

UPDATE



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FOR CIVIL RIGHTS AND URBAN AFFAIRS

SPRING 2008



Photo by Earl Dotter

Committee founders Robert L. Wald, Partner, Baach Robinson & Lewis PLLC (second from left), and John E. Nolan, Partner, Steptoe & Johnson LLP (center), with Founders' Reception host Tersh Boasberg (left) and Committee supporter Jamie Gorelick, Partner, Wilmer Cutler Pickering Hale and Dorr LLP.

Committee Hosts First School Partnership Summit

Over 70 school partnership coordinators, volunteers from area law firms and companies, and D.C. Public School (DCPS) officials participated in the Washington Lawyers' Committee's first School Partnership Summit on Friday, April 24 at **Arent Fox LLP**.

"The Summit provided a great opportunity for businesses to hear about the success of our law firm partners in working with local schools," said Iris Toyer, Director of the Committee's D.C. Public School Partnerships Project.

Rod Boggs, the Committee's Executive Director, introduced special guest Michelle Rhee, Chancellor of D.C. Public Schools (DCPS), who emphasized that DCPS is seeking individuals and firms across the city to adopt

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Committee Supporters Attend 40th Anniversary Founders' Reception

Nearly 150 past and present Washington Lawyers' Committee Co-Chairs, board members, trustees, staff, and other supporters attended the Committee's 2008 Founders' Reception celebrating the Committee's 40th Anniversary on May 6 at the home of Tersh and Sally Boasberg in Washington, D.C.

The Committee's Executive Director Rod Boggs welcomed attendees to the reception, and expressed his appreciation for the contributions that the Committee has received over the years from its many supporters in attendance and from colleagues at their law firms.

Rod Boggs also praised the vision of the Committee's founders. He acknowledged the contributions of the dozens of attorneys, current and former board members and Committee staff, who have worked with the Committee during the past 40 years.

The Hon. James Robertson, U.S. District Court Judge for the District of Columbia and a former Committee Co-Chair, and current Committee Co-Chair Thomas Brunner of **Wiley Rein LLP** presented Rod Boggs with a certificate acknowledging his 37 years of service as the Committee's Executive Director.

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

The Committee recent 40th Anniversary Founders' Reception, featured in this issue of the *Update*, brought to mind several reasons for our organization's success in building its program over the years.

First among them is the foresight and commitment of Judge Louis Oberdorfer and the small group of lawyers he and John Nolan called together in 1968 to create the Committee. Their shared vision of what the Washington legal community could do to advance the cause of civil rights was truly inspired; it laid a strong foundation for all that followed. It was a pleasure to see John Nolan, Robert Wald, and so many other Committee founders and senior Trustees and former Co-Chairs at the reception. It

was unfortunate that Judge Oberdorfer could not be with us due to a recent illness, and I know all Committee supporters wish him a full and speedy recovery.

The presence at our reception of numerous long-time supporters from firms throughout the city was a vivid reminder of how much the Committee has benefited over the years from the exceptional service of truly remarkable leaders in our city. Many of these individuals, including current Board Members and Trustees, have worked with the Committee for years.

The Committee recently announced a plan to encourage the development of a new generation of leaders through the appointment of Associate Trustees. By reaching out to highly regarded younger lawyers, who have demonstrated a strong commitment to civil rights, the Committee clearly recognizes the importance of planning for the future. More than 30 lawyers have recently accepted appointment to these positions and I hope that they will soon be joined by others who share their passion for our cause. Our staff looks forward to working with them in the months ahead.

Another key element in the Committee's success is the quality and continuity of its staff. The presence of two distinguished former Project

Directors, Joe Sellers and John Relman, at the Founders' Reception highlight that the Committee has been extremely fortunate to have attracted a long line of terrific lawyers to lead its various projects. We can be optimistic about the future knowing that the new generation of Project Directors, led by Susan Huhta, Elaine Gardner, Laura Varela and Phil Fornaci, share the qualities of leadership and commitment so evident in their predecessors. We can also take a great pride in the continuing service of senior project leaders, such as Isabelle Thabault, Mary Levy and Iris Toyer, and senior counsel, including Warren Kaplan, Dick Ritter, Bob Bruskin, and Don Kahl. The same can be said for the excellent work of our support staff, anchored by Da'aga Hill Bowman, Rochelle Jones and Susan Gilbert.

