



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS



*Wiley A. Branton
Awards Luncheon*

TUESDAY JUNE 19, 2012

JW MARRIOTT 12:00 PM

“ *The arc of history is long,
but it bends toward justice.*”

— Dr. Martin Luther King, Jr.

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Message from the Co-Chairs & the Executive Director

Once again, the Wiley Branton Awards Luncheon provides an especially appropriate time to acknowledge the distance we have traveled toward equal justice in our nation and the significant role that our area's law firms and lawyers have played in moving us closer to this goal. It is also a time to remind ourselves that there is still important work for the Washington Lawyers' Committee to do in all of its areas of service, and opportunities for old friends and new supporters to join in our work.

Our Branton Luncheon is an occasion to express our deep appreciation to the nearly 100 law firms and thousands of individual volunteers whose pro bono efforts form the foundation of the Committee's singular ability to provide essential legal services to its many clients. These efforts encompass a broad range of matters, including virtually every area of civil rights and poverty law practice. The law firms and individual lawyers of our community, in combination with our foundation and corporate donors, also provide the core funding vital to the Committee's past accomplishments and essential to its continued success.

We want to take this moment to thank all of our volunteer attorneys and financial contributors for their generous support. In challenging economic times, their gifts of time and service are especially appreciated. A special thank you as well goes to the Committee's dedicated staff of lawyers, paralegals, and administrators. These talented and resourceful individuals combine excellent legal skills with the critical ability to develop effective legal strategies and to co-counsel a vast array of diverse cases with pro bono counsel at dozens of law firms.

The Committee's plans for the year ahead will call upon all the staff and volunteer resources it can muster. We face an increasing volume of work in virtually all of our areas of service. At the same time, we appreciate our relationships with civil rights enforcement officials at the Justice Department and other federal agencies, as well as our collaborative efforts with state and local government agencies.

To accomplish these goals, we will as always be looking to our area's law firms and volunteer attorneys for their continuing support. In moving forward, we welcome the engagement of all of the old friends who have worked with us in the past, and we encourage new firms and individuals to join us as well.



Roderic V.O. Boggs
Executive Director



Theodore A. Howard
Co-Chair



Anastasia D. Kelly
Co-Chair

Luncheon Program

Welcoming Remarks	Anastasia D. Kelly <i>Co-Chair, Washington Lawyers' Committee</i>
Presentation of 2012 Outstanding Achievement Awards	Roderic V.O. Boggs <i>Executive Director, Washington Lawyers' Committee</i>
Presentation of Vincent E. Reed Award by Ronald S. Flagg <i>Board of Directors, Washington Lawyers' Committee</i>	Alan G. Fishel Andrea Lee Negroni
Presentation of Francis P. Cotter /Elliott S. Hall Corporate Service Award by Lewis S. Wiener <i>Board of Directors, Washington Lawyers' Committee</i>	Jason Frankl <i>FTI Consulting, Inc</i>
Video Presentation	"Making a Difference"
Presentation of Alfred McKenzie Award by Steven P. Hollman <i>Board of Directors, Washington Lawyers' Committee</i>	Jackie D. Simon
Presentation of Wiley A. Branton Award by Theodore A. Howard <i>Co-Chair, Washington Lawyers' Committee</i> by Marc L. Fleischaker <i>Board of Directors, Washington Lawyers' Committee</i>	Thomas W. Brunner Avis E. Buchanan Joseph M. Sellers
Closing Remarks	Anastasia D. Kelly <i>Co-Chair, Washington Lawyers' Committee</i>

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 1960s and in Washington, DC in April 1968 following the assassination of Dr. Martin Luther King, Jr.

Over the past four decades, 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

The Committee's first project – its Equal Employment Opportunity Project – was established in 1971, at a time 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. Working 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, major lawsuits were filed 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 the same period, the Committee began a special outreach campaign directed at minority and female 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.

FAIR HOUSING

Established in the mid 1970s, the Fair Housing Project addresses denials of equal housing opportunity. Over the years, the Project's work has expanded into new and emerging areas, including predatory lending, redlining, discriminatory real estate advertising, insurance discrimination, exclusionary zoning and other discriminatory practices by municipalities, discrimination against families with children, and discrimination against low-income families who use housing subsidies. Most recently, the Project has brought a number of high-profile cases against multi-family housing developers that have failed to design and construct properties in accordance with the accessibility requirements of the Fair Housing Act and the Americans with Disabilities Act. In many of its cases, the Project has worked with the Equal Rights Center in the ERC's ground-breaking efforts to utilize paired testers to investigate allegations of discrimination.

IMMIGRANT AND REFUGEE RIGHTS

In 1978, the Committee initiated a project to address the legal services needs of immigrants and refugees that was the first such program in the DC 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 has 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 discrimination in employment and housing, and has assisted groups and individuals targeted for abuse following the September 11, 2001 terrorist attacks. In recent years, special attention has been devoted to the concerns of day laborers in the District of Columbia and surrounding jurisdictions.

PUBLIC ACCOMMODATIONS

Since 1988, beginning with a case against Holiday Spas Health Clubs, the Committee has played a leading role in over a half-dozen national cases challenging widespread denials of service to persons of color at major hotel and restaurant chains, including Denny's, Cracker Barrel, 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

In 1991, the Committee began a special project to assist individuals seeking to enforce their rights under the Americans with Disabilities Act. Working closely with the Disability Rights Council of Greater Washington (now merged with the Equal Rights Center), the Committee has won a series of important victories opening and improving access to hospitals, pharmacies, banks, restaurants, and grocery stores, as well as many other retail establishments. In addition, the Committee has assured access for people with disabilities to public transportation, voting machines and the polls, 911 phone access for the deaf community and interpreter services for deaf individuals dealing with police and other critical services. Finally, the Committee has filed group and class actions, including cases on behalf of federal employees with disabilities and inmates with disabilities, to ensure the rights of those groups.

