



Washington Lawyers' Committee  
for Civil Rights and Urban Affairs

*40<sup>th</sup>* ANNIVERSARY  
BRANTON  
*awards luncheon*

WEDNESDAY JUNE 4, 2008



1968-2008

*“To be effective the Nation’s new civil rights laws need lawyers to enforce them.”*

– **Judge Louis F. Oberdorfer, 1968**

Founder, Washington Lawyers’ Committee  
for Civil Rights and Urban Affairs

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

– **Melvin White, 2008**

McDermott Will & Emery LLP

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# Message from the Co-Chairs & Executive Director

As the Washington Lawyers' Committee marks its 40th year of civil rights advocacy, it is an appropriate time to reflect on our accomplishments and look to the challenges that lie ahead. What stands out is the extraordinary commitment made by the law firms and lawyers who have joined in the Committee's work. It is both the major reason for our accomplishments over the past four decades and the foundation for our future.

This remarkable pro bono commitment has made it possible for the Committee to mobilize the extraordinary resources needed for our civil rights advocacy. As a result, the Committee's litigation record in hundreds of employment, housing, and public accommodations cases is unmatched by any comparable organization in the country. Strong law firm support over the years has also enabled the Committee to develop a series of innovative programs to assist new constituencies in need of civil rights advocacy and to address issues of injustice and disadvantage not readily susceptible to litigation. Our work on behalf of immigrants, refugees, people with disabilities and prisoners provides good examples of these new approaches, as does our expanding work in support of public education reform.

As we look to future challenges, two key points are clear. First, we will need to build on the tradition of pro bono service now established at dozens of firms in our city by seeking new volunteer support from firms and lawyers who have not yet joined our ranks. Second, as we expand our base of volunteer support, we recognize that an experienced and dedicated staff will be critical to the Committee's future success.

Our continuing ability to attract and retain an outstanding staff will depend on strong financial support from our city's law firms, individual donors, and foundations. A critical component of the Committee's plan for assuring its future financial stability is the creation of a 40th Anniversary Founders' Fund. This fund is to be named in honor of Judge Louis F. Oberdorfer and the small group of lawyers he enlisted in 1968 to found the Washington Lawyers' Committee. This group included John Douglas, John Nolan, William Rogers, Edward Bennett Williams, Robert Wald, and Herbert Miller.

As we mark our 40th year, we express our deep appreciation and thanks to these individuals and to the hundreds of volunteers and financial donors who have contributed so much to our success. Building on the record they have helped so much to produce, we look forward to mobilizing even greater support in the years ahead to meet the challenges that lie before us.



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



**Denise A. Vanison**  
Co-Chair



**Thomas W. Brunner**  
Co-Chair

# Luncheon Program

Welcoming Remarks	<b>Thomas W. Brunner</b> Co-Chair, Washington Lawyers' Committee
Presentation of 2008 Outstanding Achievement Awards	<b>Roderic V.O. Boggs</b> Executive Director, Washington Lawyers' Committee
Announcement of 40th Anniversary Founders' Fund	<b>Marc L. Fleischaker</b> <b>Roger E. Warin</b> <b>Thomas S. Williamson, Jr.</b>
40th Anniversary Video Presentation	"Legacy of Justice"
Presentation of Alfred McKenzie Award to the Equal Rights Center	<b>Benjamin F. Wilson</b>
Accepting for the Equal Rights Center	<b>Rabbi Bruce E. Kahn</b>
Presentation of Wiley A. Branton Award to Leslie M. Turner	<b>Wilma A. Lewis</b>
Presentation of Wiley A. Branton Award to David J. Cynamon	<b>Roderic V.O. Boggs</b>
Closing Remarks	<b>Denise A. Vanison</b> Co-Chair, Washington Lawyers' Committee

# 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 40 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 female federal employees. Working with employee task forces at scores of agencies, the Committee provided representation in dozens of major cases winning many of the first judgments upholding the claims of federal workers under the newly enacted provisions of the 1972 Civil Rights Act. The Committee has built on this early record to bring class actions affecting over 25 federal agencies, and dozens of private sector defendants, securing millions of dollars of back pay and damages, and injunctive relief for thousands of workers.

