

UPDATE



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FOR CIVIL RIGHTS AND URBAN AFFAIRS

SPRING 2006



L/R: Ronald S. Flagg, Sidley Austin LLP; Darlene Allen, President, D.C. Congress of PTAs; Professor Jamin Raskin, American University, Washington College of Law; Iris J. Toyer, Project Director, Public Education Legal Services Project, Washington Lawyers' Committee; and Wade Henderson, Executive Director, Leadership Conference on Civil Rights.

D.C. Education Charter Amendment Advances, School Modernization Legislation Enacted

While virtually every state in the Union has a constitutional clause providing children with the right to a public education, the District of Columbia's children have no such right. The Washington Lawyers' Committee is currently working to change this situation and guarantee this right for D.C. public school children through an amendment to the D.C. Home Rule Charter.

Over the past several months, Committee staff drafted the amendment, with assistance from **Sidley Austin LLP, Fulbright &**

Jaworski, the Leadership Conference on Civil Rights, and the Education Project at the Washington School of Law of American University.

The amendment reads: *The fundamental right to educational opportunities is a basic value of our society and serves as a foundation of our democratic system of government. Accordingly, the District of Columbia is hereby obligated to provide a system of high-quality public schools to every child.*

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Day Laborer Support Initiative Announced

The Committee's Immigrant and Refugee Rights Project recently announced plans for a new immigrant workers' rights support program to provide legal representation to newcomers employed as short-term or day laborers denied legally mandated wages or other benefits.

The Project will work with local service providers in the area who advocate on behalf of immigrant workers. The Committee will encourage systemic improvements in the workplace by identifying claims involving major employers and multiple claimants. The Project will also recruit and train attorneys to serve as co-counsel with our staff in representing individual claimants. This initiative will provide law firms with a range of opportunities for *pro bono* representation.

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

This issue of the Committee's *Update* reports on the successful conclusion of major cases in the areas of public accommodations, fair housing, and disability rights. It also describes significant developments in the Committee's longstanding effort to support quality public education in the District of Columbia and announces the start of an ambitious new program to address the serious legal needs of day laborers in the Washington area.

In the first of these areas, the Committee is enormously proud of the exceptional work of a team of cooperating firms led by Steptoe & Johnson and Hogan & Hartson, which represented the NAACP in a series of

cases successfully challenging racial discrimination in the treatment of African-American visitors attending Black Bike Week in Myrtle Beach, South Carolina. These cases provide an excellent example of the Committee's ability to deploy substantial *pro bono* resources over an extended period to address serious civil rights violations that involve difficult legal issues and vigorous defenses.

The Committee is also pleased to note the successful conclusion of the first in a series of cases focused on assuring access for people with disabilities to apartment complexes covered by the design and construction provisions of the Fair Housing Act. We are also encouraged by the settlements achieved in a set of cases challenging the refusal of local landlords to accept housing choice vouchers. These results provide eloquent testimony to the exceptional work of the Equal Rights Center in investigating forms of discrimination, which while pernicious in effect, are frequently difficult to detect and challenge.

The Committee is extremely heartened by the growing support expressed for the Education Rights Amendment to the D.C. Home Rule Charter, which seeks to guarantee the right to a high-quality public education for all children in the city. Greatly aided

by the work of a number of cooperating firms and Committee staff, this measure has gained the strong support of the Mayor, the Board of Education and a clear majority of the D.C. Council. Given the acute needs of our schools, this measure is long overdue.

Finally, the Committee looks forward to the start of its new program focused on the rights of day laborers in the Washington area who have been denied lawfully earned wages and other benefits. By combining the experience and resources of our Employment and Immigrant Rights Projects, this new program has great potential for addressing a serious and growing problem in our community. It will also provide an excellent opportunity for a large number of volunteers to gain direct litigation experience working with the support of Committee staff.

As the Committee moves forward with its active work in the areas discussed in this *Update*, we invite all of the lawyers and firms who are familiar with our work to join us in our future undertakings. We also hope that in the months ahead we will have the opportunity to work with new firms and lawyers who share our commitment to equal justice in our community.

