

# UPDATE



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*Special 45<sup>th</sup> Anniversary Issue*

Fall 2013



Photo credit: *Taisie Berkeley*  
2013 Branton Award recipient, *The Hon. Ricardo Urbina*, retired Judge, US District Court for the District of Columbia, addresses luncheon attendees.

## Committee Celebrates 45<sup>th</sup> Anniversary at 2013 Branton Luncheon

On June 10, Judges John Ferren and Ricardo Urbina, DC Public Schools Chancellor Kaya Henderson and **Dickstein Shapiro LLP** Senior Counsel Sidney Dickstein, addressed more than 820 Committee supporters at the Committee's 45<sup>th</sup> Anniversary Wiley A. Branton Awards Luncheon at the Grand Hyatt Washington 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 67 supporting law firms and corporations.

The Hon. Ricardo M. Urbina, retired Judge, US District Court for the District of Columbia; and The Hon. John M. Ferren, Senior Judge, District of Columbia Court of Appeals, received the 2013 Wiley Branton Award for Lifetime Achievement jointly in recognition of their many years of public service and commitment to equal justice.

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## Racial Disparities in Arrests Report Attracts National Media Attention

On July 12, 2013, the Committee with co-counsel authors from **Covington & Burling LLP** and an advisory panel of distinguished senior and retired judges held a major press conference to announce the publication of the Committee's startling report, *Racial Disparities in Arrests in the District of Columbia 2009-2011: Implications for Civil Rights and Criminal Justice in the Nation's Capital*.

The report, which examined the racial impact of criminal law enforcement in the District of Columbia, documented striking racial disparities in the more than 140,000 arrests in the District over the period 2009-2011.

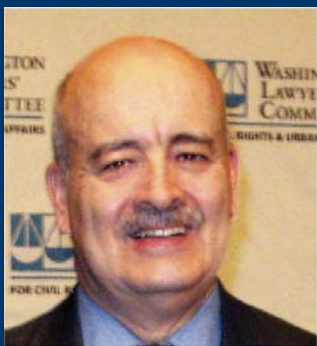
The report's findings show that despite relatively equal numbers of white and black adults in the city, well over 80% of those arrested were African American. Over 90% of drug arrests were of African Americans, despite the fact that drug use was virtually identical across racial lines throughout the city, and 96% of all arrests were for non-violent offenses.

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# Director's Corner



**Rod Boggs**  
Executive Director  
Washington Lawyers'  
Committee

This issue of the Committee's *UPDATE* recognizes the Committee's 45<sup>th</sup> Anniversary and discusses program developments illustrating the Committee's historic commitment to basic civil rights and its capacity to develop new strategies to address emerging issues. It also highlights our upcoming 3rd Annual Celebration of Song, a benefit concert and

raffle that has become an exciting part of the Committee's calendar. For details on this event, see page 11.

In celebrating our 45<sup>th</sup> Anniversary at this year's Branton Luncheon, the Committee chose to honor with its highest award two distinguished jurists, John Ferren and Ricardo Urbina, whose long ties to our organization began early in their careers and remain strong to this day. Before their elevation to the bench, both Judge Ferren and Judge Urbina were active in public interest careers that brought them in close touch with the Committee on a range of matters. Today, both judges have prominent roles on the judicial advisory panel assisting with the Committee's

criminal justice reform initiative. It was also a distinct pleasure to recognize on the same program the exceptional commitments of **Dickstein Shapiro LLP** Senior Counsel Sidney Dickstein and DC Schools Chancellor Kaya Henderson to public education in the District of Columbia.

On the program front, the Committee is very appreciative of the exceptional work by **Covington & Burling LLP** lawyers on two matters that culminated in major successes that are discussed in this issue. One was the publication in July of a major report documenting significant racial disparities in arrests in the District of Columbia and recommending actions to address these conditions. We believe that investigative reports combined with advocacy represent a particularly effective way to address civil rights issues that are difficult to combat through litigation alone. Similarly, we are grateful for the tremendous success achieved by another Covington team led by Tom Williamson in concluding a major class action brought on behalf of several thousand deaf and hard-of-hearing Postal Service workers.

