

UPDATE

2008 Annual Report
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The Law Center Mission: The Law Center is dedicated to advancing the Constitutional promise of equal citizenship to all persons irrespective of race, ethnicity, national origin, disability, gender or poverty. We use public education, continuing education of our clients and client organizations, research, negotiation and, when necessary, the courts to achieve systemic reforms that advance the central goals of self-advocacy, social justice and equal protection of the law for all members of society.

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PERSPECTIVES

Letter from the Executive Director



Forty years ago, Edwin D. Wolf opened the doors to a grand experiment: the Philadelphia Urban Area's Project of the Lawyers Committee for Civil Rights Under Law. According to press reports at the time, the new organization would focus on "racism in society." Wolf said "black children are living in an intolerable situation. The conditions under which they live include a significant amount of bad housing, bad schools, poverty, disoriented families and police harassment." Thirty-five years ago the Philadelphia Bar Association moved decisively to sustain that experiment. The mission was now broader: in addition to attacking racism, the Law Center would address other large social issues of the day. It sued the state Board of Law Examiners on behalf of a law school graduate from India. Wolf contemplated getting involved in rate increase proposals. Wolf said he was eager to "clean up the Schuylkill River, so that people can swim there and even drink the water. We're going to make sure that government functions for the benefit of the people."

Over the years, our tent has expanded. The Law Center's first great generation of lawyers, Thomas Gilhool and Frank Laski, along with our dedicated clients, dared to dream that people with developmental disabilities could go to school, hold a job and live on their own; their work persuaded Congress to pass powerful laws securing these rights. Our colleague Judith Gran picked up that torch and, through decades of labor, has secured private homes and educations for tens of thousands of people.

This year, we honor the past but, more important, we stand strong and well-prepared to take on the great issues of this era. The arrival of our newest colleague, nationally-known education lawyer, Sonja Kerr, presents an opportunity for us to finish the civil rights revolution on behalf of people with disabilities. Our new public health and environmental justice legal clinic, led by Adam Cutler in conjunction with Drexel University's Earle Mack School of Law, will once again take up the challenge of making our rivers, in addition to our air and neighborhoods, clean and safe. Michael Churchill and James Eiseman, experts in education funding and access to medical care, respectively, continue to address the problems associated with the persistent poverty that mar our city and country; poorly-funded, unequal schools; lack of access to medical and dental care; chronic unemployment and inadequate housing. Our lawsuits on voting establish that the precious right is not just theoretical but has a practical reality: long lines because of inoperable machines are as much a deprivation of that right as an outright denial. And, at the end of October, we will be moving to bright, open space in the United Way building, the first move for us in over 20 years.

Our power to unleash these positive forces is dependent on you, who believe that an investment in us will translate into ground-changing differences for those who need it most. In this annual report—the first since 1977—we honor you, our most generous supporters. Please read on to learn about some of our latest efforts.

Very truly yours,

Jennifer R. Clarke

COVER PHOTO:

Charles Major of Major Tours, Inc., lead plaintiff in a lawsuit challenging discriminatory practices by the New Jersey Department of Transportation. The plaintiffs allege that minority owned and operated charter bus companies are singled out by NJ DOT inspectors for a disproportionate number of stops on certain routes. This is so disruptive to business that many companies have been forced to close their doors.

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IN BRIEF

2008 Accomplishments and Updates

DISCRIMINATION – RACE & DISABILITY

Blunt, Concerned Black Parents, Inc. and the Main Line Branch of the NAACP v. Lower Merion School District, a lawsuit alleging race discrimination and violation of ADA and IDEA in school district practice of segregating African American students for separate below grade classes. The Law Center has moved for class certification and that motion will be heard this summer. Meanwhile, our attorneys are assisting individual plaintiffs through special education due process hearing proceedings. A hearing officer recently awarded one of the individual plaintiffs a significant amount of private tutoring at district's expense because the district violated special education laws.

