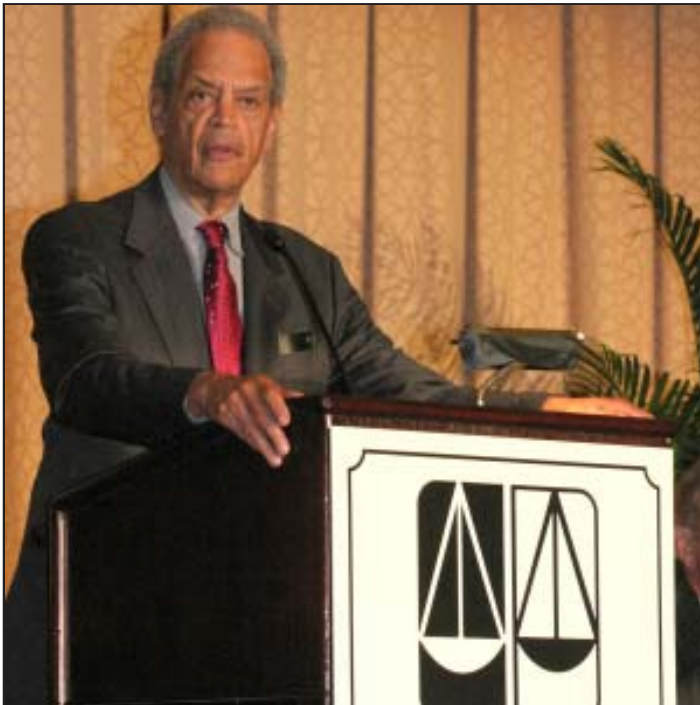


# UPDATE

VOL. 12, NO. 2

FOR CIVIL RIGHTS AND URBAN AFFAIRS

FALL 2006



Roger W. Wilkins, 2006 Wiley A. Branton Award recipient, addresses Luncheon attendees.

## Committee Honors Marc Fleischaker, Roger Wilkins, Leadership Conference on Civil Rights at 2006 Branton Awards Lunch

On June 13, the Washington Lawyers' Committee honored attorney Marc Fleischaker, civil rights lawyer and journalist Roger Wilkins, and the Leadership Conference on Civil Rights during its 2006 Wiley Branton Awards Luncheon at the Grand Hyatt Hotel. Nearly 900 Committee supporters, with 75 law firms represented, attended the luncheon.

Marc L. Fleischaker, Chairman of the law firm of **Arent Fox PLLC**, and Roger W. Wilkins, civil rights lawyer, Pulitzer Prize-winning journalist, and George Mason University Professor of History, jointly received the Wiley Branton Award for Lifetime Achievement in recognition of their long-time advocacy for civil rights.

*continued on page 18*

## D.C. Prisoners' Legal Services Project Joins Committee

On September 19, the Washington Lawyers' Committee Board of Directors voted to merge the D.C. Prisoners' Legal Services Project into the Committee's ranks. As a result, the Committee will add Project Director Phil Fornaci and attorneys Deborah Golden and Ivy Lange to its staff.

The staff of the Project, now called the D.C. Prisoners' Project, brings to the Committee nearly 20 years of experience with the foremost private prisoners' rights legal advocacy organization in the District of Columbia. This wealth of experience will highlight and complement the Committee's long-standing interest and work in prisoners' rights and prison reform issues.

*continued on page 13*

### Inside this issue ...

Major Settlements .....	6, 7, 15
Director's Corner .....	2
New Cases .....	15
Wiley A. Branton Outstanding Achievement Awards ....	8-13
John Burke Memorial Fund .....	5
Arrivals .....	17
Corporate and Foundation Contributors .....	20



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

This issue of the Committee's *UPDATE* reports on this year's highly successful Wiley Branton Luncheon which provided an opportunity to recognize two individuals, Marc Fleischaker and Roger Wilkins, who have both exemplified a special commitment to civil rights throughout their

distinguished careers. This year's luncheon also allowed us to acknowledge the unique contributions of the Leadership Conference on Civil Rights to the passage of virtually every piece of modern civil rights legislation. We are delighted that so many friends and supporters were able to participate in this year's event.

We are especially pleased to welcome D.C. Prisoners' Legal Services Project as a major part of the Committee's structure. With its unique record of accomplishments in addressing the legal needs of D.C. prisoners, this program is a vital part of our city's legal services network. We look forward to being able to assure the continuation and expansion of its important mission for many years to come.

As a fine example of the Committee's response to an emerging need, we are very pleased to note the excellent progress being made in establishing the Committee's new Day

Labor Support Program as part of our Immigrant and Refugee Rights Project. In the face of acute issues confronting our local community of immigrant workers, it is especially reassuring to see such a strong response from the many firms that have stepped forward to offer pro bono support for this effort.

As a final matter, it is also a pleasure to acknowledge with sincere appreciation the support received in response to the Committee's recently concluded 2005/2006 Law Firm and Individual Funding Drives. Nearly 100 area firms and over 730 individuals provided generous gifts to the Committee during the campaign. This support forms the core element of the Committee's overall 2006 budget of \$3 million, and the Committee could not maintain its programs without it. A special word of thanks is due to the many Committee Board Members and Trustees who played active roles in our outreach efforts.

## Committee Governance and Development

The Committee today operates with a staff of 28, including seven project directors, four senior lawyers, and three staff attorneys.

The Committee is governed by a 50-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 from nearly 100 participating law firms.

The Committee's operating budget for 2006 is approximately \$3 million. Funding for this budget is provided by 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 2005/2006 Funding Drive concluded September 30, 2006. It provided approximately \$1.1 million in law firm, individual and event funding. Nearly 100 firms and over 730 individuals contributed to this total. Foundation funding is expected to provide approximately \$250,000 by the end of the foundation fundraising year, which concludes December 31, 2005.

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, the Committee will also be expanding a special campaign to secure endowment funding for its general support and specific projects.

Individuals and firms interested in providing support for the Committee and 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).

# History of the Washington Lawyers' Committee

From its inception in 1968, the Washington Lawyers' Committee has seen its basic mission as mobilizing the resources of the private bar to address issues of discrimination and poverty in our community. The primary motivating force behind the creation of the Committee and its counterparts in other cities was the publication of the Report of the National Advisory Commission on Civil Disorders, which identified discrimination and poverty as the root causes of the riots that erupted in cities around the nation during the late 1960's and in Washington, D.C. in April 1968 following the assassination of Dr. Martin Luther King, Jr.

Over the past 38 years, the Washington Lawyers' Committee has expanded from a small staff addressing a limited number of matters into a larger organization operating multiple projects that address a broad range of civil rights and poverty issues.

## **Equal Employment Opportunity Project**

The Committee's first program—its Equal Employment Opportunity Project—was established in 1971, at a time when the Washington area was beginning the construction of its Metro system and Congress was about to enact major new legislation providing federal, state and local workers with their first meaningful protections against employment discrimination. Working with a coalition of community organizations, the Committee initiated an extensive litigation campaign challenging denials of training and job referrals by unions and contractors throughout the region. In addition, major lawsuits were filed seeking enforcement of affirmative action

plans covering federal and local government construction projects. Committee cases, co-counseled by over a dozen area law firms, won precedent-setting victories against many of the region's largest unions and contractors, opening significant employment opportunities for thousands of African-American workers.

During the same period, the Committee began a special outreach campaign directed at minority and 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. The Committee has built on this early record to bring class actions affecting over 25 federal agencies, and dozens of private sector defendants, securing millions of dollars of back pay and damages, and injunctive relief for thousands of workers.

The Committee takes special pride in its role in winning landmark appellate rulings upholding the use of paired testers to investigate denials of equal employment. The Committee's success in these cases brought on behalf of the Fair Employment Council of Greater Washington paved the way for the use of tester-generated evidence in a number of other jurisdictions. In 1999, the Fair Employment Council merged with the Fair Housing Council of Greater Washington to become the Equal Rights Center.

