



UPDATE



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The 2012 Wiley A. Branton Award recipients were (L/R): Committee Board Member Thomas W. Brunner, a partner at Wiley Rein LLP; Avis E. Buchanan, Director of the DC Public Defender Service and former Committee Director of Litigation; and Committee Board Member Joseph M. Sellers, a partner at Cohen, Milstein, Sellers & Toll PLLC, and a former Committee Project Director.

Thomas Brunner, Avis Buchanan and Joseph Sellers Honored at 2012 Branton Luncheon

On June 19, Washington Lawyers' Committee board member Thomas W. Brunner, a partner at **Wiley Rein LLP**; Avis E. Buchanan, Director of the DC Public Defender Service and former Committee Director of Litigation; and Committee board member Joseph M. Sellers, a partner at **Cohen, Milstein, Sellers & Toll PLLC**, and a former Committee Project Director, addressed more than 925 Committee supporters at the Committee's 2012 Wiley A. Branton Awards Luncheon at the JW Marriott Hotel in Washington, DC. Attendees at the annual event, which honors attorneys, clients and civil rights leaders for their contributions to the cause of equal rights, included representatives from more than 70 supporting law firms and corporations.

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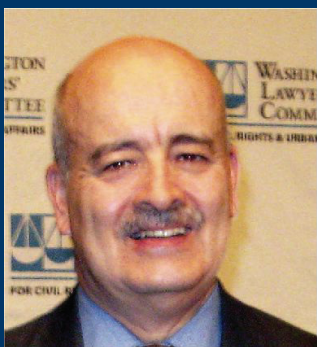
Committee to Hold 2012 Evening of Song & Celebration

The Committee will hold its 2nd Annual Evening of Song & Celebration on Thursday, October 25, beginning at 6:30pm with a highly anticipated encore performance by famed American mezzo-soprano Denyce Graves at the National Portrait Gallery's McEvoy Auditorium. Ms. Graves will be accompanied by a musical group from her high school alma mater, the Duke Ellington School of the Arts. Her previous performance during the Committee's 2011 Evening of Song & Celebration concert last Fall was widely acclaimed.

Following this year's concert, the Committee will hold a Benefit Reception & Raffle at **DLA Piper LLP (US)** from 7:30pm – 9:30pm, featuring music, hors d'oeuvres and beverages, along with outstanding one-of-a-kind raffle packages, including a trip to Paris, New York weekend, Virginia countryside getaway, DC Extravaganza, and other prizes. Proceeds from this event will support the Committee and its DC Public School Partnerships Program. For more information, please contact: Celebration2012@washlaw.org or (202) 319-1000.

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Rod Boggs
Executive Director
Washington Lawyers'
Committee

The lead articles in this issue of the **UPDATE** focus on two events representing the Committee's past and future. The first was the 2012 Wiley Branton Awards Luncheon held on June 19, when we recognized 20 participating law firms and 7 individuals for their past contributions to the Committee. The second event is the Committee's upcoming 2012 Celebration Benefit Reception & Raffle, with a special Concert at the National Portrait Gallery featuring world-famous Mezzo-Soprano Denyce Graves on October 25.

In honoring Joe Sellers and Avis Buchanan with the Branton Award this year, the Committee recognized two long-time staff members and Project Directors who contributed immeasurably to our organization's record of innovative civil rights advocacy. Similarly, in honoring Tom Brunner with the Branton Award, the Committee chose a gifted lawyer who has served with distinction for two decades as an exemplary Board Member and Co-Chair, and who has played a central role in several Committee cases, including serving as lead counsel in one of our most notable disability rights cases.

Also at the Branton Luncheon, the Committee was proud to name Jackie Simon, a tireless advocate for fair housing and disability rights, as the recipient of this year's Alfred McKenzie Award, and to present the Vincent Reed Award to Alan Fishel and

Andrea Lee Negroni in recognition of their splendid work in support to our public education program.

Finally, it was a distinct pleasure to establish the Corporate Service Award named after two individuals, Frank Cotter and Elliott Hall, who beginning in the 1980's, led the way in forging an alliance between the business community and the Committee in working to improve our public schools. The first recipient, Jay Frankl of FTI Consulting, received this award at the Branton Luncheon for his unique contributions to the Committee, including chairing our Corporate Advisory Board and enlisting his company and its employees in a number of Committee endeavors, including excellent work with one of our DC school partnerships.