DC PRISONERS

In 2006, the DC 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 DC Prisoners Project. The Project advocates on behalf of the more than 3,000 prisoners held in DC jail facilities as well as nearly 6,000 individuals incarcerated under DC 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 carry out its mission, and seeks to address systemic failures in our prison and parole systems.

PUBLIC EDUCATION

The Committee began its work in support of public education in the District of Columbia in 1979, when then Superintendent of Schools Vincent Reed invited law firms to represent parent organizations at a number of schools. This work initially involved direct representation of parents at local schools and system-wide advocacy for education reforms. From these efforts, a major program evolved that is focused on building partnerships linking area law firms and corporate legal departments with specific DC schools. Today these partnerships are active at over 35 schools, bringing multiple resources — especially tutoring, mentoring and other academic enrichment programs — to thousands of DC school children.

SPECIAL PROJECTS

The Committee has, over the years, handled significant matters on an ad hoc basis and administered special projects for limited periods of time. In 2010, the Committee developed its most recent special project, the Haitian Relief & Recovery Project, designed to provide pro bono legal assistance to non-governmental organizations (NGOs) doing relief work in Haiti.

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 less than honorable military discharges, and providing supplemental instruction to hundreds of minority students about to enter area law schools. Perhaps the most noteworthy single case – *Runyan v. McCrary* – was a successful US Supreme Court challenge under Section 1981 of the 1866 Civil Rights Act to the racially discriminatory admissions policies of a Virginia nursery school.

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.

*“Each time a man stands up for an ideal,
or acts to improve the lot of others, or
strikes out against injustice, he sends forth
a tiny ripple of hope.”*

— Robert F. Kennedy

The Wiley A. Branton Award



The Wiley A. Branton Award was first presented by the Washington Lawyers' Committee in 1989. It takes its name from Wiley A. Branton, Sr., an extraordinary man whose life embodied civil rights advocacy of the highest order.

Wiley Branton first gained fame as a civil rights lawyer practicing in Arkansas in the 1950s, where his work was lonely, dangerous and heroic. He went on to a

distinguished career in government service. He also served as Dean of the Howard Law School and later, while in private practice, as a leader in several highly respected civil rights organizations. He served as Co-Chair of the Washington Lawyers' Committee in 1987 and 1988.

Wiley Branton was an inspiration to everyone who had the privilege of knowing and working with him. He personified the legal profession's ideal of pro bono service that is at the heart of the Washington Lawyers' Committee's mission.

The Wiley Branton Award is annually bestowed upon members of the legal community whose careers embody a deep and abiding commitment to civil rights advocacy.

2012 Wiley Branton Award Citation

JOSEPH M. SELLERS



He soon added important duties as an employment litigator to his education duties, becoming the Director of the Committee's Equal Employment Project in 1984.

Over the ensuing years, Joe served as lead or co-counsel in dozens of major Committee cases, including landmark challenges to discrimination at numerous government agencies, such as the FBI, the State Department, and DC Department of Corrections, and many private companies such as Circuit City Stores and Holiday Spas. As Director of the Committee's Equal Employment Project for more than a decade, Joe earned a national reputation as an exceptional civil rights litigator and innovative legal strategist. In addition to numerous case successes, he helped to shape the Committee's model case intake program and played a central role in the training of hundreds of young litigators working as co-counsel on Committee cases.

In 1977, Joe joined Cohen Millstein, where he leads the firm's nationally-recognized employment practice and has won dozens of notable cases while serving as an influential commentator and advocate on employment law and policy. In all of these roles he has displayed the excellent judgment, leadership and team-building skills we associate so much with Wiley Branton.

Avis Buchanan, a graduate of Michigan State University and Harvard Law School, began her legal career in the District of Columbia Public Defender Service following a clerkship with Judge Theodore McMillian of the US Court of Appeals for the 8th Circuit. After seven years in the Public Defender Office, where she gained the reputation as an excellent trial attorney, in 1989 she joined the Washington Lawyers' Committee staff as Deputy Director of the Equal Employment Project. In 1997, she was named the Committee's Director of Litigation, a post she held with distinction until 2002 when she was appointed to her current position as the Director of the DC Public Defender Service.

Soon after joining the Committee, Avis assumed major responsibilities in a wide range of significant matters,

AVIS E. BUCHANAN



In honoring Joe Sellers and Avis Buchanan with Wiley Branton Awards, the Committee recognizes two exceptional individuals who made enduring contributions to the Committee and its clients during their stellar service on its staff. We also recognize them for the major commitments to civil rights and equal justice that they have made while serving in the important positions they have held since leaving the Committee.

Joe Sellers, now a partner at the firm of Cohen, Milstein, Sellers & Toll PLLC, is a graduate of Brown University and the Case Western University Law School. Joe joined the Washington Lawyers' Committee in 1982, following several years of private practice at the firm of Pierson Ball & Dowd. His initial assignment was as Director of the Committee's Public Education Legal Services Project, working with firms serving as counsel to parent organizations at DC public schools.

including numerous class actions and individual cases. Among her first assignments was leadership in a critical effort to secure and train co-counsel for several hundred African-American class members who were pursuing individual damage claims in one of the Committee's most notable and longest-running challenges to discrimination in the construction industry. In subsequent years, Avis took on primary responsibilities in dozens of major Committee employment and public accommodations cases. She also played a critical role in ground-breaking Committee litigation winning judicial recognition for tester standing in employment discrimination cases. As the Committee's first Director of Litigation, she worked with particular effectiveness to integrate and coordinate the Committee's multiple projects and their relationships with a range of institutional clients.

