



YOU ARE THE PUBLIC JUSTICE CENTER



**Public
Justice
Center**

2016 REPORT



We use legal tools to pursue social justice, economic and race equity, and fundamental human rights.

With support both from the Rikki Fleisher Fund for Professional Development and from you, the Public Justice Center staff has been exploring how race equity applies to our mission to build a just society. We are committed to confronting racism at its roots and this position informs our work every day. This spring, we publicly stated our position in the following statement.

RACE EQUITY

Statement of Solidarity (originally published Spring 2016)

On April 18th, leaders of nine Black-led organizations working for racial justice and economic development in Baltimore's Black communities released a Statement of Solidarity to commemorate the first anniversary of the Baltimore Uprising. Their statement offers a counter-narrative to the mainstream media's framing of last April's events: making clear that the Uprising was not just about the death of Freddie Gray, and that Black-led as well as other organizations continue to work in those communities the media and policy makers have forgotten.

The Public Justice Center is one of those other organizations, and fully supports this Statement of Solidarity and its commitment to community-led struggle. The PJC is currently a white-led organization. We use legal tools to pursue social justice, economic and race equity, and fundamental human rights. Many of our projects target the issues that impact neighborhoods like Mr. Gray's, neighborhoods that experience historical and current police abuse and racist disinvestment, and the entrenched poverty, lack of economic opportunity, and substandard housing that are its consequences. We represent tenants facing eviction and substandard housing conditions, workers whose earned wages are stolen by their employers, homeless, foster, and unaccompanied youth who are struggling to get their free and appropriate public education, and families who desperately need health care.

One of our projects specifically supports community organizing efforts that are Black-led and whose membership is of the impacted neighborhoods. The Public Justice Center and Right to Housing Alliance (RTHA) released the report *Justice Diverted: How Renters Are Processed in Baltimore City's Rent Court*. Now the PJC's Human Right to Housing Project is working with the 7,000 Families Campaign, whose coalition members include RTHA, Baltimore Bloc, Showing Up for Racial Justice, Jews United for Justice, Bristol House, Chase House, and BALT, and is demanding reforms at the courts, City Hall, and Annapolis.

The PJC is also a founding member of the Baltimore Housing Roundtable, which released the report *Community + Land + Trust: Tools for Development Without Displacement*. The Baltimore Housing Roundtable is advocating for community-controlled land trusts to wrest control of our housing from developers and governments, and to create affordable housing and good paying jobs for low-income residents.

The media and policy makers may have moved on from the people who live in neighborhoods like Freddie Gray's, but the Movement has only grown stronger in the last year, and the Public Justice Center is committed to being a supportive ally in solidarity with community-led and Black-led organizations.

You can read the original Statement of Solidarity here <http://bit.ly/2eK3qDu>.

LOOK AT WHAT **YOU** ACCOMPLISHED IN

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Guests at the PJC 30TH ANNIVERSARY CELEBRATION
Photo by WIDE ANGLE YOUTH MEDIA

YOU PROTECT: HUMAN RIGHT TO HOUSING

"The eviction process exacerbates the problem of urban poverty by upending all the daily routines that people have come to rely on in order to get by on their meager incomes, ... It disrupts children's school attendance and their ability to learn ... As a matter of law and equity it's unconscionable that tenants in Maryland should have far fewer rights in such disputes than those anywhere else in the country."

"Out of House and Home," Baltimore Sun Editorial, 12/7/2015

This year, the Public Justice Center co-led two long-term projects that analyze the crisis of affordable, equitable housing in Baltimore and proposed systemic solutions.

JUSTICE DIVERTED:

How Renters are Processed in the Baltimore City Rent Court

150,000 evictions are filed each year in Baltimore City's 'rent court.' Nearly 7,000 families are evicted each year. The rate of rent eviction is 5.8 per 100 households, a staggering number that is nearly double the foreclosure rate at the peak of the housing crisis in 2009.

In December, we published an in-depth study showing how thousands of quick, cheap eviction actions overwhelm the Court's capacity to fairly enforce tenants' rights to safe and healthy housing. This new research dives deep into Baltimore's eviction crisis, one that takes a particularly heavy toll on women and African Americans.

Key findings from the study include:

- ◆ Baltimore City's Rent Court is designed to efficiently handle its immense caseload by diverting renters away from presenting their cases to the judge.
- ◆ The Court turns a blind eye to the nearly 80% of landlords who are not in compliance with the state's lead paint laws and whose cases should be thrown out.
- ◆ Nearly 60% of renters had valid legal reasons to withhold rent, such as the landlord's failure to address mold, pests, or lack of heat. Yet more than 90% of them lost their eviction case because they couldn't afford a lawyer and didn't understand their rights under the law. Most landlords have lawyers or other representatives experienced in court process.
- ◆ Demand that landlords document their rent claims and that judges strictly scrutinize their claims of compliance with lead paint and licensing laws.
- ◆ Level the playing field by increasing tenants' access to legal information, assistance at court, and legal representation.
- ◆ Expand licensing and property inspection requirements so that all rental housing meets health and safety standards.
- ◆ Fund eviction prevention programs to meet the scale of the eviction crisis.

The study recommends several reforms:

- ◆ Cut the number of eviction cases in half by requiring a pre-filing notice of eviction, so that renters can adequately prepare a defense or fairly resolve the dispute out of court.

Justice Diverted is based on hundreds of surveys, extensive interviews, review of court records, and court watch. Led by attorney Zafar Shah, the Public Justice Center conducted and wrote the study in collaboration with the Right to Housing Alliance, Dan Pasciuti, Ph.D., of Johns Hopkins University, and Michele Cotton, J.D., Ph.D., of the University of Baltimore. We thank the Abell Foundation for funding this study.

"The only question they ask you is, 'So you agree with the amount that is owed?' They don't take the time to get your side of the story."

Legislative Reform

The publication of *Justice Diverted* kicked off the 7,000 Families Campaign, a grassroots-led coalition – including the Right to Housing Alliance, Chase House, Bristol House Tenants Association, Jews United for Justice, Baltimore Bloc, Showing Up for Racial Justice, and the Public Justice Center – that works to stop the eviction pipeline and make lasting change for renting families in Baltimore.

Widespread Media Attention

With guidance from Voices for Civil Justice, we reached a large local and national audience upon the publication of *Justice Diverted*. The PJC drew attention from online, print and radio media outlets including *Reuters*, *ThinkProgress*, *Slate*, *Bloomberg*, *Mother Jones*, *The International Business Times*, *Maryland Morning* and the *Baltimore Sun*. Pam Fessler featured the PJC's report in a story on NPR's *All Things Considered*, showing the reality many families face with the dismal threat of eviction nationwide.

YOU PROTECT: HUMAN RIGHT TO HOUSING



COMMUNITY+ LAND + TRUST: Tools for Development Without Displacement

The Public Justice Center is a founding member of the Baltimore Housing Roundtable, a coalition to explore bringing more permanently affordable, community-driven housing to Baltimore. In January 2016, the Roundtable published *Community + Land + Trust*, a report detailing how Baltimore's development policies have failed to create affordable housing and good paying jobs for low-income residents and offering an alternative vision that prioritizes human rights and human needs. Peter Sabonis of National Economic and Social Rights Initiative and PJC attorney Matt Hill co-authored the report.

At the overflowing launch event, the Baltimore Housing Roundtable announced the report's 20/20 vision to create permanently affordable housing, employ city residents, strengthen Baltimore neighborhoods, and restore trust:

- ◆ Commit \$20 million in public bonds or other revenue sources annually to invest in Community Land Trust (CLT) housing through an affordable housing trust fund, and \$20 million annually to deconstruct vacants, hire returning citizens and create green space and opportunities for urban agriculture.
- ◆ Establish a Land Bank (already authorized by city charter) to dispose of vacant properties or empower the Vacants to Values program to acquire properties for CLT development.
- ◆ Strengthen and enforce local hiring provisions so that city residents are trained for employment in deconstructing and rehabbing vacant property, with priority given to citizens returning from incarceration.
- ◆ Support community leaders and other stakeholders in drafting and implementing community master plans, obtaining technical support, and ensuring participation by a diverse group of those most impacted by development decisions.

