



LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
U N D E R L A W

2018 Annual Report



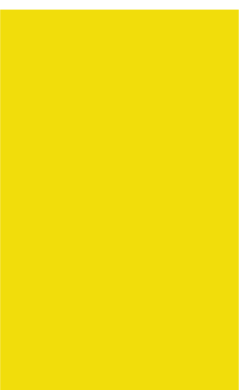
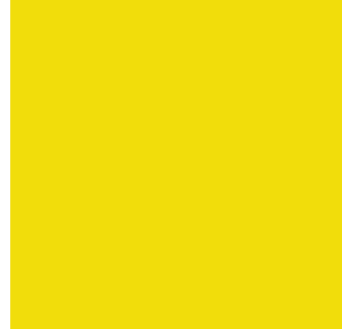


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Letter from the President and Executive Director

If there is one thing that we learned over the past year, it's that civil rights lawyers are playing a central role in our democracy today. Over the past few years, we have witnessed unprecedented challenges and extreme threats when it comes to protecting the civil rights of all Americans. Through strategic litigation, we are fighting back and holding accountable those who seek to turn the clock back. Overall, 2018 provides a powerful story about the work that must be done both inside and outside the courtroom to safeguard the principles that lie at the heart of American democracy. Whether fighting for the right to vote, a fair criminal justice system, an accurate 2020 Census, diversity on our nation's campuses, second chances for people with criminal histories, or access to fair housing, our work has helped to address the obstacles faced by the marginalized communities across our country. The following report highlights our critical work and provides a roadmap as to how we can continue to leverage the law as a powerful tool for promoting reform in our country.

When President Kennedy issued his call for private lawyers to help protect civil rights in 1963, 240 lawyers heeded his request. It was that call to action that gave rise to the Lawyers' Committee for Civil Rights Under Law. America faced a crisis then, and it faces one again now, and we are pleased that the private bar continues to stand with us in our work. Together, we have found strategic ways to push back against injustice, with our dedicated and vigilant team of staff and Board members who partnered together to safeguard the civil rights of Americans all across the country in 2018.

Our work to ensure that African Americans and other voters of color were able to exercise their voices in our democracy was a central part of our work in 2018. Through Election Protection, the nation's largest and longest running nonpartisan voter protection coalition, we activated more than 4,000 lawyers across the country who provided support to more than 78,500 voters who contacted us to report complaints or ask questions through our 866-OUR-VOTE hotline. Many of these complaints reflected systemic barriers to the polls, and some complaints resulted in litigation. In total, we had more than 25 active voting rights cases throughout the year, and we helped hundreds of thousands of voters overcome barriers that stood between them and the ballot box.

We won cases and filed new lawsuits to challenge jurisdictions that entangle people in the criminal justice system by imposing fines and fees that they are simply unable to pay. We are fighting for a fairer criminal justice system in Louisiana where the state fails to

provide counsel to the poor. And we are confronting the growing hate crime crisis in our country, pushing law enforcement to do more to protect victims and communities and to help combat the growing scourge of hate-motivated incidents. We secured a groundbreaking settlement on behalf of an African American student at American University who was subject to racist trolling, and we are fighting to push the tech sector to do more to combat the spread of hate online.

We are also working to promote transparency and accountability under the current administration. By shining a light on the activities of the administration, we are uncovering the real motives underlying policy change and working to hold the administration accountable when they take action that turns the clock back on civil rights. We are fighting to protect racial diversity on college campuses across the nation through our efforts to beat back a challenge to race-conscious admissions policies in the higher education context.

At the end of the day, our work is about fighting for a fair democracy – one that provides a level playing field in which every voice can be heard. Our work is about pushing back against the ways in which race is used to deny communities access to opportunity. Our work is about providing hope to communities who, too often, feel without recourse and without avenues to turn to for help. Our work is about protecting the institutions that are sacred in our country – our courts, our schools, and our workplaces.

In 2018, we leveraged tremendous assistance from the private bar in the course of our work – lawyers who are bringing the resources of their law firms to bear on our work. Every dollar spent supporting the work of the Lawyers' Committee for Civil Rights Under Law is thus leveraged by the substantial pro bono support that we draw upon in our fight for justice.

Thank you for standing with us and for supporting our work!

Sincerely,



Kristen Clarke
President and Executive Director



About the Lawyers' Committee

HISTORY AND MISSION

At a historic meeting at the White House more than 50 years ago in 1963, President John F. Kennedy, Vice President Lyndon B. Johnson, and Attorney General Robert F. Kennedy challenged 244 of America's prominent attorneys to spearhead the cause for equal justice during a tumultuous civil rights era. The Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee) was founded at this important meeting and has been at the forefront of efforts to advance civil rights ever since. Today, the Lawyers' Committee is a nonpartisan, nonprofit organization whose principal mission is to secure equal justice for all through the rule of law, targeting the inequities confronting African Americans and other racial and ethnic minorities. The Lawyers' Committee continues to marshal the resources of the private bar to obtain equal justice for minorities.

PROJECTS AND SPECIAL INITIATIVES

The Lawyers' Committee is a groundbreaking civil rights organization that is able to advocate against a wide range of legal injustices by implementing our mission through the following core projects and special initiatives. Each of these projects is unique and uses a different team of dedicated and passionate lawyers in order to identify and combat civil rights violations.

- »» Voting Rights
- »» Election Protection Coalition
- »» Criminal Justice
- »» Economic Justice
- »» Educational Opportunities/Parental Readiness and Empowerment Program (PREP)
- »» Fair Housing and Community Development
- »» Public Policy
- »» Special Litigation and Advocacy
- »» Stop Hate
- »» Jerry Shestack Justice, George N. Lindsay, and FirstGEN Fellowships

The Lawyers' Committee is also engaged in critical matters, such as judicial nominations, the First Amendment rights of peaceful demonstrators and protestors, and the intersection of race and technology.

Lawyers' Committee for Civil Rights Under Law, By the Numbers

4,000+

LEGAL VOLUNTEERS

8

AFFILIATED LOCAL
COMMITTEES

(Boston, Chicago, Denver, Los Angeles, Mississippi,
Philadelphia, San Francisco, and Washington, D.C.)

