



# UPDATE



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*2015 Wiley Branton Award recipient Theodore A. (Ted) Howard, former Washington Lawyers' Committee Co-Chair and Wiley Rein LLP Pro Bono Partner, addresses attendees at the annual awards luncheon.*

## Theodore Howard and John Relman Honored at 2015 Branton Awards Luncheon

With more than 800 supporters from law firms, companies, nonprofits and government agencies, the Washington Lawyers' Committee for Civil Rights and Urban Affairs celebrated its 2015 Wiley A. Branton Awards Luncheon on Wednesday, June 17 in the Grand Hyatt Washington Hotel.

This 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 numerous non-profit organizations.

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## Committee Settles Parental Leave Case with CNN

On September 16, 2015, the Committee and co-counsel **Boies Schiller & Flexner LLP** announced a settlement on behalf of reporter Josh Levs with CNN and Turner Broadcasting over the paid paternity leave that biological fathers receive at the company. The settlement comes nearly two years after Mr. Levs filed a sex discrimination charge with the U.S. Equal Employment Opportunity Commission (EEOC).

In 2013, before Mr. Levs' third child was born, he began raising concerns about CNN's parental leave policy, which provided biological fathers like Levs only two weeks of paid parental leave but allowed ten weeks of paid leave for other parents, including biological mothers and parents who adopted. He was needed to care for his child, but received only two weeks of paid leave under CNN's policy. In October 2013, he filed a discrimination charge alleging that CNN's policy violated Title VII of the Civil Rights Act of 1964, leading the EEOC to conduct an investigation of the company's parental leave policy.

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

As noted in one of our lead stories in this issue of our *UPDATE*, this year's Branton Luncheon provided a fine opportunity to honor two exceptional individuals—John Relman and Ted Howard—with the Committee's highest award and acknowledge the special contributions of Charlie Johnson

and **Akin Gump Strauss Hauer & Feld LLP** to our growing DC Public School Partnership Program. It also was a chance to express our deep appreciation to Rick Rome and **Savills Studley** for their terrific support on our Corporate Advisory Board.

Taken collectively, I believe the contributions of all of these individuals and their firms exemplify both the Committee's historical commitment to the highest levels of civil rights advocacy and our ability to work effectively with the leaders of our local public schools and business community.

The other lead stories in this issue of the *UPDATE* highlight the recent settlement achieved in our case challenging the denial of equality in employee benefits to men and women, and a second matter regarding the filing of our class action challenging Wal-

Mart's denial of health-insurance benefits to same-sex couples.

These lead stories reflect the Committee's continuing ability to address emerging civil rights issues. Our capacity to identify issues of particular relevance is also evident in our expanding work in the fields of police misconduct, prison reform litigation and disability rights. All of this work is directly attributable to the Committee's excellent and committed staff and the extraordinary corps of area law firms providing record levels of high-quality pro bono support.

In the face of ever-increasing requests for our services, the major limitation on the Committee's ability to sustain and expand its work is the lack of adequate financial resources. While we are most grateful for the support we are receiving, our continuing dependence on income from attorney's fees for nearly one-third of our budget continues to pose a serious threat to our stability and inhibits our ability to respond to new challenges.

As we approach the end of this year's law firm and individual funding drives, I hope all of our traditional supporters and potential new donors will take from this issue of the *UPDATE* a renewed appreciation of the Committee's work and the enormous value and importance of renewed and expanded financial support to our continuing success. I know this support will be greatly appreciated and will help significantly to advance the cause of civil rights in our community.

### Upcoming Events and Activities

On November 30, 2015, the Committee will host its 5th Annual Celebration of Song, benefit raffle, concert 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

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 1960s 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-1970s, 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.

## 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 1,500 prisoners held in D.C. jail facilities as well as nearly 5,000 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. Other projects have focused on securing treatment for narcotics addicts; providing child care for low-income parents; representing African-American servicemen in challenges to less than honorable military discharges; providing instruction to minority students about to enter law schools; and initiatives on veterans' rights, and lesbian, gay, bisexual, and transgender rights.