Annual Campaign Advances, Burke Fund Exceeds Goal

As of June 1, the Committee had received 2006 Annual Funding Campaign contributions of \$282,087 from 42 firms and \$216,404 from 656 individuals. With strong support over the next four months, both campaigns have an excellent opportunity to reach or exceed last year's totals. To reach our goals, we will need to receive gifts from all individuals and firms that supported the Committee previously by the end of the Committee's campaign year on September 30.

The John Burke Memorial Fund has exceeded its initial \$100,000 goal with a total of \$102,745 in gifts from 112 individuals as of June 1. The Fund, named after the Committee's late Counsel and Trustee John L. Burke, Jr., was established in 2004 to support the Committee's annual breakfast briefing, now called the John Burke Pro Bono Breakfast, and other pro bono outreach activities. The Committee would like to thank all contributors to the fund. A special acknowledgement is due Marc Fleischaker who chaired the Burke Fund Advisory Committee.

Disability Rights

New Case Challenges Inaccessible Subway Restaurants

On April 21, the Disability Rights Project and **Crowell & Moring** filed a lawsuit on behalf of the Equal Rights Center and an individual against Subway Restaurants, one of the largest and most popular fast-food restaurants in the country.

The lawsuit alleges D.C.-area Subway Restaurants discriminated against persons with disabilities in violation of the Americans with Disabilities Act and the D.C. Human Rights Act.

Many of the approximately 60 Subway Restaurants in Washington, D.C., have steps blocking access to entrances, doors that are too narrow or difficult to open, inaccessible bathrooms, obstacles that prevent wheelchair users from ordering or dining, and out-of-reach self-service items.

“I like to go to Subway. I don’t have a problem with Subway. I just wish I could get up the steps and get the same service as everyone else,” explained Lewis Starks, a plaintiff in the case.

The lawsuit, filed in the U.S. District Court for the District of Columbia, named as defendants the franchiser and companies owning and/or operating Subway Restaurants in Washington, D.C.

Washington Hospital Settlement To Provide Accessible Treatment

A landmark settlement with the largest private hospital in the District of Columbia will greatly improve access to this hospital’s facilities and medical equipment for patients with mobility impairments, spinal cord injuries, and other disabilities, thereby significantly enhancing the health care received by this population.

This settlement culminated a groundbreaking lawsuit filed by the Disability Rights Project and **Howrey** against the Washington Hospital Center, on behalf of the Equal Rights Center and four former patients of the hospital. The November 2, 2005, settlement is one of the first in the country to address access to hospital facilities and equipment.

Due to the significance of the issues, and the comprehensive nature of the settlement, the U.S. Department of Justice intervened and will monitor compliance with the settlement terms.

The lawsuit alleged that patients with disabilities were unable to obtain standard medical treatment due to the hospital’s inaccessible patient rooms, bathrooms and exam tables. In addition, inaccessible exam tables and other medical equipment made it difficult for the plaintiffs to receive appropriate treatment, and inadequacies in policies and procedures did not ensure that patients with spinal cord injuries

received the assistance they needed to eat, drink and care for themselves.

Under the terms of the amicable settlement, the Washington Hospital Center agrees to implement, over the next several years, substantial changes in facilities, equipment, policies and procedures to ensure improved accessibility for inpatients and outpatients with disabilities.

Changes will include major architectural enhancements resulting in many more accessible rooms, and

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Tourist with Disabilities Seeks Hotel Accessibility

A team from the law firm of **Clifford Chance** assisted the Project in filing a November 16, 2005, lawsuit against the Carlyle Suites, a Washington D.C. hotel. The complaint alleges that the hotel, which advertised itself as accessible, provided no accessible path of travel over a number of steps in its lobby. Guests with mobility impairments had to be carried by hotel staff up these steps in order to move beyond the entrance of the otherwise accessible hotel.

