



UPDATE



Vol. 16, No. 2

Fall 2010



Photo credit: Maxwell Citizen Kepler
U.S. Congressman John Conyers, Jr., 2010 Wiley A. Branton Award recipient, addresses Luncheon attendees.

Congressman John Conyers, John Keeney, and Ron Flagg Honored at 2010 Branton Awards Luncheon

On June 16, U.S. Representative John Conyers, Jr., and Washington Lawyers' Committee board member John C. "Jack" Keeney, a partner at **Hogan Lovells US LLP**, addressed more than 850 Committee supporters at the Committee's 2010 Wiley A. Branton Awards Luncheon at the Grand Hyatt Washington Hotel in Washington, D.C. Attendees at the annual event, which honors attorneys, clients and civil rights leaders for their contributions to the cause of equal rights, included representatives from more than 60 supporting law firms and corporations.

Congressman Conyers and Jack Keeney both received the 2010 Wiley Branton Award for Lifetime Achievement in recognition of their many years of public service and civil rights advocacy.

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Committee Releases Updated Report on the State of D.C. Public Schools

On Tuesday, August 31, 2010, the Committee held a press conference to announce the completion and release of the report "*The State of the District of Columbia Public Schools 2010: A Five Year Update.*"

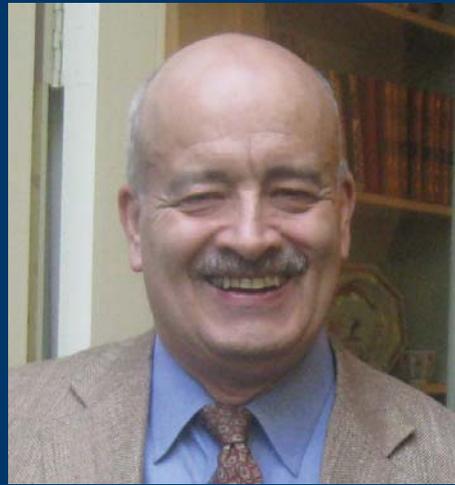
The report was prepared by the Committee, under the direction of Committee board member Ronald S. Flagg, **Sidley Austin LLP**, with the pro bono assistance of eight law firms. The participating firms were **Ballard Spahr LLP; Beveridge & Diamond, P.C.; Covington & Burling LLP; Dickstein Shapiro LLP; Reed Smith LLP; Sidley Austin LLP; Steptoe & Johnson LLP; and Sullivan & Cromwell LLP.**

The Committee issued this report five years after it prepared an earlier report, entitled "*Separate and Unequal: The State of the District of Columbia Public Schools Fifty Years After Brown and Bolling,*" to mark the anniversary of the U.S. Supreme Court's decision in *Bolling v. Sharpe*, which invalidated segregated schools in the District of Columbia shortly after *Brown v. Board of Education* declared the "separate but equal" policy had no place in public education. The 2005 Report had

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Rod Boggs
Executive Director
Washington Lawyers' Committee
for Civil Rights & Urban Affairs

This issue of the *UPDATE* highlights the awards presented at this year's Wiley Branton Awards Luncheon and the achievements of the many law firms currently working with the Committee's various projects. It also announces two initiatives, one structural and another programmatic, with significant implications for the Committee's future service.

Our Branton Luncheon in June was especially notable as we recognized three individuals for their unique contributions to the advancement of civil rights. As recipients of the Committee's highest award, Congressman John Conyers of Michigan, a distinguished legislator for over 40 years, and Jack Keeney of **Hogan Lovells LLP**, an exemplary Committee volunteer, Board member and Bar leader, demonstrate the commitment to civil rights we

associate so closely with Wiley Branton. Ron Flagg received this year's Vincent Reed Award for his dedicated advocacy on behalf of quality public education in our city.

As numerous articles in this *UPDATE* reflect, the past six months have seen unprecedented progress by virtually all of the Committee's projects. These successes are a direct reflection of the dedicated work of our excellent staff attorneys and the efforts of our Board Members across the city to enlist their firms as our co-counsel. A special word of thanks goes to all of the firms and volunteers who have contributed so much to this record.

In looking to the future, two initiatives announced in this *UPDATE* bear particular mention. One is the formation of the Committee's Corporate Advisory Board (CAB) and the other is our new project to mobilize pro bono resources to assist non-governmental organizations (NGOs) working on relief and recovery efforts in Haiti.

The Committee is most grateful for the enthusiastic support being provided by FTI, Deloitte, Kroll Inc., and Alliance Architecture as charter members of the new CAB. We are confident that this new structure will play a vital role in the Committee's work for years to come.

Similarly, we are very pleased to announce our new program to assist NGOs in securing pro bono legal assistance for relief and recovery work in Haiti. Strong response to the announcement of this initiative from a number of leading international relief organizations suggests that there will be many new opportunities to engage the pro bono resources of our cooperating firms in helping the Haitian people in a time of critical need.

As we move forward with the Committee's programs, I encourage all of our longtime friends and supporters to renew their commitment and join us in recruiting new firms and individuals to participate in our work.

Committee Governance and Development

The Committee today operates with a staff of approximately 25, including five project directors and three staff attorneys. They are supported by several senior lawyers and visiting associates from cooperating firms. In addition, the Committee regularly benefits from the services of a number of junior attorneys holding fellowships from local and national law firms and nonprofit organizations.

The Committee is governed by a 60-member Board of Directors, and supported by a 90-member Board of Trustees and a team of Firm Representatives drawn from nearly 100 participating law firms.