Our 2012 Celebration, featuring an encore performance by Mezzo-Soprano Denyce Graves with the Duke Ellington School of the Arts Show Choir, followed by a Benefit Reception & Raffle at **DLA Piper LLP (US)**, promises to be a wonderfully entertaining and truly memorable evening of fine music and good cheer. The event also presents an important opportunity to help the Committee address a serious funding gap related to unanticipated delays in the settlement of several major cases and the receipt of a large foundation grant. To achieve success and to help close our funding gap, the upcoming 2012 Celebration Concert, Benefit Reception & Raffle will call for the strongest possible support from our law firm partners and individual donors. I urge all Committee supporters to promote the 2012 Celebration within their firms and among friends and colleagues. For detailed information and ticket purchases, see the Committee's website at: www.washlaw.org. Your help with this effort will be greatly appreciated.

Committee Governance and Development

The Committee today operates with a staff of approximately 25, including five project directors, three staff attorneys, several senior lawyers and visiting associates from cooperating firms. In addition, the Committee regularly benefits from the services of junior attorneys holding fellowships from local and national law firms and nonprofit organizations.

The Committee is governed by a 65-member Board of Directors, supported by a 90-member Board of Trustees and Firm Representatives drawn from nearly 100 participating law firms. Its operating budget for 2012 is approximately \$3.3 million. Funding for this budget comes from law firm and individual giving, foundation grants, proceeds from the annual Wiley A. Branton Luncheon, attorney's fees, and gifts of fees received in Committee litigation.

On November 25, 2012, the Committee will host a 2nd Annual Evening of Song & Celebration, including a Benefit Reception and Raffle at **DLA Piper LLP (US)**, and an encore performance featuring famed mezzo-soprano Denyce Graves at the National Portrait Gallery. All Committee supporters are encouraged to attend. For more information and to purchase tickets for the Raffle and Benefit Reception, see the Committee's website at www.washlaw.org.

As the Committee announces its new funding campaign on December 1, it will be making a special effort to secure increased funding through a year-end appeal to law firm partners and associates. Individuals and firms interested in supporting 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 be made online at www.washlaw.org/secure.htm.

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, DC in April 1968 following the assassination of Dr. Martin Luther King, Jr.

Over the past 44 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—the Equal Employment Opportunity Project—was established in 1971, 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. 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, the Committee filed major lawsuits 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 this 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 worked with a coalition of local clergy to create the Fair Housing Council of Greater Washington. For the past 20 years, the Committee has represented the Council and over 100 individuals in cases that established a national standard for effective advocacy and secured monetary and injunctive relief for victims of housing discrimination. The Committee worked with the Fair Housing Council in the groundbreaking utilization of 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. Recently, the Project has undertaken initiatives to assure accessible housing for persons with disabilities and to address source of income discrimination against tenants who use housing choice (formerly Section 8) vouchers.

Public Education Project

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 DC Public Schools, the city-wide advocacy group seeking educational reform in the city.

Over the years, 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 DC Fire Code, which

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WASHINGTON LAWYERS' COMMITTEE

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. Since 1977, the Project has also administered an educational partnership program that links area firms with DC schools, providing tutoring, mentoring, and other enrichment services to more than 10,000 DC 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 DC 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 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. Since 2006, the Project has also addressed concerns of day laborers in the District of Columbia and surrounding jurisdictions.

Public Accommodations Project

Since 1988, beginning with a case against Holiday Spas Health Clubs, the Committee has played a leading role in national cases challenging widespread denials of 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. 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 program to assist individuals seeking to enforce their rights under the Americans with Disabilities Act of 1990. Working closely

with the Disability Rights Council of Greater Washington, the Committee won a series of important victories opening access to hospitals, voting, and public transportation, as well as movie theater chains, banks, restaurants, grocery stores, and other retail establishments. In addition, the Committee has assured 911 phone access for the deaf community and interpreter services for deaf individuals dealing with the local courts and police. In 2005, the Disability Rights Council merged with the Equal Rights Center.

DC Prisoners' Project

In 2006, the DC 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 DC Prisoners' Project. The Project advocates on behalf of the more than 3,000 prisoners held in DC jail facilities as well as nearly 8,500 individuals incarcerated under DC 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 address systemic failures in the 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 noteworthy 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 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.

Equal Employment Opportunity

Settlement in Principle Reached in Linklater Case

The Committee and co-counsel **Shearman & Sterling LLP** have reached a settlement in principle on behalf of a former music director at a local Lutheran church who was repeatedly sexually harassed by both the pastor and a senior congregant, and when she complained, she faced retaliation that culminated in her constructive discharge.

Ms. Linklater's claims in the lawsuit filed on her behalf in 2002 raised novel First Amendment issues pertaining to the ministerial exception, which limits employment discrimination lawsuits against religious institutions.

The case went to trial in Montgomery County Circuit Court in 2005, and Ms. Linklater was awarded damages totaling \$1,350,000 for intentional infliction of emotional distress, including \$1,000,000 in punitive damages against the pastor. The trial court subsequently set aside the verdict, and Plaintiff appealed the case to the Maryland Court of Special Appeals, which issued its decision in March 2009.

