

# UPDATE



Vol. 20, No. 2

Fall 2014



Photo credit: *Taisie Berkeley*

2014 Branton Awards Luncheon Honoree Nkechi Taifa (left) receives the Branton Award from Washington Lawyers' Committee Executive Director Rod Boggs (center), and The Hon. Patricia M. Wald, former Chief Judge, US Court of Appeals for the District of Columbia Circuit (right).

## James Sandman and Nkechi Taifa Honored at 2014 Branton Luncheon

Joined by nearly 1,000 supporters, including representatives from over 90 area law firms and companies, the Washington Lawyers' Committee for Civil Rights and Urban Affairs celebrated its 2014 Wiley A. Branton Awards Luncheon on Wednesday, June 18 at the Grand Hyatt Washington Hotel.

The annual event recognizes the outstanding achievements of individuals, clients and organizations that the Committee has worked closely with over many years.

Attendees at the luncheon included government officials and representatives from law firms, businesses, foundations, and other non-profit organizations.

(Continued on page 13)

## Lawsuit Filed Against WMATA For Unlawful Background Check Policy

On July 30, 2014, the Committee with co-counsel **Arnold & Porter LLP** and the NAACP Legal Defense and Educational Fund, Inc., filed a class action lawsuit on behalf of nine named plaintiffs against the Washington Metro Area Transit Authority (WMATA) and three of its contractors challenging their use of an overly broad and unnecessarily punitive criminal background screening policy.

The lawsuit, *Little et al. v. Washington Metro Area Transit Authority et al.*, filed in US District Court in the District of Columbia, claims that the policy goes far beyond any legitimate public safety concerns to permanently stigmatize and bar from employment well-qualified workers, a disproportionate number of whom are African Americans.

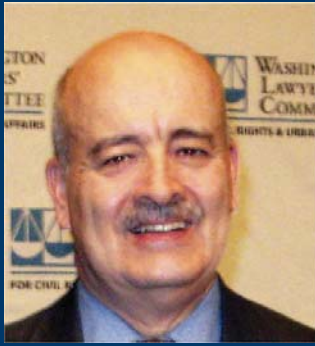
"WMATA's policy unfairly and disproportionately limits opportunities for qualified African American employees, who have been the most severely affected by the recent economic downturn," said Matthew Handley of the Washington Lawyers' Committee.

(Continued on page 8)

### Inside this issue . . .

|   |            |
|---|------------|
| Major Settlements and Verdicts .....          | 7, 10      |
| Director's Corner .....                       | 2          |
| History of Washington Lawyers' Committee..... | 3-4        |
| New Cases.....                                | 1, 5, 8, 9 |
| Corporate Advisory Board .....                | 12         |
| Arrivals .....                                | 13         |
| 2014 Outstanding Achievement Awards .....     | 15         |
| 2014 Branton Lunch Sponsors.....              | 15         |
| Corporate and Foundation Contributors .....   | 16         |

## WASHINGTON LAWYERS' COMMITTEE



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

Our Fall 2014 issue of the *UPDATE* highlights the joint presentation of the 2014 Branton Award, the Washington Lawyers' Committee's highest honor, to James Sandman and Nkechi Taifa. Both Jim and Nkechi have contributed greatly to advancing the cause of equal justice in our community. The Committee is privileged to have been associated with their exceptional

work, as demonstrated through two notable Committee undertakings over the past several months.

The first of these is the Committee's expanding work in support of criminal justice and drug policy reform in the District of Columbia that has included the recent filing of a major new case challenging the racially discriminatory effects of arrests and convictions in the employment practices of WMATA, and our effective advocacy in support of reforming the city's marijuana laws. The inspiration for this work owes much to the tireless efforts of Nkechi Taifa who has long championed criminal justice reform in our society.

In the weeks ahead, the Committee will release a new report documenting the far-reaching impact of collateral consequences in a wide array of circumstances extending beyond employment. This report will be a sequel to the Committee's 2013 report on the civil rights implications of racial disparities in arrests in the District of Columbia. As with its predecessor, this new report will be greatly aided by the wise counsel of a judicial advisory panel of distinguished senior and retired judges. As an extension of the Committee's historic commitment to prisoners' rights advocacy, this work is of the highest priority for the Committee.

In honoring Jim Sandman, the Committee is mindful of his extraordinary commitment to pro bono work and his deep engagement and support for quality public schools in our city. As the Committee expands its work to build a network of strong partnerships linking our cooperating law firms and corporate offices with local schools, we recognize the encouragement and support for this critical mission that Jim espoused during his exceptional service as General Counsel for the DC Public Schools. The record-setting attendance at the Committee's most recent school partners' luncheon underscores the gathering momentum of our work in support of the DC public schools. Assuring a quality public education for all children in our city remains a primary part of the Committee's mission. We are exceedingly grateful that this work now encompasses the volunteer support of hundreds of volunteers and more than 50 area law firms and businesses.

It is also gratifying to note the expanding dockets and positive case results recorded by all of the Committee's active litigation projects. Our new disability and wage theft cases are examples of this encouraging trend, as are the recent victories we have achieved in a series of prisoners' rights cases.