The Committee's operating budget for 2010 is approximately \$3.7 million. Funding for this budget comes from a combination of law firm and individual giving, foundation grants, and the proceeds from the annual Wiley A. Branton Awards Luncheon, as well as attorney's fees and gifts of fees received in Committee litigation.

As the Committee begins its year-end funding cycle and announces its new funding campaign, it will be making a special effort to secure increased funding through a year-end appeal to law firm partners and associates.

Individuals and firms interested in providing support for the Committee and participating in its fundraising efforts should contact Da'aga Hill Bowman, Director of Foundation Outreach and Public Information at (202) 319-1000, ext. 155. Contributions to the Committee may also be made online at www.washlaw.org/secure.htm.

History of the Washington Lawyers' Committee

From its inception in 1968, the Washington Lawyers' Committee has seen its basic mission as mobilizing the resources of the private bar to address issues of discrimination and poverty in our community. The primary motivating force behind the creation of the Committee and its counterparts in other cities was the publication of the Report of the National Advisory Commission on Civil Disorders, which identified discrimination and poverty as the root causes of the riots that erupted in cities around the nation during the late 1960's and in Washington, D.C. in April 1968 following the assassination of Dr. Martin Luther King, Jr.

Over the past 42 years, the Washington Lawyers' Committee has expanded from a small staff addressing a limited number of matters into a larger organization operating multiple projects that address a broad range of civil rights and poverty issues.

Equal Employment Opportunity Project

The Committee's first program—the Equal Employment Opportunity Project—was established in 1971, when the Washington area was beginning the construction of its Metro system and Congress was about to enact major new legislation providing federal, state and local workers with their first meaningful protections against employment discrimination. With a coalition of community organizations, the Committee initiated an extensive litigation campaign challenging denials of training and job referrals by unions and contractors throughout the region. In addition, the Committee filed major lawsuits seeking enforcement of affirmative action plans covering federal and local government construction projects.

Committee cases, co-counseled by over a dozen area law firms, won precedent-setting victories against many of the region's largest unions and contractors, opening significant employment opportunities for thousands of African-American workers.

During this period, the Committee began a special outreach campaign directed at minority and women federal employees. Working with employee task forces at scores of agencies, the Committee provided representation in dozens of major cases winning many of the first judgments upholding the claims of federal workers under the newly enacted provisions of the 1972 Civil Rights Act. The Committee has built on this early record to bring class actions affecting over 25 federal agencies, and dozens of private sector defendants, securing millions of dollars of back pay and damages, and injunctive relief for thousands of workers.

The Committee takes special pride in its role in winning landmark appellate rulings upholding the use of paired testers to investigate denials of equal employment. The Committee's success in these cases brought on behalf of the Fair Employment Council of Greater Washington paved the way for the use of tester-generated evidence in a number of other jurisdictions. In 1999, the Fair Employment Council merged with the Fair Housing Council of Greater Washington to become the Equal Rights Center.

Fair Housing Project

In the mid-1970's, the Committee established its Fair Housing Litigation Project to address denials of equal

housing opportunity. Shortly thereafter, it worked with a coalition of local clergy to create the Fair Housing Council of Greater Washington. For the past 20 years, the Committee has represented the Council and over 100 individuals in cases that established a national standard for effective advocacy and secured monetary and injunctive relief for victims of housing discrimination. The Committee worked with the Fair Housing Council in the groundbreaking utilization of paired testers to investigate allegations of discrimination. In 1999, the Fair Housing Council and the Fair Employment Council merged to become the Equal Rights Center. Recently, the Project has undertaken initiatives to assure accessible housing for persons with disabilities and to address source of income discrimination against tenants who use housing choice (formerly Section 8) vouchers.

Public Education Project

In 1978, the Committee established a program to assist parents seeking to improve the quality of public education in the District of Columbia, with over a dozen law firms offering general counsel assistance to parent groups at local schools in the Anacostia section of the city. Two years later, these parents and the Committee created Parents United for the D.C. Public Schools, the city-wide advocacy group seeking educational reform in the city.

Over the years, the Committee and volunteers from area law firms have prepared dozens of policy papers on major educational issues and successfully litigated landmark cases affirming the rights of public school students and their parents. Victories

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History of the Washington Lawyers' Committee (continued from page 3)

include a case mandating enforcement of the D.C. Fire Code, which assured millions of dollars for basic school building repairs and renovation, and a decision requiring basic nursing services at schools in the city and medical staffing at interscholastic athletic events. Since 1977, the Project has also administered an educational partnership program that links area firms with D.C. schools, providing tutoring, mentoring, and other enrichment services to more than 10,000 D.C. public school children.

Immigrant & Refugee Rights Project

In 1978, the Committee initiated a project to address the legal service needs of immigrants and refugees that was the first such program in the D.C. area. Over the years, the Committee's Immigrant and Refugee Rights Project has received support from over 1,000 volunteers on matters of political asylum, challenges to restrictive immigration laws, as well as the preparation of comprehensive policy papers on legal issues affecting the Latino community. The Project also devoted increasing resources to assisting newcomers facing denials of basic civil rights due to their national origin. As part of this effort, the Committee has filed a number of cases challenging denials in employment and housing, and has assisted groups and individuals targeted for abuse following the September 11, 2001 terrorist attacks. Since 2006, the Project has also addressed concerns of day laborers in the District of Columbia and surrounding jurisdictions.