The Committee is delighted to report that nearly 40 Associates and young Partners recently joined the growing ranks of Committee Trustees over the past several weeks. The addition of this exceptional group of talented young leaders bodes well for the Committee's future. We are also pleased with the continued growth of the Committee's DC Public School Partnership Program, which in September hosted the largest gathering of partnership coordinators in its history. In the months ahead, we look forward with great anticipation to working with all of these individuals in building our organization and expanding its mission.

### Committee Governance and Development

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

The Committee is governed by a 65-member Board of Directors, supported by a 90-member Board of Trustees, as well as Associate Trustees and Firm Representatives drawn from nearly 100 participating law firms. Its operating budget for 2013 is approximately \$3 million. Funding for this budget comes from law firm and individual giving; foundation grants; proceeds from events, including the annual Wiley A. Branton Luncheon; attorney's fees; and gifts of fees received in Committee litigation.

On November 18, 2013, the Committee will host its 3rd Annual Celebration of Song, a benefit concert, raffle and reception to be held at Theater J, Washington DC Jewish Community Center. Proceeds from this event will support the Committee and its DC Public School Partnership Program. For more information, see page 11. To purchase tickets, see the Committee's website at [www.washlaw.org](http://www.washlaw.org), or phone (202) 319-1000.

As the Committee announces its new funding campaign on December 1, it will make a special year-end appeal to law firm partners and associates. Individuals and firms interested in participating in the Committee's fundraising efforts should contact Da'aga Hill Bowman, Director of Development and Communications at (202) 319-1000, ext. 155. Contributions to the Committee may be made online at [www.washlaw.org/donate](http://www.washlaw.org/donate).

## 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 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. 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.

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## WASHINGTON LAWYERS' COMMITTEE

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 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 1992, the Committee began a program to assist individuals seeking to enforce their rights under the

Americans with Disabilities Act. Working closely with the Disability Rights Council of Greater Washington (now the Equal Rights Center), the Project won a series of important victories opening access to hospitals, banks, hotels, movie theaters, restaurants, grocery stores, department stores, and other retail establishments, including access to the emergency evacuation procedures of these entities. At the same time, the Project has worked to achieve greater access for people with disabilities at public services and buildings, including access to polling places, voting machines, and public transportation, and ensuring effective communication for deaf individuals with public services, police departments, 911 services, and in the prison system.

### 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 research, 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.

# Disability Rights

## Deaf Postal Workers Lawsuit Against US Postal Service Settles

In July 2013, the Committee and co-counsel **Covington & Burling LLP** received word that the US District Court for the District of Columbia had approved a precedent-setting settlement in the case of *Hubbard, et al. v. US Postal Service*.

This settlement that will establish state-of-the-art reforms in the procedures and technology for delivering interpreter services to a nationwide class of 6,000 current and former deaf and hearing-impaired employees of the US Postal Service.

Over the past 11 years, attorneys at Covington & Burling LLP and the Committee have vigorously litigated this class action, and then engaged in intensive mediation efforts with the Postal Service that resulted in the comprehensive, innovative settlement.

The resolution was facilitated by the creative and skillful efforts of Kenneth Feinberg, who served as mediator at the request of the parties.

The most important terms of the settlement are the reforms to be implemented by the Postal Service that will greatly expand the deployment and timely availability of qualified American Sign Language interpreters for important safety and workplace communications for deaf Postal Service employees throughout the country.

The class members will also share in a fund of compensatory damages of approximately \$3 million.

The anthrax contamination of the Brentwood postal facility in October 2001 resulted in the deaths of two USPS employees and the facility's temporary closure. During the crisis, many deaf Brentwood workers complained to the Committee that, despite the grave dangers posed to workers, postal management did not provide effective communication of emergency measures to deaf employees.

In the process of resolving this urgent matter, the Committee's Disability Rights Project received complaints from other deaf postal employees nationwide regarding the Postal Service's failure to provide effective communication in both emergency and routine situations.