The parties filed cross petitions for certiorari, which the Maryland Court of Appeals granted. The Court of Appeals held in two matters of first impression under Maryland law that the ministerial exception does not bar every claim by a ministerial employee, and that the continuing violation doctrine can expand the actionable period for harassment claims.

Race Discrimination Lawsuit Filed Against Redline Restaurant

Discovery is underway in a lawsuit filed by the Committee and co-counsel **Relman Dane & Colfax PLLC** on behalf of Briggitta Hardin in her race discrimination claims against Red Line LLC and its owner.

Ms. Hardin, who is African American, was hired to fill a much-needed bartender position at Redline, a Washington, DC bar, lounge and restaurant. Upon discovering that his staff had hired an African-American bartender when Ms. Hardin arrived for her first shift, the restaurant's owner appeared disgusted and fired Ms. Hardin on the spot.

Evidence gathered during our investigation shows that this discriminatory denial of employment was part of a broader scheme of discriminatory exclusion, including policies that excluded African Americans from working in visible positions and denied African-American customers equal access to the establishment.

Committee Resolves Employment Claims Against USUHS

The Committee and co-counsel **Arnold & Porter LLP** have settled gender, pregnancy and disability discrimination claims against a Department of Defense entity, the Uniformed Services University of the Health Sciences (USUHS), and a government contractor, The Corbin Company, on behalf of former employee Charolette Barnett. The settlement includes several years of salary and an employment reference letter for Ms. Barnett, plus attorney's fees.

When Ms. Barnett was diagnosed with a serious pregnancy-related impairment, she needed the reasonable accommodation of a leave of absence. The lawsuit alleged that instead of accommodating her disability, the two employers jointly terminated her employment because of her pregnancy and her disability.

Pregnancy Discrimination Lawsuit Filed Against Archstone

The Committee with co-counsel **Heller, Huron, Chertkof & Salzman, PLLC** have filed a pregnancy discrimination lawsuit against Archstone, a property management company, on behalf of a

(Continued on page 11)

Disability Rights



(L/R): Plaintiff James Sanders; Elaine Gardner, Director of the Committee's Disability Rights Project; Megan Cacace, Associate, Relman, Dane & Colfax PLLC; and Plaintiff Robert Coward sign documents at McDonald's settlement meeting.

Committee Settles Accessibility Lawsuit Against McDonald's Restaurants

On July 9, 2012, the Committee and co-counsel **Relman, Dane & Colfax PLLC** settled a lawsuit against the national restaurant chain McDonald's Corporation and four McDonald's franchisees who independently own and operate seven McDonald's brand franchised restaurants in Washington, DC.

The lawsuit was filed on behalf of the Equal Rights Center and two individuals who use wheelchairs, who were unable to access local McDonald's due to inaccessible routes into the restaurants.

After receiving these complaints, the ERC conducted an investigation, and found that there were many McDonald's restaurants in the District of Columbia that people using wheelchairs simply could not enter. Inaccessible features that will be remodeled or rebuilt include routes into the restaurants, parking, public restrooms, and internal restaurant configurations that prevent wheelchair passage.

District of Columbia Website Videos to be Accessible to the Deaf

In response to a landmark lawsuit filed on behalf of a deaf resident, the District of Columbia has issued a Mayoral Order requiring that the District provide accessibility for persons who are deaf and hard of hearing to videos that it posts on its website and on third-party websites such as YouTube and Vimeo. This is the first known lawsuit nationwide to address public entity website access for deaf individuals.

The lawsuit, *Mitchener v. District of Columbia*, brought by the Committee with co-counsel **Boies, Schiller & Flexner LLP** and **Foley & Lardner LLP**, alleged that most of the videos posted online by the District on the DC website, www.dc.gov, or on third-party websites either had no captions or had captions that were not intelligible. As a result, deaf residents were unable to access important information about DC services and benefits.

Mayoral Order 2012-160, entitled "Video Accessibility for Persons who are Deaf and Hard of Hearing," signed on September 27, requires virtually every DC agency to caption properly all new videos published on the internet for dissemination to the public. Individual DC Public Schools and the DC Office of Cable Television may opt to provide captioned DVDs, transcripts or subsequent captioning upon consumer request.

Certain videos published online prior to the Order will be captioned, and transcription services for other previously published non-captioned videos will be available at no charge for any consumer or resident who is deaf or hard of hearing. The Office of the Chief Technology Officer ("OCTO") shall enforce video captioning by District agencies, and will have the authority to revoke an agency's permission to post its own web content if that agency demonstrates continuing failure to caption videos as required by the Order.