Public Accommodations Project

Since 1988, beginning with a case against Holiday Spas Health Clubs, the

Committee has played a leading role in national cases challenging widespread denials of service to persons of color at major hotel and restaurant chains, including Denny's, Waffle House, and Adams Mark Hotels. Several years ago, the Committee achieved a major settlement in such a case against a large Avis-Rent-a-Car franchise in South Carolina. Most recently, this project has represented the NAACP in a series of lawsuits challenging denials of civil rights affecting African Americans attending a large holiday rally in Myrtle Beach, South Carolina.

Disability Rights Project

In 1992, the Committee began a program to assist individuals seeking to enforce their rights under the Americans with Disabilities Act. Working closely with the Disability Rights Council of Greater Washington (now the Equal Rights Center), the Project won a series of important victories opening access to hospitals, banks, hotels, movie theaters, restaurants, grocery stores, department stores, and other retail establishments, including access to the emergency evacuation procedures of these entities. At the same time, the Project has worked to achieve greater access for people with disabilities at public services and buildings, including access to polling places, voting machines, and public transportation, and ensuring effective communication for deaf individuals with public services, police departments, 911 services, and in the prison system.

D.C. Prisoners' Project

In 2006, the D.C. Prisoners' Legal Services Project, the foremost private prisoners' rights legal advocacy group in the District of Columbia, joined the Committee to become the Committee's D.C. Prisoners' Project.

The Project advocates on behalf of the more than 3,000 prisoners held in D.C. jail facilities as well as nearly 8,500 individuals incarcerated under D.C. law at Federal Bureau of Prisons facilities nationwide. The Project's work, which complements the Committee's prior work on prisoners' rights and prison reform issues, utilizes advocacy, litigation, education, outreach, and policy reform to address systemic failures in the prison and parole systems.

Special Projects

The Committee has over the years handled significant matters on an ad hoc basis and special projects for limited periods of time. Perhaps the most noteworthy individual case—*Runyan v. McCrary*—was a successful challenge in the United States Supreme Court under Sec. 1981 of the 1866 Civil Rights Act to the racially discriminatory admissions policies of a Virginia nursery school.

Special Committee projects have focused on securing treatment for narcotics addicts, providing quality child care for low-income parents, representing African-American servicemen in challenges to their less than honorable military discharges, and providing supplemental instruction to hundreds of minority students about to enter area law schools.

The Committee's achievements are largely attributable to the thousands of lawyers from over 100 area law firms who have given generously of their pro bono time and financial contributions.

The Committee's record also reflects the skill and dedication of the talented men and women who have served with distinction on its staff and as co-chairs, directors, and trustees.

Equal Employment Opportunity

National Fire Protection Sued for Race and Age Discrimination

In this case filed in the U.S. District Court for the District of Maryland, the Committee and co-counsel **Latham & Watkins, LLP** represent Wayne Sherrod, a 54-year-old African American, who alleges that National Fire Protection (NFP), a nationwide sprinkler installation company with significant federal contracts, discriminated against him on the basis of race and age when the company involuntarily transferred him and laid him off after many years of employment. Mr. Sherrod alleges that an NFP General Foreman told him that he was being involuntarily transferred because of his age and to make room for younger workers, and that he was laid off just days later. He further alleges that NFP subjected him to hostility and harassment based on his race, including racially derogatory remarks and imagery.

Mr. Sherrod also alleges that NFP systemically discriminates against its older and African-American employees by disproportionately terminating them and subjecting African-American employees to a harassing and hostile work environment. This is the second case the Committee has brought against NFP for race discrimination. The case is currently in discovery.

Sex, Pregnancy and Disability Discrimination Complaint Filed Against Dept. of Defense Entity and Federal Contractor

On September 27, 2010, the Committee and co-counsel **Arnold & Porter LLP** filed sex, pregnancy and disability discrimination claims against a Department of Defense entity, the Uniformed Services University of the Health Sciences (USUHS), and a government employment contractor, The Corbin Company, on behalf of former employee Charolette Barnett.

Ms. Barnett was assigned by The Corbin Company to work at USUHS. Although a nominal employee of Corbin, Ms. Barnett was also an employee of USUHS, which independently hired her and controlled all aspects of her employment.

By all accounts, Ms. Barnett was an excellent employee during her entire tenure at USUHS. However, when she became pregnant in 2007 and was shortly thereafter diagnosed with a serious pregnancy-related impairment, Ms. Barnett needed the reasonable accommodation of a leave of absence for the remaining time of her pregnancy.

Instead of accommodating her disability, however, Corbin reclassified her from full-time to part-time

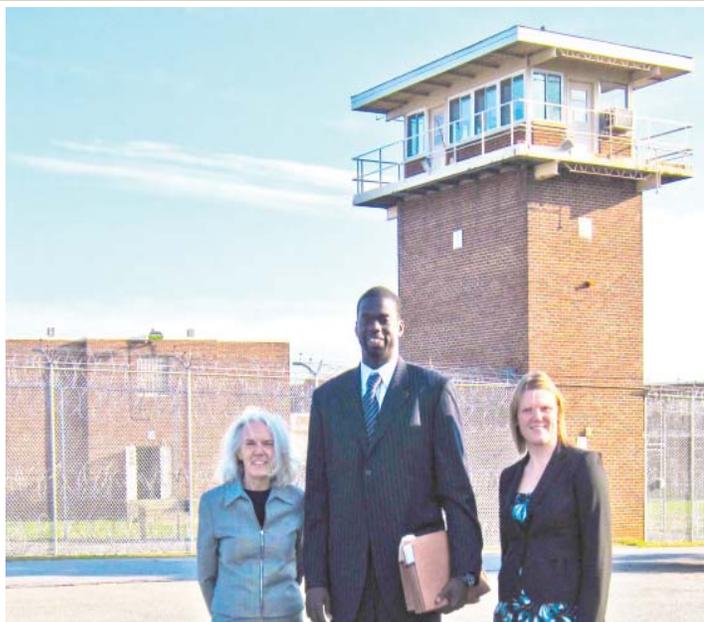
status, terminating her healthcare benefits. Her USUHS supervisor also made statements indicating that she should not return to work because she needed to be at home to care for her baby. Finally, just weeks prior to her due date, Corbin and USUHS sent Ms. Barnett notice that she had been terminated and replaced by another employee.

