

The Story of A YEAR LIKE NO OTHER

2020 ANNUAL REPORT



Members of Renters United Philadelphia hold a protest for safe housing conditions on March 7, 2020



It really was a year like no other. 2020 presented challenges that at times felt insurmountable. So in a year like no other, the Law Center and our clients showed a resilience like no other. I am proud to be the new Executive Director of the Public Interest Law Center, and as you read the stories in this annual report of the resilient spirit of our staff, our client communities, our pro-bono partners and supporters, I have no doubt that you will walk away with an even deeper sense of pride, and hope.

The COVID-19 pandemic has laid bare the deeply entrenched systemic inequities that we, as public interest lawyers, fight every day on behalf of our clients. Public interest lawyers are uniquely situated as advocates, in that we have a natural and organic connection to communities. So when we see that a fundamental right and resource is being violated, attacked, unjustly taken away or unfairly being blocked, we step in to action, and we do so with a humble understanding that racial and social inequities must be disrupted for good.

The racial reckoning in the summer of 2020 renewed our ongoing collective responsibility to disrupt those injustices. The Law Center recognizes that our work is intertwined with the racial justice vision of all the movements spurred by the murder of Mr. Floyd and too many of our Black citizens.

And so in this year like no other, we showed up in every way.

We fought back against housing insecurity and ensured that an eviction moratorium would be in place so families would not be homeless and risk exposure to a deadly virus. We stood up for inmates at the Federal Detention Center in Philadelphia who were faced with unprecedented risk of exposure to COVID-19 by the nature of their confinement, and through our litigation we ensured safer conditions and access to the vaccine. When small businesses were suffering and the federal government threw them a lifeline, we made sure that lifeline was not blocked by arbitrary rules for those with criminal records. And when the integrity of our electoral system came under attack, we fought back with vigor and successfully preserved our precious democratic process and our unencumbered right to vote.

And in a year that put a spotlight on our education system, we continued our work on a historic case demanding state school funding that supports the potential of students in every Pennsylvania community. The effects of the pandemic starkly showed just how critical it is that **all** students have access to a quality public education, but that turns on ensuring a school funding system that works for **all** children, regardless of the local wealth of their school district. We continue to fight for our clients in this historic school funding case, which is now set for trial in November 2021. This case shows a resolve and a commitment to achieving the promise of equity and fairness for our kids.

As you read our annual report, I hope you think about the resilience, strength and hope that our clients show us every day. That is why the Law Center stands up to inequity and injustice; that is why we are here and why supporters like you matter so much to our mission. 2020 showed us that we cannot take anything for granted. Thank you so much for your support of our organization. I am looking forward to many more years of work and partnership, and resolve.

A handwritten signature in black ink, reading "Brenda L. Marrero". The signature is fluid and cursive.

Brenda Marrero
Executive Director

2020 By the Numbers

**Our work in
2020 impacts**

8,321,352
people, including
nearly 7 million
Pennsylvania voters.

570
individual
donors

31
volunteers
and interns

14
virtual events
hosted, including
our 2020 Annual
Celebration,
Advancing
Justice Together

5,268
people attended our
community education
programs.

180
press hits

8
actions held by
Renters United
/ Inquilinx en la
Lucha Philadelphia,
including a socially
distant protest
demanding an
end to arbitrary
non-renewals of
leases during the
pandemic

6.9 million

Pennsylvania voters who would have been disenfranchised by a Trump campaign lawsuit that sought to block the certification of the Commonwealth's election results. We joined a coalition of civil rights groups to intervene in the case, representing voters.

\$4.6 billion

According to benchmarks in Pennsylvania state law, school districts statewide need \$4.6 billion more invested over time for all kids to have a shot at reaching state standards. Trial in our case taking on the General Assembly's school funding system is set to begin on November 12, 2021.

2,240

people shot in Philadelphia in 2020. We are taking on state laws that prevent local officials from passing many gun safety ordinances that research has shown will save lives.

Meet our new Executive Director!



Brenda Marrero, center, at the Philadelphia Bar Association summer quarterly, where she received the Justice Sonia Sotomayor Award. Left: Al Dandridge, Chair of the Justice Sonia Sotomayor Diversity Award nominations committee. Right: Lauren McKenna, Chancellor of the Philadelphia Bar Association.

We sat down with Brenda Marrero shortly after she joined the Law Center as Executive Director.

Can you talk about some experiences you had growing up that motivated you or influenced your career as a public interest lawyer?

My mom worked as an HR administrator, and she had an experience at work when she was employed by a big insurance company. She was reassigned to a new team, and she started to experience really horrible behavior by her co-workers. They would outwardly make fun of her accent. My parents, my older sister, and I came here from Nicaragua on political asylum. We left in very, very difficult circumstances—we basically fled because our lives were in danger. I don't even have baby pictures, because everything got left behind. My mom and my dad both had to figure out how to make a living here in the United States, and she learned English as a second language at a community college. She was really mistreated at work, she was ridiculed openly and daily because she spoke English with an accent, and ultimately this caused her so much stress and anxiety that she quit.

When this first happened to her, I knew something was wrong with what was going on, but I didn't know *what*—legally, I mean. I asked my political science professor in college, who was a lawyer, and he told me that this was national origin discrimination. He gave me information that I used to help my mom navigate the legal system. She filed an Equal Employment Opportunity Commission complaint, and ultimately got an employment lawyer who took her case at a reduced fee because we could not afford an attorney.

The experience that we had navigating the legal system was really disappointing. Nobody believed her; even her own lawyer made her feel like she was exaggerating her experiences or overreacting. The company she was working for treated her with such a deep lack of respect and dignity. Every time she had to tell her story it was more traumatic for her. Ultimately, I never felt her lawyer really fought for her.

What I took from this is that when people experience things that are illegal, they should be treated with way more dignity and respect than my mom received. The legal system should not fail people in those situations. That whole experience made me think about what it means to be a lawyer: it's not just about knowing the law; it's about treating your clients with some level of dignity and showing them respect by listening to their stories with no judgment. This experience solidified for me that I wanted to go to law school.

When you look ahead five years, what do you see as the biggest challenges and opportunities for the Law Center, and for public interest law in general?

This pandemic has really laid bare the underlying systemic inequities that so many of us in the public interest world constantly fight against. We will really need to pay attention to COVID's impact on our society – everything from school to work environments to healthcare and access to benefits and services – and focus on how this is going play out in Philadelphia and everywhere else. The Law Center should make sure our work addresses COVID's impact on our lives and civil rights,

because I think the world is forever changed because of this pandemic.

