

# UPDATE



*SPECIAL 35TH ANNIVERSARY ISSUE*

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FOR CIVIL RIGHTS AND URBAN AFFAIRS

FALL 2003



*L/R: Lloyd N. Cutler, Senior Counsel, Wilmer, Cutler & Pickering; Patricia M. Wald, Former Chief Judge, U.S. Court of Appeals for the District of Columbia Circuit; Jeffrey D. Robinson, Co-Chair, Washington Lawyers' Committee.*

## Committee Celebrates 35th Anniversary at 2003 Branton Awards Lunch

The Washington Lawyers' Committee and over 1000 supporters celebrated the Committee's 35th Anniversary at the 2003 Wiley A. Branton Awards Luncheon at the Grand Hyatt Washington Hotel on June 3. The annual gathering, which honors attorneys, clients and civil rights leaders for their contributions to the cause of equal rights, took on special significance in its 35th year with tributes to the founders and early supporters of the Washington Lawyers' Committee and panel discussions covering the Committee's projects and activities.

The Honorable Patricia M. Wald, Former Chief Judge, U.S. Court of Appeals for the District of Columbia Circuit, received the 2003 Wiley A. Branton Award for her commitment to equal justice and public interest law. The presentation to Judge Wald was made by Lloyd N. Cutler, a founding partner of the firm of **Wilmer, Cutler & Pickering** and a former Co-

Chair of the National Lawyers-Committee for Civil Rights.

The Honorable Louis F. Oberdorfer, Senior Judge, U.S. District Court for the District of Columbia, was presented with the 2003 Founders' Award to recognize his role in the founding of the Washington Lawyers' Committee and its counterpart Committees in cities across the country. The Founders- Award was presented to Judge Oberdorfer by John E. Nolan, the first Chair of the Washington Lawyers- Committee and former colleague of Judge Oberdorfer at the U.S. Department of Justice during the Kennedy Administration.

This year, the Committee presented the first ever Vincent E. Reed Award to two law firms that have demonstrated exceptional

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

## 35 Years and Counting: A Historical Perspective

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 had identified discrimination and poverty as the root causes of the riots that had erupted in cities around the nation during the late 1960's and in Washington, D.C. in April 1968 following the assassination Dr. Martin Luther King, Jr.

Over the past 35 years, the Washington Lawyers' Committee has expanded from a small staff addressing a limited number of issues on an ad hoc basis to become a far larger organization operating through six projects to address a broad range of civil rights and poverty issues. As part of its growth, the Committee has constantly evolved to meet new community needs and the emergence of new civil rights constituencies.

### **Equal Employment Opportunity Project**

The Committee's first program was its Equal Employment Opportunity Project, 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 women federal employees. Working with employee task forces at scores of agencies, the Committee provided representation in dozens of major cases winning many of the first judgments upholding the claims of federal workers under the newly enacted provisions of the 1972 Civil Rights Act. Over the past 35 years, the Committee has built on this early record to bring class actions affecting over 20 federal agencies, and dozens of private sector defendants, securing millions of dollars of back pay and damages, and injunctive relief for thousands of workers.

### **Fair Housing Project**

In addition to its successes in class action litigation, the Committee takes special pride in its role in winning a set of landmark appellate rulings upholding the use of paired testers to investigate denials of equal employment. The Committee's success in these cases brought on behalf of the Fair Employment Council of Greater Washington paved the way for the use of tester-generated evidence in a number of other jurisdictions.

In the mid-1970's, the Committee established its Fair Housing Litigation Project to address denials of equal housing opportunity. Shortly thereafter, it played a key role in working with a coalition of local clergy to create the Fair Housing Council of Greater Washington.

As part of its 35th Anniversary Luncheon and Program, the Washington Lawyers' Committee was most pleased to recognize a number of the exceptional men and women whose leadership and vision led to its creation in 1968 and to many of its early achievements. Several of these individuals—John E. Nolan, Louis F. Oberdorfer, Lloyd N. Cutler and Patricia M. Wald—were honorees or award presenters at this year's Luncheon.

The inspiring remarks offered by these bar leaders as part of our program provide a fitting introduction to the following summary of the Committee's principal programs and accomplishments over the past three decades. This summary is drawn extensively from the comments provided by the current and former Committee project directors who participated in the series of panel discussions held as part of our 35th Anniversary Program.

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

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Over the past 20 years, the Committee has represented the Council and over 100 individuals in dozens of cases that have established a national standard for effective advocacy and secured hundreds of thousands of dollars and broad injunctive relief for victims of housing discrimination. The Committee has won notable victories in cases involving denials of residential sales and rentals, redlining practices by lenders and insurance companies, and discriminatory advertising practices. By litigating one of the first challenges to discrimination against families with children, the Committee contributed directly to the passage of new federal legislation providing explicit protections in this area. In many of its cases, the Committee has worked with the Fair Housing Council in that organization's groundbreaking efforts to utilize paired testers to investigate allegations of discrimination.

### **Immigrant & Refugee Rights Project**

In 1978, the Committee initiated a new project to address the pressing needs of immigrants and refugees in the D.C. area. Prior to this time, no legal services program in the area offered significant legal services to this growing community. Over the past 25 years, the Committee's Immigrant and Refugee Rights Project has drawn on the support of more than 1,000 volunteers to provide *pro bono* representation to ever larger numbers of newcomers from dozens of countries. Committee assistance has focused on matters of political asylum and a multitude of challenges to restrictive immigration laws. On two occasions, the Committee has enlisted teams of local firms to prepare comprehensive policy papers on legal issues affecting the Latino community. In addition to

a continuing concern with immigration issues, in recent years the Project has begun to devote increasing resources to assisting newcomers facing denials of basic civil rights due to their national origin. As part of this effort, the Committee has filed a number of cases challenging denials in employment and housing. It has also made a special effort to assist groups and individuals targeted for abuse following the September 11, 2001 terrorist attacks.

### **Public Education Projects**

In 1978, the Committee established its first program to assist parents seeking to improve the quality of public education in the District of Columbia. As part of a pilot program, more than a dozen major law firms offered general counsel assistance to parent groups at local schools in the Anacostia region of the city. Two years later, these parents and the Committee were instrumental in the creation of Parents United for the D.C. Public Schools, the city-wide advocacy group which has led the fight for educational reform in the city for more than 20 years.

