

LEGAL AID AT WORK  
National Origin and Immigrants' Rights Program  
Christopher Ho (SBN 129845)  
cho@legalaidatwork.org  
Marisa Díaz (SBN 293072)  
mdiaz@legalaidatwork.org  
180 Montgomery Street, Suite 600  
San Francisco, California 94104  
Telephone: 415-864-8848  
Facsimile: 415-593-0096

Applicant\*

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**APPLICATION FOR A PROPOSED RULE OF COURT  
PROHIBITING CIVIL ARRESTS AT CALIFORNIA  
COURTHOUSES**

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Submitted August 1, 2018

\*Additional Proponents Supporting the  
Proposed Rule Are Set Forth on the Signature Page

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**APPLICATION TO THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA  
FOR THE ADOPTION OF A NEW RULE OF COURT**

**August 1, 2018**

Pursuant to Rule 10.21 of the Judicial Administration Rules of the Courts of the State of California, Applicant Legal Aid at Work and proponents<sup>1</sup> submit this application for the adoption of a new rule of court to apply to all courthouses of this state. The proposed rule is in line with the Council's authority and duty under Article VI, Section 6 of the Constitution of the State of California to promulgate rules that improve the administration of justice in our courts.

**1. The Text of the Proposed Rule**

- a. No person may be subjected to civil arrest while the person is inside a courthouse of this state and the person is present in connection with any judicial proceeding or other business with the court.
- b. No person may be subjected to civil arrest while the person is going to or coming from a courthouse of this state, or while the person is within the environs of a courthouse of this state, if the person is traveling for the purpose of any judicial proceeding or other business with the court.

**2. The Threat of Civil Immigration Enforcement Deters Persons Residing in California from Accessing Justice in Our Courts**

The people of California rely on our courts to be open to them for the fair administration of justice. Access to our courts is fundamental to our

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<sup>1</sup> A complete list of all proponents of the proposed rule, current as of July 31, 2018, is set forth in the signature block of this application.

system of justice. Our courthouses are—and must be—places where anyone can come to seek help or to testify without fear. When the men, women, and children living in California are afraid that harm might befall them if they seek help or testify as witnesses in a judicial proceeding, our state cannot fairly administer justice. Those who are deterred from using our courts are denied justice. And if witnesses in important proceedings are deterred from testifying in our courts, *all* California residents are denied justice.

The proposed rule addresses the problem of interference with the administration of justice in our state courts and courthouses. In particular, it addresses the practice of U.S. Immigration and Customs Enforcement (ICE) agents arresting, based on violations of civil immigration laws, non-citizens who are present in or around our courthouses to participate in a judicial proceeding or who have other business with the court.

Federal immigration agents in California and throughout the country routinely follow and arrest non-citizens in or around courthouses. Here are some examples in California and elsewhere.

- On July 17, 2018, a client of the Fresno County Public Defender was taken into custody by ICE while he was waiting for his state-court case to be called. The presiding judge, who only learned of this arrest after it happened, ordered the probation department to investigate and report back on the client's arrest. ICE removed the client from the U.S. the next day. (Communication from Carter Sears, Deputy Public Defender, Fresno County.)
- ICE subsequently conducted another such arrest in the same Fresno courthouse just a week ago, on July 24, 2018. The judge

before whom the individual had been scheduled to appear stated that “I don’t think it’s appropriate for them to be removing him from court,” and added that he was especially concerned because the person detained had not had the opportunity to go before the judge. ICE confirmed it had conducted five arrests at the courthouse in the previous week, and stated those arrests were consistent with its practice.

<https://www.fresnobee.com/latest-news/article215514980.html>

- In March 2018, plainclothes immigration agents entered a Solano County courtroom and photographed a criminal defendant and his family members. The family members became very upset that the two men were taking their pictures. The immigration agents later arrested the defendant. (Communication from Lesli Caldwell, Public Defender, Solano County.)
- A man who had just finished an appearance in a criminal case in superior court in Pasadena was approached by four ICE agents and arrested in the courthouse. <https://www.cnn.com/2017/03/17/us/immigration-ice-courthouse-arrests/>
- ICE agents detained a man at the metal detectors of the Stanislaus County Courthouse in Modesto when he appeared for a hearing on his DUI charge. <http://www.modbee.com/news/local/crime/article172944781.html>
- ICE arrested a man in Contra Costa County when he attended family court to obtain visitation rights to see his children. The ICE agents were waiting for him when he arrived at the courthouse. (Communication from Jeff Adachi, Public Defender, City and County of San Francisco.)
- A former Deferred Action for Childhood Arrivals (“DACA”) recipient in Illinois was arrested by ICE agents in traffic court where he went to appeal the suspension of his driver’s license after he failed to pay a traffic fine; he had no criminal record. <http://www.chicagotribune.com/suburbs/skokie/news/ct-met-dreamer-daca-skokie-courthouse-arrest-20180131-story.html>

- ICE agents arrested an undocumented immigrant in the hallway of a Texas courthouse after his DWI hearing. At the time, the immigrant was seeking to gain legal status through his wife, who is a citizen. <http://news4sanantonio.com/news/local/ice-agents-arrest-local-man-at-bexar-county-justice-center>
- Videotape shows ICE agents in Texas entering a courthouse to arrest an undocumented transgender woman when she was in court to obtain a restraining order to protect her from domestic violence. <https://thinkprogress.org/ice-domestic-violence-victim-475ecf0f6412/#.pivfbui0j>
- A man attending family court in Michigan to seek custody of his three children (on the grounds that his ex-wife's boyfriend was violent at home) was arrested by ICE agents in the courtroom even before he could make his case. <http://michiganradio.org/post/father-arrested-immigration-agents-oakland-county-custody-hearing>
- Criminal defendants in Connecticut are being detained by ICE agents when the defendants appear for pre-trial hearings. <http://www.newstimes.com/policerreports/article/Immigration-officials-detain-man-at-Danbury-11083985.php>
- Denver officials asked ICE to stop arresting or detaining undocumented immigrants in Denver courthouses because these arrests deter people from participating in the justice system, whether as defendants, victims or witnesses. Nonetheless, ICE continued to do so. <https://www.denverite.com/new-videos-show-ice-arresting-immigrants-denver-county-court-something-local-officials-asked-not-35314/>
- ICE agents appeared at a New York courthouse and tried to arrest a woman who was a victim of human trafficking. <http://www.nydailynews.com/news/politics/dems-seek-answers-ice-arrests-human-trafficking-victim-article-1.3326930>
- A man who was at a Colorado courthouse with his lawyer regarding a misdemeanor DUI infraction was handcuffed and detained by ICE agents, who refused to show his lawyer the arrest warrant they were purportedly carrying; his lawyer videotaped the arrest. <http://www.westword.com/news/immigration-agents->

[breaking-protocol-during-courthouse-arrests-in-denver-9499512](#)