While we focus on the Committee's accomplishments and the growing demand for our services, it is essential to note the pressing need for funding to maintain excellent staff to direct our programs. To avoid an over-reliance on unpredictable attorney's fees and gifts of fees income, we must seek funding from more reliable sources, including our law firm partners, individual attorneys and foundations. We need to raise more than \$500,000 to meet this year's funding goal by the end of our funding cycle on November 30. The Committee's 2014 Benefit Raffle and Concert set for November 24 offer all of our supporters the opportunity to help us meet this need. As our Co-Chairs past and present have frequently noted, given the Committee's unique ability to harness the energy and resources of the legal community and its long history of accomplishments, it is hard to imagine a better investment in the cause of equal justice in our society.

### Upcoming Events and Activities

On November 24, 2014, the Committee will host its 4th 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/secure.htm](http://www.washlaw.org/secure.htm).

# History of the Washington Lawyers' Committee

## History of the Washington Lawyers' Committee

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

Since then, 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 D.C. Public Schools, the city-wide advocacy group seeking educational reform in the city.

(Continued on next page)



## 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 D.C. Fire Code, which assured millions of dollars for basic school building repairs and renovation, and a decision requiring basic nursing services at schools in the city and medical staffing at interscholastic athletic events. Since 1977, the Project has also administered an educational partnership program that links area firms with D.C. schools, providing tutoring, mentoring, and other enrichment services to more than 10,000 D.C. public school children.

### **Immigrant & Refugee Rights Project**

In 1978, the Committee initiated a project to address the legal service needs of immigrants and refugees that was the first such program in the D.C. area. Over the years, the Committee's Immigrant and Refugee Rights Project has received support from over 1,000 volunteers on matters of political asylum, challenges to restrictive immigration laws, as well as the preparation of comprehensive policy papers on legal issues affecting the Latino community. The Project 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.

### **D.C. Prisoners' Project**

In 2006, the D.C. Prisoners' Legal Services Project, the foremost private prisoners' rights legal advocacy group in the District of Columbia, joined the Committee to become the Committee's D.C. Prisoners' Project. The Project advocates on behalf of the more than 3,000 prisoners held in D.C. jail facilities as well as nearly 8,500 individuals incarcerated under D.C. law at Federal Bureau of Prisons facilities nationwide. The Project's work, which complements the Committee's prior work on prisoners' rights and prison reform issues, utilizes 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

## District of Columbia Sued for Failure to Provide Adequate Emergency Planning For People with Disabilities

On September 9, 2014, the Committee, with co-counsel **Drinker Biddle & Reath LLP**, and Disability Rights Advocates filed a federal class action lawsuit on behalf of the United Spinal Association and the DC Center for Independent Living, as well as three individuals, in the US District Court for the District of Columbia, challenging the District of Columbia's poor emergency planning for persons with disabilities. The filing follows similar lawsuits in New York City and Los Angeles.

The lawsuit alleges that the problems that exist range from the District's failure to publicize information about accessible emergency shelters, failure to plan for emergency communications to persons who are deaf and blind, failure to put accessible evacuation options in place, and failure to plan for supply chain disruptions for medication and replacement durable medical equipment.

Said the Committee Litigation Director Matthew K. Handley of the Washington Lawyers' Committee: "Like both New York and Los Angeles, Washington, DC has developed emergency plans that serve the general population during emergencies like hurricanes and terrorist attacks. However, also like New York and Los Angeles, the District fails to plan for the predictable needs of persons with disabilities. This is unconscionable."

## Lawsuit Filed Against Wings To Go Restaurants for Lack of Accessibility

On October 21, 2014, the Committee with co-counsel **Arnold & Porter LLP**, filed a lawsuit in the US District Court for the District of Columbia against Wings To Go, Inc., a franchisor of restaurants serving primarily chicken wings.

The lawsuit challenges Wings To Go and the two corporations that own and operate Wings To Go franchises in DC for failing to comply with Title III of the Americans with Disabilities Act and the DC Human Rights Act.

The lawsuit was filed on behalf of the Equal Rights Center, a not-for-profit organization in DC whose members include persons with disabilities or disability rights advocates, and on behalf of Lewis Starks, a disabled resident of DC.

The lawsuit alleges that Mr. Starks, who uses a wheelchair, first visited his neighborhood Wings To Go restaurant located at 12<sup>th</sup> Street, NE during the summer of 2013.

Upon arrival at the restaurant, he realized that it was not wheelchair accessible because of a six-inch step in front of the restaurant. Mr. Starks was unable to enter and was forced to order his food outside with the assistance of a staff member, and then to wait for his food on the sidewalk.

Additional surveys by the Equal Rights Center of area Wings To Go restaurants revealed wide-spread barriers to accessibility. The lawsuit aims to bring Wings To Go restaurants into compliance with the ADA and DCHRA, and to grant equal and full access to customers with disabilities.

# DC Prisoners' Project

## Progress Continues in ADX Lawsuit

Settlement talks by the Committee's DC Prisoners' Project with co-counsel **Arnold & Porter LLP** continue 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.

