

UPDATE



PUBLIC INTEREST LAW
CENTER OF PHILADELPHIA

2010 Annual Report | www.pilcop.org

2011 Symposium: Empowering low income and minority communities to promote healthy neighborhoods

Lebanon, PA parents challenge excessive truancy fines

African American families continue fight for quality education in Lower Merion

Thank you 2010 Donors!





PUBLIC INTEREST LAW
CENTER OF PHILADELPHIA

Mission: We use high-impact legal strategies to improve the well-being and life prospects of the Philadelphia region’s most vulnerable populations by assuring that they have access to the resources and services that all of us need to lead our lives.

“I cannot say enough about the benefits the PILCOP staff have provided to a small community. They are people making a difference for children, one at a time and every time.”

- Loraine Carter, President,
Concerned Black Parents, Lower Merion

On the cover: Plaintiff Monique Groce, right, and her son, Irvin Groce. The 16-year-old junior at Lebanon High School holds about 30 fines for himself and his sister, Xochait Durdeen, 17. The Law Center and the NAACP have filed a federal lawsuit against the Lebanon School District.

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Letter from the Executive Director

Equality: It is a principle that grounds and inspires us. In the early 19th Century, Alexis de Toqueville famously observed that the more he studied American society, “the more clearly I saw equality of conditions as the creative element from which each particular fact derived.” Here at the Law Center, our mission statement has long advanced the “Constitutional promise of equal citizenship to all persons.”

But, what, exactly, do we mean by equality? Equality of opportunity--that everyone starts off at the same place to make his or her own fortune? Equality of outcome--that everyone ends up with equal material wealth? Or, something else?

During 2010 our board of directors deeply engaged these questions as it grappled with our strategic direction going forward. We had solid building blocks: high impact legal strategies that secure for people the basic needs for a productive life—education, health, good neighborhoods, jobs, housing. Our voting rights project is designed to ensure that people can vote, thus garnering the political power to secure these needs.

So, where did we end up? Voltairine de Cleyre, who lived for a time in Philadelphia, came closest to describing it: “Unless the material conditions for equality exist, it is worse than mockery to declare men equal. And unless there is equality (and by equality I mean equal chances for everyone to make the most of himself) unless I say, these equal chances exist freedom...is equally a mockery.”

In other words, if people are sick or uneducated, or face barriers to employment or housing, equality is only theoretical. But then people need an equal opportunity to thrive. Through our projects, we make equality a reality by helping people achieve their material needs while, at the same time, ensuring that the doors are open for each person to reach his or her full potential.

The pages of this report are a celebration of many people for whom equality is a touchstone: our clients, for whom 2010 was a year of powerful advances; our board, for its serious engagement with social issues; our volunteers and interns, whose generosity with their time expanded our reach; our staff, whose persistence, intellect, and humanity are the engine that propels us and our loyal financial supporters who make everything possible. Thank you!

Very truly yours,

Jennifer R. Clarke
Executive Director



*Executive Director Jennifer Clarke
presents Governor Ed Rendell
with the Thaddeus Stevens Award.*

**2010 Symposium & Dinner
Explore Challenges
and Celebrate Achievements
in Access to Quality
Public Education**

On September 30, 2010 the Law Center hosted its 3rd Annual Symposium on Equality, “A Quality Education for All: the Uses of Law to Translate Theory into Practice,” an in-depth look at the laws and policies that impact the quality of public education and how we ensure that those laws help, not hurt, a child’s opportunity to receive a high quality education. Following the Symposium, the Law Center honored Governor Edward G. Rendell, The Honorable Doris A. Smith-Ribner, and Secretary of Policy & Planning Donna Cooper with the Thaddeus Stevens Award in recognition of their efforts to advance the quality of Public Education in our region.

*The [symposium] was a model
of what civic engagement in
educational policy discussions
should look like.*

*- Frank Murphy, Philadelphia
Public School Notebook*

In Brief: 2010 Accomplishments and Updates

QUALITY AND EQUALITY IN PUBLIC EDUCATION

Rivera et al. v. Lebanon School District:

On January 20, 2011, the Law Center and the Pennsylvania NAACP filed a lawsuit against the Lebanon School District seeking to compel the District to stop collecting and repay truancy fines assessed illegally in an abusive and counterproductive truancy policy. Over six years, the District took parents and students to court more than 8,000 times and was awarded more than \$1.3 million in fines. In some cases parents have been imprisoned for failure to pay, and their children sent to foster care. When the illegal fines were first challenged by parents with the Law Center’s assistance, the district quietly reduced or eliminated fines in excess of the \$300 limit set by Pennsylvania statute. However this was not done for all parents fined illegally, setting up an arbitrary and irrational system. The Law Center’s clients call for reimbursement of all illegal fines, and for the district to establish a more productive truancy policy that does not use fines as its first and only means of addressing the problem.