In support of Parents United, the Committee and countless volunteers from area law firms have prepared dozens of significant policy papers on major educational issues and successfully litigated a number of landmark cases affirming the rights of public school students and their parents. Among the most important victories was a case mandating enforcement of the D.C. Fire Code, which assured millions of dollars for basic school building repairs and renovation, and a decision requiring basic nursing services at schools in the city and medical staffing at interscholastic athletic events.

Over the past eight years, the Committee has administered a highly successful partnership program linking area law firms with local D.C. schools. Today, 42 of these partnerships provide tutoring, mentoring, and an array of other enrichment services to over 10,000 D.C. public school children. The success of this program has led a number of participating firms to establish similar programs in other cities where they maintain offices.

### **Disability Rights Project**

In 1991, the Committee began a special program to assist individuals seeking to enforce their rights under the newly-enacted Americans with Disabilities Act. Working closely with a new community organization—the Disability Rights Council of Greater Washington, the Committee has won a series of important victories opening access to movie theater chains, banks, restaurants, and grocery stores, as well as many other retail establishments. In addition, the Committee has assured 911 phone access for the deaf community and interpreter services for deaf individuals dealing with the local courts and police.

### **Public Accommodations Project**

Some of the Committee's most important work has come in the field of public accommodations. Beginning in 1988, with a major case against Holiday Spas Health Clubs, the Committee has played a major part in over a half dozen national cases challenging denials of service at major hotel and restaurant chains, including Denny's, and Adams Mark Hotels. Several years ago, the Committee achieved a major settlement in a case against a large Avis-Rent-a-Car franchise in South Carolina.

## Special Projects

In addition to its work on specific on-going projects, the Committee has over the years handled an array of significant matters on an ad hoc basis and operated a number of special projects for limited periods of time. Perhaps the most significant individual case—*Runyan v. McCrary*—was a successful challenge in the United States Supreme Court under Sec. 1981 of the 1866 Civil Rights Act to the racially discriminatory admissions policies of a Virginia nursery school. Special Committee projects over the years have focused on securing meaningful treatment for narcotics addicts, providing quality child care for low-income parents, representing

African-American servicemen in challenges to their less than honorable military discharges, and providing supplemental instruction to hundreds of minority students about to enter area law schools.

The Committee's achievements over the past 35 years are largely attributable to the thousands of lawyers from over 100 area law firms who have given so generously of their *pro bono* time and financial contributions.

The Committee's record is also a direct reflection of the skill and dedication of the talented men and women who have served with distinction on its staff.

The Committee's record is a constant reminder of the vision

displayed by the Committee's founders. While serving as memorable opportunity to honor these founders, this year's Branton Luncheon was also noteworthy in calling attention to the distance that remains to be traveled on the road to equal justice in our society. In noting the serious challenges that lie immediately ahead, Judge Wald struck the appropriate note in calling upon the Committee to remain true to its historic mission of using the resources of the private bar to help open the door to equal opportunity for all in our community. The record of the past 35 years gives me reason to believe that the legal community of our city is prepared to continue with the Committee in meeting these challenges.

## Committee Staffing, Governance and Development

The Committee today operates with a staff of approximately 30, including six project directors and six staff attorneys. They are supported by several senior lawyers and loaned associates from cooperating firms. In addition, the Committee regularly benefits from the services of a number of junior attorneys holding fellowships from local and national law firms and nonprofit organizations.

The Committee is governed by a 40-member Board of Directors. Board members are drawn from leading area law firms and they are led by two Co-Chairs. The Directors and Co-Chairs are supported by a 90-member Board of Trustees and a team of Firm Representatives representing nearly 100 participating law firms.

The Committee has adopted an operating budget set at \$2.5 million for 2004. Funding for this budget is expected to come from a combination of law firm and individual giving, foundation funding, and the proceeds from the Annual Wiley A. Branton Luncheon, as well as attorneys' fees and gifts of fees received in Committee litigation. The Committee's 2002/2003 Funding Drive concludes September 30, 2003. It is expected to provide approximately \$850,000 in law firm, individual and event funding. Nearly 100 firms and over 500 individuals have contributed to this total. Foundation funding is expected to provide approximately \$300,000 by the end of the foundation fundraising year, which concludes December 31, 2003.

As the Committee begins its year-end funding cycle and announces its new campaign, it will make a special effort to secure increased funding through a year-end appeal to law firm partners and associates. In addition, it will also be initiating a campaign to secure endowment funding for its general support and specific projects.

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

## Equal Employment Opportunity

### Jury Verdict Reinstated in Sexual Harassment Case

The Committee recently joined the Metropolitan Washington Employment Lawyers' Association (MWELA) and the Partnership for Civil Justice in filing a brief *amicus curiae* with the District of Columbia Court of Appeals in support of a woman who had been subjected to a severely hostile work environment created and maintained by her employer.

In the underlying proceedings, the jury awarded a substantial verdict to the plaintiff for violations of the D.C. Human Rights Act's (DCHRA's) prohibition on sexual harassment. The trial judge had set aside the verdict on grounds that the plaintiff's claims were untimely and that the jury's verdict was insufficiently supported by the evidence. On August 21, 2003, the D.C. Court of Appeals, *en banc*, reversed the ruling of the lower court, finding that the sexual harassment claim was timely filed, and that there was sufficient evidence to support the jury's verdict. As a result, the jury verdict and compensatory damages award were reinstated. This decision sets an important precedent regarding accrual of sexual harassment claims under the DCHRA.

### Pregnancy Discrimination Case Filed

In February 2003, the Committee and **Shea & Gardner** filed suit on behalf of a woman who

alleged pregnancy discrimination and retaliation under the D.C. Human Rights Act. In May 2002, two days after the woman informed her employer of her pregnancy, she was told that her hours would be cut, her pay reduced, and that she would be terminated on her last day at work prior to giving birth. When the woman complained that this was discriminatory, she was immediately and summarily fired. The parties have exchanged written discovery, and will begin taking depositions during September 2003.

### Employee Obtains Injunction Against Retaliation by USAID

Melvin Porter, a long-time employee of the United States Agency for International Development (USAID) prevailed in his May 2002 jury trial on two claims of retaliation by USAID. In January 2003, the U.S. District Court for the District of Columbia also issued an injunction against USAID forbidding retaliation against Mr. Porter for his protected activity, and left open the question of further injunctive relief to offset Mr. Porter's potential tax liability on attorneys' fees. The injunction against further retaliation has proven critical, as USAID has since denied Mr. Porter a performance bonus and downgraded his performance evaluation. Mr. Porter filed a show cause motion, which was immediately granted by the Court. Briefing on the contempt

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### Settlement Reached in Social Security Administration Race Discrimination Case

A Social Security Administration (SSA) employee who was denied a promotion in favor of a less senior, less qualified white male by an SSA official with a history of race discrimination has settled her claim. At the agency's request, the parties engaged in a series of court-sponsored mediations that began in January and ended in August 2003. The parties have reached an agreement that compensates the employee not only for the financial loss and emotional pain already incurred, but also for the future financial loss resulting from her reduced retirement benefits. The SSA has also agreed to pay reasonable attorneys' fees and costs as determined by the Court. Counsel in the case is **Piper Rudnick**.