Baltimore's current approach to economic development has left the city in crisis. The combination of race-based segregation in housing, deindustrialization, law enforcement practices, and speculative real estate investment has disproportionately affected Black families in Baltimore, curtailing their access to good jobs and affordable housing. Public subsidies for private investors have produced rising housing costs without rising wages, making it difficult for many people to afford their homes.

Campaign to Amend the Baltimore City Charter

In summer 2016, the PJC participated in an intense outreach campaign known as "Housing for All" to collect signatures that placed the creation of an Affordable Housing Trust Fund on the November election ballot in Baltimore City. The Trust Fund would receive ongoing public and private funding for the production of affordable housing for families in the city that need it most. In order to set up the Trust Fund, we must amend the Baltimore City Charter so that the City Council would be allowed to direct money to the Trust Fund. Through the efforts of United Workers, it's Community Development Network of Maryland, the Public Justice Center, many other organizations, dozens of volunteers, and 41 churches across the city, the Housing For All Coalition delivered almost 18,500 signatures to the Baltimore City Board of Elections in the successful city-wide campaign.



Turning the tide against decades of housing discrimination

Decades of housing discrimination and segregation in Baltimore County will begin to unwind with an historic agreement signed in March 2016 between the County and the U.S. Department of Housing and Urban Development (HUD). The agreement resulted from an administrative complaint to HUD filed in 2011 by Baltimore Neighborhoods Inc., the NAACP of Baltimore County, and three residents of Baltimore County.

Housing for All BALTIMORE

The Public Justice Center, along with Homeless Persons Representation Project, Maryland Legal Aid, Disability Rights Maryland (formerly Maryland Disability Law Center), the ACLU of Maryland, and the national NAACP, represented the complainants.

The complaint alleged that entrenched, long-term Baltimore County housing and development practices exacerbated racial segregation and denied access to housing to persons with disabilities, families with children, and other persons because of race. Those practices included exclusionary zoning resistance to subsidized housing and openly discriminatory housing and development policies — funded, in large part, by federal tax dollars. Baltimore County has never had any public housing and currently has fewer than 1,400 privately-owned subsidized housing units open to families, despite a voucher waiting list of over 15,000 households. In contrast, the County has actively used federal and state housing funds to build senior housing, which in Baltimore County is mostly occupied by whites.

Key provisions of the historic agreement signed in March include development of 1,000 affordable homes (with ten percent fully accessible for residents with disabilities and fifty percent with three bedrooms), and the placement of 2,000 families with housing vouchers in areas of opportunity throughout the County. The County also agreed to provide \$30 million in local funds over the next ten years to help finance the new affordable housing and an additional \$3 million to pay for disability upgrades to existing affordable homes.

Significant Litigation Victories for Tenants

In October 2015, the Circuit Court for Baltimore City granted plaintiffs' motion for class certification in *Tiffany Bennett et. al. v. Dunne Wright Services, LLC et al.* This is a class action with eleven counts alleging an illegal fee and fee-churning scheme by a Baltimore area landlord that manages over 750 rental units. The parties have agreed to a settlement and are now seeking final approval of the settlement from the Court. The Public Justice Center, with co-counsel Thomas Minton of Goldman & Minton, P.C., represents the tenants. The PJC honored the named plaintiffs in this case with the 2016 John P. Sarbanes Courage Award.

The Court sanctioned one landlord at the Public Justice Center's request for repeatedly filing rent complaints without a good faith basis. The sanctions awarded over \$1,000 in attorney's fees to the PJC and resulted in a written opinion that has been shared in broader housing advocacy circles to influence other cases as well.

In February 2016, the Court of Appeals of Maryland issued a unanimous ruling in *Lockett v. Blue Ocean*, agreeing with the PJC that rent under Maryland's anti-retaliation statute is "the periodic sum owed to a residential landlord for use or occupancy of the premises," and does not include other charges the landlord claims the tenant owes. This decision will help protect tenants throughout Maryland from retaliation as well as other predatory practices by which the landlord attempts to define numerous fees (often illegal) and other non-rent charges as "rent" and attempts to collect those charges on pain of swift eviction in rent court.



The following donors have shared with the Public Justice Center generous contributions totaling \$1,000 or more. Your gifts afford the flexibility to meet injustice where it rises and to use the tools necessary to balance the scales of justice — no matter how long it takes. We consider you to be our Champions of Justice. Thank you.

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YOU SUPPORT: APPELLATE ADVOCACY



Guest at the PJC 30TH ANNIVERSARY CELEBRATION
Photo by WIDE ANGLE YOUTH MEDIA

The Public Justice Center's Appellate Advocacy Project

uses appellate cases to influence the development of civil rights and poverty law and is staffed by the Francis D. Murnaghan, Jr. Appellate Advocacy Fellow. This year's fellow was Tassity Johnson. She wrote amicus briefs, briefed and argued three different cases in Maryland's highest court, and participated in numerous other cases across the country. Some appellate highlights from this year include:

Allmond v. DHMH The Public Justice Center represented an involuntarily committed individual before the Court of Appeals, arguing that it was unconstitutional for the state to forcibly medicate people without showing that they are a danger in the institution. The Court agreed in a landmark decision.

In re Dustin R. The Public Justice Center joined an amicus brief in the Court of Appeals asserting that the legislature empowered juvenile courts to protect children with disabilities against a traumatic loss of necessary services after they turned 21 by making appropriate arrangements for their continued care while the court still had jurisdiction. In December 2015, the Court of Appeals held that the juvenile court had the authority to order the Department of Health and Mental Hygiene to ensure that a child with disabilities would continue to receive clinically appropriate services after transitioning to adult guardianship care. This decision is great news for all foster children, not just those with disabilities.

CashCall, Inc. and J. Paul Reddam v. Maryland Commissioner of Financial Regulation The Public Justice Center and our allies took on the payday lending industry in this case. CashCall arranged for out-of-state banks to

extend payday loans to Maryland consumers, then immediately purchased the loans from the banks and collected all of the related fees, interest, and principal. The Maryland Commissioner of Financial Regulation determined that CashCall violated the Maryland Credit Services Businesses Act (MCSBA) by assisting consumers in obtaining these loans, because they carried interest rates that would be usurious and illegal under Maryland's lending laws if they had been made by in-state banks. After complaints from more than a dozen Maryland consumers, the Commissioner issued to CashCall and its president, J. Paul Reddam, a cease-and-desist order and a fine of \$5,651,000 for brokering 5,651 loans with interest rates as high as 99%, triple Maryland's 33% interest cap. The amicus brief filed by the Public Justice Center, Civil Justice, the Maryland Consumer Rights Coalition, and the Maryland Cash Campaign traced the history and evolution of payday lending, including the industry's recent shift to predatory installment loans like CashCall's. Our brief described how brokers scheme to profit from entrapping low- and moderate-income people in an intractable cycle of debt, even targeting low-income neighborhoods that are predominantly African-American or Latino. The brief

highlighted how brokers constantly retool their practices to try to stay a step ahead of regulations intended to combat payday lending and argued that the MCSBA was expressly designed to keep up with these evasive tactics and eradicate brokers and their predatory practices from Maryland's consumer loan marketplace. In June 2016, the Court of Appeals of Maryland unanimously held that CashCall and its president violated the MCSBA and have to pay a \$5.65 million fine.

In **Conover v. Conover**, the Public Justice Center filed an amicus brief supporting the right of same-sex parents to litigate custody on the equal footing with opposite-sex couples. In a historic July 2016 decision, the Court of Appeals overruled its earlier precedent and agreed.

