

LA Law Library Locations

Main Library:

(Corner of 1st & Hill) 301 W. First Street Los Angeles, CA 90012 (213) 785-2529

Mon - Fri: 8:30–6:00pm Sat: 9:00–5:00 pm



Courthouse Branch Locations:

Long Beach, Torrance

Courthouse eBranch Locations:

Long Beach, Norwalk, Pomona, Torrance,

Public Library Partnerships:

Compton, Lancaster, Pasadena, Santa Monica Van Nuys (Interim North Hollywood), West Covina ALAWLIBRARY

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Remote Locations

Courthouse Branch Locations: Long Beach, Norwalk, Pomona and Torrance

Public Library Partnerships:

Compton Library, Lancaster Regional Library, Norwalk Public Library, Pasadena Public Library, Pomona

Public Library, Santa Monica Public Library, Los Angeles Public Library Van Nuys Branch (Interim North Hollywood Amelia Earhart Regional Library), West Covina Public Library

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Overview

- The LA Law Library was established in 1891
- The current building was opened in 1953
- Largest print collection in a public law library west of the Mississippi River
- Seven floors
- 35 miles of shelving
- 1,000,000 equivalent volumes including print and digital



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Print Collection

- Primary and secondary legal materials for all 50 states, federal and multi-state Foreign and International materials
- Extensive historical collection including early California and state colonial materials
- California and Ninth Circuit Appellate and Supreme Court briefs



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Electronic Databases

- · California State Briefs
- CEB OnLAW
- Foreign Law Guide
- HeinOnline
- Index to Foreign Legal Periodicals
- LA Law Library Catalog
- · LLMC Digital
- · Legal Information Reference Center
- · Legal Trac

- · Lexis Advance
- **SmartRules**
- U.S. Supreme Court Records and Briefs, 1832-1978
- Westlaw
- Wolters Kluwer Cheetah
- Xspouse



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What We Do

- Suggest research avenues and sources for research, identify and locate citations
- Explain how to use legal materials
- Explain the law-making process
- Assist in finding forms
- Aid in the use of electronic resources including Westlaw and Lexis Advance (online databases that contain cases, codes, and statutes for all 50 states and secondary materials), CEB OnLAW and HeinOnline
- Teach public classes

Civil Rights: Where You Begin Law & Resources



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Agenda for Today's Class

- What are civil rights?
- Where do civil rights come from?
- How to determine whether you have a claim.
- How and where to make a civil rights claim.
- Resources for further information to assist you.



What are civil rights?

- Civil rights are an expansive and significant set of rights that are designed to protect individuals (you) from unfair treatment.
- They are the rights of individuals to receive equal treatment and to be free from unfair treatment.



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Civil rights include...

- Protection from discrimination the effect of a law or established practice that denies privileges to a certain class of people on grounds such as:
 - Race,
 - Gender
 - Sexual orientation
 - Gender identity
 - National origin

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Civil rights include...

- Protection from discrimination on other grounds such as
 - Color
 - Age
 - Political affiliation
 - Ethnicity
 - Religion
 - Disability

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Civil liberties (freedoms) include...

- Rights such as
 - Right to privacy
 - Freedom of thought
 - Freedom of speech
 - Freedom of religion
 - Freedom of the press
 - Freedom of assembly and movement

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Protection of civil rights and liberties...

- Right to due process of the law
 - A person may not be subjected to a deprivation of life, liberty, or property by a governmental action unless that action is "fundamentally fair"
 - Notice and an opportunity to be heard
- Right to equal protection of the laws
 - Requires that states guarantee the same rights, privileges and protections to all citizens.

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Civil Rights Movement

• Historically referred to the efforts toward achieving true equality for African Americans in all facets of society.



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"Civil rights" today

• Today the term "civil rights" is also used to describe the advancement of equality for all people regardless of race, sex, age, disability, national origin, religion, or certain other characteristics.



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Where Do Civil Rights and **Liberties Come From?**

- "Civil rights and civil liberties" involve important legal rights contained in the United States and California Constitutions, state and federal statutes, and case law.
- While most *civil cases* (for example a business or personal injury dispute) involve rights that are important to the litigants, a civil *rights case* usually involves rights that extend far beyond the parties to the lawsuit.