Progress in the case includes initial improvements by the Bureau of Prisons (BOP) in mental health treatment of inmates at this facility, and a new nationwide mental health care policy. The new policy excludes most men and women with serious mental disabilities from the highest security prisons.

The case was brought on behalf of prisoners with serious mental illness held in the notorious federal facility in Florence, Colorado, known as the "supermax" 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 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. This case can be followed at [www.supermaxlawsuit.com](http://www.supermaxlawsuit.com).

## Committee's Justice Reform Initiative Results in Decriminalization Bill

Following the July 2013 publication of the Committee's much cited study, *Racial Disparities in Arrests in the District of Columbia 2009-2011: Implications for Civil Rights and Criminal Justice in the Nation's Capital*, Committee attorneys and co-counsel from **Covington & Burling LLP** testified earlier this year on the findings and recommendations in the report at a hearing before the DC City Council.

The report had concluded 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 is virtually identical across racial lines throughout the city, and 96% of all arrests were for non-violent offenses.

Following testimony, the DC Council members passed legislation on March 4, 2014, to eliminate criminal penalties for the possession of one ounce or less of marijuana in DC and treat possession as a civil offense subject to a small fine. The *Racial Disparities* report has been credited as an important factor in the passage of this legislation by the DC Council.

DC Mayor Vincent Gray approved the legislation on March 31, 2014. The law is now widely accepted as the most progressive marijuana decriminalization bill in the United States.

## Collateral Consequences Report to be Released

The Committee, with the pro bono support of a team at **Covington & Burling LLP** and a judicial advisory panel, plan to release a second report this Fall analyzing the collateral consequences of arrests and convictions in the context of criminal justice and civil rights.

This second report will contain recommendations for legislative action in DC, Maryland, and Virginia concerning employment, housing, public benefits, civic and political participation, and other areas. The Committee will also explore litigation as one response to the serious collateral consequences documented in the report.

# DC Prisoners' Project

## Unanimous Decision Rendered in Parole Guideline Lawsuit

With co-counsel **Dentons**, the Committee's DC Prisoners' Project won a unanimous appellate victory on September 12, 2014, from the US Court of Appeals for the District of Columbia in the case of *Daniel v.*

*Fulwood*, sending the case back to the district court for discovery. The lawsuit, filed in 2010, was brought against the US Parole Commission on behalf of DC code offenders whose cases were heard under the wrong parole guidelines, resulting in an ex post facto violation. If successful, this case could present a pathway to freedom for hundreds of prisoners who have been incarcerated for decades.

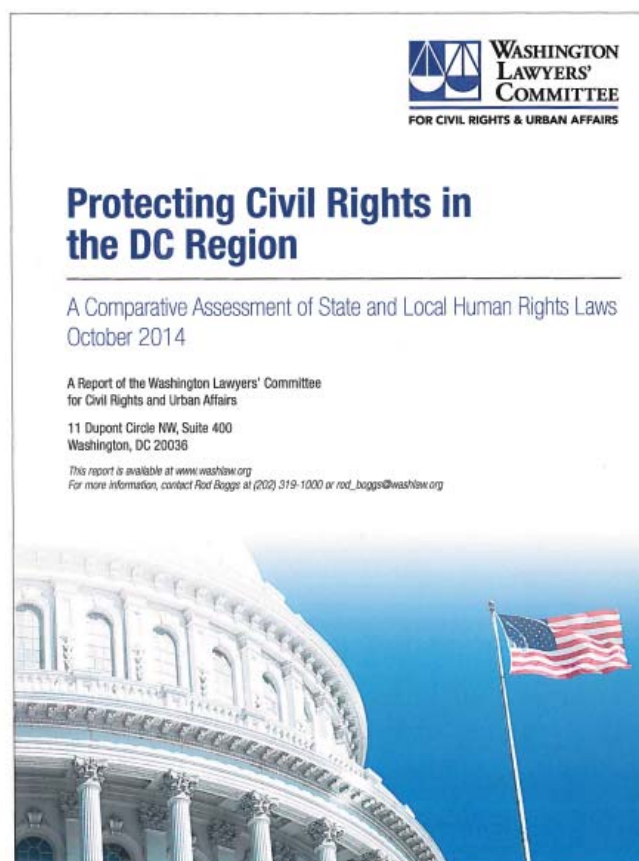
## Committee Releases Report Comparing Local Human Rights Protections

On October 2, 2014, the Committee, with the assistance of **BuckleySandler LLP** and a number of other law firms, released the report entitled *Protecting Civil Rights in the DC Region: A Comparative Assessment of State and Local Human Rights Laws*, which assesses human rights protections available in Washington, DC area jurisdictions. Other participating firms included **Finnegan Henderson LLP**; **Goodwin Procter LLP**; **Hunton & Williams LLP**; and **K&L Gates LLP**.

The report was intended to raise awareness about civil rights protections available in the DC metro area, to empower people to assert the rights they have, and to call on public officials to strengthen the rights available in their jurisdictions. It examines and compares the human rights laws in eight jurisdictions – Washington, D.C., Maryland, Virginia, Montgomery County and Prince George's County in Maryland, and Fairfax County, Arlington County, and Alexandria City in Virginia. It also provides recommendations for strengthening the human rights laws in each jurisdiction.