The Committee's 40th Anniversary is a most appropriate time to thank these individuals who have contributed so much to our work over the years and helped to set the stage for the challenging work ahead. In that undertaking, we invite the support of long-time friends and new recruits. With their help, we believe the Committee's next 40 years will see even more progress toward our goal of equal opportunity for all in our community.

Committee Establishes 40th Anniversary Fund; Annual Campaign Proceeds

The Committee recently established a 40th Anniversary Founders' Fund, named in honor of Judge Louis F. Oberdorfer and a small group of Washington lawyers led by John Nolan of Steptoe & Johnson who created the Washington Lawyers' Committee in the Summer of 1968. This group included John Douglas of Covington & Burling, William Rogers of Arnold & Porter, Edward Bennett Williams of Williams & Connolly, Herbert J. Miller of Miller Cassidy, and Robert Wald of Wald Harkrader & Ross.

The Committee intends to allocate all funds raised as part of its 40th Anniversary Funding Drive over and above its basic budget needs for 2008 to the Founders' Fund. This fund will be treated as a reserve fund/endowment to seed new projects as needed and meet unforeseen financial emergencies. Our goal for the fund is \$1.5 million. To reach this target, the Committee is asking that all firm and individual supporters this year consider a one-time doubling of their annual gifts or, in the case of firms, support at the level of \$200 per lawyer per firm.

For the 2007-2008 Annual Campaign, the Committee had received contributions of \$250,300 from 32 firms and \$321,687 from 803 individuals as of May 28, 2008, not including contributions to the Committee's 40th Anniversary Wiley Branton Awards Luncheon or gifts to the Founders' Fund. To be included in the current year's campaign, gifts from individuals and firms should be sent to the Committee by September 30. The Committee thanks all contributors for their gifts and expresses great appreciation for the service of Associates and Partners who coordinated funding drives at their law firms.

Fair Housing

Housing Choice Voucher Cases Filed Against N.J. Properties

On April 9, 2008, the Committee, with co-counsel **Winston & Strawn and Loughlin & Latimer**, brought suit in N.J. Superior Court on behalf of the Fair Housing Council of Northern New Jersey ("FHCNNJ") against the owners and managers of El Dorado Apartments and Riverside Gardens in Belleville, N.J., and Haynes Run Apartment Homes in Medford, N.J.

The lawsuit alleges that the owners and managers of these properties violated New Jersey's Law Against Discrimination by refusing to accept tenants holding federal Housing Choice Vouchers.

The N.J. Law Against Discrimination prohibits discrimination based on source of income and therefore protects holders of the vouchers.

Over the past year, the FHCNNJ has been testing rental property in New Jersey to determine the extent to which landlords and property managers have been complying with New Jersey's Law Against Discrimination.

As a result of these tests, the FHCNNJ identified several housing complexes that refused to accept prospective tenants who sought to pay their rent with vouchers.

The cases are pending.

Committee Obtains Default Judgment in Predatory Lending Case

On February 29, 2008, the Committee with co-counsel **Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates** obtained a default judgment against two of the defendants in the case of *Griffith v. Barnes, et al.*, that alleged predatory lending. A hearing on damages took place on April 15, 2008. Previously, the plaintiffs reached a settlement agreement with another defendant.

The lawsuit, filed on September 25, 2006, in federal district court for the District of Columbia on behalf of Ms. Leslie Griffith, alleged defendants used a predatory lending scheme to obtain ownership of Ms. Griffith's home fraudulently. Ms. Griffith, who inherited her grandmother's home in the District of Columbia, had difficulty making mortgage payments.

The complaint alleged that defendant Paul Barnes, a real estate agent, offered to help her "save" her house, but through false representations induced her to execute documents that allowed, without her knowledge, transfer of the property title to a straw man purchaser, and encumbrance of the property with multiple mortgages. Through the repeated use of this process the defendants extracted over \$300,000 in equity, leaving our client without title to her home or the substantial proceeds from these transactions.

The complaint alleged that the scheme constituted a fraud and also violated numerous federal and state lending laws and regulations.

City of Zanesville, Ohio, Sued for Failure to Provide Water Service

The Committee, and co-counsel **Relman & Dane PLLC** and **Jones Day**, are representing a group of African-American residents of Zanesville, Ohio, in a trial that began May 12, 2008, in federal district court in the Southern District of Ohio, against the City of Zanesville. The lawsuit alleges a longstanding pattern of race discrimination in the provision of services, specifically running water to their homes.