The lawsuit alleges that Ms. Barnett's pregnancy-related condition is a disability protected by the Americans with Disabilities Act and the Rehabilitation Act of 1973, thereby triggering her employers' obligation to reasonably accommodate her by granting her request for leave during her pregnancy. The lawsuit also states that, as joint employers, the federal agency and the contracting employment agency are jointly and severally liable for the disability and pregnancy-based discrimination that occurred.

Virginia Linen Services Sued for Race Discrimination, Retaliation

The Committee and co-counsel **Covington & Burling LLP** filed this lawsuit in the U.S. District Court for the District of Maryland on behalf of Kenneth Carter, an African-American former employee of Virginia Linen Services (VLS). Mr. Carter alleges that VLS discriminated and retaliated against him, including by subjecting him to a hostile work environment, based on his race and because he opposed VLS' discriminatory and retaliatory treatment of other African-American employees.

Disability Rights



L/R: Elaine Gardner, Disability Rights Project Director; with Amadou Kilkenny Diaw, Associate Attorney, Winston & Strawn LLP; and Ivy Finkenstadt, Staff Attorney, D.C. Prisoners' Project, in front of the Powhatan Correctional Center in State Farm, Virginia.

Powhatan Correctional Center Settles Lawsuit Brought by Deaf Inmates

On October 19, 2010, the Committee with co-counsel **Winston & Strawn LLP** obtained a settlement of a groundbreaking disability rights case on behalf of deaf and hard-of-hearing inmates at Powhatan Correctional Center (Powhatan) in State Farm, Virginia.

The settlement significantly improves many conditions at Powhatan for deaf inmates. The prison will become the first major correctional facility in the United States to have a videophone for inmates to communicate with family and others. The settlement also provides the inmates with American Sign Language interpreters two full days a week, sign-language interpretation of rules and orientation, disciplinary and release proceedings, medical appointments, and educational and vocational instruction. It also makes Video Remote Interpreting available 24 hours a day for emergency communications, and provides for visual notifications about meals and events. The settlement provided damages for the deaf plaintiffs, and attorney's fees.

Hilton Hotels Corporation Settles Accessibility Lawsuit

On July 12, 2010, the Committee and co-counsel **Gilbert LLP** settled an accessibility case against Hilton Hotels Corporation.

This lawsuit, filed in August 2007 by the Committee and co-counsel on behalf of the Equal Rights Center (ERC) and individual plaintiffs in the U.S. District Court for the District of Columbia, was based on an ERC investigation of Hilton Hotels, which found them to be inaccessible in many respects.

The settlement commits the Hilton Hotels in Washington, D.C., to greatly expanding the number of accessible guest rooms, ensuring dispersion of accessible rooms among room types, and removing barriers to accessibility in hotel guest rooms, restaurants, ballrooms, common areas, and parking. The D.C. Hilton Hotels have also agreed to implement an advertising and outreach strategy promoting the accessibility of these hotels.

Lawsuits Allege John Randolph and Inova Fairfax Hospitals Failed To Provide Sign-Language Interpreters

The Disability Rights Project recently filed important cases on behalf of deaf individuals against two major hospital centers.

On July 12, 2010, the Committee and co-counsel **Gilbert LLP** filed a disability rights case in the U.S. District Court for the Eastern District of Virginia against John Randolph Medical Center in Hopewell, Virginia, on behalf of deaf family members who claim that they were repeatedly denied sign-language interpreters during serious medical treatment at the facility, in violation of Section 504 of the Rehabilitation Act of 1973.

On June 25, 2010, the Committee with co-counsel **Sutherland Asbill & Brennan LLP**, filed a lawsuit against Inova Health System on behalf of a deaf couple who allege

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Fair Housing

Blind Renter Awarded Damages In Case Against Wingate Development

On August 31, 2010, Elnora Johnson, represented by the Committee and co-counsel **Latham & Watkins, LLP** received word that the D.C. Human Rights Commission had issued its Proposed Decision awarding Ms. Johnson \$10,000 in emotional distress damages, plus attorney's fees and other damages, finding that she had been discriminated against by Wingate Development of D.C., LP and its management company, on the basis of her disability.

In 2007, the Committee and co-counsel began to represent Elnora Johnson in her disability rights case against Wingate Development of D.C., LP and its management company. The defendants refused to allow Ms. Johnson, who is blind, to rent an upper-level apartment unless she signed a waiver of liability in case of an accident, in violation of the federal Fair Housing Act and the D.C. Human Rights Act.

After obtaining a finding of probable cause by the D.C. Office of Human Rights, the case had been referred to the D.C. Human Rights Commission. A hearing on the merits was held on October 22 - 23, 2008, resulting in the Commission's Proposed Decision. The parties have both filed Exceptions to the Proposed Decision and are awaiting the Commission's Final Decision.