## **Fair Housing Project**

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. For the past 20 years, the Committee 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. In many of its cases, the Committee worked with the Fair Housing Council in that organization's groundbreaking efforts to utilize paired testers to investigate allegations of discrimination. In 1999, the Fair Housing Council and the Fair Employment Council merged to become the Equal Rights Center.

## **Public Education Projects**

In 1978, the Committee established a program to assist parents seeking to improve the quality of public education in the District of Columbia, with over a dozen law firms offering general counsel assistance to parent groups at local schools in the Anacostia section of the city. Two years later, these parents and the Committee created Parents United for the D.C. Public Schools, the city-wide advocacy group that has led the fight for educational reform in the city.

In support of Parents United, the Committee and volunteers from area law firms have prepared dozens of policy papers on major educational issues and successfully litigated landmark cases affirming the rights of public school students and their parents. Victories included a case mandating enforcement of the

*continued on page 4*

# WASHINGTON LAWYERS' COMMITTEE

*Committee History*  
(continued from previous page)

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. Today, the Committee represents Parents United in a campaign to amend the District of Columbia Charter to include a right to a high-quality public education. The Project has also administered a successful partnership program since 1997 that links area firms with D.C. schools, providing tutoring, mentoring, and other enrichment services to over 11,000 D.C. public school children.

## **Immigrant & Refugee Rights Project**

In 1978, the Committee initiated a project that was the first to address the significant legal service needs of immigrants and refugees in the D.C. area. Over the years, the Committee's Immigrant and Refugee Rights Project has received support from over 1,000 volunteers on matters of political asylum, challenges to restrictive immigration laws, as well as the preparation of comprehensive policy papers on legal issues affecting the Latino community. The Project has been devoting 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, and has assisted groups and individuals targeted for abuse following the September 11, 2001 terrorist attacks.

## **Public Accommodations Project**

Since 1988, beginning with a major case against Holiday Spas

Health Clubs, the Committee has played a major part in over a half-dozen national cases challenging a widespread pattern and practice of denying service to persons of color at major hotel and restaurant chains, including Denny's, Waffle House, and Adams Mark Hotels. Several years ago, the Committee achieved a major settlement in such a case against a large Avis-Rent-a-Car franchise in South Carolina. For several years, this project has represented the NAACP in a series of lawsuits challenging denials of civil rights affecting African Americans attending a large holiday rally in Myrtle Beach, South Carolina.

## **Disability Rights Project**

In 1991, the Committee began a special program to assist individuals seeking to enforce their rights under the Americans with Disabilities Act of 1990. 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 theaters, hospitals, and government services, as well as banks, restaurants, and 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 police. In 2005, the Disability Rights Council merged with the Equal Rights Center.

## **Prisoners' Project**

In 2006, the D.C. Prisoners' Rights Project, the foremost private prisoners' rights legal advocacy group in the District of Columbia, joined the Committee to become the Committee's Prisoners' Project. The Project advocates on behalf of the more than 3000 prisoners held in

D.C. jail facilities as well as nearly 8,500 individuals incarcerated under D.C. law at Federal Bureau of Prisons (BOP) facilities nationwide. The Project work, which complements the Committee's prior work in prisoners' rights and prison reform issues, utilizes advocacy, litigation, education, outreach and policy reform to carry out its mission, and seeks to address systemic failures in our prison and parole systems.

## **Special Projects**

The Committee has over the years handled significant matters on an ad hoc basis and 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 38 years are directly 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 also reflects the skill and dedication of the talented men and women who have served with distinction on its staff.

## John Burke Memorial Fund Reaches Goal

The Committee is pleased to announce that the John Burke Memorial Fund has reached its \$100,000 funding goal. The Fund was established to honor the Committee's late General Counsel, John L. Burke, Jr., who died in June 2004 after a gallant battle with brain cancer. To date, the fund has received over \$103,000 from 110 contributors. The Committee is most appreciative of all gifts in support of the fund, particularly from members of the John L. Burke Fund Advisory Committee, chaired by Mark Fleischaker of **Arent Fox PLLC**.

The income generated by the Burke Fund is used to cover the costs associated with the Committee's annual John Burke Pro Bono Breakfast and other outreach activities designed to enlist new attorneys in the Committee's ongoing work.

Additional contributions to the John Burke Memorial Fund may be made through the Committee's web site at <http://www.washlaw.org/secure.htm>.

## Public Accommodations

### Myrtle Beach Litigation Continues

The Committee has continued its enforcement efforts on behalf of the NAACP to combat race discrimination against the several hundred thousand African American tourists who attend a motorcycle event, known as Black Bike Week, held annually in the Myrtle Beach area over Memorial Day weekend.

On March 17, the Committee resolved through Consent Decree a race discrimination lawsuit against the national restaurant chain Damon's Grill. The lawsuit, filed by the Committee with co-counsel **Hogan & Hartson** and **Derfner, Altman & Wilborn**, alleged that Damon's discriminated against African Americans by closing its two Myrtle Beach area restaurants during Black Bike Week, while remaining open during another similarly large motorcycle event held the weekend before known as Harley Week, whose attendees are predominantly white. Black Bike Week is the only weekend each year when a majority of tourists

in the City of Myrtle Beach are African American and the only weekend of the year when Damon's has closed its restaurants.

After the lawsuit was filed, Damon's opened its restaurants for the 2005 Black Bike Week and has remained open ever since. Under the Consent Decree, Damon's is committed to serving all customers without regard to race at all times of the year including Black Bike Week, and to training all managerial staff and employees on the requirements and methods of complying with federal and South Carolina laws prohibiting race discrimination in places of public accommodation. Damon's will also pay \$125,000 in damages, costs, and attorneys' fees.

The Damon's settlement followed the Committee's settlements with two other large Myrtle Beach area restaurants, Greg Norman's Australian Grille and J. Edward's Steak and Ribs, which had closed during Black Bike Week, as well as the Committee's groundbreaking lawsuit against the City of Myrtle Beach challenging its traffic plans and

methods of policing during that event.

During the 2006 Black Bike Week, the Committee and the NAACP closely monitored the event to ensure compliance with its settlement agreements and gauge the overall effects of its enforcement efforts. All of the defendant restaurants were open and appeared to enjoy a profitable weekend serving Black Bike Week customers. The revised traffic plans of the City of Myrtle Beach worked smoothly and there was noticeable improvement in law enforcement tactics. Virtually all of the Myrtle Beach area businesses and restaurants were open during normal hours that weekend, a dramatic change from the conditions that prevailed at the time our lawsuits were commenced in 2003.

Several restaurants, including Wendy's and Friendly's, against which the Committee has filed complaints with the South Carolina Human Affairs Commission, remain subject to possible lawsuits based on their practices during previous Black Bike weekends.

# Disability Rights

## Settlement to Remove Barriers to District Parking Meters, Sidewalks

On July 26, the Committee and co-counsel **Morrison & Foerster LLP** announced the settlement of a groundbreaking lawsuit against the District of Columbia that will not only make its 17,000 parking meters more accessible to individuals with disabilities, but also greatly enhance access to District sidewalks.

Prior to this litigation, brought on behalf of the Equal Rights Center, United Spinal and individual plaintiffs, on-the-street parking in the District

*continued on page 13*

## Laurel Hospital Consent Decree Provides Effective Communication

In July, the Committee, co-counsel **Sutherland Asbill & Brennan LLP** and the U.S. Department of Justice announced a landmark Consent Decree on behalf of seven deaf individuals, who alleged that despite repeated requests for sign language interpreter services at Laurel Regional Hospital, they were provided no communication, or had to struggle with cryptic notes, lip-reading, or inadequate video interpreting services (VIS).