Lockett v. Blue Ocean Bristol LLC (see Human Right to Housing Project highlights in this report)



Former Murnaghan Fellows gathered to welcome Tassity Johnson



The Francis D. Murnaghan, Jr. Appellate Advocacy Fellowship

Tassity Johnson was the 2015-2016 Murnaghan Appellate Advocacy Fellow, the 15th person to hold this distinguished fellowship created in memory of Judge Francis D. Murnaghan, Jr. Prior to joining the Public Justice Center, Tassity clerked on the 6th Circuit Court of Appeals for the Honorable Martha Craig Daughtrey and on the U.S. District Court of Connecticut for the Honorable Janet Hall. She graduated from Yale Law School in 2014, where she was a Student Director of the Immigration Legal Services Clinic and a member of the Transnational Development Clinic. Tassity graduated *cum laude* from Duke University in 2010 with a degree in Literature and Cultural Theory. She is originally from Houston, Texas.

In November 2015, the Francis D. Murnaghan, Jr. Appellate Advocacy Fellowship presented a public lecture by renowned litigator Roberta Kaplan: "Then Comes Marriage: Reflections on the landmark Supreme Court case striking down the 'Defense of Marriage Act.'" Kaplan successfully argued that DOMA violated the United States Constitution by barring legally married same-sex couples from enjoying the wide-ranging benefits of marriage conferred under federal law. The landmark 2012 decision in *United States v. Windsor* created the path by which the Court extended full marriage equality to gay people in another case just three years later. After the event, donors to the fellowship gathered for a reception at the home of Diana Murnaghan to thank outgoing fellow Anna Jagelewski and welcome incoming fellow Tassity Johnson.



Champions of Justice, continued.

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YOU CREATE:
EDUCATION
STABILITY



Guest at the PJC 30TH ANNIVERSARY CELEBRATION
Photo by WIDE ANGLE YOUTH MEDIA

For nearly two decades, the Public Justice Center has worked to **enforce and expand the rights of homeless students and students in foster care to access education.**

Administrative Advocacy

Since early 2014, the Public Justice Center has been collaborating with the Maryland State Department of Education to revise its plan for achieving statewide compliance with the education provisions of the McKinney-Vento Homeless Assistance Act, which entitles homeless students to access education and supports their school success. Our efforts were aided by the 2015 enactment of the Every Student Succeeds Act, which expands the protections available to this student population. We have joined forces with several partner organizations to ensure that MSDE's plan to implement ESSA includes a plan to address homelessness, consistent with the new requirements of law.

We are working at the state level and in individual counties, to implement the education-related provisions of the Fostering Connections to Success and Increasing Adoptions Act, which require school systems and local Departments of Social Services to collaborate in supporting the school continuity and academic success of students in foster care. Our strategies include advocating for the enactment of state regulations, facilitating agreements between school systems and social services staff, and training both on the educational rights of the foster youth they serve.

In partnership with the Maryland Office of the Public Defender, Disability Rights Maryland (formerly Maryland Disability Law Center), and Advocates for Children and Youth, we have been advocating with the State Department of Education and Department of Juvenile Services for improvements in the education programs offered in residential facilities for youth involved in the juvenile justice system.

Maryland General Assembly

Your support fueled advocacy efforts in the legislature that will help homeless students further their higher education. Some highlights include:

One new law (HB 400) strengthens the tuition waiver program, which allows unaccompanied homeless youth to attend any Maryland public college or university tuition-free and use additional grants, loans, or scholarships they receive toward room and board by eliminating unnecessary bureaucratic barriers discovered after the waiver was first passed. In addition, the law requires universities and colleges to report data on how many students receive the waiver and are able to graduate as a result. This will help us better evaluate the success of the program.

HB 1288 further strengthens the tuition waiver described above. It clarifies that youth may use the waiver to pay for non-credit courses. This is critical because many unaccompanied homeless and foster youth need to take non-credit remedial courses in order to start to pursue a degree, but some colleges had prevented them from doing so. The new law also expands the tuition waiver to cover former foster youth who reunify with parents. This removes any unintended discouragement to family reunification while allowing youth who spend significant time in foster care the opportunity to pursue a college degree.

Another new law (HB 1503) allows homeless youth to obtain a waiver of the \$45 fee to take the General Education Diploma (GED) test in the state. Such youth disproportionately pursue a GED because of the barriers they face to earning a diploma through a traditional high school education.

A special shout out of appreciation for our allies including, among others: Advocates for Children and Youth, the National Association of Social Workers, the Youth Empowered Society Drop-In Center, Homeless Persons Representation Project, Healthcare for the Homeless, and the Maryland Alliance for the Poor.

The donors listed here made their gifts between July 1, 2015, and June 30, 2016, to support the Public Justice Center. Thank you. Your gifts are building a just society. In addition to the donors listed, we recognize and acknowledge those who make contributions through workplace giving campaigns. We might not know your names, but we are thankful for your support of our work.

THANK YOU!

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YOU EXPAND:
ACCESS TO
HEALTH AND
PUBLIC BENEFITS



The PJC honors Kim and Samantha Ivon with the John P. Sarbanes COURAGE AWARD

VICTORY:

Complaint over denied requests for ASL interpreter leads to nationwide change at Kool Smiles dental offices

When Kim Ivon scheduled dentist appointments at Kool Smiles for her daughter, she always requested an interpreter, as her daughter, Samantha, is Deaf and communicates primarily through American Sign Language (ASL). But despite several requests, Kool Smiles never provided an interpreter. Frustrated, Kim contacted the Public Justice Center. Attorney Camilla Roberson worked with her to file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Health and Human Services, describing how Kool Smiles violated the Rehabilitation Act, the Affordable Care Act, and the Americans with Disabilities Act.

The OCR investigated, examining Kool Smiles’ practices in Baltimore and nationwide. They found that the failure to provide Samantha an interpreter was a symptom of widespread problems. For example, Kool Smiles’ standard operating procedure was to have a parent, guardian or friend interpret during a dental appointment instead of a professional interpreter. This runs contrary to the law, because professional interpreters ensure full access to dental care and avoid problems with confidentiality, conflict of interest, and competence. The OCR also found that Kool Smiles staff generally did not receive training on how to determine what aids or services clients need or how to communicate with people who are Deaf or hard of hearing.

OCR staff provided Kool Smiles with technical expertise to change its practices, and in April, the OCR issued its report. Kool Smiles will implement a number of changes to ensure that its employees accommodate Deaf and hard of hearing clients at its 125 locations across the country, including a fully compliant standard operating procedure and grievance procedure, and an interactive process for determining the correct auxiliary aids and services. Staff will also receive annual training on working with Deaf and hard of hearing clients.

We are proud that the Ivon family’s OCR complaint ensures not only that Samantha has an interpreter at dental appointments, but that Deaf and hard of hearing clients will receive fully accessible dental care at Kool Smiles offices nationwide.

We also congratulate Kool Smiles for its willingness to become a model provider of dental services to its Deaf and hard of hearing clients.

CULTURALLY COMPETENT
ACCESS Over 117 different
languages are spoken in
Maryland, and more than 340,000

Marylanders are limited English proficient (LEP), meaning that they do not speak, read, write, or understand English well enough to interact effectively with government agency workers, courts, hospitals, etc., without language assistance. As part of recent work to address racial and ethnic disparities in healthcare outcomes, attorney Camilla Roberson has been working actively with partners through Maryland Legal Aid’s Language Access Task Force and the Governmental Access Workgroup (GAW), a public/private partnership, to ensure that agencies, businesses, and organizations understand and meet their obligations when addressing the needs of LEP. The GAW is made up of representatives from the Department of Human Resources, other state agencies, advocates from various nonprofits including the Public Justice Center, Maryland Legal Aid, Maryland Hunger Solutions, SEEDCO, and private companies. This work has also allowed us to identify additional barriers to accessing healthcare for immigrants and other New Americans, aging citizens, and Deaf individuals.