For example, every educator that I have talked to knows that there has been a clear loss of learning this school year, particularly for kids in poverty whose schools were already so underfunded. What is this going to look like in a year, or two years—are we just going to forget about those kids? What are we doing for them? As it is right now – and this was true even before the pandemic – there are not enough learning support services, resources, human beings who can be helpful to these children so they can catch up. Are we going to make those commitments whole and invest money in those resources, for real long term change and not short term results, or are we just going to forget?

It seems like people are much more attuned to racial injustice, and to supporting racial equity work, given the racial reckoning our country is going through. And this presents opportunities. What does the Law Center want to do internally in terms of diversity and equity? How is that going to be reflected in our work? If I can use my expertise and experience in DEI while I am at the helm and I can structure those conversations in productive ways, for our organization and for our communities, then let's do it. Diversity adds to the creativity, innovation and collaboration that we're all invested in continuing to do, for our programs and our clients. And racial justice is a common thread in all of our practice areas. Let's continue to be intentional, thoughtful and brave.

What are your first impressions of the Law Center now that you are leading the organization?

It is a boutique plaintiff's civil rights litigation firm in the world of public interest legal services, which is very unique. The attorneys have a deep understanding and appreciation of the law that really is inspiring. Our attorneys are some of the smartest litigators I have ever met. They all have such strong analytical skills that were immediately apparent in my first meetings with staff. That was one of my first impressions—the skill, the commitment, the passion, and the awareness of the issues. But our program is not just attorneys—everyone,

at every level, works so hard and believes in our mission and why we do what we do. I feel lucky to be surrounded by people with such deeply held shared values.

What are you most proud of in your career as a public interest lawyer?

The connections I made with my clients, and that I am able to represent my community in the legal profession. I keep thinking about what my mom went through, and my mom would say that her lawyer, who was a white man, just did not understand what she was going through; at least that's what she felt and how she experienced him. There is something about a connection with a client's lived experiences, as an immigrant and a woman of color, that contributed to the trust I was able to establish with clients. When I was practicing at CLS, I was at the time the only native Spanish speaking attorney in my legal unit. Part of my community outreach work involved doing intake at Latino senior centers. When I would walk into the Mann Older Adult Center in North Philadelphia, there was this immediate affinity and sense of belonging with the seniors there. They would ask me in Spanish "are you a lawyer?" and I would say "yes I am." They would react with such joy and there was something special about that.

A fellow Latina attorney friend put something up on her Facebook page about how woefully underrepresented we are in the legal profession, that we make up a very small percentage of all lawyers in the U.S. It's something like 1.5 or 2%, in a country with over one million lawyers. It's a privilege to represent my community as a lawyer in this profession, and one of the things I am most proud is where I am now—that I can now represent Latinas in the Executive Director space in our legal services community. I know how meaningful it is to see yourself reflected back in your leaders. I look up to a lot of Latina executive directors and so I don't take this role lightly. I feel proud of this achievement, and I want to make sure that I continue to mentor law students, make time to talk to students who want to be public interest lawyers, and use my influence in a way that empowers others.

TAKING ON THE BIG LIE

PROTECTING OUR ELECTIONS IN 2020

On the afternoon of January 6, 2021, thousands of people descended on the U.S. Capitol, attempting to disrupt, by force, the constitutional process to certify the votes of 155.5 million Americans who cast ballots in the 2020 Presidential Election. The insurrectionary riot forced both houses of Congress to evacuate, and caused more than \$30 million in damage. Five people died from the melee, and 140 were injured.

Then-President Donald Trump made a statement. At 6 p.m., while the Capitol was still overrun, the President tweeted: "These are the things and events that happen when a sacred landslide election victory is so unceremoniously and viciously stripped away from great patriots who have been badly & unfairly treated for so long. Go home with love & in peace. Remember this day forever!"

Donald Trump has yet to acknowledge the legitimacy of the 2020 election.

"I certainly didn't see the Capitol attack coming, but I think that it was proof of how dangerous the rhetoric about election fraud was," Staff Attorney Ben Geffen said. "It was a deeply irresponsible lie to promote."

The events of January 6 were the culmination of a months-long campaign to undermine our electoral system and public confidence in the legitimacy of American elections. Throughout 2020, the Law Center fought back at every stage.

Even without the drumbeat of misinformation and threats from high places, elections in 2020 would have been uniquely challenging. Pennsylvania's Act 77, passed with broad bipartisan support in October 2019, expanded vote by mail to allow any voter to choose the option without requiring an excuse. This increased access to the ballot box was welcome at any time, but it became indispensable when the COVID-19 pandemic hit.



The U.S Capitol Building on January 6.
Photo: Tyler Merbler

Unprecedented numbers of voters requested mail-in ballots, while staffing shortages and other delays caused by the pandemic slowed postal service. Extending the deadline for mail-in and absentee ballots, by changing the “received by” Election Day deadline to a “sent by” Election Day deadline, was a common-sense change to keep the 2020 elections safe and accessible. We argued that the Pennsylvania Constitution required this accommodation to protect the right to vote under the unique circumstances of the COVID-19 pandemic.

Representing Suzanne Erb, Disability Rights Pennsylvania, the SeniorLAW Center, the Southeast Asian Mutual Assistance Associations Coalition (SEAMAAC), and the Barristers’ Association of Philadelphia, with co-counsel from Arnold & Porter, we filed a lawsuit seeking this deadline extension in April 2020, and then a second lawsuit in late May 2020, prior to the Pennsylvania primary election. Though we did not prevail in court, Governor Tom Wolf implemented the relief we sought by executive order in several Pennsylvania counties facing the steepest challenges. Ultimately, the extended deadline was in place statewide during the General Election.

“Those cases laid the groundwork for the Pennsylvania Supreme Court to put in place important ballot protections for the general election,” Legal Director Mimi McKenzie said.

“YOU CAN’T WAIT FOR THE ELECTION TO HAPPEN, SEE WHETHER YOU LIKE THE OUTCOME, AND THEN CHALLENGE THINGS THAT YOU KNEW WERE GOING TO BE IN EFFECT”

We continued to participate in litigation around election procedures, advocating for robust access to the ballot box with co-counsel from the ACLU, ACLU-PA, the Lawyers’ Committee for Civil Rights Under Law, and WilmerHale. For example, we intervened to oppose a lawsuit filed in federal court by the Trump Campaign



Photo: Lorie Shaul

that sought to block ballot drop boxes—until decisions from the Pennsylvania Supreme Court clarified election procedures. In that Pennsylvania Supreme Court case, we filed a comprehensive amicus brief representing Black Political Empowerment Project, Common Cause Pennsylvania, the League of Women Voters of Pennsylvania, Make the Road Pennsylvania, and the three voters.