*continued on page 19*

## Attorneys' Fees and Costs Awarded in D.C. Jail Settlement

On September 5, the U.S. District Court for the District of Columbia issued a landmark order on fees and costs in conjunction with the settlement of a case brought on behalf of Joseph Heard, a deaf man who was illegally held in the D.C. Jail for nearly two years after a court ordered his release. Mr. Heard's case was referred to **Goodwin & Procter LLP** by the Committee's staff.

The Court awarded plaintiff's counsel its full costs, over 90% of its

*continued on page 19*



*Lewis S. Wiener, Esq.*  
*Sutherland Asbill & Brennan LLP*

Lewis Wiener, a partner in the litigation department at **Sutherland, Asbill & Brennan** and lead counsel in the Committee's case on behalf of seven deaf plaintiffs against Laurel Regional Hospital, talked about his experience working with the Committee on the case.

**Q:** Who were your clients and what issues did they face?

**A:** We represented seven deaf individuals who sought emergency medical treatment at Laurel Regional

## An Interview with Lewis Wiener, Lead Counsel in Gillespie v. Laurel Regional Hospital

Hospital's emergency room. Despite their specific requests for on-site sign language interpreters, the Hospital staff refused to provide such services opting to rely instead on cryptic written notes and blurry, ineffective video-conferencing equipment that denied the deaf patients effective communication, as required by the ADA. Two of our clients left the Hospital without a clear understanding that they had life-threatening conditions.

**Q:** What do you believe the case accomplished?

**A:** After over a year and a half of hard-fought litigation, we were successful in getting a consent decree entered that sets the gold standard for defining how hospitals must provide effective communication for deaf patients.

**Q:** How would you describe your working relationship with the Committee's staff?

**A:** The WLC staff — and specifically Elaine Gardner — are amazing. I have rarely encountered a more committed group of individuals who have dedicated themselves so selflessly to help others. Elaine's knowledge of the law and her practical experience in dealing with people with disabilities made a huge difference in the case.

**Q:** What did working on this case mean to you and your firm?

**A:** This case had special meaning for me. I had never worked with the disabled before this case, and both the law and the facts of the case took me well outside my comfort range. For Sutherland Asbill & Brennan, this case represents and reflects our unwavering commitment to the Washington Lawyers' Committee and to pro bono work generally. Our commitment to both was reflected, in part, by our donating 100% of the fees that we recovered in the case to the Washington Lawyers Committee.

## Fair Housing

### Housing Choice Voucher Discrimination Cases Continue

Since April 2005, the Committee and co-counsel have filed several lawsuits under the D.C. Human Rights Act 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 *ERC v. E&G*, the court rejected legal challenges to the application of the D.C. Human Rights Act to discrimination against voucher holders, and granted summary judgment to the Equal Rights Center, finding that E&G’s admitted refusal to accept vouchers violates the District’s D.C. Human Rights Act. A trial on damages is scheduled for Spring 2007. **Steptoe & Johnson LLP** serves as co-counsel with the Committee in this lawsuit.

In *ERC v. Horning*, the parties reached a settlement on August 28, with Horning agreeing to broad injunctive relief and to paying nearly \$120,000 in damages and litigation costs. **Relman and Associates** served as co-counsel with the Committee in this matter.

In *ERC v. Pfizer*, in which **Sutherland, Asbill & Brennan LLP** serves as co-counsel with the Committee, both discovery and settlement negotiations are continuing.

### Cases Citing Design and Construction Violations Proceed

On April 27, 2006, the Committee with co-counsel **Gilbert, Heintz & Randolph LLP**, filed a nationwide design and construction lawsuit on behalf of the Equal Rights Center against national developer Equity Residential in federal district court in Maryland. This case is the largest of its type to date, addressing Fair Housing Act (FHA) and Americans with Disability Act (ADA) accessibility violations in the design and construction of 300 apartment complexes across the country.

Litigation also continues in two other FHA design and construction actions against national developers in federal district court in Maryland. In each, the ERC charges the apartment developers with continuous and systematic violations of the civil rights of people with disabilities in the design and construction of more than 125 apartment complexes in a variety of states and the District of Columbia. These cases include *ERC v. Bozzuto and Associates*, in which **Fried, Frank, Harris, Shriver & Jacobson LLP** serves as co-counsel with the Committee, and *ERC v. AvalonBay Communities*, in which **Gilbert, Heintz & Randolph LLP** is Committee co-counsel. Both of these actions have been stayed while the parties explore settlement.

With the settlement of a major design and construction lawsuit against Archstone Smith Trust in June

2005, the Committee, working with the Equal Rights Center, established a national model on how to address systemic housing issues that affect persons with disabilities and low-income people adversely.

“The Archstone Smith litigation and settlement have had a tremendous effect on the multifamily housing community nationally,” said Sara L. Pratt, Fair Housing consultant and former Director of the Office of Fair Housing Enforcement for HUD. “It is making builders, developers and architects all over the country sit up, some for the first time, and take notice of the FHA’s new construction requirements.”

### National Origin Discrimination Case Against Area Landlords Settled

On August 18, the Committee announced the settlement of a significant fair housing case alleging discrimination based on national origin against two area landlords. The settlement prohibits future discrimination by the landlords, requires nondiscrimination training related to their future housing activities, and requires the landlords to pay the victims of past discrimination \$150,000.

The lawsuit, filed by the Committee with co-counsel **Holland & Knight LLP** on behalf of nine Latino tenant households and the Equal Rights Center, claimed that

*continued on page 19*

# WASHINGTON LAWYERS' COMMITTEE 2006 OUTSTANDING ACHIEVEMENT AWARDS



(L/R): Avis E. Buchanan, Director, The Public Defender Service of the District of Columbia; Marc L. Fleischaker, Wiley A. Branton Awardee.



EEO (L/R): Anthony Herman, Attorney, Covington & Burling LLP; Susan E. Huhta, EEO Project Director, Washington Lawyers' Committee; Carolyn P. Weiss, Staff Attorney, Washington Lawyers' Committee.



EEO (L/R): Susan E. Huhta, EEO Project Director, Washington Lawyers' Committee; Betty Grdina, Attorney, Heller Huron, Chertkof, Lerner, Simon & Salzman, PLLC.

## Equal Employment Opportunity *Covington & Burling*

A team of attorneys from Covington & Burling joined the Committee in litigating three significant EEO cases over the past year. In a race and retaliation case against USAID, a final settlement and monetary payment were made following a trial court victory and appeal. In a disability discrimination case against a local university, Covington negotiated a swift settlement before discovery began. In a class action matter challenging the failure of the U.S. Postal Service to provide appropriate sign language interpreters to thousands of deaf employees nationwide at critical meetings, including meetings following the anthrax crisis in 2001, an intensive discovery schedule has just been completed.

## Heller Huron Chertkof Lerner Simon & Salzman PLLC

Attorneys from the law firm of Heller, Huron, Chertkof, Lerner, Simon & Salzman, with the Committee, brought and successfully settled a case on behalf of Jesus Romero, a Salvadoran immigrant who worked as a dishwasher at a large hotel chain for fifteen years before the hotel instituted an illegal English fluency requirement. As a result of the new policy, Mr. Romero was fired. Setting a precedent for area employers, the settlement included \$50,000 in back pay and damages for Mr. Romero, attorneys' fees, and a consent decree that prohibits the defendant from imposing English fluency rules, requires the training of management on national origin discrimination and the impact of English fluency rules, and requires the distribution of non-discrimination policies in Spanish and English to hourly employees.

