

UPDATE

VOL. 8, NO. 2 FOR CIVIL RIGHTS AND URBAN AFFAIRS FALL 2002



Marc Fiedler, 2002 Alfred McKenzie Award recipient, addresses over 1,000 Committee supporters at the Wiley A. Branton Luncheon

PATRONS SUE CRACKER BARREL

The Washington Lawyers' Committee and the law firms of **Crowell and Moring, Piper Rudnick, and Shaw Pittman** have entered appearances as counsel in *NAACP, et al. v. Cracker Barrel Old Country Store, Inc.*, which challenges Cracker Barrel's denial of service and other discriminatory acts against African-American customers. The plaintiffs seek injunctive relief and punitive damages. The case is notable for its size and complexity.

The law firm of **Gordon, Silberman, Wiggins & Childs**, originally filed the case as a class action in 2001 in the U.S. District Court for the Northern District of Georgia. The NAACP joined the case in April 2002. Gordon,

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SELLOUT CROWD ATTENDS 2002 BRANTON LUNCHEON

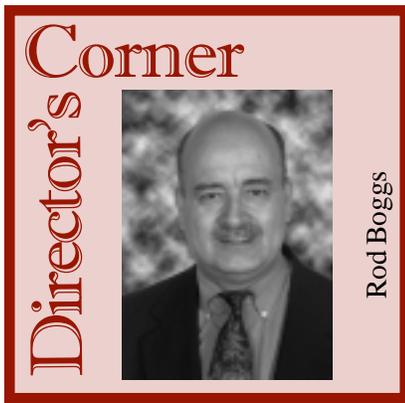
More than 1000 Committee supporters and volunteers attended the Washington Lawyers' Committee's Annual Wiley A. Branton Luncheon at the Grand Hyatt Washington on June 5 to honor attorneys, clients, and civil rights leaders for their contributions to the cause of equal rights.

Former Attorneys General Janet Reno and Dick Thornburgh received the 2002 Wiley A. Branton Award for their strong support of disabilities rights legislation and enforcement of the Americans with Disabilities Act. The founder of the Disability Rights Council, Marc Fiedler, was presented with the 2002 Alfred McKenzie Award for his advocacy for the civil rights of persons with disabilities. In addition, 22 law firms were recognized with Outstanding Achievement Awards for their successful pro bono legal work on behalf of the Committee's

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This issue of the *Update* highlights Marc Fiedler, the founder and President of the Disability Rights Council, as the recipient of the Committee's Alfred McKenzie Award. The Committee could not have chosen a more deserving individual for this honor. His exceptional leadership and tenacity as a lawyer and spokesperson for people with disabilities have been an inspiration for the Committee staff and the dozens of law firm volunteers who have been privileged to work with him over the past decade. The impressive record he has helped the Council to achieve is eloquent testimony to his remarkable ability. I hope his work with the Committee to date and the success of the organization he has led so well are merely the first chapter in an ongoing collaboration.

It is also with considerable pride that this issue of the *Update* reports on the presentation of the Wiley A. Branton Award to former Attorneys General Janet Reno and Dick Thornburgh. Their steadfast support for disability rights enforcement is an excellent example of how concerted bipartisan efforts can truly move the national civil rights agenda forward. The

Committee is proud to be associated with their work.

Among the many case developments noted in this issue, three in particular bear special mention. Each of them illustrates the Committee's ability to harness the unique talents of the city's *pro bono* community to address critical needs requiring a rapid and major response. The Committee's co-counsel participation with the firm of Arent Fox in *Love v. Veneman* is a case in point. The entry of the Committee and Arent Fox as counsel in this major case, which challenges the Department of Agriculture's denial of credit to a class of thousands of women farmers, has greatly enhanced the ability of a much smaller firm to litigate the case effectively.

An equally striking example of the Committee's ability to assist in complex national civil rights cases is evident in the Cracker Barrel story noted on page one of this *Update*. We are enormously grateful for the leadership of Crowell & Moring, Piper Rudnick and Shaw Pittman in stepping forward to assist in this most significant case.

Finally, the successful result recently achieved by Hogan & Hartson and Committee staff in our litigation on behalf of disabled voters in the District of Columbia seeking full access to polling places and the right to a secret ballot has demonstrated the critical value of being able to harness the talents of law firms and lawyers with extensive experience with federal court litigation involving

complicated policy issues and the District of Columbia Government. The skillful efforts of Hogan lawyers were key factors in securing the landmark settlement just announced in this case.

2001-2002 FUND DRIVE A SUCCESS

The Washington Lawyers' Committee's 2001/02 Fundraising Campaign, which concluded at the end of September, raised a record \$715,000. This represents a 31% increase over last year's campaign. 97 law firms contributed \$373,000, 330 individuals contributed \$163,000, and the balance was raised from the proceeds of the Wiley A. Branton Awards Luncheon.

James Bierman, Finance Committee Chair, and a partner at Foley and Lardner, expressed his appreciation for the strong financial support by both law firms and individuals, making the campaign a success. "During a year in which our country dealt with the tragedies of September 11th, the slumping stock market, and the poor economy, it is a tribute to the outstanding work that the Lawyers' Committee does that we were able to have such success," Bierman said.

The 2002/03 funding campaign will be launched at the Annual Breakfast briefing on October 8th.

The Washington Lawyers' Committee has recently received

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Disability Rights

Landmark Voting Rights Victory

A private ballot is an American tradition which most of us take for granted. Yet most voters who are blind or who have manual disabilities have never enjoyed this privilege, despite voting machine technology advances that have made accessible machines affordable and readily available.