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

## **FAIR HOUSING PROJECT**

In the mid-1970's, the Committee established its Fair Housing 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. Over the past 25 years, the Committee has represented the Council and more than 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 ground-breaking efforts to utilize paired testers to investigate allegations of discrimination. In 1999, the Fair Housing Council and 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 include a case mandating enforcement of the D.C. Fire Code, which assured millions of dollars for basic school building repairs and renovation, and a decision requiring basic nursing services at schools in the city and medical staffing at interscholastic athletic events. 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 12,000 D.C. public school children.

## **IMMIGRANT & REFUGEE RIGHTS PROJECT**

In 1978, the Committee initiated a project to address the legal service needs of immigrants and refugees that was the first such program 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 also devoted increasing resources to assisting newcomers facing denials of basic civil rights due to their national origin. As part of this effort, the Committee has filed a number of cases challenging denials in employment and housing, and has assisted groups and individuals targeted for abuse following the September 11, 2001 terrorist attacks. In recent months, special attention has been devoted to the concerns of day laborers in the District of Columbia and surrounding jurisdictions.

## **PUBLIC ACCOMMODATIONS**

Since 1988, beginning with a case against Holiday Spas Health Clubs, the Committee has played a leading role in over a half-dozen national cases challenging widespread denials of service to persons of color at major hotel and restaurant chains, including Denny's, Cracker Barrel, and Adams Mark Hotels. Several years ago, the Committee achieved a major settlement in such a case against a large Avis Rent-a-Car franchise in South Carolina. Most recently, this project has represented the NAACP in a series of lawsuits challenging denials of civil rights affecting African Americans attending a large holiday rally in Myrtle Beach, South Carolina.

## **DISABILITY RIGHTS PROJECT**

In 1991, the Committee began a special program to assist individuals seeking to enforce their rights under the Americans with Disabilities Act. Working closely with a new community organization — the Disability Rights Council of Greater Washington — the Committee has won a series of important victories opening and improving access to hospitals, movie theater chains, banks, restaurants, and grocery stores, as well as many other retail establishments. In addition, the Committee has assured access to the polls for people with disabilities, 911 phone access for the deaf community and interpreter services for deaf individuals dealing with the local courts and police. In 2005, the Disability Rights Council merged with the Equal Rights Center.

## PRISONERS RIGHTS PROJECT

In 2006, the D.C. Prisoners Legal Services Project, the foremost private prisoners' rights legal advocacy group in the District of Columbia, joined the Committee to become the Committee's Prisoners Rights Project. The Project advocates on behalf of the more than 3,000 prisoners held in D.C. jail facilities as well as nearly 8,500 individuals incarcerated under D.C. law at Federal Bureau of Prisons facilities nationwide. The Project's work, which complements the Committee's prior work on prisoners' rights and prison reform issues, utilizes advocacy, litigation, education, outreach and policy reform to carry out its mission, and seeks to address systemic failures in our prison and parole systems.

## SPECIAL PROJECTS

The Committee has over the years handled significant matters on an ad hoc basis and administered special projects for limited periods of time. Perhaps the most noteworthy single case — *Runyan v. McCrary* — was a successful U.S. Supreme Court challenge under Section 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 less than honorable military discharges, and providing supplemental instruction to hundreds of minority students about to enter area law schools.

The Committee's achievements are largely attributable to the thousands of lawyers from over 100 area law firms who have given generously of their pro bono time and financial contributions. The Committee's record also reflects the skill and dedication of the talented men and women who have served with distinction on its staff and as co-chairs, directors, and trustees.

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

— Robert Wald

Baach, Robinson & Lewis PLLC  
Founding Partner, Wald, Harkrader & Ross

# The Wiley A. Branton Award



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

Wiley Branton's work as a civil rights lawyer practicing in Arkansas in the 1950's was lonely, dangerous and heroic. He went on to a distinguished career in government service. He also served as Dean of the Howard Law School and later, while in private practice, as a leader in several highly respected civil rights organizations. He served as Co-Chair of the Washington Lawyers' Committee in 1987 and 1988.