On May 14, 2003, a federal lawsuit with class allegations was filed on behalf of five deaf postal workers by the Committee and a team of attorneys, led by **Covington & Burling LLP**, and the law firm of **James E. McCollum, Jr. & Associates, P.C.**

The lawsuit, filed in the United States District Court for the District of Columbia, alleged violations of the deaf workers' civil rights under the Rehabilitation Act of 1973.

Specifically, the lawsuit cited USPS's failure to provide qualified sign language interpreters at work meetings, including meetings that addressed anthrax contamination and other safety concerns.

According to the lawsuit, without the assistance of sign language interpreters, it was impossible for deaf postal employees to understand vital safety information that is conveyed to them at work meetings.

The anthrax outbreak added urgency to the fight for sign language interpreters.

"USPS has ignored the needs of its deaf workers for too long. Many times I have asked for qualified interpreters at work meetings because I cannot understand what is going on, but my supervisors refuse to get me an interpreter," said plaintiff Bruce Hubbard, who was employed by USPS for over 30 years, including 15 years at Brentwood. "When the anthrax contamination happened at Brentwood, I was scared because I did not know what was happening. It's sad that we had to file a lawsuit to get USPS to do what is right."

## DC Prisoners' Project

### Racial Disparities in Arrests Report Attracts National Media Attention

(continued from page 1)

The report has generated and continues to receive significant local and national media attention. To date, it has been cited and Committee staff and co-counsel authors have been requested to speak about the report's conclusions and recommendations in nearly three dozen print, radio, television, and online media interviews and articles.

In addition, Committee staff and board members have held meetings with the DC Metropolitan Police Department, and a Criminal Justice Briefing at the Open Society Foundations on September 24, and spoken about the report's findings in a more than a half-dozen neighborhood community forums, at the Quarterly Assembly of the Justice Roundtable, and before the DC Commission on Human Rights.

The DC Prisoners' Project worked with Covington & Burling LLP lawyers over the past year to research and publish the report. The firm helped to secure data on all arrests in Washington, DC during the last three years, and the Project analyzed the data and worked with the DC Superior Court to secure information about the outcomes of those arrests.

The panel of distinguished senior and retired judges—the Hon. John Ferren, the Hon. Rufus G. King III, the Hon. James Robertson, the Hon. Ricardo Urbina, and the Hon. Patricia M. Wald—provided valuable advice on strategies for addressing racial disparities in arrests and prosecutions in DC.

The report's conclusions raise such important policy issues as the negative impact of needless arrests, significant financial costs to taxpayers and the justice system, and disparity in the perception of fairness and trust in criminal justice. The report's recommendations, on which the Committee is now following up, include: investigation into factors generating disparate racial impact; community review; drug policy reform; and continuing research.

The Committee will undertake two follow-up studies to examine conditions of confinement, and the collateral

consequences of arrest and conviction records, which affect thousands of District residents formerly arrested and incarcerated.

“The Washington Lawyers' Committee believes that the striking racial disparities identified by this report have profound consequences for civil rights in our city,” said the Committee's Executive Director Rod Boggs. “These issues require the immediate attention of our elected officials, law enforcement personnel, and the general public.”

### Federal Communications Commission Rules on Reform to Prison Phone Rates

On August 9, 2013, the Federal Communications Commission (FCC) voted on the case *Wright v. CCA* to implement a comprehensive national system that will limit the costs of telephone calls from people incarcerated in prisons and jails owned and operated by the private company Corrections Corporation of America (CCA).

DC Prisoners' Project with co-counsel **Drinker, Biddle & Reath LLP**, brought this class action lawsuit in early 2000 on behalf of family members, loved ones, legal counsel, and others who receive telephone calls from people incarcerated in CCA's private prisons and jails.

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### ADX Lawsuit Claiming Inadequate Care of Mentally Ill Prisoners Advances

Discovery is in the early stages and settlement talks have commenced in the highly publicized case *Cunningham v. US Bureau of Prisons* (formerly *Bacote et al. v. U.S. Bureau of Prisons*), a putative class action litigation filed on June 18, 2012, by the DC Prisoners' Project with co-counsel **Arnold & Porter LLP**, on behalf of prisoners with serious mental illness held in the notorious federal facility in Florence, Colorado, known as the “supermax” or “ADX.”

