



UPDATE



Vol. 14 No. 2

Special 40th Anniversary Issue

Fall 2008



Leslie M. Turner, 2008 Wiley A. Branton Award recipient, addresses Luncheon attendees.

Committee Celebrates 40th Anniversary at 2008 Branton Awards Lunch

Nearly 1000 supporters celebrated the Washington Lawyers' Committee's 40th Anniversary at the 2008 Wiley A. Branton Awards Luncheon at the Grand Hyatt Washington Hotel on June 4. The annual event, honoring attorneys, clients and civil rights leaders for their contributions to the cause of equal rights, took on special significance with tributes to early supporters and the announcement of a 40th Anniversary Fund named for the Committee's founders. Representatives of more than 110 supporting law firms and corporations attended the luncheon.

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City of Manassas Settlement Announced

On September 23, 2008, the Committee and co-counsel **Beveridge & Diamond, P.C.**, announced a settlement on behalf of the Equal Rights Center (ERC) and eleven residents of Manassas, Va, to resolve a federal civil rights lawsuit brought against the City of Manassas and the Manassas City Public Schools (MCPS).

The lawsuit alleged that the City and its school system had engaged in a systematic effort to target, discriminate against, and evict the City's Hispanic residents.

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Director's Corner



Roderic V.O. Boggs
Executive Director
Washington Lawyers' Committee
for Civil Rights & Urban Affairs

This 40th Anniversary edition of the Washington Lawyers' Committee's **Update** appropriately recognizes the enduring contribution of the small group of lawyers, led by Louis Oberdorfer and John Nolan, who came together in 1968 to create the Committee, a fledgling organization dedicated to mobilizing the private bar to address denials of civil rights in our community. The Committee is fortunate to have benefited from the leadership provided by these individuals and many others who have followed their example in guiding our organization over the succeeding four decades.

The announcement by Marc Fleischaker of a Founders' Fund named in honor of these distinguished individuals was a highlight of this year's Wiley Branton Awards Luncheon. Generous leadership gifts totaling more than \$150,000, already committed by **Wiley Rein LLP, Steptoe & Johnson LLP** and **Pillsbury Winthrop Shaw Pittman**

LLP, give us reason to believe that the Fund's goal of \$1.5 million to seed new programs and meet emergency needs can be achieved. The Committee deeply appreciates this strong showing of initial support and hopes that more firms will join in helping to build this important fund.

This year's Branton Awards Luncheon also recognized two special individuals, David Cynamon and Leslie Turner, as recipients of the Wiley Branton Award. Through their dedicated and gifted service as Committee volunteers and Board Members, each of them has left a lasting imprint on the Committee's legacy. This year's Branton Luncheon also recognized the exceptional contributions of the Equal Rights Center (ERC) and its retiring Executive Director, Rabbi Bruce Kahn. For over 25 years, the ERC has set a national standard for civil rights advocacy. The Committee is honored to have served as counsel to the ERC throughout its existence and looks forward to many more years of productive collaboration.

This issue of the **Update** highlights recent litigation victories in areas of emerging civil rights concerns and longstanding problems. Of particular note are the impressive successes in our Zanesville, Ohio; Manassas, Virginia; and New Haven, Connecticut housing cases. Closer to home, we are proud of the jury verdict secured on behalf of Emile Mazloum, a Lebanese citizen assaulted by security guards and off-duty D.C. police officers at a District nightclub. Lead counsel in this case was Warren Kaplan, the Committee's first senior counsel, who recently retired after 15 years of dedicated service to the Committee and the cause of civil rights.

The Committee is grateful for the pro bono support that has enabled us to undertake these cases and many other matters noted in this **Update**. This capacity to harness the time and talent of so many fine lawyers and firms gives us confidence in our ability to meet the challenges ahead. We hope that longtime friends will continue their steadfast support and we invite new firms and volunteers to join us.

Committee Governance and Development

The Committee today operates with a staff of approximately 25, including seven project directors and four staff attorneys. They are supported by several senior lawyers and loaned 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 55-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 2008 is approximately \$3.5 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 Luncheon, as well as attorneys' 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. In addition, the Committee will be expanding the 40th Anniversary Founders' Fund campaign to secure reserve/endowment funding to support new programs and meet emergency needs. To date, \$150,000 has been committed to this Fund.

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 40 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 Projects

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.

In support of Parents United, the Committee and volunteers from area law firms have prepared dozens of policy papers on major educational issues and suc-

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WASHINGTON LAWYERS' COMMITTEE

cessfully litigated landmark cases affirming the rights of public school students and their parents. Victories 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 over 12,000 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 1991, the Committee began a program to assist individuals seeking to enforce their rights under the Americans with Disabilities Act of 1990. Work-

ing closely with a new community organization—the Disability Rights Council of Greater Washington, the Committee has won a series of important victories opening access to hospitals, voting, and public transportation, as well as movie theater chains, banks, restaurants, grocery stores, and other retail establishments. In addition, the Committee has assured 911 phone access for the deaf community and interpreter services for deaf individuals dealing with the local courts and police. In 2005, the Disability Rights Council merged with the Equal Rights Center.

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 over the years have focused on securing meaningful 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.

40th Anniversary Founders' Fund Gains \$150,000

At this year's Wiley Branton Awards Luncheon, the Committee's Co-Chairs and Trustees led by Marc Fleischaker, Tom Williamson, and John Oberdorfer, announced the establishment of the 40th Anniversary Founders' Fund. The Fund is named for Judge Louis F. Oberdorfer and a small group of Washington lawyers led by John Nolan of **Steptoe & Johnson LLP** who founded the Washington Lawyers' Committee in the summer of 1969. The goal of the Fund is to raise \$1.5 million for a reserve/endowment to seed new projects and meet unforeseen financial emergencies. To reach this goal, the Committee is asking firms and individuals to consider a one-time doubling of their annual gifts this year or, in the case of firms, support at the level of \$200 per lawyer per firm. With initial gifts from **Wiley Rein LLP, Steptoe & Johnson LLP** and **Pillsbury Winthrop Shaw Pittman LLP**, the Fund has raised over \$150,000 to date.

The Committee thanks all contributors for their gifts to the Committee, and expresses great appreciation for the service of the many partners and associates who worked on Committee cases and fundraising this year.

John Burke Memorial Fund Contributes \$20,000 to Education Projects

The John Burke Memorial Fund, established in 2004 to honor the Committee's late General Counsel John L. Burke, Jr., has awarded a grant of \$20,000 from the Fund's corpus to support the Committee's Public Education Projects. In addition, income generated by the Fund will cover costs associated with the Committee's annual John Burke Pro Bono Breakfast and other outreach activities that encourage new attorneys to participate in the Committee's work.

The Committee appreciates all gifts in support of the fund, particularly from members of the John Burke Fund Advisory Committee, chaired by Marc Fleischaker of **Arent Fox PLLC**. Additional contributions may be made through the Committee's web site at <http://www.washlaw.org/secure.htm>.