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

The Wiley Branton Award is annually bestowed upon members of the legal community whose lifetime efforts on behalf of civil rights advocacy exemplify the deep commitment of Wiley A. Branton, Sr.

## 2008 Branton Award Citations

### David J. Cynamon



During a distinguished legal career of more than 35 years, first at Covington & Burling and more recently at Pillsbury Winthrop Shaw Pittman, David Cynamon has accomplished the difficult feat of combining a highly successful commercial litigation practice with exceptional service as a gifted civil rights advocate and strong proponent of law firm pro bono programs. The Washington Lawyers' Committee has been the fortunate beneficiary of much of his excellent work.

A graduate of Brown University and Harvard Law School, Dave was first introduced to the Washington Lawyers' Committee as a young associate when he worked on a number of the Committee's earliest Title VII employment discrimination class actions, including one of the first such cases brought against a federal government agency. His exceptional work on these cases was followed over the succeeding years by major responsibilities in some of the Committee's most prominent cases, including a lead counsel role in a landmark challenge to a pattern and practice of racial discrimination at Circuit City Stores and a leading role in a set of nationwide public accommodations cases brought against Cracker Barrel Restaurants. In all of these assignments, Dave demonstrated the exemplary litigation skills and judgment we associate with the career of Wiley Branton.

Dave's exceptional commitment to the cause of civil rights is also reflected in his long and distinguished service as a Committee board member and former Co-Chair, and most recently as its Treasurer. In each of these roles he has demonstrated a special capacity to employ a self-deprecating sense of humor with a truly inspired focus on advancing the mission of the organization. His leadership has been a major reason for the Committee's success. In addition to his stellar work with the Committee, in recent years David has represented a group of Kuwaiti citizens being held in the Guantanamo prison and has been an active supporter of the Council for Court Excellence. The Washington Lawyers' Committee is most grateful for Dave's exceptional service and proud to present him with the Wiley Branton Award.

## Leslie M. Turner



Throughout a diverse legal career, including active private practice at the firm of Akin Gump Strauss Hauer & Feld, three years of government service at the Department of the Interior, and most recently as General Counsel at Coca-Cola North America, Leslie Turner has demonstrated a deep and constant commitment to the ideals of equal opportunity and professionalism we identify so strongly with Wiley Branton.

Leslie is a graduate of New York University and the Georgetown University Law Center. She also holds a Masters of Law degree from the American University, Washington College of Law. Before entering private practice, she served as a law clerk to the Honorable

William C. Pryor, former chief judge of the District of Columbia Court of Appeals.

Early in her career at Akin Gump, Leslie assumed a principal role in one of the Committee's most significant EEO cases, a major class action challenging the racially discriminatory promotional practices of the Department of State affecting hundreds of African-American foreign service officers. Her skillful work on this case helped to lay the foundation for the landmark settlement achieved after a decade of hard-fought litigation.

Following a distinguished period of government service at the Department of the Interior between 1993 and 1996, Leslie returned to Akin Gump where she took on major responsibilities as a Co-Chair of the firm's pro bono committee and as an active board member of the Washington Lawyers' Committee. In both of these roles she was a strong advocate on behalf of her firm's highly acclaimed partnership with Tyler Elementary School and its decision to join the Committee in two major lawsuits. One of these successfully challenged the failure of a leading local landlord to accept housing choice vouchers and the other, still pending, addresses the claims of more than 20 African-American homeowners in Charles County, Maryland, whose homes were destroyed by a racially-inspired arson attack.

In January of 2006, Leslie joined the Coca-Cola Company, becoming General Counsel for Coca-Cola North America in 2007. In her work in the private sector, Leslie has maintained her strong commitment to civil rights, continuing to serve as a Washington Lawyers' Committee Trustee and a Board member of the Close Up Foundation. Her long and active dedication to these causes throughout her career is in the highest tradition of pro bono service. Leslie is a most deserving recipient of the Wiley Branton Award.