50,800

PRO BONO HOURS IN 2017,
AT A VALUE OF

\$32,037,067

240+

ENGAGED MEMBERS
FROM OUR BOARD OF
DIRECTORS FROM MAJOR
LAW FIRMS, ACADEMIA,
AND CORPORATE LAW
DEPARTMENTS

150+

LAW FIRMS IN NETWORK
THAT SUPPORT OUR CASES
AND OFFER THEIR
SERVICES PRO BONO

150+

NATIONAL, REGIONAL,
STATEWIDE, AND LOCAL
GRASSROOTS
ORGANIZATIONS

Year in Review

In 2018, the national Lawyers' Committee for Civil Rights Under Law worked to protect the rights of minority communities at the federal, state, and local levels. Through new projects and well-established ones, the staff and pro bono network delivered meaningful results that not only created immediate change, but will also continue to be built upon in the years ahead.

Learn about our highlights from 2018 >>>



Kristen Clarke prepares to give the introduction at the Lawyers' Committee's Women of Color in the Era of #MeToo panel.



Bradley S. Phillips, recipient of the 2018 Whitney North Seymour Award at the Lawyers' Committee's annual Awards Reception, sits in the audience.

VOTING RIGHTS

The Voting Rights Project at the Lawyers' Committee reached unprecedented heights with its litigation to protect the right to vote in 2018. At various times during the year, 28 different cases were active, of which 15 are still active at year-end, and another four have settlements that the Lawyers' Committee is actively monitoring. During the year, the Lawyers' Committee filed **14 new cases**, including seven in a three-week period around and on Election Day. In that same time-frame, the Lawyers' Committee, with the help of pro bono counsel, sought emergent relief no fewer than six times, obtaining relief three times.

The breadth of the voting rights cases litigated by the Lawyers' Committee in 2018 is staggering. At the beginning of the year, pressure from **litigation brought by the Lawyers' Committee led to the demise of the ill-conceived Presidential Special Advisory Commission on Election Integrity**, a commission designed to support the Administration's unprovable claim of widespread election fraud so as to facilitate the passage of voter-suppressive laws. In January and February, the Lawyers' Committee settled two important cases: a **New York Federal Court approved a Consent Decree** against the New York City Board of Elections, holding the BOE to a multi-year monitoring of the way it removes voters from the rolls, and a **Utah Federal Court approved a settlement** under which San Juan County agreed to open more easily accessible polling places for the Navajo Nation and to provide effective language assistance at the polls.

In February, the Lawyers' Committee **litigated the first of two cases it tried during 2018, brought under Section 2 of the Voting Rights Act** challenging the way states elect judges to their highest court. We lost our case challenging the election to Texas high courts as dilutive of the votes of the state's Latinx community because of prevailing Fifth Circuit law that makes it difficult to separate partisan effect from racial effect. However, we are awaiting a decision on the case tried in November that challenges the election process to the Alabama highest courts as dilutive of the votes of African Americans.

In the spring, the Lawyers' Committee became **the first civil rights group to challenge the decision by Commerce Secretary Ross to add a citizenship question to the 2020 Census questionnaire**, a decision that is likely to increase the undercount of minority populations, leading to reductions in federal funding and congressional representation for areas with large minority populations.



The Election Protection hotline was staffed for months surrounding the midterm elections.



President and Executive Director Kristen Clarke speaks at a press conference on Election Day 2018.





The Election Protection hotline operated in 47 states for the 2018 midterm elections.

The 2020 Census case is pending decision from the Supreme Court after trial in January 2019. At the same time, the Lawyers' Committee filed a motion to intervene in a suit brought by the State of Alabama against the United States, seeking to bar the inclusion of undocumented immigrants in the Census count.

As Election Day approached, Hurricane Michael hit with devastating force on the Florida Panhandle and southern Georgia just at the tail-end of the voter registration process. The Lawyers' Committee's request for a temporary restraining order in Florida was denied, but its letter to the Georgia Secretary of State bore immediate fruit, with an extension of the registration period for the hardest-hit counties.



To staff the hotline, Election Protection recruited 10,000 volunteers, 4,000 of whom were legal volunteers and 6,000 grassroots volunteers.

Leading up to Election Day, the Lawyers' Committee filed an important action against Georgia's "exact match" process, under which tens of thousands of eligible voters — disproportionately Black and Latinx — are placed on "pending" status because their application information does not precisely match drivers' and social security database information. **The Lawyers' Committee was able to get a temporary restraining order** in the days leading up to Election Day as part of this suit, allowing naturalized citizens to vote with a regular ballot without going through a burdensome process even if their drivers' licenses had not yet been updated to reflect their current citizenship status.

Soon thereafter, **the Lawyers' Committee filed another suit in Georgia, challenging its absentee ballot process.** Just

days before the election, the Lawyers' Committee obtained an order requiring county officials to allow voters a reasonable opportunity to cure absentee ballots that had been rejected on the basis of non-matching signatures. A few days after Election Day, the Lawyers' Committee **obtained an order requiring Gwinnett County to count absentee ballots** that had been rejected solely because of missing or inaccurate birth year information on the envelope.

Election Day saw the Lawyers' Committee file actions in four different jurisdictions. While our requests to extend the voting hours in Johnson County, Indiana, and Maricopa County, Arizona, were denied, we were able to obtain two- to three-hour extensions in Fulton County, Georgia, and to overturn the rejection of absentee ballots in Pennsylvania. Our work in Pennsylvania led to the filing of a suit challenging Pennsylvania's absentee ballot procedures, filed a week after Election Day. Finally, as Mississippi prepared for a run-off senatorial election, the Lawyers' Committee filed an action for emergency relief, challenging the state's restrictive and time-consuming procedures for obtaining and casting an absentee ballot.

The 2018 midterm election cycle saw **historic numbers of voters, with preliminary statistics showing a 49.4 percent voter turnout**. Accordingly, as the **leader of the Election Protection Coalition**, the Lawyers' Committee worked with national, state, and local partners to organize a wide-ranging voter protection program which consisted of five voter support hotlines, 31 hotline call centers, field programs in 30 states, 10,000 volunteers including 4,000 legal volunteers, and a texting program. Overall, more than 78,500 voters contacted Election Protection, with over 31,000 calls on Election Day and over 5,000 calls after Election Day. The program was active throughout the 2018 election cycle from the primary season, during which the 866-OUR-VOTE hotline answered voter calls live in 47 states, to the post November elections in Mississippi, Georgia, and Louisiana.

The top barriers to the vote in 2018 included: long lines due to poor staffing, insufficient materials and faulty voting machines; aggressive voter registration purges or failure to process applications; poor poll-worker training; restrictive voting identification requirements; and failure to receive or count absentee ballots. Through the Election Protection Coalition, the Lawyers' Committee staff worked to engage election officials, provide voter education, and file litigation in a comprehensive approach to address the voter suppression and dismal election administration that was prevalent throughout the elections.

