

UPDATE



Anastasia Kelly, 2007 Wiley A. Branton Award recipient, addresses Luncheon attendees.

Committee Honors Anastasia Kelly, Thomas Williamson, Jr., Congresswoman Eleanor Holmes Norton at 2007 Branton Awards Lunch

On June 14, the Washington Lawyers' Committee honored AIG General Counsel Anastasia D. Kelly, attorney Thomas S. Williamson, Jr., and Congresswoman Eleanor Holmes Norton during its 2007 Wiley Branton Awards Luncheon at the Grand Hyatt Hotel. Nearly 1000 Committee supporters, including representatives of more than 90 supporting law firms and corporations, attended the luncheon.

Anastasia D. Kelly, Executive Vice President, General Counsel and Senior Regulatory and Compliance Officer for AIG, American International Group, Inc.; and Thomas S. Williamson, Jr., a partner at **Covington & Burling LLP** and former Committee Co-Chair, jointly received the Wiley Branton Award for Lifetime Achievement in recognition of their many years of pro bono service and civil rights advocacy.

continued on page 18

MetroAccess Settlement Announced

The Committee and co-counsel **Wiley Rein LLP** agreed to settlement terms in a major lawsuit on June 28, 2007 against WMATA over deficiencies in MetroAccess, its paratransit service for people with disabilities. The lawsuit was filed in March 2004 by fourteen riders and the Disability Rights Council (now the Equal Rights Center), and was certified as a class action in December 2006.

MetroAccess is required by federal law to provide transportation for individuals with disabilities that preclude them from using the regular Metro subway and bus system. MetroAccess riders use the service for such basic purposes as traveling to and from work, obtaining medical treatment, attending religious functions, going

continued on page 15

Inside this issue ...

Major Settlements	1, 6,7,14
Director's Corner	2
John Burke Memorial Fund	5
New Cases	7,15
Wiley A. Branton Outstanding Achievement Awards	8-13
Arrivals	17
Corporate and Foundation Contributors	20



Roderic V. O. Boggs
Executive Director
Washington Lawyers' Committee
for Civil Rights & Urban Affairs

In this issue of the Committee's *Update*, we are delighted to report the success of this year's Wiley Branton Awards Luncheon and to thank the more than 90 law firms and businesses that provided generous support for our work. This year's event provided an opportunity to acknowledge the special contributions of our three individual honorees, Tom Williamson, Anastasia Kelly and Eleanor Holmes

Norton. Each of these lawyers has made an exceptional contribution to the advancement of civil rights in our community.

It is also gratifying to report the favorable settlements and judicial victories recorded in recent months by all of the Committee's projects. Especially notable are the far-reaching settlement announced in our MetroAccess disability case, the filing of a major case involving the Rivers Correctional Institution, the resolution of two hard-fought employment discrimination cases, and settlement of our second design and construction housing case. Each of these cases provides an excellent example of the results that can be obtained through the Committee's ability to harness the pro bono talent and commitment of its cooperating law firms.

We are especially pleased to note the warm and enthusiastic reception that the Committee's public education work has received from Michelle Rhee, the city's new Public School Chancellor,

and her excellent staff. We have been delighted by the exceptional cooperation extended by the new school leadership to both our school reform program, led by Mary Levy, and our school partnership program, led by Iris Toyer. We look forward to working with Chancellor Rhee and her team in the months ahead.

Finally, I want to acknowledge the generous support provided to the Committee by over 900 individuals and more the 70 law firms that have contributed over \$1,000,000 to the Committee's 2006/07 Funding Drive. This essential support is deeply appreciated as the Committee approaches the end of its 2007 fiscal year and seeks to meet its annual budget of just over \$3,000,000. As the Committee begins a new funding cycle next month and starts formal planning for its 40th Anniversary to be celebrated next June, we will be counting on our longtime friends and supporters to help us sustain our programs and meet the increasing demands for our services.

Committee Governance and Development

The Committee today operates with a staff of approximately 25, including seven project directors and four staff attorneys. They are supported by several senior lawyers and loaned associates from cooperating firms. In addition, the Committee regularly benefits from the services of a number of junior attorneys holding fellowships from local and national law firms and nonprofit organizations.

The Committee is governed by a 55-member Board of Directors. Board members are drawn from leading area law firms and they are led by two Co-Chairs. The Directors and Co-Chairs are supported by a 90-member Board of Trustees and a team of Firm Representatives drawn from nearly 100 participating law firms.

The Committee's operating budget for 2007 is just over \$3 million. Funding for this budget comes from a combination of law firm and individual giving, foundation grants, and the proceeds from the Annual Wiley A. Branton Luncheon, as well as attorneys' fees and gifts of fees received in Committee litigation. The Committee's 2006/2007 Funding Drive will conclude in October 2007. It is expected to provide approximately \$1.2 million in law firm, individual and event funding. Nearly 100 firms and over 900 individuals have contributed to this total. Foundation grants are expected to provide approximately \$450,000 by the end of the foundation fundraising year, which concludes December 31, 2007.

As the Committee begins its year-end funding cycle and announces its new funding campaign, it will be making a special effort to secure increased funding through a year-end appeal to law firm partners and associates. In addition, the Committee will also be expanding a special campaign to secure endowment funding for its general support and specific projects.

Individuals and firms interested in providing support for the Committee and participating in its fundraising efforts should contact Da'aga Hill Bowman, Director of Foundation Outreach and Public Information at (202) 319-1000, ext. 155. Contributions to the Committee may also be made online at www.washlaw.org.

History of the Washington Lawyers' Committee

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

Over the past 39 years, the Washington Lawyers' Committee has expanded from a small staff addressing a limited number of matters into a larger organization operating multiple projects that address a broad range of civil rights and poverty issues.

Equal Employment Opportunity Project

The Committee's first program-its Equal Employment Opportunity Project-was established in 1971, at a time when the Washington area was beginning the construction of its Metro system and Congress was about to enact major new legislation providing federal, state and local workers with their first meaningful protections against employment discrimination. Working with a coalition of community organizations, the Committee initiated an extensive litigation campaign challenging denials of training and job referrals by unions and contractors throughout the region. In addition,

major lawsuits were filed seeking enforcement of affirmative action plans covering federal and local government construction projects. Committee cases, co-counseled by over a dozen area law firms, won precedent-setting victories against many of the region's largest unions and contractors, opening significant employment opportunities for thousands of African-American workers.

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

The Committee takes special pride in its role in winning landmark appellate rulings upholding the use of paired testers to investigate denials of equal employment. The Committee's success in these cases brought on behalf of the Fair Employment Council of Greater Washington paved the way for the use of tester-generated evidence in a number of other jurisdictions. In 1999, the Fair Employment Council merged with the Fair Housing Council of Greater Washington to become the Equal Rights Center.

Fair Housing Project

In the mid-1970's, the Committee established its Fair Housing Litigation Project to address denials of equal housing opportunity. Shortly thereafter, it played a key role in working with a coalition of local clergy to create the Fair Housing Council of Greater Washington. For the past 20 years, the Committee represented the Council and over 100 individuals in dozens of cases that have established a national standard for effective advocacy and secured hundreds of thousands of dollars and broad injunctive relief for victims of housing discrimination. In many of its cases, the Committee worked with the Fair Housing Council in that organization's groundbreaking efforts to utilize 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.

Public Education Projects

In 1978, the Committee established a program to assist parents seeking to improve the quality of public education in the District of Columbia, with over a dozen law firms offering general counsel assistance to parent groups at local schools in the Anacostia section of the city. Two years later, these parents and the Committee created Parents United for the D.C. Public Schools, the city-wide advocacy group that has led the fight for educational reform in the city.

In support of Parents United, the Committee and volunteers from area law firms have prepared dozens of policy papers on major

continued on page 4

WASHINGTON LAWYERS' COMMITTEE

Committee History
(continued from previous page)

educational issues and successfully litigated landmark cases affirming the rights of public school students and their parents. Victories include a case mandating enforcement of the D.C. Fire Code, which assured millions of dollars for basic school building repairs and renovation, and a decision requiring basic nursing services at schools in the city and medical staffing at interscholastic athletic events. The Project has also administered a successful partnership program since 1997 that links area firms with D.C. schools, providing tutoring, mentoring, and other enrichment services to over 12,000 D.C. public school children.