As the longest-tenured Director of the city's Public Defender Service, Avis has gained a well-deserved national reputation for excellence. Her inspired leadership, combining humor, integrity, and excellent judgment, has endeared her to all who have been privileged to be her colleagues. Her exemplary career, like that of Wiley Branton, has helped to build a more just and equitable society.

2012 Wiley Branton Award Citation



THOMAS W. BRUNNER

During his distinguished career at Wiley Rein spanning over 40 years, Tom Brunner has combined a highly successful commercial practice with an exemplary commitment to the cause of equal justice and support for the Washington Lawyers' Committee for Civil Rights. Following graduation from Columbia University with an A.B. degree, Tom earned his law degree at Yale Law School, and in 1973, joined the firm of Wald, Harkrader & Ross. In 1988, he joined Wiley Rein and specialized in insurance law. His leadership at Wiley Rein has been recognized by his appointment as Chair of the Insurance Practice Group and other significant managerial positions.

Despite the demands of his regular practice, Tom has for years devoted substantial time to the cause of civil rights and pro bono service. The Washington Lawyers' Committee has been the grateful beneficiary of much of this work. Tom's first work with the Committee came in the 1970s, when he served as co-counsel in an important EEO case challenging racial discrimination in the printing industry. In subsequent years he has served as lead or primary counsel in some of the Committee's most notable cases, including the successful challenge to widespread discrimination against African-American customers at Cracker Barrel Restaurants and a landmark class action on behalf of individuals with disabilities denied legally-mandated paratransit services by Metro. The settlement of this case, on behalf of over 17,000 class members, set a national standard for such litigation.

In 1993, Tom was elected to the Committee's Board of Directors, a post in which he continues to serve with distinction. In 2007 he was named a Committee Co-Chair and a Member of the Executive Committee. Among his many accomplishments as a Board Committee, Board Member and Co-Chair has been his active and dedicated work on program and board development. The Committee's merger with the DC Prisoner's Project in 2006 and the expansion of its board to over a dozen new firms owe much to his dedication and inspired leadership.

Just as was true in the case of Wiley Branton, Tom Brunner's career is shining example for the legal profession of how a gifted lawyer can combine private practice with a deep and abiding commitment to the advancement of civil rights. The Committee is extremely pleased to add Tom to the list of distinguished Branton Awardees.

*“The Washington Lawyers’ Committee
for Civil Rights and Urban Affairs
is among the most effective and
productive pro bono civil rights
organizations in the country.”*

— David J. Cynamon
Pillsbury Winthrop Shaw Pittman LLP

The Alfred McKenzie Award



The Alfred McKenzie Award was established in 1994 to recognize Committee clients whose dedication and courage have produced civil rights victories of particular significance. It takes its name from a man whose efforts as a Committee plaintiff helped to change an institution.

During World War II, Alfred McKenzie left his entry-level position in the Government Printing Office (GPO) to join the Army Air Corps, where he served with distinction as one of the famed Tuskegee Airmen. When he returned to the GPO in 1946, he was assigned to the same low-level position he had held before his military service. He then began a career-long struggle to win equal treatment for himself and his fellow African-American GPO employees.

In 1972, represented by Committee staff and the firm Hogan and Hartson, Mr. McKenzie initiated a class action lawsuit to challenge racial discrimination against African-American pressmen at the GPO. Fifteen years later, his determination led to a landmark victory that secured a record \$2.4 million payment to hundreds of African-American workers and, even more importantly, a fundamental restructuring of personnel policies that opened the door of equal opportunity to countless minority workers.

2012 Alfred McKenzie Award Citation

JACKIE D. SIMON



It would be difficult to imagine a more appropriate individual than Jackie Simon to receive the Washington Lawyers' Committee's Alfred McKenzie Award. Her extraordinary career, spanning over 50 years, provides countless examples of her tireless commitment to the advancement of civil rights, often with considerable risk to her economic well-being. No doubt inspired by the encouragement of her family to engage in community service, following graduation from college, Jackie began her career in 1962 as the first white employee of the Phyllis Wheatley YWCA in Washington, DC. While in this post, she participated in the planning for the 1963 March on Washington that

led to the Civil Rights Act of 1964. In 1969, she began work with the Montgomery County Housing Authority, helping to develop and manage some of the county's first subsidized housing programs.

In the early 1970s, she began her long career in real estate, and soon established a record as both an extremely successful real estate broker and a champion of fair housing. Her unwavering advocacy for equal housing opportunity at a time when discrimination was widespread in her profession was truly remarkable and heroic. Since 1988, when her son was paralyzed after a biking accident, her advocacy efforts have extended to helping people with disabilities. Among many honors, her remarkable fortitude and effectiveness in all of her civil rights work led, in 1992, to her selection by the National Association of Realtors as a "Hometown Hero" for contributions to the real estate profession.

The Washington Lawyers' Committee has been the fortunate beneficiary of Jackie Simon's exceptional talents through its work with her on a number of major fair housing cases and through her longtime efforts on the boards of the Fair Housing Council of Greater Washington and most recently, the Equal Rights Center. As a key Board member of both organizations, Jackie has played a vital role in their critical work. In these efforts and throughout her career, Jackie has made a unique contribution to civil rights and embodies precisely the values and courage we associate so closely with Alfred McKenzie.