MARYLAND GENERAL
ASSEMBLY

Attorney Camilla Roberson is co-chair with Lisa Klinglenmeier of Catholic Charities of the Maryland Alliance for the Poor (MAP). This is a coalition of service providers, faith communities, and advocacy organizations advancing statewide public policies and programs necessary to alleviate the burdens faced by Marylanders living in or near poverty, and to address the underlying systemic causes of poverty. MAP was very active during the 2016 General Assembly Session, kicking off the session with publication of the MAP Poverty Profiles, briefings in the Senate and House of Delegates about poverty in Maryland, and written and oral testimony on the budget and on bills that would affect those living in poverty. MAP weighed in on 70 unique bills this legislative session and 12 unique departmental budgets, all with a focus on antipoverty measures, including among many other areas improved working conditions with paid sick leave in the Maryland Healthy Working Families Act (HB 580/SB 472), criminal justice reform through the Justice Reinvestment Act (SB 1005/HB 1312), improved language access to state websites and other services (SB 28), and improved access to health services (for example SB 899 /HB 1217– Mental Health Parity Act, SB 252/HB 511 – Medical Assistance dental services coverage for former foster care youth, SB 929/ HB 1318), HB 1318/SB 929 Insurance Network Access Standards, among many others).

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Emried D. and Wandaleen P. Cole	Holly Eaton
Comcast	Elizabeth and Grant Ehrlich
Community Development Block Grant, Baltimore City Department of Housing and Community Development	Deborah and Neil Eisenberg
Robert J. Condlin	The Honorable John C. and Dayne W. Eldridge
Marcia Conlin	Susan C. Elgin
James M. and Nancy O. Connolly	Kathleen Elliott
Consumer Health Foundation	Todd Elliott
	Elizabeth M. Embry
	Jill Engle
	Russell Engler and Tracy Miller
	The Episcopal Diocese of Maryland
	Steven Eppler-Epstein

YOU BUILD:
NATIONAL
COALITION FOR
A CIVIL RIGHT
TO COUNSEL



The Public Justice Center leads and staffs the National Coalition for a Civil Right to Counsel (NCCRC), which has grown to include nearly 300 participants working in their states and local jurisdictions to establish a right to counsel for indigent litigants in basic needs cases. Attorney John Pollock staffs this project and draws on many tools to advance the cause.

LEGISLATIVE ADVOCACY

This year, the NCCRC continued to support legislative efforts to enact a right to counsel. In response to a New York City bill that would provide a right to counsel in housing cases, we helped organize a NYC-based coalition of legal aid and grassroots groups to support the bill and worked with Stout Risius Ross, an independent financial analysis company, to produce a cost-benefit analysis of the bill. **SRR’s stunning report found that the City would save \$320 million by passing legislation that would provide a right to counsel for low-income tenants in eviction cases.** The report concluded that the entire cost of providing lawyers to tenants up to 200% of the poverty level would be more than offset by reductions in shelter expenditures, preservation of affordable housing units, and avoidance of homelessness-related taxpayer expenses like law enforcement and emergency medical care.

In Mississippi, we gave input and support to advocates working on legislation that authorizes courts to appoint counsel for parents in child welfare cases. The bill, which passed in 2016, ended Mississippi’s status as the only state not to authorize appointment of counsel for such cases.

In Maryland, we worked with Delegate Samuel I. Rosenberg and others to introduce legislation that would create a limited pilot in two counties to study the implementation of a right to counsel and the effectiveness of representation for indigent parties in domestic violence protection order proceedings. The bill was unsuccessful in the 2016 Maryland General Assembly.

The NCCRC also spent significant time identifying problems with right to counsel statutes in other states, including Arkansas, Georgia, Hawaii, Minnesota, Nevada, Texas and Wyoming. As a result, one identified problem in Georgia led to the filing of a bill, and bills in some of the other states are likely to be filed in 2017. The NCCRC also assisted a successful effort to establish a civil right to counsel legislative task force in Connecticut.

In 2016, the NCCRC created a page on its website to track all civil right to counsel legislation nationwide. The site attracted the attention of the Associated Press, which wrote a story on the uptick in legislation that was picked up by over 200 media outlets across the country.

“[T]he best solution to homelessness is preventing it before it even occurs. **More than two-thirds of the people in our shelters are families with vulnerable children, and the most common cause of their homelessness isn’t drug dependency or mental illness. It’s eviction.** If we can slow the pace of evictions, we will make a major dent in the homelessness crisis. ...The sky-high pace of evictions is exacerbated by our profoundly unequal judicial system. Unlike those in criminal cases, New Yorkers in housing court have no right to counsel. The result: **Only 10 percent of New York City tenants who appear in court have attorneys to help protect their rights. In stark contrast, close to 100 percent of landlords do. It’s hard to overstate just how badly this skews the results of eviction proceedings in favor of owners.**”

—Mark D. Levine, New York City Council member, 7th District, and Mary Brosnahan, President and Chief Executive, Coalition for the Homeless, in “How to Fight Homelessness,” *New York Times* October 19, 2015

“To become the country we perceive ourselves to be, we must make access to justice a reality by providing a right to counsel for civil cases where basic human needs are at stake.”

—John Pollock, Coordinator, National Coalition for a Civil Right to Counsel, in an op-ed in *American Lawyer*, October 1, 2015

LITIGATION

State courts continue to be leading the recognition of the right to counsel and the NCCRC assisted litigants and organizations submitting amicus briefs in a number of cases across the country. Two notable victories include:

The Supreme Court of New Jersey held in *Adoption of J.E.V. that parents have a right to counsel in adoption cases under the due process clause of the New Jersey Constitution.* The NCCRC supported counsel for the mother as well as a number of amici. The success of the case is due in part to terrific work done by many amici, including Legal Services of New Jersey, the ACLU of New Jersey, the New Jersey State Bar, Advocates for Children, and the New Jersey Association for Justice. We also applaud Sean Marotta of Hogan Lovells, who did a powerful job in briefing and in oral argument.

Last year, the Supreme Judicial Court of Massachusetts ruled in *Guardianship of V.V., a case assisted by the NCCRC, that parents have a constitutional right to counsel in cases establishing private guardianship of their children.* This year, the Court took another step to protect parents’ rights, unanimously holding in *L.B. v. Chief Justice of the Probate* that parents have a right to counsel when seeking Family Court modification or termination of such a guardianship as long as the parents have a colorable claim. The Court said that the right to counsel was necessary at this stage because parents need counsel just as much as they do when the guardianship is first established. We provided assistance to the petitioner and amici in both cases, and great work was done by the Community Legal Aid (petitioner’s counsel), Mass Law Reform Institute, the Committee for Public Counsel Services, and others.

The NCCRC supported other litigation in Alaska, Massachusetts, Georgia, New Jersey, Wisconsin, Washington State, South Carolina, California, Mississippi and in the 9th Circuit Court of Appeals on issues that included parents and children in custody cases, housing, incarceration for fees/ fines or child support, suspension of drivers’ licenses, and rights of people with disabilities.

(continued)