# *The Alfred McKenzie Award*



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

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

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

## *2008 Alfred McKenzie Award Citation*

### *Equal Rights Center*

For 25 years, the Equal Rights Center (ERC) has set a national standard for innovative and effective civil rights advocacy. Founded by community leaders and interdenominational clergy, the ERC began in 1983 as the Fair Housing Council of Greater Washington. In 1999, when the Fair Housing Council merged with the Fair Employment Council of Greater Washington, the organization's name became the Equal Rights Center. In 2005, the Disability Rights Council also merged into the ERC. Today, the ERC operates a unique set of programs encompassing: civil rights education and outreach; testing; counseling; enforcement; and advocacy for all legally protected groups in the fields of fair housing, fair employment, equal access to public accommodations and government services, disability and immigrant rights.

Throughout its history, the Washington Lawyers' Committee has been privileged to serve as counsel to the ERC in dozens of precedent-setting cases, touching on virtually every aspect of the nation's civil rights laws. Over the years, the Committee has also worked with the ERC in the preparation of numerous respected studies which have documented widespread violations of basic civil and human rights laws and served as catalysts for the enactment of important new civil rights protections.

The ERC's long-time President, the Reverend Doctor James Macdonell, and its current Executive Director, Rabbi Bruce Kahn, in particular, have provided invaluable guidance for the organization throughout its history. Together with their devoted fellow Board Members and committed staff, they have helped to forge a strong and vibrant partnership with the Committee, in the process, assuring the civil rights of countless individuals throughout the country. The Washington Lawyers' Committee is proud to honor the ERC for all of its tireless work. It is indeed a most deserving recipient of the Alfred McKenzie Award.

# 2008 Outstanding Achievement Awards to Cooperating Law Firms

## **EQUAL EMPLOYMENT OPPORTUNITY**

### *Wilmer Hale LLP*

Wilmer Hale successfully prosecuted a Committee case involving multiple issues of first impression regarding discrimination on the basis of disability and transgendered status, as well as the interpretation of the Montgomery County Human Rights Act. The plaintiff, who suffers from multiple sclerosis, first contacted a Rockville-based temporary staffing agency via telephone about available positions. Having no idea that she was transgendered or that she used a wheelchair, the company invited her to come in for an in-person interview. When she arrived, however, she found the offices completely wheelchair inaccessible, and she ultimately was precluded from completing the application and interview process, and denied employment. Wilmer Hale and the Committee filed a complaint in Montgomery County Circuit Court alleging discrimination and denial of reasonable accommodation. After substantial discovery and extensive motions practice, Wilmer Hale successfully negotiated a full resolution of the matter.

In addition, Wilmer Hale recently instituted the Pickering Fellowship program in honor of John H. Pickering and his long and distinguished commitment to public service. Two Wilmer Hale associates have been selected to serve the Committee as visiting attorneys for six months each. The first Pickering Fellow has completed her fellowship, making invaluable contributions to the EEO Project, as well as the Immigration and Refugee Rights Project. The second Fellow has just begun his tour with our office and is already providing very valuable help.

## **FAIR HOUSING**

### *Beveridge & Diamond PC*

The Knights of St. John, a charitable organization comprised of African-American members of the Catholic Church in Charles County, Maryland, finally succeeded in a decade-long quest to secure permits to rebuild their community center, when an outstanding team of lawyers from Beveridge and Diamond took on their cause. Founded over 75 years ago in Charles County, the Knights 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 over 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. As a result of the hard work of Beveridge and Diamond lawyers and the perseverance of the Knights, in March, 2008, the County finally granted approval for the community center to be rebuilt.

### *Fried Frank LLP*

Thousands of housing units will have increased accessibility for persons with disabilities as a result of the outstanding efforts of Fried Frank lawyers in a federal lawsuit against Bozzuto and Associates, a major developer of apartment and condominiums. The complaint, filed on behalf of the Equal Rights Center, alleged that Bozzuto built scores of housing developments throughout the Washington region and elsewhere without including basic features of accessibility required by federal civil rights laws. In many Bozzuto properties, persons who use wheelchairs could not access or use the units because doors were too narrow, steps created obstructions, kitchens and bathrooms had insufficient turning space, and numerous other accessibility violations impeded use. As a result of a very favorable settlement reached

in July, 2007, Bozzuto will retrofit hundreds of apartments and condominiums to make them usable by persons with disabilities, will include enhanced accessibility features in many future developments, will change company practices to insure future compliance, and has paid significant monetary damages to the plaintiff.