Blunt v. Lower Merion School District:

The Law Center continues its vigorous representation of African American students within the Lower Merion School District alleging that LMSD has disproportionately and inappropriately placed them in special education programs and the lowest level classes, where they are segregated from their white peers. On January 3, 2011, following a failed mediation attempt in the case, Chief Judge Harvey Bartle III set a date of November 1, 2011 for the lawsuit to go into the trial pool. In addition to the lawsuit currently pending in federal court, the Law Center is representing individual students in administrative hearings and appeals to federal court from those hearings. The Law Center has represented a total of 16 students since the federal suit was filed in 2007.

The Law Center addresses special education in the School District of Philadelphia:

During the last year, the Law Center has represented four families of children with disabilities in the School District of Philadelphia. Each of these cases presents a different cluster of severe issues which are symptoms of system wide dysfunction. In one, a 21-year old African American child was wrongly diagnosed with mental retardation in middle school. In another, a child with

ADHD is not being provided services but instead is subject to suspensions. In two additional cases on behalf of third grade students with autism, the families are challenging the District’s present delivery system of services for children with autism which moves children from school to school, unlike their non-disabled peers. The Law Center has trained lawyers and law students to continue to represent families of children in the district.

CHILDREN'S HEALTH CARE

Testimony continues in Florida Medicaid trial:

Since the start of trial in December of 2009 in the Florida Medicaid case, the Law Center’s Jim Eiseman and a superb team of attorneys from the Ft. Lauderdale office of Boies, Schiller and Flexner have spent 35 days in court and have called almost thirty witnesses to the stand on behalf of nearly two million Florida children enrolled in or eligible for Medicaid. The plaintiffs contend that the state of Florida is not fulfilling its obligations under federal law as a participant in Medicaid. The plaintiffs returned to court February 7th-10th, during which they came close to finishing their case in chief. Plaintiffs’ counsel also informed the Judge that they plan to file shortly for a preliminary injunction, which would - even before the end of the trial - prohibit Florida from setting Medicaid rates for doctors solely on the basis of budgetary considerations and require Florida to increase Medicaid rates for dentists to market rates. After the plaintiffs rest, the trial is expected to continue through 2011 as the defense presents its case.

PUBLIC HEALTH & ENVIRONMENTAL JUSTICE

Eddystone Residents Voice Opposition to Metal Shredding Facility:

The Law Center is advising Eddystone Residents for Positive Change (ERPC), a community group challenging a proposed metal shredding and processing facility for the Eddystone Borough, which could introduce dangerous pollutants into the air and the adjacent Delaware River. Eddystone residents began voicing their concerns to the Eddystone Borough Council in early 2010, but the Council approved the plans in October despite these objections. Residents hope to convince the Pennsylvania Department of Environmental Protection (DEP) not to grant the facility the necessary permits. At a public hearing hosted by the DEP on Tuesday, December 15th, the Law Center, speaking on behalf of the ERPC, made their voices heard along with many other town residents.

Controversial Mine Filling Project Challenged:

On April 27, 2010 S.U.F.F.E.R. (Save Us From Future Environmental Risks), a Hazleton, PA community group, challenged the decision by the Pennsylvania Department of Environmental Protection (DEP) to allow a developer to fill a local mine pit with over two million tons of potentially hazardous waste materials, 40,000 times the standard 50-ton quantity usually allowed under this Research and Development permit. The Law Center’s Public Health and Environmental Justice Clinic, representing S.U.F.F.E.R., asked the state Environmental Hearing Board to overturn the decision. Adam Cutler, Clinic Director pointed out “the site chosen for these activities is an already contaminated and highly complex former mine site and former landfill. As a result, the opportunities for leaching of pollutants into local groundwater...are much more pronounced.”

*Catalina Hunter, left and Matt Lin, right,
survey a vacant lot in Hunting Park.*



*“Like it or not, a
blighted, vacant lot in our
neighborhood inevitably
becomes a reflection of
the heart and soul of a
community,” says Matt Lin,
Pastor of One Hope Church
in Hunting Park.*

*“So our work in reclaiming
these lots is much more than
just outward beautification,
but inward transformation
of hearts and minds... When
that happens, we hope to see
a community empowered
together to love and restore
the dignity and value of both
land and people--no longer
resigned to be their own or
anybody else’s dump.”*



Warren Simmons, Director, Annenberg Institute for School Reform at Brown University, delivers the keynote address at the symposium.

