



# Profile: Karen Carrera

## Immigrant from Peru draws on personal experience to ensure Latinos are treated fairly in employment and housing

BY STEPHEN ELLISON

Life is full of pivotal moments, some more significant than others. For Karen Carrera, one of those turning points set her on a path toward her life's work in law.

Carrera, a native of Peru, was 7 years old when she came to the United States with her mother and sister. She was 14 when her mother lost her job. The young Carrera never forgot how much of an impact a wrongful termination can have on a family.

"It was right before my mom was supposed to vest in her retirement," Carrera recalled. "At the time, she went through a lot. She just couldn't find a job for a while, and it really affected her confidence. She got really depressed, was crying a lot, and that wasn't like her. She was a really strong woman. It really affected me."

### Mentored by Patricia Erickson

Years later, while Carrera was in college, she worked as a voluntary intern, interviewing clients at ACLU of Southern California. Her boss and mentor, attorney Patricia Erickson, showed so much compassion for the clients they represented and for the law, it inspired Carrera to think long and hard about becoming a lawyer to help people and promote social justice.

"At that time, they were doing a lot of work around pro-choice and defendants' rights," Carrera said. "Because of Patricia and the work she was doing, I took a gap year after college and then decided to go to law school."

To this day, Carrera has emulated her mentor, and then some. Over the past three decades, she has dedicated herself to advocacy, especially in the areas



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of employment, housing and immigration. She has worked in public defender's offices, legal aid agencies, a city attorney's office and at a private firm.

Since 2003, she has been a partner with Villegas Carrera. She and law partner Virginia Villegas focus on employment discrimination, wage-and-hour class action and some civil rights cases. The firm represents farmworkers, restaurant workers, hotel workers, janitorial workers, all the industries where there's a large Latino and immigrant population, Carrera said.

One of the simpler challenges in working with such clients, she said, is the language barrier – most of them are Spanish-only speakers, and both Carrera and Villegas speak the language and know the culture. A much bigger challenge, Carrera said, is gaining their trust and convincing them the U.S. system will work for them.

"These clients are very brave to come forward because they have everything to lose," she said. "They don't speak the language very well, they're recent immigrants, they may be undocumented, they have families to support, and besides the language, there are a lot of other cultural barriers to overcome. They're very low income, low wage earners. Our challenge as a firm is to represent that population, and

we are better able to represent them because we know where they come from and how they feel."

When it comes to community service and giving back, Carrera is not just a participant but rather a leader. She has received congressional and senatorial recognition for spearheading legal services to immigrant and low-income communities in the Bay Area and has won awards for those efforts. Since 2014, she has served on the board of Canal Alliance, a nonprofit that assists immigrant communities in Marin County by providing access to education, youth programs, family counseling and immigration services.

### Social-justice agenda

Carrera was raised in Los Angeles from age 7, and attended Loyola Marymount University, where she graduated cum laude with a bachelor's degree in fine and communications arts. Law school brought her north to UC Hastings College of the Law in San Francisco. Equipped with a plan to help people, Carrera thrived in law school.

"As soon as I went to Hastings, before I even went in, I already decided I wanted to do what Patricia Erikson did, or some kind of work around social justice. But I didn't know what that was going to be," Carrera said. "Obviously, you go in and are faced with how difficult law school is, and for me being the first in my family to go to college, and I was an immigrant really, it was difficult. But soon I joined groups on campus, I ran for class representative my first and second years, and I was on the student council. And then I took as many classes as possible related to employment law and immigration, and that started my interest in employment law. My last year at Hastings,



I became student body president, and I knew the whole time I would be working with the underrepresented. I just didn't know in what capacity."

While she was at Hastings, Carrera clerked at the Alameda County and San Francisco public defender's offices. After graduating from law school, she took a job at La Raza Centro Legal in San Francisco, where she worked as a supervising attorney on employment, immigration and housing cases.