- Multiple undocumented immigrants have been detained or arrested outside of Oregon courthouses. ICE agents also detained one man who is a U.S. citizen and has been a county employee for 20 years.  
<http://www.oregonlive.com/hillsboro/index.ssf/2017/09/ice-mistakenly-tries-to-grab-1.html>; see also  
[http://www.theroot.com/plainclothes-ice-agents-who-did-not-identify-themselves-1818622478?utm\\_source=theroot\\_facebook&utm\\_medium=socialflow](http://www.theroot.com/plainclothes-ice-agents-who-did-not-identify-themselves-1818622478?utm_source=theroot_facebook&utm_medium=socialflow)
- A man was arrested by ICE agents at a Travis County courthouse in Texas when he appeared to face two misdemeanor charges of possession of marijuana and domestic violence. After he was deported, he was murdered by gunmen in Mexico.  
[https://www.washingtonpost.com/news/morning-mix/wp/2017/09/21/he-said-deportation-would-kill-him-his-body-was-found-in-mexico-this-week/?tid=ss\\_fb&utm\\_term=.56d2eed2d63b](https://www.washingtonpost.com/news/morning-mix/wp/2017/09/21/he-said-deportation-would-kill-him-his-body-was-found-in-mexico-this-week/?tid=ss_fb&utm_term=.56d2eed2d63b)
- In a Boston federal district court, ICE agents arrested a woman who had just pled guilty to using a false passport and committing visa fraud, and was given probation by the judge. The judge expressed outrage at the arrest and said, “I see no reason for places of redress and justice to become places that people are afraid to show up.” The assistant U.S. attorney said he had not seen such conduct during his 30 years as a prosecutor.  
<https://www.reuters.com/article/us-usa-education-crime/us-judge-criticizes-immigration-arrest-of-chinese-woman-in-exam-scam-idUSKBN1HW32G>

These arrests are continuing; they are deterring people from using our courts. According to a survey conducted by the American Civil Liberties Union and the National Immigrant Women’s Advocacy Project, new fears of deportation are deterring immigrants from reporting crime and participating in court cases:

[L]aw enforcement officials reported that many crimes have become more difficult to investigate: 69% said domestic violence was harder to investigate, 64% said this applied to human trafficking, and 59% said this was true of sexual assault.

Seventy-one percent of surveyed law enforcement officers also reported that the lack of trust from immigrant crime survivors and those with limited English proficiency has already had an adverse impact on officers. Sixty-seven percent reported an impact on their ability to protect crime survivors generally and 64% reported an adverse impact on officer safety.

Fifty-four percent of judges participating in this survey reported court cases were interrupted due to an immigrant crime survivor's fear of coming to court, representing a significant disruption in the justice system compared with 43% of judges reporting this effect in 2016.

(Freezing Out Justice: How Immigration Arrests At Courthouses Are Undermining the Justice System at pp. 1-2, Appendix A.) Prosecutors and legal services organizations similarly report that crimes suffered by immigrants, such as sexual abuse and human trafficking, have become harder to prosecute and are now reported less frequently than just a year or two ago. (Id. at p. 2.)

Likewise, seven organizations working to end domestic violence and sexual assault conducted a nationwide survey of advocates for survivors of domestic violence and sexual assault. They found that immigrant survivors of violence and assault are increasingly afraid to call 911 to report abuse because they fear they could be deported. 78% of the advocates surveyed reported that immigrant survivors expressed concerns about contacting police; 75% percent reported that immigrant survivors have concerns about



going to court for a matter related to the person who domestically abused or assaulted them; and 43% reported that immigrant survivors had dropped civil or criminal cases because they were afraid to continue with their cases. (2017 Advocate and Legal Service Survey Regarding Immigrant Survivors, Appendix B.) These two surveys show that the problem of deterrence is real.

Chief Justice Tani Cantil-Sakauye has repeatedly expressed her concern about the conduct of ICE agents in our courtrooms and its deterrent effect on access to our courts. In a March 16, 2017 letter to U.S. Attorney General Jeff Sessions and then-Homeland Security Secretary John F. Kelly, our Chief Justice was the first member of the judiciary to voice her concerns. (Chief Justice letter to Attorney General Sessions and Secretary Kelly, dated March 16, 2017, Appendix C.) She wrote, “As Chief Justice of California responsible for the safe and fair delivery of justice in our state, I am deeply concerned about reports from some of our trial courts that immigration agents appear to be stalking undocumented immigrants in our courthouses to make arrests.” (Id.) As she pointed out, “Crime victims, victims of sexual abuse and domestic violence, witnesses to crimes who are aiding law enforcement, limited-English speakers, unrepresented litigants, and children and families all come to our courts seeking justice and due process of law.” (Id.) By using our courthouses as convenient venues to make arrests of non-citizens, these immigration officers erode the trust and confidence people place in our

courts, and deter people from participating in the judicial process—one of the cornerstones of our democracy.<sup>2</sup>

Our Chief Justice has not backed down from her statements in her letter to Attorney General Sessions and to Secretary Kelly. In an interview on KQED’s Forum radio program on March 27, 2018, the following exchange took place:<sup>3</sup>

**Michael Krasny:** And you’ve been, uh, talked about ICE agents going into the courtroom and you’ve been rather vocal about that, uh, even using some language that, uh, a lot of people have picked up on, even nationally, talking about, uh, “stalking,” for example.

**Chief Justice:** Yes, I used strong terms because several principles are involved and that is how it’s felt for people who are unaware, in the court, and find ICE contacting them and taking them away. And I would also say based upon the letter I received in response to my letter, it was admitted by the Homeland Security that this is in fact what they were doing because courts were considered safe places, because people enter courts after having been screened for weapons. And so therefore, in a manner of speaking, and I was a domestic violence court judge for many years, it felt like stalking to me.

**Krasny:** You were also, uh, got some pretty strong response from Sessions and company, didn’t you?

**CJ:** I certainly did. I was surprised not only that I had a response. But you know when you think about federal government, or

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<sup>2</sup> The Chief Justices of Washington, Oregon, New Jersey and Connecticut sent similar letters expressing their concerns about immigration arrests in their state courthouses. (See Appendix D.)

<sup>3</sup> A complete recording of the Forum radio program interview, from which these excerpts were transcribed and the timestamps were taken, can be downloaded at <https://www.kqed.org/forum/2010101864503/californias-chief-justice-talks-bail-reform-wildfire-litigation-and-court-funding>.

government in general, it was pretty prompt. And I joked to myself that it was a harsh rebuke of my request and my efforts, but at the same time I feel that it raised the principle. I think at that time I was one of the few voices who spoke about the principle of keeping our communities safe and allowing people the freedom and the trust to report crimes and come to court to stand witness to crimes and obtain restraining orders and the gamut of those kinds of protections that we are all entitled to under our law. So I think that was, that was definitely my motivating force. And I think that to some extent it caught the attention of others, including a few other chief justices, who raised concerns.

**Krasny:** Are you OK with California being a sanctuary state, then?

**CJ:** I am. I'm OK with California's efforts. Of course that's the legislative branch. And I know that at the core it is California's attempts to protect the people who come here who are entitled to the protections of all the laws that we pass in California.