Plaintiffs alleged that the City of Zanesville and Muskingum County, for decades, failed to provide water service to predominantly black areas, while providing water to white areas. As a result, black residents until recently were required to obtain water by hand from wells because water service was not provided to their homes.

Committee Volunteers Help Knights of St. John Obtain Approval to Rebuild Center

The Knights of St. John, a charitable organization comprised of African-American members of the Catholic Church in Charles County, Maryland, succeeded in a decade-long quest to secure permits to rebuild

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Disability Rights

MetroAccess Settlement Approved

A settlement of enormous importance is near conclusion in a class-action complaint alleging that Metro's curb-to-curb paratransit service is so substandard that it illegally discriminates against people with disabilities and violates federal law. On February 8, an order certifying the settlement class and granting preliminary approval of the settlement agreement was signed in this class action lawsuit, filed four years ago by **Wiley Rein LLP** and the Disability Rights Project. A fairness hearing was held on May 22, 2008, and the parties are awaiting the decision on final approval of the settlement.

The ADA requires Metro to provide comparable transportation services to people whose disabilities preclude them from using the regular fixed route system. The complaint specifically alleged frequent missed-trips, exceedingly late pickups, excessively long trips, poor customer service, malfunctioning equipment and reservation system inadequacies.

Under the terms of the \$14 million settlement agreement, MetroAccess will hire expert consultants to assist in its ongoing oversight of MetroAccess performance and will implement contract changes to enhance service by increasing the paratransit budget by \$4 million a year over a three-year period.

In addition, every registered MetroAccess patron will receive 10 free rides, each of the 14 customers

named in the class action suit will receive \$5,000, MetroAccess riders who provided sworn testimony will receive \$1,000, the Equal Rights Center will receive \$65,000, and the Committee and Wiley Rein will receive their fees.

FlexCar and ZipCar Sued for Failure to Install Vehicle Hand Controls

On October 10, 2007, the Committee's Disability Rights Project and **Stephoe & Johnson LLP** filed lawsuits against car-sharing companies FlexCar and ZipCar, which have since merged, alleging violations of the ADA and the D.C. Human Rights Act because they do not provide people with disabilities full and equal enjoyment of their car-sharing services.

The lawsuits were filed on behalf of the Equal Rights Center (ERC) and an individual member of FlexCar who was led to believe, through the membership agreement and company website, that hand controls were available in FlexCar vehicles.

Hand controls are devices that enable people to drive independently despite being unable to operate accelerator and brake pedals. They are relatively inexpensive and easily installed mechanical devices. The installation of hand controls does not prevent other drivers from using the gas and brake pedals to operate the vehicle.

Both companies informed the member that they would not provide

hand controls for their vehicles. The complaints further allege that both companies restrict the ability to transport animals, including assistance animals, in vehicles, and do not permit their members to be driven by an aide, constituting additional violations of the ADA.

The complaints also name the District of Columbia as a defendant. By providing these companies with free parking spaces, the District is giving benefits to entities that discriminate against people with disabilities.

Hilton Hotels Sued for Failure to Disperse Accessible Rooms

In August 2007, the Committee and **Gilbert Randolph LLP** filed a lawsuit against Hilton Hotels, alleging the hotel chain violated the ADA by failing to disperse its accessible rooms among different classes of rooms. This failure prevents a person with a disability from booking, for example, a room with two beds or a room with an oceanfront view. The complaint also alleged serious accessibility issues throughout the hotel chain, including barriers to access in rooms designated as accessible and barriers throughout common areas of the hotels.

The suit was based on an individual complaint and surveys of over two dozen Hilton Hotels by the Equal Rights Center. An amended complaint was filed on April 10, 2008, adding plaintiff organization the American Association of People with Disabilities, two individual plaintiffs, and new allegations.

Public Accommodations

The Pantry, Inc. Settles Race Discrimination Case, Lawsuit Filed Against Friendly's

In March 2008, the Committee, with co-counsel **Relman & Dane PLLC**, announced the settlement of a race discrimination complaint filed with the South Carolina Human Affairs Commission against The Pantry, Inc., which owns and operates a chain of gas stations and convenience stores

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Committee Wins Lawsuit Against D.C. Police and FUR Nightclub

In April 2008, the Committee and co-counsel **Katten Muchin Rosenman LLP** obtained a jury verdict for a recent immigrant of Arab descent in the U.S. District Court for the District of Columbia in a lawsuit filed against the D.C. Police Department, the off-duty officers,

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Blue Gin Nightclub Settles Race Discrimination Claims

On January 10, 2008, the Washington Lawyers' Committee, with co-counsel **Kirkland & Ellis LLP**, settled ethnic and racial discrimination claims on behalf of Meenoo Chahbazi and an organization named Shabeh Jomeh against the Blue Gin nightclub in Georgetown.