Public Accommodations

Class Action Proceeds Against Friendly's in Myrtle Beach

The Committee and co-counsel **Relman & Dane PLLC** continue work on a putative class-action lawsuit filed in October 2007 on behalf of the NAACP, an individual biker and a class of African Americans who claimed that they were discriminated against by the Ocean Boulevard Friendly's restaurant in Myrtle Beach during a Black Bike Week. From 2000 to 2006, Friendly's closed down the restaurant during Black Bike Week and instead offered barbeque in the parking lot.

Black Bike Week is a predominantly African American motorcycle event held annually in the Myrtle Beach area. It is preceded by another bike rally held the previous week known as the Harley Davidson Spring Bike Rally, whose participants are predominantly white. During Black Bike Week, a number of popular restaurants, hotels and other retail establishments in Myrtle Beach have closed or offered substandard services and amenities, which stands in sharp contrast to their practices during Harley Week.

The defendants have filed a motion to dismiss the case.

Committee Wins Post-Trial Motion Against D.C. Police and FUR Nightclub

On September 15, 2008, the Committee and co-counsel **Katten Muchin Rosenman LLP** won a post-trial motion for judgment notwithstanding the verdict in a lawsuit brought on behalf of a recent immigrant of Arab descent who claimed the D.C. Police Department, off-duty officers, FUR nightclub and its bouncers discriminated and committed battery against him and violated his Fourth Amendment rights.

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

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Equal Employment Opportunity

Employee Pursues Race Discrimination and Retaliation Claims Against Army Inspector General

Client Denise Burgess, an African American, was hired in 2006 by the Office of the Special Inspector General for Iraq Reconstruction ("SIGIR") to serve as the Assistant Special Inspector for Media Affairs.

A Princeton graduate with an exemplary career in public service, by all accounts her performance at SIGIR was exemplary. At the time of her employment, she was the only African American serving in a senior leadership role at SIGIR.

When a new Deputy Inspector General, Ginger Cruz, was hired in March 2007, however, Ms. Burgess began to experience what she believed was racial discrimination and within days of raising concerns about this treatment, she was summarily fired from SIGIR, allegedly because of a "reorganization."

Ms. Burgess filed a charge of discrimination and retaliation with the Department of the Army while the Committee investigated her claims.

The Committee and co-counsel **Step toe & Johnson LLP** then stepped in and represented Ms. Burgess in the fact-finding confer-

ence held by the Army on August 26, 2008. Evidence suggested that SIGIR's "reorganization" defense is pretextual.

After the administrative process concludes, the Committee and Steptoe intend to file a lawsuit on Ms. Burgess's behalf in the Federal District Court in the Eastern District of Virginia.

Discovery Underway in Lawsuit Against Washington Co. Dept. of Water Quality

Discovery is underway in the disability discrimination lawsuit filed on January 23, 2008, by the Committee and co-counsel **Step toe & Johnson LLP** in Maryland District Court against the Washington County Department of Water Quality on behalf of Plaintiff Tony Davis. Mr. Davis alleges that he was denied reasonable accommodation and terminated due to his disability.

Mr. Davis, a veteran Washington County, Maryland, employee, suffers from a cognitive disability caused by a severe on-the-job head trauma suffered in the late 1990s.

For years after this injury, he worked successfully for the County's Department of Water Quality.

In 2005, however, his job required that he obtain Maryland state certification and pass a state-administered test.

Because of his disability, he requested an accommodation for additional time to take the test.

Although the state granted his request for extra time to take the exam, Washington County fired him before he could take the test, finding that he would not likely pass even with the accommodation.

Washington County has challenged the question whether Mr. Davis's impairments qualify as a disability under federal law, and also contend that it did not know Mr. Davis had a disability.

The County further has claimed it did not know of his disability (notwithstanding that Mr. Davis was injured on the job and received county disability insurance payments for his injury), and it was not obligated to assist him with respect to state certification obligations.

In the discovery phase of the case, which is ongoing, the parties have exchanged written discovery, are taking depositions, and also have retained medical experts to provide testimony regarding the nature and severity of Mr. Davis's disability.

Discovery is set to close in December 2008.

Fair Housing

Source of Income Lawsuit Filed Against Insurance Co. and Broker

On June 18, 2008, the Washington Lawyers' Committee and co-counsel **Covington & Burling LLP** and the Connecticut Fair Housing Center filed a complaint alleging discrimination on the basis of source of income on behalf of Marco Francia, who owns several properties in New Haven and Hartford, Connecticut.

A number of Mr. Francia's tenants are participants in the Housing Choice Voucher (formerly Section 8) Program. Defendant Mount Vernon Insurance Company, through Mr. Francia's insurance broker, initially denied coverage for one of his rental properties because of the presence of tenants who are voucher holders, and then ultimately issued a policy for the property but only at an increased premium.

The defendants' increased pricing for coverage of properties with voucher holders as tenants violates Connecticut law, which makes it unlawful to discriminate in the provision of housing-related services based on a tenant's lawful source of income, including the use of Housing Choice Vouchers.

City of New Haven, Conn. Settles Group Homes Lawsuit

On September 4, 2008, the Turning Point Foundation, represented by the Washington Lawyers' Committee and **Sidley Austin LLP**, reached a settlement with the City of New Haven, Connecticut, in a case involving discrimination against a group home for persons with disabilities. The lawsuit alleged that the City refused to grant a reasonable accommodation and prohibited Turning Point from establishing two group homes for persons in recovery from alcohol or drug addiction. The City had refused to allow Turning Point to have more than eight occupants in the homes even though families of more than eight would be permitted to live in the same house.

Under the terms of the settlement agreement, the city has agreed to change its prior restrictive rules applied to group homes and agreed that Turning

Point's group homes are entitled to have more than eight residents, treating the residents as a "family" under zoning laws. The agreement also requires the city to pay \$350,000 in damages, fees and costs to the plaintiffs.

Residents of African-American Neighborhood Denied Water Service, Win \$11 Million Verdict

On July 10, 2008, the Committee and co-counsel **Relman & Dane PLLC** and **Jones Day** won a lengthy trial, with federal jury verdicts totaling \$11 million against the City of Zanesville, Ohio, Muskingum County, Ohio, and the East Muskingum Water Authority for illegally denying water service to the one predominantly African-American community in a virtually all-white county on the basis of race for nearly fifty years.

The jury awarded damages for each of the individual plaintiffs, plus \$80,000 in damages to Fair Housing Advocates Association, a fair housing agency that assisted the plaintiffs by conducting an investigation and assisting them with their administrative complaints before the Ohio Civil Rights Commission. The Ohio Civil Rights Commission, also a plaintiff in the case, received a verdict in its favor.

Committee Wins Predatory Lending Case, Another Filed

On June 11, 2008, the Committee with co-counsel **Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates**, won a verdict in the case of *Griffith v. Barnes, et al.*, on behalf of an African-American homeowner who was the victim of a predatory lending scheme that extracted over \$300,000 in equity and left her without title to her home. The Court later awarded plaintiff \$240,574 in compensatory damages, \$37,505 in prejudgment interest and \$100,000 in punitive damages.