“The Committee’s unique combination of experienced staff lawyers and the pro bono support of hundreds of excellent law firm volunteers has produced an unprecedented record of victories in virtually every area of civil rights practice and provided essential legal services to thousands of individual clients.”

— Roger E. Warin

Steptoe & Johnson LLP

The Vincent E. Reed Award



The Vincent E. Reed Award was first presented by the Washington Lawyers’ Committee in 2003. The award is given in the name of Dr. Vincent Reed, the distinguished educator whose encouragement and support were directly responsible for the Committee’s decision to establish its public education support programs.

Following his graduation from West Virginia State College and military service during the Korean War, Vincent Reed began his career as an educator in the DC Public Schools in 1956. Within several years, he was promoted from a teaching position to a series of important administrative posts in the school system, culminating in his appointment as DC School Superintendent in 1975. His appointment to this post came at a time when the local schools were experiencing enormous stress and public criticism. Dr. Reed’s charismatic leadership and the rigorous educational programs he championed helped immeasurably to restore public confidence in the city’s schools.

In 1978, Dr. Reed met with the staff of the Washington Lawyers’ Committee and encouraged them to seek law firm volunteers to serve as legal counsel for parent leaders at a dozen public schools in Southeast Washington. This initial effort became the basis for the Committee’s representation of Parents United for the DC Public Schools and the DC Public School/Law Firm Partnership Program, which now operates in over 35 schools across the city.

Following his tenure as DC School Superintendent, Dr. Reed went on to serve as an Assistant Secretary for Elementary and Secondary Education at the US Department of Education and as Vice President for Communications at the Washington Post Company.

2012 Vincent Reed Award Citation

ALAN G. FISHEL



ANDREA LEE NEGRONI



In naming Alan Fishel of Arent Fox LLP and Andrea Lee Negroni of Buckley Sandler LLP as winners of this year's Vincent Reed Awards, the Committee is recognizing two individuals and their law firms that have made truly marvelous contributions to the Washington Lawyers' Committee's Public Education Project and to thousands of children attending the DC Public Schools. Their complementary efforts have combined to improve educational opportunities for students at dozens of schools and helped set the stage for even more far-reaching efforts in the years to come.

In his role as a partner at Arent Fox, Alan Fishel is perhaps best known for two remarkable accomplishments which have helped to shape the expanding potential of school partnerships in the city. One of these is his role as the inspired leader of his firm's longstanding and innovative partnership with Randle Highlands Elementary School and new efforts to build a partnership with Eastern High School. Working with dozens of colleagues for more than a decade, Alan and his firm have developed and operated a myriad of enrichment programs, including career days, debates, art competitions and parent workshops. Many of these became

models adopted by other participating law firms. In expanding its reach to add Eastern High School as a second partner, Arent Fox became among the first Committee firms to work with students at two separate institutions.

Of equally significant impact is Alan's extraordinary role as creator of GeoPlunge, the competitive US geography game that for seven years has been the subject of a city-wide competition engaging hundreds of DC elementary students drawn from over 40 schools throughout the city. With the benefit of Alan's inspired leadership, GeoPlunge has become a fixture on the school system's extracurricular calendar, anxiously anticipated by teachers, coaches, and hundreds of children whose knowledge of and interest in geography has grown exponentially as a result of their involvement with this exciting educational game.

Buckley Sandler LLP's Lee Negroni has been described by those who know her well as a "force of nature," a term that certainly accurately describes her incredible work on behalf of the Committee and its Public Education Program. Two examples suffice to illustrate her special role in supporting this work. Last year, on exceedingly short notice, Lee volunteered to assume the primary role in organizing a major auction and gala to support the Committee's School Partnership Program. Her tireless work produced an incredible array of unique and desirable auction items that were part of the Gala concert featuring American mezzo-soprano opera singer Denyce Graves with the Ellington School of the Arts Show Choir. Thanks in significant part to Lee's efforts, the event produced critical income that helped to sustain the Committee's education work.

Additionally, early this year, Lee took on the primary role at her firm in organizing a record-setting bake sale that raised over \$3,000 to support the Committee's education programs. In this undertaking, she once again demonstrated the remarkable energy and contagious enthusiasm which is so evident in all of her endeavors. Like Alan Fishel, in her commitment to the Committee's public education work, Lee Negroni has demonstrated the same deep commitment to the District's public schools and children we associate so closely with Vincent Reed.

“The Washington Lawyers’ Committee serves as an indispensable resource to clients seeking redress for violations of their civil rights, while at the same time providing exceptional opportunities for young attorneys to hone their practical litigation skills.”

— Thomas S. Williamson, Jr.
Covington & Burling LLP

2012 Cotter-Hall Corporate Service Award



Francis P. Cotter



Elliott Hall

This year, for the first time, the Washington Lawyers’ Committee is presenting a Corporate Support Award to a member of the business community who has made notable contributions to the cause of civil rights and public education in our community.

This award is named in honor two distinguished corporate leaders—Francis P. Cotter of the Westinghouse Corporation and Elliott Hall of the Ford Motor Company—who in the 1980s and 90s, worked closely with Committee on some of its pioneering efforts to support the District of Columbia’s Public Schools. Both of these men were instrumental in establishing a special Committee program that for over a decade provided corporate matching funds to support educational enrichment programs at dozens of public schools in low-income neighborhoods throughout the city. Their efforts created the foundation for the expanding network of school partnerships that is now the centerpiece of the Committee’s Public Education Project.