STOP HATE

As a rise in hate crimes is affecting communities across the country, **the Lawyers' Committee's Stop Hate Project has emerged as an essential voice in the fight against hate**, strengthening the capacity of localities to combat hate with a community-centered approach.

In 2018, the Lawyers' Committee conducted the final meeting of its **Enhancing the Response to Hate Crimes Advisory Committee**, an initiative launched with the International Association of Chiefs of Police (IACP) to increase the dialogue between law enforcement and the communities most affected by hate crimes. The final product of this partnership is a joint action agenda with concrete steps that law enforcement agencies and community members can take to enhance the response to hate crimes.



Building on its work to improve law enforcement's reaction to hate crimes, **the Lawyers' Committee collaborated with the Matthew Shepard Foundation and the Civil Rights Enforcement Associates** to conduct comprehensive skills-based trainings for law enforcement investigators and prosecutors. The trainings were hosted in Arizona, Illinois, Texas, and Florida. As part of the Lawyers' Committee's ongoing efforts to confront racial violence online, it advocated that Facebook address hateful activities on its platform. **The Lawyers' Committee also shut down altright.com**, a white supremacist website that was in violation of GoDaddy's terms of service by inciting violence, threats, and other unlawful activities targeting minorities. Building on these efforts to address hate activity online, the Lawyers' Committee worked in coalition with other organizations to draft model terms of service for internet companies to reduce hate activity online.

In the courts, the Lawyers' Committee – along with pro bono counsel Kirkland & Ellis and the Washington Lawyers' Committee for Civil Rights and Urban Affairs – **filed a suit in the District of Columbia's federal district court representing a young African-American woman who was targeted for a hate crime on her college campus**. The suit seeks to hold

neo-Nazis and other white supremacists accountable for inciting and targeting hateful, threatening, and unlawful online activity against the young woman in the weeks and months following the hate crime. The Lawyers' Committee also worked to strengthen the understanding of hate crime laws throughout the legal community by hosting Continuing Legal Education courses online and on the ground across the country. Ultimately, **the Lawyers' Committee was able to create a landmark settlement that resulted in one of the white supremacists attending classes on hate, vowing to be an advocate against white supremacy and hate crimes, and issuing a sincere apology to the victim.** The Lawyers' Committee will be actively monitoring the settlement to ensure that he complies.

Through its 1-844-9-NO-HATE Resource Hotline (1-844-966-4283), the Lawyers' Committee heard directly from individuals across the country who have experienced hate incidents and hate crimes, and it has connected over 100 individuals and organizations to legal support and social service resources. This included the addition of robust legal resources that add an overview of free speech, and materials on how the increase in armed protests outside of houses of worship interferes with veneration, to the Lawyers' Committee's overview of federal and state hate crime laws.

FAIR HOUSING AND COMMUNITY DEVELOPMENT

The Fair Housing and Community Development Project fights housing discrimination by working to enforce the federal Fair Housing Act and promote greater opportunity for low-income people of color. Through impact litigation, policy advocacy, consulting services, and legal support for housing justice organizations, the Lawyers' Committee works to ensure equitable access to crucial resources and meaningful housing choices for racial minorities.

The Lawyers' Committee is proud of a number of litigation and policy/planning successes in 2018. **After 13 years of litigation over Nassau County, New York's policy of concentrating affordable housing for families with children in a small handful of predominantly African American and Latinx areas, a settlement agreement was reached.** The settlement will require the city to lease a parcel of county-owned land to the Plaintiff for the development of affordable housing and the implementation of reforms to how the county structures its housing and community development programs. In December 2017, the Lawyers' Committee **successfully litigated a challenge to the U.S. Department of Housing & Urban Development's suspension of the 2016 Small Area Fair Market Rent Rule.** The rule launched a pilot program setting rent ceilings in a metropolitan area based on zip code, increasing access to more expensive and high opportunity neighborhoods for households with Housing Choice Vouchers. Metropolitan areas who were not mandated to participate were also permitted to opt in to the program. Following the successful challenge, **a stipulated judgment with HUD was entered,** requiring the department to reinstate the rule. Continuation of this program is an important step to protecting mobility for low-income families.



The Fair Housing and Community Development Project hosted a panel on the 50th anniversary of the Fair Housing Act.



The audience attending the Fair Housing and Community Development Project's panel on the 50th anniversary of the Fair Housing Act.

The Fair Housing Planning Consulting Initiative continued to contract with several jurisdictions to prepare their Assessments of Fair Housing and Analysis of Impediments to Fair Housing Choice. These assessments ensure that **jurisdictions comprehensively evaluate the barriers to desegregation and housing choice as well as provide them with prioritized policy initiatives to remedy them.** In 2018, the Lawyers' Committee provided expert assistance to Santa Monica, California, the Taunton, MA HOME Consortium, Contra Costa County, California, and Washington, DC. In addition, the Lawyers' Committee is subcontracting with the U.S. Department of Housing and Urban Development to provide technical assistance to the State of Delaware and Baltimore County, Maryland, and to prepare training materials on fair housing best practices. The Lawyers' Committee undertook a new initiative focused on challenging the disparate racial impact of nuisance and crime-free ordinances. The ordinances attach eviction consequences to either an "excessive" number of calls for law enforcement services or a determination of criminal activity based on an extremely low/non-existent burden of proof. The fact-finding stage is currently underway and it is expected to lead to litigation in 2019. The initiative also plans to incorporate policy advocacy to block implementation of proposed nuisance or crime-free ordinances.

PUBLIC POLICY

The Lawyers' Committee's Public Policy Project advocates for issues pertinent to historically disenfranchised communities including voting rights, educational opportunities, judicial integrity, and economic justice. The Lawyers' Committee supports legislation that improves access to the right to vote, including modernizing voter registration and restoration of voting rights to those with felony convictions, and restoration of the full protections of the Voting Rights Act. This includes legislation like the **Democracy Restoration Act**, which would restore voting rights in federal elections for the 4.4 million Americans who lost their voting rights following a criminal conviction but have been released from prison, and legislation that calls for the modernization of the registration process, including automatic voter registration, through continued expansion of online voter registration opportunities. **The Lawyers' Committee continues its work to oppose legislation that creates barriers to the right to vote**, including, but not limited to, restrictive voter identification laws, laws requiring voters or voter registration applicants to provide documentary proof of citizenship, laws limiting early voting opportunities or proposing widespread precinct closures and/or consolidations, laws limiting student voters, and laws purging qualified voters.