HOUSING & COMMUNITY SERVICES

Judge Rules Methadone Treatment Center Lawsuit Can Proceed:

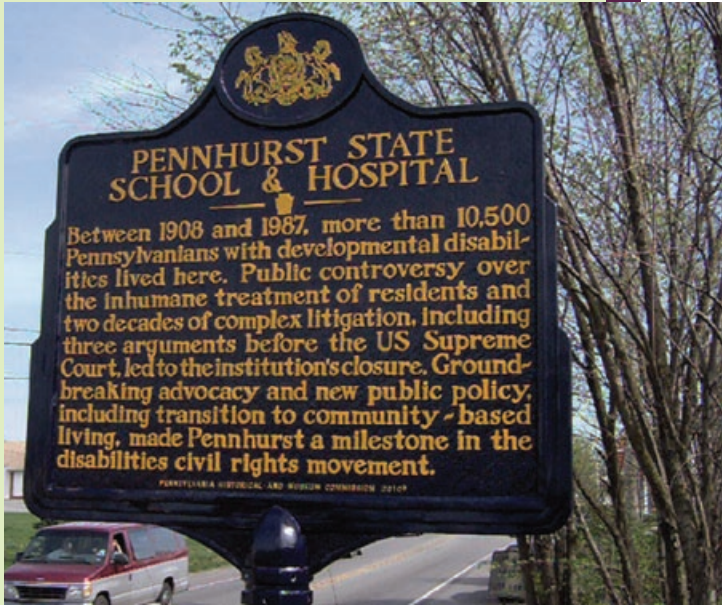
Judge Kim Gibson ruled on December 7, 2010 that the RHJ Medical Center, a methadone clinic for which the Law Center is serving as co-counsel, has standing to sue the City of DuBois, PA for discriminatory practices that prevented it from opening. In its decision to deny the city’s motion for judgment on the pleadings, the court relied heavily on the Third Circuit’s opinion in the Law Center’s successful suit on behalf of New Directions Treatment Services against the City of Reading, PA. In that case, the Third Circuit struck down a Pennsylvania law banning methadone treatment facilities within 500 feet of schools, public playgrounds, public parks, residential housing areas, churches, and other facilities unless the city governing body first votes in favor of the facility - making it impossible for clinics to provide recovering drug addicts, a population protected under the Americans with Disabilities Act, with the treatment they need to continue their recovery.

Messier v. Southbury Training School:

Sixteen years after it was filed, this class action lawsuit seeking to end the segregation of people with disabilities in a state-run facility located in Connecticut, was settled on July 13, 2010 with a favorable outcome for the remaining 450 residents who will receive independent evaluations to determine if they are suited for community placement. If so, they will have the option to leave the institution. In 1999 Messier v. Southbury Training School was tried for 123 days, over a ten-month period. Former Law Center attorneys Frank Laski and Judith Gran dedicated over 3400 hours to ensure the 600 residents isolated there would have the chance to flourish in the community. In 2008, almost ten years later, Judge Burns ruled in favor of the Law Center’s clients The Arc of Connecticut, Western Connecticut Association for Human Rights and People First of Connecticut, establishing that the Connecticut Department of Developmental Services violated the residents’ statutory and constitutional rights by failing to provide residents who wanted to leave the institution with community placements, and to offer residents independent evaluations to determine the possible benefits of leaving the institution.

Pennhurst Commemoration Draws 300 Attendees

Under clear blue skies the Law Center and the Pennhurst Memorial and Preservation Alliance co-hosted “Telling the Pennhurst Story, Marking 25 Years of Community Living for People with Disabilities.” Over 300 attendees gathered to mark the 25th anniversary of the settlement agreement in Halderman v. Pennhurst, a case which Law Center attorneys argued three times before the US Supreme Court. The event featured a panel discussion, screening of a film by the Penn Law Visual Legal Advocacy Project and the dedication of a state historic marker, all of which recognized Pennhurst’s pivotal role in the disabilities civil rights movement.



EMPLOYMENT

Decade-Old Conviction for Minor Charge No Longer an Employment Barrier:

Fueled by dreams of helping inner-city youth, Leonard (name changed), enrolled in college in his early 50’s and graduated with a degree in Elementary Education. He was offered a job at a middle school in the School District of Philadelphia, but the State denied him a teaching certificate based upon a supposed “lack of moral character” stemming from a ten-year-old conviction, which, the Law Center argued, bore no relationship to his ability to teach. Shortly before the case was set to be heard by an administrative judge, the Department of Education issued the client his certificate – just in time for a new school year.