In the case of both men, their support for the Committee’s education work was a direct and logical extension of lifelong commitments to racial equality in the workplace and in all aspects of their professional and personal lives. One notable example of this basic conviction was evident in the early 1940s when Frank Cotter, as captain of the New York University (NYU) track team, successfully challenged the refusal of a major national university to provide housing facilities to the racially integrated NYU track team that was attending a local meet. Similarly, in his work as a corporate leader, attorney in private practice and Corporation Counsel for the city of Detroit, Elliott Hall achieved an exemplary record as a champion of equal opportunity.

2012 Cotter-Hall Corporate Service Award Citation

JASON FRANKL FTI CONSULTING, Inc.



Jason Frankl, a graduate of Springfield College and the Catholic University of America Columbus School of Law, is the senior managing director of FTI Consulting's Forensic and Litigation Consulting Practice. Three years ago, in that capacity, Jay was introduced to the Washington Lawyers' Committee by one of its active board members and soon thereafter became a founding member of the Committee's Corporate Advisory Board (CAB). A year later, he was selected as the CAB's Chair. In these roles, Jay and his company have made critical contributions to the Committee's mission of civil rights advocacy and support for public education. In addition, as chair of the Corporate

Advisory Board, he has played a vital role in the Committee's evolving efforts to encourage the corporate community to provide financial support and pro bono assistance for the Committee's work.

Over the past two years, it has become very clear that Jay and his company are ideally suited to support the Committee in a range of extremely valuable ways, impacting virtually all of the Committee's major programs. Among other things, FTI has provided excellent courtroom support including the preparation and use of trial exhibits in two Committee cases and assistance with vital investigative work to locate witnesses and assess the financial viability of defendants on two other matters. In the area of public education, FTI has established an excellent partnership with Tyler Elementary School. As part of this work, the company is supporting a number of enrichment programs at the school.

Jay Frankl's record of corporate service in the cause of civil rights has set a high standard for the business community. The Washington Lawyers' Committee is extremely grateful for his and his company's support and delighted to recognize Jay with its first Corporate Service Award.

2012 Outstanding Achievement Awards to Cooperating Law Firms

Outstanding Achievements Awards are presented each year to a select number of firms for exceptional work with the Washington Lawyers' Committee during the previous year.

EQUAL EMPLOYMENT OPPORTUNITY

Arnold & Porter LLP

The Project applauds the hard work of attorneys from Arnold & Porter LLP in securing a settlement in *Barnett v. Corbin Company, et al.*, a groundbreaking gender, pregnancy and disability discrimination case. The Committee and Arnold & Porter filed a lawsuit against a government contractor, the Corbin Company, and a government entity, the Uniformed Services University of the Health Sciences (USUHS), on behalf of former employee Charolette Barnett. When Ms. Barnett was diagnosed with a serious pregnancy-related impairment, she needed the reasonable accommodation of a leave of absence. The lawsuit alleged that instead of accommodating her disability, the two employers jointly terminated her employment. An August 9, 2011, Court ruling held that although Ms. Barnett was a nominal employee of Corbin, she had sufficiently pled that she was also an employee of USUHS, which controlled most aspects of her employment. This ruling was a significant victory for Ms. Barnett and other contract employees who work in government facilities and are supervised by government employees, but have faced hurdles in holding the government liable for employment discrimination. After extensive settlement discussions, the case has resolved for money damages and an employment reference letter for Ms. Barnett, and attorneys' fees for the Committee.

Shearman & Sterling LLP

This award recognizes years of skillful litigation by attorneys at Shearman & Sterling LLP resulting in a key victory in the Maryland Court of Appeals (that state's highest court) in *Linklater v. Prince of Peace Lutheran Church*. Mary Linklater, the former music director at a local church, was repeatedly sexually harassed by both the pastor and a senior congregant during her employment. When she complained, she faced retaliation that culminated in her constructive discharge. The Committee and Shearman & Sterling filed suit on Ms. Linklater's behalf in 2002. Her claims raise novel First Amendment issues pertaining to the ministerial exception, which limits employment discrimination lawsuits against religious institutions. The case went to trial in Montgomery County Circuit Court in 2005, and Ms. Linklater was awarded record damages totaling \$1,350,000 for intentional infliction of emotional distress, including \$1,000,000 in punitive damages against the pastor. The trial court subsequently set aside the verdict, and Plaintiff appealed the case to the Maryland Court of Special Appeals, which issued its decision in March 2009. The parties filed cross petitions for certiorari, which the Maryland Court of Appeals granted. The Court of Appeals held in two matters of first impression under Maryland law that the ministerial exception does not bar every claim by a ministerial employee, and that the continuing violation doctrine can expand the actionable period for harassment claims. The parties are now preparing for trial.

Steptoe & Johnson LLP

This award recognizes the long and ongoing efforts of Steptoe & Johnson LLP in *Burgess v. Bowen*, a race discrimination and retaliation case against the Special Inspector General for Iraq Reconstruction ("SIGIR"). Plaintiff Denise Burgess is an African-American woman who worked for SIGIR as its Assistant Inspector General for Public Affairs. By all accounts she performed in an exemplary fashion. However, she was terminated shortly after she complained about race discrimination and in circumstances in which similarly situated white coworkers were not terminated. The Committee and Steptoe & Johnson filed a lawsuit on her behalf alleging race discrimination and retaliation under Title VII. During discovery, we developed substantial evidence that SIGIR's purported rationale for the termination – a "reorganization" due to budget constraints – was pretextual and in fact did not occur. Nevertheless, SIGIR prevailed on its motion for summary judgment and we appealed. Following oral argument, the Fourth Circuit vacated and remanded the case, holding that the District Court had failed to credit Burgess' evidence of race discrimination and retaliation. The parties are now preparing for trial.