This year, the Lawyers' Committee **partnered with Google to research how intellectual property law and policy impacts social justice issues and historically marginalized communities.** As a result of that work, we launched Creative Control, an initiative to educate and empower online creators of color on their intellectual property rights and protections. During our clinics we bring together emerging entrepreneurs, artists, and innovators and host panels on issues ranging from online free expression to fair use protections. Working with our pro bono networks we are able to provide free onsite legal sessions to attendees in New York City, Washington, D.C., Orlando, and New Orleans.

The Lawyers' Committee **worked to evaluate the most egregious judicial nominees of 2018**, including the nomination of Thomas Farr to serve the Eastern District of North Carolina. Thomas Farr's nomination was ultimately defeated due to the advocacy efforts of the Lawyers' Committee and our fellow civil rights organizations. For 60 years, the Civil Rights Division of the U.S. Department of Justice stood at the forefront of efforts to protect and safeguard the civil rights of African-American, Latinx, and other minority communities. **It is of the utmost importance to closely examine the current downward trajectory of civil rights enforcement.** Given the need for oversight from the public and civil rights groups, the Lawyers' Committee launched a new series of reports entitled "Where Is Justice?" to review actions taken by the Justice Department and to shine a spotlight on key civil rights matters that are being abused or ignored by this administration.

ECONOMIC JUSTICE



Kristen Clarke and Dariely Rodriguez at the Economic Justice Project's #METoo panel discussion.



The Economic Justice Project held a panel about women of color in the era of #MeToo at the Lawyers' Committee office.

The Economic Justice Project seeks to address persistent inequality and high poverty rates faced by African-American and other minority communities and includes the Lawyers' Committee's longstanding work against employment discrimination.

The Lawyers' Committee had significant legal wins in 2018 on behalf of communities of color. In May, we received **final approval of a landmark settlement in NAACP v. Philips Electronics, et al.** The settlement provides for class-wide injunctive relief that enjoins named and class member employer defendants from disseminating job postings that bar candidates with felony convictions from being considered for employment, in violation of state and local law; requires employers to provide training to its HR staff on how to properly consider conviction history information; and develop policies related to the hiring of qualified candidates with criminal histories. In August, **we obtained an order provisionally approving the entry of a consent decree in United States v. Consolidated City of Jacksonville**, resolving allegations that the city of Jacksonville discriminated against African American firefighters in promotions. In addition to monetary relief for affected class members, the consent decree provides for the development of new promotion examinations.

The Lawyers' Committee **continued to address the persistent problem of pay inequality impacting African American men and women by filing a lawsuit (*Lawyers' Committee et al v. OMB*) in March** to demand documents from the Office of Management

and Budget (OMB) shedding light on its abrupt decision to suspend the collection of employer pay data information. The decision by OMB threatens to turn the clock back on efforts to identify and eliminate pay discrimination through increased transparency and reporting. The Lawyers' Committee engaged in **extensive appellate advocacy on behalf of communities of color**. In partnership with the Center for Reproductive Rights, The Lawyers' Committee also filed amicus briefs in the First and Ninth Circuits in the cases of *MA v. Dep't of HHS* and *State of California v. HHS*, supporting state challenges to the administration's rollback of the birth control mandate under the Affordable Care Act. Our brief focused on the **constitutional equal protection claims** implicated by targeting access to contraceptives and highlighted the economic consequences that the rollback will have on women of color.

Working with pro bono attorneys and partner organizations, **The Lawyers' Committee also authored amicus briefs that have been filed in support of various challenges to the administration's attacks on DACA and Dreamers.** The Lawyers' Committee continues to work with organizational and pro bono partners to implement its **Records Assistance Project** that resulted from the landmark settlement in *Gonzalez v. Prtizker*. The project provides eligible class members across the country pro bono legal assistance to help them understand and clean up their criminal records. Finally, with financial and research support, The Lawyers' Committee **released an important report highlighting the discriminatory use of race, ethnicity and gender in determining civil damage awards, resulting in the introduction of SB 41 in California in December.**

In July 2018, the Lawyers' Committee **released a report regarding the discrimination in civil damage awards on the basis of race, ethnicity, and gender.** The report, titled "How Race, Ethnicity, and Gender Impact Your Life's Worth: Discrimination in Civil Damage Awards," addresses the use of race, ethnicity, and gender in determining future income earnings in wrongful death or personal injury actions and how this practice perpetuates discrimination by reinforcing pay disparities and failing to account for future progress. This is a significant issue because it is one of the only situations in which court-sanctioned discrimination is allowed; the report aims to change that by urging state lawmakers to prevent the consideration of race and gender in damage calculations.

CRIMINAL JUSTICE

The Lawyers' Committee for Civil Rights Under Law established its Criminal Justice Project to address the racial disparities within the criminal justice system that have resulted from the criminalization of poverty and contributed to mass incarceration. The Lawyers' Committee works on challenging the unconstitutional jailing of poor defendants solely because they are unable to pay criminal justice debt that results from the levying of fines, fees and court costs. The Lawyers' Committee also works to



The Criminal Justice Project held the "Dialogue on Race & Policing" series in 2018.

end pretrial practices that rely on "money bail" and make a person's access to freedom dependent upon their ability to pay and to promote programs and policies that ensure equality and fairness in law enforcement and court operations.

Law enforcement and court operations that prioritize revenue generation over public safety have resulted in a criminal justice system that entraps thousands in an endless cycle of poverty and debt. Minorities and the poor confront significant and unlawful inequities within these "offender funded" systems, which often fail to protect the right to counsel or provide basic due process protections. **Mass incarceration has been fueled by repeated arrests of those who cannot afford to pay court-imposed fines, fees, and costs associated with minor offenses like expired vehicle registration tags, speeding tickets, seat-belt violations, wearing "saggy pants," and poor property "up-keep."** Some jurisdictions even address

juvenile status offenses like skipping school, running away, and underage drinking by levying heavy fines and fees.

In August 2018, we filed *Mahoney v. Derrick* on behalf of thousands of individuals in White County, Arkansas, where a local judge routinely jails poor people for nonpayment of court-imposed fines and fees, and automatically suspends driver's licenses in violation of the Fourteenth Amendment. We also filed *Hughes v. 4 Aces Bail Bonds, Inc.* in November 2018, to challenge the growth of money bail and employ Maryland consumer protection and insurance laws to prevent the exploitation of those seeking to secure the release of loved ones from jail.

