

California Supreme Court Grants Request to De-publish *People v. Gonzalez*

January 31, 2019 -- San Francisco – In October 2018, the Bar Association of San Francisco and the Justice & Diversity Center joined more than 30 public defenders, organizations and law school professors in signing a letter to Chief Justice Tani G. Cantil-Sakauye and Associate Justices of the California Supreme Court strongly urging de-publication of *People v. Pablo Gonzalez*.

On January 23, 2019, the California Supreme Court granted the request to de-publish *People v. Gonzalez*, the damaging decision narrowing the pre-*Padilla* obligation of criminal defense attorneys to advise immigrant defendants about potential immigration consequences of their plea.

In the October letter, signatories argued that criminal defense attorneys in the state of California have understood and accepted as one of their core constitutional obligations the affirmative duty to advise noncitizen clients about adverse immigration consequences. The published *Gonzalez* opinion thus ran afoul of a long line of court precedent and secondary authority which clearly established defense counsel's pre-*Padilla* duty to investigate and advise noncitizen defendants about the immigration consequences of a conviction. The letter concluded that *Gonzalez* would have upended existing case law, contradicted laws passed by the state legislature, and adversely affected many noncitizens who pleaded guilty or no contest during the 23 years from the decision in *People v. Soriano* (1987) 194 Cal.App.3d 1470 until the *Padilla* case was decided in 2010.

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The Bar Association of San Francisco (BASF) is a nonprofit voluntary membership organization of attorneys, law students, and legal professionals in the San Francisco Bay Area. Founded in 1872, BASF enjoys the support of more than 7,500 individuals, law firms, corporate legal departments, and law schools. Through its board of directors, its committees, and its volunteer legal services programs and other community efforts, BASF has worked actively to promote and achieve equal justice for all and oppose discrimination in all its forms, including, but not limited to, discrimination based on race, sex, disability, and sexual orientation. BASF provides a collective voice for public advocacy, advances professional growth and education, and attempts to elevate the standards of integrity, honor, and respect in the practice of law.

The Justice & Diversity Center (JDC) of the Bar Association of San Francisco advances fairness and equality by providing pro bono legal services to low-income people and educational programs that foster diversity in the legal profession. JDC is the largest legal services provider in San Francisco. JDC's primary purpose is the delivery of free legal services to low-income San Franciscans, as well as the non-profits that serve them. JDC delivers free legal services through its Legal Services Programs division, which consists of the Pro Bono Legal Services Program, Homeless Advocacy Project,



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and the Immigration Program. JDC provides enrichment programs to diverse youth and young adults through its Diversity Educational Programs. JDC's programs serve approximately 9,500 disadvantaged San Franciscans a year, with the overarching goal of assisting the community's most vulnerable members with accessing the judicial system and strengthening their personal, professional, and economic security.