Immigrant & Refugee Rights Project

In 1978, the Committee initiated a project to address the legal service needs of immigrants and refugees that was the first such program in the D.C. area. Over the years, the Committee's Immigrant and Refugee Rights Project has received support from over 1,000 volunteers on matters of political asylum, challenges to restrictive immigration laws, as well as the preparation of comprehensive policy papers on legal issues affecting the Latino community. The Project also devoted increasing resources to assisting newcomers facing denials of basic civil rights due to their national origin. As part of this effort, the Committee has filed a number of cases challenging denials in employment and housing, and has assisted groups and individuals targeted for abuse following the September 11, 2001 terrorist attacks. In recent months, special attention has been devoted to the concerns of day laborers in the District of Columbia and surrounding jurisdictions.

Public Accommodations Project

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

Disability Rights Project

In 1991, the Committee began a special program to assist individuals seeking to enforce their rights under the Americans with Disabilities Act of 1990. Working closely with a new community organization—the Disability Rights Council of Greater Washington, the Committee has won a series of important victories opening access to movie theater chains, banks, restaurants, and grocery stores, as well as many other retail establishments. In addition, the Committee has assured 911 phone access for the deaf community and interpreter services for deaf individuals dealing with the local courts and police. In 2005, the Disability Rights Council merged with the Equal Rights Center.

Prisoners' Project

In 2006, the D.C. Prisoners' Rights Project, the foremost private prisoners' rights legal advocacy group in the District of Columbia, joined the Committee to become the

Committee's 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 (BOP) facilities nationwide. The Project work, which complements the Committee's prior work in prisoners' rights and prison reform issues, utilizes advocacy, litigation, education, outreach and policy reform to carry out its mission, and seeks to address systemic failures in our prison and parole systems.

Special Projects

The Committee has over the years handled significant matters on an ad hoc basis and 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.

John Burke Memorial Fund Contributes \$10,000 Grant to Education Projects

The John Burke Memorial Fund, established in 2004 to honor the Committee's late General Counsel John L. Burke, Jr., has awarded a grant of \$10,000 from the Fund's corpus to support the Committee's Public Education Projects.

In addition, income generated by the Fund will be used to cover the costs associated with the Committee's annual John Burke Pro Bono Breakfast and other outreach activities designed to enlist new attorneys in the Committee's ongoing work.

The Fund's Advisory Committee, which authorized the grant, intends to seek contributions to restore the Fund's balance, currently at \$103,000, to the level of \$100,000. An appeal for this purpose is now underway.

The Committee is most appreciative of all gifts in support of the fund, particularly from members of the John Burke Fund Advisory Committee, chaired by Marc Fleischaker of **Arent Fox PLLC**.

Additional contributions to the John Burke Memorial Fund may be made through the Committee's web site at <http://www.washlaw.org/secure.htm>.

Public Accommodations

National Origin Discrimination Case Against FUR Nightclub and D.C. Police Proceeds

The Committee and co-counsel **Katten Muchin Rosenman LLP** have concluded discovery and fully briefed motions on summary judgment in the national origin discrimination case *Mazloun v. D.C. Police Department, et al.*, brought on behalf of Emile Mazloun against FUR Nightclub and D.C. Police Department.

Mr. Mazloun, who is of Arab descent, alleges that in March 2005, while he was at FUR, a popular nightclub in Washington, D.C., off-

duty police officers, along with security personnel of FURS, discriminatorily arrested Mr. Mazloun and ejected him from the club. Mr. Mazloun alleges he was subjected to excessive and unnecessary force and racial-based taunting while being kicked and beaten.

After Mr. Mazloun filed a police complaint related to the incident, he alleges that the D.C. police department conspired with FUR personnel to destroy video

surveillance tapes and otherwise conspire to deny him his civil rights.

In January 2006, the Committee and the law firm of Katten Muchin Rosenman, LLP, filed a complaint on behalf of Mr. Mazloun in the U.S. District Court for the District of Columbia against the D.C. Police Department and Fur nightclub, as well as both known and unknown police officers involved in the incident. Discovery is now closed and the defendants' summary judgment motions are pending.

Equal Employment Opportunity

Race Discrimination Lawsuit Against PEPCO Subsidiary Settles

The Committee, with co-counsel **Willkie Farr & Gallagher LLP**, has successfully resolved a race discrimination lawsuit on behalf of two African-American employees of Pepco subsidiary, W.A. Chester, LLC, a company that installs high voltage electric transmission lines throughout the Washington area and nationally.

The lawsuit alleged that Plaintiff Leroy Plater and other African-American employees were given the least desirable jobs at Chester, were denied promotion to higher level positions such as cable splicer (which is one of the most esteemed and highest-paid non-supervisory positions at the company), and generally experienced a racially hostile environment. Although Plaintiff Mark McCoy was hired as a cable splicer for Chester, he was the company's only African-American cable splicer at the time of his employment, was given inadequate splicing opportunities and was also subjected to a racially hostile environment.

continued on page 17

Employees Obtain Settlements from Temporary Staffing Agency InterSolutions

In the first of two companion Fair Labor Standard Act cases involving a temporary staffing agency that had been systematically denying its employees overtime pay, Goodwin Procter LLP achieved an outstanding victory both for the named plaintiffs and for a group of over 500 temporary employees.

continued on page 19



Joseph G. Davis
Willkie Farr & Gallagher LLP

Joseph G. Davis, a partner in the litigation department of **Willkie Farr & Gallagher LLP** and lead counsel in the Committee's case on behalf of Leroy Plater and Mark McCoy in an employment discrimination suit against W.A. Chester, LLC, a PEPCO subsidiary, talked about his experience on the case.

Q: Were there any especially compelling aspects of your work on this case?

A: The most challenging aspect of the case was how to prove a systemic and pervasive hostile work environment in a fairly sizable organization with only two individual plaintiffs. We had to build a web of

An Interview with Joseph G. Davis, Lead Counsel In *Plater v. W.A. Chester, LLC*

interlocking incidents that would demonstrate a pattern of race discrimination and lead a fact-finder to conclude that the individual acts of discrimination were linked by an unacceptable tolerance of discrimination. This required very detailed and careful planning, but also significant resources. The most compelling aspect of the case for me personally was the knowledge that without the kind of partnership between the Committee and a firm like ours, proving this case -- and obtaining the kind of relief it ultimately afforded our two clients -- would not have been possible.

Q: What was your firm's experience in working with the Committee?

A: The Committee was a wonderful partner. Neither I nor any of the other Willkie lawyers working on the case had significant experience in EEO law. We were able to leverage the Committee's experience with Willkie's resources and general litigation practice to create a very effective team. Warren Kaplan at the Committee was indefatigable. He has an unwavering commitment to

his clients and to the Committee's work. He set a tremendous example of dedication and hard work for the other lawyers on the team. He also was extremely generous in providing the benefit of his considerable experience to me and especially to some of the more junior lawyers on the team.

Q: Would you recommend working on Committee cases to other lawyers in your firm or at other firms? If so, why?

A: I heartily recommend working with the Committee to any firm interested in making a significant and positive impact in our community. Beyond that, cases like ours also provide the opportunity to connect closely with individual clients who otherwise probably would not be represented. Even before we knew that our case would be resolved successfully, one of our clients told us that the hope we had given him just by being his advocates helped motivate him to renew his wedding vows. The satisfaction that comes from having that kind of profound effect on someone's life is priceless.

Fair Housing

Housing Choice Voucher Discrimination Case Settles, Another Filed

In a broad effort to combat discrimination against low-income tenants who use housing choice vouchers to pay for a portion of their rent, the Washington Lawyers' Committee has filed a series of cases, with co-counsel, on behalf of the Equal Rights Center (ERC) against area landlords and property management companies alleging discrimination against voucher holders. Two of these cases are described below.

After more than two years of litigation, *ERC v. E&G, et al.*, filed in D.C. Superior Court was settled on May 16, 2007 the week prior to the start of a jury trial. The settlement resulted in the availability of more than 1,000 apartment units to holders of housing choice vouchers, the training and monitoring of the landlord's activities for three and one-half years, and payments to the ERC totaling \$400,000. **Stephoe & Johnson LLP** served as co-counsel with the Committee in this matter.