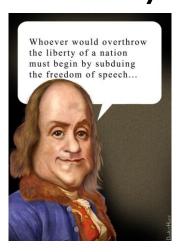
Let's look at civil rights protections under both California and federal law.



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Freedom of speech, press and assembly



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Both federal and state constitutions protect speech, press and assembly

United States Constitution, Amendment I provides: "Congress shall make no law respecting an establishment or religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of privileges."

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The California Constitution provides:

- "Every person may freely speak, and may write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press." (Cal. Const. art. I, § 2, subd. (a)).
- California freedom of speech greater than that afforded by federal Constitution.

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The California Constitution provides:

 "The people have the right to instruct their representatives, petition government for redress of grievances, and to assemble freely to consult for the common good." (Cal. Const., art. I, § 3).

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Freedom of religion



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Both federal & state constitutions provide for religious freedom

 United States Constitution, Amendment I provides: "Congress shall make no law respecting an establishment or religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of privileges."

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The California Constitution provides:

 "Free exercise and enjoyment of religion without discrimination or preference are guaranteed. The liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of California. The legislature may make no law respecting an establishment of religion." (Cal. Const., art. I, § 4).

Additional California civil rights and liberties that come from the California Constitution



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Due process and equal protection

• The California Constitution provides that "A person may not be deprived of life, liberty or property without due process of law or be denied equal protection of the laws." (Cal. Const., art. I, § 15).

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Right to Privacy



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The California Constitution provides:

• "All people are by nature free and independent and have inalienable rights; among these are enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety, happiness, and privacy." (Cal. Const., art. I, § 1).

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No preference based on race or gender

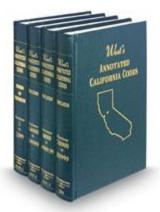
• Article I, Section 31 of the California Constitution (sometimes referred to as *Proposition 209*) provides that the state "shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."

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California civil rights – rights that come from statutes (laws)



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Unruh Act (Civ. Code § 51 et seq.)

• In California, the basic civil rights statute is commonly known as the **Unruh Act**. This statute contains a number of different provisions, but the basic protections are included in Civil Code section 51, which provides that all persons within California are free and equal, and no matter what their sex, race, color, religion, ancestry, or national origin, or physical disability....

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Unruh Act

• ...are entitled to full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever."



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Ralph and Bane Acts

- These statutes provide remedies for interference with civil rights.
- Both acts apply to conduct committed by both government officials AND private individuals.
- These Acts are frequently referred to as civil "hate crime" statutes, but are not limited solely to hate crimes.

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Ralph Civil Rights Act

• The civil right protected by the *Ralph Civil Rights Act* (Civ. Code, § 51.7) is the right to be free from violence because of a person's protected characteristic such as race, sex or sexual orientation.



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Tom Bane Civil Rights Act

• The *Tom Bane Civil Rights Act* (Civ. Code, § 52.1) prohibits all interference or attempted interference with another's rights under federal and California law by "threats, intimidation, or coercion."



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Disabled Persons Act (Civ. Code, § 54 et seq.)

- The primary disability access statute is the Disabled Persons Act which confers on disabled persons a right of full and equal access to places of public accommodation.
- The statute applies to both publicly funded projects as well as to facilities constructed with private financing.
- Unruh Act also provides rights for disabled persons.

Fair Employment & Housing (Gov. Code, § 12900 et seq.)

• The California Fair Employment & Housing Act contains broad prohibitions against discrimination in housing and employment.



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Strategic Lawsuits Against Public Participation (SLAPP) and Anti-SLAPP

- Code of Civil Procedure section 425.16
- This section allows defendants to ask the judge to dismiss a meritless lawsuit early when the claims are based on the defendants' exercise of First Amendment rights.

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Specific California code provisions prohibiting discrimination

- There are many additional California statutes prohibiting discrimination. For example:
 - Business and Professions Code section 23428.27
 prohibiting issuance of liquor license to club that discriminates on basis of race, religion, sex, etc.
 - Education Code section 200 et seq. prohibiting sex discrimination in schools.