## *Morgan Lewis LLP*

A team of lawyers from Morgan, Lewis & Bockius coordinated and led a major amicus filing in the Maryland Court of Appeals, which unanimously issued a favorable ruling that upholds Montgomery County legal protections against source of income discrimination. A number of jurisdictions, including Montgomery County, Maryland, make it illegal for landlords to refuse to rent apartments to prospective tenants with Housing Choice Vouchers (a federal program, formerly called “Section 8,” that provides housing subsidies). The Montgomery County Circuit Court had ruled the statute was unenforceable, accepting as sufficient the landlord’s defense that his refusal to accept vouchers was motivated by the administrative requirements of the program, not animus against the voucher holder, and thus not discrimination. Morgan Lewis provided the Court of Appeals with an outstanding brief addressing a number of complex issues including federal preemption, statutory construction, and availability of defenses in discrimination cases. On November 30, 2007, in *Montgomery County v. Glenmont Hills Associates*, 936 A.2d 325 (Md. Ct. App.), the Maryland Court of Appeals, ruling on questions of first impression in Maryland, unanimously reversed the Circuit Court, holding the Montgomery County ordinance lawful and enforceable.

## *Steptoe & Johnson LLP*

Steptoe & Johnson achieved a significant victory in a ground-breaking case involving one of the primary initiatives of the Washington Lawyers’ Committee’s Housing Project — source of income discrimination against holders of Housing Choice Vouchers. In litigating the case, *ERC v. E&G Property Services, Inc.*, to the eve of trial, the Steptoe team fended off the determined efforts by the landlord to have the D.C. anti-discrimination statute declared federally preempted and therefore unenforceable. The Steptoe team also established that there is no business necessity defense to a claim of source of income discrimination in housing and obtained a summary judgment against the defendant on liability. Faced with a trial to determine the amount of compensatory and punitive damages, the case settled three days prior to trial. In the settlement, the landlord agreed to accept vouchers at its properties, waive onerous income requirements for voucher holders, provide training for its employees and make it clear to the community through signage and advertising that low-income tenants with vouchers are welcome at E&G properties. The settlement opened up hundreds of E&G units to low-income families. Finally, E&G agreed to pay substantial damages to the plaintiff.

## **PUBLIC ACCOMMODATIONS**

### *Miller & Chevalier Chartered*

Miller & Chevalier provided exceptional representation to client Jamah Hawes, an African-American U.S. Capitol Police Special Agent who was discriminated against by a major U.S. airline while working to guard a U.S. Senator on travel. Mr. Hawes alleged that he was ejected from his first-class seat in favor of a white passenger, and then deceived by the flight attendant as to the reasons for his removal from first class. Recognizing the strength of Mr. Hawes’ claim under federal anti-discrimination law, the firm did an exhaustive investigation involving analysis of the airline’s records and interviews with other individuals on the flight. It then sent a demand letter to the airline, and after several months of superb negotiating, reached a confidential settlement to the full satisfaction of both parties.

### *Kirkland & Ellis LLP*

The Committee and Kirkland & Ellis were retained by a social-networking organization of Persian/Iranian-American professionals to investigate allegations of discrimination against the owner and operator of a popular Georgetown nightclub, Blue Gin. For a number of years, Shabeh Jomeh had held social events at the Blue Gin for its members. In early 2007, a newly-

hired event planner advised Shabeh Jomeh that Blue Gin desired to bring a “white crowd” to the Club because the owner believed Georgetown is a “white neighborhood”, and that Shabeh Jomeh’s members would not blend in with the white Georgetown crowd that the Club hoped to attract. Kirkland & Ellis attorneys negotiated an agreement between the parties that included a non-discrimination policy, and a public apology posted both on Blue Gin’s website and at the Club. In addition, under the terms of the settlement, Blue Gin agreed to increase its diversity training program and apply that program to any promoter or independent event planner used by Blue Gin. Finally, a financial payment was made as compensation to Shabeh Jomeh.