Bowers v. NCAA, - A long-running suit against the NCAA and two member schools for imposing more difficult barriers on students with learning disabilities went to trial in summer 2008. Early in the suit, the Department of Justice became involved and required the NCAA to change the discriminatory rules. The case created significant and favorable law on after-acquired evidence in a discrimination case and the question of waiver of the Congressional power to impose liability on states for discrimination. Two of the parties settled before trial, with the University of Iowa contributing \$500,000 toward the total. At trial against the NCAA, the jury found that the plaintiff did not have a learning disability, notwithstanding the fact that he had been in special education courses and had an Individualized Education Plan throughout his life.

EMPLOYMENT DISCRIMINATION (www.pilcop.org/ed.html)

Romani Abney v. Philadelphia Housing Authority. The Pennsylvania Human Relations Commission (PHRC) found that there was probable cause, or a factual basis for allegations, that the Philadelphia Housing Authority (PHA) violated the Pennsylvania Human



The Law Center successfully represented 7th grader RJ, a student with down syndrome and his family in a hearing with his school district, ensuring that he will be invited to participate in all the same extracurricular activities as his classmates who do not have disabilities, including his twin brother Stephen (*pictured here with RJ, right*).

“ RJ is having a DYNAMITE year. He is doing Chorus in school and will be traveling to several retirement homes to give concerts there with the group. He's also included (with support) for social studies, science, art and music, which is a far cry from where we ever were before.... But, most of all, RJ is doing really well in speech. He is working with his teacher to learn the Dynavox and he absolutely astounds her with his memory and the ease with which he can make the sentences on the device...So, after all is said and done, RJ is really making great strides-as we knew that he would when he was given half a chance. ”

Charlene, RJ's Mother



Law Center attorney Judith Gran (center, top row) joins with other disability rights experts and activists demonstrating at a segregated school for students with disabilities newly opened in Central Pennsylvania.

2008 AWARDS & RECOGNITION

Michael Churchill received the Andrew Hamilton Lifetime Achievement award. The award is granted by the Public Interest Law Section of the Philadelphia Bar Association based on personal vision and commitment, the critical nature of the problems addressed by the nominee's advocacy, the innovative nature of the nominee's work, the outcomes and results achieved through effective advocacy, the difficulty of achievement, and community commitment.

Judith Gran received the Diane Lipton Award for Outstanding Educational Advocacy from the Council of Parent Attorneys and Advocates ("COPAA"). COPAA's announcement of the award said that Judith's "impact on the lives of families cannot be overestimated."

Relations Act when it failed to promote our client, an African American woman, and instead promoted white males with less or equivalent experience. A hearing on the matter is scheduled for late fall 2009. A positive result could mean not only substantial damages in backpay for our client but changes in policies and procedures to ensure system changes.

COMMUNITY SERVICES (www.pilcop.org/dis_com.html)

People First of Tennessee, et al. v. Arlington Developmental Center, et al.,

This suit on behalf of persons with developmental disabilities in institutions or at risk of institutionalization was settled in 2007 with a plan to close the Arlington Developmental Center and establish a system of community-based services for the former residents. Failure to keep the schedule for closure forced the residents to remain in harmful conditions and in 2008 the Law Center filed a motion for contempt to enforce the plan. The trial on the contempt motion will be held this summer.

Messier, et al. v. Southbury Training School, et al.,

A ten-year-old class action lawsuit that sought community placement for the institution's approximately 600 residents. The judge ruled in favor of our clients, the Arc of Connecticut, WeCAHR, and People First of Connecticut, and held that residents' rights were violated by a failure to provide them community services.

DISABILITY EDUCATION (www.pilcop.org/dis_edu.html)

Gaskin, et al. v. Commonwealth of Pa. Dept. of Ed., et al., The Law Center continues to enforce the settlement of this class action alleging systematic failure by Pennsylvania state officials to educate approximately 270,000 children with disabilities in integrated classrooms. Progress was made in 2008 on the evaluation and corrective procedures for schools failing to educate children in the least restrictive environment.