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WASHINGTON LAWYERS' COMMITTEE 2008 OUTSTANDING ACHIEVEMENT AWARDS



(L/R): Andrew J. Ewalt, Associate, Wilmer Cutler Pickering Hale & Dorr LLP; Susan Huhta, EEO Project Director, Washington Lawyers' Committee; William Kolasky, Partner, Wilmer Cutler Pickering Hale & Dorr LLP; Katherine A. Gillespie, Associate, Wilmer Cutler Pickering Hale & Dorr LLP; Brian M. Simmonds, Associate, Wilmer Cutler Pickering Hale & Dorr LLP; Roberto Gonzalez, Associate, Wilmer Cutler Pickering Hale & Dorr LLP.

EQUAL EMPLOYMENT OPPORTUNITY

Wilmer Cutler Pickering Hale & Dorr LLP

Wilmer Hale successfully settled a Committee case involving multiple issues of first impression regarding discrimination on the basis of disability and transgendered status, and the interpretation of the Montgomery County Human Rights Act. The plaintiff, transgendered and in a wheelchair, upon arrival for an interview at a Rockville-based temporary staffing agency, had found the offices completely wheelchair inaccessible, and was precluded from completing the application and interview process, and denied employment. In addition, Wilmer Hale's Pickering Fellowship program provides associates who serve the Committee as visiting attorneys for six months each.



(L/R): Robert M. Bruskin, Senior Counsel, Washington Lawyers' Committee; Pamela Marks, Beveridge & Diamond, P.C.; Benjamin F. Wilson, Managing Principal, Beveridge & Diamond, P.C.; Robert Martin, Knights of St. John; Isabelle Thabault, Senior Counsel, Washington Lawyers' Committee; Keith Johnston, Beveridge & Diamond, P.C.; Jennifer Abdella, Beveridge & Diamond, P.C.; Laura McAfee, Beveridge & Diamond, P.C.

FAIR HOUSING

Beveridge & Diamond PC

The Knights of St. John, a charitable organization comprised of African-American members of the Catholic Church in Charles County, Maryland, succeeded in a decade-long quest to secure permits to rebuild their community center, when **Beveridge & Diamond** took on their cause. When the roof was damaged in 1998, the County ordered the Knights to destroy the building rather than allowing them to repair it and had repeatedly refused to issue the necessary permits to rebuild it, while other properties were developed around them.



(L/R): Robert M. Bruskin, Senior Counsel, Washington Lawyers' Committee; Isabelle Thabault, Senior Counsel, Washington Lawyers' Committee; Alyssa Lareau, Associate, Fried, Frank, Harris, Shriver & Jacobson; Douglas Baruch, Partner, Fried, Frank, Harris, Shriver & Jacobson, LLP.

Fried, Frank, Harris, Shriver & Jacobson, LLP

Thousands of housing units will have increased accessibility for persons with disabilities as a result of the efforts of **Fried, Frank** lawyers in a federal lawsuit against Bozzuto and Associates, a major developer of apartment and condominiums. In many Bozzuto properties, persons who use wheelchairs could not access or use the units because doors were too narrow, steps created obstructions, kitchens and bathrooms had insufficient turning space, and numerous other accessibility violations impeded use. As a result of a settlement, the company will retrofit hundreds of apartments and condominiums, include enhanced accessibility features in many future developments, and change company practices to insure future compliance.



(L/R): Robert M. Bruskin, Senior Counsel, Washington Lawyers' Committee; David Sirignano, Morgan, Lewis & Bockius, LLP; Isabelle Thabault, Senior Counsel, Washington Lawyers' Committee.

Morgan, Lewis & Bockius, LLP

Lawyers from **Morgan, Lewis & Bockius** coordinated and led a major amicus filing in the Maryland Court of Appeals, which unanimously issued a favorable ruling that upholds Montgomery County legal protections against source of income discrimination. These make it illegal for landlords to refuse to rent apartments to prospective tenants with Housing Choice Vouchers (low-income housing subsidies). The high court reversed the Montgomery County Circuit Court's acceptance as sufficient the landlord's defense that his refusal to accept vouchers was motivated by the administrative requirements of the program, rather than discrimination.

SPECIAL 40TH ANNIVERSARY UPDATE

2008 OUTSTANDING ACHIEVEMENT AWARDS

Steptoe & Johnson LLP



(L/R): Robert M. Bruskin, Senior Counsel, Washington Lawyers' Committee; Steve Davidson, Steptoe & Johnson, LLP; Michael Baratz, Steptoe & Johnson LLP; Isabelle Thabault, Senior Counsel, Washington Lawyers' Committee.

Steptoe & Johnson's victory in *ERC v. E&G Property Services, Inc.*, opened up hundreds of E&G units to low-income families. E&G had stopped accepting Housing Choice Vouchers because of alleged difficulties with the D.C. Housing Authority, the government agency that administers the program. The Steptoe team fended off the landlord's efforts to have the D.C. anti-discrimination statute declared unenforceable as federally preempted, established that there is no business necessity defense to a claim of source of income discrimination in housing, and obtained a summary judgment against the defendant on liability. In a settlement, the landlord agreed to accept vouchers at its properties, waive onerous income requirements for voucher holders, provide training for its employees, and make clear to the community through signage and advertising that low-income tenants with vouchers are welcome at E&G properties.

PUBLIC ACCOMMODATIONS

Miller & Chevalier Chartered



(L/R): Jamah Hawes (client); Susan Huhta, EEO Project Director, Washington Lawyers' Committee; and Andrew Wise, Partner, Miller & Chevalier Chartered.

Miller & Chevalier successfully represented client Jamah Hawes, an African-American U.S. Capitol Police Special Agent discriminated against by a major U.S. airline while working to guard a U.S. Senator on travel. Mr. Hawes alleged that he was ejected from his first-class seat in favor of a white passenger, and then deceived by the flight attendant as to the reasons for his removal from first class. Recognizing the strength of Mr. Hawes' claim under federal anti-discrimination law, the firm analyzed the airline's records and interviews with other individuals on the flight, sent a demand letter to the airline, and negotiated a confidential settlement to the satisfaction of the parties.

Kirkland & Ellis LLP



(L/R): Isabelle Thabault, Senior Counsel, Washington Lawyers' Committee; Scott Abeles, Kirkland & Ellis, LLP; Robert M. Bruskin, Senior Counsel, Washington Lawyers' Committee; Reyna Walters, Kirkland & Ellis, LLP; Jonis Belu-John, Kirkland & Ellis, LLP.

The Committee and **Kirkland & Ellis** were retained by Shabeh Jomeh, a social-networking organization of Persian/Iranian-American professionals, which had held social events at a popular Georgetown nightclub, Blue Gin, where members freely mixed with other customers. In early 2007, a newly hired event planner advised Shabeh Jomeh that Blue Gin desired to bring a "white crowd" to the Club, with which Shabeh Jomeh's members would not blend in. Kirkland & Ellis attorneys' discussions with the Club owner about federal and local civil rights laws led to an agreement that included a public apology, an enhanced diversity training program also applicable to independent event planners, and a compensatory payment to Shabeh Jomeh.