Last year, the D.C. Board of Elections announced plans to purchase a new inaccessible voting system. Moreover, its list of polling places contained a high percentage of sites that were inaccessible to people with mobility impairments. After negotiations with the Board failed, the Committee filed a complaint in federal district court on behalf of the Disability Rights Council of Greater Washington (the DRC), the American Association of People with Disabilities, and plaintiffs with a variety of disabilities. The complaint sought the purchase of accessible voting machines, and to ensure the accessibility of all polling places.

The recent landmark settlement in this case requires the District to purchase at least one accessible voting machine for every polling place by the 2004 presidential primary election, and sets a goal that all polling sites will

be accessible by the same date. This settlement will be looked to as a model for other jurisdictions in the process of procuring new voting technology. The law firm of **Hogan & Hartson** co-counseled with the Committee on this ground-breaking matter.

CVS Settlement Creates Accessibility in Major Retail Chain

The DRC for years has received complaints about access difficulties at CVS stores. At issue are permanent architectural barriers, such as inaccessible counters and parking. Another source of complaints was the CVS practice of permitting unstocked merchandise and displays to make aisles impassable to individuals in wheelchairs. In response to these complaints, the Committee and the law firm of Covington & Burling filed a complaint in the U.S. District Court for the District of Columbia against CVS on behalf of the DRC and individual plaintiffs with disabilities.

This September, CVS and the DRC announced an agreement that will provide greater accessibility in CVS stores in the greater Washington area. Under the agreement, aisles will be main-

tained to allow for ready passage by customers in wheelchairs. Counters and entrance doors will be made more accessible, and parking accessibility will be improved. In addition, CVS staff will be trained to recognize and address access issues. The agreement also provided damages and attorney fees for the individual plaintiffs and the DRC.

Howard University Hospital Settles Claims Brought by Deaf Patient

An emergency hospitalization can be an intimidating experience for any patient. But when the patient is deaf and the hospital refuses to provide adequate sign language interpreter services, the experience becomes truly terrifying and traumatic.

In 2000, and again in 2001, Garth Alexander, who is deaf, was rushed to Howard University Hospital with heart attack symptoms. On each occasion, he spent days at the hospital undergoing diagnosis and treatment. Mr. Alexander, like many people who are born deaf, communicates most effectively through sign language. Nonetheless, many important medical

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Fair Housing

Legal Victory in Homeowners Insurance Litigation

The Fair Housing Project and its co-counsel achieved a significant legal victory in a race discrimination action pending against Prudential Insurance Company. The National Fair Housing Alliance and four other fair housing organizations filed the lawsuit against Prudential last October asserting that Prudential engages in discriminatory practices, which restrict and deny homeowners insurance to residents of predominantly African-American and Latino neighborhoods.

In July, D.C. Federal District Court Judge Sullivan denied Prudential's motion to dismiss the case. In a significant, now-published opinion, Judge Sullivan held that the anti-discrimination provisions of the Fair Housing Act extend to the provision of homeowners insurance. Prudential had argued that Congress did not intend to prohibit discrimination by homeowners insurance companies when it passed the Fair Housing Act, but Judge Sullivan's opinion establishes that insurance companies engaging in discriminatory practices can be liable under the Act. The opinion further finds that such liability can be based on policies that appear to be neutral on their

face but disproportionately affect residents of predominantly African-American or Latino neighborhoods.

Another significant aspect of the decision is the holding that the plaintiff fair housing organizations had standing to bring their claims against Prudential Insurance. Organizations like the National Fair Housing Alliance and its Washington, D.C. affiliate, the Equal Rights Center, have been parties in some of the most significant fair housing cases litigated by the Washington Lawyers Committee. Preserving the ability of these organizations to continue bringing such cases is critical to the advancement of fair housing protections. The case against Prudential is now entering discovery. Co-counsel is **Gilbert, Heintz & Randolph, Relman & Associates, Cooper & Walinski, and The Law Offices of C. Thomas McCarter.**

University of Maryland Liable for Discriminatory Advertisements

In June, the Washington Lawyers' Committee filed a

motion for summary judgment in a case against the University of Maryland and its affiliate Salisbury State University. In the motion we asserted that the University was liable as a matter of law for publishing discriminatory advertisements on its off-campus housing website. The Court agreed and granted judgment in favor of the plaintiff, the Equal Rights Center.

The University of Maryland case began nearly two years ago when the Equal Rights Center was alerted to discriminatory advertisements appearing on the University of Maryland's website. The Equal Rights Center investigated and found hundreds of advertisements with blatantly discriminatory statements expressing preferences based on familial status, gender, and marital status. The advertisements contained statements such as "no kids" and "females preferred." The Universities' wrongdoing was further emphasized when the Equal Rights Center discovered that the forms provided to housing providers seeking to advertise their properties included questions seeking discriminatory preferences. The forms asked whether children were permitted, what gender was preferred, and whether married couples were sought.

The Court found that the Universities should be held liable

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Immigrant and Refugee Rights

COMMITTEE EFFORT LEADS TO IMPORTANT PROGRESS ON LATINO CIVIL RIGHTS

In several meetings with the Washington Lawyers' Committee and representatives from the Latino community, D.C. Mayor Anthony Williams announced a series of policy changes and commitments for reforms that will improve respect for Latino civil rights in the District of Columbia. The Mayor's actions were taken in response to the Committee's May 5, 2002, release of a series of reports prepared by collaborating law firms on the civil rights barriers facing Latinos in the District of Columbia.

The reports were the result of a year-long effort by the Committee and ten law firms to document and analyze the civil rights barriers facing Latinos in the District of Columbia a decade after disturbances in the Latino neighborhood of Mount Pleasant last triggered a serious look at these issues. The reports, which were released on the anniversary of the Mount Pleasant disturbances, received immediate attention from policymakers and the press.