According to the report, too few of these laws provide protections on the basis of source of income, gender identity, or status as a victim of domestic violence, and some area jurisdictions do not prohibit discrimination on the basis of sexual orientation despite the progress of marriage equality in the region. The report recommends that public officials expand the protections and remedies available under their human rights laws; provide a private right of action for individuals who claim rights violations so that they can file a lawsuit in court; remove technical barriers that prevent individuals from pursuing claims in administrative agencies without the need of an attorney; and improve reporting of data to the public.

(Continued on page 12)





# Equal Employment Opportunity



*Committee Litigation Director Matthew K. Handley (standing) addresses the media on July 30, 2013, after filing the lawsuit against WMATA for its unlawful background check policy. With him are plaintiffs Erick Little (L) and Marcello Virgil (R).*

## Lawsuit Filed Against WMATA For Unlawful Background Check Policy (continued from page 1)

"Due to racial profiling and other discriminatory policies and practices in our criminal justice system, African Americans in the DC metro area are much more likely to be negatively impacted by WMATA's overly punitive screening checks," he added.

According to the lawsuit, WMATA's policy -- in violation of Title VII of the Civil Rights Act and Equal Employment Opportunity Commission ("EEOC") guidelines -- has resulted in the firing of many employees and disqualification of many qualified job applicants with a wide range of criminal convictions without fairly or adequately considering how long ago the conviction occurred, or whether it is at all relevant to the job at issue.

Under WMATA's policy, for example, a large number of convictions—including many non-violent drug convictions—result in lifetime disqualification. The lawsuit argues that the policy violates federal and local antidiscrimination laws as well as guidance issued by the EEOC.

Plaintiff Erick Little, 47, after taking and passing a written bus operator test and performing well in two

interviews, was offered a job as a bus operator contingent on a criminal background check. At the time he received this offer, Mr. Little was employed as a bus operator for Montgomery County's Ride On service. However, Mr. Little's contingent offer was withdrawn because of a 27-year-old conviction that he disclosed during the interview process.

"I made a mistake when I was 19 years old," said Mr. Little. "I learned from that mistake, changed my life, and am willing to work hard to provide for my family, but WMATA is telling me that because of my 27-year-old mistake I am not qualified to drive a bus."

This punitive criminal background check policy not only applies to job applicants, but also to WMATA employees and contractors who have been fired as a result of the policy, despite having previously disclosed their earlier convictions and performing their duties in exemplary fashion—often for years—without complaint from superiors.

Plaintiff Marcello Virgil, 46, was fired from his job as a custodian with a WMATA contractor and denied an equivalent WMATA position, which came with better pay and benefits, based on a 15-year-old drug-related conviction that he disclosed before starting work for the contractor.

"I had been a longstanding seasonal landscaper and custodian through a contractor for Metro. In fact, my supervisors encouraged me to apply for a full-time job directly with Metro. Yet, out of nowhere, I was told that I was going to be fired because of my 15-year-old conviction, even though I told them about that when I first applied to work there," said Mr. Virgil. "I am joining this lawsuit because I don't think it is fair that a mistake I made 15 years ago should keep me from supporting myself and my family."

The Committee's widely cited 2013 study, *Racial Disparities in Arrests in the District of Columbia 2009-2011: Implications for Civil Rights and Criminal Justice in the Nation's Capital*, reported that African American residents accounted for a disproportionately high percentage of all drug arrests, even though usage rates are roughly the same for blacks and whites.



# Immigrant and Refugee Rights

## Police Misconduct Lawsuit Filed Against Fairfax County Officers

On June 23, 2014, the Committee and co-counsel **Debevoise and Plimpton LLP** filed a complaint in US District Court for the Eastern District of Virginia on behalf of an immigrant woman, Sulema Diaz-Pineda, who was falsely arrested and abused by several police officers in Fairfax County.

The lawsuit, *Diaz-Pineda v. Arnest et al.*, alleges that after police officers arrived at Ms. Diaz-Pineda's door for a noise complaint, they returned not long after to chase a guest through her house. They then returned a second time, axed down the door, aggressively sought information about a third party, tasered Ms. Diaz-Pineda, and ultimately arrested her. She was charged with three counts of assaulting a police officer but was acquitted. Ms. Diaz-Pineda has brought tort claims and claims for violations of

her Constitutional rights. An amended complaint was filed September 5, 2014, and service is ongoing.

## Pregnancy Discrimination Lawsuit Proceeds Against Chipotle

In February 2014, the Committee and co-counsel **Debevoise & Plimpton LLP** filed a complaint in US District Court for the District of Columbia against Chipotle Restaurants on behalf of a Spanish-speaking woman who was terminated by the restaurant after disclosing she was pregnant. **Arnold & Porter LLP** has succeeded Debevoise & Plimpton LLP as counsel in the case.

The facts in this case have been recently cited by the DC City Council to support efforts to amend DC law to require that accommodations be made for pregnant employees. Discovery in the case is ongoing.

## Panel Marks 50<sup>th</sup> Anniversary of Title VII of the 1964 Civil Rights Act

On July 10, 2014, the Committee held a panel commemorating the 50<sup>th</sup> Anniversary of Title VII of the historic 1964 Civil Rights Act. The event was hosted at the offices of **Covington & Burling LLP** and attended by a capacity crowd.