Clifford Chance and the Project brought this case on behalf of Philip Myron, who was subjected to being carried several times during his stay in what he thought would be an accessible hotel. The Equal Rights Center, as well as Mr. Myron’s sister who booked the hotel room for him, are also named as plaintiffs.

Public Accommodations

Landmark Settlements Reached in Myrtle Beach Cases

On February 2, the Committee, on behalf of the National Association for the Advancement of Colored People (NAACP), settled a long-running race discrimination lawsuit against the City of Myrtle Beach, S.C., for its different treatment of several hundred thousand African-American tourists attending a motorcycle event known as Black Bike Week held annually over the Memorial Day weekend.

Also on February 2, the Committee resolved, through acceptance of an Offer of Judgment, a race discrimination lawsuit also filed on behalf of the NAACP against Greg Norman's Australian Grille, a large restaurant in the Myrtle Beach, S.C., area.

The lawsuit against the City of Myrtle Beach, filed in May 2003 by the Committee with co-counsel **Steptoe & Johnson** and **Derfner, Altman & Wilborn**, arose from the City's treatment of African-American tourists, which differed from the treatment of predominantly white attendees at another similarly large motorcycle event held the weekend before known as Harley Week.

Black Bike Week is the only weekend each year when the majority of tourists in the City are African American and the only weekend each year when the City implemented a restrictive traffic plan requiring all traffic to travel one-way for 60 blocks on the City's main boulevard.

The Committee won a preliminary injunction against the City in May 2005 when the U.S. District Court for the District of South Carolina ruled that race was a motivating factor in the City's Black Bike Week traffic planning.

The court-approved settlement requires the City to use the same traffic plan for Harley Week and Black Bike Week during the peak days and hours of those events – Friday and Saturday from 2:00 pm to 12:00 am. The City will also provide training, including uniform standards for policing crowds and cultural sensitivity, to all law enforcement personnel deployed by the City during Black Bike Week.

The lawsuit against Greg Norman's Australian Grille, filed by the Committee with co-counsel **Hogan & Hartson** and **Derfner, Altman & Wilborn**, arose after the restaurant closed down completely during Black Bike Week over the Memorial Day Weekend, when the majority of tourists in the area were African American. The restaurant had always been open during Harley Week when attendees were predominantly white.

The Committee alleged that race was a motivating factor in the restaurant's then decision to close during Black Bike Week, while remaining open during Harley Week and all other busy weekends during the summer tourist season when similarly large numbers of visitors are in the area.

Shortly after the lawsuit was filed, the restaurant opened for the

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first time for the 2004 Black Bike Week and has remained opened for that event since then. Under the Judgment, the restaurant will pay \$100,000 in damages, costs and attorney's fees.

These cases were two of a number of lawsuits brought by the Committee and co-counsel since May 2003 against the City of Myrtle Beach and certain restaurants and hotels alleging widespread race discrimination against African Americans during Black Bike Week. The Committee has now settled all of the Myrtle Beach lawsuits filed since that time, including those above and others brought against the Yachtsman Resort Hotel, Damon's Grill, and J. Edward Fleming, the owner of several large restaurants in Myrtle Beach.

Patron Sues FUR Nightclub and D.C. Police for National Origin Discrimination

In January 2006, the Committee and co-counsel **Katten Muchin Rosenman, LLP**, filed a national origin discrimination complaint in the U.S. District Court for the District of Columbia on behalf of Emile Mazloum against the D.C. Police Department, the D.C. Government, FUR Nightclub, and certain known and unknown police officers.

Mr. Mazloum, who is of Arab ethnicity, alleged that while he was at the FUR Nightclub in Washington, D.C., the police officers, who were off-duty, in plain clothes and patrons

of the Nightclub, arrested and ejected him from the club without cause and based on his national origin.

Mr. Mazloum alleges that the officers and the Nightclub's security detail employed excessive and unnecessary force while identifying themselves as police officers and calling Mr. Mazloum an "Al Qaeda."

The complaint alleges that when it became evident that Mr. Mazloum had done nothing warranting the assault, the Metropolitan Police Department and its officers conspired with the Nightclub to cover up the incident.