### Trial Date Set In Retaliatory Discharge Case Against Bank

The Committee and **Shearman & Sterling** recently won summary judgment in the District Court for the District of Maryland for an employee who alleged that he was discriminatorily denied a promotion to senior vice president at Equitable Bank, and that after he filed a complaint with the EEOC, the bank's president began a campaign of

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## Public Accommodations

### **D.C. Residents Denied Taxicab Service Win Summary Judgment**

District of Columbia residents who were denied taxicab service recently won a landmark victory. They had alleged that they were victimized by Diamond Cab Company's pattern and practice of refusing to provide taxicab service to residents of Southeast D.C., all of which lies east of the Anacostia River.

The plaintiffs, two residents of Southeast D.C. and the Equal Rights Center, brought suit under federal and D.C. law, alleging discrimination based both on race and place of residence. After lengthy discovery, the parties filed cross motions for summary judgment.

In August 2003, Judge Roberts held that plaintiffs had proven—and that defendants could not materially dispute—that defendants' policies had a disparate impact on African American residents of Southeast D.C. The Court also denied the defendants' motion to dismiss plaintiffs' intentional discrimination claims.

The case will go to trial on the issues of damages for violations of the D.C. Human Rights Act (DCHRA), and liability under the DCHRA and 42 U.S.C. sec. 1981 for intentional discrimination.

Co-Counsel in the case is **Crowell & Moring**.

### **Twenty-Three Patrons Sue Cracker Barrel In Arkansas**

Twenty-three black customers who allege that they were victims of race discrimination when they attempted to patronize two Cracker Barrel restaurants in the Little Rock area have filed suit in Arkansas.

The suit alleges that Cracker Barrel gave white customers preferential seating, segregated blacks in the smoking section of the restaurant, forced blacks to endure unreasonably long waits before providing seating and service, and otherwise provided substandard service to African-American customers.

This case is a companion case to *NAACP et al. v Cracker Barrel Old Country Store, Inc.* (N.D. Ga.), in which the Washington Lawyers' Committee also is serving as plaintiffs' counsel. The companion case raises similar allegations of a pattern and practice of race discrimination by Cracker Barrel restaurants.

**Covington & Burling and Kaplan, Brewer, Maxey & Haralson, P.A.** are serving as co-counsel with the Committee in the case.

### **Patron Denied Hotel Room Settles Suit Against Red Roof Inn**

An African American patron who was denied a hotel room at Red Roof Inn has reached agreement on the terms of a settlement with the company.

The patron, a resident of Georgia, attempted to rent a hotel room in a Red Roof Inn in Tallahassee, Florida, but the manager of the hotel stated that he would not accept her check, even though the hotel maintained a policy of accepting checks from persons who, like Ms. Capehart, had the company's RediCard. When her check was refused, the patron offered to pay in cash, and the manager responded that she could not stay in the hotel.

In January 2003, the Committee filed a case on behalf of the patron alleging racial discrimination in violation of the Civil Rights Act of 1866.

Co-counsel in the case is **Holland & Knight**.

# Fair Housing

## **Fair Housing Project Represents Equal Rights Center in Administrative Proceedings**

The Fair Housing Project has frequently represented the area's premier fair housing advocacy organization, the Equal Rights Center, in federal and state court actions challenging discriminatory practices uncovered by the Equal Rights Center's investigations.

Recently, the project has increased its representation of the Equal Rights Center in administrative proceedings. Several state and local human rights offices provide a forum for persons and entities, injured by discrimination, to seek redress. The Fair Housing Project has filed a number of significant cases with these offices on behalf of the Equal Rights Center. Each of the cases involves novel issues regarding the application of the fair housing laws to housing providers.

### ***Foster v. Beverly Court Cooperative (DCOHR)***

Housing discrimination on the basis of age is prohibited under the District of Columbia's fair housing law. As a result, when Margaret Foster and Robert Payne were told that their application to buy a condominium unit at the Beverly Court cooperative was denied because they were too young, they brought their case to the Equal Rights Center.

Foster and Payne, along with their realtor and the Equal Rights Center, filed a complaint with the District of Columbia Office of Human Rights. The Office conducted an investigation and found "probable cause" to believe that the Coop Board rejected Foster and Payne's application on the basis of age and also that the Board discriminated on the basis of gender when it refused to consider Ms. Foster's income.

### ***Equal Rights Center v. Kriegsfeld Management***

Although studies have repeatedly shown that discrimination against Latinos is very common in the D.C. Metropolitan area, few cases have challenged housing providers' discrimination against Latinos. When the Equal Rights Center received a complaint that Latinos were unable to rent or purchase apartments at the Spirit of W Cooperative in D.C., it sent out white and Latino testers to ask about availability of units at the building. The testers were subjected to various forms of differential treatment, with some of the white testers being told that units were available and encouraged to apply, while Latino testers arriving on the same day were told that no units were available.

The Fair Housing Project filed an administrative complaint on behalf of the Equal Rights Center in February 2003. The DCOHR is commencing its investigation.

### ***Barrett and Equal Rights Center v. Steward Towers***

When Kathleen Barrett and her fiancé sought to move into a two-bedroom apartment at the Steward Towers apartment building, they were told that they would have to apply as roommates and that each of them would have to meet the minimum income requirements separately because they were not married.

Ms. Barrett contacted the Equal Rights Center, which confirmed that the Maryland Fair Housing Act prohibits discrimination in housing based on marital status.

The Equal Rights Center sent sets of testers posing as married and unmarried couples to Steward Towers. The married couple was told that they could meet a minimum income requirement by combining their income and the unmarried couple was told that they would each have to meet a minimum income requirement.

The case, which represents one of a very few challenges to marital status discrimination, is being investigated by and is currently pending before the Maryland Commission on Human Relations.