(Partial Transcript of Interview Recording, from Timestamp 10:11-12:22.) As the Chief Justice stated later in the interview when answering a question about the availability of legal aid and legal services to undocumented immigrants, "When our laws are passed in the legislature and when they are passed in Congress they typically don't say, 'Only applicable to documented or to citizens.' This, it is these laws apply across the board." (Partial Transcript of Interview Recording, from Timestamp 45:49-47:20.)<sup>4</sup>

### **3. The Proposed Rule Solves the Problem of Courthouse Arrests While Alternative Solutions Do Not**

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<sup>4</sup> City and county district attorneys from across California have expressed their support of the Chief Justice's' objections to immigration enforcement in state courthouses. *See* City and County District Attorney letter to Attorney General Sessions and Secretary Kelly, dated April 4, 2017, *available at* <https://www.ncsc.org/~media/Files/PDF/Topics/ICE/CAProsecutorsLetter.ashx>

Unless the Judicial Council adopts the proposed rule of court, the actions of ICE agents are likely to continue to deter non-citizens, and especially undocumented immigrants, from using our courts or appearing as witnesses in civil or criminal proceedings. Because the misuse of California courts by ICE agents to make detentions and arrests is a systemic problem, it should be solved on a statewide basis. The proposed rule arises from the legal doctrine of the common law privilege from arrest in and around courthouses.

**a. Prohibiting Interference With the Administration of Justice in California Courts Can be Solved with the Adoption by Rule of Court of the Common Law Privilege From Civil Arrest**

The common law privilege from civil arrest prevents civil arrests of persons who are traveling to or from court, or who are within a courthouse or its environs. (Christopher N. Lasch, *A Common-Law Privilege to Protect State and Local Courts During the Crimmigration Crisis*, 127 *Yale L.J. Forum* 424-431, Appendix E.) “At common law a court might issue a ‘writ of . . . protection’ to a litigant or witness who feared arrest while coming to court.” (Id. at p. 425 (footnote omitted).) The purpose of the writ was to keep courts open and accessible, and to eliminate the fear of arrest that might deter a person from coming to court. (Id. at p. 427.) Courts possess the inherent power to grant a writ of protection based on the common law privileges from arrest and civil service of process. (Id. at p. 437.)

The inherent judicial power to grant a writ of protection from civil arrest and service of civil process has been recognized in state and federal courts, including in decisions by the United States Supreme Court. In *Stewart v. Ramsay*, 242 U.S. 128 (1916), the Court reasoned:

A leading authority in the state courts is *Halsey v. Stewart*, 4 N. J. L. 366, decided in the New Jersey supreme court nearly one hundred years ago, upon the following reasoning: "Courts of justice ought everywhere to be open, accessible, free from interruption, and to cast a perfect protection around every man who necessarily approaches them. The citizen in every claim of right which he exhibits, and every defense which he is obliged to make, should be permitted to approach them, not only without subjecting himself to evil, but even free from the fear of molestation or hindrance. He should also be enabled to procure, without difficulty, the attendance of all such persons as are necessary to manifest his rights. Now, this great object in the administration of justice would in a variety of ways be obstructed if parties and witnesses were liable to be served with process while actually attending the court. It is often matter of great importance to the citizen, to prevent the institution and prosecution of a suit in any court, at a distance from his home and his means of defense; and the fear that a suit may be commenced there by summons will as effectually prevent his approach as if a *capias* might be served upon him."<sup>5</sup>

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<sup>5</sup> Similarly, in *Page Co. v. MacDonald*, 261 U.S. 446 (1923), the Court stated:

A federal court in a state is not foreign and antagonistic to a court of the state within the principle and, therefore, as said in *Stewart v. Ramsay, supra*: "Suitors as well as witnesses, coming from another state or jurisdiction, are exempt from the service of civil process while in attendance upon court, and during a reasonable time in coming and going." And we can add nothing to what is said in support of the rule. "It is founded," it is said, "in the necessities of the judicial administration," and the courts, federal and state, have equal interest in those necessities. They are both instruments of judicial administration within the same territory, available to suitors, fully available, neither they nor their witnesses subject to be embarrassed

(Id. at 129.)

The undersigned proponents of the proposed rule are not alone in advocating that state courts take steps to promote access to justice by prohibiting civil arrests, including civil immigration arrests, in their courthouses. In Massachusetts, non-citizen individuals who wish to access the courts for reasons ranging from seeking a restraining order against an abusive ex-husband, to participating in the prosecution of an assault suspect, to ensuring a critical undocumented witness can testify in his juvenile proceeding, have petitioned the state court system to implement a writ of protection enabling them to do so without fear of arrest. (Petition for a Writ of Protection Pursuant to G.L. C. 211, § 3, In the Matter of C. Doe, et al., SJ-2018-0119, Appendix F.) Their petition has received the support of the Boston Bar Association. (Boston Bar Association letter dated March 30, 2018 to The Honorable Elspeth B. Cypher, Appendix G.)

In the state of Washington, at least one court has taken its own steps to limit ICE arrests in its courtrooms. The King County Superior Court has adopted the following policy:

The King County Superior Court judges affirm the principle that our courts must remain open and accessible for all individuals

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or vexed while attending, the one “for the protection of his rights”; the others “while attending to testify.”

Id. at 447-48.

and families to resolve disputes under the rule of law. It is the policy of the King County Superior Court that warrants for the arrest of individuals based on their immigration status shall not be executed within any of the King County Superior Court courtrooms unless directly ordered by the presiding judicial officer and shall be discouraged in the King County Superior Court courthouses unless the public's safety is at immediate risk. Each judicial officer remains responsible for enforcing this policy within his or her courtroom. This policy does not prohibit law enforcement from executing warrants when the public safety is at immediate risk.

(King County policy, Appendix H.) And in New York on April 25, 2018, Governor Cuomo issued a cease-and-desist letter to ICE after its agents arrested a man in a New York state courthouse.<sup>6</sup> The New York State Assembly is currently considering a bill that would enshrine the common law privilege from civil arrest into state statutory law. (Protect Our Courts Act (A. 11013/S . 08925), Appendix I.) The New York City Bar Association is also urging New York's Chief Judge to adopt court rules that would reduce immigration enforcement at New York courthouses. (Recommendations Regarding Federal Immigration Enforcement in New York State Courthouses, July 2018, Appendix J.)

These jurisdictions have either adopted, or are considering, rules limiting or curtailing ICE enforcement operations in their courthouses; in all cases, they have relied at least in part upon the common law privilege from civil arrest.

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<sup>6</sup> <http://abc7ny.com/politics/cuomo-condemns-ice-arrest-tactics-threatens-lawsuit/3391113/>

The problem of ICE agents arresting non-citizens, and deterring them from appearing in court, is a nationwide problem.<sup>7</sup> In the courts of our state, it is a system-wide problem that cannot be addressed piecemeal, on a court-by-court basis. Instead, it can and should be addressed system-wide.