The Judge has stayed general discovery but has ordered expedited discovery on the limited issue of the identification of the unknown police officers.



Paul R. Hurst
Step toe & Johnson LLP

Paul Hurst, litigation counsel at Steptoe & Johnson and lead counsel in the Committee's case on behalf of the NAACP against the City of Myrtle Beach, discussed his experience working on the case and with the Committee.

Q: Describe your experience working with the Committee on this case?

An Interview with Paul Hurst, Lead Attorney in NAACP v. City of Myrtle Beach

A: Steptoe & Johnson had a great working relationship with the lawyers of the Committee. Dick Ritter is a dedicated attorney whose dogged persistence and attention to details were tremendous assets to this case.

Q: Were there any unusual elements of your case?

A: One unusual element was the magnitude of the problem we were addressing. This case was one of three lawsuits filed to address the entire City's reaction to an African-American event known as "Black Bike Week." Not only was Steptoe & Johnson pursuing the lawsuit filed against the City government, but the Committee and other D.C. law firms had filed lawsuits against hotels and restaurants in the City, all of which were part of a concerted effort to

change the conduct of the City's government and hospitality industry.

Q: What was the legal significance of the case?

A: In May 2005, Steptoe & Johnson and the Committee achieved a significant victory when the South Carolina federal court issued a preliminary injunction requiring the City to use the same traffic pattern during both Black Bike Week and a parallel event called Harley Week. The court's decision is significant because it required a major tourist destination to provide equal treatment for an African-American tourist event, and it sent a message to all tourist destinations that significant African-American tourist events, like Black Bike Week, must be treated the same as any other significant tourist weekend.

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Fair Housing

Equity Residential Sued for Design and Construction Violations

On April 27, the Committee and co-counsel **Gilbert, Heintz & Randolph LLP** filed a major design and construction action, on behalf of the Equal Rights Center, against national real estate developer Equity Residential.

This action, filed in federal district court in Maryland, is the largest action of its type to date, addressing Fair Housing Act and Americans with Disability Act (ADA) accessibility violations in the design and construction of over 300 apartment complexes across the country.

The Committee, with co-counsel **Cohen, Milstein, Hausfeld & Toll P.L.L.C.**; **Fried Frank, Harris, Shriver & Jacobson LLP**; and **Gilbert Heintz & Randolph LLP** filed prior nationwide design and construction actions against major real estate developers Archstone-Smith Trust, Bozzuto and Associates, and AvalonBay Communities, and a number of architects and construction companies, including Niles Bolton, Clark Construction and Vika Engineers.

The case against Archstone-Smith Trust, the seventh largest developer of apartment complexes in the United States, settled June 8, 2005. The settlement requires retrofitting up to approximately 12,000 apartment units in 71 apartment complexes across the country, plus \$1.4 million in

damages, attorney's fees and costs. Cohen, Milstein, Hausfeld & Toll, P.L.L.C., served as co-counsel with the Committee in the Archstone case. The other cases are pending.

Security Services, Guards Sued in Hunter's Brooke Arson

On November 2, 2005, the Committee and Co-Counsel **Akin Gump Strauss Hauer & Feld LLP** filed a case in federal court in Maryland on behalf of 16 African-American families who lost their homes as a result of racially motivated arsons at the Hunter's Brooke housing development in Charles County, Maryland, reportedly the largest residential arsons in Maryland history.

The complaint alleges that in the fall of 2004, Aaron Speed, Jeremy Parady, Patrick Walsh, Michael Everhart, and Roy McCann, who are white, along with other individuals, conspired to burn, damage, and destroy the houses in Hunter's Brooke, and that they attempted to prevent the African-American and other racial minority homeowners and prospective homeowners, from moving into the neighborhood. The December 6 arson in Hunter's Brooke completely destroyed or substantially damaged at least 26 residences.