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Specific California code provisions...

- That prohibit discrimination:
 - Insurance Code section 679.71 "redlining" statute barring use of race, sex, color, religion, or national origin as a "risk" factor justifying higher insurance rates or to deny insurance.

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Federal civil rights – rights that come from the U.S. Constitution



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The Thirteenth Amendment



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Thirteenth Amendment

 The institution of slavery in the United States was abolished in 1865 by the adoption of the Thirteenth Amendment, which provides that neither slavery nor involuntary servitude shall exist in the United States, except as punishment for a crime.



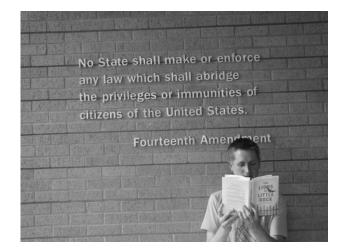
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Thirteenth Amendment

• The prohibition of slavery extends not only to slavery per se, but also to the "badges and incidents" of slavery. The Amendment expressly empowers Congress to enforce the Amendment by appropriate legislation, which includes the power to enact laws of nationwide application.



The Fourteenth Amendment



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Fourteenth Amendment

• Section 1 is the source of many civil rights, and prohibits states from making or enforcing any law which shall abridge the privileges and immunities of citizens of the U.S.; from depriving any person of life, liberty or property, without due process of law; and from denying to any person within their jurisdiction the equal protection of the law.

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Fourteenth Amendment – "Incorporation"

- Under Supreme Court rulings, the 14th
 Amendment also *incorporates* most of the Bill of
 Rights, meaning that those rights apply to the states
 as well as federal government.
- For instance, the First Amendment says that "Congress shall make no law" against things like free speech. Originally, those rights were only protected in cases against the federal government. But the Fourteenth Amendment applies those protections against state governments as well.

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Addressed only to state or those acting under color of its authority

• The commands of the 14th Amendment are addressed **only to the state** or to those acting under **color of its authority.** The Amendment itself erects no shield against merely private conduct, however discriminatory or wrong. Similarly, actions of the federal government and its officers are beyond the purview of the Amendment.

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Due Process Clause

• Intended to give, in addition to other guarantees of private rights, increased security against the arbitrary deprivation of life or liberty, or the arbitrary spoliation of property. It requires that action by a state through any of its agencies must be consistent with the fundamentals of liberty and justice.

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Due Process

• Does not prohibit action by a private individual, unless the state has in some way involved itself in the actions of an individual to some significant extent.



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Equal Protection Clause

- Furnishes a distinct right, separate and independent of the rights protected by the privileges and immunities clause.
- It protects the right to the equal utilization of public facilities owned, operated, or managed by or on behalf of a state without discrimination on the basis of race. Rights arise only when there has been involvement of the state or one acting under its authority

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Equal Protection Clause

The element of intentional or purposeful discrimination is necessary to establish a denial of equal protection of the law.



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Constitutional Rights Often Protected Through the Courts

- Sometimes Courts find that a right has been violated and order it to be protected.
- For instance, in *Brown v. Board of Education* (1954) the Supreme Court struck down "separate but equal" laws that created racially segregated schools.
- In *Loving v. Virginia* (1967), the Supreme Court invalidated laws against interracial marriage.
- And in *Lawrence v. Texas* (2003), the Supreme Court struck down laws which had made gay or lesbian sexual relationships a crime.

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Congressional legislation under Section 5 of 14th amendment

- Although the Fourteenth Amendment is selfexecuting, Section 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether **legislation** is needed, and, if so, what kind, to secure the guarantees of the Amendment.
- This is another way Constitutional rights are enforced – through statutes, which are enforced either by the courts through lawsuits or by government agencies.

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Federal civil rights – rights that come from statutes (laws)

- One major federal law prohibits discrimination on the basis of race, gender, religion, and a variety of other categories. This is the Civil Rights Act of 1964.
- It was passed during the heart of the Civil Rights movement in the 1960s. Unlike many other rights, it applies against many private actors i.e., a restaurant cannot say "we don't serve people of a certain race" or the like.