For a number of years, Ms.

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*Thomas W. Brunner, Esq.
Wiley Rein LLP*

Thomas W. Brunner, a partner at **Wiley Rein LLP** and Co-Chair of the Washington Lawyers' Committee, served as lead counsel in the Committee's successful class action representing 17,000 disabled riders in their claim against MetroAccess that the District of Columbia's curb-to-curb paratransit service was so substandard that it illegally discriminated against people with disabilities and violated federal law. He talked with the Committee about the case.

Q: Why did your firm get involved in this case?

A: Several years before, we had worked with Disability Rights Project Director Elaine Gardner on earlier discussions with Metro about deficiencies in the MetroAccess program. When improvements promised in prior MetroAccess

An Interview with Thomas W. Brunner, Lead Counsel In *Equal Rights Center v. Washington Area Metropolitan Transit Authority*

negotiations were not delivered, we felt committed to follow through on our involvement as the concerns of the MetroAccess riders reached the point of launching litigation. We were surprised that Metro forced us to go to court over this but they did.

Q: What special challenges did the case present?

A: First, Metro insisted for years that the system was working quite well, that their statistics proved it, and that our plaintiffs and other riders who came forward were chronic complainers. We had to show that their statistics were fundamentally flawed. Second, while representing a large class is always challenging, in this case the difficulties of communication were greater because the class members have serious disabilities. Fortunately, the staff of the Committee and the Disability Rights Council did a terrific job in reaching out to class members and responding to their inquiries.

Q: What was your experience working with Committee staff and the

Disability Rights Council?

A: It was a remarkable experience. In particular, Elaine Gardner is inspiring, dedicated and extraordinarily knowledgeable. Overall, we could not have hoped for better colleagues than the people we worked with at the Washington Lawyers' Committee and the DRC.

Q: How would you describe the impact of working on the case for lawyers at your firm?

A: It made a very positive impact. Over the four years that this case consumed, a lot of people at Wiley Rein, from senior partners to support staff, made significant commitments of time and energy on the case. We feel a considerable pride in the anticipated improvements in the MetroAccess system and, hopefully, in the experience of its riders as a result of the settlement. Several people at the firm have told me that they have family members who are MetroAccess riders and that they are grateful for the firm's efforts on their behalf.

Public Education



Speakers gather at the first School Partnerships Summit. From left: Jennifer Tribulski and William James from Patton Boggs, LLP; Committee Executive Director Rod Boggs; Iris Toyer, Director of the Committee's D.C. Public School Partnerships Project; Alan Fishel, Partner, Arent Fox LLP; Stan Samorajczyk, Partner, Akin Gump Strauss Hauer & Feld LLP; Christine Ladd, Associate General Counsel, Fannie Mae; Sidney Dickstein, Founding Partner, Dickstein Shapiro LLP; and Gregory S. Lewis, Executive Director, Washington Revels.

School Partnership Summit (cont. from page 1)

adopt schools and establish more school partnerships. She encouraged interested individuals and firms to contact Shereen Williams, Director of Community Partnerships for D.C. Public Schools, who also attended the event.

Guest speakers from model law firm and corporate partnerships described their partnership activities with D.C. public schools and students.

Stan Samorajczyk, a senior partner at **Akin, Gump, Strauss, Hauer & Feld LLP**, described the firm's 10-year partnership with Tyler Elementary School, where activities include tutoring; mentoring; providing books, computers, wireless internet access, and hot dinners that improved parent attendance at PTA meetings. Tyler student test scores over the past few years have increased by 20%, making the school one of the stars of DCPS.

Christine Ladd, Associate General Counsel at **Fannie Mae**, listed many of the company's activities, including book and clothing drives, library renovations, student art calendar fundraisers, financial literacy training, and holiday food baskets for the families of students at their partnership school, Marie Reed Learning Center.

Jennifer Tribulski and William James from **Patton Boggs LLP**, discussed their firm's partnership with Francis Junior High School, where firm volunteers coach basketball; teach math; provide school supplies,

uniforms, and books for the school library; hold silent auction and bake sale fundraisers for school needs, and receptions for school administrators and staff.