The individual defendants were all charged with criminal violations. Three individuals pleaded guilty, one was found guilty after a jury trial, and, following a mistrial, a retrial of one

of the individuals is set for June 2007. During the course of the criminal investigation, some of the individual defendants gave statements to prosecutors indicating that Speed and others had complained that African Americans were moving into Hunter's Brooke and that they set the fires to keep African Americans out of the neighborhood.

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Housing Choice Voucher Discrimination Lawsuits Proceed

The Washington Lawyers' Committee, with co-counsel, has four pending cases filed on behalf of the Equal Rights Center in D.C. Superior Court against area landlords and property management companies alleging discrimination against holders of federal housing choice vouchers (formerly known as "section 8 vouchers").

In one of the cases, *ERC v. E&G*, the court granted our motion for partial summary judgment finding E&G violated the D.C. Human Rights Act by refusing to accept vouchers, and on cross-motions, rejected the defendant's purported reasons for refusing to accept vouchers.

In another of the cases, *ERC v. Gelman*, cross-motions for summary judgment are pending. The motions raise a series of legal challenges to the application of the D.C. Human

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Public Education

School Partnerships Enjoy Banner Year

The Public Education Legal Services Project's school partnerships enjoyed an especially productive year in the D.C. public schools. In addition, the Project helped establish a new partnership this spring between **Kilpatrick & Stockton LLP** and Sousa Middle School.

A major highlight this year was the successful and well attended 1st Annual Geoplunge Geography Tournament at the Sumner School on March 29, featuring 40 student competitors from the 4th, 5th and 6th grades at eight D.C. public elementary schools. Additional partnership activities this year included tutoring, mentoring, reading activities and events, poetry competitions,

school library renovations, field trips, and summer internships.

For nearly ten years, the Committee has worked to develop partnerships linking law firms and corporations with D.C. public schools to provide tutoring, mentoring and other supportive services for thousands of D.C. public school children. The program enjoys strong support from the school system and broad participation among area firms.

"The opportunities afforded our students through these partnerships are immeasurable. The talent, time and resources that the law firms provide to their individual school partner are critical to our schools that are called upon to do more with less," said the Office of Superintendent Clifford Janey.

For more information about the school partnerships, see the Project's newsletter **Partners Unlimited Bulletin Board**, or contact Project Director Iris Toyer at (202) 319-1000, ext. 117.

*D.C. Charter Amendment
(continued from front page)*

Nine D.C. Council Members co-introduced the draft amendment to the full Council, led by Council Chair Linda Cropp and Education Committee Chair Kathy Patterson. The Council held a public hearing on the measure in late May. Following the Council passage and signature by the Mayor, the amendment will be the subject of a referendum by D.C. voters in city-wide elections this November.

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Equal Employment Opportunity

Construction Company Settles Gender Discrimination Claim

A construction clean-up company employee who brought a gender discrimination charge against her employer after she was sexually harassed and assaulted on the job has won an \$85,000 settlement in her claim brought with the assistance of the Committee and **Victor M. Glasberg & Associates**.

In 2004, the employee, a recent immigrant from El Salvador, was working for a company when her supervisor began sexually harassing her. Although her recent immigrant status led her to suffer in silence, over time the harassment escalated and eventually led to two sexual assaults. The employee reported the case to the police, and the supervisor was criminally convicted. The EEO and IRR Projects of the Committee, on behalf of the employee, filed a

charge of gender discrimination with the EEOC, which later filed a federal lawsuit in which the employee intervened.

The settlement includes back pay, compensatory damages and attorney's fees, and extensive injunctive relief, including training for managers on employment discrimination, improved publication of employees' rights in Spanish and English, and an improved complaint process.

Immigrant and Refugee Rights

Committee Volunteers Win Victories For Asylum Seekers

The Committee's Immigrant and Refugee Rights Project and co-counsel have won several recent asylum cases in Immigration Court, in the Arlington, Virginia Asylum Office, and with U.S. Citizenship and Immigration Services.