In addition to these new cases, the Lawyers' Committee also had great success in litigating existing cases. In August 2018, the federal District Court issued its final judgement in *Cain v. City of New Orleans*, granting us class status and finding that the Fourteenth Amendment prohibits detention of individuals for nonpayment of fines and fees without a prior inquiry into their ability to pay. In a ruling that could reverberate across the State of Louisiana, the Court also found that the judges' dependence on revenue from fines and fees created an unconstitutional conflict of interest. We also earned an important victory in *Allen v. Edwards, et. al.*, a suit alleging violations of the Sixth Amendment, the Equal Protection Clause, and the Louisiana Right to Counsel Statute. In October 2018, the Court issued its final judgment granting our motion for class certification.

The Lawyers' Committee also launched two new programs in 2018: The **Consumer Bail Project**, which provides direct representation to individuals who face the threat of incarceration due to inability to pay legal judgements entered against them by bail bond companies who use court-issued "body attachments" as a method of debt collection, and the **Dialogue on Race and Policing**, which convenes local communities and law enforcement in reconciliation-based efforts to establish procedural justice as the cornerstone for improving trust and accountability between police and minority communities. We look forward to expanding both projects in the coming year.

EDUCATIONAL OPPORTUNITIES



Kristen Clarke speaks at the Lawyers' Committee's panel featuring students from the *SFFA v. Harvard* case.



Brenda Shum, the director of the Educational Opportunities Project, speaks at the Lawyers' Committee's panel featuring students from the *SFFA v. Harvard* case.

For more than six decades, the Lawyers' Committee has pursued litigation and policies to promote diverse and integrated learning environments. Since 2015, the Educational Opportunities Project at the Lawyers' Committee has served underrepresented minority students, graduates and prospective students who stand united in defending race-conscious admissions at Harvard and the University of North Carolina against litigation designed to eliminate affirmative action in higher education. This year, trial concluded in *Students for Fair Admissions (SFFA) v. Harvard*, and trial is set to begin next spring in *SFFA v. UNC*. While SFFA seeks to heighten racial anxiety and divide our minority communities, our clients humanize the ways in which an individual's ethno-racial background directly impacts their life experience and learning

both in and outside of the classroom. As the only national civil rights organization participating in both cases, the Lawyers' Committee has emerged as a thought leader among those invested in preserving the ability of colleges and universities to consider race as one of many factors in admissions.

Over the past year, the Trump administration continued its full-scale assault on the civil rights of students. Since January of 2017, the U.S. Department of Education has rolled back protections for transgender students, withdrawn Title IX guidance on a school's obligation to address sexual harassment and sexual violence, rescinded guidance on the use of race in college admissions and student assignment, and delayed previously approved regulations to address racial disparities in special education. Furthermore, the Department of Education has signaled its intent to rescind guidance to prevent discrimination in school discipline, and expressed confusion about the laws protecting the rights of all students to enroll in school regardless of immigration status. As the Department of Education abandons its mission to ensure that all children have access to a quality education, **the Lawyers' Committee has emerged as a leader in the fight to protect the civil rights of our most vulnerable students.**





Kristen Clarke (right) poses with the students from the SFFA v. Harvard case.

The Lawyers' Committee has also emerged as a leader in the protection of student borrowers. As the Department of Education continues to delay and rescind guidance designed to protect student loan borrowers from misrepresentation, fraud and abuse, **the Lawyers' Committee has increased its efforts to monitor private lenders and for-profit institutions.** These industries have historically targeted minority students, women and veterans and research shows that African-American and Latinx students are disproportionately impacted by these predatory practices. Over the past year, the Lawyers' Committee **filed two amicus briefs** defending the ability of states to enforce consumer protection laws on behalf of student borrowers, and challenging regulatory changes that weaken protections for defrauded students. In addition, the Lawyers' Committee has submitted public comments highlighting the civil rights concerns associated with a number of those policies.

As this administration has escalated its threats to immigrant families and children, the Lawyers' Committee has rapidly responded. **Through our Let Us Learn initiative, the Lawyers' Committee continues to monitor compliance with laws that protect the right of all students to enroll in public school regardless of documentation.** The Lawyers' Committee has also conducted a number of **site visits to federal detention facilities** to determine whether unaccompanied migrant children are receiving the educational opportunities that they are entitled to by law. The Lawyers' Committee prepared public comments on the proposed rule to replace the *Flores* settlement agreement, which would significantly reduce the rights and protections of unaccompanied minors. In addition, the Lawyers' Committee submitted comments on the public charge rule, which would make it more difficult for immigrants to obtain a green card if they use a wide array of public benefits. If finalized, the rule would discourage access to basic services and further marginalize an already vulnerable population.

In 2018, the Parental Readiness and Empowerment Program (PREP) continued empowering parents through its virtual appointment platform; workshops and webinars to parents in California, Mississippi, and Louisiana; and at national and regional conferences. In response to the family separation crisis and rising numbers of unaccompanied minors crossing the border, **PREP trained parents, administrators, and advocates on the rights of immigrant students** and rights of English



language learners at various presentations across the country. PREP expanded its innovative virtual platform connecting pro bono attorneys to parents in Louisiana. PREP also partnered with numerous organizations this past year such as the Center for Education Equity, Parents Helping Parents, the Bazelon Center for Mental Health Law, the American Federation of Teachers, and Louisiana Families Helping Families.

SPECIAL LITIGATION AND ADVOCACY

The Special Litigation and Advocacy Project works on some of the most cutting-edge civil rights issues we face in our nation today. Driven by a recognition that the racial justice problems we face today are rapidly evolving and increasingly complex, the Lawyers' Committee ensures that it stays responsive to pressing demands and matters that are otherwise cross-cutting.

Core areas that currently anchor the Lawyers' Committee's work include the **safeguarding of the First Amendment rights of people engaged in peaceful demonstration and protest** around civil rights crises. Currently, the Lawyers' Committee is working to ensure a **fair and accurate 2020 Census** in coordination with the Voting Rights Project, since the addition of a citizenship question as currently proposed would chill responses from the communities that need funding the most. The Lawyers' Committee is also working to address racial disparities in access to municipal services, among other issues, using a **community-centered approach to develop litigation, implement advocacy campaigns and launch rapid response programs**.