This award also encompasses the extraordinary work of attorneys from Steptoe & Johnson on a series of complex EEO cases.

PUBLIC ACCOMMODATIONS

Crowell & Moring LLP

Several years of skillful litigation by attorneys at Crowell & Moring LLP resulted in a settlement in *NAACP v. Landmark Resort and Hotel*, in which the NAACP and several of its members alleged that they and a class of African Americans were denied accommodations at the Landmark Resort and Hotel in Myrtle Beach, South Carolina. During Black Bike Week, a yearly motorcycle rally that draws tens of thousands of African Americans to the Myrtle Beach area, the complainants alleged that, in contrast to its treatment of white guests, the Landmark charged African-American guests higher nightly rates; required African-American guests to pay a security deposit; and significantly restricted African-American guests' access to its restaurant, water park and other amenities. After extensive settlement negotiations led by Crowell & Moring, the Landmark agreed to a settlement that provided for money damages for the NAACP and the individual complainants, extensive non-discrimination training for Landmark's managers and employees, and attorneys' fees for the Committee.

FAIR HOUSING

Akin, Gump, Strauss, Hauer & Feld LLP

Akin Gump Strauss Hauer & Feld LLP has successfully resolved a federal lawsuit filed in Greenbelt, Maryland on behalf of two plaintiffs involving an alleged racially motivated arson. In December 2004 the clients, an African American couple, had recently moved into their home in the new Hunter's Brooke subdivision in Charles County, Maryland. Most of the other homes in the subdivision were under construction, many nearly complete, and the residents, the majority African American, were expected to move in within a couple of weeks. A security guard at the subdivision, employed by Security Services of America, along with four of his acquaintances, set fire to over 20 homes in Hunter's Brooke resulting in the largest residential arson in Maryland history. Thirty other plaintiffs, who had not yet moved into their homes, also filed federal complaints, which the district court dismissed and those dismissals will now be appealed. The complaints alleged a variety of civil rights claims, as well as negligent hiring, training and supervision by the security company.

Baker & Hostetler LLP

Baker & Hostetler LLP successfully settled two fair housing matters against Long & Foster Real Estate, Inc., alleging source of income discrimination in violation of Montgomery County, Maryland, law. In the first matter, the firm represented an individual who alleged that a Long & Foster agent turned her away from a home she wanted to rent for her family in Montgomery County, because she wanted to use a housing choice voucher to pay a portion of her rent. In the second matter, the firm represented the Equal Rights Center in an arbitration alleging source of income discrimination as well as contract claims for violation of a settlement agreement reached in a prior matter alleging source of income discrimination. The team briefed summary judgment motions and prepared for a hearing on the merits, successfully resolving the matters shortly before the start of the arbitration hearing.

Foley & Lardner LLP

Foley & Lardner LLP settled a fair housing case on behalf of the Equal Rights Center contending source of income discrimination in the District of Columbia against Level One, Inc., a national apartment-leasing call center that provides rollover call services to apartment complexes across the country. The Equal Rights Center alleged that testers posing as housing choice voucher holders were provided with inaccurate information about the availability of apartments at local rental properties owned and managed by Level One's clients, in violation of the District of Columbia Human Rights Act.

As a result of its agreement with the ERC, Level One will ensure that all of its agents answering rental calls for properties located in the District of Columbia, and in Howard and Montgomery Counties in Maryland, will advise potential renters that vouchers are accepted for the payment of rent. Level One has also agreed to strengthen its existing fair housing policies, including providing additional fair housing training to employees, and to make a payment to the ERC for its costs and attorneys' fees in reaching this agreement.

Jenner & Block LLP

Jenner & Block submitted an exceptional amicus brief to the U.S. Supreme Court on behalf of the Washington Lawyers' Committee and other national civil rights organizations in *Magner v. Gallagher*, one of the most important fair housing cases to be presented to the U.S. Supreme Court. The Court was considering first whether disparate impact claims are cognizable under the Fair Housing Act, and second what the appropriate analysis is for such claims. The brief prepared by Jenner & Block made clear that the Fair Housing Act does authorize disparate impact claims, relying on the statutory language, legislative history, caselaw, and deference to HUD's interpretation. It also explained in detail why disparate impact claims under the Fair Housing Act are consistent with the constitutional guarantee of Equal Protection, an issue likely to concern some on the Court but not squarely raised by any of the parties.

Weil, Gotshal & Manges LLP

Weil, Gotshal & Manges successfully settled a fair housing matter alleging source of income discrimination and retaliation against an individual renter in Montgomery County, Maryland. The Equal Rights Center was informed that a landlord in Montgomery County was treating voucher holders differently than other tenants, and it conducted an investigation. Once the ERC contacted the landlord to try to resolve the situation, the landlord had her attorney serve notices to vacate the premises on her voucher-holder tenants. Noticeably, the tenants were not notified that they were being evicted for non-payment of rent but instead for alleged violations such as the failure to cover a certain percentage of the floor with carpeting. The team contacted the attorneys representing the landlord and negotiated a standstill agreement that prevented the landlord from commencing an eviction action while the parties tried to resolve the matter. Ultimately, the matter was settled in its entirety with no eviction action ever being filed, and the client will be able to stay in her home on the same terms as other tenants.