“The pre-election litigation helped clear up some of the twists and turns of Act 77, which hadn’t yet been used in a general election,” Geffen said. “The pre-election litigation—though we firmly believed we were right all along—was about issues that people could disagree about legally. The post-election was a different animal.”



After the results of the Presidential election were clear, the Trump Campaign filed *Donald J. Trump for President, Inc. et al. v. Boockvar et al.*, a federal lawsuit against Pennsylvania’s Secretary of State and the boards of elections in seven counties. The Campaign asked the court to order the Pennsylvania Department of State not to certify the presidential election results—invalidating the votes of 7 million people—because some counties contacted and permitted voters to fix mistakes with their mail-in ballot declarations, while others chose not to.

We intervened in the case, representing eight voters who had fixed mistakes, Black Political Empowerment Project, Common Cause Pennsylvania, League of Women Voters of Pennsylvania, and NAACP Pennsylvania State Conference, joined by co-counsel from ACLU-PA, the ACLU Voting Rights Project, the Lawyers’ Committee for Civil Rights Under Law, and Covington & Burling LLP.

In its complaint, the Trump Campaign did not even *allege*, let alone provide evidence for, a single ballot in Pennsylvania being fraudulently cast or counted—belying their rhetoric in the press and social media about “a stolen election.” Instead, their actual case hinged on, as our petition to intervene put it, at most good-faith differences in election administration from county to county.

“One really basic rule is that you’re supposed to challenge election procedures before the election, not after,” Geffen said. “You can’t wait for the election to happen, see whether you like the outcome, and then challenge things that you knew were going to be in effect. It’s like trying to unscramble an egg.”

Oral argument on motions to dismiss took place at the federal courthouse in Williamsport, PA, on November 17, and Ben Geffen joined co-counsel to be there in person. What was said at oral argument seemed to have little connection to what was filed in court.

“It was more a speech for a fanbase,” Geffen said.



This work is supported by the Jeffrey Golan & Frances Vilella-Vélez Voting Justice Project



“To hear Rudy Giuliani present an argument that was not constrained by the filings before the court, or by any facts, or actually even by the law—it was bizarre,” McKenzie said.

On November 21, Judge Matthew Brann of the Middle District of Pennsylvania dismissed the case. His dismissal was upheld six days later by a three-judge panel of the Third Circuit Court of Appeals.

SPOTLIGHT

SCHOOL FUNDING GOES TO TRIAL



It’s official: trial in our historic case taking on the General Assembly’s system for funding schools will begin on November 12, 2021, in Courtroom 3002 of the Pennsylvania Judicial Center in Harrisburg. Along with Education Law Center-PA and pro bono co-counsel from O’Melveny, we are representing six Pennsylvania school districts, the Pennsylvania Association of Rural and Small Schools, the NAACP-PA, and a group of public school parents.

We expect that trial will last for several weeks, and a livestream will be available to the public. Visit FundOurSchoolsPA.org to learn more. For too long, the General Assembly has failed to provide enough state funding to support high-quality public education in all school districts, regardless of local wealth. It’s time to believe in the potential of every kid in Pennsylvania public schools.

“This Court has been presented with strained legal arguments without merit and speculative accusations...unsupported by evidence” Judge Brann wrote in his opinion. “In the United States of America, this cannot justify the disenfranchisement of a single voter.”

“THERE ARE LEGAL AVENUES TO STRENGTHEN OUR ELECTORAL SYSTEM, SUCH AS ENSURING THAT THE PROCESS OF REDISTRICTING IS FAIR AND TRANSPARENT”

We also joined our partners to file amicus briefs or petitions to intervene in several other Pennsylvania cases brought by candidates seeking to block ballots that had been cast by voters following the rules as they stood on Election Day.

We continue to face the consequences of the sustained campaign of misinformation surrounding the 2020 Presidential Election, but we have not lost hope. There are legal avenues to strengthen our electoral system, such as ensuring that the process of redistricting is fair and transparent, which will be an important area of work for the Law Center as maps are drawn following the 2020 Census.

And we are heartened by the fact that the assault on our democracy was ultimately unsuccessful. Dozens of legal challenges to the results were considered by state and federal courts across the country, and judges from across the spectrum rejected them. Hundreds of Republican and Democratic election officials followed the law and allowed votes to be counted. And Congress rejected specious last-ditch challenges, like Senator Josh Hawley’s objection to Pennsylvania’s election certification on the evening of January 6, after several hours of delay caused by the assault on the Capitol. We will be there for the fights to come—and we will draw on what we learned protecting our right to vote in 2020.

SPOTLIGHT

STANDING UP FOR QUALITY PUBLIC EDUCATION IN CHESTER

Throughout 2020 and into 2021, one of Pennsylvania’s poorest school districts was headed towards an extreme experiment in privatization. We supported parents and students in Chester Upland School District (CUSD) who demanded a say in the future of their public schools. Last Spring, the Delaware County Court of Common Pleas allowed CUSD’s receiver to move forward with a Request for Proposals (RFP) process to outsource the management of Chester’s schools to charter school operators. Students in Chester charter schools perform significantly worse than four out of the five district schools on academic assessments.

Along with the Education Law Center-PA and pro bono co-counsel from Dechert LLP, we represented a group of parents and the Delaware County Advocacy & Resource Organization who intervened in the process and demanded that the receiver fully consider the financial and educational impact of any charter conversion on CUSD, as the law requires.

This February, three charter school operators—including Chester Community Charter School, the district’s current largest charter operator--submitted bids in response to the RFP, each proposing to convert several elementary or K-8 schools. We supported community organizing and education efforts in Chester to make the voice of parents and teachers heard.

On June 29, Chester Upland School District receiver Juan Baughn rejected all three proposals. This decision, which Delaware County Court of Common Pleas must still approve, was the only right one. None of the three bidders had a sufficient plan for the future of the district. Parents, teachers, and community members made a difference.



HOUSING IS THE CURE

COVID-19 AND TENANTS' RIGHTS

A locked, emptied-out, and boarded-up apartment greeted Ray Wilson when he returned from work in early April 2020.