The Law Center represented 16 individual children with disabilities and their families in due process hearings to obtain appropriate school placement and services and ensure they receive the best possible education. Our lawyers counseled approximately 350 families, advocates and other lawyers on these issues and conducted 23 training sessions reaching approximately 1500 people.

VOTING RIGHTS (www.pilcop.org/vr.html)

Banfield et al. v. Cortez –A lawsuit challenging Pennsylvania's Secretary of the Commonwealth's decision to certify electronic voting systems that leave no paper trail on the grounds that they do not allow voters to verify that their votes were recorded accurately. Plaintiffs scored a victory in December 2008 when the Pennsylvania Supreme Court denied the Secretary's petition to appeal a lower court ruling, allowing the case to proceed toward trial.

NAACP et al. v. Cortez. The Law Center joined with a coalition of Pennsylvania voters and civil rights groups led by the NAACP State Conference of Pennsylvania to file a lawsuit seeking a requirement that voters receive emergency paper ballots on Election Day when voting machine breakdowns cause prohibitively long lines. The Judge issued an order just in time for Election Day granting a preliminary injunction and requiring poll workers to issue emergency ballots immediately when 50% of voting machines in a precinct are inoperable.

CHILDREN'S HEALTH CARE (www.pilcop.org/chc.html)

Florida Pediatric Society/The Florida Chapter of the American Academy of Pediatrics, et al. v. Levine et al., – Suit to enforce health care provisions of the Medicaid Act for the 1.7 million children enrolled in Medical Assistance in Florida. The Law Center and co-counsel in Florida have submitted to the court ten reports from expert witnesses and nearly four years since the case was filed, the judge has set an August 2009 trial date.

EDUCATION FUNDING & QUALITY (www.pilcop.org/efq.html)

On July 8, 2008, PA Governor Ed Rendell approved a new state budget including \$9.6 billion and the first state funding formula for education in two decades. This historic event was due to the work of hundreds of advocates, legislators and political leaders, including the guidance offered by the Law Center's Michael Churchill who served on the Pennsylvania School Funding Campaign Steering Committee.

Pennsylvania Human Relations Commission v. School District of Pennsylvania. As a result of negotiations in 2008, the Law Center's client, ASPIRA, the Human Relations Commission and the School District of Philadelphia agreed upon an historic consent order this July that will improve the quality of teaching and increase resources for children at the district's low performing schools which have large concentrations of minority students. The order requires the district to give additional resources to schools with lower than average teacher payrolls because of inexperienced teachers, allows these schools to choose their own teachers, allows the district to pay more for teachers who want to work in those schools and commits the District to giving the schools with the highest number of needy students additional funding. The consent order ends a 39 year old desegregation case which began with a focus on integrating the district's schools. The Law Center, representing ASPIRA, an advocacy group focusing on the education of Hispanic children, entered the case in 1993 and refocused the case to the quality of education in the high poverty, high minority concentration schools.

ENVIRONMENTAL HEALTH & JUSTICE (www.pilcop.org/ehj.html)

In September, 2008, the Law Center launched a Public Health and Environmental Justice Legal Clinic in partnership with the Drexel University's Earle Mack School of Law. The first clinic of its kind in the Philadelphia region, it provides legal and technical assistance to communities seeking to enforce their environmental rights and empowers local activists to improve the public and economic health of their communities.

CIVIL RIGHTS

Allison v. The Geo Group, Inc. challenged a blanket strip search policy for all people entering jails operated by the defendant, regardless of whether convicted and regardless of the nature of the charge. The Court reaffirmed the right of persons detained in prisons and jails to be free from unreasonable strip searches.



Law Center Interns Mara Cohen Jackel, TJ Rafferty and Michelle Payne, along with the Law Center's Environmental Health and Justice Project Director Adam Cutler, meet with Mary Yee and Ellen Somekawa (*far left and far right, respectively*), representatives of Philadelphia's Chinatown Preservation Alliance, which includes residents, business owners and community organizations concerned about the environmental and health impact of the proposed casino development in their neighborhood.