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

# Equal Employment Opportunity

## Committee Settles Parental Leave Case with CNN (continued from page 1)

In 2015, CNN made important changes to its parental leave policies that expanded paid leave for most parents, including biological fathers like Mr. Levs. Under the new policy, biological fathers now receive six weeks of paid parental leave—the same number of weeks of caretaking leave that CNN provides to biological mothers and parents who adopt. Biological mothers also qualify for an appropriate amount of paid short-term disability leave after giving birth, and now receive more paid time off overall than they previously did.

“This settlement affirms the critical role that fathers, mothers, and all parents play in the lives of their children,” said Peter Romer-Friedman, the Committee’s Deputy Director of Litigation. “Turner and CNN are doing the right thing by ensuring that all workers will receive equal amounts of paid leave to care for their children. The outcome of this case is an important victory for Josh Levs, the thousands of working families at Turner/CNN, and the company itself.”

## Wal-Mart Same-Sex Spouses Health Insurance Claim Filed

On July 14, 2015, the Committee, with co-counsel Gay & Lesbian Advocates & Defenders (GLAD), filed a class action lawsuit *Jacqueline Cote, et al. v. Wal-Mart Stores, Inc.*, against Wal-Mart in U.S. District Court for the District of Massachusetts, charging the retail giant with discriminating against employees who were married to same-sex spouses by denying their spouses health insurance benefits prior to January 1, 2014.

The lawsuit is the first class action filed on behalf of gay workers since the U.S. Supreme Court ruled in favor of marriage equality in *Obergefell v. Hodges* on June 26, 2015, and alleges that Wal-Mart violated Title VII of the federal Civil Rights Act by discriminating against Jacqueline Cote based on her sex. The action seeks to demonstrate how existing federal law can be used to protect lesbian, gay, bisexual, transgender, and queer (LGBTQ) workers.

The class representative, Jacqueline Cote, a Wal-Mart employee in Massachusetts, was denied spousal health insurance for her wife, Diana (Dee) Smithson, who has battled ovarian cancer since 2012. Due to Wal-Mart’s sex discrimination, Dee lacked health insurance to pay for her treatment and has racked up around \$175,000 in uninsured medical expenses. Jackie will ask the Court to certify a class that includes all current or former employees of Wal-Mart who prior to January 1, 2014 (a) had legal and valid marriages with a person of the same sex, (b) would have been eligible to receive spousal health insurance benefits from Wal-Mart but for Wal-Mart’s prohibition on same-sex spouses qualifying for spousal health insurance benefits, and (c) did not receive spousal health insurance benefits from Wal-Mart.

## WMATA Unlawful Background Check Lawsuit In Discovery

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 10 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 the U.S. District Court for 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.

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.

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# Disability Rights

## Accessibility Lawsuit Filed Against Kohl's Department Stores

The Committee and co-counsel **Robbins, Salomon, & Patt LTD** filed a complaint in October 2014 in the US District Court for the Northern District of Illinois against Kohl's Corporation and Kohl's Department Stores, Inc., on behalf of several individuals with disabilities and the Equal Rights Center (ERC).

Testing conducted by the ERC revealed that the aisles and other features inside several Kohl's stores nationwide were inaccessible to people using wheelchairs. The suit alleges that Kohl's violated Title III of the Americans with Disabilities Act and applicable state laws.

On June 3, 2015, Judge Guzman denied Kohl's motion to dismiss ERC's claims based on associational standing for declaratory and injunctive relief, and organizational standing for monetary damages under the New York Human Rights Law. Briefing on the Plaintiffs' motion to dismiss Defendants' affirmative defenses and discovery are ongoing.