Relman & Dane PLLC



(L/R): Susan Huhta, EEO Project Director, Washington Lawyers' Committee; Stephen M. Dane, Partner, Relman & Dane, PLLC.

Relman & Dane lawyers successfully represented the NAACP and individual African Americans challenging disparate practices occurring during Black Bike Week, an annual bike rally in Myrtle Beach, South Carolina. The complaint, filed with the South Carolina Human Affairs Commission against The Pantry, Inc., which owns and operates the Kangaroo Express chain of gas stations and convenience stores, resulted in a settlement providing monetary compensation and charitable contributions to five African-American plaintiffs, the NAACP, and the Washington Lawyers' Committee, and measures to ensure equal treatment of future Black Bike

WASHINGTON LAWYERS' COMMITTEE 2008 OUTSTANDING ACHIEVEMENT AWARDS



(L/R): Ubong Akpan, Associate, Dickstein Shapiro LLP; Laura E. Varela, Director, Immigrant and Refugee Rights Project, Washington Lawyers' Committee.

Week visitors. The Pantry will also meet with the Committee and the NAACP to discuss future partnerships to promote equal treatment of Black Bike Week participants by all Myrtle Beach area businesses.

IMMIGRANT AND REFUGEE RIGHTS

Dickstein Shapiro LLP

Dickstein Shapiro joined the Committee in litigating an unpaid wages case as part of the IRR Project's Day Laborer Initiative. The client, employed by D.C. subcontractor Venus Builders Group, was not paid a cent for 108 hours of work. The employer first maintained that he did not know our client and later claimed that our client was an independent contractor and thus, not entitled to the protections of the D.C. wage and hour laws. After a five-hour trial the D.C. Small Claims Court awarded our client his unpaid wages and liquidated damages.

Pillsbury Winthrop Shaw Pittman LLP

Attorneys from **Pillsbury Winthrop Shaw Pittman**, with the Committee, filed a class action on behalf of four Hispanic plaintiffs against an area painting company alleging violations of the Fair Labor Standards Act and Maryland law. The District Court of Maryland, Northern Division, denied Defendants' motion to compel information relating to the immigration status of the plaintiffs, holding that the protections provided by the Fair Labor Standards Act are available everyone, regardless of immigration status. This result will help protect thousands of exploited immigrant workers.

Williams & Connolly LLP

Williams & Connolly provided outstanding representation in a range of asylum cases in the past year. The firm won asylum for a woman from the Central African Republic by documenting horrendous conditions there and helping her cope with the aftermath of domestic abuse from her asylee husband, and won asylum for a man from the Congo Republic by documenting 18 months of detention he suffered there and showing that he had not been firmly resettled in a third country. The firm's lawyers are also working on an amicus brief challenging a decision that held that female genital mutilation is a type of harm that generally is inflicted only once and thus not a basis for asylum; a pending appeal on whether a young Salvadoran man's refusal to join a gang makes him a member of a "social group" that has suffered past persecution; and a pro se case referred to the immigration court for alleged failure to meet the one-year filing deadline. Attorneys at Williams & Connolly also represented two immigrant construction workers employed by local contractors who failed to pay minimum, overtime and promised wages in violation of local and federal law. They secured an award in D.C. District Court of total unpaid wages, plus liquidated damages and attorneys' fees.

DISABILITY RIGHTS

Bingham McCutchen LLP

Due to the hard work of attorneys at **Bingham McCutchen**, Potbelly Sandwich Works settled a case alleging impermissibly high service counters, inaccessible dining areas and restrooms. Potbelly committed to placing compliant ordering stations in all



(L/R): Daron Tate Carreiro, Associate, Pillsbury Winthrop Shaw Pittman LLP; Laura Varela, Director, Immigrant and Refugee Rights Project, Washington Lawyers' Committee; David Cynamon, Partner, Pillsbury Winthrop Shaw Pittman; Anne Langford, Associate, Pillsbury Winthrop Shaw Pittman LLP.



(L/R): Robert M. Bruskin, Senior Counsel, Washington Lawyers' Committee; Richard A. Ripley, formerly at Bingham McCutchen LLP, now at Howrey LLP; E. Elaine Gardner, Disability Rights Project Director, Washington Lawyers' Committee.

2008 OUTSTANDING ACHIEVEMENT AWARDS



(L/R): Todd A. Bromberg, Wiley Rein LLP; Thomas W. Brunner, Wiley Rein LLP; M. Evan Corcoran, Wiley Rein LLP; E. Elaine Gardner, Disability Rights Project Director, Washington Lawyers' Committee.



(L/R): Deborah Golden, Staff Attorney, D.C. Prisoners' Project, Washington Lawyers' Committee; Phil Fornaci, Director, D.C. Prisoners' Project, Washington Lawyers' Committee; Michael Lechliter, Associate, Covington & Burling; Michael Nonaka, Associate, Covington & Burling; Ivy Lange, Staff Attorney, D.C. Prisoners' Project, Washington Lawyers' Committee.



(L/R): Deborah Golden, Staff Attorney, D.C. Prisoners' Project, Washington Lawyers' Committee; Phil Fornaci, Director, D.C. Prisoners' Project, Washington Lawyers' Committee; Andrea Worden, O'Melveny & Myer LLPs; Philip Schreiber, Associate, O'Melveny & Myers LLP; Robert Eccles, Partner, O'Melveny & Myers LLP; Andrew Weiner, O'Melveny & Myers; Sarah Johnson, Associate, O'Melveny & Myers; Ivy Lange, Staff Attorney, D.C. Prisoners' Project, Washington Lawyers' Committee; Christopher Chase, O'Melveny & Myers.

new restaurants, retrofitting existing ordering stations nationwide, ensure that at least five percent of seating in its restaurants is accessible, and survey all of its restaurants for other accessibility barriers.

Crowell & Moring LLP

Lawyers from **Crowell & Moring** achieved a wide-reaching settlement in a case alleging that many of the approximately 60 Subway restaurants in the District contained significant barriers to customers with disabilities, including steps at entrances, inaccessible doors, bathrooms, paths of travel, tables and self-service items. Subway agreed to eliminate the barriers at its restaurants in Washington, D.C., and to revise national policies and procedures, including its process for selecting future restaurant sites nationwide, to comply with the Americans with Disabilities Act.

Wiley Rein LLP

Wiley Rein attorneys achieved a landmark settlement of a major class-action lawsuit filed in 2004 against MetroAccess, Metro's paratransit service for over 17,000 people with the most serious disabilities. The lawsuit alleged that Metro had violated federal disability law by failing to provide adequately reliable and safe transportation service to customers with disabilities. MetroAccess will enhance service by increasing the paratransit budget by \$12 million over three years, hire experts to oversee performance, give each MetroAccess rider 10 free rides, and two free rides for each future late or missed trip, and pay substantial monitoring costs will be paid to the Equal Rights Center.