During the meetings, the Committee engaged in aggressive advocacy with Latino community

groups to ensure that the Mayor and the District of Columbia government accepted and implemented the reports' recommendations for addressing civil rights issues facing Latinos in the District of Columbia. The Mayor's senior cabinet members, the heads of numerous government agencies and the Chief of the Metropolitan Police Department ("MPD") also attended these meetings.

"The changes we have managed to push through with the Mayor symbolize a giant step toward beginning to redress the marginalization and discrimination that Latinos and other newcomers have faced in the District of Columbia," said Denise Gilman, Director of the Committee's Immigrant and Refugee Rights Project. Some of the most important advances were achieved through adoption of the reports' recommendations on relations between Latinos and the Metropolitan Police Department, as well as issues of Latino homeownership, and access to rental housing and health care.

The Metropolitan Police Department has complied with the

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ANNUAL POLITICAL ASYLUM TRAINING

The Committee's Immigrant and Refugee Rights Project will hold its annual all-day political asylum training session on November 19, 2002. At this very popular training, law firm volunteers interested in representing political asylum seekers will learn from the experts how to prepare and present an effective asylum claim. The training prepares volunteers to represent asylum seekers in "affirmative" cases, which involve non-adversarial interviews at the regional asylum office, as well as in "defensive" cases, which involve the assertion of an asylum claim in Immigration Court as a defense to deportation. The training includes a mock asylum interview and a mock Immigration Court hearing, which are presided over by officials from INS and the Immigration Court.

The training session will be held at the D.C. Bar conference facilities. All participants will receive a comprehensive training manual. Both new and experienced attorneys and paralegals are welcome to come for all or part of the day. For more information, please contact the Immigrant and Refugee Rights Project at (202) 319-1000, x 120. Pre-registration is required to participate in the

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2002 OUTSTANDING ACHIEVEMENT AWARDS

Equal Employment Opportunity

Ross, Dixon & Bell and **Shearman & Sterling**: Through their combined efforts over a period of seven years, these firms secured a highly significant settlement in a case brought on behalf of an African-American employee of the Department of Health and Human Services. The case involved a successful appeal to the U.S. Court of Appeals for the D.C. Circuit, leading to a precedent-setting decision expanding the rights of civil rights claimants to challenge lateral transfers.

Heller, Huron, Chertkof, Lerner, Simon & Salzman: This firm won a major victory in a retaliation case tried before the U.S. District Court for the District of Columbia last fall. At the conclusion of a week-long trial, the jury awarded \$1.7 million in punitive and compensatory damages to Avon Mackel, an African-American manager at Washington Metropolitan Area Transit Authority who was passed over for promotion after testifying in support of a co-worker's discrimination case.

Fair Housing

Baach Robinson & Lewis: This firm, with the assistance of John Relman, formerly of the Washington Lawyers' Committee and now with the firm of **Relman & Associates**, recently settled the first significant reverse redlining lending case filed in the country. Reverse redlining is the practice of unscrupulous lenders targeting residents of predominantly African-American neighborhoods and writing predatory loans whose terms cannot be met by the borrower and ultimately allow the lender to foreclose on the property. The settlement of the case against Capital City Mortgage Company preserves the precedent-setting ruling by the District Court that the practice of reverse redlining violates the Fair Housing Act.

Gilbert Heintz & Randolph: In January 2002, Gilbert Heintz & Randolph settled a groundbreaking fair housing case involving discrimination on the basis of disability in the provision of home warranty services. Housing Unlimited, a non-profit housing provider for persons with mental disabilities, was unable to obtain warranty coverage from the defendant company on a home purchased as a residence for



L/R Sue Huhta, EEO Project Director, Washington Lawyers' Committee; Richard Salzman, Heller, Huron, Chertkof, Lerner, Simon & Salzman; Avis Buchanan, Litigation Director, Washington Lawyers' Committee.



L/R Aimee Beran and Lara Schwartz, Gilbert Heintz & Randolph; Eliza Platts-Mills, Housing Staff Attorney, Washington Lawyers' Committee; Reed Colfax, Housing Project Director, Washington Lawyers' Committee; Garry Thompson, Gilbert Heintz & Randolph.

2002 OUTSTANDING ACHIEVEMENT AWARDS



L/R Elaine Gardner, Disability Rights Project Director, Washington Lawyers' Committee; Lois Williams, Senior Counsel for Litigation and Communication, Washington Lawyers' Committee; Errol Patterson, Steptoe & Johnson.



L/R Mark Efron, Crowell & Moring; Elaine Gardner, Disability Rights Project Director, Washington Lawyers' Committee; Lois Williams, Senior Counsel for Litigation and Communication, Washington Lawyers' Committee; Jerry Murphy, Crowell & Moring.

several Housing Unlimited clients because the warranty company policy excluded group homes. The Gilbert Heintz & Randolph team negotiated a resolution of the case filed last year that included a new standard warranty policy that covers group homes for people with disabilities and a monetary settlement.

Public Accommodations

Sidley Austin Brown & Wood: A volunteer from this firm prepared an exceptional brief and argued for the plaintiff in the Eleventh Circuit in the Committee's litigation against the Adams Mark Hotel chain. The case involved a challenge to the hotel chain's policy of subjecting African-American guests to a variety of demeaning practices during the Black College Reunion Weekend. The firm's excellent work contributed significantly to the outstanding settlement achieved in the case.

Disability Rights

Crowell & Moring: Wheelchair users throughout the country appreciate this firm's efforts to improve the accessibility of Popeye's restaurants. The firm assisted in the negotiation of a ground-breaking settlement with the chain that resulted not only in the removal of substantial barriers in company-owned and District of Columbia restaurants, but also contained precedent-setting terms under which the corporation will enforce ADA compliance in its franchised restaurants. Moreover, the settlement included a considerable monetary component for both the Disability Rights Council and for two individual plaintiffs.