Sidney Dickstein, a founding partner at **Dickstein Shapiro LLP**, described his firm's 10-year partnership with Ellington School of the Arts, where activities include providing art supplies and books, and sponsoring students and teachers at Anderson Ranch Arts Center in Snowmass, Colorado.

Alan Pemberton, a partner at **Covington & Burling**, outlined the firm's partnership at Cardozo Senior High School, describing the firm's Saturday Academy, which has provided students with practice interviewing, job skills training, field trips, mock trials, and summer jobs since 1992; and the firm's scholarship for graduating DCPS students to attend the University of the District of Columbia.

Alan Fishel, a partner at **Arent Fox LLP**, which is partnered with Randle Highlands Elementary School, explained that he invented the card game GeoPlunge to motivate students to learn about U.S. geography. Due to the game's popularity, participation has expanded from Randle Highlands to more than 46 D.C. public schools through annual GeoPlunge tournaments organized by the Committee and Arent Fox.

46 DCPS Schools Compete in Fall 2007 GeoPlunge Tournament

On Thursday, November 29, 2007, nearly 200 fifth- and sixth-grade students from 46 D.C. Public Schools competed in the 3rd Annual GeoPlunge Challenge Tournament at Bell Multicultural High School in Washington, D.C.

The event was a great success, with teams of enthusiastic students competing in the popular award-winning card game GeoPlunge created by **Arent Fox LLP** partner Alan Fishel to encourage students to learn about U.S. geography.

"The tournament was outstanding!" declared Kendall Evans, a J.O. Wilson Elementary School teacher whose team won first place, "The children seemed to have learned so much by playing this game. We look forward to participating every year!"

The Committee's D.C. Public School Partnerships Project worked with Arent Fox LLP and the Office of the Chancellor of D.C. Public Schools to organize the tournament, with attorneys and staff from law firms and the D.C. public school system managing logistics, serving as monitors, and judging the competition.

Dozens of D.C. area law firms and individuals donated funds to sponsor the teams' participation in the tournament.

Chancellor Michelle Rhee expressed her appreciation for the GeoPlunge Tournament, recognizing that it generated "excitement around learning that is critical for our kids to thrive."

The team from J.O. Wilson Elementary School received the first-

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Immigrant and Refugee Rights

Precedent Holds Immigration Status Is Irrelevant in FLSA Case

On January 14, 2008, an important precedent was established in the Fourth Circuit when the District Court of Maryland, Northern Division, ruled, in a published decision, that an individual's immigration status is irrelevant in a Fair Labor Standards Act (FLSA) action.

During discovery, the defendants filed a motion to compel information relating to the immigration status of both the class representatives as well as the opt-in plaintiffs. The court denied the motion, holding that the protections provided by the FLSA are available to citizens and undocumented immigrants, regardless of immigration status. This result will help protect thousands of exploited immigrant workers in the future.

The case that produced this ruling was filed February 21, 2007, when four Hispanic plaintiffs, represented by the Committee and co-counsel **Pillsbury Winthrop Shaw Pittman LLP**, filed a class action against S.C.C.P. Painting Contractors, an area painting company. The lawsuit alleged violations of the FLSA and Maryland law, for engaging in a uniform and systematic scheme of wage payment abuse against immigrant employees for work performed throughout Washington, D.C. and Maryland. The plaintiffs filed a Motion to Conditionally Certify a Collective Action Class on December 10, 2007, which was granted by the court on February 26, 2008.

Housing Lawsuit Filed Against City of Manassas

On October 16, 2007, the Committee and co-counsel **Beveridge & Diamond PC**, filed a lawsuit on behalf of the Equal Rights Center and eight Hispanic individuals in U.S. District Court for the Eastern District of Virginia against the City of Manassas, Virginia, and the Manassas City Public Schools (MCPS). The lawsuit alleges that the City and its school system have engaged in a systematic effort to target, discriminate against, and evict the City's Hispanic residents.

The complaint alleges that the City violated the U.S. Constitution, the Federal Fair Housing Act, and federal and state civil rights laws by selectively enforcing zoning and related laws to target Hispanic residents and by engaging in illegal harassment, intimidation, and coercion based on national origin and familial status.

The complaint further alleges that MCPS also violated the U.S.

Constitution, the Federal Fair Housing Act, and federal and state civil rights laws by secretly disclosing confidential student records to the City to target Hispanic families for discriminatory zoning actions.