**b. Courthouse Arrests by ICE Agents Are a Systemic Problem That Cannot be Adequately Addressed by the Actions of Individual Judges**

Our judges cannot adequately protect non-citizens from civil immigration arrest on a case-by-case basis because the burden on individual judges would be too great. Judges likely do not and cannot timely know whether an individual who appears in court, or comes to a courthouse on court business, is in need of protection from civil immigration arrest. Undocumented immigrants and other non-citizens are unlikely to volunteer in advance that they are in the United States without status or that they are subject to removal on other grounds; and once ICE agents have followed a suspect out of a courtroom and made an arrest, it is too late for a judge to act. Rather than asking our judges to do the impossible—that is, make individual assessments about each party, witness and family member who attends court, and whether he or she requires protection from ICE interference—the

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<sup>7</sup> Given the nationwide nature of this problem, the American Bar Association has called on the U.S. Congress to prohibit courthouse immigration arrests by legislatively designating courthouses as “sensitive locations.” See American Bar Association, Resolution, August 14-15, 2017, *available at* [https://www.americanbar.org/content/dam/aba/administrative/crsj/committee/immigration\\_enforcement\\_10c.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/crsj/committee/immigration_enforcement_10c.authcheckdam.pdf).



proposed rule prohibits all of these arrests. In so doing, it benefits litigants, witnesses, and the administration of justice in our courts.

**c. Informal Efforts to Stop ICE Agents from Arresting Non-Citizens in Courthouses Has Not Stopped Them**

As discussed above, our Chief Justice sought informally to stop ICE agents from “stalking” undocumented immigrants in our state courthouses. (Chief Justice letter to Attorney General Sessions and Secretary Kelly, dated March 16, 2017, Appendix C.)<sup>8</sup> But the federal government rejected the Chief Justice’s request. (Letter dated March 29, 2017 from Attorney General Sessions and Secretary Kelly to Chief Justice Tani Cantil-Sakauye, Appendix K.) These federal agencies insisted that ICE agents have a lawful right to arrest non-citizens in our courthouses. (Id.) As a consequence, ICE agents have continued to detain and arrest non-citizens in and around our courthouses. Although these arrests are now governed by an ICE policy directive, discussed below, that directive fails to solve the problem addressed by the proposed rule.

**d. The ICE Directive Regarding Courthouse Arrests Does Not Solve the Problem of ICE Agents Deterring Access to Our Courts**

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<sup>8</sup> As noted above, the Chief Justices of Washington, Oregon, New Jersey and Connecticut sent similar letters expressing their concerns about immigration arrests in their state courthouses. (See Appendix D.) All their concerns were similarly rejected.

On January 10, 2018, ICE issued Directive Number 11072.1, “Civil Immigration Enforcement Actions Inside Courthouses” (the “Directive”).

(Appendix L.) The Directive provides, in relevant part:

ICE civil immigration enforcement actions inside courthouses include actions against specific, targeted aliens with criminal convictions, gang members, national security or public safety threats, aliens who have been ordered removed from the United States but have failed to depart, and aliens who have re-entered the country illegally after being removed, when ICE officers or agents have information that leads them to believe the targeted aliens are present at that specific location.

Aliens encountered during a civil immigration enforcement action inside a courthouse, such as family members or friends accompanying the targeted alien to court appearances or serving as a witness in a proceeding, will not be subject to civil immigration enforcement action, absent special circumstances, such as where the individual poses a threat to public safety or interferes with ICE’s enforcement actions.

ICE officers and agents should generally avoid enforcement actions in courthouses, or areas within courthouses that are dedicated to non-criminal (e.g., family court, small claims court) proceedings. In those instances in which an enforcement action in the above situations is operationally necessary, the approval of the respective Field Office Director (FOD), Special Agent in Charge (SAC), or his or her designee is required.

Civil immigration enforcement actions inside courthouses should, to the extent practicable, continue to take place in non-public areas of the courthouse, be conducted in collaboration with court security staff, and utilize the court building’s non-public entrances and exits.

(Directive ¶ 2, Appendix L.)

In a footnote to the second paragraph quoted above, the Directive states that “ICE officers . . . will make enforcement decisions . . . consistent

with U.S. Department of Homeland Security (DHS) policy”, including that contained in two 2017 DHS memoranda issued by then Secretary of Homeland Security, John Kelly. (Directive ¶ 4, n. 1, Appendix L.) These memoranda provide in relevant part:

“Unless otherwise directed, *Department personnel have full authority to arrest or apprehend an alien whom an immigration officer has probable cause to believe is in violation of the immigration laws.* They also have full authority to initiate removal proceedings against any alien who is subject to removal under any provision of the INA, and to refer appropriate cases for criminal prosecution.” (emphasis added)<sup>9</sup>

This general policy effectively makes *all* individuals whom ICE suspects of being in violation of immigration laws vulnerable to arrest and detention. It is unclear how ICE officers on the ground will resolve the conflict between this policy and the Directive’s espoused focus on “targeted alien[s]” when they encounter other individuals in courthouses whom they suspect are in violation of immigration laws. The only clear solution would be to prohibit ICE agents from making these arrests in the first place.

The Directive, on its face, does not apply to criminal immigration enforcement actions inside courthouses, and does not prohibit civil immigration enforcement actions inside courthouses, even in those areas of a

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<sup>9</sup> U.S. Dep’t of Homeland Sec., Enforcement of the Immigration Laws to Serve the National Interest, p. 4 (February 20, 2017), *available at* [https://www.dhs.gov/sites/default/files/publications/17\\_0220\\_S1\\_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf](https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf).

courthouse that are strictly dedicated to civil proceedings, such as family court. (Id.) Nor does anything in the Directive limit ICE enforcement activities in the environs of a courthouse. What is more, the Directive can be superseded at any time without notice. (Id. ¶ 9.)

The Directive does not solve the problem addressed by our proposed rule. As our Chief Justice remarked after reviewing the Directive, “If followed correctly, this written directive is *a good start*. It’s essential that we protect the integrity of our state court justice system and protect the people who use it.”<sup>10</sup> Simply stated, the Directive does not go far enough. Even if it were followed to the letter, non-citizens, and especially undocumented immigrants, will be deterred from accessing our courts as parties or witnesses, or to conduct everyday business. Even only a few courthouse arrests can create widespread fear and chill access to justice for many.<sup>11</sup>

**e. The Proposed Rule Would Complement and Reinforce California’s Policy of Ensuring All Residents’ Access to the Justice System**

The rule of court we propose is wholly consistent with the public policy of this state—that is, to limit cooperation with immigration authorities in state facilities, including our courthouses. On October 5, 2017, Governor Brown signed into law Senate Bill 54, known as the “California Values Act” (the

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<sup>10</sup> <http://sanfrancisco.cbslocal.com/2018/01/31/ice-targets-undocumented-immigrants-at-california-courthouses/> (emphasis added).