Covington & Burling: Shoppers Food Warehouse has been transformed, due to this firm's efforts, from a chain that was almost uniformly inaccessible to people in wheelchairs into one of the most accessible grocery chains in our region. The firm assisted the Committee in a lawsuit filed to rectify Shoppers' practice of surrounding each of its stores with a cart corral in which no opening was wide enough to allow passage by a wheelchair user. The important settlement negotiated in this case has not only rectified this major barrier, but also improved accessibility throughout this chain of grocery stores.

2002 OUTSTANDING ACHIEVEMENT AWARDS

Steptoe & Johnson: This year, the firm continued its superlative efforts to ensure effective communication for deaf individuals with the Metropolitan Police Department. Last year, the firm negotiated a critically important settlement requiring that the MPD provide sign language interpreters when communicating with deaf persons. The firm concluded its efforts this year with a major monetary settlement on behalf of a deaf crime victim who had summoned the MPD during an assault, only to be arrested by responding officers who refused to communicate with her but interviewed the non-deaf assailant instead. The substantial monetary award negotiated for this client puts the MPD on notice that failure to comply with its obligations to the deaf community will no longer be tolerated.

Immigrant and Refugee Rights

Arnold & Porter; Clifford Chance Rogers & Wells; Crowell & Moring; Gibson, Dunn & Crutcher; Hogan & Hartson; Holland & Knight; Howrey Simon Arnold & White; Vinson & Elkins; Weil Gotshal & Manges; and Willkie, Farr and Gallagher: In an ambitious collaborative effort, the ten law firms receiving this award prepared in-depth studies of the civil rights issues affecting the Latino community in the Washington, D.C. area. The reports were prepared at the request of the Washington Lawyers' Committee and under the guidance of a Civil Rights Review Panel composed of national and local experts on immigration and Latino issues. The law firms began working on these studies in 2001, ten years after riots in the Latino neighborhood of Mount Pleasant first led the Committee to sponsor a major study of barriers faced by Latinos.

The comprehensive reports were released on May 5, 2002, and cover the following areas: access to justice; interaction with police; education; access to health services; employment discrimination; housing; and immigration policy. The reports make clear that Latinos still frequently face civil rights abuses, discrimination and exclusion. After the reports were released to the public, they received significant attention from the press and have triggered renewed interest by policymakers in Latino civil rights issues. The reports thus provide a strong basis for moving forward with a Latino civil rights agenda.



L/R Denise Gilman, Immigrant and Refugee Rights Project Director, Washington Lawyers' Committee; Ruth Spivack, Immigrant and Refugee Rights Paralegal, Washington Lawyers' Committee; Shawandra Watson, Hogan & Hartson.



L/R Albert Kim, Marla Kanemitsu, Gibson Dunn & Crutcher; Denise Gilman, Immigrant and Refugee Rights Project Director, Washington Lawyers' Committee; Ruth Spivack, Immigrant and Refugee Rights Paralegal, Washington Lawyers' Committee.

2002 OUTSTANDING ACHIEVEMENT AWARDS



L/R Kathy Lester, Patton Boggs; Mary Levy, Public Education Reform Project Director, Washington Lawyers' Committee; Iris Toyer, Public Education Legal Services Project Director, Washington Lawyers' Committee; Leslie Nichol, Patton Boggs



L/R David Cynamon, Washington Lawyers' Committee Co-Chair; Dick Thornburgh, former Attorney General of the United States and 2002 Wiley A. Branton Award recipient; and Rod Boggs, Executive Director of the Washington Lawyers' Committee.



L/R Marc Fiedler, 2002 Alfred McKenzie Award recipient; Jeffrey Robinson, Co-Chair, Washington Lawyers' Committee.

Public Education

Akin, Gump, Strauss, Hauer & Feld: This firm provided excellent support to the Committee and Parents United for the D.C. Public Schools in incorporating and securing tax-exempt status for the Level Playing Fields Foundation, a new entity which intends to provide supplemental private funding to the athletic programs of D.C. public high schools. The initiative responded to a Parents United study documenting the enormous disparity in funding and the decrepit condition of athletic programs in the District as compared with the superior state of athletic programs in suburban school systems.

Patton Boggs: A team of attorneys from Patton Boggs has provided exceptional assistance to Parents United over the past four months on a range of advocacy efforts seeking to bring the financial needs of the D.C. Public School system to the attention of parents, the media and local elected officials. This on-going work contributed significantly to the *Washington Post's* strong editorial endorsement of increased funding in this year's D.C. school budget.

Piper Rudnick: Over the past two years, this firm has established a model partnership with Bruce Monroe Elementary School. As a result, dozens of the firm's employees are working on mentoring, tutoring and enrichment programs, touching the lives of virtually every student at the school. In addition to tutoring and mentoring, partnership activities have included a massive book drive, a school supply drive, and the creation of a problem-solving task force, involving firm volunteers, teachers, and students. In recent months, firm volunteers have worked with students who testified before the Mayor and D.C. Council in support of increased school funding.

Sidley Austin Brown & Wood: Lawyers from this firm worked with Parents United over a period of several months to prepare a well-documented report, entitled "The Blame Game," which outlined the continued need to provide D.C. school officials with effective access and control over the school system's budget and financial data. The firm has also been extremely helpful in analyzing the impact of special education funding on the school budget.

Equal Employment Opportunity

Jury Verdict Reached Against U.S. AID

In May 2002, the Washington Lawyers' Committee and the law firm of **Covington & Burling** obtained a \$30,000 jury verdict against the U.S. Agency for International Development on behalf of their client, Melvin Porter in the case of *Porter v. U.S. AID*.