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Federal civil rights – rights that come from statutes (laws)

- There are numerous federal laws that protect civil rights, such as:
 - Title 42 United States Code section 1981 (equal rights);
 - Title 42 United States Code section 1982 (equal rights re: property);
 - Title 42 United States Code section 1983 (deprivation of civil rights under color of law);
 - Title 42 United States Code section 1985 (conspiracies to interfere with civil rights);

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Federal civil rights

- Federal laws, cont'd.:
 - Title 42 United States Code section 1986 (neglecting to prevent interference with civil rights conspiracy);
 - Discrimination in places of public accommodation (42 U.S.C. §§ 2000a-2000a-6);
 - Discrimination in public facilities (42 U.S.C. §§ 2000b-2000b-3);
 - Discrimination in education (numerous laws);

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Federal civil rights

- Federal laws, cont'd.
 - Discrimination in federally assisted programs (42 U.S.C. §§ 2000d-2000d-7)
 - Discrimination in housing (42 U.S.C. § 3631) –
 commonly known as the Fair Housing Act;
 - Discrimination in transportation (18 U.S.C. § 245 (b)(2)(E)) and the 14th amendment;
 - Voting Rights Act of 1965 (52 U.S.C. § 10301 et seq.)

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Federal civil rights

- Federal laws, cont'd
 - Americans with Disabilities Act (42 U.S.C.
 § 12101) prohibits discrimination on the basis of disability in employment, state and local government, public accommodation, commercial facilities, transportation and telecommunication.

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Criminal Provisions

- Provisions against conspiracies to deprive citizens of rights (18 U.S.C. § 241)
- Provisions against acts under color of law (18 U.S.C. § 242)
- Criminal provisions against willful interference with federally protected activities (18 U.S.C. § 245)

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WOW! That's a lot of different laws and rights!!



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Was a civil right violated?

- Think back to the rights we discussed identify the right(s) you think were violated.
 - For example, were you discriminated against on the basis of your race, gender, sexual orientation, gender identity, national origin, color, political affiliation, ethnicity, religion or because you have a disability?

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Was a civil right violated?

- Was a civil right violated?
 - Were you denied freedom of speech, thought, religion, press, assembly or movement?
 - Were you denied due process or equal protection under the law?



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Determine the state actor

- Civil rights are individual rights the state/government protects from infringement by its own actors.
- A right may be violated but it usually must be done under the "color of law" by someone using their authority as an officer, official, or authority to act by the state.

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What if there is no state actor?

- Determine if there is a private discrimination exception.
 - There are some exceptions for private actors constituting state action
 - A private individual or entity performing a government function or a function traditionally done by the government may constitute state action.



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Private discrimination exception

 Some types of private discrimination such as against a protected class (race, gender, disability, religion) are also actionable as civil rights violations.



Determine whether there are administrative remedies

 For certain types of discrimination and civil rights violations you MUST file a claim or complaint with a federal or state agency BEFORE you file a lawsuit in court, and these agencies typically set strict time limits for filing claims



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Administrative remedies, cont'd

 For example, for allegations involving almost all types of employment discrimination, the employee alleging discrimination must file a complaint with the *Equal Employment Opportunity Commission* before filing any private lawsuit, and must do so within 180 days of the alleged offense.



Administrative remedies, cont'd

- Employment discrimination claim:
 - Only after receiving permission from the EEOC may individuals file a lawsuit.
 - This "permission" typically comes in the form of a "right to sue" letter issued by the EEOC.



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Administrative remedies, cont'd.

- Check applicable agency's websites for information. For example:
 - Equal Employment Opportunity Commission https://www.eeoc.gov/



State administrative remedies

- State agencies may also investigate a complaint for civil rights violations and may work alongside, or in place of, a federal agency.
 - For example, employees who allege job discrimination in California may file a complaint with the *California Dept. of Fair Employment & Housing*. As part of its standard procedure, that agency will usually send the complaint to the EEOC (federal), so it becomes a "dual filing."