The Law Center Comments on Proposed Guidance to Reduce Employment Barriers:

At the invitation of the Pennsylvania Human Relations Commission (PHRC), the Law Center submitted comments on PHRC’s proposed guidance regarding employers’ use of criminal records checks to exclude applicants. Under the guidance, the PHRC will presume that an employer’s policy of excluding applicants based on a record of a criminal conviction disparately impacts minority applicants. The guidance is based on the disproportionate impact of such policies on minorities, particularly in Pennsylvania. The Law Center suggested modifications designed to encourage employers to tailor more carefully any use of such record checks.

VOTERS’ RIGHTS

Golden English, et al. v. Chester County, et al.:

On August 10, 2010, Lincoln University students and Chester County residents settled a federal lawsuit alleging the Chester 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. On Election Day 2008, hundreds of Lower Oxford Easter voters, most of whom were African American, waited up to seven hours in the pouring rain to cast their votes. Many left without voting. As part of the settlement, the Board of Elections agreed to return the Lower Oxford East polling place to the Lincoln University campus where it had been in the 1990s. The county will also notify all Lower Oxford East voters of the change in the polling location. The federal court will retain jurisdiction over issues relating to the polling place through the 2012 presidential election, allowing plaintiffs to return to the same judge if any problems with the settlement arise.

Two EPA Grants Will Support Public Health & Environmental Justice Clinic Work with Local Communities

The Law Center’s Public Health and Environmental Justice Clinic received a \$100,000 grant through the Environmental Protection Agency’s (EPA) Community Action for a Renewed Environment (CARE) grant program to help residents organize and take action to reduce toxic pollution in their neighborhoods. The grant will help build the capacity of the Chester Environmental Partnership (CEP), led by Reverend Horace Strand, to catalogue environmental hazards in the community and organize a community-wide effort to address these issues. It also received a \$25,000 Environmental Justice Small Grant from the EPA and will use it to collaborate with residents of the Hunting Park neighborhood in Philadelphia to convert one or more vacant lots into community gardens. These new green spaces will reduce the health hazards related to air pollution and stormwater runoff and will be used as outdoor classrooms to further promote stewardship of the environment.

Law Center lawyer Adam Cutler speaks during a WHYY panel discussion on Marcellus Shale along with (left to right) State Rep. Tony Peyton, Christine Knapp of Penn Futures and former DEP secretary John Hanger.



Thank you, 2010 Volunteers and Interns

In 2010, the following 89 volunteers and interns dedicated 7,688 hours to the Law Center. We celebrate their tremendous contributions which allow us to better serve our clients. Our successes in 2010 would not have been possible without them!

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Christa Cobb was one of our many dedicated volunteers, taking the laboring oar in coordinating our symposium.

Thank you, 2010 donors

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STATEMENT OF ACTIVITIES AND CHANGE IN NET ASSETS

January 1, 2010 - December 31, 2010

REVENUE	
Foundations & IOLTA	\$238,600
Legal Community & Other Support	296,191
Fee & Out of Pocket Awards	300,147
Contracts & Honorarium	41,150
Interest & Other Income	6,537
Total Revenue	\$882,625

EXPENSES	
Program Expense	\$692,615
Fundraising Expenses	136,434
General Expense	102,997
Total Expense	\$932,046

Change in Net Assets	\$(49,421)
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STATEMENT OF FINANCIAL POSITION

December 31, 2010

Current Assets	\$450,733
Fixed Assets (net of depreciation)	74,461
Total Assets	\$525,194

Current Liabilities	\$342,264
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Net Assets:	
Unrestricted Net Assets	(98,543)
Temporarily Restricted Net Assets	180,462
Permanently Restricted Net Assets	101,011
Total Net Assets	182,930

Total Liabilities and Net Assets	\$525,194
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The statements are unaudited and have been prepared on a total funds basis. In-kind revenue and related expense has not been included. Audited financial reports will be available on our website after April 30, 2011.

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Save the Date!
October 6, 2011

**The Public Interest Law
Center of Philadelphia's
4th Annual Symposium
on Equality & Thaddeus
Stevens Award Dinner**

8:30am – 4:30pm

“Overstudied and underhelped: bringing together the right people to create real improvement in the health of urban communities”

The Law Center's fourth annual symposium will explore strategies for empowering low income and minority communities to promote healthy neighborhoods.

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Ronnie (not his real name) is a 14-year-old boy with ADHD whose family came to the Law Center when his school district refused to provide him services, lost his documents and held meetings in locations that were inaccessible to his mother. Immediately after the Law Center became involved, the district agreed to pay for an independent evaluation of Ronnie. Administrative proceedings to secure further relief are underway.

The Law Center now offers consultation services for families of children with disabilities and training for parents, advocates, lawyers and other interested parties. Learn more: <http://www.pilcop.org/upcoming.html> and <http://www.pilcop.org/contact.html#Consultation>.