The Committee with co-counsel **Kirkpatrick & Lockhart Preston Gates Ellis LLP** filed *Bourbeau, et al., v. The Jonathan Woodner Co.*, in the U.S. District Court for the District of Columbia on January 23, 2007, on behalf of the ERC and an individual denied the opportunity to pay for an apartment using a housing voucher. On February 16, the defendant filed a motion to dismiss on various grounds, which has been fully briefed and is awaiting decision.

Settlements Achieved in Bozzuto, CB Richard Ellis and Trammel Crowe Design and Construction Cases

In an initiative to ensure accessible housing to persons with disabilities, the Washington Lawyers' Committee, along with co-counsel, has filed several matters on behalf of the ERC alleging discrimination by national apartment and condominium developers in the design and construction of multifamily housing. The current status of these cases is described below.

After two years of negotiations, *ERC v. Bozzuto and Associates, et al.*, filed by the Committee with co-counsel **Fried, Frank, Harris, Shriver & Jacobson LLP** in U.S. District Court for the District of Maryland, settled on July 26, 2007. As a part of the settlement, Bozzuto has agreed to take sweeping actions to increase the availability of accessible housing in the Washington, D.C., area. In addition to retrofitting over 2,000 existing apartment and condominium units at 27 area complexes to improve accessibility for persons with disabilities, Bozzuto will be including innovative

continued on page 19

Committee Pursues Predatory Lending Case

On March 15, the Committee and Co-counsel **Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates** reached a settlement with one of the defendants, Michael Brown, in the case of *Griffith v. Barnes, et al.*, that alleged predatory lending.

Under its terms, defendant Brown paid \$25,000 in damages and agreed to provide assistance to Leslie Griffith, an African American resident of Washington, D.C., in her ongoing action against primary defendant Paul Barnes.

The Committee and co-counsel had filed the action on September 25, 2006, in federal district court for the District of Columbia on behalf of Ms. Griffith alleging defendants used a predatory lending scheme to obtain ownership of Ms. Griffith's home fraudulently.

Ms. Griffith, who inherited her grandmother's home in the District of Columbia, had difficulty making mortgage payments. The complaint alleges that defendant Paul Barnes, a real estate agent, offered to help her "save" her house, but through false representations induced her to execute documents that allowed, without her knowledge, transfer of the property title to a straw man purchaser, and encumbrance of the property with multiple mortgages. Through the repeated use of this process the defendants extracted over \$300,000 in equity, leaving our client without title to her home or the substantial proceeds from these transactions.

continued on page 19

WASHINGTON LAWYERS' COMMITTEE 2007 OUTSTANDING ACHIEVEMENT AWARDS



(L/R): David Cynamon, Attorney, Pillsbury Winthrop Shaw Pittman, LLP, and Committee Board Member; Thomas S. Williamson, Jr., Attorney, Covington & Burling LLP and 2007 Wiley A. Branton Award recipient; Roderic V.O. Boggs, Executive Director, Washington Lawyers' Committee.



(L/R): Sarah Keast, Attorney, Goodwin Procter, LLP; Monica V. Douglas, Attorney, Goodwin Procter, LLP; Susan E. Huhta, EEO Project Director, Washington Lawyers' Committee; Carolyn P. Weiss, Staff Attorney, Washington Lawyers' Committee; Thomas J. Mikula, Attorney, Goodwin Procter, LLP; Warren K. Kaplan, Staff Attorney, Washington Lawyers' Committee; Adam M. Chud, Attorney, Goodwin Procter, LLP.



(L/R): Carolyn P. Weiss, Staff Attorney, Washington Lawyers' Committee; Warren K. Kaplan, Staff Attorney, Washington Lawyers' Committee; Susan E. Huhta, EEO Project Director, Washington Lawyers' Committee; Thomas M. Contois, Of Counsel, Steptoe & Johnson LLP.



(L/R): Carolyn P. Weiss, Staff Attorney, Washington Lawyers' Committee; Laurita Denny, Law Clerk, Willkie Farr & Gallagher LLP; Jocelyn Flynn, Attorney, Willkie Farr & Gallagher, LLP; Warren K. Kaplan, Staff Attorney, Washington Lawyers' Committee; Joseph G. Davis, Attorney, Willkie Farr & Gallagher LLP; Renee Thorne, Attorney, Willkie Farr & Gallagher LLP; Susan E. Huhta, EEO Project Director, Washington Lawyers' Committee.

Equal Employment Opportunity

Goodwin Procter, LLP

Through two companion Fair Labor Standard Act cases involving a temporary staffing agency that had been systematically denying its employees overtime pay, Goodwin Procter achieved a victory for the named plaintiffs and a class of over 500 temporary employees. The employee plaintiffs had alleged that InterSolutions, Inc., a Washington, D.C. temporary staffing agency, routinely denied overtime pay to its temporary and in-house non-exempt employees and threatened to terminate employees who complained of these practices. The plaintiffs obtained a settlement that provides them with full compensation for three years of unpaid overtime, plus double damages under the Fair Labor Standards Act; requires InterSolutions to hire an external auditor to review the pay practices of the company and determine backpay for other temporary employees who were denied overtime pay; and requires the defendants to pay any unpaid overtime that the auditor identifies, plus damages, attorneys' fees and costs. This case corrects years of malfeasance by this defendant and serves as a deterrent for staffing agencies throughout the area.

Steptoe & Johnson LLP

Steptoe and Johnson joined the Committee in litigating a discriminatory termination case against the federal Department of Commerce on behalf of David Kaplan, an individual who suffers from dwarfism. Mr. Kaplan was subject to discriminatory and demeaning comments and treatment by his supervisor and a co-worker and then terminated after a year's employment despite the absence of any prior performance-related criticism. In the earliest stages of discovery, Mr. Kaplan obtained settlement that included \$100,000 in back pay and damages, and attorneys' fees. Steptoe & Johnson generously waived its fees in order to enable Mr. Kaplan to achieve a substantial remedy without the burden of extensive litigation.

Willkie Farr & Gallagher LLP

Willkie Farr & Gallagher, with the Committee, settled this employment discrimination case on behalf of Leroy Plater and Mark McCoy against the W.A. Chester Company, an indirect subsidiary of Pepco Holdings, Inc., that specializes in the installation of underground electrical transmission lines. The plaintiffs had alleged that the company relegated African Americans to the least desirable jobs, denied them higher-level positions, such as the position of cable splicer, and generally treated them in a discriminatory manner. Settlement included a major financial award for the plaintiffs, a comprehensive consent order for injunctive relief normally found only in class actions, and significant attorneys' fees.

FALL 2007 UPDATE

2007 OUTSTANDING ACHIEVEMENT AWARDS

Fair Housing

Howrey LLP

A team of lawyers from Howrey joined the Committee in successfully litigating and settling groundbreaking cases against Long and Foster, Century 21, Weichert Realty, and the industry-owned multiple listing service. This litigation has significantly advanced a major initiative by the Equal Rights Center and the Committee to enforce the District's civil rights laws requiring area landlords to accept federal Housing Choice Vouchers, a rental subsidy program for low-income persons. As a result of these cases, major real estate companies and their captive internet advertising service, the Metropolitan Regional Information Service ("MRIS"), will fully accept vouchers. The settlements included agreements that advertisements on the MRIS system will not discourage voucher holders, and commitments by the real estate companies to accept housing choice vouchers at rental housing managed by the companies. Monetary settlements of approximately \$160,000 were also obtained and hundreds of units have become available to low-income families who use Housing Choice Vouchers to pay a portion of their rent.

Relman & Dane PLLC

Relman & Dane PLLC, with the Committee, brought and successfully settled two cases during the past year. The first, *ERC v. Horning Brothers*, involved claims of source of income discrimination practiced by one of the area's largest landlords against holders of Housing Choice Vouchers. As part of the settlement, the defendant agreed to accept vouchers at all of its properties, waive onerous income requirements, provide training for its employees, specify through signage and advertising that low-income tenants with vouchers are welcome at Horning properties, and opened up hundreds of Horning units to low-income families. Horning also paid damages of \$118,750.

The second matter involved a case filed in U.S. District Court for the District of Maryland on behalf of auto purchasers against Koons Pontiac, VW and Mazda, a car dealership in Maryland, regarding auto loan financing practices. On November 15, 2006, the Relman team achieved a favorable settlement for the plaintiffs including compensation to the plaintiffs and an agreement by Koons to change certain aspects of its loan financing and sales practices.



