



For Immediate Release
May 10, 2016

CONTACT: David Schwarz
(310) 277-1010 and DSchwarz@irell.com

COURT OF APPEAL STRIKES DOWN LAW THAT BARRED WORKER ACCESS TO THE COURTS

Fresno, California – The California Court of Appeal yesterday turned back efforts by the Agricultural Labor Relations Board (ALRB) to bar farm workers from exercising their constitutional right to challenge that agency’s decisions in court. In a unanimous decision, the Fifth District Court of Appeal struck down as unconstitutional a 2002 law that stripped workers of their right to seek invalidation of unlawful ALRB decisions in Superior Court.

This case arose after a Gerawan farmworker Lupe Garcia filed a lawsuit in Fresno Superior Court in which he claimed that the First Amendment was violated when the ALRB refused to permit him to silently observe the ALRB’s “on the record” proceedings concerning the terms of a contract to be imposed on him and all other Gerawan farm employees. Gerawan Farming supported Mr. Garcia in the Court of Appeal and in the Superior Court, and filed its own action seeking the same relief.

The 39-page decision in *Garcia and Gerawan Farming, Inc. v. ALRB, Case No. F069896*, held that the California Constitution barred the California Legislature from stripping workers of the right to bring claims in Superior Court. In reversing the dismissal of Mr. Garcia’s lawsuit, the Court of Appeal directed the Superior Court to hear the employee’s case.

CONTINUED ON NEXT PAGE...

In that lawsuit, Mr. Garcia argued that he, other farmworkers, and the public had a right “to attend and silently observe” ALRB on-the-record proceedings whereby this state agency imposed a forced collective bargaining “agreement,” at the request of the UFW, on Gerawan Farming and its employees. Mr. Garcia argued that the UFW’s longstanding abandonment of Gerawan’s workers forfeited its status to represent him in this compelled contracting process. The UFW and the ALRB demanded secret proceedings and successfully barred Mr. Garcia and other Gerawan employees from attending. The Board gave no reason for why he was excluded. Mr. Garcia’s suit and a companion suit by Gerawan will now return to the Superior Court for further proceedings.

The open hearing position advanced by Mr. Garcia and Gerawan was supported in the Court of Appeal by The Reporters Committee for Freedom of the Press, The First Amendment Coalition, and The California Newspaper Publishers' Association. These groups were represented by nationally recognized First Amendment expert UCLA Law Professor Eugene Volokh.

Gerawan co-owner Dan Gerawan stated, “While we are happy to return to the Superior Court and win again there, we wonder why the ALRB persists in its blatantly unconstitutional policy of barring workers from proceedings where their working conditions and wages are being addressed.”

“We call on the ALRB to rethink its position and agree to open proceedings even if the UFW wants them closed. The ALRB must protect workers first and foremost. The secret hearing policy is obviously unconstitutional and the ALRB should stop wasting taxpayer dollars defending it.”

#

DOWNLOAD: [Background](#) [Court of Appeal Opinion](#)