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## DC Prisoners' Project

### An Interview with Alan A. Pemberton, Partner and Co-Chair, Public Service Committee, Covington & Burling LLP

Alan Pemberton, Partner and Chair of the Public Service Committee at **Covington & Burling LLP**, coordinated the firm's work on the Committee's widely publicized criminal justice report, *Racial Disparities in Arrests in the District of Columbia 2009-2011: Implications for Civil Rights and Criminal Justice in the Nation's Capital*, released July 12, 2013. He spoke with **UPDATE** staff about his experience in coordinating the preparation of the report.

*Q: What was your previous experience in working with the Committee?*

**A:** I have worked on various prisoners' rights matters with the DC Prisoners' Project, which became a project of the Committee several years ago. I have also overseen the work of dozens of Covington & Burling LLP lawyers working with the Committee as a result of my chairing the firm's Pro Bono Committee. This work has provided some of my most meaningful experiences as a lawyer.



*Alan A. Pemberton  
Partner and Chair, Public Service Committee  
Covington & Burling LLP*

*Q: What led you and your firm to get involved with the Committee's criminal justice initiative?*

**A:** Our firm's involvement in this undertaking was a logical extension of our work over many years on matters affecting DC prisoners, as well as the firm's long-term involvement in efforts to treat drug addiction more as a public health issue rather than as a concern for the criminal justice system.

*Q: Were you surprised by the findings of the report and the public reaction to it?*

**A:** All of us involved in preparing the report were surprised both by the stark racial disparities in DC arrests and the fact that over 96% of all arrests were for non-violent offenses. It was also disturbing to see that African Americans comprise over 90% of arrests for drug possession when studies show that the incidence of drug use by race is virtually identical throughout the city. The strong public reaction and media attention that greeted the report suggest that many others in the city were also surprised and disturbed by the findings.

*Q: Would you recommend this type of pro bono assignment to other firms?*

**A:** Yes. The Committee identifies important matters in all of its program areas, and brings enormous expertise to bear in working with us. Our lawyers have found working with the Committee to be a great experience not only in the criminal justice area, but also in the areas of fair housing, employment, and the rights of the disabled. The Committee is one of our firm's most important pro bono partners.

# Equal Employment Opportunity

## Committee Receives Record Number of Calls For EEO Assistance

The Committee's Equal Employment Opportunity (EEO) Project and Immigrant and Refugee Rights (IRR) Project have had a very busy summer. In the third quarter of 2013, alone, they received 231 calls for help from workers in need of assistance.

Every caller to the Projects is interviewed by a member of the EEO or IRR Projects' intake team of paralegals, legal interns, and fellows. The case is then reviewed by the Projects' attorneys at a weekly meeting. These calls have yielded several strong cases, for which the Committee is seeking co-counsel assistance.

Two EEO clients faced termination on account of their sexual orientation. In both cases their employers tried to justify their actions with reasons that further demonstrated anti-gay animus. For example, in one instance, the employer cited rules against fraternization and punished our client for going out with his gay work friends while groups of straight friends socialized together without reprimand.

Other EEO clients suffered through hostile work environments, only to be terminated after they complained about them. One EEO client worked at a construction site with racist epithets repeatedly graffitied on the property. He was additionally often sent home without work while his white co-workers were allowed to stay. Despite his constant complaints, the management did not take efforts to stem the problem and eventually fired him.

Three female clients faced sexual harassment by a co-worker, who was the adult son of their boss. He constantly stalked them and tried to undermine their authority with gender slurs and instructions to other staff not to listen to them. After two of the women told their boss that they were speaking with the Committee about filing a complaint with the EEOC, they were immediately terminated.

Other IRR clients have faced abusive and exploitative wage theft by their employers, who have failed to pay immigrant workers required straight wages and overtime, with one employer even going so far as to avoid paying overtime by splitting an employee's identity into two persons so that the worker was forced to work 80 hours per week, but paid as if she were two people, each working only 40 hours per week.

