

UPDATE



PUBLIC INTEREST LAW
CENTER OF PHILADELPHIA

AFFILIATED WITH THE LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW

2009 Annual Report
www.pilcop.org

Marking 25 Years of Community
Living Since Pennhurst

New Case Challenges Racial
Discrimination at PA Polling Place

40th Anniversary Symposium
Confronts Inequality in Work

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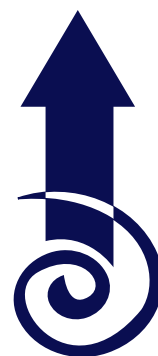
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from VISION to RESULTS



Letter from the Executive Director

The Guerin Recreation Center, a compact cement building in South Philadelphia, was overflowing one late January afternoon as children, parents, advocates, teachers and Cambodian, Vietnamese, Chinese and Spanish translators, mingled with police and Philadelphia Human Relations Commission staff members. I had arrived, with the others, to listen and to testify about the racial violence in South Philadelphia High School that broke into public view in late December and which was already deteriorating into finger-pointing among the adults.

The testimony we heard was deeply disturbing: indifference to the broken rib of an eight-year old African American boy. An Asian-American teenager's jaw broken as he opened his locker. Small, routine incidents of petty violence in the lunch line but no adults in sight. Most horrifyingly: a young teacher, celebrating superior test scores with her class, faced with an invasion of 20 people who rushed into her classroom to beat up one of her students. She wept as she spoke of her lack of power to intercede.

There were also moments of great power and, dare I say, hope. Two Asian teenagers spoke about one-on-one meetings with African American students facilitated by a school program—something they enjoyed but had never experienced before. A small program where kids gather after school. The empowerment of speakers who dared to stand up and address a large group. The civility of the meeting, the first of eleven to be hosted by the Philadelphia Human Relations Commission.

I write about that winter afternoon because it is a mirror, in so many ways, on our work here at the Law Center. The problems that we choose—education, employment, health, housing—are seemingly intractable and beset with the evils of indifference and discrimination. They do not lend themselves to quick fixes, just as school violence cannot be solved with the deceptively-simple prescription of more cops and more bars. Instead they require purposeful, focused attention. They may require a series of small steps, not grand gestures, just as stopping school violence may include preventing the “small” punches and indignities in the lunch line. They require research to find what works in other places. And they require no small dose of optimism.

This annual report is dedicated to you, our most generous donors, and describes the day-to-day steps we take to tackle these problems which must, after all, be solved. You give us the strength and the wherewithal to continue.

Sincerely,

Jennifer R. Clarke

COVER PHOTO:

Dr. Louis St. Petery, a pediatric cardiologist and Executive Vice President of the Florida Chapter of the American Academy of Pediatrics, an organizational plaintiff in the Law Center's Medicaid case (described in greater detail on the following page) examines a patient in his Tallahassee office.

IN BRIEF

2009 Accomplishments and Updates

CHILDREN'S HEALTH CARE

Florida Pediatric Society v. Levine et al.:

About four years after it was filed, the Law Center and a team of lawyers from the Ft. Lauderdale office of Boies Schiller and Flexner, LLP began trial on December 7, 2009 in a case seeking access to medical and dental care for a class of about 2.0 million children enrolled in or eligible for Medicaid in Florida. The Court held additional days of trial in January and February and will continue to schedule trial sessions throughout 2010. The district court had certified the class and denied the defendants' motion for summary judgment on September 30, 2009.

CIVIL RIGHTS

Florence v. Board of Chosen Freeholders:

On January 19, 2010 the Law Center, together with private lawyer David Rudovsky of Kairys, Rudovsky, Messing, & Feinberg LLP, filed an amicus brief with the Third Circuit Court on behalf of the Pennsylvania Prison Society in a case challenging the policies of several New Jersey jails requiring strip searches of people arrested on minor misdemeanor violations, without the need for a reasonable suspicion that the person is smuggling contraband. The brief argued that the Third Circuit should adopt the standard in every circuit other than the Eleventh that holds such blanket policies unconstitutional under the Fourth Amendment.

Allison v. The GEO Group, Inc.:

The Law Center authored a brief that persuaded Judge Jan E. DuBois of the United States District Court for the Eastern District of Pennsylvania to declare a blanket strip search policy, similar to that described above, a violation of the Fourth Amendment of the Constitution. In an opinion issued March 24, 2009, the court refused to dismiss a class action brought by individuals who had been subject to the policy. Other counsel in the case are David Rudovsky of Kairys, Rudovsky, Messing, & Feinberg LLP; Joseph G. Sauder and Benjamin F. Johns of Chimicles & Tikellis LLP; Christopher G. Hayes; and Daniel C. Levin of Levin, Fishbein, Sedran & Berman.