"There was nothing left in there but the hardwood floors," Wilson told a reporter for KYW Newsradio on April 10, 2020. Despite a moratorium on all evictions in Philadelphia due to the COVID-19 pandemic, his verbal lease—situating him at the margins of the housing market—made him particularly vulnerable to an illegal lockout. His landlord, who had been trying to force him out for months, changed the locks, and took out Mr. Wilson's belongings.

We were determined to protect the human right to housing for Philadelphians like Mr. Wilson. Law Center Staff Attorney Mary Beth Schluckebier represented Mr. Wilson in an emergency hearing, stopping the illegal eviction he faced and making sure he could comply with the stay-at-home order and protect his health.

"STABLE HOUSING IS SO DIRECTLY CONNECTED TO PUBLIC HEALTH"

Unfortunately, stories like Mr. Wilson's were common in 2020. With only a tattered national social safety net to catch their fall, many Philadelphians faced housing instability due to the loss of work and illness from COVID-19. In a city where one in fourteen renters face an eviction filing in an ordinary year, the housing crisis compounded the public health crisis.

"Stable housing is so directly connected to public health," Schluckebier said. "In the midst of a pandemic, it becomes critically important to keep people housed. There was a lot of science that demonstrated that housing instability leads to increased transmission of the virus."

Advocates in the Philadelphia tenants' rights community mobilized to help marginalized communities that bore the brunt of the pandemic's impact. At the start of the pandemic, we spoke out to support an eviction moratorium in Philadelphia. In a statement we drafted that was co-signed by over 20 legal service and tenant organizations, we asserted that "a moratorium on evictions will help by allowing the most vulnerable families to weather this crisis as best they can and resume their jobs, education, and social life after the outbreak has ended."

After the moratorium went into effect, we represented tenants like Mr. Wilson who were illegally forced out of their homes, and we collaborated with the courts to develop new procedures to expedite urgent cases. We helped spread the word through public education and worked with other organizations to take referrals from a legal aid hotline for tenants.

In June 2020, we joined legal aid and tenants' rights organizations across the city to support the Emergency Housing Protection Act, introduced by Councilmembers Helen Gym, Jamie Gauthier, and Kendra Brooks, which provided targeted protections to ensure housing stability for thousands of Philadelphia families who had lost sources of income due to the pandemic.



Tenant organizer Ariel Morales (left) and RUP organizing committee member Nerva Nicolas at a December 19, 2020 protest of arbitrary lease non-renewals

Renters United / Inquilinx en la Lucha Philadelphia (RUP), an organization the Law Center launched in 2019, continued organizing with Frankford and Germantown tenants to demand basic repairs, health protections, and meetings with their landlord. Confronted with a starkly different landscape for community organizing and a housing crisis exacerbated by a global pandemic, RUP rose to the challenge and stepped up the movement to empower tenants.

The organization pivoted and deployed technological tools to build power among renters, make decisions together, and increase their understanding of their rights and resources. In-person meetings became zoom meetings. Phone and digital outreach through social media and text messages became lifelines. From email actions and phone zaps, to monthly virtual renters' rights clinics, to socially distanced protests and car caravans, RUP moved strategically and quickly to address longstanding housing inequities that predated COVID-19, guided by their mission to organize and educate renters to fight for their rights.

IN A CITY WHERE ONE IN FOURTEEN RENTERS FACE AN EVICTION FILING IN AN ORDINARY YEAR, THE HOUSING CRISIS COMPOUNDED THE PUBLIC HEALTH CRISIS.

"It always feels good to have a powerful strategic action with our members," Tenant Organizer Ariel Morales said, "It's really taking action that moves our work forward, whether it's making waves, recruiting more people, showing our members what it feels like to fight together, building new relationships, or finding solidarity."

All of this was made possible by the strength and resilience of RUP's tenant leaders.

"A lot of our members are essential workers, and also folks who lost their jobs because of the virus--home health aides, school bus drivers," Schluckebier said. "But people kept showing up every single meeting...they showed up for each other, for themselves, and for the work of collectively trying to improve living conditions [to] make their buildings safe, healthy spaces."

**Our organizing work is supported by the
Lea & Claude Knight Community Organizing Initiative**

“PEOPLE KEPT SHOWING UP EVERY SINGLE MEETING...THEY SHOWED UP FOR EACH OTHER, FOR THEMSELVES, AND FOR THE WORK OF COLLECTIVELY TRYING TO IMPROVE LIVING CONDITIONS”

On a snowy day in December 2020, the chants of masked tenants and housing activists reverberated against the white and red brick walls of MCM Management Solutions' Carver Hall offices in Frankford. An appreciation for the power of organizing and interdependence was ever-present at the No Home for the Holidays action. RUP members had noticed an increase in arbitrary lease non-renewals during the winter, even for tenants who were current on rent. Tenants condemned these non-renewals, arbitrary fees, and pest infestations during the pandemic at the speak-out protest with signs that had slogans like “Housing is a Human Right” and “We Can't Be Safer at Home Without Our Leases” in hand. Appalled by the increase in arbitrary non-renewals after City Council passed emergency housing protections, they stood together in the bitter cold.

RUP leader Nerva Nicolas lost work during the COVID-19 pandemic and faced a non-renewal notice for January 31, 2021, after living in his apartment for five years--even though MCM management had accepted rental assistance payments covering his rent through March. He spoke to the solidarity that grounds RUP's activism.

“Everyone is living under the pressure of COVID-19, but the landlord doesn't care,” he said. “That's why we created this organization, because together we can fight back. Together we can do something.”

In January 2021, after months of organizing and deploying legal tactics, MCM issued Mr. Nicolas a lease renewal just nine days before he was set to be forced from his home. RUP continues to organize for dignity, safety, and security in housing.



Presented with a once-in-a-century challenge that the nation is still reeling from, RUP continued to deploy direct action as a vehicle for change.

“Fundamentally, what we were still doing was bringing renters together to organize, get educated and assert their rights,” Schluckebier said. “And while we may have done that in different ways during COVID, that's exactly what we kept doing, and that's exactly what led to the wins that we did have during the pandemic. It's what we'll keep doing going forward.”