IMMIGRANT AND REFUGEE RIGHTS

Arnold & Porter LLP

Through the extraordinary efforts of a small team of attorneys, Arnold & Porter was instrumental in litigating an extremely important case involving the denial of medical care to an immigrant detainee who died in a local jail while awaiting an appeal of his removal order. For weeks, local jail officials and medical staff ignored the immigrant detainee's repeated and desperate requests for treatment. He was never once seen by the facility's doctor. The immigrant detainee was eventually found unresponsive in his cell and was taken to a hospital where he died. An autopsy revealed that the cause of death was an untreated bacterial infection. A complaint was filed in November 2010 against multiple defendants seeking damages for the facility's deliberate indifference to the immigrant detainee's medical needs. In 2011, Arnold & Porter skillfully crafted an opposition to the defendants' motions to dismiss that eventually reversed 11 years of precedent in favor of immigrant detainees and inmates bringing Section 1983 actions against regional jails. In May 2012, after an extensive period of discovery, Arnold & Porter achieved an extraordinarily favorable settlement against the facility.

McKenna Long & Aldridge LLP

On August 4, 2011, the Committee, together with McKenna Long & Aldridge LLP, filed a Fair Labor Standards Act collective action on behalf of three employees of E&C Foods, a local grocery store in Mount Pleasant, DC. The lawsuit alleged that, for several years, the company failed to pay their employees the DC minimum wage or overtime wages. After the lawsuit was filed, the McKenna team artfully negotiated a settlement agreement that not only compensated the three employees for the statutorily-required three year period, but they persuaded the employer to pay an additional four years of unpaid minimum and overtime wages. The employer is also reported to have paid all of its other employees their earned yet unpaid minimum and overtime wages as well. This settlement was instrumental in sending a message to DC employers that the DC minimum wage (which is higher than the federal minimum wage) and overtime wages must be paid to hard-working employees.

Winston & Strawn LLP

Attorneys from Winston & Strawn LLP worked over the past two years to win grants of asylum from the Arlington Asylum Office for three individuals from Guatemala, Madagascar, and Saudi Arabia. One team of attorneys won asylum for a former government official and family from Madagascar who feared return to his country after a change in government. Another Winston attorney gained asylum for a former high-ranking government official and his wife from Guatemala by documenting that the government was unable to protect him after he had spearheaded reforms at his government agency. Another team won the case of a teenager from Saudi Arabia who feared that her father would harm her because of her involvement with a young man and subsequent pregnancy.

DISABILITY RIGHTS

Covington & Burling LLP

The Project applauds the hard work of attorneys from Covington & Burling in securing a settlement with a health care provider on behalf of a deaf individual who alleged a failure to provide effective communication. Deaf individuals who use sign language as their primary means of communication face serious problems when they are not provided with sign language interpreter services for important medical communications. Without the provision of interpreter services at these important medical meetings, the deaf patient is unable to understand fully the recommendations of the health care provider, to communicate symptoms and concerns, and to make informed decisions or give informed consent. For these reasons, cases like this are of special importance to the Project and to the deaf community.

Kirkland & Ellis LLP

This award recognizes the long and on-going efforts of Kirkland & Ellis in the Project’s two cases against the discount clothing chain Filene’s Basement. These efforts have endured through the bankruptcy filings of both the original company, Filene’s Basement, as well as SYMS, the company that acquired the Filene’s Basement name and many of its stores. The cases alleged that the stores were operated in violation of both the Americans with Disabilities Act and the DC Human Rights Act, by failing to provide people with disabilities equal access to the stores. The case was originally filed in 2008 on behalf of the Equal Rights Center and two individual plaintiffs. Kirkland actively litigated this case prior to the first bankruptcy, securing a favorable decision on standing. Following the Filene’s Basement bankruptcy filing, and SYMS’ acquisition of the stores, a similar case was filed against SYMS. Kirkland continued to assist the plaintiffs after each of the bankruptcies was filed, obtaining sizeable bankruptcy settlement awards from the first bankruptcy, and continuing their representation through the second proceeding.

Steptoe & Johnson LLP

Four years of skillful litigation by attorneys at Steptoe & Johnson LLP resulted in a settlement in late May, 2011, which takes ground-breaking steps to ensure that individuals who are deaf are provided effective communication with the District government. The settlement establishes a strong DC sign language interpreter policy and an interpreter referral service contract for the District, with mechanisms so that all agencies can secure sign language interpreter services through this contract or agency credit cards. It also ensures that the Metropolitan Police Department (MPD), DC Public Schools and the DC Department of Mental Health will have the ability to provide immediate interpreter services, including Video Remote Interpreting (VRI) capabilities. MPD will have its own interpreter referral contract, to ensure the ability to summon interpreters on a 24/7 basis. MPD will also have videophones at each MPD station and will provide "in the field" interpreting through mobile VRI devices. District personnel will undergo communication training and a public education program will notify the public of these new services.

The award also encompasses the work of Steptoe that resulted in a settlement on behalf of a deaf individual who was incarcerated at a Virginia regional jail for several weeks without provision of means to contact his family by telephone.