<sup>11</sup> See <https://www.immigrantdefenseproject.org/wp-content/uploads/ICE-out-of-courts-survey-final-1.pdf>.

“Act”), which became effective January 1, 2018. The Act requires the Attorney General of California to adopt policies to limit cooperation with immigration authorities in state-owned facilities, including courthouses. It provides, in relevant part:

The Attorney General, by October 1, 2018, in consultation with the appropriate stakeholders, shall publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at . . . courthouses . . . and ensuring that they remain safe and accessible to all California residents, regardless of immigration status. All . . . courthouses shall implement the model policy, or an equivalent policy.

Cal. Govt. Code § 7284.8(a).

The proposed rule, of course, will only complement any model courthouse policy the Attorney General ultimately creates, as they share the overarching goal of maximizing the public’s access to our state’s courts. And were the Attorney General to elect not to issue a model policy affirmatively prohibiting civil immigration enforcement in and around California courthouses, the proposed rule would provide that needed protection.

The California Legislature is also considering a bill to codify the privilege from civil arrest on which the proposed rule is based, *supra* at 12-16, by similarly prohibiting civil arrests of or service of process on persons while they attend or travel to and from court proceedings. (S.B. 183, 2017-2018, Reg. Sess., Appendix M.) Like the proposed rule of court, that bill as drafted recognizes that “[p]ublic access to courts serves a vital role in the

functioning of California’s judicial process and the preservation of our republican form of government[.]” (Id.) Were S.B. 183 to become law, the proposed rule, as the equivalent of an order of the court, would provide an essential means for state court judges to operationalize the policy declared in that statute—importantly, among other things, serving as a predicate for a finding of contempt in the event of its violation in any California courthouse. If S.B. 183 were not enacted, however, the rule would still serve that important function.

The issue addressed by the proposed rule is one of systemic concern which the Judicial Council can address by adopting the rule. Absent other legislation or regulations, only the proposed rule would protect from civil immigration arrest all non-citizens who have business with the courts, in whatever capacity, and when they are going to and coming from a courthouse of this state. Moreover, if S.B. 183 becomes law, the rule would bolster and give effect to that statute’s policy in our state courthouses. But absent such protections, the trust and confidence that the public places in our courts will continue to erode.

#### **4. California Has the Right to Administer Its Courts Without Interference by the Federal Government**

Under our system of federalism, state courts have a right to operate without federal interference in their sovereign administration of justice.

*Younger v. Harris*, 401 U.S. 37, 44 (1971); *see also Gregory v. Ashcroft*, 501 U.S.

452, 460 (1991). Within the exclusive purview of matters free from interference by the federal government are orders in furtherance of the state court's abilities to perform its judicial functions. *New Orleans Pub. Serv., Inc. v. Council of City of New Orleans*, 491 U.S. 350, 367-68 (1989). Interference by the federal government in the administration of justice by the courts of our state would violate the Tenth Amendment to the United States Constitution. *See Bond v. United States*, 564 U.S. 211, 225 (2011).

Under the Tenth Amendment, the federal government cannot commandeer agencies of the state in order to carry out federal policy. (George Bach, *Federalism and the State Police Power - Why Immigration and Customs Enforcement Must Stay Away from State Courthouses*, *Willamette Law Review* (forthcoming) at pp. 7-8, Appendix N.).

By allowing state and local courthouses to serve as a “round-up” point for undocumented immigrants who are compelled to be there to testify in state or local prosecutions, ICE is, in essence, commandeering the state judicial process and, in essence, the states’ exercise of their police power. This affront to federalism is worsened by the reality that ICE presence at state and local courthouses *undermines* the ability of states to enforce their laws *at those courthouses*.

(*Id.* at p. 9 (italics in original).) *See New York v. United States*, 505 U.S. 144, 175-176 (1992) (Congress violated Tenth Amendment by requiring states to take title of low-level radioactive waste or regulate it according to the instructions of Congress); *Printz v. United States*, 521 U.S. 898, 935 (1997) (finding that the federal government could not require state and local law

enforcement officers to conduct background checks and related tasks in connection with handgun license applications). At least one federal appellate court has found a potential violation of the Tenth Amendment if the federal government were to commandeer state resources for the detention of undocumented immigrants. *See Galarza v. Szalczyk*, 745 F.3d 634, 643-45 (3d Cir. 2014) (holding that federal immigration detainers, if interpreted to be binding on the states, would violate the anti-commandeering principles inherent in the Tenth Amendment). The Tenth Amendment principle against the federal government’s commandeering state resources was recently reaffirmed in *Murphy v. NCAA*, 584 U.S. \_\_\_\_ (No. 16-476, May 14, 2018) (act of Congress that prohibited states from authorizing or licensing sports gambling violated the Tenth Amendment).

The federal government cannot commandeer state courthouses as “safe places” to find, detain and arrest non-citizens—but it has. As our Chief Justice has observed, ICE has admitted that it uses our courts to track and arrest undocumented immigrants because they consider our courts to be “safe” places since people enter courts after having been screened for weapons by the state’s security personnel.<sup>12</sup> The ICE Directive makes the same point:

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<sup>12</sup> <https://www.kqed.org/forum/2010101864503/californias-chief-justice-talks-bail-reform-wildfire-litigation-and-court-funding>.



Individuals entering courthouses are typically screened by law enforcement personnel to search for weapons and other contraband. Accordingly, civil immigration enforcement actions taken inside courthouses can reduce safety risks to the public, targeted alien(s), and ICE officers and agents. When practicable, ICE officers and agents will conduct enforcement actions discretely to minimize their impact on court proceedings.

(Directive ¶ 1, Appendix L.). The Directive states that ICE agents will try to minimize their impact on court proceedings “when practicable.” But their mere presence interferes with the integrity of court proceedings when it deters parties, witnesses and family members from attending court proceedings or going to court on court business. And while it may be more convenient for ICE agents to use our courthouse security systems to screen suspects for weapons and contraband, the distrust of our courts that the presence of ICE agents creates far outweighs this asserted convenience to them. ICE agents have other methods available to them to locate, detain and arrest suspects, and they can perform their job without lurking in our courthouses. The federal government has commandeered state courthouses by using our judicial system—the right to come to court to petition, complain, testify, and seek protection from violence—as a means to locate, surveil and arrest non-citizens. They have done so at significant expense to the sovereignty of our state’s judicial system and to the well-being of its residents.

The proposed rule furthers our state’s interest in administering justice in our courts, which fulfills California’s right of sovereignty under the Tenth Amendment to the United States Constitution.

**5. The Need for Consideration of the Proposed Rule is Urgent**

The interference with the administration of justice is irreparable and requires urgent action to prevent harm to our courts and the people who need to use them. For those whose rights are being violated by having their path to court blocked or hindered, there is currently no method to prevent this harm.

This urgent matter is also complex. We therefore encourage the Judicial Council to create a forum for additional stakeholder input. This would allow the Council to more fully address any concerns or questions it has regarding the current proposed rule’s language or application.