Members of Renters United Philadelphia take a group photo following an action on March 7, 2020



FDC
Philadelphia

SPOTLIGHT

PROTECTING PRISONERS IN FDC PHILADELPHIA

As the COVID-19 pandemic spread internationally, prisoners in the Philadelphia Federal Detention Center (FDC), where nearly 900 mostly pre-trial prisoners are held, were largely unable to exercise even basic safety precautions. Testing was rare, staff members in the FDC came and went with scant screening for symptoms, and prisoners themselves were responsible for disinfecting commonly touched surfaces.

On April 15, 2020, three incarcerated individuals in the Philadelphia FDC filed a putative class action lawsuit against the warden of the FDC. Along with pro bono counsel from Dilworth Paxson LLP and All Rise Trial & Appellate, we represented those individuals and sought the release of medically vulnerable prisoners to home confinement and better public health conditions for those who remained incarcerated.

In November 2020, more frequent testing revealed a massive outbreak, with more than 20 percent of prisoners testing positive. On November 19, 2020, District Court Judge Anita Brody issued an order in the case, directing the FDC to inform every prisoner in the detention center of a process for requesting release to home confinement if they had medical conditions that increased their risk for severe complications from COVID-19.

Cases in the facility declined sharply in spring 2021. As vaccines for COVID-19 became available, our strategy shifted. Initial vaccination delivery in the facility showed a large disparity between prisoners and staff, with 13 prisoners and 131 staff receiving vaccinations as of March 5, 2021.

Responding to our case and through agreement with the petitioners, FDC Philadelphia has now ensured that the vaccine is available to all prisoners. However, availability alone is not enough. We worked to provide prisoners with accurate and independent information on the importance of COVID-19 vaccination in jails.

Through an agreement reached as part of this case, FDC Philadelphia prisoners have now been shown a video documentary produced by the MacArthur Justice Center at the University of Mississippi School of Law, featuring medical professionals and formerly incarcerated individuals explaining the safety and efficacy of the vaccine. As of July 8, 2021, 452 prisoners and 185 staff have been vaccinated for COVID-19.

On July 8, 2021, we and our clients concluded our case against FDC Philadelphia after more than a year of advocacy. “Everyone in our criminal justice system has the right to basic personal safety, and we are happy with the progress that the FDC and the Court have made in addressing our clients’ concerns about how COVID-19 has been handled,” Geffen said.

THE OTHER EPIDEMIC

TAKING ON GUN VIOLENCE IN 2020

At 9:08 a.m. on Saturday, September 8, 2018, William Aboaje Crawford was standing on the front steps of his sister's Philadelphia home when he was shot and killed with a handgun. Minutes later, his sister and nephew found him, murdered in broad daylight. Ever since, William's sister has struggled to address the trauma from finding her brother dead on her doorstep, leaving her to suffer from stress on a daily basis.

Left behind were William's family, friends, and five children—the youngest of whom was only 10 months old at the time—loved ones with whom William would no longer be able to spend time as he did before he was killed. Along with William's entire family, William's father, Stanley Crawford, a lifelong resident of Northeast Philadelphia, now lives in a perpetual state of fear for his and his family's safety as gun violence continues to ravage his community. Since his son was murdered, Mr. Crawford has dedicated himself to activism, including founding the Black Male Community Council (BMCC) of Philadelphia, to fight back against violence in his community.

In a city awash in guns, Mr. Crawford and his son's story is heartbreakingly common. Gun violence increased at an alarming rate last year. There were 499 homicides in Philadelphia in 2020, the highest number reported since 1990. Further, as reported by the *Philadelphia Inquirer*, 2,240 people were shot—40% more than in any previous police-recorded year. But

gun violence does not impact all Philadelphians equally: it disproportionality harms low-income communities of color.

“WE GET PERMITS FOR LOTS OF THINGS, AND GUNS SHOULD BE NO DIFFERENT.”

“Firearm homicide is the leading cause of death for Black teenagers and young Black men in Philadelphia between the ages of 15 and 34. For the city as a whole, it's the 11th leading cause of death,” said Legal Director Mimi McKenzie. “In short, gun violence is not only a public health crisis in Philadelphia; it is a civil rights crisis.”

Addressing the persistent gun violence epidemic in Philadelphia requires us to use every tool in the toolbox, from direct community engagement carried out by groups like BMCC, to court battles asking our leaders

A memorial to victims of gun violence in Philadelphia. Photo: Michael Stokes



in Harrisburg to get out of the way of local officials who can and should be able to enact local gun safety laws. We know from public health experts and research-based evidence and studies that there are legal interventions that can reduce the number of guns on the street and save lives—and we have to make them happen.

In July 2020, the Law Center joined the Philadelphia Department of Public Health to help launch the PA Safety Alliance, a coalition of medical professionals, churches, gun owners and more from across the Commonwealth. The Alliance has a mission of saving lives and preventing injury by promoting sensible, evidence-based firearm policies.

The PA Safety Alliance advocates both for gun licensing laws and requiring a permit to purchase a handgun, both of which require someone who is purchasing a firearm to interact with a licensing agent, rather than only a gun dealer.

“We get permits for lots of things, and guns should be no different. Permits put a pause in purchasing a gun, so there would be more time to think about whether or not this would be a rash, in the moment thing to do,” Development and Communications Director Dena Driscoll said. “Permit to purchase exists all around us. New York has permit to purchase, New Jersey has permit to purchase, Maryland has permit to purchase, and Delaware is just now passing permit to purchase... We should be just as safe as our neighbors.”

These laws have been associated with decreases in gun violence across the United States. Connecticut’s firearm homicide rate decreased by 40% and its firearm suicide rate decreased by 15% after passing its firearm licensing law. On the other hand, Missouri’s firearm homicide rate increased by 25% and its firearm suicide rate increased by 16% following the repeal of its licensing law. The data speaks volumes, and our legislators need to pay attention.

“RIGHT NOW, THE LACK OF ACTION AND THE LACK OF URGENCY IS ABSOLUTELY INHUMANE.”

Right now, the Pennsylvania General Assembly refuses to pass or consider statewide gun safety measures that save lives, like permit to purchase. At the same time, state laws obstruct local officials who attempt to respond to rising gun violence. On October 7, 2020, we joined the City of Philadelphia to file a lawsuit seeking to change that.

Partnering with pro bono co-counsel from Hogan Lovells, we represent residents of Philadelphia and Pittsburgh who have lost family members to gun violence—including Stanley Crawford—and CeaseFirePA. We are challenging the constitutionality of Pennsylvania’s Firearm Preemption Laws in Commonwealth Court.