## Taxicab Companies Sued For Failure to Stop For Blind Passenger

The Committee, with co-counsel **Pillsbury Winthrop Shaw Pittman LLP**, represent the American Council of the Blind (ACB) and Eric Bridges, a blind customer with a service dog who was attempting to hail a taxi, against four DC taxi companies: Yellow Cab, Elite Cab, Grand Cab Company, and Pleasant Taxicab.

Cab drivers from all four companies, after seeing the service dog, repeatedly passed Mr. Bridges and stopped for a sighted passenger a short distance away, thereby violating Title III of the ADA and the DC Human Rights Act. These incidents were all caught on film by WUSA9, which was doing a documentary on this issue.

The plaintiffs filed a complaint on March 11, 2015, in the DC Superior Court. The defendants filed motions to dismiss the complaint, which were denied on September 3, 2015. Elite Cab Association filed a motion for summary judgment, which was denied on September 4, 2015. Discovery in the case is ongoing.

## Blind Contractors' Website Accessibility Lawsuit Against GSA in Settlement Discussions

On April 22, 2014, the Committee with co-counsel **Sutherland Asbill & Brennan LLP** filed a lawsuit on behalf of federal contractors and the American Council of the Blind against the General Services Administration (GSA), alleging that GSA failed to provide an accessible website for blind federal contractors who must register and renew their federal contractor registration annually.

The GSA, a federal executive agency that administers the federal government's non-defense contracts, is responsible for ensuring that recipients of federal funding comply with the Rehabilitation Act, which prohibits the federal government and recipients of federal funding from discriminating on the basis of disability, including blindness.

Blind federal contractors have faced significant barriers to accessibility while attempting to renew their registration, and have been unable to informally resolve these issues with GSA. The barriers to accessibility discriminate against these individuals because they are blind, and violate Sections 504 and 508 of the Rehabilitation Act of 1973. These individuals face the risk that they will once again encounter significant barriers to accessibility when required to renew their registration next year.

On November 21, 2014, oral arguments were heard in front of Judge Howell in US District Court for the District of Columbia on GSA's motion to dismiss the case. The Judge denied the motion, and in so doing, set new legal precedent stating that plaintiffs and plaintiff organizations have a private right of action for injunctive relief under Section 504 of the Rehabilitation Act. Discovery in the case is currently stayed pending settlement discussions, which are ongoing.

# DC Prisoners' Project

## Report on the Status of DC Women in Federal Prisons Underway

A DC Prisoners' Project report on the status of DC women in federal prisons is underway, led by a team of attorneys at **Covington & Burling LLP**. This report, scheduled for release later this fall, follows earlier reports published by the Committee with counsel authors Covington & Burling LLP.

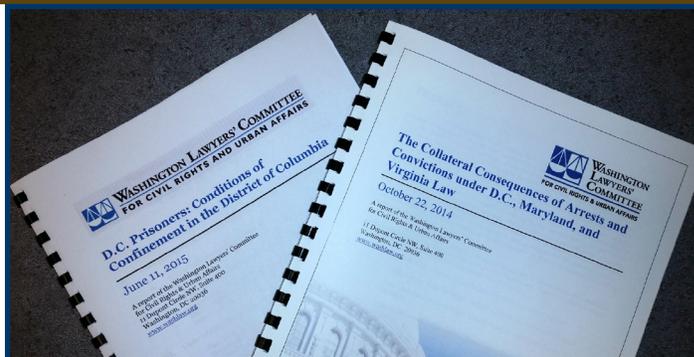
Prior reports included the July 12, 2013, release of the Committee's groundbreaking report, *Racial Disparities in Arrests in the District of Columbia 2009-2011: Implications for Civil Rights and Criminal Justice in the Nation's Capital*, which continues to attract significant local and national media 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 more than three dozen print, radio, television, and online media interviews and articles across the country. The report was also identified in the media as an important factor in the passage of marijuana decriminalization legislation by the DC Council.