(L/R): Rachel L. Strong, Attorney, Howrey LLP; Isabelle M. Thabault, Fair Housing Project Director, Washington Lawyers' Committee; Robert M. Bruskin, Senior Counsel, Washington Lawyers' Committee.



(L/R): Stephen M. Dane, Attorney, Relman & Dane PLLC; Bradley H. Blower, Attorney, Relman & Dane PLLC; Robert M. Bruskin, Senior Counsel, Washington Lawyers' Committee; Isabelle M. Thabault, Fair Housing Project Director, Washington Lawyers' Committee; Sandra M. Wilmore, Attorney, Relman & Dane PLLC



(L/R): Les Alderman, Attorney, Alderman, Devorsetz & Hora PLLC; Susan E. Huhta, EEO Project Director, Washington Lawyers' Committee; Sundeep Hora, Attorney, Alderman, Devorsetz & Hora PLLC.

WASHINGTON LAWYERS' COMMITTEE 2006 OUTSTANDING ACHIEVEMENT AWARDS

Disability Rights

Sutherland Asbill & Brennan LLP

Last year, Sutherland Asbill & Brennan co-counseled with the Committee in a case resulting in a landmark consent decree resolving a lawsuit under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. The case was brought on behalf of seven deaf individuals who were denied sign language interpretive services while seeking medical services from Laurel Regional Hospital. The complaint alleged that despite their specific and repeated requests for in-person qualified sign-language interpreter services, plaintiffs were forced to communicate through cryptic notes, lip-reading, and inadequate video interpreting, or provided with no communication at all in critical medical situations. Due to the serious nature of the allegations and the novelty of the issues surrounding inadequate video interpreting services, the United States Department of Justice intervened in the lawsuit. The Consent Decree, approved by the U.S. District Court for the District of Maryland, is the first ADA case resolution to include criteria for video interpreting services, and should serve as a model for other hospitals. The Decree requires significant changes to Laurel Hospital's facilities, equipment, and procedures to ensure effective communication to deaf patients or companions.

Morrison & Foerster LLP

In 2006, Morrison & Foerster, settled a groundbreaking lawsuit against the District of Columbia that will require the District to make its 17,000 parking meters more accessible to individuals with disabilities, as many of the District's meters are too high for people with disabilities or are blocked by barriers. The District was the only state-level jurisdiction in the nation that did not offer reciprocity to disability parking placards from other states--drivers with disability placards from other jurisdictions would be ticketed if they did not pay at an inaccessible meter. Furthermore, the process for applying for a District disability parking placard was burdensome, requiring annual reapplication, requesting personal and irrelevant medical records, and necessitating the scheduling of a doctor's appointment. The settlement was among the first in the nation on the issue of inaccessible parking meters, and will improve access to sidewalks throughout the District. Also, in response to the lawsuit, the District of Columbia City Council has enacted legislation to reduce the burdens involved in applying for a D.C. placard, and to extend disability parking privileges to those with out-of-state placards.

Clifford Chance Rogers & Wells L.L.P.

Clifford Chance Rogers & Wells assisted the Committee last year in the settlement of a case against a local historic hotel which, despite having accessible rooms, had no means for an individual in a wheelchair to enter the hotel without enduring the indignity of being carried. The case was brought on behalf of the Equal Rights Center and individuals who had been assured that the hotel was accessible while making reservations, only to find upon arrival that the access being offered was to be lifted over several steps. The settlement requires the hotel to install a state-of-the-art ramp that exceeds the standards for new construction, while not compromising the historic architectural features of the hotel lobby.



(L/R): Rachana A. Desai, Attorney, Sutherland Asbill & Brennan LLP; Lewis S. Wiener, Attorney, Sutherland Asbill & Brennan LLP; E. Elaine Gardner, Disability Rights Project Director, Washington Lawyers' Committee; Thomas R. Bundy, III, Attorney, Sutherland Asbill & Brennan LLP; David Last, Attorney, formerly with Sutherland Asbill & Brennan LLP, now with U.S. Attorney's Office for the District of Columbia; Carter L. Williams, Attorney, Sutherland Asbill & Brennan LLP.



(L/R): Seth Galanter, Of Counsel, Morrison & Foerster LLP; E. Elaine Gardner, Disability Rights Project Director, Washington Lawyers' Committee; Doane F. Kiechel, Attorney, Morrison & Foerster LLP.



(L/R): E. Elaine Gardner, Disability Rights Project Director, Washington Lawyers' Committee; Jon Fritz, Attorney, Clifford Chance Rogers & Wells L.L.P.

2007 OUTSTANDING ACHIEVEMENT AWARDS

Immigrant and Refugee Rights

Holland & Knight LLP

After nearly two years, a team of 14 attorneys from Holland & Knight joined the Committee in vindicating the rights of Moses Davis, a U.S. citizen who was erroneously detained by the Department of Homeland Security (DHS). The Holland & Knight team filed a multiple count complaint under the Federal Tort Claim Act to redress his personal injuries as a result of his unlawful detention. In February 2007, Holland & Knight and the Committee successfully settled this lawsuit on behalf of Mr. Davis. This lawsuit is also noteworthy as it is part of an important series of additional lawsuits filed around the country challenging DHS's carelessness in systematically detaining U.S. citizens.

Another team of attorneys from Holland & Knight, along with the Committee, brought and successfully settled a case alleging national origin discrimination on behalf of 11 Latino tenants and the Equal Rights Center. The lawsuit alleged that two D.C. landlords violated the Fair Housing Act when they began a pattern of harassing tactics aimed at forcing the Hispanic tenants to leave their apartment building. Holland & Knight negotiated a settlement wherein the defendant landlords agreed to a settlement payment of \$150,000, and consented to implementing an anti-discrimination policy and attending an annual fair housing training session once a year for three years.

McDermott Will & Emery

Attorneys from McDermott Will & Emery gained asylum over the past few years for three individuals from Burma, Côte D'Ivoire and Togo. In 2005, an attorney won a grant of asylum from the Arlington Asylum Office for a young Togolese student involved in the youth wing of an opposition party. Also in 2005, attorneys from McDermott successfully litigated a case in immigration court involving a teacher from Côte D'Ivoire. The team of attorneys established that he had suffered severe past persecution based on his ethnicity and political activities and also established an exception to the one-year filing deadline. In 2006, an Immigration Judge granted asylum to another McDermott client, a Burmese man who faced persecution on account of his ethnicity and religion.

Kaye Scholer LLP

An attorney from Kaye Scholer worked countless hours in successfully representing a union leader from Cameroon. The Cameroonian government considered the asylum seeker's union advocacy to constitute anti-government activities. The attorney not only provided expert legal assistance but helped obtain needed medical assistance for the man and worked to facilitate his access to post-asylum services.

Wilmer Cutler Pickering Hale and Dorr LLP

Wilmer Hale gained withholding of removal for a musician from Cameroon. The attorney accepted the case after an Immigration Judge and the Board of Immigration Appeals denied the individual's asylum claim on several grounds. The attorney successfully reopened the case, which was remanded back to the Immigration Court. The new hearing was before the same immigration judge who had previously denied the case. The attorney's successful strategy to provide expert and psychological evidence resulted in the favorable decision.



(L/R): Rafael E. Alfonzo, Attorney, Holland & Knight LLP; John Paul Moran, Attorney, Holland & Knight LLP; Laura E. Varela, Immigrant and Refugee Rights Project Director, Washington Lawyers' Committee; Moses Davis, client; LaKeytria Windray Felder, Attorney, Holland & Knight LLP; Dewanna Denise Planter, Attorney, Holland & Knight LLP.



(L/R): Ronald J. Pabis, Attorney, McDermott Will & Emery; Laura E. Varela, Immigrant and Refugee Rights Project Director, Washington Lawyers' Committee; Sarah E. Hancur, Attorney, McDermott Will & Emery; Ruth Spivack, Paralegal, Washington Lawyers' Committee; William L. Goldman, PC, Attorney, McDermott Will & Emery.



(L/R): Laura E. Varela, Immigrant and Refugee Rights Project Director, Washington Lawyers' Committee; Jeremy White, Attorney, Kaye Scholer LLP; Ruth Spivack, Paralegal, Washington Lawyers' Committee.