Finally, the EEO Project continues to look at the disparate impact criminal background checks have on people of color seeking employment opportunities. One EEO client was fired from his job as a loan officer because a law from another state forbade the company from keeping any loan officer on staff across that country if that staffer had a felon conviction, regardless of whether the felony was related to the job of being a loan officer or not.

Each of these matters would provide an excellent opportunity for one or more attorneys to work with the Committee to put a stop to these unlawful employment practices and compensate the victims.

For more information about these matters, contact Equal Employment Opportunity Project Director Matthew Handley at [Matthew\\_Handley@washlaw.org](mailto:Matthew_Handley@washlaw.org) or (202) 319-1000, ext. 121.



# Immigrant and Refugee Rights

## Discovery Begins in Wage Theft Lawsuit Against Window-Washing Company Clean & Polish

Discovery began recently in a collective action proceeding in which the Committee and co-counsel **McKenna Long & Aldridge LLP** represent immigrant window washers. The workers had been denied straight wages and overtime wages while working for Clean & Polish, a regional window-washing company.

## As New Maryland Wage Lien Law Takes Effect, Committee Sees Increase in Wage Theft Complaints

The past several months have seen a large increase at the Committee of complaints received from victims of wage theft. Employers continue to use a variety of deceptive and unlawful means to deny employees, in particular immigrant workers, appropriate straight wages and overtime. Efforts to compensate these victims have often been thwarted when employers liquidate their assets to avoid payment of owed wages and penalties.

However, beginning October 1, 2013, a new law in Maryland—the Maryland Wage Lien Act—will offer employees a new mechanism for recovering stolen wages.

The Wage Lien Act will allow employees to place a lien on their employer's property in Maryland when the employer has committed wage theft. The lien will then prevent the employer from liquidating property on which the lien is attached without first compensating the employee for the wage theft violation. If the employer contests the lien, the Court has only 45 days to decide if the lien is appropriate.

Importantly, the Wage Lien Act does not require that there first be a judgment before the lien is sought, meaning that employees and their counsel can more readily obtain quick and full relief. The Committee hopes to make extensive use of the new Wage Lien Act as it continues to respond to the significant number of wage theft complaints in the area.

## ADX Lawsuit Claiming Inadequate Care of Mentally Ill Prisoners Advances (continued from page 6)

Preliminary hearings in the case were held in US District Court in Denver, Colorado, on April 22, 2013.

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.

Four 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 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.

# Fair Housing

## Committee Settles Source of Income Matter Brought Against Alvin L. Aubinoe, Inc.

The Committee and co-counsel **Fried, Frank, Harris, Shriver & Jacobson LLP** have settled a source of income testing case brought on behalf of the Equal Rights Center (ERC) against Alvin L. Aubinoe, Inc., et al. The case was filed in the Superior Court for the District of Columbia on August 29, 2011, and an amended complaint to add two individual parties was filed on June 14, 2012. After the Court denied cross summary judgment motions, the parties settled the case fully in June 2013.

The ERC's complaint alleged that its testers called the leasing office for a property in the Palisades section of Northwest DC and were told that the Housing Authority would not approve a voucher holder to live in the property because the terms of its standard lease did not conform to the voucher program.

The property's owner, as well as the property's management company, owner, and leasing agent were all named as defendants. The parties completed discovery and filed motions for summary judgment. The court denied the motions for summary judgment, while allowing one defendant to renew the portion of his summary judgment motion related to punitive damages after additional discovery. The ERC then resolved the case with all defendants prior to trial.

## Homeowners' Lawsuits Allege Loan Modification Scams

The Committee and co-counsel **BuckleySandler LLP** filed a complaint in the Montgomery County Circuit Court on June 28, 2013, alleging that United Financial Resources, LLC, William Wayland, and Glenda Beltran operated a loan modification scam in Bethesda, Maryland that falsely guaranteed that a Prince George's County homeowner would receive a loan modification within four months in exchange for \$2,995 in unlawful upfront fees. The Committee secured an order of default against United Financial Resources, LLC and William Wayland on September 9, 2013, and a scheduling conference was set for September 27, 2013. The defendants recently retained counsel and have moved to vacate the default orders.

