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Some Thoughts on Joaquin Avila

By Bill Tamayo*

I first met Joaquin Avila in the early part of 1982 at the office supply cabinet of MALDEF's national office, then housed at 29 Geary Street in San Francisco. I think I was getting some paper clips, and he was getting a marker. He said hello to me and said his name but didn't mention that he was the new President and General Counsel.

At the time, I was a staff attorney at the Asian Law Caucus, and I had been working with MALDEF in 1981 to defend Filipino nurses on H-1 Visas who were threatened with possible termination and consequent deportation for failing the California nurse licensure exam. The California Department of Fair Employment and Housing staff had just found that the exam had a discriminatory impact on minority and foreign-born nurses. MALDEF had joined an amicus brief in support of the plaintiff intervenors whom I represented. We ultimately prevailed in allowing the Board of Registered Nursing to continue the nurses' interim permits to practice while the exam was being reviewed.

Soon after, the Immigration and Naturalization Service under "Operation Jobs" began raiding Northern California businesses and various communities to gain support for new legislation to restrict immigration. I was part of the early teams to address the raids in *International Molders Union, Local 164 v. Nelson*,¹ which were ultimately found to be unconstitutional. After I found out who Joaquin was, I invited him to attend the Asian Law Caucus' annual event, where we honored U.S. District Judge Robert Takasugi and then-

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¹ 674 F. Supp. 294 (N.D. Cal. 1987).

newly appointed California Supreme Court Justice Cruz Reynoso. It was the first time that the Asian Law Caucus had honored a Latino leader, and I wanted to make sure that Joaquin could meet leaders in the Bay Area Asian American civil rights community. Joaquin was such a humble and warm gentleman, and it was inspirational to see a fighter like him take the helm at MALDEF.

Over the years, I read about Joaquin's great work in Voting Rights. When I was at the Asian Law Caucus, we took part in the redistricting effort following the 1990 Census, and the teams looked to much of the work laid down by Joaquin and others in the *Garza v. City of Los Angeles* case.² In fact, it was the *Garza* case that was most critical in mounting a potential challenge to the lack of diversity in the Daly City, California City Council. Members were elected at-large. I remember that advocates had complained that although Daly City, a suburb of 100,000 just south of San Francisco, was 72% minority (including over 25% Filipino), no Filipino or other racial minority had been elected to the City Council. A white candidate defeated the Filipino candidate for an opening on the council. Filipinos were furious and frustrated that once again, no Filipino was elected to the Council. Professor Larry Shinagawa of Sonoma State University conducted a study of voting in 1991 which showed that there was clearly "racial polarization," *i.e.*, white voters overwhelmingly voted for white candidates, while Filipinos voted overwhelmingly for Filipino candidates for City Council. I presented Larry's study to the U.S. Department of Justice's Voting Rights Section attorneys in Washington, DC, who were very interested in the matter given the data presented. Soon after, I also presented the findings to the City Attorney in Daly City. He was quite familiar with the *Garza* case and was "very interested" in the study.

During that same election, one of the white Council members, Mike Nevin, was elected to the San Mateo County Board of Supervisors, thereby creating

² 918 F.2d 763 (9th Cir. 1990).

a vacancy on the Council. After my discussion with the City Attorney, the Council appointed Michael Guingona, a Filipino-American attorney, to the City Council in 1992. This was a major victory for the Filipino community, and I have no doubt that Joaquin's work in *Garza* was a major impetus for Guingona's appointment. Mike continued to serve on the Council for over 20 years and also served as Mayor at several points. Ray Buenaventura, another Filipino-American attorney, was elected to the Council and has also served as Mayor. For several years, Ray and Mike both served on the Council. Reflecting these advances, the Council in the mid-2000s appointed Filipino-American Rose Zimmerman—former President of the Filipino Bar Association of Northern California—to be the City Attorney, and she continues to serve in that capacity.

In 1999, Joaquin and I were both honored by California Rural Legal Assistance at its annual event. Joaquin was recognized for his outstanding leadership in Voting Rights cases, particularly his victory in *Watsonville*, to ensure that Latinos were finally elected to the Council. CRLA gave me the Jesse De La Cruz Community Service Award for my leadership as the Regional Attorney for the EEOC when I negotiated a \$1.855 million settlement for CRLA's client, Blanca Alfaro, and a class of farmworkers who had been sexually harassed and/or retaliated against. *EEOC v. Tanimura & Antle*³ was the first EEOC case alleging the sexual harassment of farmworkers, and it had a national impact on farm worker advocates and EEOC offices nationwide.⁴ I was very honored to be recognized with Joaquin, whom I considered one of the "legends" of civil rights law.

Joaquin was an inspiration to many, and his kind, gentle, but intellectually sharp approach to problems and dealing with people was impressive and comforting at the same time. He was a gem, and he was one of our own. He's changed hundreds of thousands of lives for the better. I feel very

³ No. C99-20088, 867 Fair Empl. Prac. Cas. (BNA) 29 (N.D. Cal. 1999).

⁴ See W. Tamayo, *The Role of the EEOC in Protecting the Civil Rights of Farm Workers*, 33 U.C. DAVIS L. REV. 1075 (1999-2000).

privileged to have known Joaquin and to be impacted by his work and dedication. Thank you for giving me the opportunity to share my thoughts about a wonderful man.