The distinguished panelists included Joseph M. Sellers, partner, **Cohen Milstein Sellers & Toll PLLC**, a former Committee EEO Director; David Lopez, General Counsel, Equal Employment Opportunity Commission; and William L. Robinson, Ollie W. Rauh Professor at the District of Columbia School of Law and former EEOC Associate General Counsel. The Committee's Executive Director Rod Boggs and Litigation Director Matthew K. Handley also participated on the panel.

Speakers offered personal reflections on the history of the EEOC, the current state of employment discrimination law, and opportunities for future progress in the field. Summing of the importance of the law, EEOC General Counsel David Lopez commented that "Title VII is the 'Magna Carta' of human rights."



*Committee panelists at Covington & Burling LLP commemorating the 50th Anniversary of the historic 1964 Civil Rights Act on July 10, 2014, were (L/R): Joseph M. Sellers, partner; Cohen Milstein Sellers & Toll PLLC; Committee Executive Director Rod Boggs; David Lopez, General Counsel, Equal Employment Opportunity Commission; Committee Litigation Director Matthew K. Handley; and William L. Robinson, Ollie W. Rauh Professor at the District of Columbia School of Law and former EEOC Associate General Counsel.*

## Fair Housing

### Committee Obtains Judgment for Homeowner in Loan Modification Scam

On June 28, 2013, the Committee and co-counsel **BuckleySandler LLP** filed a complaint in the Montgomery County Circuit Court alleging that United Financial Resources, LLC, William Wayland, and Glenda Beltran operated a loan modification scam in Bethesda, Maryland that falsely guaranteed that Ms. Jennell Jenkins would receive a loan modification within four months in exchange for \$2,995 in unlawful upfront fees.

The case resulted in a default hearing, to which Defendants sent an attorney to argue that the requested attorney's fees be reduced.

On July 22, 2014, the Court entered a judgment for the damages and fees that we requested. We are in the process of seeking collection on those judgments.

### Committee Files Amicus Brief in Disability Discrimination Case

On April 10, 2014, the Committee and co-counsel **Troutman Sanders LLP** filed an amicus brief in *Rodriguez, et al., v. Village Green Realty, Inc., et al.*, a disability discrimination case pending before the US Court of Appeals for the Second Circuit on behalf of a number of organizations that work with people with disabilities.

The case involves direct discrimination against a family whose daughter has epilepsy and autism. The court below found that the express discrimination was not actionable because the child was not "disabled" under the Fair Housing Act (FHA).

Our amicus brief focused on the community integration mandate of the FHA, and science and medical literature about epilepsy and autism to support the appellants' arguments that the decision should be reversed. Oral argument took place on September 12, 2014.

### Connecticut Fair Housing Source of Income Case Settles

The Committee and co-counsel **Covington & Burling LLP** and the Connecticut Fair Housing Center recently reached a settlement on behalf of Marco Francia, owner and manager of properties in New Haven and Hartford, CT, who had alleged discrimination by Mount Vernon Fire Insurance Company on the basis of source of income. The complaint in the case was filed on June 18, 2008.

A number of Mr. Francia's tenants are participants in the Housing Choice Voucher Program. Defendant Mount Vernon Fire Insurance Company, through Mr. Francia's insurance broker, initially denied coverage for one of his rental properties because of the presence of tenants who are voucher holders, and then ultimately issued a policy for the property but only at an increased premium.

Defendants' increased pricing for coverage of properties with voucher holders as tenants violates Connecticut law, which makes it unlawful to discriminate in the provision of housing-related services based on a tenant's lawful source of income, including the use of Housing Choice Vouchers.

# Public Education

## 2014 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 10th Annual GeoPlunge Geography Tournament on Thursday, December 11, 2014, 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 that helps elementary and middle school students learn their US geography competencies, while they develop excellent sportsmanship, strategy and cooperation skills. The Tournament brings together 3rd to 8th 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 partners 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).

## 4<sup>th</sup> Annual Celebration of Song to Benefit the Committee and Public Education Project

The Committee's 2014 Celebration of Song to benefit the Committee and the Public Education Project will be held on Monday, November 24, 2014, 6:30pm – 9:00pm at Theater J at DC Jewish Community Center, 1529 16<sup>th</sup> Street, NW, Washington, DC 20036. The 4<sup>th</sup> 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 a sports and entertainment package for Washington, DC events. This year's concert will feature a special performance by renowned folk singer Tom Paxton; the Jubilee Voices; and the Wilson Senior High School Concert



*DC Public School students compete in previous school year's GeoPlunge Tournament at the National Portrait Gallery. This year's tournament will be held on December 11 in the same location.*

Choir. The performances will focus on music of the civil rights movement. 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 2014 School Partnership Luncheon

More than 100 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 2014 DC Public School Partnership luncheon meeting hosted by **Akin Gump Strauss Hauer & Feld LLP** on October 2, 2014. 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 (202) 319-1000, x145, [kent\\_withycombe@washlaw.org](mailto:kent_withycombe@washlaw.org); or Elinor Hart (202) 387-2966, [elinor\\_hart@washlaw.org](mailto:elinor_hart@washlaw.org).