## Fair Housing

### Gilbert Heintz & Randolph LLP Relman & Associates

The firms of Gilbert Heintz & Randolph and Relman & Associates served as lead co-counsel representing the National Fair Housing Alliance and several regional fair housing groups, including the Equal Rights Center in two cases raising allegations of racial discrimination in the provision of homeowners insurance by a major national company. At the conclusion of several years of intense litigation, the cases were settled to the satisfaction of all parties. These cases are part of a series of groundbreaking challenges to discrimination in connection with homeowners insurance brought by NFHA in recent years. Taken together, these cases have had a profound impact on correcting a longstanding national problem.



FALL 2006 UPDATE  
2006 OUTSTANDING ACHIEVEMENT AWARDS

*McDermott Will & Emery*

A team of lawyers from McDermott, Will & Emery, led by Melvin White and William Hagedorn successfully settled the largest Section 8 “Source of Income” discrimination matter to date. The lawsuit alleged that Sawyer Realty Holdings and its affiliates engaged in discriminatory conduct in violation of the D.C. Human Rights Act by refusing to rent otherwise affordable housing in the District of Columbia to holders of Section 8 vouchers. The McDermott, Will & Emery team obtained an Agreed Settlement Order from the defendants prohibiting future discrimination against voucher holders, requiring notice of vacancies in affordable housing to fair housing organizations, the implementation of a company-wide anti-discrimination policy by the defendants, and a \$130,000 payment to the plaintiff, the Equal Rights Center.

**Public Accommodations**

*Hogan & Hartson L.L.P.*

A team of Hogan & Hartson lawyers joined the Committee in representing the NAACP and its Conway branch in a series of lawsuits challenging the failure of three leading restaurants in Myrtle Beach to serve African-American customers during Black Bike Week. As a result of the firm’s vigorous advocacy, far-reaching settlements have been reached in each of these cases, guaranteeing non-discriminatory treatment for African-American customers and payment of substantial monetary damages.

*Step toe & Johnson LLP*

As the result of a nearly three-year legal struggle waged on behalf of the NAACP, a team of Steptoe & Johnson lawyers secured a landmark settlement on February 4, 2006, requiring the City of Myrtle Beach, South Carolina, to end a longstanding policy of racial discrimination affecting thousands of African-American visitors attending an annual Black Bike Week event. The result was achieved after one of the most vigorously contested lawsuits in the Committee’s history, during which Steptoe & Johnson won a preliminary injunction holding that race was a motivating factor in the City’s decision to adopt a restrictive traffic policy for Black Bike Week.



*Fair Housing (L/R): Robert M. Bruskin, Senior Counsel, Washington Lawyers’ Committee; John P. Relman, Attorney, Relman & Associates; John E. Heintz, Attorney, Gilbert Heintz & Randolph LLP; Isabelle M. Thabault, Fair Housing Project Director, Washington Lawyers’ Committee.*



*Fair Housing (L/R): Robert M. Bruskin, Senior Counsel, Washington Lawyers’ Committee; William D. Hagedorn, Attorney, McDermott Will & Emery LLP; Isabelle M. Thabault, Fair Housing Project Director, Washington Lawyers’ Committee.*



*Public Accommodations (L/R): Dick Ritter, Senior Counsel, Washington Lawyers’ Committee; Elena Grigera, Attorney, Hogan & Hartson L.L.P.; Lori J. Searcy, Attorney, Hogan & Hartson L.L.P.; Paul Hancock, Attorney, Hogan & Hartson L.L.P.; Susan E. Huhta, EEO Project Director, Washington Lawyers’ Committee.*

# WASHINGTON LAWYERS' COMMITTEE 2006 OUTSTANDING ACHIEVEMENT AWARDS

## Disability Rights

### *Hogan & Hartson L.L.P.*

Hogan & Hartson attorneys produced two settlements requiring a local shopping mall to provide accessible evacuation routes for shoppers with disabilities, and major discount retailer Marshall's to provide accessible evacuation routes for shoppers with disabilities in each of its 697 stores nationwide. The settlements were preceded by a ground-breaking decision in the case declaring that the Americans with Disabilities Act (ADA) requires that places of public accommodation, including landlord malls and tenant stores, consider the needs of people with disabilities in developing emergency evacuation plans.

Hogan & Hartson attorneys also assisted in the negotiation of an historic settlement requiring more than 5,000 stores nationwide owned and operated by leading electronics retailer RadioShack to provide access to interactive electronic displays for individuals with disabilities. This is the first case to address this issue in disability rights and will also serve as a model for other electronics retailers.

### *Howrey LLP*

Attorneys at Howrey LLP served as co-counsel with the Disability Rights Project in a case resulting in a milestone settlement with the Washington Hospital Center, the District's largest hospital serving the general public.

The case alleged that patients with disabilities had been unable to access standard medical treatment due to the inaccessibility of Washington Hospital Center's medical facilities.

Under the settlement, the Hospital Center will greatly increase the number and quality of accessible patient and examination rooms, purchase accessible examination tables and equipment, and promulgate procedures and policies, including procedures for patients with spinal cord injuries.

This settlement, one of the first in the country to address access to hospital facilities and equipment, is underscored by the fact that the U.S. Department of Justice intervened at the settlement and will monitor compliance with the settlement terms.



*Public Accommodations (L/R): Michael J. Navarre, Attorney, Steptoe & Johnson LLP; Frank H. Griffin IV, Attorney, Steptoe & Johnson LLP; Paul R. Hurst, Attorney, Steptoe & Johnson; Susan E. Huhta, EEO Project Director, Washington Lawyers' Committee.*



*Disability Rights (L/R): Robert B. Wolinsky, Attorney, Hogan & Hartson L.L.P.; Jennifer Wigman Feinberg, Attorney, Hogan & Hartson L.L.P.; Adam K. Levin, Attorney, Hogan & Hartson L.L.P.; Lori J. Searcy, Attorney, Hogan & Hartson L.L.P.; E. Elaine Gardner, Disability Rights Project Director, Washington Lawyers' Committee.*



*Disability (L/R): Rachel L. Strong, Attorney, Howrey LLP; E. Elaine Gardner, Disability Rights Project Director, Washington Lawyers' Committee; Elizabeth B. McCallum, Attorney, Howrey LLP.*

## 2006 OUTSTANDING ACHIEVEMENT AWARDS

### Immigrant and Refugee Rights

#### *Heller Ehrman LLP*

Last fall, attorneys from Heller Ehrman responded to an urgent appeal for a legal analysis of immigration and Virginia law for Reston Interfaith, a northern Virginia nonprofit social services organization supporting the operation of a center for day laborers in Herndon, Virginia. In the face of widespread community opposition, the town ultimately approved the center, which opened at the end of 2005 despite legal challenges to the expenditure of tax money for the center. Heller Ehrman continues to serve as legal counsel to Reston Interfaith regarding an ongoing lawsuit and compliance issues at the center.

#### *Cleary Gottlieb Steen & Hamilton LLP*

Since 2003, attorneys from the Washington, D.C. office of Cleary Gottlieb Steen & Hamilton have gained asylum for 12 refugees and derivative asylum for three more refugees from Ethiopia, Guinea, Haiti, Liberia, Cameroon, Colombia, Somalia and Nepal. Cleary Gottlieb attorneys currently represent eight other refugees before immigration judges, the Board of Immigration Appeals, the Fourth Circuit, and other jurisdictions. In 2004, the firm's lawyers won primary and derivative asylum for a Guinean family who had opposed female genital mutilation (FGM) on the daughters in the family and had been threatened because of their involvement in anti-FGM educational efforts. The firm now is helping a family to establish a nonprofit organization to provide information and assistance to African women in the U.S. confronting FGM and other issues. In 2005, Cleary Gottlieb attorneys successfully litigated the case of a young woman from Liberia, establishing that she suffered severe past persecution during the Charles Taylor regime. Overall, since 2003, Cleary Gottlieb's Washington office has devoted more than 10,000 hours to pro bono immigration matters.