## *Relman & Dane PLLC*

Relman & Dane PLLC is recognized today for the outstanding work of the firm representing the NAACP and individual African Americans in challenging disparate practices occurring during Black Bike Week, an annual bike rally in Myrtle Beach, South Carolina. In March 2008, the Committee and Relman & Dane announced the settlement of a 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 under the name Kangaroo Express. The complaint alleged that the Pantry provided terms and conditions at its facilities during the 2007 Black Bike Week that differed substantially from those provided during other times of the year. Due to the skillful negotiations of the firm, the settlement provides \$200,000 in monetary compensation and charitable contributions to five African-American plaintiffs, the NAACP, and the Washington Lawyers’ Committee, and measures to ensure equal treatment of future Black Bike Week visitors. The Pantry will also provide anti-discrimination training to its employees and will establish procedures for receiving and investigating complaints of unequal treatment. In the most innovative feature of the agreement, the Pantry will meet with the Committee and the NAACP to discuss future partnerships to promote equal treatment of Black Bike Week participants by all Myrtle Beach area businesses, thus furthering the goal of achieving full and equal access to all businesses and services during future Black Bike Weeks.

### **IMMIGRANT AND REFUGEE RIGHTS**

## *Dickstein Shapiro LLP*

In a case that highlights the challenges faced by immigrant day laborers, Dickstein Shapiro joined the Committee in litigating an unpaid wages case as part of the IRR Project’s Day Laborer Initiative. Our client was employed by a D.C. subcontractor, Venus Builders Group, and was not paid a cent for the last 108 hours of work performed on his employer’s behalf. He spoke no English, maintained no record of his hours worked, had no list of addresses where he performed work on his employer’s behalf, and he could not even tell us the full name of his employer. During pre-trial discovery, the employer first maintained that he did not know our client and later claimed that our client was an independent contractor, and thus not entitled to the protections of the D.C. wage and hour laws. After a five-hour trial in D.C. Small Claims Court, Judge Sullivan found for our client and awarded him his unpaid wages and liquidated damages. D.C.’s day laborers are often exploited and cheated, and proving their cases is extraordinarily challenging. In this case, Dickstein Shapiro’s volunteer attorney showed exceptional skill and dedication.

## *Pillsbury Winthrop Shaw Pittman LLP*

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 was irrelevant in a Fair Labor Standards Act action. The case which produced this ruling began in 2007, when four Hispanic plaintiffs, represented by Pillsbury attorneys and the Committee, filed a putative collective action against an area painting company alleging violations of the Fair Labor Standards Act and Maryland law. During discovery, defendants filed a motion to compel information relating to the immigration status of both the class representatives as well as the opt-in plaintiffs. Judge Gauvey of the District Court of Maryland, Northern Division, denied the defendants’ motion to compel, holding that the protections provided by the Fair Labor Standards Act are available to citizens and undocumented immigrants, regardless of immigration status. This excellent result will help protect thousands of exploited immigrant workers in the future.

## *Williams & Connolly LLP*

Williams & Connolly has provided outstanding representation in a broad range of asylum cases. In the past year, the firm won asylum for a woman from the Central African Republic by carefully documenting the horrendous conditions in her home country, as well as helping her cope with the aftermath of domestic abuse from her asylee husband. A Williams & Connolly attorney won asylum for a man from the Congo Republic by documenting the 18 months of detention he suffered in his native country and showing that he had not been firmly resettled in a third country. The firm's lawyers are also working on appellate cases involving controversial issues of asylum law: an amicus brief challenging a decision which held that female genital mutilation is a type of harm that generally is inflicted only once and thus not a basis for asylum; a pending appeal on whether a young Salvadoran male's refusal to join a gang makes him a member of a "social group" that has suffered past persecution; and a pro se case referred to the immigration court for alleged failure to meet the one-year filing deadline.