Federal Bureau of Prisons Ordered to Assess Videophone Security

In a case brought by the Disability Rights and DC Prisoners' Projects and the law firm of **Ballard Spahr LLP**,

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DC Prisoners' Project

Committee Sues Fluvanna Correctional Facility, Armour Correctional Health Services for Inadequate Care

After more than two years of investigation and preparation, the DC Prisoners' Project, in collaboration with the Virginia Legal Aid Justice Center and the law firm of **Wiley Rein LLP**, filed *Scott et al. v. Clark et al.*, a class-action lawsuit seeking improvements in basic medical care and correctional services at Fluvanna Correctional Facility for Women, the primary women's state prison in Virginia. The Defendants include the private, for-profit medical care provider Armour Correctional Health Services, Inc., along with Virginia state officials.

The Committee became involved with this matter at the request of the Virginia Legal Aid Justice Center, and recruited Wiley Rein LLP after discovering the terrible conditions the inmates were enduring. The prison holds nearly 1,200 women, most serving long sentences and the majority over 35 years of age. The named plaintiffs include five women with chronic medical conditions suffering abysmal treatment by Armour and overseen by state corrections medical officials.

The lawsuit filed in federal court in Richmond seeks declaratory and injunctive relief. It alleges that the prison and Armour have failed to provide adequate medications, leading to life-threatening and painful complications; refused to comply with medical orders from outside specialists; denied emergency treatment in virtually all cases; and the corrections staff has refused to make basic accommodations for seriously ill prisoners, such as access to bathrooms in the evening, and housing in locations closer to basic services for women with mobility impairments. Several women have died prematurely while held in this facility.

Committee Files Lawsuit Against Federal Super-Max Prison for Inadequate Care of Mentally Ill Prisoners

On June 18, the DC Prisoners' Project, with co-counsel **Arnold & Porter LLP**, filed *Bacote et al v. U.S. Bureau of Prisons*, class action litigation on behalf of prisoners with serious mental illness held in the federal Florence, Colorado, maximum-security facility, known as the "super-max" or "ADX." The lawsuit alleges inadequate medical care for mentally ill inmates at the facility. It is one of the most complex and ambitious cases the Project has ever filed, and it has attracted nationwide media coverage.

The ADX facility houses prisoners who allegedly cannot be housed in other federal Bureau of Prisons (BOP) maximum-security facilities. Prisoners spend up to 24 hours per day in single cells. Their communications and contact with other inmates and staff are severely restricted. For many inmates, their only meaningful human contact is with ADX staff members. Approximately 450 prisoners live at ADX at any time.

Eleven ADX prisoners, including two DC prisoners, filed the lawsuit on behalf of all mentally ill prisoners in the facility. The named plaintiffs are men with long histories of psychiatric problems and treatment. Because of their untreated or poorly treated mental illness, many prisoners at ADX act out, resulting in disruption, compromised security, and a risk of harm to themselves, ADX staff, and other prisoners.

The complaint alleges that inmates often mutilate themselves with razors, shards of glass, sharpened chicken bones, writing utensils and other objects. Many engage in prolonged fits of screaming and ranting. Others converse aloud with voices they hear in their heads. Suicide attempts are common and many are successful. The lawsuit alleges that the defendants have violated BOP policy and the US Constitution by failing to diagnose and treat prisoners at ADX with serious mental illness.

Immigrant and Refugee Rights

Committee Settles FMLA Lawsuit Against Fast Food Chain

The Committee, with co-counsel **Zuckerman Spaeder LLP**, recently settled a lawsuit alleging willful violations of the federal Family and Medical Leave Act (FMLA) on behalf of a former employee of a national fast food chain. The settlement agreement provides for \$85,000 in lost wages, damages, and attorney's fees.

The plaintiff, a Spanish-speaking immigrant from El Salvador who worked for the company for approximately 17 months, alleged that her employer violated the FMLA when it fired her following leave for emergency surgery, instead of reinstating her to her job.

The lawsuit, filed this year, also alleged that the defendant failed to provide the plaintiff with required notice of her FMLA rights, and that the company had a policy that interfered with its employees' FMLA rights by requiring employees with fewer than 12 months of employment to resign before taking medical leave, only to resume their employment upon their return.

The complaint alleged that the company then used the purported new employee status to represent to the employee that he or she was not entitled to FMLA leave.

Committee Volunteers Win Victories for Asylum Seekers

In the Arlington Asylum Office (United States Citizenship and Immigration Services or USCIS), Committee volunteer lawyers won the following cases for asylum seekers.

An engineer from Serbia, who suffered harassment and physical attacks and fears future harm on account of his sexual orientation, successfully gained asylum with the assistance of an attorney from **Blank Rome LLP**.