Hospitals Failed to Provide Sign-Language Interpreters

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denial of effective communication during their newborn's life-threatening emergency at Inova Fairfax Hospital, in violation of Title III of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

Accessibility Lawsuit Filed Against Eye Care Centers of America

On June 30, 2010, the Committee and co-counsel **Crowell & Moring LLP** filed a lawsuit against Eye Care Centers of America in the U.S. District Court for the District of Columbia on behalf of the Equal Rights Center (ERC) and an ERC member with mobility impairments. The case alleges that Eye Care Center's Hour Eyes facilities lack the equipment or accessibility to treat patients who use wheelchairs, in violation of the Americans with Disabilities Act and the D.C. Human Rights Act.

Design and Construction Lawsuit Filed Against Lerner Enterprises

On August 31, 2010, the Committee with co-counsel **Gilbert LLP** filed a lawsuit on behalf of the Equal Rights Center (ERC) in the U.S. District Court for the District of Maryland, alleging that Maryland corporations Lerner Enterprises, Lerner Corporation, and First Alliance Properties LLC, discriminated against people with disabilities at three of its apartment complexes in Virginia.

This case is part of a Committee initiative to ensure accessible housing for people with disabilities.

The initiative involves several case filings on behalf of the ERC alleging discrimination by national apartment and condominium developers in the design and construction of multifamily housing.

Collectively, the cases involve over 250,000 housing units.

Immigrant and Refugee Rights

Retaliation Claims, Plaintiffs Added to Nastos Construction Filing

The Committee, with co-counsel **Arnold & Porter, LLP** and **Cadwalader, Wickersham & Taft LLP**, recently filed a motion to amend a complaint against Nastos Construction, Inc., to add retaliation claims, pursuant to the Fair Labor Standards Act (FLSA) and the D.C. Minimum Wage Act, and to expand an existing Federal Rule of Civil Procedure 23 (Rule 23) class, in a case alleging the company failed to pay overtime wages to its employees.

The Committee and co-counsel filed the original FLSA collective action on October 7, 2009, in the United States District Court for the District of Columbia on behalf of seven employees against Nastos Construction, Inc., and four corporate officers for failing to pay overtime wages for hours worked in excess of 40 hours each workweek for three years in addition to other unpaid promised wages.

The action was also brought as a class action, pursuant to Rule 23, to recover unpaid overtime and promised wages.

The amended complaint includes allegations that the company retaliated against four named plaintiffs and three opt-in plaintiffs for filing and participating in the lawsuit.

This case is part of the Committee's Immigrant and Refugee Rights (IRR) Project's Day Laborer Support Initiative. The objectives of the initiative are to promote a D.C. Day Laborer Workers' Center; represent day laborers who are exploited, abused, or unpaid; and close loopholes in the law that allow unscrupulous employers to exploit immigrant workers while escaping liability when the workers are not paid for work they have performed.

Committee Volunteers Win Victories for Asylum Seekers

Through the efforts of volunteer attorneys, seven asylees from Cameroon, Ethiopia, and Kyrgyzstan were recently granted asylum by the Arlington Asylum Office (United States Citizenship and Immigration Services).

An attorney from **Crowell & Moring LLP** won asylum for an Ethiopian who was detained and severely tortured because of his political opinion and his ethnicity. An attorney from **Foley LLP** obtained asylum for a politician and his wife from Kyrgyzstan who were targeted because of his involvement in an opposition political party and his support for a U.S. military airbase in the country. **Thompson Coburn LLP** attorneys helped a businessman from Cameroon who feared arrest because of his involvement in the production of tee shirts, scarves and hats for the main opposition party in the country.

Williams & Connolly LLP attorneys assisted a human rights lawyer from Ethiopia who feared detention because of her political views and defense of her organization. Also, Committee staff won asylum for a former customs official from Ethiopia who was detained for over nine years due to his imputed political opinion and his ethnicity, and more recently detained for his involvement in opposition politics.

In the Immigration Court, an attorney from **Jones Day LLP** obtained asylum for a businessman and tribal chief from Cameroon who was arrested and severely beaten by the government because of his political views. An attorney from **Keler & Kershow PLLC** won asylum for a former military officer and self-employed businessman from Ethiopia who was detained twice and severely tortured by the government because of his ethnicity and his alleged anti-government views.

Public Education

Committee Releases Updated Report on the State of D.C. Public Schools (continued from page 1)

characterized the District's school system as still "separate and unequal" and, in comparison to surrounding school districts in Maryland and Virginia, DCPS underperformed in almost every imaginable way.

The 2010 report concluded that DCPS has shown improvements in most areas, including funding, testing scores, facility modernization and an increased concern with health and wellness programs. According to the report, the number of improvements has been dramatic and unprecedented. However, the report emphasized the progress was fragile, with much work remaining to be done for DCPS to reach parity with surrounding school districts.

A copy of the 2010 report is available on the Committee's website at www.washlaw.org.

2010 GeoPlunge Geography Tournament to be held at Smithsonian Museum

The Committee, with **Arent Fox LLP** and D.C. Public Schools, will host the 6th GeoPlunge Geography Tournament on Thursday, November 18, 2010, at the Smithsonian National Museum of American History in Washington, D.C., for a second year.

The Tournament is based on the popular award-winning game, GeoPlunge, invented by Arent Fox lawyer Alan Fishel. Players learn U.S. geography by playing the game. The Tournament brings together 5th and 6th grade D.C. public school students in an exciting, competitive, and educational environment.