DISABILITIES EDUCATION

During 2009, the Law Center represented thirty-one children with disabilities and their families in administrative proceedings and the courts to secure a free and appropriate public education. Fourteen cases settled during or after hearings while the remaining cases are

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.



Students at Historically Black College Charge Racial Discrimination in Chester County, PA Polling Places

On Election Day 2008, hundreds of Lower Oxford East voters – most of them African-American – waited up to seven hours in the pouring rain to cast their votes. Those who were unable to wait left without voting. The Law Center and a coalition of civil rights groups filed a federal lawsuit on January 20, 2010 on behalf of African-American residents and students at Lincoln University (the country's oldest historically Black college), charging that the County Board of Elections and Department of Voter Services deprived African-Americans in Lower Oxford East Township of their right to vote by assigning them to inconvenient and inadequate polling facilities. The Law Center is joined by counsel from the ACLU, DLA Piper LLP and private practitioner Marian Schneider.

“Voting is everyone’s right. Being involved in this lawsuit would allow those who come after me an opportunity to exercise that right. In my eyes, being the voice of my peers and standing up for what’s right is not an obligation but a responsibility I welcome.”

Shanisha Smith, a plaintiff and student at Lincoln University

AWARDS AND PUBLICATIONS

- In an article entitled *Winkelman: Pro Se Parents of Children with Disabilities in the Courts (Or Not?)*, published in December 2009 by the Alaska Law Review, Sonja Kerr, Director of Disabilities Rights Projects, examines the rights of parents to litigate *pro se* on behalf of their children under the Individuals with Disabilities Education Act (IDEA). While the focus of the article is the state of Alaska, the article is a good resource for parents throughout the United States who are facing *pro se* issues.
- The Law Center contributed to two publications recognized in the 2009 National Best Book Awards Contest, sponsored by USA Book News. *Education in the 50 States: A Deskbook of the History of State Constitutions and Laws About Education*, written by Law Center staff and interns, was an outstanding candidate in the "History: United States" category. Attorney Michael Churchill contributed two chapters to *A Quality Education for Every Child: Stories from the Lawyers on the Front Lines*, which was named a finalist in the "Education/Academic" category. Both were published by the Institute for Educational Equity and Opportunity (IFEEO).
- The Law Center was honored with the Inglis Foundation's Award for Continuing Excellence (ACE) in recognition of its work to enhance the quality of life and increase opportunities for people with disabilities at an award ceremony on June 25th 2009.



Rev. Horace Strand (center), chair of the Chester Environmental Partnership, a client of the Law Center's Public Health and Environmental Justice Clinic, is joined by students from Drexel University's Earle Mack School of Law, Kou Dorlaie, Cory Thomas and Kim Magrini (left to right) in front of Faith Temple Holy Church where the partnership meets bimonthly to discuss environmental issues facing residents of Chester, PA.

in progress. In one of the cases, we represented a 17 year old student with CHARGE Syndrome who has a hearing impairment and whose district planned to place him in a residential school hours away from his home. A hearing officer ruled that the district failed to make any efforts to include the student in regular classrooms or to locate individuals who could support him in the classroom. In another case, the school district agreed to include a child with Down syndrome in regular classes and extra-curricular activities in her New Jersey school district and to provide training to school staff.

DISCRIMINATION ON THE BASIS OF RACE, GENDER, DISABILITY AND POVERTY

Fair Housing Rights Center and Ms. J. v. Coakley Williams Hotel Management Company and Days Inn Horsham:

The Law Center filed a case in October 2009 alleging that a hotel company discriminated against a victim of domestic violence. Ms. J (name hidden to protect her identity) and her children fled her abuser and sought help from the Women's Center of Montgomery County, which advised her to take refuge in a nearby hotel. After four days, Ms. J and her family were denied a room by a hotel manager who claimed all rooms were unavailable. A later test showed that rooms were available. This case was filed with the Pennsylvania Human Relations Commission and was settled in late 2009.

Blunt v. Lower Merion School District:

In 2009, discovery commenced in this law suit on behalf of African American families against the Lower Merion School District. The complaint alleges that the school district segregates African American students into below grade level or modified classes that provide them with a substandard education. On August 19, 2009, the district court refused to certify the class and dismissed the organizational plaintiffs. The plaintiffs have asked the Third Circuit to consider the class certification ruling.

Major Tours v. New Jersey Department of Transportation:

The Law Center, along with lawyers from Dechert LLP and private practitioners, are challenging a practice by New Jersey transportation officials of making unnecessary and excessive stops of tour busses to Atlantic City that are owned and operated by African Americans. Discovery in the case is nearly complete.

