

Securing Pathways to Justice at a Critical Time

THE DOOR OPENS AT 8 A.M., and already there is a long line down the corridor outside Room 235 of the Los Angeles County Superior Courthouse. Concerned, anxious, worried faces—some shielded to hide the evidence of recent physical abuse—populate the hallway. All are there because they have heard help is inside.

Room 235 is small and filled with volunteers and staff from the Los Angeles County Bar Association. As the morning progresses, the stories are told of those who came to the Domestic Violence Legal Services Project. Declarations are written. Thick packets of court papers are prepared. Explanations about restraining orders, ex parte hearings, and service of process are provided. The stories are often harsh, and sometimes a volunteer needs to step away for a moment alone to regain composure.

Each day, the court issues restraining orders—more than one would expect. The Domestic Violence Legal Services Project is an indispensable pathway between the community and the courthouse. Last year, this project helped 4,250 victims of domestic violence.

A few blocks away, on the third floor of the U.S. Citizenship and Immigration Services Offices (USCIS), a similar scene unfolds. This time, immigrants line the hallways. Some are “Dreamers,” while others have questions about keeping their families together. Most just need help with nationalization, travel permits, and work permits. They need help because the law is complex and constantly changing.

Inside one of two small rooms, a wall is covered with crayon drawings made by the children of those who came with questions. Sometimes the answer is not what a questioner wants to hear. Many times, however, there are ways under the law to help a parent or child gain legal status. The advice given is the same reliable advice that staff and volunteers of the LACBA Immigration Legal Assistance Project have been giving for 40 years, this time to a new generation of immigrants. The USCIS relies on the assistance of the Immigration Legal Assistance Project to handle the daily surge of immigrants outside its doors and to provide an essential pathway for the community. The project helped 13,049 clients last year.

On the third Wednesday evening of the month, chairs are arranged in a basement meeting room at Bob Hope Patriotic Hall on Figueroa Street. A group of 30 veterans, some unemployed and others homeless, have arrived to attend a seminar to resolve outstanding traffic tickets and warrants. For many, a simple ticket has snowballed into a license suspension, fines, or a warrant, severely affecting prospects for employment. After the workshop, the veterans receive one-on-one consultations with volunteer attorneys who have been recently trained by LACBA Veterans Legal Services Project staff attorneys. The veterans leave that evening with much needed help to reinstate a driver’s license or clear a record that will better open the door to employment.

“Our Nation has a long tradition of according leniency to veterans in recognition of their service.”¹ The Veterans Legal Services Project assists that tradition. Over 200 LACBA volunteers

helped local veterans in 2016.

Back at LACBA’s downtown headquarters, the director of the AIDS Legal Services Project is coordinating full-scope legal representation for people living with HIV and AIDS. When word came out recently that a national health care company mailed letters that inadvertently revealed a patient’s HIV status through the envelope window, the AIDS Legal Services Project staff acted immediately to help coordinate a press release and demand letter.² Disclosing a private health condition, such as cancer or dementia, to neighbors, landlords, or employers is a serious breach of privacy, but when the condition relates to HIV/AIDS, there is added stigma and discrimination.

The AIDS Legal Services Project has a network of pro bono attorneys to assist with HIV-related legal issues such as estate planning, insurance denials, discrimination, privacy breaches, and Americans with Disabilities Act accommodations. Many of the volunteer attorneys have been with the AIDS Legal Services Project since its inception by LACBA’s Barristers 30 years ago. Last year, the project provided more than \$1 million in much needed pro bono legal services.

LACBA’s four legal services projects—Domestic Violence, Immigration, Veterans, and AIDS—provide crucial pathways to legal assistance for those in need. Unfortunately, the projects are in jeopardy due to inadequate funding. Recently, LACBA closed its domestic violence clinic at the Pasadena Superior Courthouse. It also has reduced staff and shut down a fifth project that provided mediation services to local communities and schools. It should not have been necessary to do this.

The cause—legal services for those in Los Angeles County who cannot afford them—should be at the heart of every charitable effort of every successful lawyer in the community. At this critical time, LACBA members can make a lasting impact in Los Angeles. The four legal services projects, now more than ever, need your support. If every LACBA member donates \$100, we can turn the corner. If every LACBA member donates the dollar equivalent of “one billable hour” of his or her time, we can sustain the projects into the future.