#### *Goodwin Procter LLP*

Attorneys from Goodwin Procter devoted hundreds of hours in representing asylum seekers from Cameroon, Sudan and the Democratic Republic of Congo (DRC). After attending the Project's political asylum training, a Goodwin Procter attorney successfully represented a Sudanese medical student. The Arlington Asylum Office granted asylum to the young woman, who was targeted by the government because of her participation in a prohibited political party. Subsequently, the attorney mentored a colleague who gained asylum from the Arlington Asylum Office for a young man from Cameroon. Recently, a Goodwin Procter attorney assisted a student from DRC, threatened because of her Rwandan ethnicity, in obtaining asylum.



*Immigrant & Refugee Rights (L/R): Laura E. Varela, Immigrant & Refugee Rights Project Director, Washington Lawyers' Committee; Michael G. Abelow, Attorney, Heller Ehrman LLP; Thomas C. Orvald, Attorney, Heller Ehrman LLP; Ruth Spivack, Paralegal, Washington Lawyers' Committee.*



*Immigrant & Refugee Rights (L/R): Laura E. Varela, Immigrant & Refugee Rights Project Director, Washington Lawyers' Committee; Janet P. Morris, Attorney, Cleary Gottlieb Steen & Hamilton LLP; Lee F. Berger, Attorney, Cleary Gottlieb Steen & Hamilton LLP; Ruth Spivack, Paralegal, Washington Lawyers' Committee; Matthew D. Slater, Attorney, Cleary Gottlieb Steen & Hamilton LLP.*



*Immigrant & Refugee Rights (L/R): Laura E. Varela, Immigrant & Refugee Rights Project Director, Washington Lawyers' Committee; Ruth Spivack, Paralegal, Washington Lawyers' Committee; Sallie F. Pullman, Attorney, Goodwin Procter LLP; Christopher J. Fregiato, Attorney, Goodwin Procter LLP.*

# WASHINGTON LAWYERS' COMMITTEE 2006 OUTSTANDING ACHIEVEMENT AWARDS



*Immigrant & Refugee Rights (L/R): Laura E. Varela, Immigrant & Refugee Rights Project Director, Washington Lawyers' Committee; Ruth Spivack, Paralegal, Washington Lawyers' Committee; John Kirtland, Attorney, Winston & Strawn LLP; John A. Waits, Attorney, Winston & Strawn LLP; Ryan S. Spiegel, Attorney, Winston & Strawn LLP.*



*Public Education (L/R): A. Duane Webber, Attorney, Baker & McKenzie LLP; Iris J. Toyer, D.C. Public School Partnerships Project Director, Washington Lawyers' Committee; Cheryl Kragnes, Attorney, Baker & McKenzie LLP; David J. Laing, Attorney, Baker & McKenzie LLP.*



*Public Education (L/R): Iris J. Toyer, Public School Partnerships Project Director, Washington Lawyers' Committee; Patrick F. Linehan, Attorney, Sidley Austin LLP; Mary M. Levy, Public Education Reform Project Director, Washington Lawyers' Committee.*

## *Winston & Strawn LLP*

Winston & Strawn attorneys have represented several asylum seekers over the past two years and secured asylum for persons from Cameroon, Ethiopia and Rwanda. In 2005, the Board of Immigration Appeals granted asylum to one client, a student from Rwanda who was arrested because of his alleged anti-government views as well as his uncle's involvement in an opposition party. Two other attorneys from the firm gained asylum for a former government employee from Ethiopia who was arrested because of so-called anti-government activities. A team of attorneys obtained asylum from the Arlington Asylum Office for a Cameroonian activist who had been arrested and tortured on account of his advocacy for the rights of the English-speaking minority.

## Public Education

### *Baker & McKenzie LLP*

When asked what Baker & McKenzie meant to his school, Principal Dennis Homesley says, "Everything. Whatever we need, they are there to help us." Whether it is providing school uniforms, personal hygiene kits for all of the 6th grade girls, visits to the firm for a Halloween party, funds to cover field trips, school supplies, or sponsorship of Grandparent Appreciation Day, the firm has made a tremendous impact at Payne Elementary School. The firm's generous contributions from its Bake Sale "auction" are a welcomed resource at Payne. When a kindergarten student was lost in a fire that destroyed the family's home, the firm stepped in and supported the family, touching not only the lives of that one family, but an entire school community and sealing an already strong friendship.

### *Sidley Austin LLP*

Sidley Austin has played the leading role in drafting and advocating for an education rights amendment to the District of Columbia's Home Rule Charter, the D.C. equivalent of a state constitution. The proposed provision would guarantee the District's children the right to high-quality public schools. Lawyers at Sidley have devoted hundreds of hours in advocacy for the measure. Their efforts have included preparation of extensive legal memoranda, appearances at public meetings, and delivering testimony before the D.C. Council.

FALL 2006 UPDATE  
2006 OUTSTANDING ACHIEVEMENT AWARDS



Vincent E. Reed Award (L/R): Iris J. Toyer, D.C. Public School Partnerships Project Director; Washington Lawyers' Committee; Ngoc Niblack, Legal Assistant, Arent Fox PLLC; Alan G. Fishel, Attorney, Arent Fox PLLC; Sarah Clarke, Administrative Assistant, Arent Fox PLLC; Marcia Fuller Durkin, Attorney, Arent Fox PLLC; Michelle Reid, Legal Assistant, Arent Fox PLLC.



Vincent E. Reed Award (L/R): Iris J. Toyer, D.C. Public School Partnerships Project Director; Washington Lawyers' Committee; Michael E. Nannes, Attorney, Dickstein Shapiro LLP; Margaret Feinstein, Attorney, Dickstein Shapiro LLP; Kent T. Withycombe, Attorney, Dickstein Shapiro LLP; Sidney Dickstein, Founding Partner, Dickstein Shapiro LLP.

D.C. Prisoners' Legal Services Project  
*(continued from front page)*

Project Director Phil Fornaci had served as Executive Director of the D.C. Prisoners Legal Services Project since 2003, after nearly five years as Executive Director of the Maryland Disability Law Center, the federally designated protection and advocacy agency for people with disabilities. He is a graduate of the George Washington University School of Law.

The D.C. Prisoners' Project advocates on behalf of the more than 3000 prisoners held in D.C. jail facilities as well as nearly 8,500 individuals incarcerated under D.C. law at the Federal Bureau of Prisons (BOP) facilities nationwide. The Project utilizes advocacy, litigation, education, outreach and policy reform to carry out its mission. At the Committee, the Prisoners' Project will continue this work and seek to address systemic failures in our prison and parole systems.

With the assistance of several cooperating law firms, including **Covington & Burling; O'Melveny & Myers; McDermott, Will & Emery; Morgan, Lewis & Bockius;** and **Proskauer, Rose**, the Prisoners' Project has already placed a number of significant matters relating to complaints by individual prisoners about mistreatment in the prison system and reviews of improprieties in the D.C. parole system. Case matters include failure to provide required prescription drugs to an inmate released from D.C. jail who fell into a coma, failure to provide medical treatment for a BOP prisoner who subsequently required two surgeries to correct a painful intestinal condition, and shackling another BOP prisoner for 26 days after which the prisoner suffered permanent neural injury. The Prisoners' Project is also collaborating closely with the D.C. Public Defender Service to identify systemic problems in both local jail and BOP facilities.

Parking meters (continued from page 6)

was virtually impossible for drivers with disabilities. Meters and the sidewalks on which they were located were often inaccessible. The District ticketed cars with valid disability placards from other states, despite the inaccessibility of D.C. meters, and despite the fact that every other state-level jurisdiction in the country grants reciprocity to out-of-state placards. The District's own disability placard application process was onerous and outrageously intrusive.