An attorney from **Crowell & Moring LLP** won asylum for a graduate student from Iran who fears return because of her alleged anti-government views arising from her graduate studies and involvement in the peace movement.

An Ethiopian NGO worker who was targeted on account of his membership in a political opposition group and his ethnicity obtained asylum with the help of an attorney from **Keler & Kershow PLLC**.

A **Patton Boggs LLP** attorney prevailed in the case of a student from Rwanda who was targeted because of his father's alleged involvement in the 1994 genocide.

Finally, an attorney from **Williams & Connolly LLP** succeeded in gaining asylum for a magistrate and ordained priest from Ethiopia who fled the country after being detained and tortured for his political views and then spent time in a third country where he was granted temporary status.

Public Education

2012 GeoPlunge Geography Tournament to be Held at National Portrait Gallery

The Committee, with **Arent Fox LLP** and DC Public Schools, will host the 8th Annual GeoPlunge Geography Tournament on Wednesday, December 5, 2012, at the Smithsonian's National Portrait Gallery in Washington, DC. The Tournament is based on the popular award-winning game, GeoPlunge, invented by Arent Fox lawyer Alan Fishel. Players learn U.S. geography by playing the game. The Tournament brings together 5th and 6th grade DC public school students in an exciting, competitive, and educational environment.

The Committee, Arent Fox LLP and DC Public Schools have begun recruiting participating school teams and sponsors. To coach or sponsor a team, please contact Coordinator Elinor Hart at 202-387-2966; hart1651@juno.com, or the Special Counsel Kent Withycombe at (202) 319-1000, ext. 117, or at Kent_Withycombe@washlaw.org.

Partnerships Establish Scrabble and Bridge Clubs in DC Public Schools

In May 2012, some of our school partnerships participated in the first Scrabble tournament sponsored by the DC Public Schools (DCPS). The game of Scrabble helps students to develop a robust vocabulary and increases their planning, calculating and organization skills. The Program seeks to establish more Scrabble clubs in our partnership schools so they can participate in the 2nd Annual DCPS Scrabble Tournament later this school year.

The card game of Bridge has been proven to improve memory, concentration and planning, and to develop logic, analytical and social skills. Studies have shown that students who learn and play bridge improve their math skills and standardized test scores. Youth bridge lessons and clubs have become popular around the country, and many colleges and universities have competitive bridge teams. The Committee seeks Bridge players interested in establishing pilot Bridge clubs in the schools.

Firms interested in coaching a Scrabble or Bridge club should contact Kent Withycombe (202) 319-1000, x117, kent_withycombe@washlaw.org.



DC Public School students compete in last year's GeoPlunge Tournament at the National Portrait Gallery. This year's tournament will be held on December 5 in the same location.

New School Partnerships Established

As of the end of September, eight new school partnerships had formed by the start of the 2012-2013 school year, bringing the total number of partnerships to 37.

The new partnerships are: (1) **Gilbert LLP** with Eliot Hine Middle School; (2) **Paul, Weiss, Rifkind, Wharton & Garrison LLP** with Spingarn High School; (3) **Coburn & Greenbaum PLLC** with the Incarcerated Youth Program, a high school program within the DC Correctional Treatment Facility; (4) **Fulbright & Jaworski L.L.P.** with Malcolm X Elementary; (5) **Steptoe & Johnson LLP** with H.D. Cooke Elementary School; (6) **Arent Fox LLP**, long-time partner with Randle Highlands Elementary School, will begin its second school partnership at Eastern High School; (7) **Mayer Brown** with Garrison Elementary School; and (8) **McDermott, Will & Emery** with Cleveland Elementary School.

Schools remain available at all levels. Interested firms should contact Kent Withycombe (202) 319-1000, x117; kent_withycombe@washlaw.org; or Elinor Hart (202-387-2966; hart1651@juno.com) for more information.

Fair Housing



(L/R): Hunters Brooke case clients Derrick Potts and Terri Rookard with Isabelle Thabault, Senior Counsel with the Committee's Fair Housing Project; and Joseph L. Decker, Senior Attorney, Akin Gump Strauss Hauer & Feld LLP.

Hunters Brooke Arson Case Settled On Behalf of Two Homeowners

The Committee and co-counsel **Akin Gump Strauss Hauer & Feld LLP** recently settled a federal lawsuit, on behalf of two homeowners, with a security guard company, Security Services of America LLC (SSA), in a case stemming from one of the largest residential arsons in Maryland's history.

The arsons were set by one of SSA's security guards and four accomplices.

The lawsuit was filed in federal court in Maryland in 2005 by the Committee and Akin Gump on behalf of 32 African-American and other minority residents at Hunters Brooke, a new single-family housing development in Charles County, Maryland.