Since February 2013, the Committee, with co-counsel, has filed five complaints alleging unlawful loan modification and foreclosure rescue practices. The complaints have been filed in state courts in Maryland and Virginia and in the US District Court for the District of Maryland.

## Committee Advocates for Homeowners Facing Foreclosure in Prince George's County, Md.

In January 2013, the Committee and partner nonprofits founded the Take Back Your Home Coalition (TBYH), a group of nonprofit organizations committed to assisting Prince George's County homeowners and tenants affected by foreclosure.

On a bi-weekly basis, TBYH volunteers from local law schools and the broader community go to homes affected by foreclosure to inform homeowners and tenants of their rights and the free resources available to them.

The TBYH also holds bi-weekly community meetings in Prince George's County, where homeowners and tenants can access free housing counseling and legal services, and it engages in advocacy on issues affecting homeowners in foreclosure in Prince George's County.

## Public Education

### 2013 GeoPlunge Geography Tournament to be Held at Smithsonian's National Portrait Gallery

The Committee, with **Arent Fox LLP** and DC Public Schools, will host the 9th Annual GeoPlunge Geography Tournament on Thursday, November 14, 2013, at the Smithsonian's National Portrait Gallery in Washington, DC. The Tournament is based on the award-winning game, GeoPlunge, invented by Arent Fox lawyer Alan Fishel. GeoPlunge, a fast-paced card game, helps elementary and middle school students learn their US geography competencies while they develop excellent sportsmanship, strategy and cooperation skills. 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, coaches and sponsors. Many of our school partnerships will be coaching teams this year, but additional school teams that do not currently have partnerships need coaches. To coach or sponsor a team, contact Coordinator Elinor Hart at (202) 387-2966; [elinor\\_hart@washlaw.org](mailto:elinor_hart@washlaw.org), or Public Education Project Director Kent Withycombe at (202) 319-1000, ext. 145; [Kent\\_Withycombe@washlaw.org](mailto:Kent_Withycombe@washlaw.org).

### 3rd Annual Celebration of Song to Benefit the Committee and Public Education Project

The Committee's 2013 Celebration of Song to benefit the Committee and the Public Education Project will be held on Monday, November 18, 2013, 6:30pm – 9:00pm at Theater J at the DC Jewish Community Center, 1529 16th Street, NW, Washington, DC 20036. The 3rd annual benefit includes a reception prior to the concert and a raffle with one-of-a-kind drawings for a week in Paris, deluxe trips to New York and Chicago, a collection of fine wines, and skybox tickets to Washington, DC sporting events. This year's concert will feature performances by Peter Yarrow of Peter, Paul and Mary fame, the School Without Walls Concert Choir and the acclaimed Jubilee Voices. The performances will focus on music of the civil



*DC Public School students compete in previous school year's GeoPlunge Tournament at the National Portrait Gallery. This year's tournament will be held there on November 14.*

rights movement and commemorate the 1963 March on Washington. Raffle tickets are \$100 each, and the purchase of two Raffle tickets will include one ticket to the concert. It is not necessary to attend the concert to purchase a raffle ticket or to win a prize. For more information, please see the Committee's website at [www.washlaw.org](http://www.washlaw.org) or call (202) 319-1000.

### Record Numbers Attend Fall 2013 School Partnership Luncheon

More than 80 Partnership Coordinators from law firms, businesses and DC public schools, as well as representatives from organizations interested in getting involved in the School Partnership Program attended the Fall 2013 DC Public School Partnership luncheon meeting hosted by **Akin Gump Strauss Hauer & Feld LLP** on September 18, 2013. More than 20 principals and teachers from our partnership schools also attended, along with several representatives from organizations that seek to collaborate with our school partnerships to bring innovative academic, athletic and arts programs to the schools. For more information on how to get involved with the school partnerships, contact Kent Withycombe at (202) 319-1000, x145, [kent\\_withycombe@washlaw.org](mailto:kent_withycombe@washlaw.org); or Elinor Hart at (202) 387-2966, [elinor\\_hart@washlaw.org](mailto:elinor_hart@washlaw.org).