Mr. Porter, an exemplary employee at USAID since 1985, had consistently received recognition for his outstanding performance yet had not advanced beyond the GS-14 level since 1987. When Mr. Porter complained of discrimination at USAID, his supervisors singled him out as a troublemaker, and further discriminated and retaliated against him.

In May, a D.C. jury found that USAID had illegally retaliated against Mr. Porter when it denied him two promotions in 1998. The jury awarded him \$15,000 in compensatory damages for each. In light of the verdict, Mr. Porter will be able to seek from the court a promotion, a back pay award, and attorneys' fees.

Techna-Graphics Case Settles

The Washington Lawyers' Committee, along with the law firm of **Shearman & Sterling**, recently settled the lawsuit brought on behalf of Darryl McNeill, an African-American printing company estimator who was repeatedly denied promotions, addressed with racial epithets by his supervisor, and ultimately terminated to make room for a white estimator.

Mr. McNeill's complaint alleged violations of Title VII and Section 1981 for denial of promotion, hostile work environment, and retaliation. The case was satisfactorily resolved prior to trial for a significant monetary award, the amount of which is confidential, together with appropriate injunctive relief.

Pro Se Client Initiative

We've all heard the adage that anyone who represents herself or himself has a "fool for a client." Although there is absolutely nothing foolish about standing up for one's rights, *pro se* civil rights litigants unfortunately have the odds stacked against them when they enter the courthouse. They

stand virtually no chance without counsel in a day and age when defendants in civil rights cases are filing motions for summary judgment from the outset. With this in mind, the Equal Employment Opportunity Project recently embarked on a special project to assist *pro se* litigants with their representation. This project officially began in 2001 when the Washington Lawyers' Committee, with co-counsel from **Covington and Burling**, joined ongoing litigation on behalf of *pro se* litigant Melvin Porter in D.C. district court. Mr. Porter had filed a complaint alleging he had been discriminated against on the basis of his race and protected activity when USAID repeatedly refused to promote him. Our attorneys with co-counsel tried the case in May 2002, and Mr. Porter received a \$30,000 verdict encompassing two of the claims of retaliation.

Having seen the successful culmination of Mr. Porter's claims, the EEO Intake staff has since given special priority to a few brave individuals who are starting out alone in the courts. Their requests for assistance are subjected to the same rigorous merit standards as all other requests, but with a special effort to expedite the process. This type of special

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Public Education

D.C. Public School Partnership Program Publishes Handbook

The Washington Lawyers' Committee, with the assistance of several law firms, have recently published the first edition of *School by School, Child by Child*, a handbook on launching and growing law firm/public school partnerships.

The handbook was designed to encourage more area law firms to participate in the Public Education Legal Services Project's partnership with the D.C. Public Schools. It provides advice and suggestions on how to start a partnership; whether to select a elementary, middle or high schools as a partner; how to recruit volunteer tutors and mentors; and how to organize the many types of partnership activities in which law firms and schools currently participate. The handbook also contains descriptions of current partnership activities, sample forms, and partnership contact information.

Currently, there are 35 law firm/public school partnerships that benefit approximately 17,000 overwhelmingly minority, at-risk D.C. public school students from ages 6-18 every year. Partnership activities include academic tutoring

and mentoring; encouraging student artists; sponsoring field trips; providing technology training to students and staff, and books for school libraries; providing services such as minor facilities repair, school beautification projects, and computer networking; teaching employment skills and providing summer jobs for high school students; and organizing activities to foster parental involvement.

For more information about the partnership program or to obtain a copy of the handbook, please contact Iris Toyer, Director of the Public Education Legal Services Project, at (202) 319-1000, ext. 117.

Law Firms Support Parent Advocacy for Better D.C. Public Schools

Parents United for the D.C. Public Schools (DCPS), which has led public school parent advocacy efforts for 22 years, has received major support and assistance in recent months from two law firms:

- **Sidley Austin Brown & Wood** has continued to press District Government officials to give DCPS officials access to and control of their own

fiscal systems. The firm's 2001 report, "The Blame Game," documented the need for increased accountability in school system spending.

- **Patton Boggs** has supported and guided parents in pursuing a legislative strategy for improving school system funding and accountability.

Committee staff continues to be active in providing detailed analyses and reporting on DCPS budget and expenditures, as well as expert advice on the city's funding formula for DCPS and charter schools.

Level Playing Fields Foundation Announced at MCI Center Press Conference

Abe Pollin, Chairman of Washington Sports and Entertainment and owner of the Washington Wizards basketball team, recently sponsored a press conference announcing the establishment of the Level Playing Fields Foundation, a private-sector initiative to raise funds for the improvement of D.C. public high school athletic facilities and teams. D.C. public high school athletics compare unfavorably with athletic programs in the suburbs, which are sup-

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Public Accommodations

discrimination in the provision of loans. Along with the Washington Lawyers' Committee, counsel in this class action lawsuit are **Arent Fox Kintner Plotkin & Kahn; Conlon, Frantz, Phelan & Pires; and Phillip Fraas.**

Staples Office Supply Store Sued for Racial Bias

In June, the Lawyers' Committee filed a case against Staples, the office supply store chain, based on evidence that the Staples store in Winchester, Virginia, maintains a policy of accepting out-of-state checks from white patrons but not African-American patrons. Last summer, Jesse Williams, a music teacher for the D.C. Public Schools, was in Winchester, Virginia, pursuing his graduate degree in music at the Shenandoah Conservatory. Mr. Williams attempted to purchase supplies from the Winchester Staples store with his Maryland personal check. The cashier told Mr. Williams that the store did not take out-of-state checks. Two weeks later, Mr. Williams told his story to a white acquaintance who replied that her out-of-state Maryland check had been accepted at the same store

on the same day. Later, the Equal Rights Center sent an African-American tester and a white tester into the Winchester Staples store to attempt to make purchases with Maryland checks. The cashier told the African-American tester that the store did not accept out-of-state checks. Minutes later, when the white tester presented his check to the same cashier, she called the manager who told the cashier to accept the check. Co-counsel is **Holland & Knight.**

Cracker Barrel (continued from p. 1)

Silberman is also currently co-counsel with the Committee in a race discrimination class action lawsuit against Amtrak.