The Committee, Arent Fox LLP and D.C. Public Schools have begun recruiting participating school teams and sponsors. To coach or sponsor a team, please contact Coordinator Elinor Hart at 202-387-2966; hart1651@juno.com, or the Committee's Executive Director Rod Boggs at (202) 319-1000, ext. 103, or at Rod_Boggs@washlaw.org.



Ronald S. Flagg, Partner, Sidley Austin LLP, speaks at the press conference on the release of the Committee's updated report on the state of D.C. Public Schools. Angela Holland, Associate, Reed Smith LLP, listens at left.

Record Numbers Attend Fall 2010 School Partnerships Meeting

Record numbers attended the Committee's D.C. Public School Partnerships Project Fall 2010 meeting of partnership coordinators on Tuesday, September 21, 2010, at **Akin Gump Strauss Hauer & Feld LLP**. More than 75 coordinators from law firms and corporate law departments, D.C. Public School (DCPS) principals, school system officials, and guest speakers joined Committee staff for the annual luncheon meeting, which kicks off the new school year. The event provided coordinators with the opportunity to discuss current issues relating to the partnerships and D.C. public schools.

New School Partnerships Established

The Committee is pleased to announce the formation of three new firm/school educational partnerships with D.C. public schools. They are: **Paul Hastings LLP** and Garfield Elementary School; **Arent Fox LLP** and Roosevelt Senior High School; and **Perkins Coie LLP** and Powell Elementary School. Schools remain available at all levels. For more information, interested firms may contact Rod Boggs at (202) 319-1000, ext. 103, or at Rod_Boggs@washlaw.org.

D.C. Prisoners' Project

D.C. Settles Case Involving Assault on Prisoner in Special Housing Unit

The D.C. Prisoners' Project and co-counsel **Reed Smith LLP** recently settled a case involving an assault on a prisoner by another prisoner held in a special housing unit within a D.C. jail. The case had been in litigation for more than three years.

While held in the Administrative Segregation Unit in D.C.'s Correctional Treatment Facility, one of the two jail facilities in D.C., Milton Price was brutally assaulted by his cellmate. Mr. Price, a medium security inmate, had been sent to the "Ad Seg" unit for having an unauthorized plastic cup in his cell. His cellmate in the unit had been charged with murder, and admitted to Mr. Price that he had killed people.

Becoming nervous about the situation with his cellmate, particularly after seeing that the other man had carved a homemade weapon out of a toothbrush, Mr. Price repeatedly requested that he be moved to a different cell. After overhearing Mr. Price make one of these requests, his cellmate brutally attacked Mr. Price, stabbing him with the homemade weapon and beating him, causing serious injuries.

This is the second case in recent years that Reed Smith and the D.C. Prisoners' Project have successfully resolved involving assaults on prisoners held in so-called special housing units in D.C. jail facilities.

Prisoners Held Beyond Terms of Incarceration File Lawsuit

On May 25, 2010, the D.C. Prisoners' Project and co-counsel **Sonnenschein Nath & Rosenthal LLP** filed a class-action lawsuit against the U.S. Parole Commission (USPC) on behalf of long-term prisoners who have been held in prison beyond their terms of incarceration.

In response to advocacy from the Committee, the U.S. Parole Commission (USPC) issued regulations in 2009 that followed a 2008 court decision in the case of *Sellmon v. Reilly*. That case found an *ex post facto* violation in the USPC's imposition of new parole guidelines on prisoners convicted many years prior, when different parole guidelines were in place.

The USPC's *Sellmon* regulations cover only the period addressed in the *Sellmon* decision, excluding D.C. prisoners seeking parole whose offenses date back prior to 1985. Despite extensive evidence of rehabilitation and clear conduct while incarcerated, these men are being held far beyond the terms envisioned by the sentencing courts.

Lawsuit Filed for Miscalculation of Sentence and Illegal Incarceration

On September 9, 2010, the D.C. Prisoners Project and co-counsel **Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates** filed a complaint seeking damages against federal officials who miscalculated the prison sentence of Kevin Ford. The lawsuit seeks remedies for three years of illegal incarceration and massive disruption of Mr. Ford's life caused by administrative errors and illegal sanctions imposed by various federal agencies.

In 2002, Mr. Ford was sentenced on drug possession charges to a short period of imprisonment, to be followed by three months of supervised release. Due to a miscalculation by federal authorities, the U.S. Parole Commission determined that Mr. Ford had violated the terms of his supervised release by failing to report to his parole officer, even though the period of supervised release had expired. As a result, he was incarcerated for one year, and given another, extended period of supervised release. Following that initial, illegal incarceration, Mr. Ford was re-incarcerated

Public Accommodations

Defendants Settle Lawsuit Against D.C. Police and FUR Nightclub

The Committee and co-counsel **Katten Muchin Rosenman LLP** and **Wilmer Cutler Pickering Hale and Dorr LLP** recently settled a police misconduct lawsuit against District of Columbia Defendants on behalf of a recent immigrant of Arab descent. Plaintiff and the Defendants agreed to settle Plaintiff's claims against the District of Columbia for over \$340,000.

The plaintiff was accosted in March 2005 by a FUR Nightclub bouncer who punched him in the face and broke his nose. The altercation prompted the involvement of four off-duty D.C. police officers, who handcuffed and dragged him from the nightclub, and beat him.

In the jury trial held in April 2008, the plaintiff claimed that D.C. Police Department, off-duty officers, FUR nightclub and its bouncers discriminated and committed battery against him and violated his Fourth Amendment rights. He was victorious in his battery claims against the bouncer and FUR Nightclub, and on his Section 1983 excessive force claim against one of the off-duty officers. The jury awarded him \$35,000 in damages.