The civil complaint alleged the arsons were racially motivated, and plea agreements in related

criminal cases acknowledged the perpetrators committed the arsons because they were upset that African Americans were moving into Charles County.

The settlement with SSA resolves the claims of two homeowners who were living in the development at the time of the arsons.

The claims of 30 plaintiffs who had not yet moved into their homes at the time of the arsons were dismissed by the court on legal grounds last year and may be appealed.

Committee Resolves Design and Construction Case with JBG Properties, Inc.

On September 24, the Committee's Fair Housing Project, representing the Equal Rights Center (ERC), resolved a design and construction matter with Chevy Chase-based real estate developer JBG Properties, Inc., and several related entities (JBG) that will result in an increase in the supply of accessible housing for people with disabilities.

The agreement will include a 10-year commitment whereby ERC staff will provide training to JBG employees on fair housing and accessibility, and on the implementation of best practices designed to help ensure accessibility at its multifamily properties.

The ERC's Multifamily Housing Resource Program (MHRP) already provides training to 11 other companies in these areas.

In addition, JBG also agreed to review and enhance accessibility in 690 apartment units at two of its Bethesda, Maryland, apartment properties.

Public Accommodations

Committee Monitors Public Accommodations During 2012 Black Bike Week

For the tenth year in a row, Committee attorneys, along with the NAACP, monitored the Myrtle Beach, South Carolina Police Department, along with area hotels, restaurants and other places of public accommodation to ensure equal treatment of African American attendees during 2012 Black Bike Week, an annual event that draws thousands of African Americans to the Myrtle Beach area over Memorial Day weekend.

Since 2003, the Committee and co-counsel have filed and settled lawsuits against the City of Myrtle Beach and area restaurants and hotels, alleging widespread race discrimination against African Americans during Black Bike Week. Recently resolved lawsuits include those against the Sea Horn Motel, Landmark Hotel, Hamburger Joe's restaurant, and Pan American Pancake and Omelet House restaurant.

Another popular restaurant is alleged to have engaged in racially discriminatory practices in 2010. Molly Darcy's restaurant closed for the duration of Black Bike Week, and has for the last several years. In May 2011, the Committee and co-counsel **Covington & Burling LLP** and **Derfner, Altman & Wilborn LLC** filed lawsuits against the restaurant on behalf of the NAACP and individual plaintiffs. A trial is scheduled for late October.

Pregnancy Discrimination Lawsuit Filed Against Archstone (continued from page 5)

leasing consultant. Discovery in the case is currently underway.

Aida McCallum was a top-performing leasing consultant for Archstone when she announced that she was pregnant with twins.

She was terminated two weeks later, purportedly for a data entry error she made during a routine training program, and after her supervisors made disparaging comments about her pregnancy and her continued ability to work.

Federal Bureau of Prisons Ordered to Assess Videophone Security (continued from page 6)

the U.S. District Court for the District of Columbia has issued the first judicial guidance that videophones may be necessary to ensure effective telephone communication for deaf individuals.

On September 27, in *Berke v. Federal Bureau of Prisons*, Judge Ellen Huvelle gave the Federal Bureau of Prisons eight months to assess whether provision of a videophone would pose a security risk at the minimum security facility to which the deaf plaintiff is assigned. The Judge found that the TTY, an older telephone technology, would not provide communication in the deaf individual's native language. She noted that technology has changed, and that most deaf individuals, including the plaintiff's family, no longer own a TTY, and thus cannot receive a TTY call.

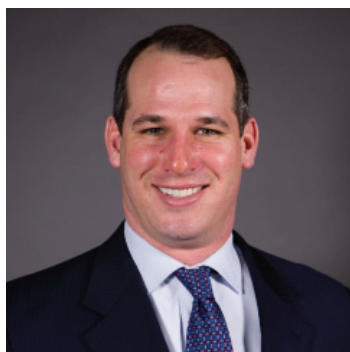
Judge Huvelle also signed an order assuring that the deaf individual will be provided access to sign language interpreter services at the prison, as well as visual alarms, closed-captioned televisions, TTY services, and other accommodations.

Corporate Advisory Board

2012 Corporate Advisory Board Expands

The Committee's Board of Directors launched the Corporate Advisory Board (CAB) in 2010 to take full advantage of all the legal business community has to offer the Committee – perspective, advice and industry intelligence. The CAB firms now work with the Committee and co-counsel providing legal support services in cases. The Committee offers 3 levels of CAB participation: \$25,000 Leadership Level; \$10,000 Partner Level; and \$5,000 Associate Level. Jay Frankl, **FTI Consulting**, serves as the CAB Chair, and Committee board members Lewis S. Wiener, **Sutherland Asbill & Brennan LLP**, and Charles Walker, **Skadden, Arps, Slate, Meagher & Flom LLP**, serve as the Board Corporate Outreach Co-Chairs. For more information, contact Teresa_Larson@washlaw.org, or (202) 319-1000, ext. 112.