# Corporate Advisory Board

## 2013 Corporate Advisory Board Seeks New Members

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. In addition, CAB firms now work alongside the Committee and co-counsel attorneys, providing legal support services to advance cases.

The Committee offers 3 levels of CAB participation, and each provides distinct benefits and opportunities: the \$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 Jennifer Levy, **Kirkland & Ellis LLP**, serve as the Board Corporate Outreach Co-Chairs. For more information, contact Bob\_Bruskin@washlaw.org, or (202) 319-1000, ext. 101.



*(L/R): Federal Communications Commissioner Mignon Clyburn speaks with the Committee's DC Prisoners' Project Acting Director Deborah Golden after the FCC ruling to reform prison phone rates.*

## FCC Rules on Reform to Prison Phone Rates

*(continued from page 6)*

The CCA entered into exclusive dealing agreements with a number of telephone companies to provide phone services to the prisoners in their facilities.

Under these arrangements, family members, loved ones, and attorneys cannot choose which telephone carrier to use when they want to communicate with people in prisons.

We believe this practice constitutes a restraint of trade in violation of the Sherman Antitrust Act, the 1996 Telecommunications Act, various consumer protection acts, and infringes on constitutional rights to familial association and equal protection.

In 2001, the court ordered that the claims be referred to the FCC and granted a stay in this federal lawsuit so that the statutes of limitation for the damages and other claims could be tolled while the plaintiffs appear before the FCC.



# Arrivals

## New Board Members

The Washington Lawyers' Committee is pleased to welcome two new members to the Board of Directors: Danielle Y. Conley (**Wilmer Cutler Pickering Hale & Dorr LLP**) and Mark P. Guerrero (**Sidley Austin LLP**).

## New Staff

**Dennis A. Corkery**, a former George Washington Law School Fellow at the Committee, has become a Staff Attorney for the Committee's Equal Employment Opportunity Project. He graduated from the University of Chicago and George Washington University Law School.

**Michele Eken** recently joined the Committee as a Georgetown Law Fellow working on Immigrant and Refugee Rights matters. She is a graduate of Georgetown University Law Center and Loyola University in Chicago.

**Rebecca Diane Turner**, has joined the Committee as a UVA Robert F. Kennedy '51 Public Service Fellow, working with the DC Prisoners' Project. She is a graduate of the University of Virginia Law School and Florida State University.

## Visiting Attorneys

**Deepa Goraya** is a Visiting Attorney working with the Committee's Disability Rights Project. She graduated from the University of Michigan Law School and the University of California, Los Angeles.

**Kiva Keane Zytneck** is a Visiting Attorney working with the Committee's Public Education Project. She is a graduate of George Washington University Law School and Tulane University.

## Committee Celebrates 45<sup>th</sup> Anniversary at 2013 Branton Luncheon

(continued from page 1)

Avis Buchanan, Director, Public Defender Service for the District of Columbia, and former Committee Director of Litigation, presented the award to Judge Urbina. The Hon. David S. Tatel, Judge, US Court of Appeals for the District of Columbia Circuit, conferred the award on Judge Ferren.

E. Elaine Gardner, Attorney Advisor, Federal Communications Commission, and former Director of the Committee's Disability Rights Project, presented the 2013 Alfred McKenzie Award, in absentia to Mr. Bruce Hubbard, lead plaintiff in the Committee's major class action case, *Hubbard v. US Postal Service*.

This award is presented to a Committee client for dedication and courage that have produced significant civil rights victories.

Former Committee board member and former **Sidley Austin LLP** partner Ronald S. Flagg, presented the 2013 Vincent E. Reed Award jointly to Sidney Dickstein, Senior Counsel, **Dickstein Shapiro LLP**; and DC Public Schools Chancellor Kaya Henderson.