On September 16, 2009, Judge John D. Bates of the U.S. District Court for the District of Columbia, awarded \$333,775 in attorney's fees, plus costs, to the Committee and co-counsel in the case.

The results in this case will serve to deter law enforcement officials from engaging in such abuses in the future.

Lawsuit Filed for Miscalculation of Sentence and Illegal Incarceration (continued from previous page)

three more times for administrative violations of his extended supervised release, most related to his medical problems and addiction issues.

In 2007, with the law firm of **Steptoe & Johnson**, the D.C. Prisoners' Project helped Mr. Ford re-file a *habeas corpus* petition, which unfortunately did not prevent his third erroneous incarceration in 2008. Finally, in September 2009, the D.C. District Court granted the *habeas* petition and ordered Mr. Ford released from supervision. The U.S. government initially filed a notice of appeal, which it later dropped.

Virginia Linen Services Sued for Race Discrimination, Retaliation (continued from page 5)

The Committee and co-counsel successfully moved to join VLS' parent company, Mohenis Services, Inc., as an additional Defendant.

The Defendants then lost their motion for summary judgment on Mr. Carter's hostile work environment claims.

A trial date will be scheduled shortly.

Special Projects

Committee Develops Pro Bono Program for Relief and Recovery in Haiti

The Committee is developing a special program to provide pro bono legal support to non-governmental organizations (NGOs) providing relief and recovery assistance in Haiti in the wake of the country's devastating earthquake on January 12, 2010.

Committee staff has met with the general counsels of Habitat for Humanity International, World Vision, and Save the Children to discuss the initiative and to identify specific issues for follow-up. InterAction, an alliance of 190 U.S.-based international humanitarian NGOs, is assisting the Committee with outreach to its member NGOs that may be potential recipients of the Committee's assistance.

Senior Counsel Stephen Bell, a retired partner from **Willkie Farr & Gallagher LLP**, is coordinating the initiative for the Committee.

Committee Establishes Corporate Advisory Board

The Committee is pleased to announce the formation of its new Corporate Advisory Board (CAB). Charter members are: **FTI Consulting** (Jay Frankl), **Alliance Architecture** (Phil Olson), **Kroll, Inc.** (Ben Allen) and **Deloitte** (Don Fancher). Mr. Frankl serves as Chair.

The CAB is an outgrowth of the Committee's successful efforts to mobilize a broader level of corporate support for its events, cases and projects. CAB members contribute \$25,000 per year and are recognized as major sponsors of the Committee's Wiley A. Branton Awards Luncheon held annually in June.

In addition to their significant financial support, the CAB members are actively engaged with various Committee projects. They are uniquely qualified to provide and, in several cases, have already provided pro bono contributions of services and expertise.

Several Committee board members are assisting with corporate outreach to help the Committee build relationships with the legal business community.

They include: Committee Co-Chairs George Ruttinger, **Crowell & Moring LLP** and Donald Remy, **Latham & Watkins LLP**; Thomas Brunner, **Wiley Rein LLP**; David Cynamon, **Pillsbury Winthrop Shaw Pittman LLP**; John Heintz, **Dickstein Shapiro LLP**; Peter Hutt II, **Akin Gump Strauss Hauer & Feld LLP**; Anastasia Kelly, **DLA Piper LLP (US)**; Benjamin Klubes, **BuckleySandler LLP**; Charles Walker, **Skadden, Arps, Slate, Meagher & Flom LLP**; David Williams, **Cadwalader, Wickersham & Taft LLP**; Lewis Wiener, **Sutherland LLP**; and Benjamin Wilson, **Beveridge & Diamond PC**.

Arrivals

New Board Members

The Washington Lawyers' Committee is pleased to welcome three new members to the Board of Directors. They are: **Jodi L. Avergun (Cadwalader, Wickersham & Taft LLP)**; **Jeffrey E. Gordon (Jones Day)**; and **Elizabeth B. McCallum (Howrey LLP)**.

New Staff

Stephen Bell recently joined the Committee as Senior Counsel, working on the Committee's Haitian Relief and Recovery Initiative. Formerly a Partner at **Willkie, Farr & Gallagher LLP**, he is a graduate of Georgetown University and the University of Wisconsin Law School.

Megan Whyte has joined the Committee as Director of the Fair Housing Project. Previously, she was a Litigation Associate at **Fried, Frank, Harris, Shriver & Jacobson LLP**, and also served as a Fried Frank Fellow at inMotion, a non-profit organization that provides free legal services for low-income women in New York City. She is a graduate of Harvard College and the University of Michigan Law School.

Nnamdi Nwaneri, a Visiting Associate from the Newark, New Jersey office of **McCarter & English, LLP**, is working jointly with the Committee's Equal Employment Opportunity Project and D.C. Prisoners' Project. He is a graduate of Cornell University and Howard University School of Law.

Chris Hansen, Jason Kim, Akila Kolisetty, and **Amy Tannenbaum** recently joined the Committee as Paralegals for several of the Committee's Projects. **Chris Hansen**, a graduate of the College of William & Mary, is working with the Immigrant and Refugee Rights Project. **Jason Kim**, who graduated from Yale University, works with the Disability Rights

Project. **Akila Kolisetty** graduated from Northwestern University, and is working with the Fair Housing Project. **Amy Tannenbaum**, a graduate of Hamilton College, works with the Equal Employment Opportunity Project.