Over the past decade, the Committee has been involved in several major lawsuits involving public accommodations discrimination. Most notable among these cases was *Dyson, et al. v. Denny's Inc.* (D. Md. DKC-93-1503), a class action race discrimination case against the restaurant chain that was settled by comprehensive injunctive relief and a record \$17.725 million in monetary damages in 1993. After a year of processing thousands of claims, the Court approved distribution of the class settlement

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WOMEN FARMERS SUE USDA

Discovery is currently underway in *Love v. Veneman, et al.*, a lawsuit brought against the United States Department of Agriculture (USDA) by women farmers from around the country who have endured systematic

Arrivals

Carolyn Weiss

Carolyn Weiss recently joined the Committee as a Staff Attorney with the EEO Project. Carolyn received her J.D. and M.S.W. degrees, and her B.A. degree, *summa cum laude*, in Psychology and Sociology, from the Washington University in St. Louis, MO. She has clerked for the Honorable Murray M. Schwartz, Senior District Judge, District Court for the District of Delaware. Carolyn worked as a Staff Attorney for the Child Advocacy Unit, Legal Aid Bureau, Inc., in Montgomery County, MD, and for the American Bar Association, Center on Children and the Law, in D.C. She has served as a volunteer with Oaxacan Street Children Grassroots, Inc. in Oaxaca, Mexico, as a student attorney in the Office of the Public Defender in St. Louis, MO, and as a law clerk with the Youth Law Center in D.C. Carolyn is a member of the Maryland Bar.

Lisa A. Wilson

Lisa A. Wilson began working with the Committee as a Staff Attorney in the EEO and Disability Projects through the Women's Law and Public Policy Fellowship Program at Georgetown University Law Center. Lisa received her J.D. Degree from

Harvard Law School and her B.A. Degree, with High Distinction, from the University of Michigan. She has clerked for the Honorable John C. O'Meara of the Federal District Court for the Eastern District of Michigan. Previously, Lisa worked as a Legal Intern with the National Women's Law Center, and as a summer associate at Arnold & Porter, and Shea & Gardner.

Richard R. Holley III

The Committee is very fortunate to have Dechert attorney Richard R. Holley III spending six months working on our EEO Project as a part of Dechert's associate rotation program. Richard is a second-year associate at Dechert. He is a *magna cum laude* graduate of Bates College and received his J.D. Degree, with honors, from the University of North Carolina School of Law. While at law school, he was the editor-in-chief of the North Carolina Banking Institute Journal and a member of the Holderness Moot Court Negotiation Team. Richard is a member of the District of Columbia Bar.

Monique Kirenga

Monique Kirenga began work this summer with the Committee as the EEO Project Litigation Paralegal. Monique recently

graduated from Plattsburgh State University of New York (PSUNY) with a B.A. Degree in Criminal Justice and Minor in Spanish. Monique worked as a Library Assistant in the Feinberg Library at PSUNY, as a Forensic Lab Intern with the Cuernavaca Criminal Justice Department in Morelos, Mexico, and was a volunteer with the Senior Citizens Council of Clinton County in Plattsburgh, NY. She speaks several languages including Spanish, four Ugandan Dialects, and Kinyarwanda (Rwanda).

Jeanette Markle

Jeanette Markle recently joined the Committee's Disability Rights Project as a Paralegal. Jeanette received her B.A. Degree with Honors in Public Policy and Slavic Studies from Brown University. She has worked as a Research Assistant and Writer with The Commonwealth Institute, Project on Inequality and Poverty, in Cambridge, Massachusetts, and as an Intern with Join Together in Boston, MA. In the spring of 2001, she was an Intern, Social Policy Consultant Assistant with the Institute for Urban Economics (Affiliate of The Urban Institute) in Moscow, Russia. She has also served as an Intern with the National Low Income Housing Coalition in Washington, D.C.

Patrick Swillinger

Patrick Swillinger recently rejoined the Committee as a Paralegal with the EEO Project. He previously worked with the Committee during the summers of 1997 and 2001 in various capacities. Patrick has worked for the Alliance for Justice, DCI Group, Inc., and Public Interest Data, Inc. He received his B.A. Degree, with honors, in Government and Philosophy from Colby College.

Paula Jones

Paula Jones recently joined the Committee as Administrative Assistant to the Executive Director. Paula previously worked for the Personal Communications Industry Association in Alexandria, VA, where she was the Assistant to the Chief Operating Officer, the Web Production Coordinator and the Production Manager. Paula has significant experience with maintaining websites, producing newsletters, and creating databases.

Renee Brandon

Renee Brandon recently joined the Committee staff as a full-time Receptionist. She previously worked as a switchboard operator and data entry clerk at the ABC News Office in Washington.

Branton Luncheon (continued from p. 1)

clients. For more information about the law firm awardees and their achievements, see pages 6–9.

Janet Reno's active leadership and support for disability rights enforcement were among her highest priorities during her 1993 – 2001 tenure as the first woman to hold the post of Attorney General of the United States. She substantially expanded the U.S. Department of Justice's division devoted to ADA enforcement, created the Disability Rights Section of the Civil Rights Division, and prosecuted numerous major cases upholding the new legislation's broad protections. Her distinguished career has included service as staff director of the Florida House of Representatives and as State Attorney General for Dade County, a position to which she was elected five times.