**This work is supported by the
Richard Berkman & Toni Seidl Health Care Justice Project**

“The city of Philadelphia has tried on several occasions to pass and enforce local regulations that would build on empirical research showing what types of firearm regulations are most effective, particularly in an urban environment or in a high poverty community,” said Staff Attorney Ben Geffen, “and the state law has repeatedly blocked the city’s power to do so.”



At a July 29, 2020 press conference launching the organization, PA Safety Alliance covered the capitol steps in Harrisburg with signs representing victims of gun violence in Pennsylvania

FIREARM HOMICIDE IS THE LEADING CAUSE OF DEATH FOR BLACK TEENAGERS AND YOUNG BLACK MEN IN PHILADELPHIA BETWEEN THE AGES OF 15 AND 34.

In addition to a permit to purchase law, other examples of local gun safety legislation restricted by Pennsylvania’s Firearm Preemption Laws are ordinances limiting handgun purchases to one per month and ordinances providing for extreme risk protection orders. The lawsuit argues that “the Pennsylvania General Assembly handcuffs local governments so that they cannot enact or enforce even simple, well-researched policies that have been repeatedly shown to save lives, while it also refuses to enact statewide gun safety laws,” thereby violating the right to enjoy and defend life and liberty under the Pennsylvania Constitution.

“The court now has the opportunity to empower communities to protect their residents’ constitutional right to live safely,” said Adam Garber, Executive Director of CeaseFirePA, a statewide anti-violence group.

On June 9, 2021, petitioners appeared in Commonwealth Court for oral argument to defend their case against state legislative leaders’ attempts to dismiss it. During argument, Alex Bowerman, Senior Associate at Hogan Lovells, called out the disparate harm faced by the petitioners, noting that Black Pennsylvanians are 19 times more likely to be killed by gunfire, and residents of Philadelphia’s poorest neighborhoods are 25 times more likely to be the victim of a fatal shooting compared to those living in wealthier areas. We are currently waiting for a ruling from the Commonwealth Court on whether the case will proceed.

At the same time, state legislative leaders seem to be doubling down, introducing a new bill that would strengthen preemption. This bill, which would allow organizations such as the NRA to sue cities for merely attempting to pass gun safety laws—and receive taxpayer-funded legal fees for their trouble—passed the Pennsylvania House of Representatives the day before petitioners’ June 9th court appearance.

The implications and consequences of rising gun violence across Pennsylvania are extensive.

“The unimpeded flow of guns on the streets and its physical and psychological toll impacts the health and well-being not only of the victim, but also of the entire community and city,” said Dr. Cynthia Mollen, the Division Chief of Emergency Medicine at Children’s Hospital of Philadelphia, in an amicus brief filed in support of our lawsuit. “The far-reaching effect of gun violence in Philadelphia neighborhoods is not someone else’s problem. It is everyone’s problem.”

“Letting Philadelphia pass gun safety laws is about recognizing the humanity of people in this city who face gun violence,” Mr. Crawford said. “Because right now, the lack of action and the lack of urgency is absolutely inhumane.”



Our Legal Director Mimi McKenzie speaks at a press conference announcing our lawsuit taking on state firearm preemption laws.



Philadelphia City Council President Darrell Clarke speaks.

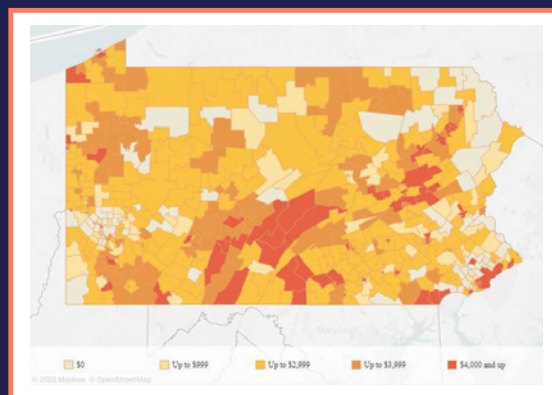
SPOTLIGHT

UNDERFUNDING ACROSS PENNSYLVANIA

Our state legislative leaders in Harrisburg have failed to pay their fair share for public education, leaving local taxpayers to pick up the slack. This creates a system where underfunding is widespread, and the students who need the most get the least, because of where they live.

Visit FundOurSchoolsPA.org/FindYourDistrict and use our interactive map to see what funding shortfalls look like in districts across the state, according to a benchmark for adequate funding written in Pennsylvania state law.

Pennsylvania School District Funding Shortfall Per Student



HOW PA PUBLIC SCHOOL UNDERFUNDING AFFECTS YOUR COMMUNITY

BY SCHOOL DISTRICT



Greater Johnstown was short **\$12,797,050** of the PA benchmark for basic adequacy.



The average **Greater Johnstown** student is shortchanged **\$4,110 ANNUALLY**.

BY COUNTY

12 of the 12 districts in this county are underfunded, according to state law.



Find out more and get involved at FundOurSchoolsPA.org

Find your school district on our interactive map.

“AN ECONOMIC CRISIS IS NOT THE TIME TO CREATE ADDITIONAL BARRIERS”

TAKING ON CRIMINAL RECORD RESTRICTIONS ON COVID-19 EMERGENCY AID

In October 2017, Sekwan Merritt developed the business plan for Lightning Electric, an electrical contracting company in Maryland, while serving a five-year sentence in prison after he pled guilty to non-violent drug offenses in 2012. From the start, he was committed to doing something for people who faced barriers to employment because of their criminal records.

“Sitting in that cell, I said, ‘I’m going to provide opportunities for people,’” Mr. Merritt told a reporter for the *Baltimore Sun* on July 6, 2020. “I [wanted] to be that role model.”

Mr. Merritt’s vision came to life in October 2017, and he pursued his goal head-on, hiring five electricians, four of whom were previously incarcerated. Like tens of thousands of small businesses across the country, Lightning Electric experienced a sharp decline in business when the COVID-19 pandemic hit.

In order to keep his company afloat, Mr. Merritt applied for federal aid through the Paycheck Protection Program (PPP), a program established by Congress through the CARES Act, which was designed to help small businesses withstand the impact of the pandemic. However, the PPP loan application included questions asking whether applicants were currently on probation or parole. When Mr. Merritt responded “yes,” his application was immediately denied. Barred from accessing critical federal aid because of an arbitrary and restrictive criminal history screening, Mr. Merritt poured \$30,000 from his personal savings and family donations into his company.



