF Chicago Office