2010 Branton Awards Luncheon (continued from page 1)

"I am honored to be a recipient of the Washington Lawyers' Committee Wiley A. Branton Award," said Congressman Conyers, adding, "I salute the Washington Lawyers' Committee for its work to advance a civil rights agenda since 1968, which includes this commitment to advancing the legacy of Wiley A. Branton."

Broderick D. Johnson, a Committee board member and partner at **Bryan Cave LLP**, presented the award to Congressman Conyers. The Committee's Executive Director Rod Boggs conferred the award on Jack Keeney.

The Committee's Disability Rights Project Director Elaine Gardner presented the 2010 Alfred McKenzie Award to Jim Dickson, Vice President of the American Association of People with Disabilities (AAPD), on behalf of the organization. The award is given to a Committee client for dedication and courage that have produced significant civil rights victories. The Committee has represented the AAPD in numerous disability rights cases.

James Sandman, General Counsel of the D.C. Public Schools, presented the 2010 Vincent E. Reed Award to Ronald S. Flagg, Committee board member and Partner, **Sidley Austin LLP**. He received the award for his many years of dedication and commitment to efforts to guarantee a quality education for children attending D.C. public schools.

(Continued on page 14)

WASHINGTON LAWYERS' COMMITTEE

2010 Branton Awards Luncheon (continued from previous page)



Photo credit: Maxwell Citizen Kepler

John C. Keeney, Partner, Hogan Lovells US LLP, received a 2010 Branton Award for his many years of successful civil rights advocacy.

The Committee also recognized 24 law firms with Outstanding Achievement Awards for their exceptional work on Committee pro bono matters in the past year. For a list of the law firm awardees and their achievements, see page 15.

Congressman Conyers, a lawyer who has represented the 14th Congressional District, including Detroit, Michigan, in the U.S. House of Representatives since 1965, is the second most senior member in the House of Representatives. He serves as Chairman of the House Committee on the Judiciary, with oversight of the Department of Justice and the Federal Courts, including jurisdiction over copyright, civil rights, consumer protection, and constitutional issues. During an illustrious legislative career spanning more than 45 years, he has played a vital role in the enactment of virtually every major piece of civil rights legislation considered by Congress since the passage of the 1964 Civil Rights Act. He is also one of the 13 founding members, and considered the Dean, of the Congressional Black Caucus, founded to strengthen African-American lawmakers' ability to address the legislative concerns of Black and minority citizens.

During Jack Keeney's distinguished 34-year career as a trial attorney at Hogan Lovells LLP, he has played a critical role in numerous Committee cases, including successful efforts to desegregate a large Baltimore condominium complex and challenge a taxi

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company refusal to provide service to African-American customers; and he represented African-American clients denied membership at a fitness facility in Wheaton, Maryland, and thousands of African American patrons denied service at Denny's Restaurant. He was principal author of a major Committee report on national and state hate crime legislation, and principal drafter of a Committee report documenting language barriers affecting the Latino community dealing with the police and courts. He has served as a Committee board member or trustee for over 15 years, and is a former President of the District of Columbia Bar.

"A profound thank you to the Washington Lawyers' Committee for this award that I will cherish," said Keeney. "Because it comes from the Committee and bears the name of Wiley Branton, it really means a lot to me. Even more fundamentally, I thank the Committee for letting me participate with it as a volunteer lawyer, for more decades than I care to count, in the great ongoing work of the Committee."

Ronald S. Flagg, a partner at Sidley Austin LLP, has been active with the Washington Lawyers' Committee for many years, joining the Committee's board of directors in 2003. He has advocated for quality public schools in the District of Columbia, and has led the preparation of notable reports issued by the Committee over the past decade addressing basic issues of public school reform in the District of Columbia, including the 2005 report "Separate and Unequal: The State of D.C. Public Schools 50 years after Brown and Bolling." He has also played a leading role in the Committee's initiative to recruit new law firms and corporations to establish educational partnerships with individual D.C. public schools.

The Committee's annual Branton Awards Luncheon is named for Wiley A. Branton, Sr., a civil rights lawyer of the 1950's who served with distinction in government, as Dean of Howard Law School, and as a leader in several civil rights organizations. He served as a Co-Chair of the Washington Lawyers' Committee in 1987 and 1988. Since 1989, the Committee has bestowed the Branton Award annually on individuals whose lifetime efforts on behalf of civil rights advocacy exemplify the deep commitment of Wiley A. Branton, Sr., to equal justice in our society.

2010 Branton Awards Luncheon



At the 2010 Branton Luncheon (L/R): Broderick Johnson, Partner, Bryan Cave LLP; 2010 Branton Award recipient John C. Keeney, Partner, Hogan Lovells US LLP; Vincent Reed Award recipient Ronald S. Flagg, Partner, Sidley Austin LLP; Committee Co-Chair George Ruttinger, Partner, Crowell & Moring LLP; Donald Kahl, Executive Director, Equal Rights Center; Committee Co-Chair Donald Remy, Partner, Latham & Watkins, LLP.

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2010 Outstanding Achievement Awards

At the 2010 Branton Awards Luncheon, the Washington Lawyers' Committee recognized the following 24 law firms with Outstanding Achievement Awards for their exceptional work on Committee pro bono matters in the past year.

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Washington Lawyers' Committee for Civil Rights and Urban Affairs

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Washington Lawyers' Committee is grateful to Mark Paul at **Finnegan, Henderson, Farabow, Garrett & Dunner, LLP** for assistance with the layout of this publication, and to **Merrill Corporation** for donating the printing of this publication.