**6. There are Numerous Proponents of the Proposed Rule**

The known proponents of the proposed rule are listed in the signature block of this application.

Proponents are not aware of any known opponents of the proposed rule. Based upon past statements and actions, however, proponents believe that the following will be opposed to the proposed rule:

Jefferson B. Sessions III  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW

Washington, D.C. 20530-0001

Kirstjen M. Nielsen  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
Washington, D.C. 20528

**7. There is No Known Fiscal Impact to Adopting the Proposed Rule**

Proponents are not aware of any fiscal impact of the proposed rule.

**8. Proponents Are Not Aware of Any Previous Action by the Judicial Council or any Advisory Committee on the Proposed Rule**

Proponents are not aware of any action by the Judicial Council or any advisory committee on this proposal.

**CONCLUSION**

Our state courts must be open to everyone to ensure the administration of justice. We know that civil immigration arrests and the presence of immigration authorities in and around our courthouses has deterred people from seeking justice. Victims of crime have stopped reporting sexual abuse, domestic abuse, and human trafficking; witnesses to crime have been deterred from working with the police or testifying in court; court proceedings are being interrupted or terminated because people are fearful of attending court. This state of affairs is contrary to the fundamental values of our judicial system and contrary to the public policy of this state.

Our Judicial Council can play a significant part in keeping our courts open to all people residing in California by adopting this proposed rule of court.

Dated: August 1, 2018

Respectfully submitted by:

*Legal Aid at Work* (Applicant)

Founded in 1916 to defend the rights of working class immigrants, Legal Aid at Work (LAAW) has for decades focused on solidifying and expanding legal protections for undocumented and other immigrant employees. Through the impact litigation, policy work, and other advocacy of its National Origin and Immigrants' Rights Program, LAAW has - among other things - long sought to ensure those workers are able to effectively access the judicial system in order to vindicate their rights to be free from discrimination and exploitation.

*William N. Hebert*, State Bar of California, President 2010-2011  
Past Chair, Legal Aid at Work, and current LAAW Board member

*Hon. Jeff Bleich*, Former State Bar President and United States Ambassador  
Former President of the State Bar of California (2007-08) and President of the Bar Association of San Francisco (2002-2003), United States Ambassador (2009-2013)

*James P Fox*, Past President, State Bar of California  
Deputy District Attorney (Criminal Division) San Mateo County 1970 – 1974;  
Private Practice and contract City Attorney for Half Moon Bay 1974 – 1983;  
District Attorney San Mateo County 1983 – 2011; Special Assistant Chief Trial Counsel State Bar of California 2011 – 2014; Member Judicial Council State of California 2012 – 2015; State Bar Board of Trustees 2014 – present

*Luis J. Rodriguez*, Former President, State Bar of California

*Michael G. Colantuono*, Chair, Board of Trustees, State Bar of California  
The State Bar is a public corporation in the judicial branch established to regulate the practice of law for the protection of Californians.

[Mr. Colantuono's title is provided for identification only; the views stated here are his and not those of the Bar.]

*Starr Babcock*, General Counsel, State Bar of California (Ret.)

*Heather Linn Rosing*, President of the California Lawyers Association\* and President of *ChangeLawyers* (formerly known as the California Bar Foundation).

[\*Ms. Rosing signs on in her individual capacity and on behalf of ChangeLawyers, but not on behalf of the California Lawyers Association.]

*Judge Patrick J. Mahoney (Ret.)*, Mediator, Arbitrator & Special Master

*Hon. John M. True, III (Ret.)*, Retired Judge (Alameda County Superior Court); Law Professor

*Judge James L. Warren (Ret.)*, Mediator and Arbitrator

*The Honorable Thelton E. Henderson*, U.S. District Court Judge (Ret.)

*Jeff Adachi*, San Francisco Public Defender  
Elected Public Defender of San Francisco

*Alameda County Public Defender's Office*

Under the direction of Public Defender Brendon Woods, the Alameda County Public Defender's Office's mission is to zealously protect and defend the rights of our clients through compassionate and inspired legal representation of the highest quality, in pursuit of a fair and unbiased system of just for all.

*Hillary Ronen*, District 9 Supervisor  
San Francisco Board of Supervisors

*Barbara A. Babcock*, Judge John Crown Professor of Law, Emerita at Stanford Law School

*Thomas C. Grey*, Nelson Bowman Sweitzer and Marie B. Sweitzer Professor of Law, Emeritus, at Stanford Law School

*Tim Iglesias*, Professor of Law, University of San Francisco School of Law  
Tim Iglesias received his J.D. from Stanford Law School with distinction in 1993. He has been a law professor since 2002.

*Jayashri Srikantiah*, Immigrants' Rights Clinic at Stanford Law School\*

Director of law school immigration clinic.

[\*Jayashri Srikantiah signs on in her individual capacity and not on behalf of the Immigrants' Rights Clinic.]

*John Trasviña*, Former Dean, University of San Francisco School of Law

John Trasviña was Dean of the University of San Francisco School of Law from 2013-2018, and is a nationally recognized expert on immigration law and policy.

*Sergio C. Garcia*

SCG Professional Law Corporation

*Irma Herrera*, Tell Me Your Name Productions

Lawyer, playwright, and solo performer. Irma Herrera was the Executive Director of Equal Rights Advocates for 15 years, and civil rights lawyer for almost three decades.

*Alameda-Contra Costa Trial Lawyers' Association*

Dedicated to the Improvement of the Fair Administration of Justice.

*BALIF, an LGBTQI Bar Association*

Bay Area Lawyers for Individual Freedom (BALIF) is the nation's oldest and largest association of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI) persons in the field of law.

*California Asian Pacific American Bar Association*

The California Asian Pacific American Bar Association (Cal-APABA) represents the interests of APA bar organizations and the over 14,000 APA attorneys statewide to promote justice and equality, advance legal and policy matters that impact the APA community, and enhance the professional development of its members.

*California Attorneys for Criminal Justice*

California Attorneys for Criminal Justice is a statewide organization of both private and public criminal defense attorneys committed to the preservation and expansion of the rights of the criminally accused in our courts. Founded in 1973, CACJ and its members represent the interests of our clients and the public in both state and federal courts as well as the California Legislature.

*California Employment Lawyers Association*

California Employment Lawyers Association (CELA) is a statewide organization of nearly 1300 attorneys who represent workers in discrimination, harassment, retaliation wage and hour, whistleblower and other employment matters. Our members help protect and expand the legal rights of working men and women through litigation, education and advocacy.

*California Faculty Association-San Francisco State University*

*Justice & Diversity Center of the Bar Association of San Francisco*

The Justice & Diversity Center of the Bar Association of San Francisco provides pro bono service coordination and legal strategy across three major immigration defense collaboratives.

*National Lawyers Guild San Francisco Bay Area Chapter*

The National Lawyers Guild is a progressive bar association that works to unite lawyers, law students, legal workers and jailhouse lawyers to function as an effective political and social force to protect and defend communities.