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**Equal Employment Opportunity**

***Covington & Burling***

**Covington & Burling** achieved a significant victory in an employment discrimination case tried before the U.S. District Court for the District of Columbia last summer. At the conclusion of a three-day trial, the jury found that the African-American plaintiff, Melvin Porter, had been illegally denied promotion on two occasions and awarded him compensatory damages. Mr. Porter, a manager at USAID, had been passed over for promotion after complaining of discrimination within the Human Resources Department of USAID.

**Fair Housing**

***Relman & Associates***

In August, **Relman & Associates** won summary judgment in favor of the Equal Rights Center in its housing advertisement discrimination case against the University of Maryland. The case involves an extensive pattern of off-campus advertisements published by the University of Maryland on its website that expressed explicit preferences on the basis of gender, familial status, and marital status. The court granted the motion for summary judgment in favor of the Equal Rights Center finding that the University's advertisements violated the Maryland Fair Housing Act as a matter of law.

***Shea & Gardner***

**Shea & Gardner** authored an exceptional amicus brief in support of a D.C. non-profit that had been prevented from legally opening a home for formerly homeless men with mental disabilities by the D.C. government. The brief argued that summary judgment should be granted in favor of the housing provider because the zoning laws facially discriminated against persons with disabilities. The Court agreed, granting summary judgment in favor of the plaintiff and striking down the offending zoning provisions.



L/R: Lisa A. Wilson, Staff Attorney, Washington Lawyers' Committee; Emily Goldberg, Staff Attorney, Washington Lawyers' Committee; Brandi Brown, Intake Coordinator, Washington Lawyers' Committee; Carolyn P. Weiss, Staff Attorney, Washington Lawyers' Committee; Susan E. Huhta, Equal Employment Opportunity Project Director, Washington Lawyers' Committee; Eric C. Bosset, Partner, Covington & Burling; Samuel S. Heywood, Associate, Covington & Burling; Derron J. Blakely, Associate, Covington & Burling.



L/R: Reed N. Colfax, Fair Housing Project Director, Washington Lawyers' Committee; Kelli M. Evans, Attorney, Relman & Associates; Eliza T. Platts-Mills, Staff Attorney, Washington Lawyers' Committee.



L/R: Reed N. Colfax, Fair Housing Project Director, Washington Lawyers' Committee; William F. Sheehan, Attorney, Shea & Gardner; Eliza T. Platts-Mills, Staff Attorney, Washington Lawyers' Committee.



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**Public Accommodations**

***Hogan & Hartson***

**Hogan & Hartson** achieved a ground-breaking settlement on behalf of an African American denied taxi cab service in the District of Columbia. The settlement included a monetary award to the plaintiff and, among other injunctive provisions, an agreement to post notices in each of the company's taxicabs alerting customers to its commitment to antidiscrimination laws and providing information on how to file complaints of driver discrimination.

***Clifford Chance***

In July 2002, **Clifford Chance** settled a case on behalf of Juanita Coates Jones, an African American who was ejected from a taxicab once the driver discovered she was going to a predominantly black neighborhood. After making her leave the cab, the driver picked up a white passenger a mere hundred yards from where he ejected Ms. Jones. The case was resolved by a consent order that included a monetary award, a complaint filing procedure, and a training program for the taxicab company and its drivers.

**Disability Rights**

***Foley Hoag***

In October 2001, five of the six Murry's Steaks grocery stores in the District had inaccessible entrances, due to the presence of cart corral features that kept in shopping carts, but kept out people who use wheelchairs. With the assistance of **Foley Hoag**, the Disability Rights Project filed suit on behalf of the Disability Rights Council and two shoppers who use wheelchairs against Murry's Steaks, seeking the removal of these barriers. A settlement in September 2002 achieved full access for people with disabilities to this important neighborhood grocery chain, as well as fees and damages for the individual and organizational plaintiffs.



*L/R: Reed N. Colfax, Fair Housing Project Director, Washington Lawyers' Committee; Jonathan M. Grossman, Associate, Hogan & Hartson; Tara Hammons, Associate, Hogan & Hartson; Eliza T. Platts-Mills, Staff Attorney, Washington Lawyers' Committee.*



*L/R: Reed N. Colfax, Fair Housing Project Director, Washington Lawyers' Committee; David D. DiBari, Partner, Clifford Chance; Beverly Hart, Legal Secretary, Clifford Chance; Greg Cho, Associate, Clifford Chance; Anthony Cooke, Senate Energy Committee; Morgan Fargarson, Associate, Clifford Chance; Eliza T. Platts-Mills, Staff Attorney, Washington Lawyers' Committee.*



*L/R: Lois G. Williams, Senior Counsel for Litigation, Washington Lawyers' Committee; Gwendolyn Wilber Jaramillo, Associate, Foley Hoag; E. Elaine Gardner, Disability Rights Project Director, Washington Lawyers' Committee.*

# WASHINGTON LAWYERS' COMMITTEE

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*L/R: Steven P. Hollman, Partner, Hogan & Hartson; Margaret E. DiPentima, Associate, Hogan & Hartson; Jonathan L. Abram, Partner, Hogan & Hartson; Lois G. Williams, Senior Counsel for Litigation, Washington Lawyers' Committee; Tara Hammons, Associate, Hogan & Hartson; E. Elaine Gardner, Disability Rights Project Director, Washington Lawyers' Committee.*



*L/R: Herbert V. Kerner, Associate, Litigation, Intellectual Property & Antitrust, Hunton & Williams; Bradley T. Lennie, Associate, Litigation, Intellectual Property & Antitrust, Hunton & Williams; Kevin L. Fast, Partner, Hunton & Williams; A. Neal Barkus, Partner, Labor & Employment Law Practice, Hunton & Williams; E. Elaine Gardner, Disability Rights Project Director, Washington Lawyers' Committee; Lois G. Williams, Senior Counsel for Litigation.*



*L/R: Lance Gable, Associate, McDermott Will & Emery; David M. Tennant, Associate, McDermott Will & Emery; Eugene I. Goldman, Partner, McDermott Will & Emery; E. Elaine Gardner, Disability Rights Project Director, Washington Lawyers' Committee; Lois G. Williams, Senior Counsel for Litigation, Washington Lawyers' Committee.*

### ***Hogan & Hartson***

Voting equipment that permits independent and secret voting by individuals who are blind or have manual impairments is readily available. The District, however, recently chose to purchase inaccessible equipment, and for many years failed to ensure accessible polling places. **Hogan & Hartson** assisted the Disability Rights Project in filing a landmark suit to require the District to make its voting equipment and polling places accessible. In August 2002, the firm and the Project negotiated a settlement that requires the District, by the 2004 Primary, to have at least one accessible voting machine in every precinct, and to ensure accessible polling places.