PRISONERS' RIGHTS

Covington & Burling LLP

Associates at **Covington & Burling** have been instrumental in legislative efforts to overturn the U.S. Parole Commission v. Noble decision (1997), which significantly curtailed the rights of D.C. parolees by requiring parolees to forfeit time spent successfully on parole without incident, if parole is subsequently revoked for any reason, including "technical violations. Reversal of the impact of the Noble decision, which has forced thousands of DC parolees to literally "re-serve" the same parole period multiple times, is the top public policy goal of the D.C. Prisoners' Project.

O'Melveny & Myers LLP

In 2008, attorneys from **O'Melveny & Myers** helped to settle an important case extending the responsibility of the D.C. Department of Corrections (DOC) to prisoners released from their custody with serious illnesses. A woman with AIDS who had suffered several hospitalizations during five months of incarceration was released from the D.C. Jail on a cold December night without a coat and without the seven days supply of "bridge" medications mandated by D.C. policy. Unable to secure her medications quickly, she lapsed into a coma a few weeks later, followed by over a year of rehabilitative care in a nursing facility. The settlement enabled the client to retain access to public benefits, and encouraged the DOC to alter its policies and procedures so that nearly 95 percent of individuals receiving medications while incarcerated are now provided with at least a one-week supply upon release, more than three times the pre-litigation rate.

WASHINGTON LAWYERS' COMMITTEE 2008 OUTSTANDING ACHIEVEMENT AWARDS



(L/R): Candace Evans, Holland & Knight LLP; Sally Hand, Holland & Knight LLP; Robert Browne, Holland & Knight LLP; Heather Ashby, Holland & Knight LLP; Alan Vollmann, Partner, Holland & Knight LLP; Tanya Upthegrove, Holland & Knight LLP; April McPherson, Holland & Knight LLP; Peter Connolly, Partner, Holland & Knight LLP; and Tony Stevens, Holland & Knight LLP.

PUBLIC EDUCATION

Holland & Knight LLP

Holland & Knight, an active participant in the D.C. Public School Partnerships Project for more than 13 years, has adopted two D.C. public schools--Cleveland Elementary and Benjamin Banneker Senior High School. Through the years, hundreds of Cleveland students have benefited from book drives, field trips, and support for teams in the GeoPlunge Tournament. Currently, the firm brings pre-kindergarten students to the firm's offices monthly. At Banneker, firm activities include teaching a Latin class, supporting a prize-winning team of students in a regional robotics competition, providing free morning coffee for teachers and staff, and inspiring students to enter and win regional and national poetry competitions.



(L/R): Iris Toyer, Director, D.C. Public School Partnerships Project, Washington Lawyers' Committee; Ronald Flagg, Partner, Sidley Austin LLP; Brian Nelson, Associate, Sidley Austin LLP.

Sidley Austin LLP

Sidley Austin attorneys prepared the Committee's fourth "Unlevel Playing Fields" report, documenting with data, photographs and graphic descriptions the unacceptable state of athletic programs, facilities, coaching stipends, and funding in the D.C. Public Schools. The Mayor's budget proposal for next year, issued two months after release of the report, proposed a 67% increase in funding for DCPS athletics. Sidley lawyers have also assisted the Committee and Parents United with reports on a wide variety of DCPS problems over a period of many years.



(L/R): Brad Prendergast, Associate, Sutherland Asbill & Brennan LLP; Jasper Smith, Associate, Sutherland Asbill & Brennan LLP; Jay McDannell, Associate, Sutherland Asbill & Brennan LLP; and Rick Murphy, Partner, Sutherland Asbill & Brennan LLP.

Sutherland Asbill & Brennan LLP

For nearly 10 years, **Sutherland Asbill & Brennan** has been associated with Bell Multicultural High School, whose students come from more than thirty countries, many arriving with little or no English proficiency and limited education. The firm has provided assistance with Street Law and other academic programs, helping students understand legal concepts and develop their oratorical skills. The firm also established the successful Sutherland Junior College designed to motivate, prepare, and support 11th grade students for college by providing SAT tutoring, financial aid information, academic counseling, mentors, and visits to college campuses.



(L/R): Roberto Gonzales, Pickering Fellow and Associate, Wilmer Cutler Pickering Hale & Dorr LLP; Warren Kaplan, Senior Counsel, Washington Lawyers' Committee; Susan Huhta, Director, EEO Project, Washington Lawyers' Committee; Brian Corcoran, Partner, Katten Muchin Rosenman LLP; Roger P. Furey, Managing Partner, Katten Muchin Rosenman LLP; David Gonen, Associate, Katten Muchin Rosenman LLP.

GENERAL CIVIL RIGHTS

Katten Muchin Rosenman LLP

In April 2008, attorneys from **Katten Muchin Rosenman**, with the Committee, won a lawsuit on behalf of an immigrant of Arab descent accosted by a FUR nightclub bouncer who punched him in the face and broke his nose. The plaintiff was also handcuffed and dragged from the nightclub by four off-duty D.C. police officers who beat him and subjected him to race-based epithets. A D.C. District Court jury returned a verdict in favor of the plaintiff on battery claims against the bouncer and FUR, and on his Section 1983 excessive force claim against one of the off-duty officers. (Claims against the other off-duty officers are pending on appeal to the D.C. Circuit on qualified immunity grounds.) The verdict will serve to deter law enforcement officials from engaging in such abuses in future.

Disability Rights

Disability Rights Lawsuit Against Car-Sharing Companies Flexcar and Zipcar Settles

On September 16, 2008, the Committee and co-counsel **Step toe & Johnson** signed a groundbreaking settlement on behalf of the Equal Rights Center (ERC) and a client with a disability in a lawsuit against Flexcar and Zipcar, two car-sharing companies that merged following the filing of the complaint. The settlement is the first in the nation to address access to the new transportation option of car sharing.

The complaints alleged that the companies violated both the Americans With Disabilities Act (ADA) and the D.C. Human Rights Act because they did not provide people with disabilities full and equal enjoyment of their car-sharing services.

Specifically, the companies did not provide vehicles equipped with hand controls, which are relatively inexpensive and easily installed devices that enable people with disabilities to drive vehicles, but that do not prevent other drivers from using the gas and brake pedals to operate the vehicle. Moreover, the company had policies restricting the transportation of assistance animals in their vehicles, and restricting disabled members from using aides to drive the vehicles.

The settlement brings the car-sharing industry into line with what car-rental companies have done for years. It requires the company to provide hand-controlled vehicles in the D.C. area as a pilot program, while ensuring that such vehicles will be available upon request nationwide. It also ensures that assistance animals will be allowed un-caged in vehicles, and that D.C. members with disabilities will be able to include up to two additional drivers for no additional fees.

The defendant paid fees, damages, and monitoring costs to plaintiffs. It will also provide the individual plaintiff with a free membership and a credit for 3,000 miles annually for five years. The settlement also provides all ERC members with Zipcar memberships at reduced rates for two years.

Circa Restaurant Owners Settle Accessibility Lawsuit

In June 2008, the Committee and co-counsel **Alan Swirski** and **Dafina Stewart** settled a lawsuit against MHG Café DuPont, owner of Circa restaurant in Dupont Circle, on behalf of the ERC and an individual client for discriminating against people with disabilities.