Asylum Training Participants Win Victories for Clients

Several attorneys who participated in the Committee's Asylum Training Program, co-sponsored with the D.C. Bar last fall, successfully represented clients in subsequent cases.

An attorney from **Milbank Tweed Hadley McCloy LLP** gained a grant of asylum from the Arlington Asylum Office for a student from Afghanistan who had received death threats due to his involvement in the education of

women in his country. She also helped the young man gain post-asylum benefits to which he was entitled. Another attorney from **Milbank Tweed** gained asylum for a severely traumatized woman from Cote D'Ivoire targeted because of her involvement in an opposition party.

Other attorneys in attendance at the 2007 training are currently working on asylum cases. An attorney at **Crowell and Moring LLP** is representing an Ethiopian asylee in Immigration Court, two lawyers from **Goodwin Procter LLP** are representing a young woman from Mali at the Arlington Asylum Office, and two attorneys from **Venable LLP** are representing a minor from El Salvador in Immigration Court.

Another all-day training session will be held in the fall of 2008 at the D.C. Bar.

Prisoners' Rights

Prisoners' Project Litigation Addresses Prison Conditions and Release Procedures

For many years, the D.C. Prisoners' Project, in collaboration with area law firms, has focused on defending the rights of D.C. prisoners to safe living conditions, freedom from torture and inhumane treatment, and access to appropriate medical care. This remains the primary focus of the Project's work, with more than a dozen cases currently in litigation challenging conditions of incarceration.

In recent years, the Project has taken on important matters addressing the release from jail, treatment by parole authorities, and representation of prisoners seeking parole.

Some of our "conditions" cases include those arising out of D.C. jail facilities, including: a murder and stabbing in 2002, when the DC Jail was overcrowded and understaffed (with **Covington & Burling**); sexual assaults by corrections officers against women prisoners (with **Pillsbury Winthrop Shaw Pittman LLP**); and serious assaults against prisoners held in so-called "protective custody" status (with **Reed Smith LLP**).

We have also broadened our focus to include the thousands of D.C. prisoners held in federal prisons across the U.S.

These cases address the restraining of a D.C. prisoner in shackles inside his cell in a federal prison for nearly an entire month (with **Morgan Lewis & Brockius**); the assault and blinding of a prisoner by other inebriated prisoners (with **Steptoe & Johnson**); a challenge to the Fourth Circuit's ban on prisoner cases from privately owned prisons (with **McDermott Will**

& Emery); and a major class-action case (with **Covington & Burling**) seeking adequate medical care for thousands of D.C. prisoners held in a privately owned prison in North Carolina.

In March, the Project, with co-counsel **O'Melveny & Myers**, settled a case that resulted in significant improvements in the way the D.C. Jail releases prisoners in its custody, as well as a sizable financial settlement. In December 2005, D.C. Jail staff released a woman with AIDS recently discharged from hospital while in custody, without a coat, without contacting friends, relatives or transport, and without a minimal supply of medications to continue her treatment.

As a result, the woman's health quickly worsened, she lapsed into a coma and, after regaining consciousness, was confined to a nursing facility for over a year. During litigation, the District of Columbia agreed to drastically improve its discharge policies, developing procedures that ensure nearly every inmate who requires continued medications receives a "bridge" supply upon release.

In April 2008, the Project with co-counsel **Williams & Connolly**, filed another important case involving a woman unlawfully imprisoned in the D.C. Jail for five months. Only through the persistent efforts of Project staff did Jail officials investigate why the 54-year-old Army veteran was in their custody. She was never informed of the reason for her arrest, never brought before a judge,

never appointed counsel, and never advised of her rights. Neither the U.S. Marshal's Service, which issued and executed an invalid warrant, nor the Corrections Corporation of America (CCA) staff, which runs the jail facility where our client was held, determined why she was arrested or detained.

This case is particularly significant in light of the District's settlement in 2006 of a \$12 million lawsuit involving its failure to release prisoners on a timely basis. Our lawsuit seeks significant compensatory and punitive damages against federal and local government agencies and CCA.

Prisoners' Project, Community Groups Seeking Parole Reform Legislation

The D.C. Prisoners' Project is working with Covington & Burling, other advocates and community groups on legislative efforts to overturn the *U.S. Parole Commission v. Noble* decision that significantly curtailed the rights of D.C. parolees. This decision required that a parolee forfeit his "street time," or time spent successfully on parole without a technical violation or a new violation of law, when his parole is revoked for any reason. Reversal of this decision, which has forced thousands of D.C. parolees to "re-serve" the same parole time, is the top public policy goal of the Project.