Anne Erickson	Leigh S. Goodmark and C. Douglas Nierle
Kirsten M. Eriksson	Google AdWords
Susan M. Erlichman and Edward Kleinman	Gordon Feinblatt LLC
Martha M. Ertman	Gordon, Wolf & Carney, Chtd.
Alexander and Judith Estrin	Mark A. Graber and Julia Bess Frank
Louis B. Thalheimer & Juliet A. Eurich Philanthropic Fund	Victoria Grace
Dorie Fain	John S. Graham, III
Kathleen Farno	Frank T. and Sally Gray
Holly Fechner and Kevin Mills	Michael S. Greco
Fedder & Garten PA	Daniel L. Greenberg
Margaret Z. and Henry C. Ferguson	I. Michael Greenberger
Blake and Melissa Fetrow	Emily Greenhouse
Sandra and Robert Fink	Lawrence S. and Shirley K. Greenwald
Barbara Finkelstein	Stephen and Margaret Greif
Elizabeth Ford	Diana Griffiths
Emily Ford	Elizabeth Grove
Francis D. Murnaghan, Jr., Appellate Advocacy Fellowship	William Gruhn
Susan Francis and Sandra Daniels	M. Willis Gunther Baker
Sally Belinkoff Frank	Sulma Guzmán and Kalev Kaseoru
Marianne Freedman	Kishanna Harley
Elaine Freeman	Michelle and Paul Harner
Steven David Frenkil	The Honorable Glenn T. Harrell, Jr. and Pamela C. Harrell
The Fund for Change	Chad E. Harris
Robert E. Funk, Jr.	Heather Harris
Gerard J. Gaeng	Jane Harrison
Thomas Gagliardo	Hart Research Associates
Gallagher, Evelius & Jones, LLP	The Hatcher Group
Debra Gardner	Keiren Havens
The Honorable Susan K. Gauvey and David E. Kem	Carel T. Hedlund
Ruth Ann Gazaille	Heather Heilman
Bill Geenen and Lillie Stewart	William and Monica Henderson
Genine and Josh Fidler	Lee M. Hendler
Donald G. and Nancy A. Gifford	George Henschel
DeVera Gilden and Casey Carter	Luz Herrera
Denise Gilman	Bruce Martin Herschlag
Michele E. and Neil Gilman	Bryan and Susan Hetherington
Thomas X. Glancy, Jr. and Charlotte A. Stivers	Elayne Hettleman
Maureen Glancy	Jeffrey K. and Michelle L. Hettleman
JoAnn Goedert	Martin and Paula Himeles
Sally Gold and Elliott Zulver	Jeanette Hobbins
Phyllis Goldfarb	Andrea Hoffman
Goldman & Minton, P.C.	Howard B. Hoffman, Attorney at Law
Brian A. Goldman	Kathleen Hoke
Sharon Goldsmith	Richard H. Holden
Daniel F. Goldstein and Laura W. Williams	Paul Holland
Barbara S. and John B. Gontrum	Phyllis J. Holmen
Deborah Gonzalez	David J. Holt
Peggy H. Goodman	Madeleine Holt
	Steve Holt
	Emily Hoppe
	Andrew Horwitz



At the same time we’re changing bail and fine practices, we also have to work to expand low-income Americans’ access to legal aid. **Every day, countless Americans are in court grappling with life-altering challenges like foreclosure, eviction, debt and family instability—far too often, doing so without counsel.** In eviction cases, for instance, 90 percent of landlords have counsel, whereas 95 percent of tenants represent themselves. **In 85 percent of cases dealing with child custody and child support, literally the heart of the family, at least one parent is self-represented.**

— US Attorney General Loretta E. Lynch

Attorney General Loretta E. Lynch Delivers Keynote Address at the Urban Institute Economic Mobility Conference.
<https://www.justice.gov/opa/speech/attorney-general-loretta-e-lynch-delivers-keynote-address-urban-institute-economic>

National Media Attention

The Coalition enjoyed significant media attention this year. This is an important strategy as more states explore access to justice for people within their borders.

One article in the Associated Press that featured the NCCRC and the civil right to counsel movement was picked up by over 200 news outlets, including the *New York Times* and the *Washington Post*.

The NCCRC’s work on the New York City housing right to counsel bill also received significant attention, including in *The Observer*, *Bloomberg*, and in a Letter to the Editor in the *New York Times*.

Presentations

NCCRC coordinator and PJC attorney John Pollock presented at and participated in high-profile events across the country, including at an invitation-only meeting held by the Department of Justice and the White House on the jailing of low-income people for failure to pay fees and fines. John also presented at the 2015 Equal Justice Conference, the Housing Justice Network Conference, the annual conference of the National Center for Homelessness and Poverty, the Tennessee Alliance for Legal Services’ “Equal Justice University” (where he served as keynote speaker), the California Legal Services Funders Network Conference, the Southern Poverty Law Center’s summit on fees and fines, and Maryland Legal Aid’s Human Rights meeting.

UNDERSTANDING A CIVIL RIGHT TO COUNSEL

The Public Justice Center challenged the young artists of Access Art to create a public service campaign that illustrates the fact that a lawyer can make the difference between keeping a home or losing it, obtaining protection from domestic violence or risking injury, having sufficient food or going hungry, keeping children with their family or being separated.

The students studied our legal system and reviewed how artists advocate for change. Their images help us understand the real impact of our legal system on those who do not have access to legal counsel.



YOU DEFEND:
PRISONERS’
RIGHTS

Sometimes true,
enforceable reform
takes decades
to achieve.

Because of your steadfast support, detainees at the Baltimore City Detention Center will finally receive constitutionally adequate, timely medical and mental health care. This year, the federal court approved a settlement in the class action *Duvall v. Hogan*, requiring the state to overhaul the jail’s health care system and make major improvements to the facilities that remain open, including accommodations for people with disabilities. To ensure compliance with the settlement, the jail’s progress will be assessed by independent monitors. The settlement comes after the Public Justice Center, the Law Offices of Elizabeth Alexander, and the American Civil Liberties Union National Prison Project moved to reopen the case in June 2015, following years of failure to comply with a 2009 settlement and court orders dating back to 1993. These settlements had failed to eliminate inhumane conditions at the Baltimore City Detention Center. The reopening of the case also led directly to the Governor’s decision to close the four oldest buildings in the facility.



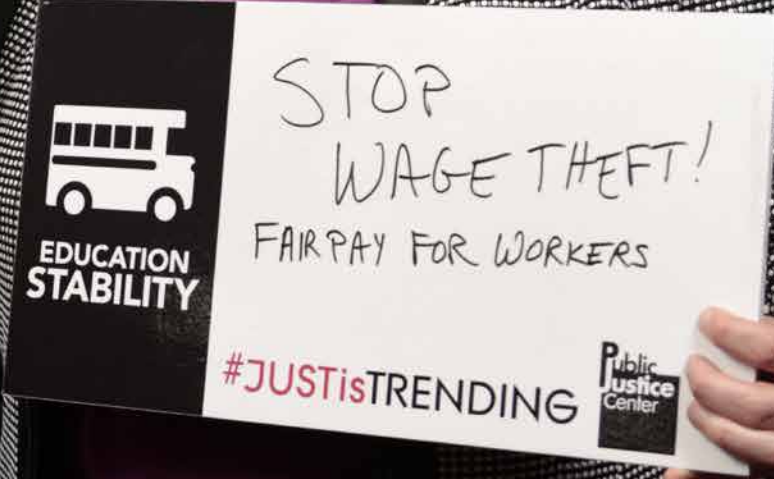
“Debra Gardner, legal director at the Public Justice Center, said the agreement would ‘at last ... provide adequate, timely medical care to detainees instead of abandoning those with injuries and illnesses. ... After years of litigation, the jail will meet its constitutional and ethical responsibilities to those inside its walls.’”

“State agrees to overhaul health care services at Baltimore jail”
Baltimore Sun, November 18, 2015