Lawyers' Committee staff members also held several trainings for legal observers at major protests. Lawyers volunteered to learn how to serve as legal observers, attending protests and watching to ensure that protestors are able to demonstrate safely and within their First Amendment rights, and recording the activities of law enforcement and any incidents that occurred. Legal observers offered their pro bono assistance to support protestors at the Families Belong Together rally in Washington, D.C., on June 30, 2018, to support counter-protestors at the Unite the Right rally in Washington, D.C. on August 11-12, 2018. Mandatory trainings for legal observers were held before the rallies. The trainings took place in Charlottesville, Washington, D.C., and Jackson, Mississippi.

SUPREME COURT

The Kavanaugh Report

Justice Brett Kavanaugh was nominated to the Supreme Court under contentious circumstances, and he was confirmed in one of the closest votes in history. Kavanaugh was a controversial candidate not only for his poor history regarding civil rights litigation, but also for the sexual assault allegations against him by three different women that were brought to light in the weeks leading up to his confirmation.

The Lawyers' Committee released a **report evaluating Kavanaugh's available civil rights record**. The report included a careful and comprehensive examination of Kavanaugh's record on cases concerning civil rights matters, criminal justice, voting rights, fair housing, education, reproductive rights, environmental justice, and access to justice issues – all matters central to the Lawyers' Committee's mission. The report, which was based primarily on the opinions authored or joined by the judge during his time on the D.C. Circuit, was presented to the Senate, urging them to examine Judge Kavanaugh's record on civil rights matters.

In addition to the report, **the Lawyers' Committee issued a statement opposing Judge Kavanaugh's nomination to the Court**. The statement was joined by over 100 members of its Board of Directors, including former judges, bar association presidents, law firm leaders, general counsels and more, located across the country.

Special Events

2018 HIGGINBOTHAM AWARD GALA



From left to right: Christopher Underwood, Kristen Clarke, Sally Q. Yates, William S. Demchak, and Trevon Bosley.

The Higginbotham Dinner is one of the largest gala events in the civil rights community, attracting nearly 1,000 attendees annually. Emmy Award-winning CBS sports commentator **Jim Nantz** served as guest emcee at this year's dinner.

Mike Tomlin, head coach of the Pittsburgh Steelers, presented Pittsburgh-based PNC with the Higginbotham Corporate Award. Wachtell, Lipton Rosen & Katz partner Edward Herlihy chaired this special event.

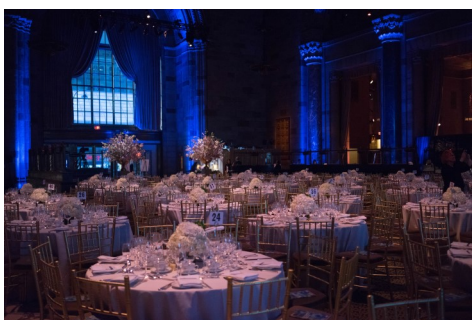
William S. Demchak, chairman, president and CEO of The PNC Financial Services Group, Inc. received the 2018 A. Leon Higginbotham Corporate Leadership Award for exemplary corporate leadership in promoting diversity and equal opportunity in the workplace. This year's black tie gala was held at Cipriani 42nd Street on Wednesday, May 23, 2018, at 7 p.m. with a VIP reception and red carpet event at 6 p.m. **Sally Q. Yates**, King & Spalding partner and former Acting Attorney General of the United States, received the Beacon of Justice Award for her unwavering commitment to justice, and efforts to promote criminal justice reform. **Student leaders from the historic 2018 March For Our Lives Youth Rally** were honored with the Distinguished Civil Rights Advocate Award.

"On behalf of PNC and its 53,000 employees, I am both proud and honored to receive the Higginbotham Award," said William S. Demchak. "At PNC, our commitment to diversity and inclusion is one of the defining qualities of our corporate culture and of how we engage with our customers and communities. It is at the heart of our talent and team-building philosophy, and it comes to life each day through PNC Grow Up Great, our \$350 million effort to create greater access to high-quality early childhood education for every child in every community where we do business."

"As the Lawyers' Committee for Civil Rights Under Law fights to ensure equal opportunity for African Americans and underrepresented minorities, we are proud to recognize the PNC Financial Services Group for its steadfast commitment to diversity and inclusion in the workplace," said Kristen Clarke, president and executive director of the Lawyers' Committee for Civil Rights Under Law.

"We also salute Former Acting Attorney General Sally Q. Yates, whose tenacity, courage and tireless commitment to the rule of law inspires attorneys across the country to fight for justice and equality. In addition, we are thrilled to recognize the next generation of leaders in our country. Zion Kelly of Washington, DC, Mya Middleton and Trevon Bosley of Chicago, IL and Christopher Underwood of Brooklyn, NY each eloquently addressed the nation on the impact that gun violence has on communities of color at the March for Our Lives Rally this past March. They stand as a powerful reminder that young people can help promote change and reform on a national scale."

The prestigious Higginbotham Corporate Leadership Award, named in honor of Judge A. Leon Higginbotham Jr., a pioneering civil rights advocate, author and federal appeals court judge, was established in 2000. The gala is now in its 18th year. Past honorees include The Home Depot; Aetna Inc.; BellSouth Corporation; Citigroup Inc.; Colgate-Palmolive Company; DuPont; Ernst & Young LLP; Fannie Mae; General Electric Company; J.P. Morgan Chase and J.P. Morgan Chase Investment Bank; McDonald's; Microsoft Corporation; The New York Times Company; PepsiCo, Inc.; Qualcomm, Inc.; Time Warner, Inc. and United Parcel Service. In addition, honorees recognized for their work to promote equal justice under law include former Attorney General Eric Holder and Congressman John Lewis, among others.



Tables set up at the 18th annual Higginbotham Gala.



A view of the stage at the 18th annual Higginbotham Gala.



People mingling at the 18th annual A. Leon Higginbotham Award Gala.

2018 AWARDS RECEPTION

The Lawyers' Committee honored the outstanding pro bono service and stellar commitment to equality and justice of lawyers, law firms and clients during its 2018 Annual Awards Reception. New York State Attorney General Barbara Underwood served as keynote speaker for the December 5 event, hosted in New York by law firm Schulte, Roth & Zabel.