In Immigration Court, **King & Spalding LLP** gained relief from removal for a married woman from Mali who feared that she would be unable to prevent a female circumcision being performed on her young daughters including two U.S. citizens. The Immigration Judge granted withholding of removal to her, her husband and a non-citizen daughter.

Also in the Immigration Court, **Weil Gotshal Manges** won asylum for a woman from Cameroon who would have been forced to comply with certain widow rituals including a forced marriage to her dead husband's brother.

With the assistance of an attorney from **Katten Muchin Rosenman LLP**, the Arlington Asylum Office granted asylum to a man from Tibet who feared possible arrest and torture because of his involvement in prohibited religious activities.

Also in the Asylum Office, **McDermott Will & Emery LLP** gained asylum for a young student from Togo who feared persecution

on account of his and his father's involvement in an opposition party.

A young orphan from Haiti, initially paroled into the U.S. for medical treatment and denied asylum, received legal residence status through the Haitian Refugee Immigration Fairness Act with the assistance of **Crowell & Moring LLP**.

Housing Discrimination Complaints Filed Against City of Manassas

On May 25, the Committee and co-counsel **Beveridge & Diamond PC**, on behalf of the Equal Rights Center, filed a housing discrimination complaint with the U.S. Department of Housing and Urban Development (HUD) against the City of Manassas.

The HUD complaint alleges that the City of Manassas discriminated against Hispanic residents by enacting, and selectively enforcing, zoning and related regulations that prohibit extended families from living together.

The City of Manassas adopted a zoning provision on December 5, 2005, that narrowed the definition of "family" to make it a crime for extended relatives to live together in a single-family home. The provision effectively banned relatives such as aunts, uncles, nephews, nieces, and cousins from sharing a home.

Many advocacy groups charged that the ordinance was intended to force Hispanic families out of Manassas and to discourage Hispanic families from moving into Manassas.

The ordinance was eventually rescinded but not before the City selectively enforced it against Hispanic families.

*Day Laborer Initiative
(continued from front page)*

Prior Committee involvement on the day laborer issue has included seeking volunteer attorneys to provide legal advice to Reston Interfaith, a northern Virginia nonprofit social services organization, in support of a permit to create an employment center for day laborers. In that matter, attorneys from **Heller Ehrman LLP** presented information on Virginia's immigration laws to the Herndon Town Council in advance of a public hearing and Council vote on the issue.

In September 2005, residents of Herndon brought an action against the Town of Herndon and County of Fairfax seeking permanent injunctive relief prohibiting the Town and County from expending taxpayer resources for the day laborer site. The court was recently briefed on whether the funding of the center violates federal law.

The Project and Heller Ehrman continue to monitor the situation and will represent the religious group Project Hope and Harmony, the nonprofit organization that runs the Herndon day laborer workers' center, as the town faces a lawsuit on the issue brought by town residents and some national anti-immigrant groups.

Special Projects

Committee Offers Summer Legal Reasoning Program

This summer, the Committee will once again be offering its Introduction to Legal Reasoning Program to entering Washington area law school students who are members of groups traditionally disadvantaged or under-represented in the practice of law. The law firm of **Hogan & Hartson** coordinates the city-wide program in cooperation with the Committee.

Directed for many years by Hogan & Hartson partner Bob Duncan, the program is designed to prepare students for the first year of law school by providing a taste of the highly analytical, argumentative style of learning to which some students have had little or no exposure.

The course also provides a preview of basic legal language and the fundamentals of the American judicial system. The course does not teach students substantive law. Rather, it emphasizes the process and procedures involved in law school.

The program enables the students to gain a basic familiarity

with legal reasoning and legal writing, and culminates in a moot court. The students are also introduced to basic legal research methods.

Over the past twenty years, well over a thousand students have participated in this program and more than 500 cooperating attorneys have served as instructors.

This year, lawyers from **Hogan & Hartson; Miller & Chevalier; Foley & Lardner; Dickstein Shapiro; Spriggs & Hollingsworth;** and **Covington & Burling** have signed on to teach the classes to begin in June.