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State administrative remedies

 Check applicable agency's website for information. For example, if your claim involves a violation of civil rights regarding housing or employment, check the California Department of Fair Employment & Housing website: https://www.dfeh.ca.gov/

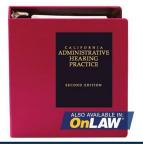
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State administrative remedies

 A great resource: Appendix lists statutes and regulation provisions that govern notice and hearing procedures for individual agencies.

• KFC 782 C34 – also available on CEB OnLaw





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Federal or state court?

- After you determine your rights were violated, one of your first considerations is where to file an action. Depending on the specifics of the case, the choice may be yours, or your options may be dictated by statute.
 - For example, a federal statute (42 U.S.C. § 1981a) specifically permits a private lawsuit for money damages for any employee who has been the victim of intentional discrimination in employment.

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Federal or state court?

- Housing discrimination
 - All states are required to comply with the federal Fair Housing Act.
 - In addition, California has extended housing discrimination to cover other protected groups. California fair housing laws prohibit discrimination because of race, color, national origin, religion, sex, familial status, and disability – just like federal law.

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Federal or state court?

- Housing discrimination, cont'd.
 - In addition, California outlaws discrimination because of a person's source of income, sexual orientation, marital status, age, arbitrary characteristics, or gender identity and gender expression.
 - The Fair Employment & Housing Act (Gov. Code, §§ 12900-12996) and *Unruh Civil Rights Act* (Civ. Code, § 51) are Cal's primary fair housing laws, although there are other laws that directly impact the fair housing rights of residents.

Helpful resources – extra helpful books!

- Am Jur Forms of Pleading & Practice
 - Vols. 5A and 5B include the topic "Civil Rights" and numerous civil rights complaint templates.
 - KF 8836 A45



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Helpful books, cont'd.

- Kahn & Links, *Cal. Civil Practice: Civil Rights Litigation* (Thompson West, 2v.)
- KFC 695 C355
- Focus on California civil rights law and includes complaint templates.
- Also on Westlaw

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Helpful books, cont'd.

- California Forms of Pleading & Practice (Lexis)
- KFC 1010 A65 C3 also on Lexis Advance
- Volume 11, chapters 112-117A on civil rights
- Federal and state complaint templates



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Helpful book, cont'd.

- Witt, Hanlon & Ryals, *Section* 1983 *Litigation: Forms*, 2d ed. (Walters Kluwer)
- KF 1325 C58 W57 and on Walters Kluwer Cheetah
- The entire volume is devoted to forms!



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Helpful books, cont'd.

 See handout with list of resources re: civil rights litigation for additional information about your civil rights.



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Helpful online resources

- California resources:
 - Office of the Attorney General: https://oag.ca.gov/civil
 - American Civil Liberties Union of Southern
 California Know Your Rights:
 https://www.aclusocal.org/en/know-your-rights
 - FindLaw California civil rights:
 https://statelaws.findlaw.com/california-law/california-civil-rights-laws.html

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Helpful online resources

- California resources, cont'd.
 - California Dept. of Human Resources:
 http://www.calhr.ca.gov/state-hr-professionals/Pages/ocr-description.aspx
 - California Department of Social Services:
 http://www.cdss.ca.gov/inforesources/Civil-Rights
 - Disability Rights California: https://www.disabilityrightsca.org/

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Helpful online resources

- Federal resources:
 - United States District Court, Central District California, Federal Pro Se Clinic: http://prose.cacd.uscourts.gov/los-angeles
 - USDC, Central District, Pro Se Clinic Forms template for 42 U.S.C. § 1983 complaint: https://www.cacd.uscourts.gov/sites/default/files/forms/CV-066/CV-66.pdf

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Helpful online resources

- Federal resources:
 - United States Department of Justice Civil Rights
 Division: https://www.justice.gov/crt
 - U.S. Equal Employment Opportunity Commission: https://www.eeoc.gov/
 - United States Department of Health & Human Services - Civil Rights: https://www.hhs.gov/civil-rights/index.html

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Helpful online resources

- Federal resources:
 - United States Department of Transportation,
 Federal Highway Administration Civil Rights:
 https://www.fhwa.dot.gov/resourcecenter/teams/civilrights/