### ***Hunton & Williams***

**Hunton & Williams** won a major and precedent-setting victory in an ADA case tried before the U.S. District Court for the District of Columbia in November 2002. At the conclusion of the two-day trial, the jury awarded monetary damages to Garth Alexander, a deaf man who had been denied services at the D.C. vision care provider covered by his union benefits. When his wife called the vision care office for an appointment, she was informed that her husband could not be seen because of his deafness. The vision care office then put its refusal to treat in writing. This case represents one of the first trials in the District under Title III of the Americans with Disabilities Act, and one of the first jury awards for disability discrimination at a place of public accommodation under the D.C. Human Rights Act.

### ***McDermott Will & Emery***

A major agreement negotiated this year with the assistance of **McDermott Will & Emery** will provide greater access for customers with disabilities in Family Dollar Stores, an important discount retailer with 4,700 outlets in 42 states. A survey of Family Dollar Stores in Washington, D.C., Maryland and Virginia showed serious access barriers - most importantly in their failure to maintain accessibility due to the constant placement of stock and merchandise in the aisles. Under the agreement, Family Dollar has removed barriers, and committed to more accessible fixture layouts.

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Furthermore, Family Dollar has introduced new stocking and merchandise recovery procedures to help ensure aisles are clutter-free. The agreement also included a considerable monetary component for the Disability Rights Council, and an award of attorneys' fees.

## Immigrant & Refugee Rights

### *Patton Boggs*

Volunteer attorneys from **Patton Boggs** successfully reunited two families, one from Rwanda and the other from Ukraine, by winning humanitarian parole, a discretionary form of relief that allows individuals to enter the United States for compelling reasons. Without these successful efforts, the 12-year-old daughter of a Ukrainian woman who won the visa lottery would not have been allowed to follow her mother to the United States. Similarly, a Rwandan infant would not have been allowed to enter the United States with her mother, who in turn was joining her own political asylee mother.

### *Steptoe & Johnson*

Over the past several years, **Steptoe & Johnson** has assisted the Committee in a record-breaking number of successful political asylum cases. The individuals represented by **Steptoe & Johnson** were from Burma, Cameroon, Ethiopia, Liberia, and Senegal. The firm is currently in the midst of its representation of another asylum seeker, from Sierra Leone. During the last calendar year the firm spent over 1,200 hours interviewing the clients, compiling their applications with supporting evidence and preparing the clients for asylum interviews.

### *King & Spalding*

Over the past eighteen months, **King & Spalding** volunteers have provided stellar representation to immigrants in a number of political asylum cases and matters involving juveniles. A group of dedicated attorneys won asylum for two young men from Angola, a woman from Bangladesh and



*L/R: Deniese A. Young, Immigration Specialist, Patton Boggs; Denise A. Vanison, Partner, Patton Boggs; Ruth Spivack, Paralegal, Immigrant and Refugee Rights Project, Washington Lawyers' Committee; Denise L. Gilman, Director, Immigrant and Refugee Rights Project, Washington Lawyers' Committee; Yohanna Romero Baca, Legal Assistant, Patton Boggs.*



*L/R: Edward J. Krauland, Partner, Steptoe & Johnson; Stephen A. Fennell, Attorney, Steptoe & Johnson; Ruth Spivack, Paralegal, Immigrant & Refugee Rights Project, Washington Lawyers' Committee; Denise L. Gilman, Director, Immigrant and Refugee Rights Project, Washington Lawyers' Committee.*



*L/R: Ruth Spivack, Paralegal, Immigrant and Refugee Rights Project, Washington Lawyers' Committee; Jack Bunker, Associate, King & Spalding; Denise L. Gilman, Director, Immigrant and Refugee Rights Project, Washington Lawyers' Committee.*

# WASHINGTON LAWYERS' COMMITTEE

## 2003 OUTSTANDING ACHIEVEMENT AWARDS



L/R: The Honorable Louis F. Oberdorfer, Senior Judge, U.S. District Court for the District of Columbia, 2003 Founders' Award recipient; Roderic V.O. Boggs, Executive Director, Washington Lawyers' Committee; John E. Nolan, Senior Partner, Steptoe & Johnson.



L/R: Iris J. Toyer, Director, Public Education Legal Services Project, Washington Lawyers' Committee; Janiese Brooking, Legal Secretary, Beveridge & Diamond; Eileen Cheung, Attorney, Beveridge & Diamond; David Friedland, Principal, Beveridge & Diamond; Mary M. Levy, Director, Public Education Reform Project, Washington Lawyers' Committee.



L/R: Iris J. Toyer, Director, Public Education Legal Services Project, Washington Lawyers' Committee; April McPherson, Administrative Coordinator, Foley & Lardner; Mary M. Levy, Director, Public Education Reform Project, Washington Lawyers' Committee.

a woman from the Democratic Republic of Congo. In addition, they provided legal representation in Immigration Court for three juveniles from El Salvador who had been apprehended by the Immigration and Naturalization Service when they tried to cross the border to join family members in the United States. The firm also helped enroll eligible Salvadorans in the Temporary Protected Status program at a workshop sponsored by a local immigration group. The firm is now moving forward with several new matters involving asylum seekers from Cameroon and Sierra Leone.

### Public Education

#### ***Beveridge & Diamond***

Since 1997, **Beveridge & Diamond** has operated an active partnership with Birney Elementary School. Among other activities, firm volunteers teach an environmental science program for all of the 6th grade classes that has included related field trips and the purchase of several acres of Rainforest on behalf of the school. The firm also sponsors a holiday toy drive; provides furniture donations for individual families; reads to kindergartners; conducts firm tours for the 4th grade classes and provides school uniforms for students in need.

#### ***Foley & Lardner***

In 1997, **Foley & Lardner** began a very special partnership with Wilkinson Elementary School. As a central part of its collaboration, the firm brings 70 3rd-grade students to its office every Wednesday afternoon for one hour of tutoring. The students, many of whom are in special education classes, benefit tremendously from the one-to-one attention they receive from Foley volunteers. In addition, the firm also sponsors field trips, participates in the school's career day activities, holds a holiday card art competition, and provides dinner on PTA nights for parents, staff and students.

# Disability Rights

## Deaf Postal Workers File Nationwide Lawsuit

The anthrax contamination of the Brentwood postal facility in October 2001 resulted in the deaths of two USPS employees and the facility's temporary closure.

During the crisis, many deaf Brentwood workers complained to the Committee that, despite the grave dangers posed to workers, postal management did not provide effective communication of emergency measures to deaf employees.