Committee Holds Annual Founders' Reception

More than 60 past and present Committee Co-Chairs, Board Members, Trustees and staff attended the Committee's second Annual Founders' Reception on April 20 at the home of Stephen and Ruth Pollak in Washington, D.C.

The Committee's Executive Director Rod Boggs welcomed all to the reception and expressed appreciation for the support the Committee has received over the past 38 years. Committee Trustee and former Co-Chair Stuart Land encouraged supporters to consider participating in the Committee's new planned giving campaign.

For more information on the planned giving campaign for the Committee, see http://www.washlaw.org/support.htm#planned_gifts or contact Da'aga Hill Bowman, Director of Foundation Outreach and Public Information, at (202) 319-1000, ext. 155.



Committee supporters gather at the home of Stephen and Ruth Pollak for the Second Annual Founders' Reception.

L/R: James N. Bierman, Committee Co-Chair; Rod Boggs, Executive Director; Stephen J. Pollak, a Committee founder and former Co-Chair; and Warren Kaplan, EEO Staff Attorney at the Committee.



Arrivals

New Co-Chair: Melvin White

Melvin White, a Washington Lawyers' Committee Board Member since 1991, has been elected Co-Chair of the Committee's Board of Directors, succeeding Benjamin F. Wilson, who recently completed a second term as Co-Chair.

Melvin is a partner in the Trial Department at the Washington, D.C., office of **McDermott, Will & Emery LLP**. He has nearly twenty years of experience in complex litigation and arbitration. He has represented *pro bono* clients in employment discrimination, *habeas corpus*, sexual harassment, housing discrimination, landlord-tenant, Section 8, child custody and disability cases. Melvin is a graduate of Morehouse College and the University of Virginia School of Law.

New Board Members

The Washington Lawyers' Committee recently welcomed two new members to the Board of Directors: Elissa J. Preheim and F. Joseph Warin.

Elissa J. Preheim

Elissa J. Preheim, a partner in the Washington, D.C., office of **Arnold & Porter LLP**, focuses on class actions and complex commercial litigation. She received her B.A. from Northwestern University and her J.D. from Indiana University.

F. Joseph Warin

F. Joseph Warin, is a partner in the Litigation Department in the

Washington, D.C., office of **Gibson, Dunn & Crutcher LLP**. He joined the firm in 1994, after 10 years as Litigation Department Chair and Managing Partner at Kutak Rock. Previously, he served as Assistant United States Attorney in Washington, D.C., in which capacity he received a Special Achievement award from the Attorney General. He is a graduate of Georgetown University Law Center and Creighton University.

New Staff

Laura Varela

Laura E. Varela recently joined the Washington Lawyers' Committee as Director of the Immigrant and Refugee Rights Project. Previously, she had worked as a Staff Attorney with CASA of Maryland in Baltimore. She served as a student attorney with the Michigan Clinical Law Program in Ann Arbor, as an extern with Colorado Legal Services in Denver, and interned as an investigator with the Public Defender Service in Washington. She received her J.D. from the University of Michigan Law School, and B.S. from the University of Maryland, College Park.

Zachary Kagan-Guthrie

Zachary Kagan-Guthrie recently joined the Washington Lawyers' Committee as a Paralegal with the Disability Rights Project. Previously, he worked as a Program Assistant and Intern with Vital Voices Global Partnership Anti-Trafficking and Human Rights Program, and volunteered with the D.C. Prisoners' Legal Services Project. He graduated from Wesleyan University, and also studied at the University of Cape Town, South Africa.

Hunter's Brooke (continued from page 6)

The Committee's lawsuit also names Securities Services of America, LLC, and its successors-in-interest, ABM Industries, Inc. and SSA Security, Inc., d/b/a Security Services of America who provided private security services at Hunter's Brooke at the time of the fires. SSA employed at least two security guards, Speed and William Fitzpatrick, who were involved, directly or indirectly, in planning, preparing, and setting the fires.