(L/R): Laura E. Varela, Immigrant and Refugee Rights Project Director, Washington Lawyers' Committee; Paul R.Q. Wolfson, Attorney, Wilmer Cutler, Pickering Hale and Dorr LLP; Ruth Spivack, Paralegal, Washington Lawyers' Committee

WASHINGTON LAWYERS' COMMITTEE

2007 OUTSTANDING ACHIEVEMENT AWARDS



(L/R): Deborah Golden, Staff Attorney, D.C. Prisoners' Project, Washington Lawyers' Committee; Willa B. Perlmutter, Of Counsel, Patton Boggs LLP; Philip Fornaci, D.C. Prisoners' Project Director, Washington Lawyers' Committee; Ivy Lange, Staff Attorney, D.C. Prisoners' Project, Washington Lawyers' Committee; Melanie Gerber, Public Service Counsel, Patton Boggs LLP.



(L/R): Marcia Fuller Durkin, Attorney, Arent Fox LLP; Alan G. Fishel, Attorney, Arent Fox LLP; Matthew Wright, Associate, Arent Fox; Gail Holmes, Secretary, Arent Fox LLP; Iris J. Toyer, D.C. Public School Partnerships Project Director, Washington Lawyers' Committee; Karyn Thomas, Lateral Recruitment Manager, Arent Fox LLP.



(L/R): Elissa Preheim, Attorney, Arnold & Porter LLP; Jacob Smiles, Arnold & Porter LLP; Mary Levy, Public Education Reform Project Director, Washington Lawyers' Committee; Victor Rortvedt, Arnold & Porter LLP; Melissa Glidden, Attorney, Arnold & Porter LLP; and Jonathan Batten, Attorney, Arnold & Porter, LLP.

D.C. Prisoners' Rights Patton Boggs LLP

Attorneys from Patton Boggs litigated an important case with the former D.C. Prisoners' Legal Services Project, now the D.C. Prisoners' Project of the Committee. The case involved a man with HIV held in a jail facility in D.C. A corrections officer posted our client's personal medical information on a bulletin board in the jail. As a result, he endured a steady stream of violent threats and harassment, and his bed was burned. After nearly six years of litigation, the case settled to the satisfaction of the parties in 2006. The case has increased in significance since it was filed in 2001, highlighting the critical importance of confidentiality protections as the District moved to a policy of routine HIV testing for all jail inmates in 2006.

Public Education Arent Fox LLP

Arent Fox led a highly successful effort to promote knowledge of geography in public schools throughout the District of Columbia. Using the innovative card game GeoPlunge created by a firm partner, Alan Fishel, an energetic team of Arent Fox employees worked with Committee staff to organize a city-wide tournament culminating in a day-long competition at the historic Sumner School. Over 100 children from more than 20 schools participated and several dozen Committee law firms joined in sponsoring different teams. The event was covered by the school system's television station and received significant newspaper coverage. This effort exposed hundreds of young students to the subject of Geography and gave them with a new appreciation for learning. The firm is working with the Committee on organizing an even larger program for the upcoming school year.

Arnold & Porter LLP

Arnold & Porter responded to a request to help the mediators in *Blackman and Jones v. District of Columbia*, a major case seeking legally mandated services for children with disabilities. In the space of two weeks, the firm assembled a team of lawyers to build a database for the federal district court and the parties, reviewed approximately 200 hearing officer decisions in special education due process cases, and compared them to associated D.C. Public Schools compliance files and database entries, identifying which elements of the former had and had not been implemented, and analyzing inconsistencies in the data. The firm's excellent work provided the mediators and the court with record evidence on the state of the compliance data so that they could agree to revised compliance goals.

General

Crowell & Moring LLP

For over a decade, Crowell & Moring has provided general counsel services to the Equal Rights Center (ERC), the region's leading general civil rights advocacy organization. The ERC has pioneered the use of paired testers to investigate allegations of discrimination in the areas of race, gender, national origin and disability. The landmark cases it has developed have set a national standard for investigative advocacy. Aply led by firm partner George Ruttinger, Crowell lawyers have assisted the Center with such matters as direct litigation assignments, corporate and tax questions and employment issues. The sound judgment, dedication and skill demonstrated by the firm have been of enormous value to its client.

FALL 2007 UPDATE

2007 OUTSTANDING ACHIEVEMENT AWARDS

Public Accommodations

Alderman, Devorsetz & Hora PLLC

Baach, Robinson & Lewis PLLC

Covington & Burling, LLP

Drinker Biddle & Reath, LLP

Foley & Lardner LLP

Terris, Pravlik & Millian, LLP

Vinson & Elkins LLP

Wiley Rein LLP

As a result of a tremendous cooperative effort, the firms listed

above worked with the Committee to represent over 100 individual plaintiffs as well as the NAACP in a major multi-jurisdictional public accommodations race discrimination litigation effort. In these cases, the plaintiffs alleged a pattern of unchecked race discrimination throughout the company ranging from refusals to serve, to openly hostile treatment, including the utterance of racial epithets, to markedly inferior service. Through several years of litigation, co-counsel obtained settlement agreements with four of the company's major

franchisees, representing hundreds of stores throughout the South and Southeast. These agreements include provisions for systemic corporate changes, such as the retention of a training consultant to design and implement an enhanced anti-discrimination training program, as well as a compliance officer to develop and monitor an improved procedure for investigating and responding to customers' discrimination complaints. The results of this civil rights initiative will benefit thousands of customers who seek the company's services.



(L/R): Iris J. Toyer, D.C. Public School Partnerships Project Director, Washington Lawyers' Committee; David M. Friedland, Attorney, Beveridge & Diamond, P.C.; Katina Yates, Legal Secretary, Beveridge & Diamond, P.C.



(L/R): Cheryl Ann Curtis, Attorney, Vinson & Elkins LLP; John M. Faust, Attorney, Vinson & Elkins LLP; Susan E. Huhta, EEO Project Director, Washington Lawyers' Committee.



(L/R): Heather H. Ramirez, Attorney, Wiley Rein LLP; Nia Y. McDonald, Attorney, Wiley Rein LLP; Charles C. Lemley, Attorney, Wiley Rein LLP; Carolyn P. Weiss, Staff Attorney, Washington Lawyers' Committee; Susan E. Huhta, EEO Project Director, Washington Lawyers' Committee; Thomas W. Brunner, Attorney, Wiley Rein LLP; Mary Catherine Martin, Attorney, Wiley Rein LLP.



(L/R): Denise White, Legal Secretary, Weil Gotshal & Manges LLP; Iris J. Toyer, D.C. Public School Partnerships Project Director, Washington Lawyers' Committee; Reid Powell, Legislative Assistant, Weil Gotshal & Manges, LLP; Lisa Fine, Attorney, Weil Gotshal & Manges LLP; Anupana Chettri, Legal Assistant, Weil Gotshal & Manges, LLP; Sophia Nuon, Legal Assistant, Weil Gotshal & Manges, LLP; Sophia Sainteus, Posse Scholar and Summer Intern, Weil Gotshal & Manges, LLP.



(L/R): Brett A. Walter, Attorney, Baach, Robinson & Lewis PLLC; Jeffrey D. Robinson, Attorney, Baach, Robinson & Lewis PLLC; Susan E. Huhta, EEO Project Director, Washington Lawyers' Committee; Geovette E. Washington, Attorney, Baach, Robinson & Lewis PLLC.



(L/R): Susan E. Huhta, EEO Project Director, Washington Lawyers' Committee; E. Elaine Gardner, Disability Rights Project Director, Washington Lawyers' Committee; Glenn Grant, Counsel, Crowell & Moring LLP; Rabbi Dr. Bruce E. Kahn, Executive Director, Equal Rights Center; Isabelle M. Thabault, Fair Housing Project Director, Washington Lawyers' Committee.

Immigrant and Refugee Rights

Day Laborer Support Cases Settle

The Committee, with Co-counsel **Porter Wright Morris & Arthur**, recently settled a day laborer lawsuit against a national artificial turf installation contractor. The lawsuit, *Mejia, et al. v. Doc Turf Installation, Inc.*, filed February 21 in Maryland District Court, alleged that workers installed artificial turf at Georgetown University and other area schools, but that the company gave them checks totaling over \$5,000 in wages that had insufficient funds and refused to furnish new paychecks. A motion for entry of default judgment was granted, with the workers awarded unpaid wages, treble damages, attorneys' fees and costs.