Alan W. Houseman	Catheryn Koss and Andrew Kershen
Jennifer Howard	Kramon & Graham, P.A.
Barry W. Hudson	Abe Krash
Gary and Deborah Ignatowski	Karen Kreisberg
Iliff, Meredith, Wildberger & Brennan, P.C.	The Zanvyl and Isabelle Krieger Fund
The Ivy Hotel	Francine and Allan Krumholz
J.M. Kaplan Fund, Inc.	Katherine R. Kruse and Michael E. Smith
Margaret Moore Jackson and Jon Jackson	Blanche Kushner
Joni Jacobs	Janet LaBella
Richard Jacobs and Pat Lasher	Linda F. and Julian L. Lapides
Sanford and Ann Jacobson	Karen Lash
William M. Barry and Joan H. Jacobson	Fran Ludman and Sheldon H. Laskin
Janice Newman and Murray Newman Jr.	Law Office of Clara S. Licata
Job Opportunities Task Force	Law Office of David Perry Davis, PC
John and Susan Anderson	Law Office of Wayne Clark LLC
The John J. Leidy Foundation, Inc.	Chinh Le and Vanita Gupta
The Honorable Earl Johnson, Jr.	Lebau & Neuworth, LLC
Amy and David Johnson	Patricia and Darryl Lee
Katherine J. Jones	Legal Aid Society of the District of Columbia
Kenneth A. and Linda H. Jones	William Leibovici and Dana Reed
Susan R. Jones	Beatrice L. Levi
Joseph Greenwald & Laake, PA	Suzanne Levin-Lapides
Joseph R. and Lynn H. Halperin	Harry R. Lewis
Wilhelm and Jean Joseph	Raven and Russell Lidman
Katina Rojas Joy	Linda Wengel and Marni Beyer
Ann Juergens	William C. Lindsey
Kahn, Smith & Collins, P.A.	Rhonda Lipkin and Michele Nethercott
David A. Kandel and Betsy L. Krieger	Alexandria Lippincott
The Honorable Ronald A. and Donna Karasic	Nancy C. Loeb
Amy Karozos	The Lois and Irving Blum Foundation, Inc.
Richard and Judith Katz	Lord Baltimore Hotel
Sarah R. Katz	Sally Lowe and Francis Welsh
Susan B. Katzenberg	Evi Lowman
Risa Kaufman	Charisse Lue
Peter Keith	Korey C. Lundin
Catherine Hope Keller	Deloris Mabins
Marilyn Kelly	Nora Mahlberg
Michael J. and Narindar U. Kelly	Alan J. and Pamela Lynn Malester
Ingrid Kershner	Thomas Maligno
Lucia and Boris Kerzner	Randi Mandelbaum
Philip Kilby	Karina Mandell
Jiyoan Kim	Vivian Manekin
Bonnie A. Kirkland	Donald M. Mangels
Mary Jo Kirschman	Jennifer Mann
Eve Biskind Kloth and Ken Kloth	Robyn Mar
Nancy Kochuk and Carl Luty	Luke and Nancy Marbury
George and Shelley Korch	Virginia Knowlton Marcus
	Donald Marritz
	Gerard P. Martin

YOU DEMAND: WORKPLACE JUSTICE

CELEBRATE
30 YEARS
MAY 11



Guests at the PJC 30TH ANNIVERSARY CELEBRATION
Photo by WIDE ANGLE YOUTH MEDIA

Food For Thought:

In Maryland, an estimated 580,161 workers experience wage theft each year, amounting to more than \$870 million in unpaid wages.

In Baltimore, an estimated 93,819 workers experience wage theft each year, losing nearly \$141 million in annual gross wages.

If workers were not denied their due wages, the state economy would see a growth in economic activity:

- ◆ **Additional payroll tax: \$133 million**
- ◆ **Additional sales tax: \$17.2 million**
- ◆ **New economic activity: \$374 million**
- ◆ **New jobs created: 3,251**

Credit: Center for Popular Democracy.

LITIGATION

The Workplace Justice Project represents groups of low-wage workers to enforce state and federal wage laws to stop rampant wage theft, i.e. not paying workers their lawfully earned wages through various means, including misclassification of employees as independent contractors. Several significant victories this year:



Kelly v. Pinnacle

Victoria Kelly is a low-wage home care worker who was not paid overtime despite working upwards of eighty (and sometimes more than a hundred) hours a week. Her employer claimed that it should be able to simply reimburse her and not pay any additional damages or attorney’s fees because it was unaware of Maryland’s wage laws and did not know they required overtime pay. The court disagreed, finding that ignorance of the law does not create a “bona fide

dispute” that excused the employer’s failure to pay. In a strongly worded opinion, the Circuit Court for Wicomico County found that “Defendants chose deliberate ignorance over due diligence.” The Court also found, over employer’s strenuous objections, that the Public Justice Center and Maryland Legal Aid as Ms. Kelly’s attorneys are entitled to an award of attorney’s fees.

Above: Ms. Kelly with Nohora Rivera, Maryland Legal Aid.

Peter Marudas	Cynthia Nethercut and Joe Altonji
Maryland Bar Foundation	Gordon and Vernie Nethercut
Maryland Legal Services Corporation	John Nethercut
Maryland Volunteer Lawyers Service	Bill Nethercut
Lisa D. and William D. Mathias	Cindy and Andy Newman
Nay A. Maung	Jonel Newman
Nancy Maurer	Judith H. Newman
James R. Maxeiner	Nancy Newman
Shavonna Maxwell	Gene Nichol
Jerome and Frances May	The Honorable William M. and Virginia Nickerson
Patricia McAllister	Laurie J. Norris
Kathie D. McCleskey	Northeast Regional Council of Carpenters
James and Diane McComb	Nathaniel Norton
Eliza McDermott	Andrew and Sharon Nussbaum
Ellen McGinnis	Ober I Kaler
Eleanor McMillan	Stacey O'Connor-Whitmore
Mary Helen McNeal	Frank J. O'Donnell, S.M.
Melissa McWhinney	Terence O'Hara and Molly Rath
Joan S. Meier	Darah Okeke
Beth Mellen Harrison and Todd Harrison	Warren S. Oliveri, Jr. and McGennis Williams
Richard A. Mendel	Beth Orlansky
Aaron Merki	Catherine Orleman
Messana, P.A.	JoAnn Orlinsky
Marilyn Meyerhoff	Barbara Orman
Robert E. Meyerhoff and Rheda Becker	Charles and Michele Oseroff
Jonathan and Rachel Micah-Jones	Daniel Paige
Brenda and Michael Midkiff	The Honorable Nancy and David Paige
Miles & Stockbridge Foundation, Inc.	Marcia E. Palof
Michael A. Millemann	Jason Parkin
Decatur H. Miller	Mimi L. Parvis
Scott M. Miller	Clare Pastore
Amy Millin	Donald Patterson and Celeste Stivers
Elliott Milstein	Bradford Peabody
Mitchell Y. Mirviss	Lisa D. Pedersen and Mark B. Martin
Tom and Cindi Monahan	Jennifer Pelton
John F. Morkan, III	Beth Pepper
Diana L. Morris and Peter Shiras	Anne S. Perkins
Elizabeth K. Moser	Deborah Perluss and Mark Diamond
Frederick Mulhauser	Diana Philip
Albi Mullai	Michael D. Pinard and Carla Cartwright
George A. Murnaghan	John Pollock
Jane C. Murphy	Frederick Preis
Amy Myers	Eleanor C. and Edmund R. Preston
Nathans & Biddle LLP	Pro Bono Resource Center of Maryland
Joanne Nathans	Mary Prosser
National Community Land Trust Network	Public Welfare Foundation
Christine Nell	David Raderman and Rose Smiley
Nelson Mullins Riley & Scarborough LLP	Rachelle H. Raphael

YOU DEMAND:
WORKPLACE
JUSTICE

OUTSOURCING
ESSENTIAL
LABOR:

Salinas v.
Commercial Interiors

The Public Justice Center has appealed to the U.S. Court of Appeals for the Fourth Circuit in a case involving the legal standard for determining joint employment under the Fair Labor Standards Act. This case is important given the changes in the U.S. economy, where businesses frequently rely on subcontractors or otherwise outsource the labor they rely on as essential to their operations. The PJC has been targeting such employers' efforts to avoid responsibility for years, particularly in the construction industry, and we hope this case will set the correct standard in the 4th Circuit. The U.S. Secretary of Labor has filed an amicus brief in this case. A big shout out to our co-counsel at James & Hoffman: Darin Dalmat and Kathy Krieger.

If you ever fly out of the Baltimore Washington International Thurgood Marshall Airport, you may grab a bite at one of the restaurants where Jasmine Jones recently worked. She started working at DuClaw Brewing Company a few years ago and, soon after, began picking up extra hours at Zona Mexicana and Villa Fresh Italian Kitchen, all restaurants owned by Aero Service Group/Aero Service Partner restaurant group. When payday rolled around, Ms. Jones was surprised to receive two paychecks, with tax coming out of both. She mentioned the odd method of payment to her co-workers, who confirmed that this was "normal" for this employer. Some of them didn't want to speak up, fearing that their hours would be cut or that they would lose their jobs. Not convinced that Aero's behavior was right, she confronted her employer, who brushed her aside. Later Ms. Jones learned that Aero was moving employees between multiple restaurants and tallying hours worked at each site separately to hide that they were actually working overtime.