# Corporate Advisory Board

## Corporate Outreach Activities

The Committee's Board of Directors launched the Corporate Advisory Board (CAB) in 2010 to offer the business community the opportunity to participate with the Committee in accomplishing our mission of addressing issues of discrimination and poverty in our community. The CAB is chaired by Jay Frankl, Senior Managing Director, **FTI Consulting**. Other members include **Savills Studley**, **Tower Legal Solutions**, and **Veris Consulting**.

The CAB companies offer business perspectives and advice on Committee matters; work with Committee lawyers and co-counsel to provide legal services and support on Committee cases; serve as partners with the Committee's Education Project in the DC public schools; and attend Committee events throughout the year while establishing closer ties with our many supporting law firms.

The Committee recognizes participating CAB companies during Committee events, and in print and online publications. For more information about the Corporate Advisory Board, please contact Deputy Director Rhonda Cunningham Holmes at: 202-319-1000, x111; or [rhonda\\_holmes@washlaw.org](mailto:rhonda_holmes@washlaw.org).

---

## Fundraising Guide & Toolkit to be Developed For School Partnerships

This school year, the Education Project will be drafting a *School Partnership Fundraising Guide & Toolkit* so that the Committee's School Partnership Community Partners, schools, and parent organizations can make informed decisions about which fundraising vehicle best suits their needs—and then implement it.

With the leadership of Kari Twaite and Nathan Darling at **Beveridge & Diamond, P.C.**, and with the pro bono assistance of a working group that includes attorneys from **Akin Gump Strauss Hauer & Feld LLP**; **Dentons US LLP**; **Fried, Frank, Harris, Shriver & Jacobson LLP**; and **Squire Patton Boggs**, the *Guide & Toolkit* is scheduled to be published by Summer 2015. To be a part of the working group or otherwise assist with the research and drafting of this *Guide & Toolkit*, contact Kent Withycombe at (202) 319-1000 x145 or [Kent.Withycombe@washlaw.org](mailto:Kent.Withycombe@washlaw.org).

---

## Committee Releases Report Comparing Local Human Rights Protections (continued from page 7)

“The DC metro area's extremely diverse population makes robust civil rights protections a necessity,” said Megan K. Whyte de Vasquez, the Committee's former Director of the Fair Housing Project. “All of the area's many jurisdictions have enacted human rights laws, but the rights and remedies available vary widely across jurisdictions. This report provides recommendations for each of the region's jurisdictions to strengthen their laws to combat discrimination and ensure equal opportunity.”

“This report is the result of a significant amount of work by a group of very talented attorneys,” said Jay Williams, an associate at BuckleySandler LLP who assisted in coordinating the project. “We hope that this research will assist the Committee in its mission to address issues of discrimination in the DC metropolitan area as an advocacy and education tool for navigating the wide variety of human rights laws in the area.”

# Arrivals

## New Board Member

The Washington Lawyers' Committee is pleased to welcome Athena Velie Eastwood (**Cadwalader, Wickersham & Taft LLP**) as a new board member to the Committee's Board of Directors.

## New Staff

**Christine Tschiderer**, an Equal Justice Works Fellow sponsored by **Crowell & Moring LLP**, has joined the Committee to work with the Equal Employment Opportunity Project over the next two years. Her work at the Committee will focus on providing legal services, outreach and advocacy for victims of pregnancy or family responsibilities discrimination. She is a graduate of the University of Virginia Law School and Cornell University.

**Deepa Goraya**, formerly a Visiting Attorney at the Committee, has become a Staff 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.

## James Sandman and Nkechi Taifa Honored at 2014 Branton Luncheon (continued from page 1)

James Sandman, President of the Legal Services Corporation, and Nkechi Taifa, Senior Policy Analyst for Civil and Criminal Justice Reform at the Open Society Foundations, jointly received the 2014 Wiley A. Branton Award. The award is presented annually to members of the legal community whose lifetime efforts on behalf of civil rights advocacy mirror the deep commitment to equal justice exemplified by legendary civil rights attorney Wiley A. Branton, Sr.

Former Committee board member Ronald S. Flagg presented the Branton Award to James Sandman. In accepting the award, James Sandman said: "It is a great honor for me to receive an award from an organization as preeminent as the Washington Lawyers' Committee and named after the great civil rights hero Wiley Branton."

The Hon. Patricia M. Wald, former Chief Judge of the US Court of Appeals for the District of Columbia Circuit presented the Branton Award to Nkechi Taifa. Receiving the award, Nkechi Taifa said: "Thank you very much, Washington Lawyers' Committee, for this esteemed award and for always being in the forefront of the demand for civil and human rights."

Committee board member and **Beveridge & Diamond, P.C.**, Managing Principal Benjamin F. Wilson presented the Committee's 2014 Vincent E. Reed Award to the law firm of **Fried, Frank, Harris, Shriver & Jacobson LLP**, for the firm's commitment and contributions to public education in the District of Columbia. Accepting the award for the firm were Fried Frank public service counsel Karen Grisez and managing attorney's office coordinator Joseph DeSantis. This award is given in the name of distinguished educator Dr. Vincent Reed for commitment and unique contributions to improving public education in the District of Columbia.

