



Vicki Sarmiento

MY CIVIL RIGHTS HERO

Our Southern California civil-rights community lost a beloved member when Vicki Sarmiento passed away in March. Vicki was not only respected as an outstanding lawyer but even more so as a wonderful person and cherished friend.

I met Vicki 30 years ago when another civil-right icon, Sam Paz, asked me if I would be a mentor to her as she built her civil rights practice after leaving the City Attorney's Office. One of the great benefits of our Southern California civil-rights law community is that we get to work with other lawyers we both respect and like. Vicki was one of those lawyers for many of us. She certainly was for me.

Much has been said about the large verdicts and settlements Vicki achieved, often with husband, civil-rights rock star Dale Galipo, over her career. She did have a very impressive record of success in big, important cases. Her list of seven-figure judgments and settlements is long and impressive.

Vicki often took cases other lawyers would have rejected and through her skill and tenaciousness achieved impressive success. It is not easy to win civil-rights cases these days and her ability to succeed for her clients spoke volumes about how talented a lawyer she was.

For me, though, when I think of Vicki's impact, I think of the less-heralded impact she had on our community and her civil rights colleagues. These illustrate who Vicki was as a person and a lawyer and the many ways in which she represented the best the civil-rights community has to offer.

Vicki always looked for ways to represent those in our community without voices of their own. In particular, she took on cases of people from marginalized communities, in particular, Hispanic communities. She was born in Bolivia and never forgot her roots or those in the community with immigrant backgrounds or who faced language or cultural barriers. She was someone who could surmount those obstacles for these clients. One of the first cases we did together involved discrimination by Magic Mountain against Hispanic patrons.



Sarmiento

Working with other civil rights colleagues, class relief was obtained, ending this discrimination.

Never gave up on tough cases

She never gave up on cases even when the case became exceedingly difficult to prosecute. I remember a particularly challenging prison case. When Vicki explained the facts to me, I was surprised she had taken the case. As is the case in many prison cases, it was not easy to obtain evidence or witnesses. The victim of misconduct was dead, so she had to overcome the story the prison officials came up with. Yet with painstaking tenacity she was able to show that the official story was false and was able to obtain relief for a grieving family. Many lawyers would have given up or failed to spend the money on experts necessary to litigate the case effectively. However, once Vicki took a case she took it to the finish line. There were many such examples.

Another noteworthy case was *Macias v. City of Los Angeles* (2006) 144 Cal.App.4th 313. An elderly man was forced out of his home in his underwear and exposed to his neighbors without justification. She tried the case with one of her original mentors, Milton Grimes, and lost the case in Norwalk in the first trial. Instead of giving up, we got the case reversed on appeal and she and Milton retried the case, obtaining a modest verdict for Mr. Macias. The case was hardly worth it from a financial standpoint, but the case involved Mr.

Macias's dignity. Vicki was committed to spending all this time, effort, and money because she had agreed to protect his dignity and his constitutional rights. Her connection with Mr. Macias was strong and she and Milton achieved a gratifying, important result for him, even if it never made any list of large jury verdicts. It was such an important verdict for Mr. Macias. There were many cases like this for Vicki. These were not the cases that generated headlines, but they were the kinds of cases so important for so many in our community.

Florida prison case

Vicki and Milton Grimes did many other important cases together. None was more important than the case of Darren Rainey. Mr. Rainey was an impoverished inmate forgotten in Florida's prison system. He became the subject of national headlines when he was scalded to death in a prison shower often used as a punishment cell. His skin literally melted off his body. Mr. Rainey could not testify to what guards had done to him and the ability to obtain evidence was daunting. Vicki did much of the painstaking work necessary to overcome these overwhelming obstacles so that Mr. Rainey's gruesome death could be redressed in the form of a \$4.5 million settlement. Without Vicki's painstaking, detailed work on the case this would not have been possible.