The Committee followed the racial disparities report with two studies: *The Collateral Consequences of Arrests and Convictions under D.C., Maryland, and Virginia Law* (October 22, 2014), and *DC Prisoners: Conditions of Confinement in the District of Columbia* (June 11, 2015). These studies examine the conditions of confinement and detail how the collateral consequences of arrests and convictions affect thousands of District residents with criminal records.

"We are gratified by the positive actions that have already resulted from the Committee's report on racial disparities, as well as the interest expressed in our reports on conditions of confinement, and collateral consequences of arrest and conviction," said the Committee's Executive Director Rod Boggs. "We consider this to be some of the most important work that the Committee has ever undertaken."

## Case Involving Attack on ADX Inmate Settles

The Committee and co-counsel **Katten Muchin Rosenman LLP** filed constitutional and federal tort claims on behalf of Mr. Dunbar, a named plaintiff in the



The DC Prisoners' Project and Covington & Burling LLP released the reports "DC Prisoners: Conditions of Confinement in the District of Columbia" (June 11, 2015), and "The Collateral Consequences of Arrests and Convictions under D.C., Maryland, and Virginia Law" (October 22, 2014).

*Cunningham* lawsuit. While he was at the Supermax, Mr. Dunbar was attacked by another inmate and stabbed in the neck. Information came out that the facility knew about the planning of the attack but did nothing to stop it. The case was settled after preliminary discovery was exchanged.

## ADX Lawsuit Continues

Discovery continues 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 Committee, with co-counsel **Arnold & Porter LLP**. Class certification is pending.

The filing led to 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 excluded 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).

## Police Misconduct

### Laurel Police Sued for Strip Search During Traffic Stop

The Committee and co-counsel The Partnership for Civil Justice Fund filed a complaint in federal District Court for the District of Maryland against an officer of the Laurel Police and the Laurel Police department on behalf of an African American man who was strip searched in public during a routine traffic stop.

The Laurel Police Department offered no justification for the stop or the strip search, and the Laurel Police have confirmed to the Plaintiff that the officer engaged in misconduct. An answer to the complaint is due by October 26, 2015.

### Lawsuit Filed Against DC and PG County Police for Assaulting Disabled Man

The Committee and co-counsel **Jones Day** represent Michael Robinson, an adult with physical and mental disabilities, and his grandmother in their complaint against several officers of the P.G. County Police and the D.C. Metropolitan Police Department.

After Michael was at a bus stop in Southeast D.C., he was chased into his home by P.G. County Police officers, where he was physically assaulted and arrested. A complaint was filed in federal District Court for the District of Columbia on June 1, 2015.

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## WMATA Unlawful Background Check Lawsuit In Discovery (continued from page 5)

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.

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.

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.

The lawsuit alleges that WMATA's criminal background check policy creates a disparate impact based on race because African Americans are statistically more likely to have criminal convictions than members of other races. The policy is over-broad in that it permanently disqualifies individuals who have any drug felony, no matter the circumstance or the time passed. Many of the named plaintiffs have convictions that are decades old. The three contractors moved to dismiss, but those motions were denied.

# Immigrant and Refugee Rights

## Spotless Janitorial Services Sued for Wrongful Termination of Caregiver

The Committee and co-counsel **Covington & Burling, LLP** represent a Salvadorean woman, a single mother of three, who was terminated from her position as a janitorial worker after taking leave to care for her young daughter following an emergency surgery.

Although she was eventually reinstated to her position through the assistance of her union, she was never compensated for the damages she incurred during five months of unemployment.

Furthermore, she was terminated from her position a second time after her employer learned that she had filed an administrative complaint challenging the initial violation of her rights under the DC Human Rights Act and DC Family & Medical Leave Act.

The Committee and co-counsel filed a complaint on her behalf in D.C. Superior Court on September 23, 2015.