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Helpful online resources

- Federal resources:
 - United States Department of Education, Office for Civil Rights: https://www2.ed.gov/about/offices/list/ocr/index
 - .html
 - United States Commission on Civil Rights: https://www.usccr.gov/



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Helpful online resources

- Additional resources:
 - FindLaw Civil Rights Laws: https://civilrights.findlaw.com/
 - National Association for the Advancement of Colored People (NAACP): https://www.naacp.org/nations-premier-civilrights-organization/
 - American Civil Liberties Union (ACLU): https://www.aclu.org/

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Helpful online resources

- Additional resources:
 - American Association of University Women: www.aauw.org/what-we-do/public-policy/aauwissues/civil-rights/

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Resources for In-Person Assistance

- Federal Pro Se Clinic, United States District Court, Central District, Los Angeles: http://prose.cacd.uscourts.gov/los-angeles
- The Federal Pro Se Clinic in Los Angeles ("Clinic") offers on-site information and guidance to individuals who are representing themselves (proceeding pro se) in federal civil actions. The Clinic is administered by a non-profit law firm, *Public Counsel*, not by the Court.

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Resources for In-Person Assistance

- Federal Pro Se Clinic, cont'd:
- The Clinic is located in:
 The Edward Roybal R. Federal Building and U.S. Courthouse
 255 East Temple Street, Suite 170 (Terrace Level)
 Los Angeles, CA 90012
- The Clinic is open on:
 Mondays, Wednesdays, and Fridays
 9:30 am 12:00 pm and 2:00 pm 4:00 pm
- The Clinic is closed on national/court holidays and occasionally for administrative purposes.
- For more information, please contact Public Counsel at 213-385-2977 Ext. 270

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Resources for In-Person Assistance

National Lawyer's Guild, Los Angeles:

- Special focus on protester rights and social justice issues
- https://nlg-la.org/
- (310) 313-3700



Resources for In-Person Assistance

UCLA Labor Center:

- Focus on employment discrimination issues
- https://www.labor.ucla.edu/
- 310-794-5983

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Resources for In-Person Assistance

Inner City Law Center:

- Special focus on homeless issues and housing, tenant's rights
- http://www.innercitylaw.org
- (213) 891-2880



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Resources for In-Person Assistance

Housing Rights Center:

- · Nonprofit devoted to fighting discrimination in housing
 - Landlord-tenant counseling
 - Discrimination investigations
 - Listings for affordable housing
- www.housingrightscenter.org, (800) 477-5977



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Resources for In-Person Assistance

Neighborhood Legal Services:

- Will assist with **discrimination** and other non-eviction housing issues
- Limited by income (federal funding limitations)
- Multiple locations: http://www.nlsla.org/contact-us/



Resources for In-Person Assistance

Wage Justice Center:

- Represents low-income workers facing wage theft
- http://wagejustice.org/
- 213-294-2622

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Resources for In-Person Assistance

Lambda, LGBT rights organization:

- http://www.lambdalegal.org/
- 213-382-7600



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Resources for In-Person Assistance

Legal Aid Foundation of Los Angeles (LAFLA) and Public Counsel:

- **Limited by income** (federal funding limitations)
- Don't have resources to help all who need help
- Multiple locations: https://lafla.org/help/services/housing-and-eviction/, http://www.publiccounsel.org/contact us?id=0001



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Resources for In-Person Assistance

Lawyer referral services:

http://www.calbar.ca.gov/Public/Need-Legal-Help/Lawyer-Referral-Service/Los-**Angeles-Area**

- Find a private attorney in your area. Some will assist clients of modest means at lower rate.

Resources for In-Person Assistance



LA Law Library Reference Desk:

- Will refer you to appropriate forms, instructions, and other resources to help
- Law library provides access to wide range of informational resources, forms, and much more you cannot find for free online or anywhere else
- Librarians also teach classes like this one

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We are here to help!

- LALL Reference staff can suggest resources and help you use electronic databases.
- Check our website for upcoming classes and workshops!

LALAWLIBRARY

www.lalawlibrary.org