The complaint claims violations of civil rights statutes and various state torts against several individual defendants. The complaint also alleges that SSA failed to supervise the two security guards properly and was otherwise negligent and reckless in its hiring, training, and retention of its employees assigned to Hunter's Brooke and in providing security at the site.

Discovery is proceeding against the corporate defendants. Discovery against the individual defendants has been stayed pending completion of the criminal proceedings.

Housing Choice Voucher (continued from page 6)

Rights Act to discrimination against voucher holders. In both Gelman and E&G, discovery is completed and pretrial conferences are set for this summer.

The other two cases, Horning and Phifer, are beginning the discovery process and will continue in discovery through mid-summer.

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Housing Choice Voucher (continued from previous page)

Co-counsel with the Committee in these cases are **Akin Gump Strauss Hauer Feld LLP; Steptoe & Johnson LLP; Relman & Associates; and Sutherland, Asbill & Brennan LLP.**

In the past 18 months, the Committee has filed complaints against 13 area landlords, property management companies and real estate companies, all based on the refusal to accept housing choice vouchers.

Through a series of settlements in some of these cases, a number of defendants have now agreed to welcome voucher holders. The settlements to date have made available to voucher holders over 1,000 housing units where vouchers were previously not accepted.

The cases are described by Fair Housing Project Director Isabelle Thabault and former Staff Attorney Eliza Platts-Mills in their recently published article "Discrimination Against Participants in the Housing Choice Voucher Program: An Enforcement Strategy" (*Poverty & Race Research Action Council*, Volume 15: Number 1, pgs. 11-13, January/February 2006; <http://www.prrac.org/newsletters/janfeb2006.pdf>).

Washington Hospital (continued from page 3)

removal of barriers throughout the Hospital. In addition, the Hospital has procured accessible exam tables, chairs, and equipment for every department.

The hospital has also reviewed and revised its policies, with assistance from the U.S. Department of Justice,

to ensure equal access and benefits for patients with disabilities, and has implemented special procedures for patients with spinal cord injuries.

The Hospital has also appointed an ADA officer, initiated a patient complaint process; and retained an ADA consultant, an ADA equipment expert, and an ADA architectural expert. It has posted the rights of patients with disabilities and its complaint procedures, and has provided and continues to provide disability training to hospital staff.

"This settlement ensures not only that the patient who uses a wheelchair can have access to the Washington Hospital Center's rooms and examination facilities, but also that this patient will be treated with dignity and respect," said Elaine Gardner, Director of the Committee's Disability Rights Project.

Paul Hurst Interview (continued from page 5)

Q: What impact did the case have on your firm and individual lawyers who worked with you?

A: We really enjoyed working with the individual plaintiffs and the NAACP to challenge the City's conduct and achieve a settlement in which the City is required to treat the event similarly to other significant tourist events. The individual lawyers also had a great opportunity to gain a significant amount of litigation experience, as well as attend a number of "biker" events.

Q: Would you recommend that other lawyers and firms handle Committee cases?

A: Absolutely. Taking on a case with the Committee is a great

opportunity to work with talented lawyers at the Committee who are working on important civil rights issues. It also provides young lawyers with an opportunity to take on greater responsibility and to gain important trial experience.

D.C. Charter Amendment (continued from page 7)

In other public education developments, Committee staff, with co-counsel **Sidley Austin LLP**, recently supported a broad coalition that successfully sought passage of the D.C. School Modernization Financing Act of 2006, signed by the Mayor of the District of Columbia on March 30.

The Act will guarantee bond funding of \$100 million and other revenues of \$100 million annually for building construction and renovation, and ensure that all D.C. public school students at current enrollment levels will be educated in modernized schools within the next 15 years.

As Committee reports and litigation have documented over a period of twenty-five years, including in the March 2005 report *Separate and Unequal, the State of the D.C. Public Schools Fifty Years after Brown and Bolling*, most D.C. public school buildings are decades old and in poor physical condition.

Capital funding for D.C. school building rehabilitation has fluctuated wildly in the last decade and is now estimated at \$2.2 billion over the next 15 years.

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