## Employer Sued for Sexual Assault, Harassment and Wage & Hour Violations

The Committee and co-counsel **Cadwalader, Wickersham & Taft LLP** represent an immigrant woman who was sexually assaulted and harassed by her employer.

When our client tried to quit, her employer threatened to have her deported and have her children taken away from her if she stopped working for him or reported the assault.

As a result of these threats, the client continued to work for the employer for several months under conditions of severe intimidation and abuse.

She was also paid less than the minimum wage for several months of work and never paid at all for her final months of work.

The Committee and co-counsel filed a complaint on behalf of our client in the US District Court for the Eastern District of Virginia on August 12, 2015. It includes a claim under the Trafficking Victims Protection Act, as well as the Fair Labor Standards Act and tort claims. The plaintiff has moved for default judgment.

## Fair Housing

### Associated Estates Settles Housing Disability Rights Claim

On March 19, 2015, the Committee filed a charge on behalf of the Equal Rights Center (ERC) with the Fairfax County Office of Human Rights and Equity Program alleging that Associated Estates, its President and Chief Executive Officer, and leasing consultant had a practice of limiting or providing differing rental terms for, or otherwise making housing unavailable to, individuals on the basis of their disability.

The ERC's charge was based on testing it conducted at one of the Associated Estates Fairfax County properties. In addition, the ERC argued that the company had a practice of failing to permit a prospective disabled tenant from reasonably modifying the tenant's dwelling at the tenant's expense without undue restriction.

The parties reached a settlement agreement on July 8, 2015, which required injunctive relief measures and required the company to make a payment of \$20,000 to the ERC for damages and attorney's fees. On July 14, 2015, the ERC withdrew its complaint as part of the terms of the settlement agreement.

### QUESTAR Properties Executes Cooperation Agreements in Design and Construction Matter

While conducting testing at multiple facilities of QUESTAR Properties, Inc. (QUESTAR), the Equal Rights Center (ERC) discovered that certain features did not comply with Federal Housing Administration (FHA) design and construction requirements. Although QUESTAR appeared inclined to resolve the issue, certain delays required the Committee to prepare a complaint on behalf of the ERC.

On June 17, 2015, after multiple rounds of negotiations, the Committee entered into two cooperation agreements with QUESTAR regarding the respective properties. The agreements require QUESTAR to renovate the properties and issue two payments resolving all of the ERC's claims, avoiding the need for litigation.

### Committee Files Collateral Consequences Lawsuit Against Edgewood Mgmt.

On July 16, 2015, the Committee with co-counsel **Orrick, Herrington & Sutcliffe LLP** filed a lawsuit in federal court on behalf of Maurice Alexander, a DC resident qualified to rent publicly assisted housing who was improperly denied such housing at three DC rental properties in 2014 — Edgewood Seniors: The View, The Overlook at Oxon Run, and Capitol Gateway Senior.

The Committee and co-counsel amended the complaint in early September, alleging that as owners, managers, and operators of the three properties, defendants Edgewood Management Corporation, Community Preservation and Development Corporation, A&R Management, Inc., and East Capitol Senior Rental LP violated Mr. Alexander's right to fair housing by rejecting his application to each property because of a minor misdemeanor conviction seven years ago, in violation of federal law and the properties' own policies.

As a result, Mr. Alexander suffered substantial injury, including months of homelessness.

Mr. Alexander's situation was featured in the Committee's October 2014 report on the collateral consequences of arrests and convictions.

## Public Education

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

The Committee's 2015 Celebration of Song to benefit the Committee and the Public Education Project will be held on Monday, November 30, 2015, 6:30pm – 8:30pm at Theater J at DC Jewish Community Center, 1529 16<sup>th</sup> Street, NW, Washington, DC 20036. The 5<sup>th</sup> annual benefit includes a reception prior to the concert and a raffle with one-of-a-kind drawings for deluxe trips to Paris, New York, and Chicago, a Snowmass ski vacation, a collection of fine wines, and a Washington, DC sports and entertainment package. This year's concert will feature a special performance by jazz vocalist Lori Williams with the Wilson Senior High School Concert Choir. The performances will include music of the civil rights movement. Raffle tickets are \$100 each and include admission 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.