An Interview with Jason Frankl, FTI Consulting Inc.



Jason Frankl, senior managing director of **FTI Consulting, Inc.**'s Forensic and Litigation Consulting Practice, received the Committee's 2012 Cotter-Hall Corporate Service Award at this year's Wiley Branton Awards Luncheon on behalf of FTI Consulting for major contributions to the Committee's mission of civil rights advocacy. He spoke with **UPDATE** staff about his experience with the Committee.

Q: *What attracted you to the Washington Lawyers' Committee and its Corporate Advisory Board?*

A: Lewis Wiener, a partner at **Sutherland Asbill & Brennan LLP** and Committee board member, brought the Committee to my attention. I was attracted to the breadth and depth of the Committee's programs and impressed by the level of engagement with the Committee by firms throughout the city. I realized that there were significant opportunities in which FTI Consulting and its employees could contribute to the Committee's work.

Q: *How have you and your company engaged in the Committee's work?*

A: Over the past four years, FTI Consulting has been engaged in the Committee's work in a number of ways. I founded and chair the Committee's Corporate Advisory Board, which serves to support the Committee and the Board of Directors. FTI Consulting has donated forensic accounting, financial analysis, investigative, claims management and courtroom services in numerous Committee cases, and our employees have volunteered with the DC Public School Partnerships Program for the benefit of Tyler Elementary School. We are also proud to be a leading financial supporter of the Committee.

Q: *How has your experience been working with the Committee's lawyers and Board of Directors?*

A: Our experience has been extremely rewarding. We have been pleased and grateful for the opportunity to develop good relationships with the Committee's Board of Directors and other lawyers at a number of firms with whom we have worked on Committee cases and projects. We are particularly appreciative of the opportunity to work collaboratively with board member Charlie Johnson and his colleagues at **Akin Gump Strauss Hauer & Feld LLP** on their DC school partnership with Tyler Elementary School.

Q: *Would you recommend that other companies consider joining the Committee's Corporate Advisory Board?*

A: Absolutely. I strongly urge every company with an interest in the Committee and its causes to contact the Committee's Executive Director Rod Boggs about all of the opportunities in which they could engage with the Committee in its work.

Arrivals

New Board Members

The Washington Lawyers' Committee is pleased to welcome two new members to the Board of Directors: Claudia Calloway (**Katten Muchin Rosenman LLP**) and Michael J. Nardotti, Jr. (**Patton Boggs LLP**).

New Staff

Hannah Cole-Chu, Sabrina Lee, and Erica Washington, recently joined the Committee as Paralegals for several of the Committee's Projects. **Hannah Cole-Chu**, a graduate of Bard College, is working primarily with the Immigrant and Refugee Rights Project.

Sabrina Lee, who graduated from Harvard University, works primarily with the Equal Employment Opportunity Project.

Erica Washington, a graduate of the University of Virginia, is working with the Housing and Disability Rights Projects.

Visiting Attorneys

Dennis A. Corkery, a George Washington Law School Fellow, is working with the Committee's Equal Employment Opportunity Project. He graduated from the University of Chicago and George Washington University Law School.

Marielle R. Macher is a Skadden Fellow who is working with the Committee's Fair Housing Project Project. She is a graduate of Cornell University and Harvard Law School.

Robert J. Rich, a Georgetown Law School Fellow, is working with the Committee's Fair Housing Project. He is a graduate of Yale University and Georgetown University Law Center.

2012 Branton Awards Luncheon (continued from page 1)

Tom Brunner, Avis Buchanan, and Joe Sellers received the 2012 Wiley Branton Award for Lifetime Achievement jointly in recognition of their many years of public service and civil rights advocacy.

Theodore A. Howard, Committee Co-Chair and partner at **Wiley Rein LLP**, presented the award to his law firm colleague Tom Brunner, and former Committee Co-Chair and **Arent Fox LLP** partner Marc L. Fleischaker conferred the award on Avis Buchanan and Joe Sellers.

Steven P. Hollman, a **Hogan Lovells US LLP** partner and Committee board member, presented the 2012 Alfred McKenzie Award to Jackie D. Simon, a board member of the Equal Rights Center (ERC).

The award is presented to a Committee client for dedication and courage that have produced significant civil rights victories. The Committee has represented the ERC in numerous employment, housing and disability rights cases.