Under the settlement, the defendants committed to correcting all violations of the ADA alleged in the complaint, permitting inspections of the restaurant, and paying fees and damages. The restaurant now has an accessible entrance, tables, counter, and outdoor eating area.

Advocates of Disabled Voters Awarded \$1.4 Million in Duval County, Fla. Elections Case

On August 5, 2008, the U.S. District Court for the Middle District of Florida ordered Duval County, Florida to pay \$1.4 million in attorneys' fees and costs to three voters with disabilities and the American Association of People with Disabilities (AAPD).

The voters and AAPD had won a precedent-setting verdict against the Duval County Supervisor of Elections in March 2004.

In that verdict, the Court ruled that Duval County discriminated

against its population of people with disabilities and violated the Americans with Disabilities Act by failing to provide voting machines that would have allowed individuals who are blind or who have manual impairments to vote secretly and independently. The lawsuit was originally filed in 2001 by the Committee and co-counsel **Howrey LLP**.

Duval County has appealed the case to the Eleventh Circuit Court of Appeals in Atlanta, Georgia.

Immigrant and Refugee Rights

City of Manassas Settlement Announced (cont.)

Specifically, the lawsuit, filed in U.S. District Court for the Eastern District of Virginia on October 16, 2007, claimed that the City had violated the U.S. Constitution, the Federal Fair Housing Act, and federal and state civil rights laws by selectively enforcing zoning and related laws to target Hispanic residents and by engaging in illegal harassment, intimidation, and coercion based on national origin and familial status.

The complaint further alleged that MCPS also violated the U.S. Constitution, the Federal Fair Housing Act, and federal and state civil rights laws by secretly disclosing confidential student records to the City to target Hispanic families for discriminatory zoning actions.

The settlement agreement includes expansive new protections for residents related to the City's residential inspections. The agreement also calls for Manassas to hire a City Housing Manager and Advocate who will implement and oversee many of the safeguards in the new procedures, provide an avenue of redress for residents who believe they have been treated unfairly by the City, and serve as a resource for housing-related information for all city residents. In addition, certain City employees will be required to attend fair housing training, and the City will conduct outreach to the Latino community.

As part of the settlement, the City and the School Board agreed to pay \$775,000 to resolve all the plaintiffs' claims of damages, attorneys' fees, and administrative costs relating to the lawsuit. The parties will submit the proposed settlement to the U.S. District Court in Alexandria, Va., and request that the Court approve the settlement and retain jurisdiction over the parties' agreement for three years.

Asylum Training Offered

The annual D.C. Bar political asylum training is scheduled for Friday, November 14, 2008, from 9:00 a.m. – 5:00 p.m. at the D.C. Bar Conference Center. The training, which is appropriate for attorneys or paralegals, is co-chaired by the Committee's Immigrant and Refugee Rights Project and the Capital Area Immigrants' Rights (CAIR) Coalition. There is no fee for the training, but a \$25 charge covers the cost of the training manual. Training participants must agree to accept pro bono referrals from one of the sponsoring organizations.

Registration information is available on the D.C. Bar Pro Bono Program website: www.dcbar.org/probono, or by calling (202) 737-4700, ext. 405. For general information, contact Ruth Spivack at the Committee at (202) 319-1000 ext 120 or at Ruth_Spivack@washlaw.org.

New Day Laborer Support Cases Settled and Filed

On May 8, 2008, the Committee and a team of attorneys at **Arnold & Porter** filed a class action against area painting company Hann & Hann for engaging in unlawful wage payment practices denying their employees their earned wages.

(Continued on page 19)

Committee Volunteers Win Victories for Asylum Seekers

Pro bono lawyers recently won asylum in Immigration Court and at the Arlington Asylum Office for three individuals. The Immigrant and Refugee Rights Project has many new asylum cases and clients awaiting attorneys. For more information, contact Ruth Spivack at (202) 319-1000, ext. 120.

Attorneys from **Howrey LLP** won a grant of asylum in Immigration Court for a businessman from Ethiopia who was arrested and detained because of his support for the opposition party and his encouragement of other business leaders to support the party.

At the Arlington Asylum Office, **Williams & Connolly** won asylum for a student from Haiti who was targeted by pro-Aristide supporters because of his involvement in pro-democracy student movements, and **Thompson Coburn** won asylum for a young activist from Rwanda.

Prisoners' Project

District of Columbia Settles Case Involving Wrongful Death of Prisoner

In August 2008, after weeks of negotiations with the D.C. Office of the Attorney General, the Committee and co-counsel settled a wrongful death lawsuit against the District of Columbia on behalf of the family of a prisoner of the D.C. Jail. The settlement was the largest amount ever offered by the District of Columbia in a wrongful death action involving a prisoner.

In 2002, the U.S. District Court lifted a 17-year-old court order mandating a population cap at the D.C. Jail, leading the D.C. Department of Corrections to increase the population at the facility from 1,674 to over 2,400, without an increase in staffing or other steps to accommodate the influx of people. In December 2002, during the bloodiest four-day period in the Jail's history, three men were stabbed, two fatally. No corrections officers witnessed the incidents.

In response, in 2003 the D.C. Prisoners' Legal Services Project (now the D.C. Prisoners' Project of the Committee), along with the plaintiffs' firm **Sparks & Silber LLP** and

Covington & Burling LLP, filed a wrongful death action against the District government on behalf of Pearl Beale, mother of the deceased Givon Pendleton, joined by constitutional claims on behalf of Bradley Autman, a veteran and amputee, who survived his stabbing at the Jail two days after Mr. Pendleton's death.

For more than four years, the case was inextricably linked with reform of the D.C. Jail, with plaintiffs' attorneys advocating on a wide range of issues, from security, staffing, and population limits to the naming of a reform-minded Director of the Department of Corrections.

As a result of these efforts and aided by the substantial discovery in the *Beale* case, the Jail population has been dramatically reduced, staffing has been expanded, and overall security has vastly improved.

In November 2007, the Project won an important victory in *Anderson v. Williams*, a companion case to *Beale*. In *Anderson*, the issue was the Mayor's refusal to set a population limit at the D.C. Jail, a mandate imposed by the D.C. Council in the wake of the stabbings of Mr. Pendleton and Mr. Autman.

Committee Initiates Parole Representation Project

The Committee's D.C. Prisoners' Project has initiated a parole representation project, seeking pro bono attorneys to represent long-term D.C. prisoners in hearings before the U.S. Parole Commission (USPC) to secure their release from prison.

In May 2008, the D.C. District Court ruled in the case of *Sellmon v. Reilly* that, in many cases, the USPC has applied the wrong standards in making parole decisions for D.C. prisoners, resulting in inappropriately long sentences.

Although currently on appeal, the *Sellmon* decision raises the likely prospect that several hundred D.C. prisoners will become eligible for new parole hearings over the next two years.

In order to ensure that they receive appropriate representation, the Project is recruiting and training pro bono attorneys to help these prisoners prepare release plans, identify opportunities in the community for successful reentry, and provide legal representation at parole hearings. The Project organized the first training in September 2008 at **Patton Boggs**, where more than a dozen attorneys volunteered to work on these matters. Additional trainings are planned for the coming months.