Another day laborer lawsuit, *Escamilla v. Venus Builders Group*, filed by the Committee and Co-counsel **Dickstein Shapiro** on February 21 in D.C. Superior Court (Small Claims), settled with a local contractor who refused to pay wages after a day laborer worked more than 108 hours over ten days. The employer maintained throughout pre-trial discovery that the worker was an independent contractor and thus not entitled to the protections under the Fair Labor Standards Act or the D.C. labor laws. At trial, the Judge found for the worker and awarded him unpaid wages and liquidated damages.

The Committee's ongoing day laborer support cases include *Montoya, et al. v. S.C.C.P. Painting Contractors, et al.* (Md. Dist. Ct.), a class action filed on February 21 by the Committee and co-counsel **Pillsbury Winthrop Shaw Pittman**; and *Canales, et al. v. AHRE, et al.* (D.C. Dist. Ct.), filed on the same date by the Committee and Co-counsel **Williams & Connolly**.

Committee Continues Advocacy for Day Workers' Center

The Committee's Immigrant and Refugee Rights Project, with Co-counsel **Arnold & Porter, LLP**, continues to advocate for a D.C. day laborer workers' center.

For several years, immigrant day laborers have been using the corner of 15th and P streets in Washington, D.C., as an informal hiring site. These workers have been the subject of periodic complaints made by the local community. Over the past several months, more than 100 immigrant day laborers have been gathering in the Home Depot parking lot located off Rhode Island Avenue in the District of Columbia, due to the high demand for temporary labor by Home Depot customers, the availability of largely unused space in the parking lot, and the close proximity to public transportation.

Home Depot has tentatively agreed to allow the City to place trailers on the parking lot outside the store. The long-term strategy continues to be the construction of a multi-cultural facility on the premises.

Committee Volunteers Win Victories for Asylum Seekers

Pro bono lawyers recently won asylum in Immigration Court and at the Arlington Asylum Office for four women.

Attorneys from **Winston & Strawn** won a grant of asylum from a Baltimore Immigration Judge for a woman business owner from Kenya who had been threatened by a criminal group uncontrolled by the government.

Williams & Connolly attorneys achieved an asylum victory for a woman from the Central African Republic who was targeted for her involvement with an opposition party candidate.

At the Arlington Asylum Office, **Pillsbury Winthrop Shaw Pittman** won asylum for a woman from Sri Lanka who had been sexually assaulted because of her ethnicity and her status as an unaccompanied woman.

With the assistance of an attorney from **Steptoe & Johnson**, the Asylum Office granted asylum to a woman medical doctor from the People's Republic of China who fears future persecution because of her ethnicity, her family's anti-government activities and her association with a well-known political dissident.

Asylum Training Offered

The annual D.C. Bar political asylum training is scheduled for Tuesday, November 13 from 8:30 a.m. - 7:00 p.m. at the D.C. Bar Conference Center.

The training, which is appropriate for attorneys or paralegals, is co-sponsored by the Committee's Immigrant and Refugee Rights Project and the Capital Area Immigrants' Rights (CAIR) Coalition. There is no fee for the training, but a \$25 charge covers the cost of the training manual. Training participants must agree to accept pro bono referrals from one of the sponsoring organizations.

Registration information is available at: www.dcbbar.org/probono, or by calling (202) 737-4700, ext. 289.

For more information, contact Ruth Spivack at the Committee at (202) 319-1000 ext 120 or at Ruth.Spivack@washlaw.org.

Prisoners' Project

D.C. Prisoners' Project Cases Proceed

The D.C. Prisoners' Project (formerly D.C. Prisoners' Legal Services Project) has received significant support from the private bar, since the Project joined the Committee in October 2006. As a result, the Project has filed nearly a dozen cases involving the rights of D.C. prisoners in both local jails and in distant federal prisons, with a dozen more planned for the coming months.

With over 7,000 D.C. prisoners housed in nearly 100 separate federal Bureau of Prisons (BOP) facilities, often thousands of miles from home, legal resources for individuals denied adequate medical care or who experience violence while incarcerated are seriously limited.

Attorneys at **Morgan Lewis & Bockius** are co-counseling two cases with the Project from the same BOP institution in Pennsylvania. In the most compelling case, our client was shackled in his cell for 29 days, clearly violating BOP policies, the U.S. constitution, and international human rights standards.

The Orlando office of **Foley Lardner** is working with the Project to represent a client who was severely beaten after he was denied protective custody status months before his release from a Florida prison.

The Project, with co-counsel **Steptoe & Johnson**, is representing a man who was brutally beaten and nearly blinded in a federal prison in Indiana, and was returned to D.C. homeless and disabled.

The Project is also working with co-counsel **McDermott, Will & Emory** in an attempt to reverse the effects of a Fourth Circuit decision, *Holly v. Geo Group*. In *Holly*, the Court ruled that prisoners complaining of poor medical care at Rivers Correctional Institution, a privately owned prison in North Carolina that holds mostly D.C. Code offenders, could not file those claims in federal court. The firm has filed a second case on behalf of the same plaintiff, this time in Washington, D.C.

Winston & Strawn has stepped in to co-counsel a case involving another

Rivers client whose case was moved to North Carolina state court after *Holly*, helping to protect his rights despite the *Holly* decision.

The Project is also working with **Covington & Burling** on major class-action litigation involving this facility, which will be described more fully in the next edition of the *Update* newsletter.

In Washington, D.C., the Project has taken on several important issues affecting prisoners in D.C. jail facilities. **O'Melveny & Myers** is co-counseling a case that will attempt to hold D.C. liable for failing to provide continuing prescription medications to a discharged inmate with HIV, who later fell into a coma. **Pillsbury, Winthrop, Shaw, Pittman** has taken on two cases involving women who were raped by corrections staff at the jail. **Reed Smith** has also taken on two cases, co-counseling matters involving prisoners severely beaten while held in supposed "protective custody."

Disability Rights

MetroAccess Settlement (continued from page 1)

shopping, and keeping personal and business appointments. Many riders have multiple disabilities and are in frail health. Their median age is 60.

The complaint alleged that MetroAccess service was so substandard that it illegally discriminated against people with disabilities.

Among the pervasive problems that prompted the filing of the lawsuit were missed trips that left riders stranded, late trips that forced riders to waste countless hours waiting for

vehicles to appear, and trips that took circuitous routes which added hours to what should have been short trips.

These problems forced MetroAccess riders to bear the physical and financial costs of missed medical appointments, last-minute taxi rides and docked pay resulting from tardiness at work. Because the unreliable service required riders to build in extra time for every MetroAccess trip, MetroAccess users were unable to schedule their everyday lives in the way non-disabled people take for granted.

Under the terms of the multi-million dollar settlement, which is

subject to court approval, WMATA will hire expert consultants to assist in its ongoing oversight of MetroAccess performance and enhance service by increasing the paratransit budget by \$4 million per year over a three-year period. In addition to the service improvements required by the proposed settlement, every MetroAccess rider will receive 10 free rides. WMATA has also agreed to pay attorneys' fees.

This settlement represents an outstanding resolution to one of the most important cases in the Disability Project's history.

Public Education



Over 100 students listen to speakers at the start of the 2nd Annual GeoPlunge Geography Tournament at the Charles Sumner School last fall.

Schools And Firms Meet At 2007 Fall Partnership Luncheon

On September 19, the Committee's D.C. Public School Partnerships Project brought together nearly 50 public school and firm coordinators of the Project's educational partnerships for its annual Fall Partnership Luncheon.

The gathering, hosted by Akin, Gump Strauss Hauer & Feld, offers the opportunity for D.C. public school principals, assistant principals and other school representatives to meet with law firm and company coordinators of the educational partnerships who are in the Project's network.

Guest speakers at the meeting included Dr. Ximena Hartsock, from the Office of the Chancellor of D.C. Public Schools Michelle Rhee, who expressed her appreciation on behalf of the Chancellor for the work by

law firms and companies that have committed to helping D.C. Public Schools and students through their school partnerships, and conveyed that the new Chancellor looks forward to working with the Committee and the partnerships on ways to enhance public education in the District of Columbia.

Another speaker at the meeting was Dr. Esther Monclova-Johnson, Executive Director of DCPS Extended Education Programs, discussed the before- and after-school and summer programs she oversees with a goal of integrating extra-curricular activities with school day studies so that such activities do not occur in isolation.