Please support Counsel for Justice (CFJ), the charitable arm of LACBA, by donating \$100 or, even better, writing in the dollar equivalent of “one billable hour” on the dues form. There is also a “Donate” button on the LACBA and CFJ web pages so that you can make your donation today. ■

¹ Porter v. McCollum, 558 U.S. 30, 44 (2009).

² Zachary Tracer, *Insurance Company Aetna Inadvertently Releases HIV Status of Thousands*, TIME, Aug. 25, 2017, available at <http://time.com/4915634/aetna-hiv-clients-letter>.

This month’s President’s Page was contributed by Mark Garcia, president of LACBA’s Counsel for Justice and a partner in Lewis Roca Rotherger Christie’s intellectual property practice group in Los Angeles.



Counsel for Justice
LACBA



OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH

Kelly moved slowly while walking into the Domestic Violence Legal Services Project (DVP). She had reason; her torso had three bullet wounds; shot by her ex-boyfriend. Even though he was arrested, her children would be taken from her if she didn't get a restraining order. With the help of one of our DVP volunteers, Kelly was granted a temporary restraining order (TRO).

October is National Domestic Violence Awareness Month – a time to reflect, not only on the staggering statistics, but on solutions as well.

You are part of the solution.

- ▶ Every 9 seconds – in the U.S. – a woman is assaulted or beaten.
- ▶ An average of 3 women are killed nationwide because of domestic violence every day.
- ▶ 1 in 15 children are exposed to domestic violence every year.
- ▶ 83% of victims who receive legal help are granted a TRO - without assistance, only 32% were successful.

You can provide a solution for the 300 victims DVP will help this month – about 15 EACH day. By supporting LACBA's DVP you provide victims their first legal tool for safety.

To donate, visit www.LACBA.org/donate

sibly the Supreme Court will have to weigh in again on this issue. ■

¹ VE Holding Corp. v. Johnson Gas Appliance Co., 917 F. 2d 1574 (Fed. Cir. 1990).

² TC Heartland v. Kraft Foods Group Brands, LLC, 581 U.S. ___, 137 S. Ct. 1514 (2017).

³ Judiciary Act, §11, 1 Stat. 79 (1789).

⁴ TC Heartland, 137 S. Ct. at 1518 (citing Judiciary Act, §1, 24 Stat. 552 (1887) and Stonite Prods. Co. v. Melvin Lloyd Co., 315 U.S. 561, 563-64 (1942)).

⁵ TC Heartland, 581 U.S. at ___, 137 S. Ct. at 1518 (citing Patent Act, Ch. 391, 29 Stat. 695 (1897)).

⁶ Stonite, 315 U.S. at 565-66.

⁷ *Id.*

⁸ Fourco Glass Co. v. Transmirra Prods. Corp., 353 U.S. 222, 228 (1957).

⁹ TC Heartland, 581 U.S. at ___, 137 S. Ct. at 1519.

¹⁰ *Id.* (citing Judicial Improvements and Access to Justice Act, Pub. L. No. 100-702, §1013(a), 102 Stat. 4669 (1988)).

¹¹ VE Holding Corp. v. Johnson Gas Appliance Co., 917 F. 2d 1574, 1578 (Fed. Cir. 1988).

¹² TC Heartland, 581 U.S. at ___, 137 S. Ct. at 1520.

¹³ Kraft Foods Grp. Brands LLC v. TC Heartland, LLC, No. CV 14-28-LPS, 2015 WL 4778828, at *2 (D. Del. Aug. 13, 2015).

¹⁴ TC Heartland, 581 U.S. at ___, 137 S. Ct. at 1517.

¹⁵ In re TC Heartland, LLC, 821 F. 3d 1338, 1341-43 (2016).

¹⁶ *Id.*

¹⁷ Justice Gorsuch took no part in the consideration or decision of the case.

¹⁸ TC Heartland, 581 U.S. at ___, 137 S. Ct. at 1520.

¹⁹ *Id.*

²⁰ *Id.* (citations omitted).

²¹ *Id.* (citing Pure Oil Co. v. Suarez, 384 U.S. 202, 202-05 (1966)).

²² Ryan Davis, *Lawmakers Slam ‘Reprehensible’ New Gilstrap Venue Rules*, Law360, July 13, 2017, <https://www.law360.com> [hereinafter Davis].

²³ Raytheon Corp. v. Cray, Inc., No. 2:15-CV-01554-JRG, 2017 WL 2813896 (E.D. Tex. June 29, 2017).

²⁴ Lace v. Lace, No. 89 C 0414, 1989 WL 103364, at *2 (N.D. Ill. 1989).