Equal Employment Opportunity

Discharged Employee, Denied Accommodation, Sues Washington Co. Department of Water Quality

On January 23, 2008, the Committee, with co-counsel **Step toe & Johnson LLP**, filed a disability discrimination lawsuit in Maryland District Court against the Washington County Department of Water Quality on behalf of employee Tony Davis, alleging that he was denied reasonable accommodation and discriminatory termination due to his disability.

Mr. Davis, a veteran Washington County, MD employee, suffers from a cognitive disability caused by a severe on-the-job head trauma suffered in the late 1990s. For years after this injury, he worked successfully for the County's Department of Water Quality. In 2005, however, his job required that he obtain Maryland state certification and pass a state-administered test.

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

40th Anniversary Founders' Reception *(continued from page 1)*



Photo by Earl Dotter

Committee supporters listen to speakers at the 2008 Founders' Reception.



L/R: Committee Co-Chairs Thomas W. Brunner, Partner, Wiley Rein LLP, and Denise A. Vanison, Partner, Patton Boggs LLP; Rod Boggs, with certificate acknowledging his 37 years as the Committee's Executive Director; and The Hon. James Robertson, U.S. District Court Judge for the District of Columbia.



Photo by Earl Dotter

L/R: Committee trustee Alexander W. Sierck, Partner, Cameron LLP; with Committee supporter David B. Isbell, Senior Counsel, Covington & Burling LLP.



Photo by Earl Dotter

Committee board member and former Co-Chair James N. Bierman, Partner, Foley & Lardner LLP (left), with former Committee board member Joseph M. Hassett, Partner, Hogan & Hartson LLP.

Arrivals

New Co-Chair:

Denise A. Vanison

Denise A. Vanison, a Washington Lawyers' Committee board member since 2000, has been elected Co-Chair of the Committee's Board of Directors, succeeding Melvin White, who recently completed his term as Co-Chair.

Denise, an immigration law partner and member of the Executive Committee at **Patton Boggs LLP**, advises multi-national and domestic corporate clients on a broad range of immigration issues. Ms. Vanison also represents pro bono clients on immigration and social security matters and serves as co-chair of Patton Boggs' Pro Bono Committee. She volunteers with Patton Boggs's partnership with Francis Junior High School, and is an Adjunct Professor in immigration law at American University Washington College of Law. She is a graduate of the University of Virginia and Georgetown University Law Center.

Roberto Gonzales

Roberto Gonzalez, an associate in the Litigation Department at **Wilmer Cutler Pickering Hale and Dorr LLP**, and a recipient of a Wilmer Hale Pickering Fellowship in Washington, D.C., recently joined the Committee to work for the next six months with both the Equal Employment Opportunity and Immigrant and Refugee Rights Projects. He previously clerked for U.S. Supreme Court Justice John Paul Stevens and The Hon. Guido Calabresi of the U.S. Court of Appeals for the Second Circuit. He is a graduate of Duke University and Stanford Law School.

Sarahi Uribe

Sarahi Uribe recently joined the Washington Lawyers' Committee as a paralegal and community outreach coordinator for the Committee's Immigrant and Refugee Rights Project. Previously, she interned at Yale Law School's immigrant rights clinics, and participated in grassroots organizing on immigrant rights issues in Connecticut. She is a graduate of Yale University.

Cynthia Lewis

Cynthia Lewis recently joined the Washington Lawyers' Committee as Administrative Assistant to the Executive Director. She previously worked with Lockheed Martin, General Dynamics, and The Corcoran, from which she also holds a certificate in Digital Media Technology.

Blue Gin Nightclub Settles *(continued from page 5)*

Chahbazi and Shabeh Jomeh, composed of young professional Iranian Americans, had held monthly social networking events at the Blue Gin nightclub. In early 2007, the Blue Gin, acting through its newly hired promoter, Jamie Hess, advised Ms. Chahbazi that the club owners desired to have a "whiter" crowd at the Club, and that if Shabeh Jomeh wished to continue holding its monthly networking events there, it would need to confine itself to a separate area at the club, away from the other patrons, and other restrictions would also be imposed.