Police abuse

On the other hand, she did not browbeat clients to push a case beyond their limits. Another of our initial cases together was a case for a young teenage girl who was raped by a police officer in a patrol car. Obviously an important, potentially lucrative case. However, our young client was so damaged by this and her life more generally that the prospect of being deposed and going through a trial was overwhelming for her. Civil-rights lawyers often face the dilemma of representing people so traumatized by official misconduct that accountability can be thwarted. My strongest recollection of this case was Vicki's sensitivity in

explaining the options for our client and reaching the conclusion that a modest settlement was preferable to the trauma of litigation. What was best for the client was always what was best for Vicki even if it came at a financial cost to her.

In other cases, Vicki helped the victims of police abuse to come forward and weather the challenges of civil rights litigation. One example is the Vanessa Marquez case. Ms. Marquez, an actor in the famed movie *Stand and Deliver*, was shot inside her home by police officers conducting a welfare check. She left only her mother, who was too afraid to bring a case. Vicki worked with my clinic students to challenge public officials to take action. Ultimately, though, Vicki was able through the force of her personality, her kindness and her expertise to give Vanessa's mother the strength to bring a case, a case that led to a very good settlement. I doubt many other lawyers could have provided the assurance necessary for this to happen.

A friend and mentor

Vicki was always available to help other civil rights lawyers. She mentored many young lawyers. Many of them came to pay tribute to those efforts at her memorial. She was always available when I needed to consult someone with expertise and common sense about a case or an issue. Civil rights lawyers often labor in their solitary silos; having a circle of civil rights comrades to bounce ideas off, review drafts, share briefs and generally offer needed support is crucial. Vicki was always there for her colleagues and friends.

Vicki was always ready to share her expertise in more public ways. She shared her considerable expertise in litigating prison-medical cases in a February 2021 article in *Advocate*. She was also a frequent speaker at conferences and symposia on a range of civil rights issues. She wanted more lawyers to represent civil rights plaintiffs.

Vicki extended this assistance to my civil rights clinic for students at UCI. She was willing to have students work on her cases and offer practical guidance and expertise to them. She was always welcoming of students and young lawyers, making them feel that they were an integral part of the cases that they were working on. She realized that the next generation of civil rights lawyers needed that nurturing and experience. Vicki was a great role model for students – someone who could take on the toughest cases and opponents while maintaining an upbeat personality and a life outside of the law.

When I look back at my own career, I realize that many of my closest friends are people I have worked with in one way or the other. The civil rights community is filled with interesting, committed, wonderful advocates and people. Our common fight to make our society a more equal and fair community is a powerful common bond.

Vicki was one of the best people our community had to offer. She was a wonderful colleague and a better friend. After my wife died in 2016 Vicki made sure to take the time to help me get through my grief to the other side. She experienced so much grief in her own life and was there to

offer a friendly ear whenever I needed it. Again, I am sure I was not the only one she helped in this way.

One last example: A couple of years ago another of our beloved civil rights colleagues, Jorge Gonzalez, passed away after a short illness. He had no time to plan for others to take over his cases or clean up his files and records. We all have too many cases to be that careful about what will happen if we pass suddenly. The last thing Jorge's family needed in their grief was to organize his law practice and his papers.

Without fanfare, Vicki stepped forward and made sure that Jorge's cases and clients were cared for. She helped organize other lawyers to help. She spent hours making sense and order out of Jorge's files. She did all of this out of friendship, without seeking credit or accolades. She was there because it needed to be done and Vicki was always there to do what needed to be done for all of us. Her passing has left a huge hole in our hearts and our community. Her good works and her life well lived, though, will always be an example of what it means to be a good civil rights lawyer and a better human being. She will always be a civil rights hero and a cherished friend to me.

Paul Hoffman is a longtime Los Angeles civil rights lawyer. He was the legal director of the ACLU Foundation of Southern California and is now the director of the Civil Rights Litigation Clinic at UC Irvine School of Law. He litigated numerous cases with Vicki Sarmiento over the years. ☒