²⁵ See Raytheon, 2017 WL 2813896, at *8 (citing Holub Indus., Inc. v. Wyche, 290 F. 2d 852, 854 (4th Cir. 1961)); General Radio Co. v. Superior Elec. Co., 293 F. 2d 949, 951 (1st Cir. 1961); Phillips v. Baker, 121 F. 2d 752, 756 (9th Cir. 1941); Warner-Lambert Co. v. C.B. Fleet Co., 583 F. Supp. 519, 522 (D. N.J. 1984) (discussing this line of cases); Coleco Indus., Inc. v. Kransco Mfg., Inc., 247 F. Supp. 571, 574 (S.D. N.Y. 1965).

²⁶ Raytheon, 2017 WL 2813896, at *8 (citing Johnston v. IVAC Corp., 681 F. Supp. 959, 962 (D. Mass. 1987)).

²⁷ Raytheon, 2017 WL 2813896, at *8 (comparing Mastantuono v. Jacobsen Mfg. Co., 184 F. Supp. 178 (S.D. N.Y.1960) with Coleco, 247 F. Supp. at 575).

²⁸ Raytheon, 2017 WL 2813896, at *8 (citing Brunswick Corp. v. Suzuki Motor Co., 575 F. Supp. 1412, 1424 (E.D. Wis. 1983) (“This court does not lack venue over U.S. Suzuki simply because it rents no real estate in Wisconsin.”) and Instrumentation Specialties Co. v. Waters Assocs., Inc., No. 76 C 4340, 1977 WL 22810, at *6 (N.D. Ill. Oct. 12, 1977) (emphasis is on physical presence “invite[s] gamesmanship to avoid venue”).

²⁹ Raytheon, 2017 WL 2813896, at *8 (citing Shelter-Lite, Inc. v. Reeves Bros., 356 F. Supp. 189, 195 (N.D.

Ohio 1973) (“[A]n unyielding rule that a regular and established place of business cannot arise by virtue of a salesman operating out of his residence is at odds with the practicalities and necessities of the business community.”).

³⁰ In re Cordis Corp., 769 F. 2d 733, 737 (Fed. Cir. 1985).

³¹ *Id.*

³² *Id.* at 735.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 737.

³⁶ Raytheon Corp. v. Cray, Inc., No. 2:15-CV-01554-JRG, 2017 WL 2813896, at *11-12 (E.D. Tex. June 29, 2017).

³⁷ *Id.* at *12.

³⁸ *Id.*

³⁹ *Id.* at 13.

⁴⁰ *Id.* at *13 (citing Instrumentation Specialties Co. v. Waters Assocs., Inc., No. 76 C 4340, 1977 WL 22810, at *6 (N.D. Ill. Oct. 12, 1977) (noting that the defendant had made “substantial annual sales” in the district).

⁴¹ *Id.* at *13

⁴² *Id.* at *14.

⁴³ Davis, *supra* note 22.

⁴⁴ Logantree LO v. Garmin Int’l, et al., No. SA-17-CA-0098-FB, 2017 WL 2842870, at *2 (W.D. Tex. June 22, 2017) (judgment entered No. SA-17-CA-0098-FB, 2017 WL 2844167 (W.D. Tex. June 22, 2017)).

⁴⁵ *Id.*

⁴⁶ Optolom, Inc. v. Cree, Inc., No. CV-16-0328-PHX-DLR, 2017 WL 3130642, at *6 (D. Ariz. July 24, 2017).

⁴⁷ *Id.* (internal quotations omitted).



Working together for a more just LA

We are looking for candidates for the Board of Directors of the *pro bono* programs for the Los Angeles County Bar Association (LACBA)

Join us in making a difference in the lives of people throughout Los Angeles. Every day we help domestic violence victims who are seeking safety from their abusers, provide immigrants with accurate information about their legal rights, help veterans clear tickets and warrants so they can find employment, and protect the rights of people living with HIV and AIDS.

Last year our volunteers helped more than 17,000 people and provided over \$3.7 million in pro bono services. But we need your help to raise corporate and individual support for LACBA’s Domestic Violence, Immigration, Veterans, and AIDS Legal Services Projects.

There are a limited number of open positions on its Board of Directors, which leads the fundraising efforts to support its Projects. If you are motivated, dedicated and energetic to work for “a more just LA,” please submit an application available at www.LACBA.org/CFJ or by contacting its Director, Ann Marie Bedtke, at (213) 896-6409, or counselforjustice@lacba.org.