Reynolds v. Commonwealth et al:

On November 4th, 2009, the Law Center, along with Lawrence D. Berger of Shepherd, Finkelman, Miller, and Shah, LLP, filed a complaint on behalf of a licensed nurse who receives methadone maintenance treatment for her chronic opioid drug dependency, a status that is considered a disability under the Americans with Disabilities Act and the Rehabilitation Act. The defendants in this case refuse to relicense her because of the treatment.

EDUCATION FUNDING AND QUALITY

Campaign to Secure Teaching Quality And Equity For Philadelphia's School Children:

On March 31, 2009 the Law Center joined dozens of citywide organizations to launch a campaign to secure quality teachers for every child in Philadelphia. The Campaign, entitled "Effective Teaching for All Children: What it Will Take" declares that "all children in Philadelphia have the right to have consistently effective teaching in every content area and at every grade level, Pre-K through 12." The Campaign's platform points out that "too many inexperienced teachers are concentrated in high-poverty and needy schools where they stay only briefly." Thus, students most in need "have the least chance of being taught by a stable, talented combination of effective new and veteran teachers."

ENVIRONMENTAL HEALTH AND JUSTICE

Pennsylvania Public Utility Commission v. PGW:

On October 23, 2009 the Law Center filed intervention papers on behalf of the Clean Air Council in a request by the Philadelphia Gas Works for approval of a voluntary Energy Conservation and Demand-Side Management Plan. The Plan seeks to reduce the carbon footprint of PGW customers through retrofitting of homes and businesses with more efficient technologies. The Clean Air Council seeks to intervene to represent the public's interest in clean air, green-collar jobs, and to demand greater detail in the proposed plan.

Law Center Clients Settle on SugarHouse Casino Sewage Plan:

On September 24, 2009 the Law Center's clients, the Delaware Riverkeeper, the Delaware Riverkeeper Network, the Northern Liberties Neighborhood Association (NLNA) and neighbor Herbert Shallcross, settled with the Pennsylvania Department of Environmental Protection, the City of Philadelphia Water Department and HSP Gaming, L.P., over sewage and storm water plans for the SugarHouse casino development to be built in Philadelphia's Northern Liberties neighborhood. After the Law Center's appeal of a water and sewer permit, the gaming company redesigned the project to pull it back from the river's edge and decreased the projected sewage flows. The agreement accomplishes the petitioners' objectives, including greater public participation.

VOTING RIGHTS

Banfield v. Cortes:

On December 23, 2009 the Commonwealth Court ordered vendors of electronic voting machines used in Pennsylvania to produce source code for machine software and hardware for review by plaintiffs' experts. The case was filed August 15, 2006 on behalf of 26 individual Pennsylvania voters who alleged that their votes were at risk of being lost or altered because of operational or security failures of the Pennsylvania-certified systems, thereby violating their right to vote under the state constitution.



40TH ANNIVERSARY SYMPOSIUM CONFRONTS INEQUALITY IN WORK

On October 1, 2009 The Law Center marked its 40th Anniversary with a symposium confronting barriers to the workforce faced by persons with disabilities, ex-offenders, minority construction workers, and others. Our 3rd Symposium on Equality, entitled "Inequality and Work: Facing Barriers, Creating Solutions" featured 15 experts on barriers to employment, the public health causes and effects of unemployment, and the role of law in addressing these inequalities.

A cocktail reception & dinner celebration following the symposium was dedicated to the family of Edwin D. Wolf, the Law Center's founder and first executive director, whose vision and enduring commitment has sustained the Law Center for four decades. More photos and full list of sponsors can be found at www.pilcop.org/upcoming.html#40thEvent.

Above: the Hon. Flora Barth Wolf and Mrs. Caryl Wolf enjoy the reception in honor of their family. Bottom from left to right: Environmental clinic student Jeff Stacey; attorneys Harry Moseley, Chris Sousa, Katie Ottenweller; and guest Alisha Glennon enjoy the reception.



THANK YOU 2009 Goods & Services Donors

Like our generous financial supporters, donors of goods and services make a tremendous impact on our ability to serve our clients, and we celebrate their contributions:



Kartik Patel (above) and other professionals at **Tactix Commercial Real Estate Brokers**, along with other generous organizations, made possible our move to fresh, new space in the United Way Building. Visit www.pilcop.org/supps.html#Move for a complete list of these donors.

Deborah Weinstein of **The Weinstein Firm** guided our board through a difficult project requiring her sophisticated legal and strong interpersonal skills.

Harry Moseley and **Christopher Sousa**, "deferred associates" whose salaries were paid by their prospective law firms - **Weil Gotshal & Manges** and **Morrison & Foerster** and two other volunteer lawyers, **Sandra Wang** and **Manali Shah**, substantially increased our capacity to handle cases.