Our client
Sekwan
Merritt,
owner of
Lightning
Electric

On June 16, 2020, we filed a lawsuit representing Mr. Merritt against the U.S. Department of Treasury and the Small Business Administration (SBA), the agency in charge of issuing the \$350 billion in aid to small businesses provided by the CARES Act. The lawsuit challenged the SBA’s restrictive criminal history exclusion on the basis that it was arbitrary and overbroad, going beyond what the CARES Act authorized and the agency’s own rules for similar business loan programs.

“The rule felt really categorical to people with criminal histories,” said Staff Attorney Claudia De Palma. “With something so broad and sweeping, there wasn’t even a chance to explain your particular circumstances. The way that the questions were worded, a lot of folks just were shut out of the process completely.”

“A LOT OF FOLKS JUST WERE SHUT OUT OF THE PROCESS COMPLETELY”

It is all too common for people with criminal records to face barriers to employment. One study from Northwestern University found that having a criminal record reduces employer callback rates by 50 percent.

Given the systemic over-criminalization of Black and Brown communities, the negative impact of a criminal record on employment is particularly salient in these communities. According to 2018 U.S. Department of Justice statistics, African Americans are 5.9 times more likely and Hispanics are 3.1 times more likely than whites to be incarcerated. This widespread bias in the job market makes entrepreneurship especially important for Americans with criminal histories.

“Often folks who have records have a hard time getting into the workforce, even in a good economy,” De Palma told a reporter in an April 15 article in *Route Fifty*. “A fair number of them turn to starting their own business.”

Because businesses owned by people with criminal histories tend to be more open to hiring workers with criminal histories, it was clear to us that the SBA’s aid restrictions threatened to hold back entire communities and disproportionately impact communities of color.

“This rule was not just punishing the business owner with the record, but any employee that might have depended on that person for their income,” De Palma said.

The Law Center first took action against the exclusionary rule by drafting letters to congressional lawmakers and the Small Business Administration in April 2020. The letters, which urged lawmakers and agency officials to reconsider the harsh exclusions, were signed by advocacy organizations across the country. The Law Center also submitted a formal comment questioning the legality and the logic of the restrictions.

“SITTING IN THAT CELL, I SAID, ‘I’M GOING TO PROVIDE OPPORTUNITIES FOR PEOPLE.’”

Yet the SBA's rule remained in place. With the application deadline for PPP aid approaching, the Law Center, American Civil Liberties Union, Washington Lawyers' Committee for Civil Rights and Urban Affairs, and pro bono co-counsel from Jenner & Block and Weil Gotshal & Manges filed a lawsuit in the United States District Court for the District of Maryland on June 16, 2020 challenging the SBA's exclusionary rule. We represented Mr. Merritt, along with business owner John Garland and Defy Ventures, a nonprofit that helps formerly incarcerated individuals start businesses.



The lawsuit argued that the rule violated the Administrative Procedures Act, because it arbitrarily excluded qualified business owners from accessing federal assistance. We asked the Court to strike down the rule and extend the application deadline for applicants who were unlawfully excluded under the SBA's rule.

“These restrictions undermine the entire purpose of the CARES Act and PPP loan program – which Congress designed to get loans to those who need it most,” said Kali Bracey, Partner at Jenner & Block. “This lawsuit seeks to make good on Congress’s promise: That PPP funds reach **all** eligible small businesses to help their employees and to end the discrimination against small business owners of color.”

“An economic crisis is not the time to create additional barriers to desperately needed support, particularly to small businesses that are part of the fabric of neighborhoods across America,” De Palma said when the case was filed.

In response to the lawsuit, the SBA issued a new rule on June 24, 2020, significantly expanding PPP loan eligibility to include a broader number of small business owners with criminal histories. Under the revised rule, small business owners with pending misdemeanor charges and most owners on probation or parole were permitted to apply for COVID-19 relief through the PPP program.

Five days after the SBA issued its new rule, the United States District Court for the District of Maryland ruled that the SBA's initial aid eligibility restrictions unlawfully excluded eligible business owners with criminal records from obtaining PPP funds. The court granted plaintiffs an additional 21 days to apply for loans through the PPP program. On July 4, 2020, Congress extended the application deadline for PPP loans until August 8, 2020 for all applicants. After these new eligibility standards went into effect, we successfully advocated for the state of Pennsylvania to adopt them for its own emergency small business aid program.

NEARLY 4 PERCENT OF ALL SMALL BUSINESSES NATIONWIDE HAVE OWNERS WITH A CRIMINAL HISTORY.

The new, fairer standards made a difference. A 2021 analysis from the Rand Corporation found that nearly 4 percent of all small businesses nationwide have owners with a criminal history. Under the original, strict PPP restrictions, 212,655 small businesses, with more than 340,000 employees, had owners with a felony record within the last five years and were disqualified from emergency aid. The revised rule our litigation brought about, combined with further changes initiated by the Biden administration, cut the number of ineligible businesses by 95 percent.

This case underscores the importance of ending arbitrary bias against people with criminal histories, and we hope that it sets a standard for future small business aid programs to follow.

"Americans who have been incarcerated or arrested deserve our support as they work to contribute to their communities," De Palma said. "Sweeping, blanket restrictions like the SBA's original rule contradict that goal, and we'll keep taking them on, like we did in this case."

SPOTLIGHT

KEEPING URBAN AGRICULTURE GROWING IN PHILADELPHIA

The COVID-19 pandemic caused significant challenges for urban agriculture and community gardening in Philadelphia. In response, we worked with leaders from Soil Generation, the Pennsylvania Horticultural Society, Neighborhood Gardens Trust, and gardeners and farmers across the city to release guidance for urban agriculture and community gardening during COVID-19 on our Grounded in Philly website (<https://groundedinphilly.org/covid19/>). These recommendations included farmstand sanitation guidelines, social distancing guides for gardens, and recommendations for disseminating information to workers. In the early days of the pandemic, we also successfully advocated for garden workers to be classified as essential in Philadelphia, and the gardens were allowed to continue to operate when non-essential businesses were closed.

"Green space is important for a number of reasons. Most of the community gardens in Philadelphia are located in the poorest neighborhoods in the city," said Staff Attorney Ebony Griffin. "A lot of times they are in food deserts--there's not necessarily a grocery store within walking distance for people to get to. That makes it even more important, especially during the pandemic, for people to have a reliable source of fresh food. Also, people just needed outdoor spaces to be able to go to so they didn't lose their minds. There are a lot of studies that show that access to green space, especially in poor communities, really affects people's mental health."