Public Education



Students compete in 2007 GeoPlunge Tournament at Bell Multicultural High School.

4th Citywide GeoPlunge Tournament Planned for November 21

On Friday, November 21, 2008, the Committee in conjunction with **Arent Fox LLP**, and D.C. Public Schools will host the 4th GeoPlunge Tournament at Bell Multicultural High School in the District of Columbia.

The Tournament is based on the award-winning card game GeoPlunge, invented by Arent Fox lawyer Alan Fishel.

The card game helps players to learn about U.S. geography. The Tournament brings together 5th and 6th grade D.C. Public School students in an exciting, competitive, and educational way.

The Committee, in cooperation with D.C. Public Schools and Arent Fox, are currently recruiting schools to develop teams. Law firms and businesses are invited to serve as team sponsors.

For more information, please contact Project Director Iris Toyer at (202) 319-1000, ext. 117, or at Iris_Toyer@washlaw.org.

Committee Announces New School Partnerships

The Committee is pleased to announce that two D.C. law firms have established new educational partnerships with D.C. Public Schools this fall.

Epstein Becker & Green P.C. will enter into a partnership with Emery Elementary School. **Dechert LLP** will begin a new partnership with Ross Elementary School.

In addition two D.C. firms have established school partnerships with merged D.C. Public Schools. **McDermott Will & Emery**, which had a 10-year partnership with Bowen Elementary School, is developing a new partnership this fall with the Amidon-Bowen Elementary School, after Bowen closed during D.C. Public Schools restructuring and its students were transferred to Amidon.

In addition, **Reed Smith LLP** recently entered into a partnership with the merged Bruce Monroe at Park View Elementary School.

The D.C. Public School Partnerships Project seeks to bring additional law firms and individual D.C. Public Schools together as partners in education. The Project looks to the Committee's network of area law firms for prospective partnerships.

As a result of school closings and mergers implemented during the last school year, the need for local school support has increased significantly.

Firms are encouraged to consider becoming involved in a local school. Many schools remain available at all levels.

For more information, interested firms should contact Project Director Iris Toyer at (202) 319-1000, ext. 117, or at Iris_Toyer@washlaw.org.

Arrivals

New Board Members

The Washington Lawyers' Committee recently welcomed two new members, **Charles A. Samuels** and **William W. Taylor III**, to the Board of Directors.

Charles A. Samuels

Charles A. Samuels, is a member of **Mintz Levin Cohen Ferris Glovsky and Popeo PC**, in the federal regulatory and legislative practice of the firm's Washington, D.C. office. His practice is extensively involved in alternative and renewable energy, energy conservation, resource recovery, environmental, and other issues for trade associations, firms, local governments and state agencies. Prior to joining Mintz Levin, Chuck practiced environmental and labor law in Chicago and worked in the Executive Office of the President before entering private practice in Washington. He received his B.A. and his law degree from the University of Virginia.

William W. Taylor III

William Taylor is a civil and criminal litigation partner in the Washington, D.C. office of **Zuckerman Spaeder LLP**. He is counsel to the Oneida Indian Nation of New York in its land claim and other litigation. Before joining Zuckerman Spaeder, Mr. Taylor was a Staff Attorney and Special Assistant for Training at the Public Defender Service for the District of Columbia. He was a law clerk for the Honorable Caleb M. Wright, Chief Judge, U.S. District Court for the District of Delaware. He has been a Visiting Professor at the University of North Carolina Law School and an adjunct faculty member at Catholic University and George Washington University Law Schools. He is a graduate of the University of North Carolina and Yale Law School.

New Staff Members

Mary J. Hahn

Mary J. Hahn became the Committee's Director of the Fair Housing Project in August 2008. She previously worked at **Relman & Dane PLLC**, a civil rights law firm, where she represented individuals and fair housing groups in cases involving discrimination in housing, insurance, and lending, and provided counseling to financial institutions on fair lending laws. Ms. Hahn has also served as Visiting Lecturer at Yale Law School, where she supervised two clinics focused on international human rights, constitutional law, civil liberties, and national security. She is a graduate of Harvard College and received her J.D. from Yale Law School.

Fern Mullins

Fern Mullins recently joined the Committee as Director of Administration. She previously worked as director of human resources for several large law firms in Washington, D.C. She is a graduate of the University of Maryland and holds a Master's degree from George Washington University.

Katherine Zucca

Katherine Zucca, an associate in the Securities Department at **Wilmer Cutler Pickering Hale and Dorr LLP**, and a recipient of a Wilmer Hale Pickering Fellowship in Washington, D.C., recently joined the Committee to work for the next six months with the Equal Employment Opportunity Project. She received her B.A. from Scripps College, and her J.D. from the University of California at Berkeley.

Colette Mary Luke

Colette Luke recently joined the Committee as a paralegal with the Disability Rights Project. She previously worked as a Legal Assistant for deKieffer & Horgan LLP in Washington, D.C. She is a graduate of American University.

Maura Ooi

Maura Ooi joined the Committee's EEO Project as a paralegal in June 2008. Previously, she worked at Network for Latino People in Williamsburg, Virginia. She recently graduated from the College of William and Mary.

John Tremblay

John Tremblay became a paralegal for the Committee's Immigrant and Refugee Rights Project in August 2008. Most recently, he worked as an English teacher in Peru. He received his B.A. degree from the University of Virginia.

Teresa Larson

Teresa Larson joined the Committee this year as a consultant for corporate outreach. Her prior experience includes marketing and sponsorship recruitment for companies and nonprofits in the Washington, D.C. area. She is a graduate of Kansas State University.

Kathie Richmond

Kathie Richmond recently joined the Committee as Assistant for Technology and Development. She previously worked in technology and development for several private schools in the greater Washington, D.C., area.

WASHINGTON LAWYERS' COMMITTEE

40th Anniversary Branton Awards Luncheon (continued from page 1)

Former Committee Co-Chair David J. Cynamon, a partner at **Pillsbury Winthrop Shaw Pittman LLP**, and Coca-Cola North America General Counsel Leslie M. Turner, a former Committee board member and former partner at **Akin Gump Strauss Hauer & Feld LLP**, jointly received the 2008 Wiley Branton Award for Lifetime Achievement in recognition of their many years of pro bono service and civil rights advocacy.

Committee Executive Director Rod Boggs presented the award to David Cynamon. Leslie Turner received the award from Avis E. Buchanan, Director of the Public Defender Service for the District of Columbia and former Director of the Committee's Equal Employment Opportunity Project.

Rabbi Bruce E. Kahn, Executive Director of the Equal Rights Center (ERC), accepted the Alfred McKenzie Award on behalf of the organization. Benjamin F. Wilson, Managing Principal of **Beveridge & Diamond PC** and a former Committee Co-Chair, presented the award, given to a Committee client for dedication and courage that have produced particularly significant civil rights victories. The ERC received the award for setting a national standard for innovative and effective civil rights advocacy over the past 25 years.