From there, she went to work for the San Francisco City Attorney's Office as a litigator and worked her way up to deputy city attorney under Louise Renne. But when Renne left, the office wasn't the same, Carrera said, and about that time she had started a family, so she decided to find work that allowed for more flexibility. That's when she first joined Talamantes Villegas as a partner.

"That's where I've been ever since," she said. "I did take three years off to go work at Legal Aid of Marin as their director of litigation. I just needed a break from general practice and wanted to go back to nonprofit law for a while. Then I came back to the firm."

### Carefully aggressive

Carrera said about 90 percent of all their cases settle, but on the rare occasions when they do have a trial, there are some keys to success that are unique to their cases and client demographic.

Generally, prepping clients is standard, but with Spanish-speaking immigrants, sometimes undocumented, just getting them on board for courtroom appearances can be somewhat of a challenge.

"Some of our clients go into court with a bias against them," Carrera explained. "The jury doesn't want to believe that a Latino immigrant is entitled to damages. I think it's easier on the wage-and-hour cases, and I think that's why our cases settle a lot. At least on the wage-and-hour class actions, it's really easy to prove, based on the documentation, that they weren't paying our clients. The sexual harassment, discrimination and

national origin cases, those are the ones that go to trial more. But we try not to put our clients in that position because there is that bias."

Carrera said if the defense makes an offer they think is appropriate to compensate the victim, and if the client agrees, they have no choice but to settle. In a rape case she recently settled, the defense offered \$600,000, and Carrera took it. Because of the inherent bias against her client, she's not sure if the award would have been higher at the end of a trial.

"I don't know. Especially because there was no police report," Carrera explained. "She was afraid to go to the police, and how would that look to a jury? It was a supervisor, and he argued that it was consensual, of course, that she had a crush on him. That just wasn't true. We were still able to get a large settlement because we were aggressive."

"I think you can be aggressive for your client and get a good result, especially if you go to mediation," she continued. "You go in prepared to go to mediation, and in this case, it helped because of our cultural awareness of the Latino population and Latino clients. I think you can get higher damages if you go to trial, but there's always a risk. It's always up to our clients, and once we get into mediation, if they want to settle, we have to do what they want."

Several cases come to mind when Carrera thinks back on the most memorable ones. One case she recalled involved three housekeepers who went up against a Mill Valley hotel in a wage-and-hour class action on behalf of all the housekeepers. One of the clients also had been sexually assaulted, Carrera said. All three women were undocumented immigrants, living in deplorable conditions, she said. They were essentially forced to report to the workplace early to stock their carts with shampoo and towels and linen and weren't paid for that time. In addition to that first unpaid hour, they were told to clean 24 rooms in six hours, and if they couldn't do it in that time, they were told to clock out and go back

and finish the work. At meal times, they were required to clock out, and they did so, but would go back to work and then clock back in 30 minutes later.

"My client was so scared and meek and didn't speak English; she had a second- or third-grade education, and yet she was so great at deposition," Carrera recalled. "She told it like it was; she was passionate and just so good. I was so proud of her. We got an injunction in that case, and we were also able to get a good result for all the workers."

### Family and community

During her off-work hours, Carrera attends to her family. She has a 16-year-old son at home and another son at UC Berkeley. Her mother also lives with the family and has Alzheimer's, so Carrera spends a lot of time taking care of her mom. Otherwise, she enjoys reading and loves teaching. Since 2009, she has been an adjunct professor at Hastings, teaching a class called Representing Spanish-Speaking Workers in Employment Law.

"I spend some of my weekends going over my lesson plan," she said. "I love students, they really inspire me." As teachers often do, Carrera will offer a range of advice to her pupils. So, it was difficult to nail down just one piece of wisdom.

"I tell them that the most important thing is their reputation," she said. "They have to safeguard their reputation. It's a very small community, and they should always do the right thing. I also tell them it's OK to have passion and show emotion. You don't have to be a stoic lawyer."

"To my students, because they are first-generation students like I was, I tell them also to give back to their community and work for social justice – help the needy," Carrera continued. "They are very lucky that they are lawyers or are going to be lawyers, and they should use their education, that power, to help other people."

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