Attorneys at Williams & Connolly also represented two immigrant construction workers employed by local contractors that failed to pay minimum, overtime and promised wages in violation of local and federal law. They secured an award in D.C. District Court of total unpaid wages, liquidated damages, and attorneys' fees.

### **DISABILITY RIGHTS**

## *Bingham McCutchen LLP*

Due to the hard work of attorneys at Bingham McCutchen, Potbelly Sandwich Works has agreed to settle a case alleging that serious architectural barriers in all Potbelly restaurants prevented people with disabilities from enjoying their dining experience in the same manner as other customers. These barriers included impermissibly high service counters, as well as inaccessible dining areas and restrooms. Under the terms of this significant settlement, Potbelly has committed to placing compliant ordering stations in all new restaurants and to retrofitting existing ordering stations nationwide so that a person in a wheelchair or of short stature will be able to see the menu and communicate with staff. Potbelly will ensure that at least five percent of seating in its restaurants is accessible, and will survey all of its restaurants for other accessibility barriers.

## *Crowell & Moring LLP*

A team of dedicated and enthusiastic lawyers from Crowell & Moring achieved a successful and wide-reaching settlement of an access case against one of the largest and most popular fast-food restaurants in the country. This case against Subway restaurants alleged that many of the approximately 60 Subway restaurants in the District contained significant barriers to customers with disabilities, including steps at entrances, and inaccessible doors, bathrooms, paths of travel, tables and self-service items. In this important settlement, Subway has agreed to eliminate the barriers at its restaurants in Washington, D.C. and to revise national policies and procedures, including its process for selecting future restaurant sites nationwide, to comply with the Americans with Disabilities Act. The individual and organizational plaintiffs received damages, and the Committee recovered fees.

## *Wiley Rein LLP*

A large team of gifted attorneys from Wiley Rein was instrumental in the litigation and landmark settlement of a major class-action lawsuit that will have a critical impact on the lives of over 17,000 D.C. area residents with severe disabilities. The class action against MetroAccess, Metro's paratransit service for people with the most serious disabilities, was filed in 2004. It alleged that Metro had violated federal disability law by failing to provide adequately reliable and safe transportation service to customers with disabilities. Wiley Rein generously and unstintingly provided the zealous representation needed for this lengthy, complex and difficult case. Under the terms of the multi-million dollar settlement, MetroAccess will enhance service by

increasing the paratransit budget by \$12 million over three years, and will hire experts to provide oversight of performance. In addition, each MetroAccess rider will receive 10 free rides, and two free rides for each future late or missed trip. Named plaintiffs and those deposed will receive additional payments, and substantial monitoring costs will be paid to the Equal Rights Center.

## **PRISONERS RIGHTS**

### *Covington & Burling LLP*

Associates at Covington & Burling have been instrumental in legislative efforts to overturn the U.S. Parole Commission v. Noble decision (1997) that significantly curtailed the rights of D.C. parolees. Specifically, this decision required that a parolee forfeit time spent successfully on parole without incident, if his parole is subsequently revoked for any reason, including “technical violations.” Reversal of the impact of the Noble decision, which has forced thousands of D.C. parolees to literally “re-serve” the same parole period multiple times, is the top public policy goal of the D.C. Prisoners’ Project. Advocacy has required navigating the D.C. Council and the executive branch, as well as the federal agencies that operate the District’s parole system. Covington attorneys drafted legislation for the D.C. Council, conducted state-by-state research of the same issue in other jurisdictions, and developed a detailed and persuasive legal memorandum challenging the constitutionality of the current legal scheme. In addition, the Covington attorneys have been integral to the advocacy process, attending meetings with the U.S. Parole Commission, the D.C. Council, and the Executive Office of the Mayor to generate support.