The settlement is the first in the nation to address inaccessible on-the-street parking, and requires designated accessible meters on each metered block. Equally important, many sidewalk barriers will be removed and each block with meters will have curb ramps, at least one at each corner conforming to new standards.

In response to this lawsuit, the District disability parking placard application process has been improved and the City Council has enacted legislation extending disability parking privileges to those with out-of-state placards.

# Immigrant and Refugee Rights

## Day Laborer Support Initiative Expands

This past summer, the Committee's Immigrant and Refugee Rights (IRR) Project launched a Day Labor Support Initiative to address the urgent legal needs of immigrant workers in the D.C. area. This program has two primary components: (1) advocating for a D.C. day laborer workers' center; and (2) representing exploited, abused or unpaid day laborers.

Immigrant day laborers have gathered for many years at informal hiring sites in the District of Columbia and have been the subject of complaints in the community. With local immigrants' rights groups and the National Day Laborer Organizing Network, the Project is working on strategies supporting development of a D.C. workers' center to address this need. **Steptoe & Johnson** is currently working with the IRR Project by investigating the treatment of day laborers who are hired in Washington, D.C. as well as ascertaining the laborers' legal rights to wait for work on public property and potential remedies to address related problems that may arise.

The Project is also assisting area groups seeking to develop workers' centers in Virginia and Maryland. The Project's support for the Herndon Workers' Center in Virginia is an example of this work. Attorneys from **HellerEhrman** are assisting the Project in this case.

The Project conducts "know-your-rights" workshops and legal intake for immigrant day laborers weekly and handles in-person intake

interviews referred from Virginia Justice Center, Tenants and Workers United, and CASA of Maryland. The Project then contacts local lawyers and law firms interested in representing these workers. To date, the Project has held over 40 intake interviews of immigrant workers who were not paid for their work, and has begun investigations involving unpaid wages that implicate 18 different employers and sub-contractors.

Through its representation of immigrant workers, the Project collects data and related information to target area employers and industries involved in large-scale abuse or exploitation of immigrant workers. The Project also seeks to protect workers through litigation or legislative means that will make contractors and developers liable for unpaid wages and create incentives for full payment of wages.

Model pleadings and basic guidance on representing immigrant workers and day laborers with unpaid wage and hour claims are available. For more information, please contact the Project Director Laura Varela at 202-319-1000, ext. 125, or [laura\\_varela@washlaw.org](mailto:laura_varela@washlaw.org).

## Committee Volunteers Win Victories For Asylum Seekers

The Committee's Immigrant and Refugee Rights Project and co-counsel won the following asylum cases recently in Immigration Court and in the Arlington, Virginia, Asylum Office.

In Immigration Court, **Wilmer Cutler Pickering Hale and Dorr LLP** gained relief from removal for a musician from Cameroon who was arrested and physically abused because of his musical participation at rallies for an opposition Anglophone political party.

In the Asylum Office, **Steptoe & Johnson LLP** won asylum for a student from Cameroon who was arrested twice because of his participation in one of the major opposition parties and for his involvement in student demonstrations.

With the assistance of an attorney from **Winston & Strawn LLP**, the Asylum Office granted asylum to a woman graduate student from Cameroon who was targeted by the government due to her involvement in student protests and her refusal to support the political activities of the ruling party.

## Asylum Law Training Offered

The Project's 2006 annual political asylum law training, highlighting successful cases, will be held on Tuesday, November 14, 2006, at the D.C. Bar Conference Center. Training is open to volunteers who agree to accept two *pro bono* matters. The \$25 cost covers the comprehensive manual used at the training. Pre-registration is required. For more information, please contact the Project at (202) 319-1000, ext. 120. To register, see:

[www.dcbar.org/for\\_lawyers/pro\\_bono/training/index.cfm](http://www.dcbar.org/for_lawyers/pro_bono/training/index.cfm)

## Equal Employment Opportunity

### Former Department of Commerce Employee Obtains Settlement

The Committee, working with co-counsel Steptoe and Johnson, negotiated a settlement on behalf of David Kaplan, a disabled former employee from the Department of Commerce agency National Oceanic & Atmospheric Administration (NOAA), who was denied reasonable accommodation and terminated in violation of the Rehabilitation Act.

Under the settlement, reached in August 2006 and entered by the Court on August 26, Mr. Kaplan will receive a \$100,000 monetary payment and attorneys' fees.

Mr. Kaplan is a dwarf who was hired by NOAA in February 2000 as an administrative and technical assistant. His lawsuit, filed in 2005 in U.S. District Court for the District of Columbia, alleged that his supervisor and a co-worker subjected him to discriminatory comments about his dwarfism during his first ten months of employment.

He further claimed that the Department failed to accommodate his disability fully and then discharged him on the basis of his disability. After the discovery phase of the case began, NOAA approached plaintiff and sought to mediate a resolution of the case.

### Discovery Underway in Baltimore City Police Department Lawsuit

Plaintiffs have prevailed in several motions to compel and are in the discovery process of obtaining statistical data in the class-action discrimination lawsuit filed by the Committee with co-counsel **Weil, Gotshal & Manges, LLP** and **Robert L. Smith, Jr., LLC** against the Baltimore City Police Department.

The complaint, filed in the Federal District Court for the District of Maryland in December 2004 on behalf of Sgt. Louis Hopson and several other named plaintiffs, as well as over 1,200 other current and former African-American officers, alleges that black officers in the Baltimore City Police Department have for years endured a racially discriminatory disciplinary system.

The lawsuit also alleges that officers who spoke up about discrimination or filed claims alleging discrimination were routinely retaliated against by the Department. Class discovery is underway.

### Discrimination Suit Filed Against W.A. Chester, PEPCO Subsidiary

On July 7, the Committee and co-counsel **Willkie, Farr & Gallagher LLP** filed an employment discrimination lawsuit on behalf two

African-American employees, Leroy Plater and Mark McCoy, against their employer W.A. Chester, LLC, a wholly-owned subsidiary of PEPCO. W.A. Chester is in the business of installing underground and above ground electric cables.

Mr. Plater is an experienced journeyman electrician who has struggled with little success to be admitted into the ranks of cable splicers – the highest paid category of skilled work performed at Chester.

The suit alleges that Mr. Plater was the subject of racial epithets, was excluded from training given to whites, was subjected to offensive and demeaning remarks, and was given the dirtiest and least desirable jobs in his efforts to advance within the company, and that he suffered retaliation when he complained.

Mr. McCoy was hired as a cable splicer, having worked in that capacity for many years at Con Edison in New York.

Despite his experience and demonstrated splicing ability, Mr. McCoy was largely relegated to unskilled labor tasks, was not given splicer pay, was disciplined for trivial and inconsequential matters for which whites went unscathed, and was finally fired for allegedly not being a “team player,” based upon alleged information that was not disclosed to him.

The discovery phase of the case is underway.

## Public Education

### D.C. Education Charter Advocacy Continues

This summer, the D.C. Council adopted on a first reading by a vote of 12 to 1 an amendment to the D.C. Home Rule Charter that would obligate the District of Columbia to provide a high-quality system of public schools for all children in the District of Columbia. However, on their second reading later in the summer, the D.C. Council voted to table the amendment by a vote of 7 to 6, thereby effectively rejecting it. Some Council members feared litigation in enforcing the right. The Committee plans to have the legislation re-introduced in the next Council session.

*continued on page 18*

### Schools And Firms Meet At Fall Partnership Luncheon

On September 27, the Committee's D.C. Public School Partnerships Project (formerly Public Education Legal Services Project) brought together over 50 public school and firm coordinators of the Project's educational partnerships for its annual Fall Partnership Luncheon. The annual fall meeting, hosted by **Akin, Gump Strauss Hauer & Feld**, offers the opportunity for D.C. public school principals, assistant principals and other school representatives to meet with the law firm and other company coordinators of the 45 educational partnerships in the Committee's Public Education Project's network.