The Committee also recognized 20 law firms with Outstanding Achievement Awards for their exceptional work on Committee pro bono assignments over the past year. For more information about the law firm awardees and their achievements, see pages 8 - 12.

David J. Cynamon began his distinguished legal career of more than 35 years at **Covington & Burling LLP** and continued more recently at Pillsbury Winthrop Shaw Pittman LLP. A graduate of Brown University and Harvard Law School, he worked as a young associate on the Committee's earliest Title VII employment discrimination class actions, including one of the first such cases brought against a federal government agency. Over succeeding years, he held increasing responsibility in prominent Committee cases, including as lead counsel in a landmark racial discrimination employment case and in a set of nationwide public accommodations cases. A former Committee Co-Chair, he currently serves as a Committee board member and Treasurer.

In accepting the award, David Cynamon said: "People like Wiley Branton, for whom this award is named, are moral heroes, and I am enormously honored to be linked, however distantly, to his name and legacy."

Leslie M. Turner's diverse legal career includes private law practice at **Akin Gump Strauss Hauer & Feld LLP**, three years of government service at the Department of the Interior, and her current work as General Counsel at Coca-Cola North America. A graduate of New York University and Georgetown University Law Center, she holds a Masters of Law degree from the American University, Washington College of Law. At Akin Gump, she supported the firm's partnership with Tyler Elementary School, chaired

the pro bono committee, and served as a Washington Lawyers' Committee board member. She took a leading role in a major Committee EEO class action, successfully challenging racially discriminatory promotional practices at the Department of State that affected hundreds of African-American foreign-service officers. She also joined the Committee in a victorious lawsuit over a leading local landlord who refused to accept housing choice vouchers, and in another lawsuit addressing claims of over 20 African-American homeowners in Charles County, Maryland, whose homes were destroyed by a racially instigated arson attack. She currently serves as a Committee trustee.

Addressing the luncheon audience, Ms. Turner said, "Wiley Branton, a civil rights lawyer, advocate and activist, dedicated his life to securing civil rights for all Americans. I am deeply humbled to receive this award and be recognized for following in his giant footsteps."

The Equal Rights Center (ERC) was founded by community leaders and interdenominational clergy in 1983 as the Fair Housing Council of Greater Washington. It was renamed the Equal Rights Center in 1999, when the Fair Housing Council merged with the Fair Employment Council of Greater Washington. In 2005, the Disability Rights Council also merged into the ERC. Today, the ERC operates programs encompassing civil rights education and outreach, testing, counseling, enforcement, and advocacy for all legally protected groups in the fields of fair housing, fair employment, equal access to public accommodations and government services, and disability and immigrant rights. The Washington Lawyers' Committee has served as counsel to the ERC in dozens of precedent-setting cases involving the nation's civil rights laws, and has worked with the ERC to prepare studies that document violations of human rights laws and serve as catalysts for the enactment of new civil rights protections.

In accepting the McKenzie Award on behalf of the Equal Rights Center, Rabbi Bruce Kahn, Executive Director of the ERC, said: "I extend our boundless gratitude to the Washington Lawyers' Committee, and to all of you who represent the ERC when our investigations uncover egregious violations of individual rights. We shall never be able to adequately repay the success you have wrought for us and most importantly for the victims of injustice, for our community and our nation dedicated to the proposition that we are all created equal."

The Committee's annual Branton Awards Luncheon is named in honor of 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 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 a member of the legal community whose lifetime efforts on behalf of civil rights advocacy exemplify the deep commitment of Wiley A. Branton, Sr., to equal justice in our society.

SPECIAL 40TH ANNIVERSARY UPDATE

Committee Wins Wins Post-Trial Motion Against DC Police and FUR Nightclub (continued from page 5)

In the jury trial, the plaintiff 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. Section 1983 claims against the other off-duty officers are still pending and on appeal currently to the D.C. Circuit on qualified immunity grounds. The jury also awarded the plaintiff \$35,000 in damages.

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

Committee Wins Predatory Lending Case, Another Filed (continued from page 7)

In another case, the Washington Lawyers' Committee and co-counsel **Gilbert Randolph LLP** filed a complaint on September 9, 2008, on behalf of Ms. Constance Harris Lewis, a 79-year-old D.C. resident, who was a victim of a predatory lending scheme and abusive refinancing practices that have jeopardized her home and, in just two years, increased her mortgage debt from \$230,000 to almost \$400,000.

The complaint alleges that Defendants, including mortgage lender Countrywide, targeted Ms. Lewis because of her age and lack of sophistication in financial matters, and induced her to enter into unsuitable loans that did not substantially benefit her in violation of the District of Columbia Consumer Protection Procedures Act, which protects consumers against unfair and deceptive trade practices, and under tort law.

New Day Laborer Support Cases Settled and Filed (continued from page 14)

The practices include failing to pay overtime wages, failing to pay wages for compensable time, failing to pay contractual bonuses, unlawfully deducting materials and tools from employee paychecks, and shaving hours from employee timesheets. The company, according to business records, had net sales of \$17 million in 2007.

On June 6, 2008, the Committee with co-counsel **Crowell & Moring LLP** settled a lawsuit filed against shoe company Chanticleer in Frederick, Maryland, for failing to pay minimum and overtime wages over a period of 14 months to a Russian immigrant. The company agreed to pay \$30,000 in unpaid promised wages, unpaid overtime wages and attorneys' fees and costs.

On May 2, 2008, the Committee and co-counsel **Vinson & Elkins LLP** filed a complaint against area construction contractor Stephen Carney and PiersBalmoral, LLC for failing to pay minimum wages, overtime wages, promised wages, vacation pay and contractual bonuses in violation of the Fair Labor Standards Act (FLSA) and D.C. wage and hour statutes. The plaintiffs came to the Committee with multiple insufficient funds checks given to them by their employer after they had performed weeks of work on behalf of the defendants. On September 29, 2008, the plaintiffs filed a Motion for Default Judgment against the company.

Last year, the Committee and co-counsel **Pillsbury Winthrop Shaw Pittman LLP** filed a FLSA collective action against a Maryland painting company, S.C.C.P. Painting Contractors, Inc., for failure to pay minimum and overtime wages to its painter workforce, who are all Hispanic, non-English

speaking immigrants. The defendants, however, have maintained from the beginning of the litigation that the immigrant workers who paint for them are independent contractors, and thus not entitled to the protections afforded under the FLSA. On August 29, 2008, the Committee together with Pillsbury Winthrop Shaw Pittman moved for partial summary judgment on the question of whether members of the plaintiff class are non-exempt employees entitled to the FLSA's overtime protections.

40th Anniversary Branton Awards Luncheon Corporate Sponsors

The Washington Lawyers' Committee thanks the following corporate sponsors for their contributions toward the 40th Anniversary Branton Awards Luncheon at the level of \$5,000 and above:

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Merrill Legal Solutions, which donated the printing of this publication, announces the opening of their brand-new office at 1325 G Street, NW, Suite 200, Washington, DC 20005.

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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 Legal Solutions** for donating the printing of this publication.