The settlement reached with the Club included a public apology posted at the Club and on various websites,

diversity training for Club staff, and payment of damages. A complaint was filed against promoter Jamie Hess in federal court for the District of Columbia on January 10, 2008, alleging violations of both federal and D.C. civil rights laws.

Knights of St. John Obtain Approval to Rebuild Center *(continued from page 3)*

Maryland, succeeded in a decade-long quest to secure permits to rebuild their community center when an outstanding team of lawyers from **Beveridge and Diamond PC** took on their cause.

Founded over 75 years ago in Charles County, the Knights of St. John had maintained a community center on four acres of land they owned in Charles County. When the roof was damaged in 1998, the County ordered the Knights to destroy the building rather than allowing them to repair it and repeatedly refused to issue the necessary permits to rebuild it. The Knights noticed that other properties were being developed around them, and suspected race discrimination might be contributing to their inability to get the necessary permits.

For more than two years, Beveridge and Diamond advocated with the county and state to obtain the necessary approval and in the process enlisted broad support, including that of the Red Cross, which noted that the new community center could help alleviate the shortage of emergency shelters in Charles County. In March 2008, the County finally granted approval for the community center to be rebuilt.

SPRING 2008 UPDATE

The Pantry Settles Lawsuit *(continued from page 5)*

stores under the name Kangaroo Express in the Myrtle Beach area.

The complaint alleged that the Pantry provided different terms and conditions at its facilities during the 2007 Black Bike Week than during the 2007 Harley Week and other times of the year.

Black Bike Week is a predominantly African American motorcycle event held annually in the Myrtle Beach area. It is preceded by another bike rally held the previous week known as the Harley Davidson Spring Bike Rally, whose participants are predominantly white.

During Black Bike Week, a number of popular restaurants, hotels and other retail establishments in Myrtle Beach have closed or offered substandard services and amenities, which stands in sharp contrast to their practices during Harley Week.

The settlement requires measures to ensure equal treatment of future Black Bike Week visitors, including providing goods and services to Black Bike Week customers that are the same as those provided to Harley Week customers.

The Pantry will also provide anti-discrimination training to its employees and independent contractors and establish procedures for receiving and investigating complaints of unequal treatment.

The settlement includes monetary compensation to the plaintiffs.

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

enhance our Black Bike Week monitoring program.

In another Myrtle Beach case, the Committee and co-counsel **Relman & Dane PLLC** filed, in October 2007, a putative class-action lawsuit on behalf of the NAACP, an individual biker and a class of African Americans who claimed that they were discriminated against by the Ocean Boulevard Friendly's restaurant during a Black Bike Weekend.

From 2000 to 2006, Friendly's closed down the restaurant during Black Bike Week and instead offered barbeque in the parking lot.

Committee Wins FUR Lawsuit *(continued from page 5)*

FUR Nightclub and its bouncer, alleging discrimination, violations of the plaintiff's Fourth Amendment rights, and battery.

The plaintiff had been accosted in March 2005 by a FUR Nightclub bouncer who punched him in the face and broke his nose.

The altercation had prompted the involvement of four off-duty D.C. police officers, who handcuffed and dragged him from the nightclub, beat him and subjected him to race-based epithets.

The plaintiff was victorious in his battery claims against the bouncer and FUR Nightclub, and on his Section 1983 excessive force claim against one of the off-duty officers.

Section 1983 claims against the other off-duty officers are still pending and on appeal currently to the D.C. Circuit on qualified immunity grounds.

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

GeoPlunge Tournament *(continued from page 6)*

place trophy and tickets to a Washington Wizards basketball game. The Payne Elementary School team placed second, the Randle Highlands Elementary School team finished third, and the Eaton Elementary School team took home fourth place. The Takoma Education Center School team won the comeback round.

Students responded enthusiastically to the tournament, commenting: "It was fun and also challenging to play with other schools," "It's great to test your geography skills," "I liked the sportsmanship and the teamwork," and "It is a great game and I look forward to playing it again."

40th Anniversary Founders' Reception *(cont. from page 9)*



Photo by Earl Dotter

L/R: Susan Huhta, Director of the Committee's EEO Project; Committee board member Thomas J. Mikula, Partner, Goodwin Procter LLP; and Committee supporter Irvin B. Nathan.



Photo by Earl Dotter

L/R: Sheldon S. Cohen, former Committee Co-Chair; Committee board member Donald M. Remy, Partner, Latham & Watkins, LLP; and Committee supporter Mortimer Caplin, Partner, Caplin & Drysdale.

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