In the process of resolving this urgent matter, the Committee's Disability Rights Project received complaints from other deaf postal employees nationwide regarding the Postal Service's failure to provide effective communication in both emergency and routine situations.

On May 14, 2003, a federal lawsuit with class allegations was filed on behalf of five deaf postal workers by the Project and a team of attorneys, led by **Covington & Burling**, and including the law firm of **James E. McCollum, Jr. & Associates, P.C.**

The lawsuit, filed in the United States District Court for the District of Columbia, alleged violations of the deaf workers' civil rights under the Rehabilitation Act of 1973. The lawsuit specifically cites USPS' failure to provide qualified sign language

interpreters at work meetings, including meetings that addressed anthrax contamination and other safety concerns.

According to the lawsuit, without the assistance of sign language interpreters, it is impossible for deaf postal employees to understand vital safety information that is conveyed to them at work meetings.

The anthrax outbreak added urgency to the fight for sign language interpreters. "USPS has ignored the needs of its deaf workers for too long. Many times I have asked for qualified interpreters at work meetings because I cannot understand what is going on, but my supervisors refuse to get me an interpreter," said plaintiff Bruce Hubbard, who has been employed by USPS for over 30 years, including 15 years at Brentwood.

"When the anthrax contamination happened at Brentwood, I was scared because I did not know what was happening," said Hubbard. "It's sad that we had to file a lawsuit to get USPS to do what is right."

## Lawsuit Filed Against DC Hotel Chain

Individuals who use wheelchairs often face barriers to access in hotels that restrict their ability not only to

travel, but even to attend local events and functions that are held in hotel conference rooms and restaurants.

In response to the concerns of the disability community regarding access to Washington D.C. hotels, the Disability Rights Council (DRC) initiated a general survey of the hotel industry here. The DRC also performed follow-up testing of those hotels found in the initial survey to pose the most serious barriers to people with disabilities.

During the course of the follow-up survey, in which testers with disabilities were sent to hotels to spend a night and survey the accommodations, a tester was injured at the Governor's House Hotel when an inadequate seat provided in her room's roll-in shower broke. The tester, who uses an electric scooter for mobility, broke her coccyx. Investigation revealed that another hotel in the same chain, the St. Gregory, also had serious access barriers.

The Disability Rights Project, together with the law firm of **Kirkpatrick & Lockhart**, filed suit in early September against Capital Hotels, the hotel chain that owns both hotels. The case, filed in the U.S. District Court for the District of Columbia, includes allegations of violations of the Americans with Disabilities Act and the D.C. Human Rights Act in both hotels, and is filed on behalf of the tester and the DRC.

# Immigrant and Refugee Rights

## Trial Scheduled in INS Detainee Abuse Case

In November, the Immigrant and Refugee Rights Project of the Washington Lawyers' Committee and **Holland & Knight** will try a groundbreaking case intended to reveal the abuses faced by many detained asylum seekers, even vulnerable unaccompanied minors, at the hands of the immigration authorities.

The trial, set to begin in the United States District Court for the Eastern District of Virginia on November 10, 2003, involves a lawsuit filed by the Washington Lawyers' Committee and **Holland & Knight** on behalf of Malik Jarno, an asylum seeker from Guinea who tests in the moderately mentally retarded range and who arrived in the United States at age 16.

Mr. Jarno challenges the treatment and conditions of confinement he experienced while he has been detained under the authority of the INS since January 2001. Upon entry into the United States as an asylum seeker in January 2001, Mr. Jarno was immediately detained. He was held for eight months without receiving any hearing before an Immigration Judge despite the fact that he was entitled to such a hearing to pursue his asylum claim.

For a significant portion of the time that Mr. Jarno has been held in detention, the INS placed him at Piedmont Regional Jail near Farmville, Virginia. Piedmont is a county-run facility ill-prepared for

handling an immigrant detainee population. At this facility, Mr. Jarno was held with adults, including regular criminal detainees. When the appropriateness of his detention in an adult facility was questioned, the INS ordered that Mr. Jarno be placed in solitary confinement. In addition, in October 2001, prison guards at the Piedmont detention facility beat Mr. Jarno resulting in injuries that he continues to suffer today.

Finally, the INS has revealed confidential information regarding Mr. Jarno's asylum claim to the government of Guinea, the country from which Mr. Jarno is fleeing because of severe persecution carried out against his family there.

The case, which alleges constitutional torts under *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics* and Section 1983 of the Civil Rights Act of 1866 as well as violations of the Federal Tort Claims Act, has received significant media attention. In addition, Amnesty International and several members of Congress have also taken on Jarno's cause. Denise Gilman, Director of the Immigrant and Refugee Rights Project has noted: "This is a tough case to win, but we felt we had to do something to bring to light the abuses that Malik and others have suffered at the hands of the immigration authorities."

## Annual Political Asylum Training

The Immigrant and Refugee Rights Project will hold its annual all-day political asylum training session

on Tuesday, November 18, 2003 at the D.C. Bar conference facilities. The following frequently asked questions provide general information on the training. For more specific information, please contact the Immigrant and Refugee Rights Project at (202) 319-1000, ext 120.

### *How do I register?*

Contact the D.C. Bar Pro Bono Training Program at (202) 737-4700 ext. 289. Information on the training will be available on the D.C. Bar website at [http://www.dcbar.org/for\\_lawyers/pro\\_bono/what\\_we\\_do/trainings.cfm](http://www.dcbar.org/for_lawyers/pro_bono/what_we_do/trainings.cfm). Pre-registration is required.

### *What is the cost?*

The training is open to volunteers who agree to accept two pro bono matters. There is a charge of \$25 for a comprehensive training manual.

*Do I have to be a member of the D.C. Bar in order to attend the training and represent asylum seekers?*

Both new and experienced attorneys and paralegals are welcome to come for all or part of the training. A member of any state bar association may represent an individual before the Asylum Office or the Immigration Courts. You do not need to be a member of the D.C. Bar specifically to attend the training or represent asylum seekers.

*My firm is interested in starting to work on asylum cases—what do you suggest?*

The training session prepares volunteers to represent asylum seekers

*continued on page 18*

## Public Education

### Law Firms Support Needs of Public School Children in Facilities, Athletics, Budget

The law firms of **Sidley Austin Brown & Wood** and **Patton Boggs** have stepped up to ensure the continuity of progress achieved in earlier Committee lawsuits for safe public school buildings and athletics programs. The Committee's lawsuit of the early and mid 1990s (the work of **Steptoe & Johnson**) to enforce the Fire Code in D.C. Public School facilities brought capital funding and a high quality long-term Facilities Master Plan two years ago. But just as the first of many phases of the Plan approaches completion, the rest is threatened by a recent D.C. government decision to wind down the necessary capital funding.