If you are interested in establishing an educational partnership with a D.C. public school, contact Project Director Iris Toyer at (202) 319-1000, ext. 117, or Iris_Toyer@washlaw.org.

3rd City-Wide Geoplunge Tournament Scheduled

Arent Fox attorney Alan Fishel, inventor of the popular award-winning geography game GeoPlunge, announced plans at the Committee's Fall Partnership Luncheon for the third annual GeoPlunge Geography Tournament, scheduled for Wednesday, November 14 at Bell Multicultural High School.

D.C. Public School Chancellor Michelle Rhee has committed the resources of her office to encourage city-wide participation by schools in the tournament.

The GeoPlunge card game teaches children the states and their capitals, large cities in each state, border states, rankings of the states in size, population, date of entry into the union, and other facts. The game and tournament activity are in keeping with the school system's implementation of its social studies standards.

By working with Chancellor's office we hope to accommodate at least 64 three-member teams of fifth- and sixth- grade students. Firms and individuals are invited to sponsor a team.

To sponsor a Geoplunge team, contact Project Director Iris Toyer at (202) 319-1000, ext. 117, or Iris_Toyer@washlaw.org.

Arrivals

New Board Member

The Washington Lawyers' Committee recently welcomed a new member, Donald M. Remy, to the Board of Directors.

Donald M. Remy

Donald M. Remy is a litigation partner in the Washington, D.C. office of **Latham & Watkins**. He previously worked as Deputy Assistant Attorney General for the Civil Division of the United States Department of Justice, and as Deputy General Counsel, the Senior Vice President of Housing and Community Development, the Senior Vice President & Chief Compliance Officer and the Vice President for Litigation at Fannie Mae. He served as Judicial Clerk for the Honorable Nathaniel R. Jones on the U.S. Court of Appeals for the Sixth Circuit, and as Assistant to the General Counsel for the Department of the Army.

New Staff Members

Susan Gilbert

Susan Gilbert recently joined the Committee as Director of Human Resources and Administration. She previously worked as Executive Director of the Washington Council of Lawyers, a voluntary bar association that promotes the practice of pro bono and public interest law in the Washington, D.C. area. She also served as Ethics Counsel to the D.C. Bar

Legal Ethics Committee. Ms. Gilbert is a graduate of American University and its Washington College of Law.

Katherine Gillespie

Katherine Gillespie, an associate in the Litigation Department of **Wilmer Cutler Pickering Hale and Dorr LLP** and a recipient of the first Wilmer Hale Pickering Fellowship to be awarded in Washington, D.C., recently joined the Committee to work for the next six months with the Equal Employment Opportunity Project and Immigrant and Refugee Rights Project. She is a graduate of Georgetown University Law Center. Katie previously worked at the Committee on a public housing issue, and represented a Ugandan woman seeking asylum.

Miriam Lederer

Miriam Lederer, a graduate of Georgetown University Law Center, recently joined the Committee as a Skadden Fellow with the Fair Housing Project. She was a former summer intern with the Committee's Housing Project.

Stacey Litner

Stacey Litner recently joined the Committee as a paralegal with the D.C. Prisoners' Project. She previously worked for the Louisiana Capital Assistance Center, and for the Jails Project of the American Civil Liberties Union in Los Angeles. She is a graduate of Oberlin College.

PEPCO Subsidiary Settles (continued from page 6)

The settlement provides monetary compensation for both plaintiffs, plus attorneys' fees, the amounts of which are confidential under the terms of the settlement. But the truly remarkable aspect of this non-class settlement is the far reaching injunctive obligations which now bind Chester. Pursuant to court order, Chester has agreed to implement company-wide comprehensive structural and policy changes which are designed to make the workplace more welcoming for minorities. These changes include mandatory diversity training for all employee; new and expanded non-discrimination policies, including a "zero tolerance" policy for discrimination by supervisors; hiring an outside consultant to participate in investigations of discrimination complaints; and periodic reporting to plaintiffs' counsel. Ordinarily, such measures are found only in the resolution of class-action lawsuits.

Committee staff attorney on the case Warren Kaplan said: "The extensive changes now being made will hopefully transform Chester into a company where minorities are truly welcome, and where equal opportunity is not just a slogan, but a reality. The Committee, working alongside the fine attorneys at Wilkie Farr & Gallagher, achieved a terrific result in this case on behalf of our two plaintiffs as well as the entire African-American workforce at Chester."

The Committee is hopeful that the success of this case will serve as a meaningful deterrent against employment discrimination by other companies in the area.

WASHINGTON LAWYERS' COMMITTEE

Branton Awards Luncheon (continued from front page)

Anne M. Kappler, Committee board member and partner at **Wilmer Cutler Pickering Hale and Dorr, LLP**, presented the award to Anastasia Kelly. Thomas Williamson, Jr., received the award from David J. Cynamon, a former Committee Co-Chair and partner at the law firm of **Pillsbury Winthrop Shaw Pittman LLP**.

John A. Payton, Jr., a partner at **Wilmer Cutler Pickering Hale and Dorr, LLP**, and also a former Committee Co-Chair, presented the Alfred McKenzie Award to Congresswoman Eleanor Holmes Norton. The McKenzie Award is given to a Committee client for dedication and courage that has produced particularly significant civil rights victories. Congresswoman Norton received the award for championing the rights of residents in the District of Columbia.

Reed Smith LLP, Weil Gotshal & Manges LLP, and Beveridge & Diamond, P.C., were honored with the Vincent E. Reed Award for their commitment to public education in the District of Columbia. The award is given in the name of distinguished educator and former D.C. Schools Superintendent Vincent E. Reed, who encouraged the Committee to establish its public education support programs.

The Committee also recognized 24 law firms with Outstanding Achievement Awards for their exceptional work on Committee pro bono assignments over the past year. For more information about the law firm awardees and their achievements, see pages 8-13.

This year's Luncheon Co-Chairs were David J. Cynamon of **Pillsbury Winthrop Shaw Pittman LLP**; Ann M. Kappler and John A. Payton, Jr. of **Wilmer Cutler Pickering Hale and Dorr LLP**; and Stanley J. Samorajczyk, of **Akin Gump Strauss Hauer & Feld LLP**.

Anastasia Kelly began her legal career as an associate at Wilmer, Cutler & Pickering, before joining Fannie Mae Corporation, where she held the position of Senior Vice President, General Counsel and Corporate Secretary, while serving as a Committee board member. She was serving as a Committee Co-Chair when she assumed the post of Vice President and General Counsel at Sears Roebuck & Co., in Chicago. In 2003, she was named Executive Vice President and General Counsel at MCI/World Com, and last year joined AIG as Executive Vice President, General Counsel and Senior Regulatory and Compliance Officer. Throughout her career, she has been committed to workforce diversity and the belief that good business practices include strong support for pro bono service and public interest causes. She has mentored scores of women and minority colleagues who have risen to positions of responsibility in their professions, and encouraged corporate engagement with our public schools, initiating efforts to expand the Committee's D.C. Public School Partnerships Project, encouraging Fannie Mae Corporate Legal Department's educational partnership with Marie Reed Elementary School and MCI's involvement in another school partnership.

In accepting the award, Anastasia Kelly said, "I am very honored. This award really reflects who I am and who I wanted to be when I was a young lawyer. Thanks to all of the law firms here. Your pro bono support for the Committee is an inspiration to people for whom this work is so important."

Thomas S. Williamson, Jr., a Harvard University and the University of California at Berkeley Law School graduate and a Rhodes Scholar, joined Covington & Burling in 1974, becoming a partner in 1982. He previously worked as Deputy Inspector General in the U.S.

Department of Energy (1978-1981), and as Solicitor of the U.S. Department of Labor (1993-1996). Throughout his career, he has supported public service programs, chairing Covington's pro bono committee, encouraging the firm's educational partnership with Cardozo Senior High School, serving as a Washington Lawyers' Committee board member and executive committee member for over 20 years, and as a Committee Co-Chair for two years. He was lead counsel in key Committee cases, including federal and private sector employment class actions and disability rights matters, and guided Committee programs that addressed civil rights denials affecting Latinos in the District of Columbia and groundbreaking litigation using paired testers to investigate allegations of employment discrimination.

Addressing the luncheon audience, Mr. Williamson said, "I accept this award with a large measure of pride, but an even greater sense of humility. I would particularly like to thank the Board leadership and staff of the Committee for allowing me to make a small contribution to such a great enterprise, and for allowing me to be part of an organization that exists to pursue the cause of equal rights for all, which Wiley Branton so nobly and relentlessly pursued."