*Santa Clara County Bar Association*

The Santa Clara County Bar Association provides education and support to member attorneys, advances the local administration of justice, and serves the public by fostering improved public understanding of and access to the legal system.

*South Asian Bar Association of Southern California*

SABA-SC is one of the oldest and largest South Asian bar organizations in the country.

*ACLU of California*

ACLU of California is comprised of three non-profit organizations dedicated to defending and securing the rights granted by the U.S. Constitution and Bill of Rights, the American Civil Liberties Union of Northern California, the American Civil Liberties Union of Southern California, and the American Civil Liberties Union of San Diego and Imperial Counties. ACLU-CA's work focuses on immigrants' rights, the First Amendment, equal protection, due process, police accountability, privacy, and furthering civil rights for disadvantaged groups.

*Asian Americans Advancing Justice - Asian Law Caucus*

Founded in 1972, Asian Americans Advancing Justice – Asian Law Caucus is the nation's first legal and civil rights organization serving the low-income

Asian Pacific American communities. Advancing Justice – ALC focuses on housing rights, immigration and immigrants’ rights, labor and employment issues, student advocacy (ASPIRE), civil rights and hate violence, national security, and criminal justice reform. As a founding affiliate of Asian Americans Advancing Justice, the organization also helps to set national policies in affirmative action, voting rights, Census and language rights.

*Asian Americans Advancing Justice - Los Angeles*

Asian Americans Advancing Justice Los Angeles, which serves more than 15,000 individuals and organizations every year, is the nation’s largest legal services and civil rights organization advancing the interests of Asian American, Native Hawaiian, and Pacific Islander communities.

*Bet Tzedek Legal Services*

Founded in 1974, the mission of Bet Tzedek (Hebrew for "House of Justice") is to act upon a central tenant of Jewish law and tradition: "Tzedek, Tzedek, tirdof - justice, justice, you shall pursue." The doctrine establishes an obligation to advocate the just causes of the most vulnerable members of society. Consistent with this mandate, Bet Tzedek provides free legal assistance to eligible low-income residents of Los Angeles County, regardless of their racial, religious, or ethnic background. Our areas of practice include housing, eviction defense, real estate fraud, elder abuse, probate guardianship, employment law, tax, small business development, and public benefits, among others.

*California Rural Legal Assistance, Inc.*

California Rural Legal Assistance, Inc. (CRLA) is a non-profit legal services organization that provides, among other services, representation in administrative and judicial proceedings to low-income rural California residents in a wide variety of matters, including labor, education, housing and health. CRLA has filed cases in state courts across California, including but not limited to cases filed in Fresno, Imperial, Merced, Monterey, North San Diego, Riverside, San Joaquin, Stanislaus, Sutter and Ventura counties. Unfortunately, parties in litigation in which CRLA and its clients were involved have used the threat of calling or directly calling Immigration and Customs Enforcement (ICE) to intimidate or eliminate parties and/or witnesses.

*California Rural Legal Assistance Foundation*

CRLAF is a statewide non-profit civil legal aid organization providing free legal services and policy advocacy for California’s rural poor. Our mission is to achieve social justice and equity in partnership with farm workers and all



low-wage workers and their families in rural communities through community, legislative, and legal advocacy.

*Causa Justa :: Just Cause*

Causa Justa :: Just Cause builds grassroots power and leadership to create strong, equitable communities. Born through mergers between Black organizations and Latino organizations, we build bridges of solidarity between working class communities. Through rights-based services, policy campaigns, civic engagement, and direct action, we improve conditions in our neighborhoods in the San Francisco Bay Area, and contribute to building the larger multi-racial, multi-generational movement needed for fundamental change.

*Center for Workers' Rights*

The Center for Workers' Rights is a Sacramento-based, non-profit legal services and advocacy organization whose mission is to create a community where workers are respected and treated with dignity and fairness. To bring that vision into reality, we provide legal representation to low-wage workers, advocate for initiatives to advance workers' rights, and promote worker education, activism, and leadership in the greater Sacramento area.

*Central Valley Immigrant Integration Collaborative*

CVIIC is a regional network of organizations serving immigrant communities in the Central Valley of California.

*Centro de los Derechos del Migrante, Inc.*

Benjamin Botts (Cal. Bar No. 274542) is the Legal Director of Centro de los Derechos del Migrante, Inc. (CDM) a binational migrant workers' rights organization with offices in Mexico and Baltimore, Maryland. CDM's mission is to promote access to justice for migrant workers in the U.S. The organization thus has a vested interest in ensuring that foreign-born persons can access California courts without the fear of being subject to arrest based on their immigration status.

*Centro Legal de la Raza*

Founded in 1969, Centro Legal de la Raza (Centro Legal) is a comprehensive legal services agency focused on strengthening low-income, immigrant, and Latino individuals and families by providing bilingual and culturally competent legal representation, education, and advocacy. The mission of Centro Legal is to protect and expand the rights of low-income people, particularly monolingual Spanish-speaking immigrants. Centro Legal provides legal consultations, brief services, full representation, and legal

referrals to over 8,000 clients annually in the areas of housing, employment and immigration. Centro Legal serves clients throughout Northern California but the majority of our clients reside in the East Bay and the Central Valley.

*Chinese Progressive Association*

Founded in 1972, the Chinese Progressive Association educates, organizes and empowers the low income and working class immigrant Chinese community in San Francisco to build collective power with other oppressed communities to demand better living and working conditions and justice for all people.

*Community Legal Services in East Palo Alto*

CLSEPA provides transformative legal services that enable diverse communities in East Palo Alto and beyond to achieve a secure and thriving future.

*Council on American-Islamic Relations, California*

The Council on American-Islamic Relations (CAIR) is a nonprofit 501(c)(3) grassroots civil rights and advocacy group. CAIR is America's largest Islamic civil liberties group, with regional offices nationwide. The California offices are located in the San Francisco Bay Area, Sacramento, San Diego, and Greater Los Angeles. Our mission is to enhance understanding of Islam, protect civil liberties, promote justice, and empower American Muslims.

*Dolores Street Community Services*

Dolores Street Community Services began its Deportation Defense & Legal Advocacy Program as a response to immigration enforcement raids taking place in San Francisco's Mission District in 2008. Since then, the program has grown to provide deportation defense in complex cases, as well as other immigrant legal services, while advocating to change the systems which are tearing our community apart. The presence of ICE in California courts undermines the entire justice system in California.

*Employee Rights Center*

Founded in 1999, the Employee Rights Center is dedicated to advancing the rights of all San Diego area workers, especially disadvantaged workers without union representation, by providing education and advocacy services regarding their workplace, health, and immigration issues.

*Equal Rights Advocates*

Equal Rights Advocates is a national civil rights organization based in San Francisco that is dedicated to protecting and expanding economic and educational access and opportunities for women and girls.

*Immigrant Legal Resource Center*

The mission of the Immigrant Legal Resource Center (ILRC) is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people.