Ron Flagg and Pat Linehan of Sidley Austin obtained data and information from DCPS and went out to schools to photograph the few high-quality facilities completed and the dilapidated facilities otherwise typical for most of the District's public school students. Their report on capital funding, *Leaving Children Behind: The Underfunding of D.C. Public Schools Building Repair and Capital Budget Needs*, complete with photographs and poster-board blow-ups, was presented at a well-attended July press briefing. An August facilities tour for Congressional staff, emphasizing facilities construction and maintenance, followed.

In July, **Patton Boggs** took on potential cutbacks in the DCPS athletics program due to budget cuts in the athletic trainer program. This model program came into existence as the result of a Committee lawsuit (the work of **Morrison & Foerster**) to enforce statutory guarantees of nursing services and medical coverage of inter-scholastic sports contests. Firm attorneys are also preparing another "Unlevel Playing Fields" report (building on earlier work by **Kirkland & Ellis**), investigating the contrast in athletics facilities, budgets, opportunities and student participation in DCPS as compared to suburban and other cities' programs.

Meanwhile, both **Sidley Austin Brown & Wood** and **Patton Boggs** continue to provide invaluable assistance to Parents United for the DC Public Schools as the parent advocacy group seeks to deliver a succinct and consistent message to DC and Congressional officials on public education needs in the District's FY 2003 and FY 2004 budgets. Sidley Austin continues to support Parents United in its quest for more public information and accountability in DCPS fiscal matters, while Patton Boggs covers school budget developments on Capitol Hill, alerting parents to events and decisions and advising them on how to promote the interests of their children.

### Coalition for Publicly Accountable Schools

The Public Education Legal Services Project (PELSP) has worked with Parents United in opposition to

the federally imposed voucher plan for the District of Columbia. The Committee and Parents United have joined the Coalition for Publicly Accountable Schools, a collaboration of more than 75 local and national individuals who oppose vouchers. Their objective is to publicize the negative impact of vouchers on the District's public schools. Coalition members have met with locally and federally elected representatives to elicit their support in opposition to the proposal. To date, the proposal passed the House by one vote. Efforts to stop the proposal will now focus on the Senate.

### Committee Seeks to Increase Number of Law Firm Partners

The Committee has had great success pairing law firms with individual D.C. public schools. To date, there are 42 law firms and corporations engaged in 40 partnerships. The Committee hopes to increase the number of firms to 45 by the close of the school year.

The skills typical of lawyers, i.e., writing, problem solving, public speaking are readily applicable to assisting students and teachers. Students in partnership schools benefit from firm volunteers who lend expertise in their areas of practice. Schools and law firms alike benefit from the relationships that develop from the partnerships.

## Arrivals

### **Disability Rights Project Welcomes Two New Fellows**

This September, the Committee's Disability Rights Project welcomed two young lawyers as Fellows.

**Elise Roy**, a Harriet Burg/Rita Charnatz Davidson fellow, will be working with the Disability Rights Project and the Equal Employment Opportunity Project on gender and disability issues. Her fellowship is made possible by the Women's Law and Public Policy Fellowship Program at Georgetown University Law Center.

Elise graduated from Northeastern University School of Law in May 2003. She completed her undergraduate studies at Brown University. She has substantial experience in the area of disability rights, including experience obtained during an internship at the Office of Civil Rights with the U.S. Department of Health and Human Services.

Elise's assignments at the Disability Rights Project will include litigation to ensure access to medical facilities.

**Christine Vaughn**, a 2003 graduate of the University of Michigan School of Law, has received a Skadden Fellowship to work this year with the Committee's Disability Rights and Housing Projects. She will focus on providing outreach to institutionalized children with mental health disabilities, their parents or guardians, and enforce the children's legal right to be served in the least restrictive setting appropriate to their individual needs.

Christine's project seeks to address the problems of a population underserved in the District of Columbia—institutionalized children with mental health disabilities.

Christine previously worked as a summer intern for the Committee.

### **Rachel McMichael**

Rachel McMichael recently joined the Committee as a Paralegal with the EEO Project.

Rachel received her B.S. Degree in Human Development with a Concentration in Women's Studies from Cornell University in May 2003.

### **Laura Sahramaa**

Laura Sahramaa began work this summer with the Committee as the Fair Housing/Public Accommodations Project paralegal.

Laura graduated in May 2003 from the University of Virginia with a double major in Politics and Psychology.

### **David Browne**

David Browne recently joined the Committee as Office Coordinator/Paralegal. David received his B.A. Degree in Economics from The George Washington University.

*Equitable Bank (continued from page 5)*

retaliatory harassment against him that resulted in his discriminatory and retaliatory discharge. The parties recently participated in court-sponsored mediation, although no agreement has yet been reached. A five-day trial has been set for November 17, 2003.



## SPECIAL 35TH ANNIVERSARY UPDATE

### *35th Anniversary Awards (continued from cover)*

commitments to the public schools of the District of Columbia and the children who attend them. The award is given in the name of Dr. Vincent E. Reed, the distinguished educator whose encouragement was directly responsible for the Committee's decision to establish its public education support programs. This year's recipients were **Covington & Burling** and **Stephoe & Johnson**. These awards were presented by Iris Toyer, Director of the Committee's Public Education Legal Services Project, and D.C. Delegate Eleanor Holmes Norton.

In addition, 12 other law firms were recognized at the luncheon with Outstanding Achievement Awards for their successful *pro bono* legal work on behalf of the Committee's clients. For more information about the law firm awardees and their achievements, see pages 8-12.

The 2003 Branton Award recipient, Judge Patricia M. Wald, was named to the U.S. Court of Appeals for the District of Columbia Circuit by President Carter in 1979. She retired from this position in 1999, and was subsequently appointed as a Judge on the International Criminal Tribunal in the Hague to hear cases on wartime atrocities in the former Yugoslavia. She now serves as Chair of the Open Society Institute's Criminal Justice Initiative. Her distinguished career has included service as Assistant Attorney General for Legislative Affairs in the U.S. Department of Justice, and in public interest law positions, including work at the Neighborhood Legal Services Program in the District of Columbia, the Center for Law and Social Policy, and the Mental Health Law Project. She also worked as Co-director of the Ford Foundation's Drug Abuse Research Project. She served as co-

counsel with the Committee in the case of *U.S. v. Moore*, which sought to advance the right of treatment for heroin addicts as an alternative to incarceration. In the course of this representation, she became the first Committee volunteer to argue a case in the D.C. Circuit Court of Appeals. In accepting her award, Judge Wald recalled her early work with the Committee and reminded the audience that the defense of civil rights requires our constant attention and should never be taken for granted.