### 2015 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 11th Annual GeoPlunge Geography Tournament on Tuesday, November 17, 2015, 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 is 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 and 8th grade DC public school students in an exciting, competitive, and educational environment.



*Members of Wilson Senior High School Choir perform during the 2014 Celebration of Song Benefit Concert and Raffle at Theater J on November 24, 2014. The annual event supports the Committee and DC Public School Partnership Program.*

The Committee and Arent Fox LLP 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).

### Record Numbers Attend Fall 2015 School Partnership Luncheon

A record number of over 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 2015 DC Public School Partnership luncheon meeting hosted by **Akin Gump Strauss Hauer & Feld LLP** on September 25, 2015. Dozens of principals and teachers from our partnership schools attended, along with representatives from several 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).

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# 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 **BDO USA, LLP**; **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).

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## Guide & Toolkit Supports Principals and Parents at DC Public Schools

The Committee's Education Project is creating a Guide and Toolkit to assist parent groups with organizing and increasing resources for enrichment activities at participating DC public schools.

Under the leadership of Nathan Darling and Margo Ludmer at **Beveridge & Diamond**, and with the pro bono assistance of a working group that includes attorneys from **Akin Gump Strauss Hauer & Feld**; **Fried, Frank, Harris, Shriver & Jacobson**; **Dentons**; and **Squire Patton Boggs**, the Education Project is preparing a *School Partnership NonProfit Organization Guide & Toolkit* to be published this fall.

The Guide & Toolkit is designed to expand the academic enrichment opportunities for students attending DC Public Schools, and increase the number of parents and guardians involved with their children's education at each school.

It will also help law firms, schools, parent organizations, and other community partners decide which nonprofit vehicle best suits their tax-exempt fundraising needs.

# Arrivals

## New Board Member

The Washington Lawyers' Committee is pleased to welcome Paul M. Hamburger (**Proskauer Rose LLP**) as a new member of the Committee's Board of Directors.

## New Staff

**Evelyn Nunez** recently joined the Committee to work with the Immigrant Rights, Fair Housing, and Equal Employment Opportunity Projects over the next two years. Her work at the Committee will focus on providing legal services, outreach and advocacy for immigrants in the areas of wage & hour and other employment rights, and housing discrimination cases. She is a graduate of Yale University.



*At the 2015 Branton Luncheon, Committee Deputy Director Rhonda Cunningham Holmes (right) congratulates Richard P. Rome, Executive Vice President and co-Regional Manager of Savills Studley (left), on receiving the Committee's 2015 Cotter-Hall Corporate Service Award.*

## Theodore Howard and John Relman Honored at 2015 Branton Awards Luncheon (continued from page 1)

Theodore A. (Ted) Howard, Pro Bono Partner, **Wiley Rein LLP**, former Co-Chair and current board member of the Washington Lawyers' Committee; and John P. Relman, Founder and Director of **Relman, Dane & Colfax PLLC**, a former Committee Project Director and current Committee board member, jointly received the 2015 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.

The law firm of **Akin Gump Strauss Hauer & Feld LLP** received the Committee's 2015 Vincent E. Reed Award for the firm's commitment and contributions to public education in the District of Columbia. Accepting the award for the firm were Akin Gump partner and Committee board member Charlie Johnson, Office Administrator Diane Swanson, and Legal Secretary Laura Dunning. This award, presented by DC Public Schools Chancellor Kaya Henderson, 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.

The American Council of the Blind received the 2015 Alfred McKenzie Award, named for the former Tuskegee Airman and lead plaintiff in a successful class action brought by the Washington Lawyers' Committee challenging racial discrimination. Melanie Brunson, Executive Director of the American Council of the Blind accepted the award for the organization. The award recognizes Committee clients whose dedication and courage produced civil rights victories of particular significance.