In accepting her award, Janet Reno noted that, "For more than 30 years, the Washington Lawyers' Committee has been a beacon of hope for millions of Americans across this country. You fight for fairness and for the elimination of discrimination in all its forms," said Janet Reno. She added, "When I was Attorney General, I knew I could always count on you for wise counsel, for advocacy, for direction as to what was the right course to take. And I thank you for all that you did to support our efforts."

Dick Thornburgh, Attorney General from 1988 – 1990, was among the strongest supporters of disabilities rights legislation when it came before Congress in the late 1980s. His eloquent

testimony in its support was a significant factor in assuring passage of the Americans with Disabilities Act in 1990. Under his leadership as Attorney General of the United States, he created a civil rights division enforcement team and oversaw the implementation of strong regulations to enforce the ADA.

"Many thanks for the significant honor you have extended to me today," said Dick Thornburgh. "It was my great privilege, as a parent and longtime advocate, to work as Attorney General of the United States for the passage of the Americans with Disabilities Act. Much progress has been made in the 12 years since. To keep this forward momentum going, organizations like the Washington Lawyers' Committee are absolutely essential. As we have learned from the citations issued today, many have contributed to this effort. I commend all whom you have honored today and wish you continued success."

For more than 25 years, Marc Fiedler has advocated for the civil rights of persons with disabilities. He became disabled in 1975 when an automobile accident following his sophomore year at Harvard College rendered him quadriplegic. When he returned to college in a wheelchair, he established an advocacy organization and helped to develop a university-wide program to accommodate the needs of students with disabilities, including readers for the blind, interpreters

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Branton Luncheon (continued from p. 14)

for the deaf, and transportation for the mobility-impaired. After graduation, he helped establish the Massachusetts Office of Handicapped Affairs, where he was instrumental in obtaining a strong amendment to the Massachusetts Constitution broadly proscribing disability discrimination. While at Harvard Law School, he served as president of an independent living center and vice president of a statewide developmental disabilities law center, teaching disability rights and challenging architectural barriers.

Fiedler, currently a partner and chief appellate counsel in the litigation firm of **Koonz, McKenney, Johnson, DePaolis & Lightfoot**, has continued his advocacy for people with disabilities by challenging architectural barriers in Washington hotels, department stores, movie theaters, and clothing stores. He is the founding and continuing chair of the Disability Rights Council of Greater Washington, the Washington Lawyers' Committee's principal client organization in the area of disability rights.

Since 1989, the Committee's Annual Luncheon has been named in honor of Wiley A. Branton, Sr., a noted civil rights lawyer in the South during the 1950s who later served with distinction as Dean of the Howard Law School, as a partner at the firm of Sidley and Austin, and as a leader in several highly respected civil rights organizations. He was Co-Chair of the Washington

Lawyers' Committee in 1987 and 1988.

The Alfred McKenzie Award was established in 1994 to recognize Committee clients whose dedication and courage have produced civil rights victories of particular significance. The award is named after Alfred McKenzie, a former Tuskegee Airman, whose challenge to discrimination at the Government Printing Office led to a record \$2.4 million payment for hundreds of African-American workers and a fundamental restructuring of personnel policies that opened the door of equal opportunity to countless minority workers.

Fund Drive (continued from p. 2)

new grant awards and commitments from the following foundations: **D.C. Bar Foundation; George Preston Marshall Foundation; Public Welfare Foundation; and Reich Family Foundation.** The Committee received contributions earlier this year from **Black Entertainment Television, Inc.; The Morris and Gwendolyn Cafritz Foundation; Fannie Mae Foundation; Freddie Mac Foundation; Georgetown University Law Center's Women's Law and Public Policy Fellowship Program; The Network of Educators on the Americas, Inc.; The Washington Post; and George Wasserman Family Foundation.**

"In a challenging year for fundraising, the Committee is very grateful for the contributions we

have received from past supporters, and we are especially appreciative of the help provided by our new contributors," said Executive Director Rod Boggs.

Howard University (continued from p. 3)

communications during his hospitalizations were left un-interpreted. As the Disability Rights Council had received other complaints from deaf patients at Howard, a complaint was filed on behalf of both Mr. Alexander and the DRC, seeking relief under both the Americans with Disabilities Act and the D.C. Human Rights Act.

On July 9, 2002, a settlement was negotiated that ensures that Mr. Alexander and other deaf HUH patients in the future receive effective communications with hospital personnel through the following commitments:

- Sign language interpreters for all important medical communications with deaf patients and deaf non-patients who are responsible for the health care of a patient.
- A contract to ensure round-the-clock interpreters.
- Notice to deaf patients of their rights.
- Training of hospital staff.
- A policy that family or friends will not interpret except in emergencies.
- Special telephones and televisions will be provided to deaf patients.

The settlement also included a confidential resolution of Mr.

continued on page 16

Howard University (continued from p. 15)

Alexander's claims for damages and fees. The firm of **Yablonski, Both & Edelman** assisted the Committee with this important matter.

Univ. of Maryland (continued from p. 4)

for advertisements they published and that the advertisements did not meet the requirements for any exceptions to the fair housing laws. The case will now proceed to a trial to determine the amount of damages caused by the discriminatory advertisements that were available to the general public as well as University of Maryland, Salisbury State faculty and students. Co-counsel is **Relman & Associates**.

Political Asylum (continued from p. 5)

session. To register, please visit the D.C. Bar website at http://www.dcbar.org/pro_bono/registration.html.

Latino Civil Rights (continued from p. 5)

reports' recommendation to hire additional Spanish speaking 911/311 operators. MPD reports that the number of Spanish speaking operators has increased from 1 to 10 since the release of the reports. Pursuant to the recommendations, MPD has also reopened a Latino Liaison Unit in Adams Morgan.