The Founders' Award recipient, Judge Louis F. Oberdorfer, was appointed as U.S. District Court Judge for the District of Columbia by President Carter in 1977. He has served in this post for 25 years. While serving as a Co-Chair of the National Lawyers' Committee for Civil Rights in 1968, he conceived of the idea of establishing local Lawyers' Committees throughout the country to address issues of civil rights in their communities. Judge Oberdorfer was instrumental in securing major funding from the Ford Foundation to establish local Committees in a dozen cities, one of which was the Washington Lawyers' Committee for Civil Rights and Urban Affairs. Before his appointment to the bench, Judge Oberdorfer served for eight years as a member of the Washington Committee's Executive Committee, and played a vital role in developing the Committee's programs and recruiting participating law firms and volunteers. In receiving the Committee's Founders' Award, Judge Oberdorfer paid eloquent tribute to a former colleague at the U.S. Department of Justice—the late Burke Marshall. Referring to Marshall's Acool courage, razor sharp mind, and exceptional judgment,@ Judge Oberdorfer gave the audience a sense of the special leadership

displayed by Justice Department lawyers who fought the early battles of the modern civil rights era.

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

In addition to this year's Branton Luncheon, the Committee celebrated its 35th Anniversary by hosting a series of four panel discussions that focused on the Committee's major program areas: general civil rights litigation; immigrant rights; disability rights; and public education. Each panel reviewed the history of the Committee's work in the field, its current agenda and plans for the future, including local and national priority issues. Panel members included leading civil rights advocates, key Committee staff members, client group representatives and volunteer attorneys from cooperating law firms.

The Immigrant and Refugee Rights panelists included Denise L. Gilman, Project Director of the Committee's Immigrant and Refugee Rights Project; Saul Solarzano, Director, Central American Resource Center; Marian Urquilla, Director, Columbia Heights-Shaw Family Support Collaborative; Shaundra L. Watson, Associate, Hogan & Hartson; and Karen T. Grisez, Public Service

## WASHINGTON LAWYERS' COMMITTEE

Counsel, Fried, Frank, Harris, Shriver & Jacobson. The panel's participants reviewed the Committee's evolving work on behalf of newcomers in our community and joined in urging expanded efforts to meet the new challenges presented by the government's hostility to immigrant rights.

The Public Education panelists included Mary M. Levy, Project Director for the Committee's Public Education Reform Project; Iris J. Toyer, Project Director for the Committee's Public Education Legal Services Project; Floretta Dukes McKenzie, Chief Executive Officer, The McKenzie Group, Inc. and former Superintendent of the District of Columbia Public Schools; and Stanley J. Samorajczyk, Partner, Akin, Gump, Strauss, Hauer & Feld. This panel focused on the many accomplishments of the Committee's education projects and how vital this work is to the future of our public schools. Former D.C. Superintendent of Schools Floretta McKenzie was especially eloquent in describing how much the Committee's support had meant to her during her tenure as head of the school system.

The Disability Rights panelists were E. Elaine Gardner, Project Director of the Disability Rights Project; Lois G. Williams, Senior Counsel for Litigation, Washington Lawyers' Committee; Renee Wohlenhaus and Irene Bowen, Deputy Chiefs in the Disability Rights Section, Civil Rights Division, U.S. Department of Justice; Marc Fiedler, Chairman of the Board, Disability Rights Council; Robert N. Herman, Attorney, Paralyzed Veterans of America; and Linda L. Royster, Executive Director, Disability Rights Council. The Disability Rights Panel made special mention of the Committee's unique role in offering

legal services to those with disabilities in our community and noted both the progress that has been made in addressing many issues and the serious challenges that remain.

The Civil Rights Litigation panelists included Reed N. Colfax, Project Director of the Committee's Fair Housing Project; Susan E. Huhta, Project Director of the Committee's Equal Employment Opportunity Project; Avis Buchanan, Deputy Director, D.C. Public Defender's Office and former Director of Litigation for the Washington Lawyers' Committee; John P. Relman, Partner, Relman & Associates, and former Director of the Committee's Fair Housing Project; George D. Ruttinger, Partner, Crowell & Moring and Counsel to the Equal Rights Center; and Joseph M. Sellers, Partner, Cohen, Milstein, Hausfeld & Toll and former Director of the Committee's Equal Employment Opportunity Project. This panel emphasized the Committee's special role in addressing issues of systemic discrimination in housing, employment and public accommodations. Several panelists highlighted the Committee's success in harnessing the resources of multiple law firms to take on major cases that would have been beyond the capacity of any single firm or legal services provider.

### *Political Asylum Training (continued from page 14)*

in "affirmative" cases that involve non-adversarial interviews at the regional asylum office and in "defensive" cases in the Immigration Courts. A new attorney may spend 50-100 hours on the first case. In most affirmative cases, there is no official filing deadline other than the need to file on behalf of an individual with limited resources in the United States. If the firm is

interested in litigation, work on the representation of asylum cases in Immigration Court may be particularly of interest.

### **Training Success Story**

Following last year's political asylum training, an attorney from **Crowell & Moring** accepted a case of a young man from Cameroon who had been arrested several times because of his advocacy on behalf of persons with disabilities. He had founded an organization to promote the rights of the handicapped, but his efforts were seen as anti-government activities. The young man, who is in a wheelchair, was granted asylum in February. He is currently employed and is continuing his involvement in wheelchair racing events.

### *USAID (continued from page 5)*

motion is currently underway. Briefing on the tax issue, which set forth Mr. Porter's request for USAID to bear the burden of any tax liability ultimately imposed on Mr. Porter due to the court-awarded attorneys' fees, is now complete. **Covington & Burling** is serving as counsel with the Committee in the case. Represented by the law firm of **Heller, Huron, Chertkof, Lerner, Simon & Salzman**, the Metropolitan Washington Employment Lawyers' Association (MWELA) filed an amicus brief in support of Mr. Porter's request for injunctive relief to counter his potential tax liability on fees.

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**2004 Wiley A. Branton Awards Luncheon**  
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**Grand Hyatt Washington Hotel**

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