Honorees included:

Segal-Tweed Founders Award: Michael L. Lehr

Edwin D. Wolf Award: Iván Espinoza-Madrigal

Robert F. Mullen Pro Bono Award: Manatt, Phelps & Phillips, LLP

Whitney North Seymour Award: Bradley S. Phillips

Brooks Burdette Best New Board Member Awards: Steven M. Kaufmann and Hon. Shira A. Scheindlin

Frank R. Parker Client Awards: Taylor Dumpson and the students from the *SFFA v. Harvard* case, represented at the event by Sarah Cole and Fadhal Moore



President and Executive Director Kristen Clarke poses with Taylor Dumpson (center), the 2018 recipient of the Frank R. Parker Client Award.



Kristen Clarke (left) and Barbara Underwood (right), the New York State Attorney General and the 2018 Awards Reception's keynote speaker.

OTHER AWARDS

President and Executive Director Kristen Clarke was awarded the Louis L. Redding Lifetime Achievement Award in honor and recognition of her commitment to social justice and equality for all.

Clarke also presented the Keynote at Harvard's 7th Annual Public Interested Conference and received the "2018 Harvard College Service to Society Award."

Chief Counsel Jon Greenbaum presented at the Harvard Kennedy School's Ash Center for Democratic Governance and Innovation at an event called "Study Group: Elections 2018 Through the Practitioner's Lens."

Joe Rich, former Co-Director of the Fair Housing and Community Development Project at the Lawyers' Committee, was given a Lifetime Achievement Award when he retired in 2018.

Media Highlights

The work of the Lawyers' Committee, which is leading the way on civil rights litigation nationwide, garnered national attention in 2018 in a wide range of traditional and online media. Lawyers' Committee staff, board members, pro bono partners and clients were quoted and featured in the New York Times, The Washington Post, The Wall Street Journal, USA TODAY, The Washington Law Journal, BuzzFeed, and more. Members of the staff were featured in television interviews airing on MSNBC, CNN, Fox News, and C-SPAN, among others.

Several litigation matters earned significant media attention, including: multiple cases of voting litigation filed due to the 2018 midterm elections as a result of injustices uncovered by the efforts of Election Protection, as well as the Lawyers' Committee's comprehensive report on Kavanaugh and why he is unfit to be a Supreme Court justice, published in response to his nomination. The work of pro bono partners, including dedicated Board members, received significant attention, including the case on the 2020 Census and its unconstitutional attempt to include a citizenship question.

President and Executive Director Kristen Clarke and staff members also participated in press conferences and public rallies on important civil rights issues to bring attention to the alarming roll-back in civil rights enforcement in Washington, D.C.



President and Executive Director Kristen Clarke was interviewed on CNN about the Election Protection hotline and the Lawyers' Committee's work to protect minority voters from voter suppression and disenfranchisement in the 2018 midterm election.

The Communications Unit worked strategically to raise the Lawyers' Committee's national profile and to reach supporters through creative means. The team grew significantly in numbers this year, and each member provides additional Communications expertise to help disseminate the Lawyers' Committee's mission.

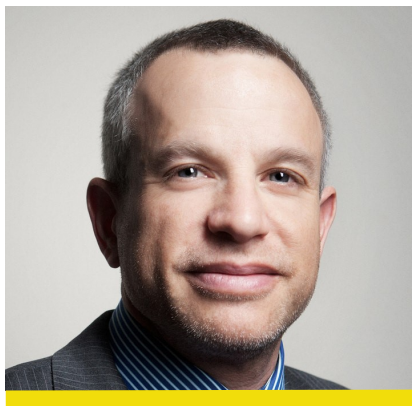
Using social media to educate the public and quickly respond to breaking news events, the organization significantly grew its following on Twitter and expanded its presence on Facebook and Instagram. Social media also supported the work of the Election Protection Coalition on Election Day 2018.



Leadership

The Lawyers' Committee for Civil Rights Under Law is governed by an engaged board of directors of over 200 members from law firms, academia and corporate law departments.

The co-chairs of the board are:



Adam T. Klein
Co-Chair
Outten & Golden LLP



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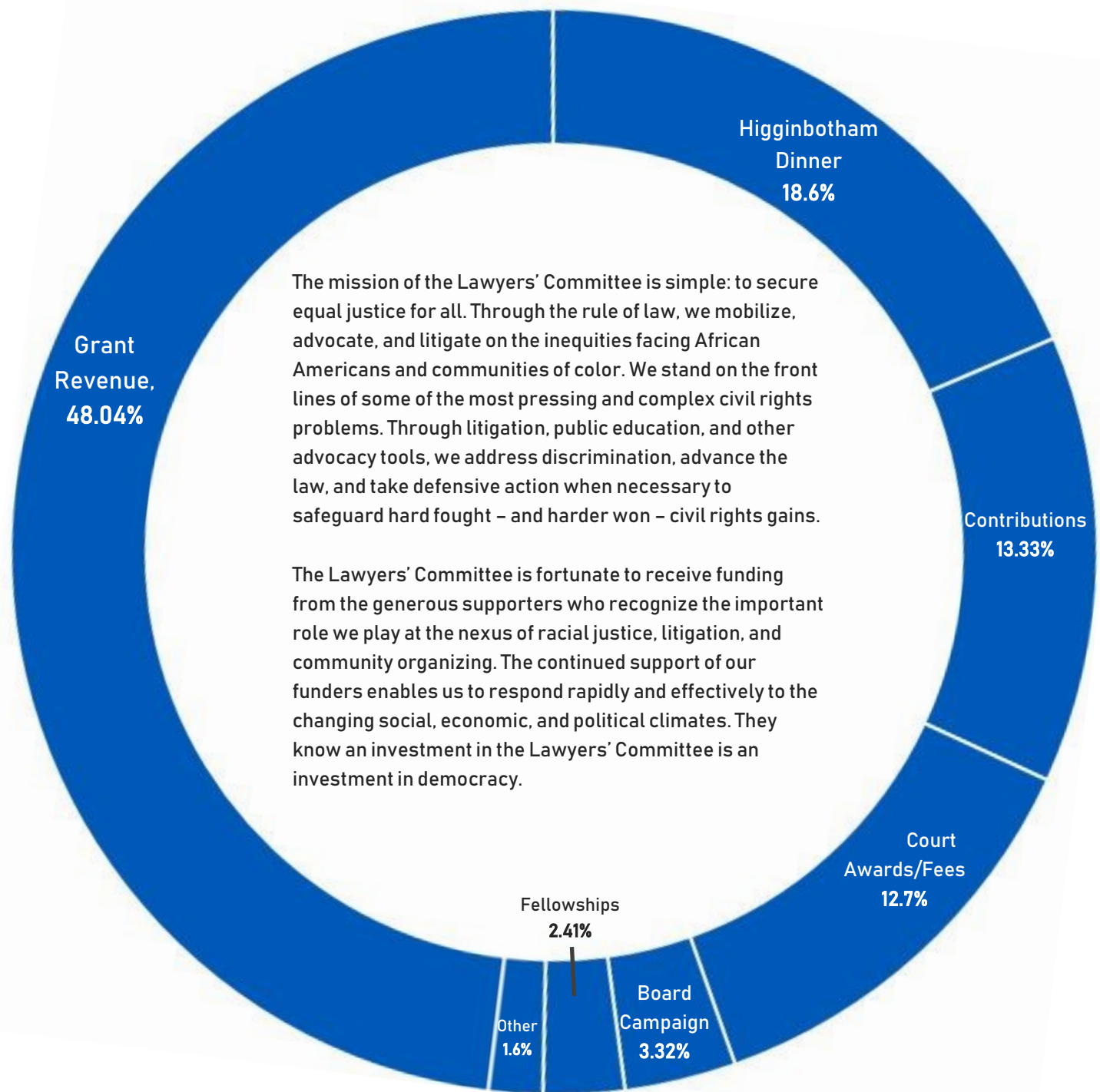
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Lawyers' Committee staff at the 2018 Higginbotham gala.