PRISONERS' RIGHTS

Cadwalader, Wickersham & Taft LLP

For several years, DC Prisoners' Project staff has worked with Cadwalader attorneys to address fundamental due process problems in the way federal agencies treat DC parolees, subjecting them to unwarranted restrictions on their liberty. In 2011, this policy advocacy experience was utilized in litigation on behalf of a parolee on whom federal parole officials had imposed extremely stringent restrictions. Based on a 30-year-old misdemeanor conviction when he was 17 years old, our client was banned from living within 100 yards of a school, playground, or day care center after release on parole on an unrelated property offense. He was forbidden to use the Internet, a key component of his work. Even worse, parole officials repeatedly called his employer with inflammatory mischaracterizations of this old offense. Shortly after filing suit, defendants quickly dropped the unconstitutional restrictions on our client's liberty, but refused to enter into a binding settlement agreement. After 18 months of additional litigation, we were able to secure such an agreement, permanently removing the onerous parole restrictions, as well as attorneys' fees.

Covington & Burling LLP

A team of Covington & Burling attorneys took on the extraordinarily difficult legal task of protecting a prisoner labeled as a "snitch" in the federal prison system, making him a target for prisoners and staff alike. In February 2004, Plaintiff "John Doe," a DC prisoner in a federal maximum security prison, cooperated in the investigation of a corrupt Bureau of Prisons officer, resulting in the officer's termination. For eight years, Mr. Doe was identified as a "snitch" and subjected to brutal assaults, including sexual assaults, by other prisoners as well as by staff. Federal officials refused to protect him, repeatedly transferring him to at least seven different maximum security facilities. In 2006, the DC Prisoners' Project and co-counsel Covington & Burling filed suit seeking merely that Mr. Doe be transferred either to a lower security facility in the federal system or to a state prison, a request strongly resisted by federal officials. After a successful appeal to the 11th Circuit Court of Appeals in 2010 reversing the District Court decision to dismiss the case, trial was finally scheduled for April 2012. On the eve of trial, defendants transferred Mr. Doe to a state prison, a request he had been making for eight long years. He is now in a safer, lower security state facility, where he can leave his reputation as a "snitch" behind and be safe.

Morgan, Lewis & Bockius LLP

One of the first matters undertaken by the DC Prisoners' Project after merger with the Washington Lawyers' Committee was *Womack v. Smith*, a horrific case of torture in a federal prison. Attorneys at Morgan Lewis & Bockius took on the challenge of the *Womack* case in 2006, seeking monetary damages for a DC prisoner who had been restrained in chains inside a maximum security prison cell for nearly one month. The case took a circuitous journey, including a successful appeal to the Third Circuit and years of discovery. Finally, the case went to trial in April 2012. Despite an extraordinary effort by the legal team from three different Morgan Lewis offices and staff from the DC Prisoners' Project, we were unable to convince an all-white jury in Harrisburg, PA, that the unspeakable treatment endured by Mr. Womack violated the U.S. Constitution. Nonetheless, after six years of litigation and outstanding representation throughout, it is our privilege to recognize the heroic efforts of Morgan Lewis & Brockius in delivering this important "day in court" for a DC prisoner who could otherwise never have had such an opportunity.

PUBLIC EDUCATION

Beveridge & Diamond P.C.

For fourteen years, Beveridge & Diamond has been providing a wide range of resources to elementary students in southeast Washington. The firm began its efforts at Birney Elementary School. Over a decade ago, attorneys and paralegals at the firm used their environmental expertise to develop and teach a seven-week course at the school. Beveridge & Diamond also took on a library transformation there. Industrious volunteers painted walls and repaired bookshelves, and the entire firm took part in a drive to provide new and gently used books.

When Birney School closed, the firm followed its reassigned students to Savoy Elementary where the environmental course continued and new efforts were added. For the past three years, the firm has used an art competition at the school to provide the illustration for Beveridge & Diamond's holiday card. The firm has also provided enthusiastic Geoplunge coaches for both the fall and spring tournaments. At Thanksgiving, the firm provides meals for families in need, and in December, conducts a toy drive to ensure that every child at the school will receive a special holiday gift. Other partnership efforts include a reading program and beautification projects.

Zuckerman Spaeder LLP

This firm's two-year partnership with Orr Elementary School has been characterized by high energy and a clear focus on finding ways to help the young students in Anacostia succeed. The firm launched their program by coaching students for the 2010 GeoPlunge Tournament. Last fall, Zuckerman Spaeder again provided tutors who found the experience especially gratifying when an Orr team won a teamwork medal. In the late fall, the firm provided coaches to help prepare students for the Frederick Douglass Oratorical Competition.

The firm has followed up the school's recently completed library renovation with a series of book drives. A Library Week fundraiser at Zuckerman Spaeder made it possible to purchase all the titles on the librarian's wish list, and plans are underway for future book drives. Because of the firm's generous response to Cooking for Kids Bake Sales in 2011 and 2012, Zuckerman Spaeder has been able to provide playground equipment and will be sending several students from Orr to overnight camp this summer.

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The Washington Lawyers' Committee launched the Corporate Advisory Board (CAB) in 2010 to take fuller advantage of all the legal business community has to offer the Committee — perspective, advice and industry intelligence. In addition, CAB firms now work alongside WLC and co-counsel attorneys, providing legal services to support and advance cases.

This year, the Board of Directors expanded the opportunity for more companies to become involved with the WLC throughout the year by offering three levels of CAB participation — Leadership Level at \$25,000; Partner Level at \$10,000; and, Associate Level at \$5,000 per year.

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In addition to the CAB, the Committee welcomes the support of companies that sponsor its annual events, such as the Branton Awards Luncheon. The sponsors of this June event help honor those who have demonstrated a lifetime commitment to civil rights advocacy, as well as recognize the law firms that have worked alongside the Committee to achieve significant legal successes in the past year.

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