(Continued on next page)



*At the 2014 Branton Luncheon Corporate Reception were (L/R): Mary Anderson, Vice President/Business Development Officer, Eagle Bank; Stephanie Bedenk, Account Manager, Global Printing, Inc.; and Jay Frankl, Senior Managing Director, FTI Consulting, and Chair of the Committee's Corporate Advisory Board.*

## WASHINGTON LAWYERS' COMMITTEE



Photo credit: **Taisie Berkeley**

*James Sandman, President of the Legal Services Corporation (left), received the 2014 Wiley A. Branton Award from presenter Ronald S. Flagg, General Counsel of the Legal Services Corporation and a former Washington Lawyers' Committee board member (right).*

## James Sandman and Nkechi Taifa Honored at 2014 Branton Luncheon

(continued from previous page)

Committee board member and **Crowell & Moring LLP** partner George D. Ruttinger presented the Committee's 2014 Alfred McKenzie Award. Melvina Ford, Executive Director of the Equal Rights Center (ERC), accepted this award on behalf of Donald Kahl, former ERC Executive Director.

The McKenzie award is named in honor of the former Tuskegee Airman and lead plaintiff in a successful class action brought by the Washington Lawyers' Committee challenging racial discrimination. The award recognizes Committee clients whose dedication and courage produced civil rights victories of particular significance.

In addition, the Committee also recognized 19 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.

James Sandman, a graduate of Boston College and the University of Pennsylvania Law School, joined Arnold & Porter LLP in 1977, rising to the position of Managing Partner in 1995. He has been a longtime supporter of pro bono engagement, especially while at his firm and as President of the District of Columbia Bar. He later served as General Counsel of the DC Public Schools (DCPS), where he worked to advance educational reforms that led to significant DCPS improvements. In 2011, he was named President of the Legal Services Corporation, leading the principal federal funding organization for legal services providers throughout the country.

Nkechi Taifa, a graduate of Howard University and The George Washington University Law School, worked with the ACLU National Prison Project's Washington Office, the Women's Legal Defense Fund, and as Director of Howard University Law School's Equal Justice Program. For the past 12 years, Nkechi has worked as a Senior Policy Analyst for Civil and Criminal Justice Reform at the Open Society Foundations, directing the Justice Roundtable, a national coalition of over 100 organizations advocating for comprehensive criminal justice reform focused on alternatives to incarceration, elimination of racial discrimination in sentencing, reintegration of people with convictions into society, and the application of international human rights standards into US law.

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.

## Lawsuit Filed Against WMATA For Unlawful Background Check Policy (continued from page 8)

"No one disputes that WMATA has the right to use criminal background checks. But their current policy is too rigid and unfairly bars people who have paid their debt to society. WMATA can and should adopt a background screening policy—as similar entities have done—that is fair and nondiscriminatory and that does not compromise public safety," said John A. Freedman, of Arnold & Porter LLP.



## 2014 Branton Awards Luncheon

Attending the 2014 Branton Luncheon Corporate Reception were (L/R): Peter Isakoff, Committee board member and partner, Weil Gotshal & Manges LLP; Lindsey Dean, Senior Manager, Veris Consulting, Inc.; Jonathan Couchman, Managing Director, Veris Consulting, Inc.; and Committee Co-Chair Theodore A. (Ted) Howard, partner, Wiley Rein LLP.



### 2014 Branton Awards Luncheon Corporate Sponsors

The Washington Lawyers' Committee thanks the following corporate sponsors for their contributions toward the 2014 Branton Awards Luncheon.

#### **LEADERSHIP LEVEL (\$25,000)**

**FTI Consulting, Inc.**  
**Savills Studley**

#### **PARTNER LEVEL (\$10,000)**

**Tower Legal Solutions**  
**Veris Consulting, Inc.**

#### **OTHER SPONSORS**

##### **Bronze (\$5,000)**

**Eagle Bank**  
**Global Printing, Inc.**  
**National Law Journal/Legal Times**

##### **Friends (\$2,500)**

**BET Networks**  
**Boston Properties**  
**Hue Communications**

##### **Supporters**

**The Claro Group, LLC**  
**IPR Technologies, Inc.**  
**Keller Benefits Inc.**  
**United Healthcare**  
**Washington Express**  
**Wells Fargo Advisors, LLC**  
**West, Lane & Schlager Realty  
Advisors, LLC**

### 2014 Outstanding Achievement Awards

At the 2014 Branton Awards Luncheon, the Washington Lawyers' Committee recognized the following 19 law firms with Outstanding Achievement Awards for their exceptional work on Committee pro bono matters in the past year.