The interns are all 3rd year students at Drexel's Earle Mack School of Law participating in the Public Health and Environmental Justice Clinic partnership with the Law Center.

(Photo courtesy of Drexel University)

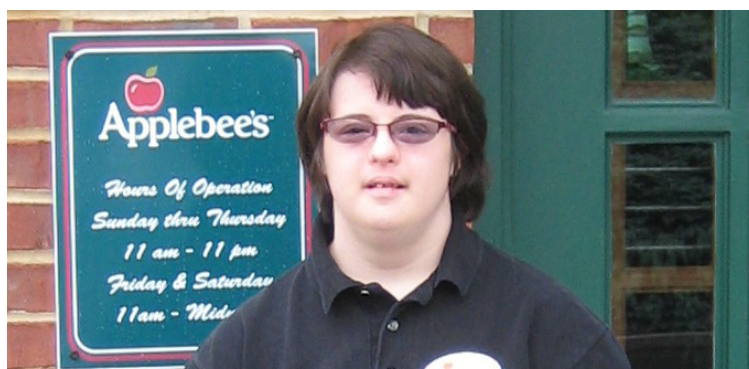


PHOTO AT LEFT:

Lydia Gaskin, lead plaintiff in *Gaskin v. Commonwealth of Pennsylvania*, a groundbreaking 2005 settlement agreement which created detailed protocols for including students with disabilities in regular classrooms with supports and services. Lydia graduated from high school in 2005 and has been employed at Applebee's for three years.

THE LAW CENTER IS MOVING . . . FORWARD!

After more than two decades in our office at the corner of 9th and Sansom Streets in Philadelphia, the Law Center is preparing for a big change. On November 1st we will move to a new office in the United Way building at 17th and Benjamin Franklin Parkway. In our new home we will have more intern workspace to accommodate our growing Public Health and Environmental Justice Clinic and summer programs, more shared space for collaborative gatherings, and we will enjoy an open environment with abundant natural light. We are extremely grateful to the following people and businesses who have generously contributed their expertise to guide us in this major decision and ensure a smooth transition to our new office:

- Kartik Patel and Greg Lugones of Tactix Commercial Real Estate Brokers
- David Heckler, Kiera McDonagh and Natasha Cave of Watchdog Real Estate Project Managers
- Peggy Kelly of Corporate Facilities Inc.
- J.J. Broderick and Leah S. Raup of Morgan, Lewis and Bockius LLP

We look forward to making our new location even more welcoming and open to our clients, colleagues, and friends. The move provides us the opportunity to make much-needed upgrades to our technology, allowing even more efficient service to our clients. Please consider how you can help us in this transition (a list of specific needs is posted at www.pilcop.org/donate.html).

Stay tuned for more news about our future home!



Board members Catalina Hunter and Reinaldo Ortiz of the Hunting Park Stakeholders – a group of residents of Philadelphia's Hunting Park neighborhood who are concerned about environmental threats in their community. They are represented by the Law Center's Public Health and Environmental Justice Clinic.

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THE PUBLIC INTEREST LAW CENTER OF PHILADELPHIA CELEBRATES 40 YEARS!

OCTOBER 1, 2009

8:30am – 4:30pm

"Stimulating Equality:

Protecting civil rights during economic recovery"

A symposium exploring access to the workforce for groups that have historically faced barriers to employment: individuals with disabilities, minorities, prisoners reentering society, and others

Visit www.PILCOP.org/upcoming.html
for full program

The Arch Street Meeting House
4th and Arch Streets, Philadelphia

5pm – 9pm

Dinner and Cocktail Reception

Honoring the Edwin D. Wolf Family
The Down Town Club
6th and Chestnut Streets, Philadelphia

More details at www.pilcop.org/upcoming.html



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