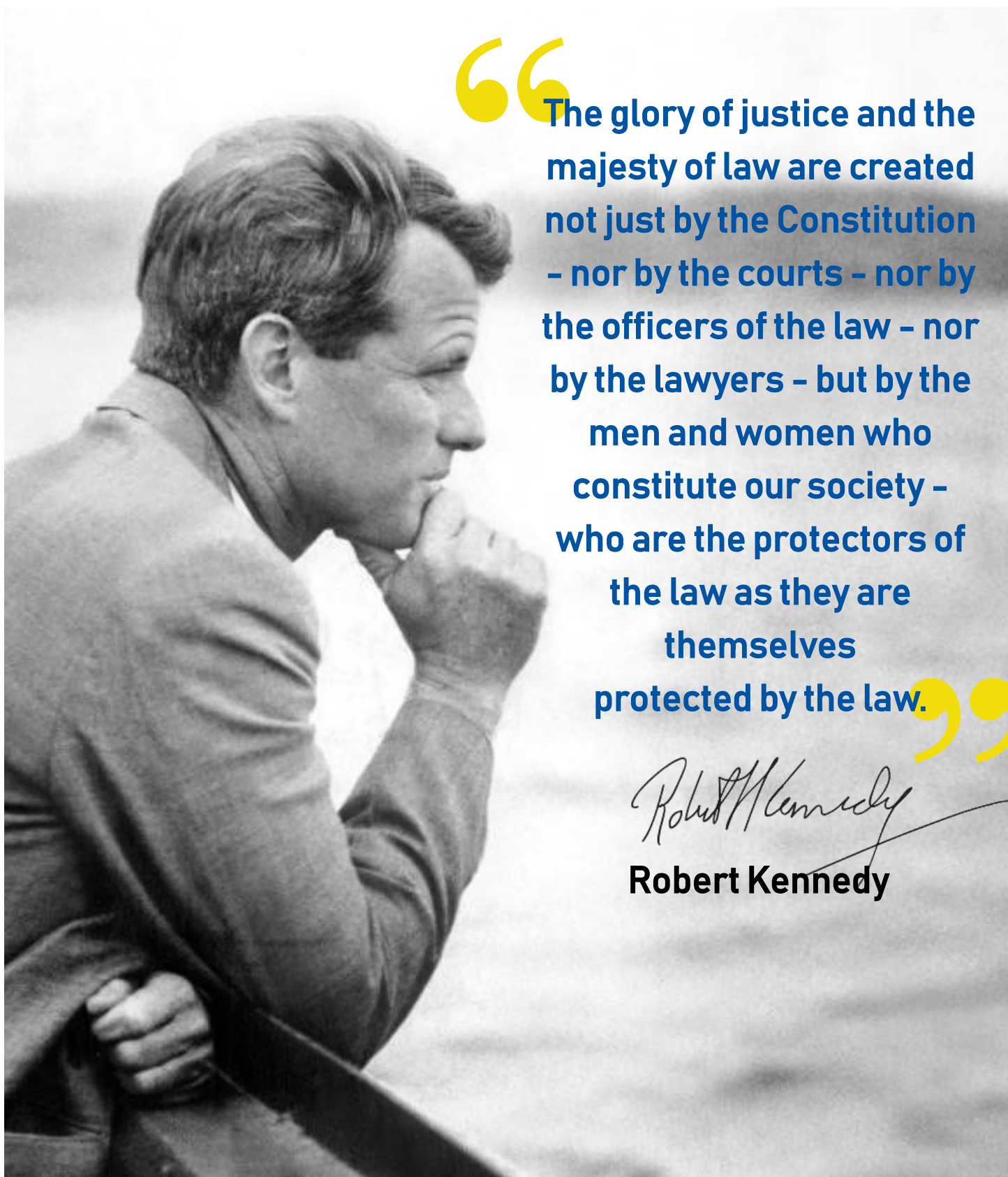
2018 Revenue Actuals



2018 REVENUE ACTUALS

The Lawyers' Committee receives funding from a variety of sources, outlined in more detail below. The majority of our funding comes in the form of grants (48.04%). Another significant portion comes from our annual Higginbotham Dinner (18.6%). Court awards help, as do individual contributions.

Category	2018 Revenue Percentage	2018 Revenue Actuals
Grants	48.04%	\$5,482,630.08
Higginbotham Dinner	18.6%	\$2,122,870.01
Contributions	13.33%	\$1,521,309.17
Court Awards/ Fees	12.7%	\$1,449,390.02
Board Campaign	3.32%	\$379,147.83
Fellowships	2.41%	\$275,644.52
Other	1.6%	\$181,713.87
—	—	\$11,412,705.50



“

The glory of justice and the majesty of law are created not just by the Constitution – nor by the courts – nor by the officers of the law – nor by the lawyers – but by the men and women who constitute our society – who are the protectors of the law as they are themselves protected by the law.

”

Robert Kennedy

Robert Kennedy





LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

**The Lawyers' Committee for
Civil Rights Under Law**

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