Members of Smart Garden, leaders of Neighborhood Gardens Trust and Soil Generation, and City Councilmember Jamie Gauthier joined Staff Attorney Ebony Griffin (center) for a visit to Smart Garden in 2019.



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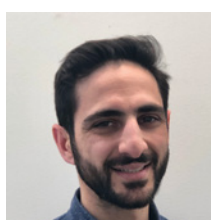
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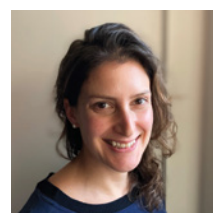
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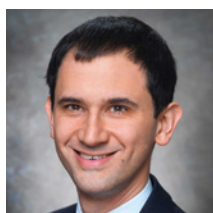
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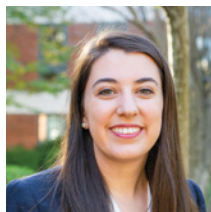
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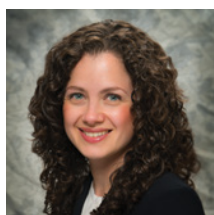
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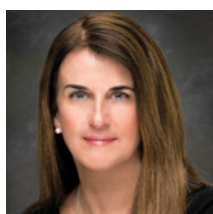
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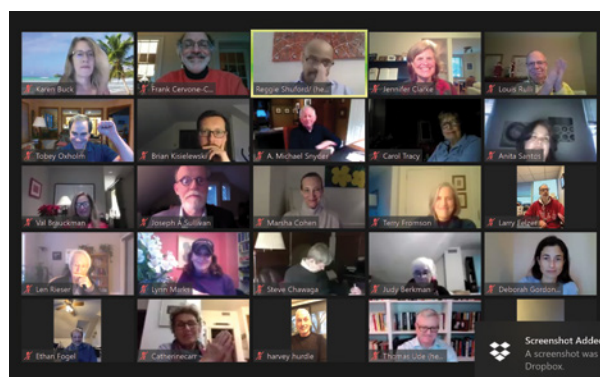


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On December 15, the Philadelphia Bar Association's Delivery of Legal Services Committee held a farewell Zoom for our former Executive Director, Jennifer Clarke.

**Training and development for our staff is supported by the
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Advancing Justice Together

OUR 2020 VIRTUAL ANNUAL CELEBRATION

On October 1, 2020, we held our first ever virtual annual celebration, Advancing Justice Together, featuring performances from some of Philadelphia's most talented artists and stories from our work taking on pernicious problems like gun violence and voter suppression. We came together from across the country, with 275 households tuning in, to recognize our pro bono partners, our supporters and friends, and our clients, who stand up to the injustice they see in their own lives and the lives of their neighbors.



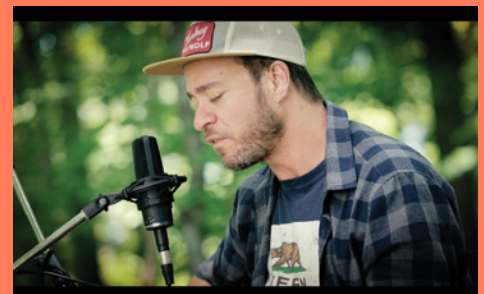
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Our former Executive Director Jennifer Clarke.



Our client in a case defending Philadelphia's lost and stolen gun laws, Kimberly Burrell.



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Illustration by Symone Salib, featuring our clients.



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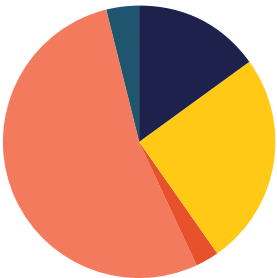
FINANCIALS

January 1, 2020–December 31, 2020.
Figures from 2020 audited financial report.

SUMMARY OF REVENUE & EXPENSES*

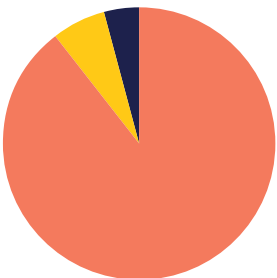
REVENUE

Grants & Contributions	\$760,024	
Legal Community & Other Support	\$1,255,956	
Fee Awards	\$10,767	
Contracts & Honorarium	\$140,448	
In-Kind Legal Services	\$2,654,002	
Investment Income	\$181,533	
Total Revenue	\$5,002,730	



EXPENSES

Program Services	\$4,150,274	
General & Administrative	\$294,569	
Fundraising	\$190,431	
Total Expenses	\$4,635,274	



STATEMENT OF FINANCIAL POSITION

Current Assets	\$1,873,999
Other Assets	\$2,927,263
Property & equipment (net of depreciation)	\$34,499
Total Assets	\$4,801,262
Current Liabilities	\$548,932
Prior Year Net Assets	\$3,884,874
Current Year Change	\$367,456
Total Liabilities and Net Assets	\$4,801,262
Unrestricted Net Assets	\$2,744,163

*Audited financial reports are available on our website at pubintl.org/corporate-documents/



SPOTLIGHT

SCHOOL FUNDING IN PENNSYLVANIA

Since 2008, Pennsylvania state law has set a benchmark for calculating the resources that public schools need so that their students have a shot at reaching state academic standards. The law says that the state should calculate how much school districts need to reach this target each year—but they have not done so for years. As part of our lawsuit challenging Pennsylvania's school funding system, we ran the numbers, in an expert report prepared by Penn State College of Education professor Matthew Kelly. His analysis revealed a widespread gap between what students need to reach their potential and what they are provided in Pennsylvania, especially in low-wealth urban, rural, and suburban communities.

Underfunding is widespread in Pennsylvania because our General Assembly has failed to live up to its constitutional duty to ensure that kids in every community can receive a quality education. Starting November 12, 2021, that failure will be on trial, seven years after our case was filed in 2014.

Pennsylvania public schools are
\$4.6 billion
short of a benchmark for adequate
state and local funding written in
state law.



277
out of 500 districts are
underfunded by more
than \$2,000 per student.



Pennsylvania ranks 45th
nationwide in its state share of
education funding. This low state
share leaves districts reliant on
local taxpayers, and fuels inequality
between districts who have the
wealth needed to pick up the slack
and those who don't.

Pennsylvania spends
\$4,800 less
per pupil
on students in poor districts
than on students in rich districts.

50%
of Black
students

40%
of Latino
students

attend school districts in the
bottom 20%
of local wealth.



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