#### **EQUAL EMPLOYMENT OPPORTUNITY & IMMIGRANT AND REFUGEE RIGHTS**

Baker & Hostetler LLP  
Hogan Lovells US LLP  
Kaye Scholer LLP  
Reed Smith LLP  
Relman, Dane & Colfax PLLC  
Williams & Connolly LLP

#### **FAIR HOUSING**

Hogan Lovells US LLP  
Katten Muchin Rosenman LLP  
Kirkland & Ellis LLP  
McDermott, Will & Emery LLP  
McGuireWoods LLP  
Sidley Austin LLP  
Troutman Sanders LLP

#### **PUBLIC ACCOMMODATIONS**

Squire Patton Boggs (US) LLP

#### **DISABILITY RIGHTS**

Covington & Burling LLP

#### **DC PRISONERS' RIGHTS**

Covington & Burling LLP  
Drinker Biddle & Reath LLP  
Winston & Strawn LLP

#### **PUBLIC EDUCATION**

Cleary Gottlieb Steen & Hamilton LLP  
Kelley Drye & Warren LLP  
Kilpatrick Townsend & Stockton LLP

## WASHINGTON LAWYERS' COMMITTEE

### Board of Directors

|                       |                     |                              |                        |
|-----------------------|---------------------|------------------------------|------------------------|
| David J. Ball         | Marc L. Fleischaker | George Kostolampros          | Joseph M. Sellers      |
| Douglas W. Baruch     | J. David Folds      | Alex C. Lakatos              | Michael B. Shulman     |
| James N. Bierman      | Danielle R. Foley   | Harry Lee                    | Matthew D. Slater      |
| Stephen D. Brody      | John A. Freedman    | Jennifer G. Levy             | Paul M. Smith          |
| Thomas W. Brunner     | Paul H. Friedman    | Elizabeth B. McCallum        | Richard W. Snowdon III |
| Barry I. Buchman      | Jamie S. Gardner    | Jack McKay                   | Grace E. Speights      |
| L. Scott Burwell      | Mark P. Guerrero    | Michael J. McManus           | William W. Taylor III  |
| G. Brian Busey        | William R. Hanlon   | Kevin H. Metz                | Paul M. Thompson       |
| Claudia Callaway      | John E. Heintz      | Michael J. Nardotti          | Gary S. Thompson       |
| Danielle Y. Conley    | Thomas G. Hentoff   | William V. O'Reilly          | Carrie Valiant         |
| David J. Cynamon      | Steven P. Hollman   | Constantinos G. Panagopoulos | Barbara S. Wahl        |
| Joseph G. Davis       | Roscoe C. Howard    | Kenneth J. Pfaehler          | Charles F. Walker      |
| John M. Devaney       | Theodore A. Howard  | Matthew T. Reinhard          | F. Joseph Warin        |
| David H. Dickieson    | Peter D. Isakoff    | John P. Relman               | Roger E. Warin         |
| Erica J. Dominitz     | Charles W. Johnson  | Donald M. Remy               | Lewis S. Wiener        |
| Athena Velie Eastwood | Anastasia D. Kelly  | Donald J. Ridings            | Thomas S. Williamson   |
| Joseph D. Edmondson   | Stephen B. Kinnaird | Jeffrey D. Robinson          | Benjamin F. Wilson     |
|                       | Benjamin B. Klubes  | George D. Ruttinger          |                        |

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

**Theodore A. Howard**

**Lewis S. Wiener**

Co-Chairs

**Roderic V.O. Boggs**

Executive Director

**Rhonda Cunningham Holmes**

Deputy Director

**Matthew Handley**, Director

Litigation - EEO, IRR, Disability and  
Fair Housing

**Deborah Golden**, Project Director

DC Prisoners' Project

**Kent Withycombe**, Project Director

Public Education Project

**Da'aga Hill Bowman**, Director

Development and Communications

11 Dupont Circle, NW, Suite 400, Washington, DC 20036

(202) 319-1000 (VOICE) • (202) 319-1010 (FAX)

WWW.WASHLAW.ORG

©2014 Washington Lawyers' Committee for  
Civil Rights and Urban Affairs

### CORPORATE & FOUNDATION CONTRIBUTORS

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

**Aid Association for the Blind of the District of Columbia  
BET Networks**

**John Burke Memorial Fund**

**The Morris and Gwendolyn Cafritz Foundation**

**Consumer Health Foundation**

**Corina Higginson Trust**

**Deloitte Financial Advisory Services LLP**

**The Dimick Foundation**

**The District of Columbia Bar Foundation**

**Max and Victoria Dreyfus Foundation**

**Drug Policy Alliance**

**Eagle Bank**

**FTI Consulting**

**Gannett Foundation**

**Global Printing Inc.**

**The Hanley Foundation**

**Hattie M. Strong Foundation**

**HUE Communications**

**IPR Technologies, Inc.**

**Keller Benefit Services, Inc.**

**The Jacob & Valeria Langeloth Foundation**

**Anthony F. Lucas-Spindletop Foundation**

**Savills Studley**

**Tower Legal Solutions**

**United Healthcare**

**Veris Consulting, Inc.**

**Washington Express**

**George Wasserman Family Foundation, Inc.**

**Wells Fargo Advisors**

**West, Lane & Schlager Realty Advisors, LLC**

Washington Lawyers' Committee is grateful to Mark Paul at **Finnegan, Henderson, Farabow, Garrett & Dunner, LLP** for assistance with the layout of this publication, and to **Global Printing** for donating at-cost printing this publication.