Committee board member and **Sidley Austin LLP** partner Ronald S. Flagg, presented the 2012 Vincent E. Reed Award jointly to Alan G. Fishel, partner, **Arent Fox LLP**, and Andrea Lee Negroni, Of Counsel, **BuckleySandler LLP**.

They received the award for their years of support for the Washington Lawyers' Committee and its DC Public School Partnership Program.

The Committee also recognized 20 law firms with Outstanding Achievement Awards for their exceptional work on Committee pro bono matters in the past year. For a list of the law firm awardees and their achievements, see page 15.

(Continued on page 14)

WASHINGTON LAWYERS' COMMITTEE



Photo credit: Taisie Berkeley

At the 2012 Branton Awards Luncheon, Alan G. Fishel, Partner, Arent Fox LLP (right), and Andrea Lee Negroni, Of Counsel, BuckleySandler LLP (left), received the 2012 Vincent E. Reed Award jointly for their years of support for the Washington Lawyers' Committee and its DC Public School Partnership Program.

2012 Branton Awards Luncheon (continued from previous page)

Tom Brunner received his undergraduate degree from Columbia University and his law degree from Yale Law School. During his distinguished legal career spanning over 40 years, he has combined a highly successful commercial practice with an exemplary commitment to the cause of equal justice and support for the Washington Lawyers' Committee. Tom first worked with the Committee in the 1970's, when he served as co-counsel in an important equal employment opportunity case challenging racial discrimination in the printing industry. Subsequently, he has served as lead or primary counsel in such notable Committee cases as the successful challenge to widespread discrimination against African-American customers at Cracker Barrel Restaurants and the landmark class action on behalf of individuals with disabilities denied legally mandated paratransit services by DC's Metro system. The settlement of this latter case, on behalf of over 17,000 class members, set a national standard for such litigation. Tom Brunner has served as a Committee Board Member since 1993, and is a former Committee Co-Chair and Member of the Executive Committee.

Joe Sellers, a partner at the firm of Cohen, Milstein, Sellers & Toll PLLC, formerly worked as Director of the Committee's Public Education Legal Services Project and

Equal Employment Project. He is a graduate of Brown University and the Case Western University Law School. Joe joined the Committee in 1982, following several years of private practice at the firm of Pierson Ball & Dowd. In his initial assignment as Director of the Committee's Public Education Legal Services Project, he worked with firms serving as counsel to parent organizations at DC public schools. In 1984, he became director of the Equal Employment Project, leading or co-counseling for over a decade in dozens of major Committee cases, including landmark challenges to discrimination at numerous government agencies, such as the FBI, the State Department, and DC Department of Corrections, and many private companies such as Circuit City Stores and Holiday Spas. He helped to shape the Committee's model case intake program and played a central role in the training of hundreds of young litigators working as co-counsel on Committee cases. He joined Cohen Milstein in 1977, where he leads the firm's nationally recognized employment practice and has won dozens of notable cases while serving as an influential commentator and advocate on employment law and policy.

Avis Buchanan, a graduate of Michigan State University and Harvard Law School, began her legal career in the District of Columbia Public Defender Service following a clerkship with Judge Theodore McMillian of the US Court of Appeals for the 8th Circuit. After working for seven years in the DC Public Defender Office, she joined the Committee as Deputy Director of the Equal Employment Project. In 1997, she was named Director of Litigation and served in that capacity until her appointment in 2002 to her current position as Director of the DC Public Defender Service. While at the Committee, her assignments included securing and training co-counsel for several hundred African-American class members who were pursuing individual claims in a notable and long-running challenge to discrimination in the construction industry; her role in ground-breaking Committee litigation winning judicial recognition for tester standing in employment discrimination cases; and her work on dozens of major Committee employment and public accommodations cases.

The Committee's annual Branton Awards Luncheon is named for 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 a 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 individuals whose efforts on behalf of civil rights advocacy exemplify the deep commitment of Wiley A. Branton, Sr., to equal justice.

2012 Branton Awards Luncheon

Washington Lawyers' Committee Co-Chair and Wiley Rein LLP partner Theodore A. Howard (left); with Committee Co-Chair and DLA Piper LLP (US) partner Anastasia D. Kelly (center); and Committee board member, corporate outreach Co-Chair, and Sutherland Asbill & Brennan LLP partner Lewis S. Wiener (right) address attendees at the Corporate Reception prior to the 2012 Branton Awards Luncheon.

Photo credit: Taisie Berkeley



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2012 Outstanding Achievement Awards

At the 2012 Branton Awards Luncheon, the Washington Lawyers' Committee recognized the following 20 law firms with Outstanding Achievement Awards for their exceptional work on Committee pro bono matters in the past year.

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Washington Lawyers' Committee for Civil Rights and Urban Affairs UPDATE

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