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

The Committee also recognized 21 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



*The 2013 Branton Awards Luncheon Honorees included (L/R): Senior Judge John Ferren of the District of Columbia Court of Appeals; DC Public Schools Chancellor Kaya Henderson; Dickstein Shapiro LLP Senior Counsel Sidney Dickstein; and Retired Judge Ricardo Urbina of the US District Court for the District of Columbia.*

and senior federal and local judges who are advising the Committee in the preparation of reports addressing these critical issues and related matters.

Judge John M. Ferren graduated from Harvard College and Harvard Law School, and began his legal career as an Associate with Kirkland & Ellis in Chicago, where he initiated a highly successful pro bono volunteer program staffed by lawyers city-wide. In 1966, he joined the faculty at Harvard Law School where he founded a nationally recognized neighborhood law office providing clinical training for students. In 1970, he was invited to join Hogan & Hartson as a partner charged with creating the firm's Community Services Department, which became one of the most successful pro bono programs in the country. In 1977, he was appointed to the District of Columbia Court of Appeals by President Carter. In 1980, when members of the bar approved a referendum barring use of mandatory dues to support civil legal aid, Judge Ferren initiated and chaired a Judicial Conference Committee on Civil Legal Services to recruit lawyers for pro bono legal service. In 1997, Judge Ferren retired from the Court to become DC Corporation Counsel. He returned to the Court in 1999, taking senior status.

## Committee Celebrates 45<sup>th</sup> Anniversary at 2013 Branton Luncheon

(continued from previous page)

Judge Ricardo M. Urbina received his undergraduate and law degrees from Georgetown University. After working with the DC Public Defender Service, and in private practice in DC, he joined the faculty at Howard Law School in 1974. He was appointed to the Superior Court of the District of Columbia in 1981 by President Clinton and in 1994 to the United States District Court. Judge Urbina was the first Latino appointed to the Federal Bench in the District of Columbia. Judge Urbina has been recognized for his community service by the Hispanic National Bar Foundation, the Puerto Rican Bar Association and the Legal and Hispanic Community of Notre Dame Law School, among other organizations, and he has served on the Board of Directors of the Eugene and Agnes E. Meyer Foundation.

Most recently, Judge Urbina has advocated for reform of the criminal justice system with a particular concern for fair sentencing guidelines. He serves on a panel of retired

Judge Ferren served as a member of the Committee's Executive Committee from 1971 until his appointment to the bench. During his tenure at Hogan & Hartson, Judge Ferren and his firm helped develop major Committee programs related to equal employment and criminal justice reform. This work included the firm's lead counsel role in the Committee's federal sector employment discrimination cases, including a landmark class action challenge to discrimination at the Government Printing Office, brought on behalf several hundred African-American workers led by former Tuskegee Airman Alfred McKenzie. Judge Ferren currently serves on a Committee advisory panel of retired and senior judges studying unequal enforcement issues in the DC criminal justice system.

The Committee's annual Branton Awards Luncheon is named for Wiley A. Branton, Sr., a civil rights lawyer of the 1950s 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.

## 2013 Branton Awards Luncheon

At the 2013 Branton Awards Luncheon Corporate Reception were (L/R): Jennifer Levy, Committee board member, corporate outreach Co-Chair, and partner, Kirkland & Ellis LLP; Theodore A. Howard, Committee Co-Chair and partner, Wiley Rein LLP; Thomas S. Williamson, Committee board member and partner, Covington & Burling LLP; Sabine S. Curto, senior director of administration, Kirkland & Ellis LLP; and Lewis S. Wiener, Committee board member, corporate outreach Co-Chair, and partner, Sutherland Asbill & Brennan LLP.



### 2013 Branton Awards Luncheon Corporate Sponsors

The Washington Lawyers' Committee thanks the following corporate sponsors for their contributions toward the 2013 Branton Awards Luncheon:

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### 2013 Outstanding Achievement Awards

At the 2013 Branton Awards Luncheon, the Washington Lawyers' Committee recognized the following 21 law firms with Outstanding Achievement Awards for their exceptional work on Committee pro bono matters in the past year.

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