Finally, 43 other volunteers spent 5,241 hours after work, after school or regularly during the day, helping us to organize volunteers and our intake, answer phones, enter data, and scan and shred documents. Our success in 2009 would not have been possible without you!

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SUMMARY OF INCOME & EXPENSES*

January 1, 2009 - December 31, 2009

INCOME

Foundations & IOLTA	\$ 125,549
Legal Community & Other Support	330,192
Fees & Out-of-Pocket Awards	595,554
Contracts and Honorarium	58,475
Interest Income & Other Income	9,630

Total Revenues	\$1,119,401
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PROGRAM AND GENERAL EXPENDITURES

Litigation Expenses	\$ 53,312
Payroll Expenses	629,609
Rent	125,828
Professional Fees	25,443
Fundraising	7,047
Other Expenses	250,387

Total Expenses	\$1,091,626
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BALANCE SHEET

Current Assets	\$449,943
Fixed Assets (net of depreciation)	3,469
Total Assets	\$453,412
Current Liabilities	\$312,749
Prior Year Fund Balance	112,888
Current Year Change	27,775

Total Liabilities and Fund Balance	\$453,412
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* Audited financial reports will be available on our website after April 30, 2010. Not included are recognized contributions in professional services.

FOUNDATIONS & ORGANIZATIONS

\$30,000+
The Philadelphia Foundation

\$20,000 - \$29,999
Inglis Foundation
Pennsylvania IOLTA Board
The William Penn Foundation

\$10,000 - \$19,999
The Independence Foundation
The Philadelphia Bar Foundation

\$5,000 - \$9,999
Children's Hospital of Philadelphia
Claneil Foundation
PA Developmental Disabilities Council
United Way of Southeastern Pennsylvania
\$2,500 - \$4,999
The Hassel Foundation
PECO
Tactix Real Estate Advisors, LLC

\$1,000 - \$2,499
Drexel University Earle Mack School of Law
Federal Home Loan Bank of Pittsburgh
Glazer Family Foundation
Maxwell Strawbridge Charitable Fund
Pennsylvania Humanities Council
Reliable Copy Services, Inc.
Vision for Equality

\$500 - \$999
Richard & Peggy Greenfield Foundation
PNC Bank
Save Us From Future Environmental Risk
Temple University Beasley School of Law

\$250 - \$499
The Arc of Philadelphia
Liberty Resources, Inc.
The Morrison & Foerster Foundation
Rutgers Law School - Camden
Step By Step, Inc.

\$1 - \$249
The American Academy of Pediatrics
The Binswanger Foundation
Institute on Disabilities, Temple University
PATH (People Acting to Help) Inc.
Pennsylvania Institutional Law Project
Philadelphia Stock Exchange Foundation
Stoneleigh Center
Values into Action, Inc.



“A PLACE OF TRIUMPH”

“EPICENTER OF MODERN DISABILITY RIGHTS”

“ENGAGED CITIZENRY VICTORIOUS”

“STRUGGLE FOR DIGNITY & SELF-DETERMINATION”

Marking 25 Years of Community Living since Pennhurst

The landmark settlement agreement in *Halderman v. Pennhurst* condemned the practice of segregating individuals with disabilities in institutions and paved the way for community-based living. Explore the controversial history of the Pennhurst State School and Hospital, epicenter of this civil rights struggle, through a two-part event:

April 10, 2010

1:00 – 3:30pm Telling the Pennhurst Story: Tragedy and Triumph, a public commemoration
Spring Hollow Golf Club, 3350 Schuylkill Road, Spring City, PA

3:30 – 4:00pm Pennhurst State School and Hospital Pennsylvania Historic Marker Dedication Ceremony
Rt. 724 and Bridge Street, Spring City, PA

More details and registration at: www.PILCOP.org/upcoming.html

Presented by: **Public Interest Law Center of Philadelphia &
Pennhurst Memorial and Preservation Alliance**

with Support from:

PHC | **Pennsylvania
Humanities
Council**
Federal-State Partner National
Endowment for the Humanities



Pennsylvania Historical
and Museum Commission

The Law Center now offers consultation services for families of kids with disabilities. Learn more: www.pilcop.org/contact.html#Consultation

“I hope that sharing Dylan’s story will help other children get the services they deserve.”
Sally, Dylan’s mom

Dylan, a ten-year-old boy with dyspraxia and significant learning difficulties prevailed in U.S. Federal District Court in a suit against his Alaska school district. He now gets the support he requires at district expense. Two other Law Center clients with autism also prevailed in Alaska Federal District Court this year.



**PUBLIC INTEREST LAW
CENTER OF PHILADELPHIA**
AFFILIATED WITH THE LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW
1709 Benjamin Franklin Parkway, Second Floor, Philadelphia, PA 19103

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