*continued on page 19*

### D.C. School Modernization Act Impacts Partnerships

In keeping with the School Modernization Act of 2006 passed by the Council, the Superintendent is required to provide a plan to reduce excess space prior to the release of any funds. The Board of Education set a goal of 1 million square feet for the first round.

Three of the Committee's partnership schools were impacted, R.H. Terrell Junior High School, Montgomery Elementary School and Van Ness Elementary School. Van Ness Elementary School was closed. Montgomery now shares space with a public charter school. The 9th grade

*continued on page 19*

## Special Projects

### Committee, Firms Host Legal Reasoning Program

The Washington Lawyer's Committee again offered this past summer an "Introduction to Legal Reasoning" program for students entering Washington area law schools who are members of groups traditionally disadvantaged or under-represented in the practice of law. The city-wide program was organized by Hogan & Hartson, 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 some basic legal language and the fundamentals of the American judicial system. 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 20 years, more than 1,000 students have participated in this program and more than 500 cooperating attorneys have served as instructors.

The firms of **Hogan & Hartson** and **Miller & Chevalier** provided instructors for this year's program.



## Arrivals

### New Board Members

The Washington Lawyers' Committee recently welcomed two new members to the Board of Directors: Peter Isakoff and Edward Bilich.

#### Peter Isakoff

Peter Isakoff heads the Washington D.C. litigation practice at **Weil Gotshal & Manges LLP**, specializing in class-action defense and general civil and commercial litigation in trial and appellate courts. He graduated from Columbia Law School, and clerked for Judge Wilfred Feinberg at the United States Court of Appeals for the Second Circuit and for Associate Justice John Paul Stevens at the United States Supreme Court. He has also worked for the Criminal Division of the United States Department of Justice in Washington as a trial lawyer, specializing in white-collar criminal prosecutions.

#### Edward K.M. Bilich

Ted Bilich, a litigation partner at **Jones Day**, handles class actions and other multiparty, multi-jurisdictional civil cases in the areas of consumer fraud, consumer finance, mass tort, antitrust, securities, and employment law, as well as corporate internal investigations and white-collar criminal cases. He serves as president and board member of the Latino Student Fund. He is a graduate of Wake Forest University and Harvard

Law School, and clerked for Judge Timothy K. Lewis at the U.S. Court of Appeals for the Third Circuit.

### New Staff Members

#### Laura Varela

Laura E. Varela has joined the Washington Lawyers' Committee for Civil Rights and Urban Affairs as Director of the Immigrant and Refugee Rights Project. Laura received her J.D. Degree from the University of Michigan Law School, and B.S. Degree from the University of Maryland, College Park. Laura formerly worked as a Staff Attorney with CASA of Maryland in Baltimore. Previously, she was a student attorney with the Michigan Clinical Law Program in Ann Arbor, an extern with Colorado Legal Services in Denver, and intern-investigator with the Public Defender Service in Washington, D.C.

#### Phil Fornaci

Philip Fornaci recently joined the Committee as Director of the Prisoners' Project. He had served as Executive Director of the D.C. Prisoners Legal Services Project since August 2003, after nearly five years as Executive Director of the Maryland Disability Law Center, the federally designated protection and advocacy agency for people with disabilities. He is a graduate of the George Washington University School of Law. After law school, he joined the

staff of Whitman-Walker Clinic Legal Services Program, and became its Director in 1994.

#### Deborah Golden

Deborah Golden has joined the Committee as a Staff Attorney with the Prisoners' Project. She had worked with the D.C. Prisoners' Legal Services Project since 2000. After graduating from the University of Michigan Law School in 1988, she received a Skadden Fellowship to serve the civil legal needs of domestic violence survivors in Appalachian Kentucky.

#### Ivy Lange

Ivy Lange has joined the Committee as a Staff Attorney with the Prisoners' Project. Previously, she worked as an Equal Justice Works Fellow and subsequently as a staff attorney with the D.C. Prisoners' Legal Services Project. She is a graduate of American University's Washington College of Law.

#### Lucy Panza

Lucy Panza recently joined the Committee as a Paralegal who will split her time between the Equal Employment Opportunity and Immigrant and Refugee Rights Projects. She received her B.A. Degree from New York University, and is fluent in Spanish. She previously worked as an intern with the ACLU National Legal Department in New York and the ACLU of the National Capital Area.

## WASHINGTON LAWYERS' COMMITTEE

*Branton Awards Luncheon (continued from front page)*

Avis E. Buchanan, Director of the Public Defender Service for the District of Columbia and former Director of Litigation at the Committee, presented the award to Marc Fleischaker. Roger W. Wilkins received the award from John A. Payton, Jr., a former Committee Co-Chair and partner at the law firm of **Wilmer Cutler Pickering Hale and Dorr LLP**.

Washington Lawyers' Committee Co-Chair and **Beveridge & Diamond P.C.** partner Benjamin F. Wilson presented the Alfred McKenzie Award to The Leadership Conference on Civil Rights. The McKenzie Award is given to a Committee client for dedication and courage that has produced particularly significant civil rights victories. The Leadership Conference received the award for its successful advocacy on behalf of virtually every piece of modern civil rights legislation. Wade Henderson, Executive Director of The Leadership Conference, accepted the award on behalf of the organization.

**Arent Fox PLLC** and **Dickstein Shapiro Morin & Oshinsky LLP** were honored with the Vincent E. Reed Award for their commitment to public education in the District of Columbia. The award is given in the name of distinguished educator and former D.C. Schools Superintendent Vincent E. Reed, who encouraged the Committee to establish its public education support programs.

The Committee also recognized 14 law firms with Outstanding Achievement Awards for their dedication to Committee pro bono assignments over the past year. For more information about the law firm awardees and their achievements, see pages 8–13.

This year's Luncheon Co-Chairs were David J. Cynamon of **Pillsbury Winthrop Shaw Pittman LLP**, John A. Payton, Jr. of **Wilmer Cutler Pickering Hale and Dorr LLP** and Roger E. Warin of **Steptoe & Johnson LLP**.

Marc L. Fleischaker has nearly 30 years of involvement with the Washington Lawyers' Committee, serving as a founding Board Member, long-time Trustee, and two-time Co-Chair of the Committee, and helping guide development of the Committee's disability rights, public education reform and immigrant rights projects. His leadership at Arent Fox has contributed greatly to the firm's strong pro bono program in support of Committee projects. He has served as co-counsel on such notable Committee cases as class-action race discrimination lawsuits involving the U.S. General Accounting Office and Library of Congress, a pattern and practice case challenging redlining practices in the homeowners' insurance industry, and as current lead counsel on behalf of thousands of women farmers challenging denials of equal access to U.S. Department of Agriculture loans and other services.

In accepting the award, Marc Fleischaker said, "Wiley Branton exemplified public spirit and public service, and it is an honor to receive an award in his name. I thank the Committee for the opportunity to work on important cases with wonderful people and courageous and thoughtful clients for the past 25 years."

Roger W. Wilkins' notable career as an advocate for equal justice spans nearly 50 years: from his early work with the NAACP Legal Defense Fund, Inc.; as Assistant Attorney General under President Lyndon

Johnson; as Member of the Editorial Board of *The Washington Post*, where he shared a Pulitzer Prize for work on the Watergate scandal; as columnist and editorial writer for the *New York Times*; to his current position as Robinson Professor of History at George Mason University.

Addressing the luncheon audience, Mr. Wilkins, who knew Wiley Branton personally and worked with him, said "I am truly honored to receive an award in the name of Wiley Branton. I want to say thank you to the Washington Lawyers' Committee for all you do."