Eleanor Holmes Norton has served for 17 years with distinction as a Member of the House of Representatives representing the District of Columbia. A graduate of the District's Dunbar High School, Congresswoman Norton attended Antioch College before earning a Masters of Arts and law degree at Yale University. She served as a law clerk to Federal District Court Judge A. Leon Higginbotham before assuming a post at the American Civil Liberties Union, followed by her appointment as Chair of the New York Commission on Human Rights.

(continued on page 19)

FALL 2007 UPDATE

Branton Awards Lunch (continued from page 18)

In 1977, she was appointed by President Carter as Chair of the U.S. Equal Employment Opportunity Commission. Elected to Congress in 1990, Ms. Norton has advocated a progressive political agenda and championed the rights of District residents. In particular, she has been a steadfast and forceful spokesperson for full voting and fiscal independence for the District of Columbia. On several occasions, the Washington Lawyers' Committee has joined forces with her in legislative efforts to secure these goals.

In accepting the McKenzie Award, Congresswoman Norton said: "You can honor me no more than by giving this award named for Alfred McKenzie, a government worker, who decided not to take it anymore, just like the residents of the District of Columbia have decided not to take denial of voting rights any more. I thank you for your work and I thank you for this award."

The Committee's annual Branton Awards Luncheon is named in honor of Wiley A. Branton, Sr., a civil rights lawyer of the 1950's who served with distinction in government, as Dean of Howard Law School, and as 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 a member of the legal community whose lifetime efforts on behalf of civil rights advocacy exemplify the deep commitment of Wiley A. Branton, Sr., to equal justice in our society.

Predatory Lending Case (continued from page 7)

The complaint alleges that the scheme constitutes a fraud and also violates numerous federal and state lending laws and regulations. This matter is currently in discovery.

InterSolutions Settlements (continued from page 6)

The temporary employees had alleged in *Cryer, et al. v. InterSolutions, et al.*, filed in District of Columbia District Court, that InterSolutions, Inc., a Washington, D.C. temporary staffing agency, routinely denied overtime pay to its temporary and in-house non-exempt employees and threatened to terminate employees who complained of these practices.

After the plaintiffs achieved several victories in court, including a court order conditionally certifying the FLSA class, the parties engaged in lengthy settlement negotiations.

The plaintiffs obtained a settlement that provided them with full compensation for three years of unpaid overtime as well as the double damages they were entitled to under the FLSA.

The settlement also required InterSolutions to hire an external auditor to review the pay practices of the company to determine whether any other temporary employees were owed back pay, and provided for attorneys' fees and costs.

The second Fair Labor Standards Act case against InterSolutions, *Wells, et al. v. InterSolutions, et al.*, also filed in District of Columbia District Court, involved two Plaintiffs who worked in-house at InterSolutions.

Although both were non-exempt employees, InterSolutions denied them overtime pay despite their repeated forty-plus work weeks.

Goodwin Procter and the Committee settled this case along with the companion case of *Cryer v. InterSolutions*, described above. The plaintiffs received full relief under the relevant statutes, plus fees and costs.

These cases correct years of malfeasance by the company, and through the public nature of the settlement, serve as deterrents for staffing agencies throughout the region.

Settlements Achieved in Bozzuto, CB Richard Ellis and Trammell Crowe Design and Construction Cases (continued from page 7)

accessibility features in many of its newly constructed townhomes and single-family homes—a result not required by existing law. Bozzuto has also agreed to train its personnel, monitor its future activities, and pay the ERC \$650,000 in damages and attorneys' fees.

In *ERC v. CB Richard Ellis and Trammell Crow Company*, filed in the U.S. District Court for the District of Columbia on June 5, 2007, the ERC alleged that Trammell Crow Company ("TCC"), a subsidiary of CB Richard Ellis one of the largest publicly-traded apartment management companies in the country, was discriminating against persons with disabilities at 12 of its apartment complexes nation wide.

Prior to filing an answer, TCC and the ERC negotiated a full settlement of the ERC's claims that include third-party review of all future building designs, inspection and remediation of all TCC multifamily housing projects for a 4-year period, a long-term relationship with the ERC to provide fair housing evaluations and training to TCC, and a monetary payment to the ERC. Co-counsel with the Committee is **Crowell & Moring LLP**.

The Committee's other design and construction matters include *ERC v. AvalonBay Communities*, in which **Kelley Drye & Warren LLP** is Committee co-counsel; *ERC v. Camden Property Trust and ERC v. Lion Gables Residential Trust*, filed with Co-counsel **Gilbert Randolph, LLP**; *ERC v. Equity Residential*, filed with Co-counsel **Kelley Drye & Warren LLP**; *ERC v. Post Properties, Inc.*, filed with Co-counsel **Jorden Burt LLP**; and *ERC v. Trammell Crow Residential*, filed with Co-counsel **Crowell & Moring LLP**.

Board of Directors

Thomas W. Brunner, Co-Chair
Melvin White, Co-Chair
Mary L. Azcuenaga
Douglas W. Baruch
James N. Bierman
Edward K.M. Bilich
Roderic V.O. Boggs
Quinton V. Bowman
G. Brian Busey
Patrick S. Campbell
Andrews B. Clubok
Brian H. Corcoran
David J. Cynamon
John M. Faust
Margaret Feinstein
Ronald S. Flagg
Marc L. Fleischaker
Mary E. Gately

Jonathan D. Hacker
John E. Heintz
Theodore A. Howard
Peter B. Hutt II
Peter D. Isakoff
Robin E. Jacobsohn
Howard B. Jacobson
Ann M. Kappler
John C. Keeney, Jr.
Benjamin B. Klubes
Wilma A. Lewis
Esther H. Lim
Stephen P. Murphy
John A. Payton
Elissa J. Preheim
Jerome C. Randolph
Donald M. Remy
John Townsend Rich

Jeffrey D. Robinson
George D. Ruttinger
Stanley J. Samorajczyk
Matthew D. Slater
Paul M. Smith
Richard W. Snowdon III
Mark A. Srere
Gary S. Thompson
Denise A. Vanison
F. Joseph Warin
Roger E. Warin
Lewis S. Wiener
David F. Williams
Thomas S. Williamson, Jr.
Thomas B. Wilner
Benjamin F. Wilson
Alan M. Wiseman

Washington Lawyers' Committee for Civil Rights and Urban Affairs UPDATE

Thomas W. Brunner
Melvin White
Co-Chairs

Roderic V.O. Boggs
Executive Director

Susan E. Huhta, *Project Director*
Equal Employment Opportunity Project
Isabelle M. Thabault, *Project Director*
Fair Housing Project

E. Elaine Gardner, *Project Director*
Disability Rights Project

Mary M. Levy, *Project Director*
Public Education Reform Project

Iris J. Toyer, *Project Director*
D.C. Public School Partnerships Project

Laura E. Varela, *Project Director*
Immigrant and Refugee Rights Project

Philip Fornaci, *Project Director*
D.C. Prisoners' Project

Da'aga Hill Bowman, *Director*
Foundation Outreach and Public Information

11 Dupont Circle, NW, Suite 400, Washington, DC 20036
(202) 319-1000 (VOICE) • (202) 319-1010 (FAX)
(202) 319-1075 (TDD) • WWW.WASHLAW.ORG

©2007 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 this year:

Bank of America Foundation

Black Entertainment Television, Inc.

The Morris and Gwendolyn Cafritz Foundation

Chartered Health Plan, Inc.

Consumer Health Foundation

D.C. Bar Foundation

D.C. Chartered Health Plan, Inc.

Dimick Foundation

**Fannie Mae Fund of the Community Foundation of the
National Capital Region**

Freddie Mac Foundation

Aaron & Cecile Goldman Family Foundation

Government Scientific Source, Inc.

The Hanley Foundation

Health Right, Inc.

Corina Higginson Trust

Kiplinger Foundation

Anthony Lucas-Spindletop Foundation

Mead Family Foundation

The Meyer Foundation

Public Welfare Foundation

George Wasserman Family Foundation

Weissberg Foundation

The Committee is grateful to Mark Paul at Finnegan, Henderson, Farabow, Garrett & Dunner, LLP for assistance with the layout of this publication.