The 2015 Cotter-Hall Corporate Service Award was presented to Richard Rome, Executive Vice President & Co-Regional Manager of commercial real estate services firm **Savills Studley**. This award is given to a member of the business community who has made notable contributions to the cause of civil rights and public education in our community.

(Continued on next page)

## WASHINGTON LAWYERS' COMMITTEE



*Committee Executive Director Rod Boggs (left) with 2015 Wiley A. Branton Awardee John P. Relman, a Committee board member and founder of Relman, Dane & Colfax PLLC (right).*

landlord-tenant, child custody and adoption matters. In 2014, Ted was appointed to serve as Wiley Rein LLP's first full-time Pro Bono Partner. In the field of prisoners' rights and criminal justice reform, Ted served on the board of the DC Prisoners' Legal Services Project, becoming Chair in 1995, and serving as chief counsel in a landmark case successfully challenging serious overcrowding in the DC Jail. In 2006, Ted facilitated the merger of the DC Prisoners' Project with the Washington Lawyers' Committee, which resulted in a significantly expanded capacity of the Project, increased the project's litigation docket and advocacy work, and resulted in major litigation victories, including a recent settlement of a case in which Ted served as lead counsel, successfully challenging denial of basic health care services to a class of over 1,200 women in one of Virginia's largest state prisons.

John Relman, a graduate of Harvard College and the University of Michigan Law School, has built over three decades his civil rights practice as Director of the Committee's Fair Housing Project for over 10 years, and then as a founder of Relman, Dane & Colfax PLLC, one of the country's leading for-profit civil rights firms. Earning recognition as one of Washington, DC's "Best Civil Rights Lawyers," John has represented significant numbers of individual plaintiffs, cities and leading civil rights organizations in many of the country's most important cases. As with many other cases of national prominence involving fair housing and lending, his work as lead counsel in the Denny's Restaurant public accommodations discrimination class action resulted in a national settlement of more than \$17 million. His other cases have included a ground-breaking reverse red-lining case against Wells Fargo on behalf of the cities of Baltimore and Memphis; a \$10 million jury verdict for members of an African American community in Zanesville, Ohio, denied the right to public water; and a landmark Fair Housing and False Claims Act settlement with Westchester County, New York, requiring the County to pay \$50 million to build affordable housing in areas of opportunity.

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.

## Theodore Howard and John Relman Honored at 2015 Branton Awards Luncheon

**(continued from page 13)**

In addition, the Committee also presented 21 Outstanding Achievement Awards to area law firms 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.

Ted Howard, a graduate of the University of Notre Dame and Harvard Law School, joined Wiley Rein LLP in 2001. While focusing on his insurance practice, for which he earned recognition as one of DC's "Super Lawyers" for Insurance Coverage, Ted has made pro bono representation a matter of highest priority throughout his career. His pro bono work has included death penalty litigation,

## 2015 Branton Awards Luncheon

*Accepting the 2015 Vincent Reed Award for Akin Gump Strauss Hauer and Feld LLP at the Branton Luncheon were Committee board member and Akin Gump Partner, Charles W. Johnson IV (left), Akin Gump Office Administrator Diane Swanson (second from right), and Akin Gump Legal Secretary Laura Dunning (right); with award presenter DC Public Schools Chancellor Kaya Henderson (second from left).*



### 2015 Branton Awards Luncheon Corporate Sponsors

The Washington Lawyers' Committee thanks the following corporate sponsors for their contributions toward the 2015 Branton Awards Luncheon:

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### 2015 Outstanding Achievement Awards

At the 2015 Branton Awards Luncheon, the Washington Lawyers' Committee recognized the following law firms with 28 Outstanding Achievement Awards for their exceptional work on Committee pro bono matters in the past year.

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

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