Government agencies that provide homeownership assistance and subsidies will boost Latino homeownership through the adoption of the reports' recommendation to set a specific goal for increasing Latino homeownership

in the District of Columbia. The relevant agencies have set a goal of achieving a 25% increase in Latino homeownership, which would raise the Latino homeownership rate to approximately 30%. Similarly, the D.C. Public Housing Authority agreed to implement recommendations contained in the reports that will lead to greater access by Latinos to public housing programs and Section 8 benefits. Because verification of immigration status eligibility through INS has created significant delays for Latino immigrants in accessing benefits, the Housing Authority has agreed to provide benefits pending such verification.

The D.C. Health Care Alliance Access will expand health care for Latinos also through the adoption of recommendations contained in the reports. For example, the Health Care Alliance will now allow enrollment into its program at several clinics that interact extensively with the Latino community, including Clínica del Pueblo and Mary's Center for Maternal and Child Health Care.

Law firms that participated in the preparation of the reports and that are assisting the Committee with the implementation of the reports' recommendations include **Arnold and Porter; Clifford Chance Rogers & Wells; Crowell & Moring; Gibson, Dunn & Crutcher; Hogan & Hartson; Holland & Knight; Howrey Simon Arnold & White; Willkie, Farr and Gallagher; Vinson & Elkins; and Weil Gotshal & Manges**.

Pro Se (continued from p. 10)

assistance is a hallmark of the Washington Lawyers' Committee's long-standing mission to assist those who have been unable to receive assistance anywhere else.

In recent months, the Washington Lawyers' Committee has entered an appearance in several such cases. In April 2002, the Committee, along with the law firm of **Shearman and Sterling**, entered an appearance on behalf of Tim Anderson, a *pro se* litigant in the United States District Court for the District of Maryland, Southern Division. Mr. Anderson alleges discriminatory non-promotion and retaliatory harassment and termination by his employer, Equitable Bank. One month later, the Committee, along with **Piper Rudnick LLP**, entered an appearance as counsel for Jeanette Mellerson, a *pro se* litigant in federal court in Baltimore. Ms. Mellerson, a long-time employee of the Social Security Administration (SSA), sued the agency for its failure to promote her in favor of a less-qualified white male. By entering when we did, the EEO Project, with the assistance of co-counsel, was able to prevent the court from granting the SSA's premature motion for summary judgment. More recently, attorneys from the EEO project successfully entered a limited appearance on behalf of a *pro se* litigant who sought assistance in court-ordered mediation in Maryland district court. With the Washington Lawyers'

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Pro Se (continued from p. 16)

Committee's assistance, he was able to successfully mediate his claim of discrimination.

We believe that the results in these cases will be the first of many future victories in our efforts to ease the plight of *pro se* civil rights litigants in the District of Columbia, Maryland, and Virginia. In the near future, we plan to expand this program and establish better connections with the judiciary, fellow attorneys, and other public interest groups to make these types of services more readily available. For more information, please contact Brandi Brown, EEO Intake Coordinator, at (202) 319-1000.

Cracker Barrel (continued from p. 12)

fund. More than 136,000 checks were issued by the Committee to African-American class members across the country in the largest class action settlement distribution ever undertaken in a public accommodations case. **Hogan & Hartson** and the Committee monitored Denny's compliance with the requirements of the massive consent decree entered by the court in 1994.

The Committee's work on public accommodations class actions dates from 1988 when the Committee challenged the racially discriminatory membership practices at 50 Holiday Spas in Boston, Philadelphia, Baltimore, Washington, D.C., and Atlanta. The lawsuit, *Kernan, et al. v. Holiday Universal, Inc., et al.*, which settled in 1990, involved a

number of cooperating law firms and led to a substantial monetary settlement and major changes in company practices. **Wilmer, Cutler & Pickering** served as lead counsel with the Committee in this case.

The current class action against Cracker Barrel is an excellent example of multiple firms pooling their talents in a major civil rights case. Crowell and Moring attorneys Andrew Marks, a former D.C. Bar president, and Wilma Lewis, a former U.S. Attorney and current Committee board member, are serving as co-lead counsel with attorneys at Gordon, Silberman, Shaw Pittman's legal team is led by David Cynamon, a Committee Co-Chair. Committee board member Mary Beth Gately at Piper Rudnick is also assisting in this matter.

Level Playing Fields (continued from p. 11)

ported by gate receipts and booster clubs.

Pollin has agreed to become a board member of the foundation, joining Board members Terry Lierman, former Congressional staffer and businessman; lawyer and former DC School Board member Jay Silberman; and Iris Toyer, Director of the Committee's Public Education Legal Services Project.

Also announced at the press conference was the release of "Unlevel Playing Fields II," Kirkland & Ellis' follow-up to their 2001 report documenting the

decrepitude of DCPS athletic facilities, the low levels of pay for coaches, the lack of basic supplies and equipment, and few teams, in contrast with their well-supported suburban school counterparts. All of these conditions persist, with one result being a paucity of D.C. athletes, as shown by the small number of District student-athletes appearing among the hundreds of area student-athletes receiving the *Washington Post's* yearly All Met recognition.

Endnote

Avis Buchanan, the Committee's Director of Litigation, has accepted a new position as Deputy Director of the Public Defender Service for the District of Columbia. Her departure concludes 13 years of service with the Committee. Avis was recently honored at a testimonial dinner attended by more than 70 of her friends and colleagues.

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Washington Lawyers' Committee for Civil Rights and Urban Affairs UPDATE

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School by School, Child by Child A handbook on launching and growing law firm/public school partnerships

Contact Iris Toyer at the Washington Lawyers'
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