### *O’Melveny & Myers LLP*

In 2008, attorneys from O’Melveny & Myers helped to settle an important case extending the responsibility of the D.C. Department of Corrections (DOC) to prisoners released from their custody with serious illnesses. A woman with AIDS who had suffered several hospitalizations during her five months of incarceration, was released from the D.C. Jail on a cold December night without a coat and without the seven-day supply of “bridge” medications mandated by D.C. policy. Unable to secure her medications quickly, she lapsed into a coma a few weeks later, followed by over a year of rehabilitative care in a nursing facility. O’Melveny & Myers filed suit in December 1, 2006 (World AIDS Day), and 16 months later secured a significant monetary settlement that enabled her to retain her access to public benefits. Further, after the initiation of the litigation, the DOC altered its policies and procedures for providing bridge medications for released inmates. Currently, nearly 95 percent of individuals receiving medications while incarcerated are provided with at least a one-week supply upon release, more than three times the success rate prior to the litigation.

## **PUBLIC EDUCATION**

### *Holland & Knight LLP*

Holland & Knight has been “Opening Doors for Children” across the country. The firm has set as a goal to “infuse the law firm’s volunteers into the community” to help children. As an active participant in the Washington Lawyers’ Committee’s D.C. Public School Partnerships Project for more than thirteen years, the firm’s Washington office has acted on that goal by adopting two D.C. public schools — Cleveland Elementary and Benjamin Banneker Senior High School. Through the years, hundreds of Cleveland students have benefited from book drives, field trips, and other opportunities. Currently, the firm works with the pre-kindergarten students bringing them to the firm’s offices for monthly visits. The firm also proudly supported the first and third place winning teams in the 2006 GeoPlunge Tournament. At the other end of the grade-level spectrum, the firm partners with Banneker Senior High School. At Banneker, the firm’s activities cover the landscape. They include: teaching a Latin class; providing support for a prize-winning team of students to compete in a regional robotics competition; providing for free that all-important morning cup of coffee for teachers and staff; and inspiring students to enter poetry competitions and win national recognition as poets. Holland & Knight has helped to inspire hundreds of Banneker students.

## *Sidley Austin LLP*

Sidley Austin performed a great service for the District's young people by preparing the Committee's fourth "Unlevel Playing Fields" report, documenting with data, photographs and graphic descriptions the unacceptable state of athletic programs, facilities, coaching stipends, and funding in the D.C. Public Schools. The Mayor's budget proposal for next year, issued two months after the release of this report, proposed a 67% increase in the funding for DCPS athletics. Sidley lawyers have assisted the Committee and Parents United with reports on a wide variety of DCPS problems over a period of many years.

## *Sutherland Asbill & Brennan LLP*

Sutherland Asbill & Brennan has been associated with Bell Multicultural High School for nearly 10 years. The name of the school reflects the diversity of students coming from more than 30 countries, many arriving with little or no English proficiency and limited education. The firm began its partnership by providing assistance with the Street Law Program and other academic programs that help students understand legal concepts and develop their oratorical skills. Understanding the needs of Bell's students led the firm to establish Sutherland Junior College. Its purpose is to "prepare and encourage students who might not otherwise have the motivation, support or ability to go to college." The weekly after-school sessions held during the students' 11th grade year are designed to help students to understand that college should be their goal. Students receive SAT tutoring, financial aid information, academic counseling, mentors, and visits to college campuses. In the words of an SJC student, "SJC makes college seem like it is a lot more important than what I thought it to be, and SJC is opening up my eyes to possible colleges."

### **GENERAL CIVIL RIGHTS**

## *Katten Muchin Rosenman LLP*

In March 2005, a recent immigrant of Arab descent was accosted by a FUR nightclub bouncer who punched him in the face and broke his nose. The altercation then 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. In January 2006, Katten Muchin Rosenman and the Committee filed a complaint in the U.S. District Court for the District of Columbia against the D.C. Police Department, the off-duty officers, FUR nightclub and its bouncer, alleging discrimination, violations of the plaintiff's Fourth Amendment rights, and battery. The case was complex and raised several issues of first impression under the D.C. Human Rights Act and the law of qualified immunity. Katten Muchin put together a strong and dedicated team whose zealous advocacy carried the claims through extensive discovery, full summary judgment briefing and eventually to a six-day trial in April 2008. The jury returned a verdict in favor of the plaintiff on his battery claims against the bouncer and FUR, 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.) Katten Muchin's efforts not only reflect the finest pro bono tradition, but also serve to deter law enforcement officials from engaging in such abuses in the future.

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