The Committee's annual Branton Awards Luncheon is named in honor of Wiley A. Branton, Sr., a civil rights lawyer of the 1950's who served with distinction in government, as Dean of Howard Law School, and as leader in several civil rights organizations. He served as a Co-Chair of the Washington Lawyers' Committee in 1987 and 1988. Since 1989, the Committee has bestowed the Branton Award 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 equal justice in our society.

*Charter Amendment (continued from page 16)*

The proposed legislation would have adopted a Home Rule Charter amendment, subject to a voter referendum in November, obligating the District to provide a high-quality system of public schools to all District children.

While virtually every state in the Union has a constitutional clause providing children with the right to a public education with some degree of adequacy, the District of Columbia's children have no such right.

## FALL 2006 UPDATE

Counsel with the Committee on this matter are **Sidley Austin LLP**; **Fulbright & Jaworski L.L.P.**, **Michael H. Dardzinski, Esq.**, the Education Project at the Washington School of Law of American University and the Leadership Conference on Civil Rights.

### Partnership Luncheon (continued from page 16)

Guest speakers included Milena Kalinovska, Museum Program Manager of the Smithsonian's Hirshhorn Museum and Sculpture Garden, which seeks to bring new educational programs to D.C. public schools students; Parents United Executive Director Margot Berkey, who discussed the status of the D.C. Education Charter Amendment and Facilities Modernization Plan; Richard W. McGhee, General Manager of District Schools Television, who presented a video of the first Geoplunge Geography Tournament; and **Arent Fox** attorney Alan Fishel, inventor of the popular award-winning geography game, who announced a rematch of the Geoplunge Tournament, scheduled for Thursday, November 30 at the Charles Sumner School.

If you are interested in establishing an educational partnership with a D.C. public school, please contact Project Director Iris Toyer at 202-319-1000, ext. 117, or at [Iris\\_Toyer@washlaw.org](mailto:Iris_Toyer@washlaw.org).

### Modernization Act (continued from page 16)

students at Terrell Junior High School were moved to the senior high level and the 7th and 8th grade students merged with Walker Jones Elementary School making it a Pre-K-8 Education Center.

Committee staff has worked with the school system's central administrative staff to develop the closure/merger plans. The goal of the plan was to assure that the concerns of teachers, students and parents were addressed during the implementation process. Based on early reports the moves went well. The Committee worked closely to assist affected law firm and school partnerships, including Van Ness' partner firm, **Bracewell & Giuliani**, which established a new partnership with Brightwood Elementary School.

### Laurel Hospital (continued from page 6)

VIS, now frequently used in many settings, provides an off-site interpreter through Internet video-conference technology. While useful, it is critical that these services be monitored in hospital settings to ensure they meet performance standards and are not used with patients whose medical conditions compromise their ability to see the monitor or be seen by the camera.

The U.S. Department of Justice intervened in the case due to the serious nature of the allegations and the novelty of the VIS issues. This Decree is the first ADA case resolution to include criteria for VIS and will serve as a model for other hospitals.

The Decree requires Laurel Hospital to ensure effective communication for deaf patients and deaf companions of patients through: assessment of the communication service needed; provision of appropriate aids and services including live interpreters and improved video interpreting services; notice to the deaf community; and training for hospital personnel.

### D.C. Jail Settlement (continued from page 6)

requested fees, and approved a one-third contingency fee for a settlement with a private health care contractor. The fee award reimburses the firm for its work that culminated in a pair of 2005 settlements, under which the District agreed to pay Heard \$1.1 million and the private contractor agreed to pay an undisclosed additional amount. The awards will be held in a trust, providing lifetime support for Mr. Heard.

### National Origin Discrimination Case (continued from page 7)

shortly after purchasing a multi-family apartment building located at 710 Jefferson Street in June 2004, landlords Steven Loney and Caroline Charles launched a campaign of harassing tactics aimed at forcing the Hispanic tenants to leave the building.

The complaint alleged that the landlords filed eviction actions and sent a written notice falsely threatening the tenants that immigration officials were coming to the building; verbally harassing the Hispanic tenants, by making statements that "all El Salvadorans are stupid," and that they should "go home to their own countries."

After the D.C. Office of Human Rights found probable cause that the landlords had discriminated against the tenants and Equal Rights Center on the basis of national origin, the case was filed in D.C. Superior Court. The action was removed to federal court by the landlords and concluded there.

## Board of Directors

James N. Bierman, Co-Chair  
Melvin White, Co-Chair  
Mary L. Azcuenaga  
Douglas W. Baruch  
Edward K.M. Bilich  
Roderic V.O. Boggs  
Quinton V. Bowman  
Thomas W. Brunner  
G. Brian Busey  
Patrick S. Campbell  
Brian H. Corcoran  
David J. Cynamon  
John M. Faust  
Margaret Feinstein  
Ronald S. Flagg  
Marc L. Fleischaker

Mary E. Gately  
Jonathan D. Hacker  
John E. Heintz  
Peter B. Hutt II  
Peter D. Isakoff  
Robin E. Jacobsohn  
Ann M. Kappler  
John C. Keeney  
Benjamin B. Klubes  
Wilma A. Lewis  
Ignacia S. Moreno  
Stephen P. Murphy  
John A. Payton  
Elissa J. Preheim  
John Townsend Rich  
Jeffrey D. Robinson

George D. Ruttinger  
Stanley J. Samorajczyk  
Matthew D. Slater  
Paul M. Smith  
Richard W. Snowdon III  
Mark A. Srere  
Gary S. Thompson  
Denise A. Vanison  
F. Joseph Warin  
Roger E. Warin  
Lewis S. Wiener  
David F. Williams  
Thomas S. Williamson  
Benjamin F. Wilson  
Alan M. Wiseman

### Washington Lawyers' Committee for Civil Rights and Urban Affairs UPDATE

**James N. Bierman**

**Melvin White**  
*Co-Chairs*

**Roderic V.O. Boggs**  
*Executive Director*

**Susan E. Huhta**, *Project Director*  
*Equal Employment Opportunity Project*

**Isabelle M. Thabault**, *Project Director*  
*Fair Housing Project*

**E. Elaine Gardner**, *Project Director*  
*Disability Rights Project*

**Laura E. Varela**, *Project Director*  
*Immigrant and Refugee Rights Project*

**Philip Fornaci**, *Project Director*  
*D.C. Prisoners' Project*

**Mary M. Levy**, *Project Director*  
*Public Education Reform Project*

**Iris J. Toyer**, *Project Director*  
*D.C. Public School Partnerships Project*

**Da'aga Hill Bowman**, *Director*  
*Foundation Outreach and Public Information*  
**Paula Jones**, *Administrative Assistant*

11 Dupont Circle, NW, Suite 400, Washington, DC 20036  
(202) 319-1000 (VOICE) • (202) 319-1010 (FAX)  
(202) 319-1075 (TDD) • WWW.WASHLAW.ORG

### CORPORATE & FOUNDATION CONTRIBUTORS

The Washington Lawyers' Committee acknowledges the following corporations and foundations for their contributions and commitments this year:

**Bank of America Foundation**

**Black Entertainment Television, Inc.**

**The Morris and Gwendolyn Cafritz Foundation**

**D.C. Bar Foundation**

**D.C. Chartered Health Plan, Inc.**

**Dimick Foundation**

**Fannie Mae Fund of the Community Foundation of  
the National Capital Region**

**Freddie Mac Foundation**

**Aaron & Cecile Goldman Family Foundation**

**Government Scientific Source, Inc.**

**The Hanley Foundation**

**Health Right, Inc.**

**Corina Higginson Trust**

**Kiplinger Foundation**

**Anthony Lucas-Spindletop Foundation**

**George Preston Marshall Foundation**

**Mead Family Foundation**

**The Meyer Foundation**

**George Wasserman Family Foundation**