Meanwhile, other Aero employees were noticing more problems. Former bartenders Amanda Fowler and Joseph Cianos described how things worked at DuClaw Brewing Company and Zona Mexicana: two bartenders would be scheduled at a time, but were told that only one of them should clock in. That bartender would get all of the credit on paper for tips made at the bar that day. While in practice

the tips would be split between them, on paper, the second bartender didn't exist. Making things worse, they would have to cover the bill if customers failed to pay.

To top it off, employees were required to work at off-the-clock cleaning "parties." As former Zona Mexicana server Leah Geslois described it, they would come in to deep clean the restaurants for two hours and receive pizza instead of wages.

Eventually with help from a union, people started talking. The employer apologized and sent each employee a check, saying that it wouldn't happen again. But the size of checks was not enough to cover the wages that had been withheld. As Mr. Cianos said, it felt like hush money.

But the apology checks didn't keep people quiet. "If you're doing what you're supposed to do, working hard, being available, why can't you be paid right?" Jasmine Jones asked. She and two of her co-workers sued Aero for their wages, represented by the Public Justice Center's Workplace Justice Project and private co-counsel Howard Hoffman and Bradford Warbasse. By reaching out to current and former employees, they were able to gather 20 people to the case. The lawsuit claimed that Aero violated the Fair Labor Standards Act by (1) denying earned overtime to tipped and non-tipped employees (servers/bartenders, and back-of-the-house staff, respectively) by requiring employees to



Restaurant workers at BWI airport
score big victory against employer
who withheld wages



The workers on the settlement committee also insisted that the settlement not be confidential—they wanted the resolution of this suit to be public, so that other workers would know their rights and other employers would understand that they face consequences if they attempt to turn a profit by underpaying their employees.



work at multiple restaurants but tallying hours worked at each site separately; (2) requiring employees to work unpaid cleaning parties; (3) requiring tipped employees to pay for uniforms and customer walkouts; and (4) failing to provide tipped employees with advance notice of their rights.

The workers scored a big victory, settling the case for \$131,545.96 in unpaid wages and liquidated damages, as well as attorney's fees. The total recovery, equal to 100% of lost wages plus an additional 50-60% of that amount in damages and attorney's fees, both compensates Ms. Jones and her colleagues for the improper denial of payment and serves as a significant penalty for their employer's violations. The workers on the settlement committee also insisted that the settlement not be confidential—they wanted the resolution of this suit to be public, so that other workers would know their rights and other employers would understand that they face consequences if they attempt to turn a profit by underpaying their employees. Ms. Jones felt validated and glad that her employer had to give back what they took from her. "If you don't speak up," she emphasized, "you won't get what you need."

The workers' courage to speak up has also led to significant changes at Aero; they eliminated their practice of issuing separate checks for time worked at different restaurants in the same week and changed their uniform policy. The employer who once brushed Jasmine Jones aside finally had to change because as she says, "He knows we have a voice."

At our 30th Anniversary Celebration in May, the Public Justice Center honored the plaintiffs with the John P. Sarbanes Courage Award.

Darius and Monica Rastegar	Lainie W. Rutkow and Adam Spira
Rebecca Sharpless and Andrew Stanton	Christopher R. Ryon
Diane L. Redleaf	Jamie Sabino
Paul Redleaf	Stephen H. and Sheila K. Sachs
Charles A. Rees	Saiontz & Kirk, P.A.
Charles Reighart and Elizabeth Fitts Reighart	Joy R. and Steve M. Sakamoto-Wengel
Salem Reiner and Dana L. Johnson	Michelle Salomon Madaio
Paul Reingold	Jim Salvucci and Marie Sennett
Lisa Pierce Reisz	Michael Sanow
Relman, Dane & Colfax PLLC	The Honorable John P. and Dina E. Sarbanes
Richard R. Renner and Laura Yeomans	Senator Paul S. Sarbanes
Russell R. Reno III	Erica Sarodia
Lise Reno and William Starr	Don Saunders
Mary Hall Reno and Yannick Meurice	Mary Savage
Russell R. Reno, Jr.	Benjamin and Peggy Schapiro
William S. Reno	Andrew Scherer
Philip and Brenda Rever	Helen Schmidt
Ria P. Rochvarg, P.A.	Randall Schmidt
Judy Richardson	Kenneth L. Schorr
LCR Jazzy Events	Schulte Roth & Zabel LLP
Arnold and Alison Richman	Victoria Schultz and Osman Bengur
Eileen C. and Douglas B. Riley	Beth G. Schwartz
Billie Rinaldi	Erica Schwarz
Dean Rivkin	Paul Seaton and John Seeley
Ruth Anne Robbins	Dveera Segal and Bradley Bridge
Jenny Roberts	Joshua Segall
Betty Robinson	Wendy M. Seiden
Harriet M. Robinson and Donald Jennings	Jeffrey Selbin
Jane Baum Rodbell and Stanley Rodbell	The Law Offices of Richard R. Seligman
Allan G. Rodgers	Joseph Sellers and Laurie Davis
David Rodwin	M. Sigmund and Barbara K. Shapiro Philanthropic Fund
Lisa Rodwin	Ronald and Kathryn Shapiro
Marilyn Rodwin	Joshua M. Sharfstein
Susan and John Rohrer	Shawe & Rosenthal LLP
Florence Wagman Roisman	Shemer Bar Review LLC
Oren Root	Wendy Shiff
Bob Rose and Michele Rose	Wendy Rambo Shuford
Rosenberg I Martin I Greenberg, LLP	William and Margaret Shull
Delegate Samuel I. Rosenberg	Sally Silk
Barbara Rosenberger	Richard Silverman
Daniel Ross	Skadden Fellowship Foundation
Josephine Ross	Madison Sloan
Robert L. Rothman	Brenda V. Smith and John D. Bess
Toby Rothschild	Gary F. Smith and Elena C. Bennett
Rouge Fine Catering	Jonathan M. Smith and Wendy Turman
James V. Rowan	Linda F. Smith
Tricia Rubacky and Bill Merritt	Michael A. Smith
Evelyn K. Rubel	Steven Smitson
Louis S. and Carolyn C. Rulli	
Susan Russell	

YOU DEMAND:
WORKPLACE
JUSTICE

Home Care
Workers Initiative

In September 2015, the Public Justice Center welcomed attorney Dave Rodwin and launched the Home Care Worker Initiative to enforce a new federal regulation and ensure that home care workers are afforded basic wage protections, including overtime and paid travel time between jobs. The PJC began an outreach and workers’ rights training program online and distributed nearly 2,000 educational brochures in English and Spanish at trainings at workforce development organizations, legal services organizations, workers’ rights centers, and advocacy groups. We aim to enforce home care workers’ rights through litigation and to create an enforcement network of advocates and workers.

Workers’ Rights in the Maryland General Assembly

The Public Justice Center and our allies were again busy advocating for the rights of workers in the legislature. We introduced the Paystub Transparency Act, which aimed to combat wage theft by requiring employers to ensure that paystubs include basic information about employees’ wages and hours. Although the bill garnered support from the Maryland Attorney General, the AFL-CIO, the Job Opportunities Task Force, CASA de Maryland, and the Mid-Atlantic Laborers Union, it ultimately failed to advance out of the House Economic Matters Committee.

We supported the successful Equal Pay for Equal Work bill, which prohibits an employer from discriminating between employees in any occupation by providing less favorable opportunities based on sex or gender identity. The bill also prohibits an employer from forbidding an employee from inquiring about, discussing, or disclosing the wages of specified employees.



LEGISLATIVE HIGHLIGHT:
Healthy Working Families Act

The Public Justice Center is a founding member of the Working Matters Coalition. For the past four years, we have advocated for the right to earn paid sick leave. More than 700,000 Marylanders do not have the opportunity to earn such leave. The Healthy Working Families Act would have allowed employees to earn up to 56 hours (seven days for full time workers) of paid sick time per year to care for themselves or a family member when they are ill, or to seek out services related to domestic violence, sexual assault, or stalking. For the first time in four years, the bill made it out of the House of Delegates with a rock-solid majority, albeit with amendments to exempt businesses with fifteen or fewer employees, agricultural workers, and those less than eighteen years of age, among other things. Our thanks go to Delegate Luke Clippinger and Chairman Dereck Davis for their leadership on this issue.