*Immigrant Rights Clinic, UC Irvine School of Law*

The Immigrant Rights Clinic at UC Irvine School of Law is a law clinic providing pro bono legal services to California residents facing deportation. It also partners with community and legal advocacy organizations on projects to advance immigrants' rights and immigrant workers' rights.

*Impact Fund*

The Impact Fund provides grants, advocacy and education to support impact litigation on behalf of marginalized communities seeking economic, environmental, racial, and social justice. Our vision is that these communities will have the same access to justice as corporations or governmental entities, to ensure that their rights are protected.

*Interfaith Movement for Human Integrity*

Statewide organization of interfaith congregations and people of conscience dedicated to sanctuary/immigrant justice and ending mass criminalization.

*KIWA (Koreatown Immigrant Workers Alliance)*

Founded in 1992, KIWA builds the power of immigrant workers, residents, and their families.

*La Raza Centro Legal*

Founded in 1973, La Raza Centro Legal is a multicultural public interest law and social justice center based in the Mission District of San Francisco. Our mission is to create a more just and inclusive society in the interests of the Latino, indigenous, immigrant and low-income people of San Francisco and the greater Bay Area.

*Legal Aid Foundation of Los Angeles*

The Legal Aid Foundation of Los Angeles (LAFLA) is a nonprofit law firm that protects and advances the rights of the most underserved, leveling the play field and ensuring that everyone can have access to the justice system. Every

year, LAFLA helps more than 80,000 people in civil legal matters by providing direct legal representation and other legal assistance for low-income people across the Greater Los Angeles region.

*Maintenance Cooperation Trust Fund*

The Maintenance Cooperation Trust Fund (MCTF) is a California statewide watchdog organization working to abolish illegal and unfair business practices in the janitorial industry. The MCTF exposes unlawful operations, encourages accountability, promotes responsible business practices, and helps level the playing field in the interest of clients, employers, workers and the general public. Since its inception in 1999, the MCTF has assisted in the collection of more than \$26 million in unpaid wages for more than 5,000 janitors working in many industries in California. Many of the workers we have assisted are immigrant workers who are unfamiliar with their rights and protections as workers in the state of California. We have assisted workers when they face retaliation from employers for reporting a wage and hour violation, an injury, or a health hazard at work. Many times the retaliation is in the form of a threat to report them or a family member to Immigration and Customs Enforcement. In order to ensure compliance with employment laws in the janitorial industry, it is imperative that the rights of all workers are enforced regardless of immigration status. We are interested in supporting policies that promote access to the court for all workers in California.

*Mi Familia Vota*

Mi Familia Vota is a national non-profit organization that unites Latino, immigrant, and allied communities to promote social and economic justice through increased civic participation by promoting citizenship, voter registration, and voter participation. Mi Familia Vota is one of the premiere Latino civic engagement organizations in the country with operations in Arizona, California, Colorado, Florida, Nevada, and Texas.

*Mission Neighborhood Centers, Inc.*

Mission Neighborhood Centers serves over 3000 low-income seniors, youth and families with young children at 11 sites throughout San Francisco. With a legacy dating back over 100 years, our guiding principles remain the same: empowerment, cultural affirmation and personal responsibility. We provide a continuum of educational programs and social services to the community populations most in need. MNC delivers culturally sensitive, multi-generational, community-based services focused on low-income families. We develop and promote leadership skills that empower families to build strong, healthy and vibrant neighborhoods. We also strive to do our part to support strong systemic protections for the communities we serve.

### *Mujeres Unidas y Activas*

MUA is a community based organization of Latina immigrant women dedicated to personal transformation and collective action for social justice and social change.

### *National Center for Lesbian Rights*

The National Center for Lesbian Rights is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education. In 1994, NCLR became the first national LGBT legal organization to establish a project dedicated to immigration issues. Since that time, NCLR's Immigration Project has made significant legal and policy gains for LGBT immigrants and has provided free legal assistance to thousands of LGBT immigrants nationwide.

### *National Center for Youth Law*

The National Center for Youth Law improves the lives of marginalized children by ensuring the systems intended to support them do so effectively.

### *National Employment Law Project*

The National Employment Law Project (NELP) is a non-profit legal organization with over 45 years of experience advocating for the employment and labor rights of low-wage workers. NELP seeks to ensure that all workers, especially the most vulnerable ones, receive the full protection of labor and employment laws, regardless of immigration status. NELP has litigated and participated as amicus in numerous cases addressing the rights of workers under the Fair Labor Standards Act and related state fair pay laws.

### *National Immigration Law Center*

Established in 1979, the National Immigration Law Center (NILC) is one of the leading organizations in the U.S. exclusively dedicated to defending and advancing the rights of immigrants with low income.

### *OneJustice*

A legal services nonprofit dedicated to ensuring that every Californian has access to the justice system.

### *Pangea Legal Services*

The mission of Pangea Legal Services is to stand with immigrant communities and to provide services through direct legal representation, especially in the area of deportation defense. In addition to direct legal services, we are

committed to advocating on behalf of our community through policy advocacy, education, and legal empowerment efforts.

*Public Advocates, Inc.*

Public Advocates challenges the systemic causes of poverty and racial discrimination by strengthening community voices in public policy and achieving tangible legal victories advancing education, housing, transit equity and climate justice.

*Public Counsel*

Founded in 1970, Public Counsel, based in Los Angeles, is the largest not-for-profit law firm specializing in delivering pro bono legal services. Through direct services, impact litigation and advocacy, Public Counsel works with over 4,500 volunteer lawyers, law students and legal and other professionals to serve more than 19,000 low-income children, veterans, poverty-level families, immigrants, child care providers and community nonprofits.

*The Public Interest Law Project*

The Public Interest Law Project is a nonprofit state support center for IOLTA funded legal services programs in California. PILP focuses on the substantive areas of affordable housing, public benefits, landlord tenant, and income support through expertise and experience in litigation, legislative and administrative advocacy and training.

*Root & Rebound*

Root & Rebound is a nonprofit reentry legal resource and advocacy center based in Oakland, CA. We are dedicated to restoring full citizenship to every justice-involved person in America by dismantling the two-tiered system of justice. Our mission is to democratize the law by transferring power from the policy and legal communities to the people most impacted by our criminal justice system through public education, direct legal services, and policy advocacy.

*Tahirih Justice Center*

The Tahirih Justice Center is a national nonprofit organization that protects courageous immigrant women and girls who refuse to be victims of violence by elevating their voices in communities, courts, and Congress.

*We Rise SF*

We Rise SF provides immigration based legal and wraparound services for immigrant union members and their families.

*Worksafe*

Worksafe is a non profit that advocates for the occupational health and safety of workers.

*Allred, Maroko & Goldberg*

Allred, Maroko & Goldberg is a nationally recognized employment law firm established 40 years ago. Since our founding, we have been committed to protecting the civil rights of California employees and private citizens by helping them stand up against their employers or abusers.

*Tycko & Zavareei LLP*

Tycko & Zavareei LLP is a plaintiff's side civil rights and complex civil litigation firm.