On the last day of the session, the legislation was introduced in the Senate where it ultimately died for the year. Momentum is building and the Working Matters Coalition is a force to be reckoned with: We mobilized supporters to send more than 30,000 emails to delegates and senators asking them to support the legislation. We helped generate widespread media coverage, telling our stories and highlighting how lack of access to earned sick days impacts working families across our state.



The Working Matters Coalition rallied in front of the State House and greeted lawmakers every day for the last two weeks of the 2016 session.



PJC In The Community

Jesuit Volunteer Patrick McDonell and **paralegal Hannah Walsh** represented the Public Justice Center at Highlandtown Elementary/Middle School’s back to school night and resource fair for parents.

Hannah Walsh, a paralegal with our Workplace Justice Project, participated as a panelist in *Nosotras Tenemos Derechos!* (We [women] have rights!) sponsored by House of Ruth-Adelante Familia. After an all-woman panel presented “know-your rights” information on various topics to a group of women, participants had an hour to ask their questions about immigration, domestic violence, human trafficking, housing, and workers’ issues to the panel. Also represented at the event were Baltimore Neighborhoods, Inc., Tahirih Justice Center, Kids in Need of Defense, Women’s Law Center, Maryland Legal Aid, House of Ruth, Baltimore City Police, CASA de Maryland, and Esperanza Center.

Attorney Camilla Roberson and **paralegal Hannah Walsh** participated in Banco de Llamadas Semana de Derechos Laborales, a televised Labor Rights Week Telethon at Telemundo DC’s studio. The event was organized by the Mexican Embassy in coordination with Telemundo. The Telethon was broadcast live from 6 pm-8 pm in the Virginia, Maryland and Washington, DC, area. Our staff, along with representatives from other organizations, fielded calls from workers all over the region about unpaid wages, worker’s comp, scheduling issues, and unfair firing. Referrals were made to federal labor

agencies (Department of Labor, Equal Employment Opportunity Commission, Occupational Safety and Health Administration, and National Labor Relations Board) and to the nonprofit legal services represented in the room.

Executive Director John Nethercut was a panelist at “Moving From Protests to Policy,” hosted by Baltimore Racial Justice Action, Associated Black Charities and the University of Baltimore’s College of Public Affairs. The participatory conversation wrapped up the Maryland 2016 legislative assembly. This followed a related fall 2015 event at which **Legal Director Debra Gardner** and staff attorney **Camilla Roberson** had previewed the PJC’s 2016 legislative agenda for the community members present.

Brown, Goldstein & Levy, LLP again hosted the popular Justice For Breakfast series. In October 2015, we previewed *Justice Diverted*, our study that examined the struggle for fairness in Baltimore’s Rent Court. In November, our conversation turned to eliminating language barriers to health care, public benefits and the courts. April 2016’s breakfast focused on the rights of Maryland’s 30,000+ home care workers, who work in an industry where wage theft is endemic.

- | | |
|--|---|
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Guests at the PJC 30TH ANNIVERSARY CELEBRATION
Photo by WIDE ANGLE YOUTH MEDIA

ACCOLADES

In October 2015, **Debra Gardner**, the Public Justice Center's Legal Director, was honored with Professional Excellence in the category of Advancement of Unpopular Causes at the Maryland Bar Foundation's 23rd Annual Professional Legal Excellence Awards Reception.

In May 2016, the Public Justice Center received the **Per Diem Award** of the Clinical Legal Education Association at the American Association of Law Schools Clinical Conference. The focus of the conference was on "Rebellious Lawyering" and discussed how lawyers and law school clinics can support community-led movements.

"PJC has a stellar reputation for strong and passionate advocacy and many local clinicians have been connected with PJC in some way—as staff attorneys, collaborators, and board members. Your presence and your acceptance of the award seem wholly appropriate in a year in which the clinical community visits Baltimore." Margaret E. Johnson, AALS Clinical Conference Planning Committee

Traditionally the local law clinicians agree on a local partner to honor with their Per Diem Award. The Per Diem Award encourages the conference participants to contribute to the awardee. At the award lunch, a hat was passed, and the collected donations amounted to \$5,643. Wow.

In his acceptance speech, **Executive Director John Nethercut** spoke about the PJC's mission of systemic advocacy, and how the PJC is evolving to better use race equity analysis and community lawyering to support community-led organizing.

In the afternoon, John led a discussion of the development of models of how lawyers and organizers may work together, beginning in the 1970s and 1980s before federal legal services providers were restricted from organizing, up through the current vision of community lawyering.

The Public Justice Center's **Ralikh Hayes** also participated on a panel as a member of Baltimore Bloc and Baltimore Algebra Project that discussed "#BlackLivesMatter and Clinical Legal Education."



SPECIAL THANKS

Wayne Clark is an attorney with expertise in bankruptcy. He jumped in to help our Workplace Justice team on a case that started out as a basic wage lien, then morphed into a small claims action and then got mired in bankruptcy proceedings. Mr. Clark provided tremendous support to our lawyers through the entire process.

Liza Zamd is a trial attorney with the U.S. Department of Justice, Civil Rights Division. We were delighted to welcome her to the Public Justice Center, where she presented a training for our staff and other legal services attorneys on the federal immigration law that protects workers from employment discrimination based on citizenship status and national origin.

Rebecca Teaff of Redstart Creative came to the Public Justice Center to help interested project staff learn how to create infographics in order to better deliver messages to the larger community, legislators and others.

Four law students from Boston University School of Law spent their spring break in Baltimore's Rent Court. With their assistance during the rent dockets, we engaged 67 tenants, leading to full representation in six cases. There were some nice outcomes, whether through coached self-representation or representation by an attorney, including: two successful defensive rent escrow claims and a third which led to the landlord's settling the case with waiver of five months' rent; four successful motions to dismiss for lack of lead certificate or city licensing, leading to three dismissals and one judgment in favor of the tenant; and finally, two continued cases for further testimony and/or trial the following week.

AWARDS

Dignity Award

Presented to Christine Webber

Debra Gardner, the Public Justice Center's Legal Director and first recipient of the Dignity Award on the occasion of her 15th anniversary with us, says about Christine Webber, this year's recipient: "I've worked with Christine since about my second week on this job, and we've been through some really rough legal seas together. She sets the platinum standard for co-counseling litigation, whether a nationwide class action or a small, local case for a handful of low-wage workers (where she gives an associate a leading role, a rich and rare opportunity for a newer lawyer). We also rely on her experience for quick advice whenever we run into something we haven't seen before. 'Why don't you ask Christine what she thinks' is a common suggestion, and everyone knows who I mean. She's incredibly accessible to us, compassionate with our clients, and at the same time, one of the smartest, best organized, and toughest litigators I've encountered. Add to that, she's served on our Board, now serves on our Leadership Council, helps lead our Litigation Partnership, and is a steadfast financial supporter. She's truly our Renaissance Lawyer!"

Outstanding Partner Award

Cohen Milstein Sellers & Toll, PLLC has been an outstanding partner on several cases with our Workplace Justice Project. They are incredibly smart, talented and committed to advancing the law for our clients, and their generosity is without peer. Despite having active and time-consuming case loads of their own, CMST's attorneys routinely lend their precious time to advocate on behalf of the low-wage workers we represent. And, they don't give up! When one of our defendants defaulted in a case we were co-counseling, CMST tracked down his property in New York and filed post-

judgment enforcement proceedings on our clients' behalf in that state. Their efforts to continue to pursue justice for our clients was inspiring, and is just one example among many of why we are proud to award CMST the 2016 Outstanding Partner Award.

LITIGATION PARTNERSHIP

The Public Justice Center values the time and resources that the members of the private bar contribute to expanding our capacity for litigation and other advocacy. As members of our Litigation Partnership, individual attorneys and law firms provide assistance on specific PJC projects, whether by serving as co-counsel or by offering consultation or networking. There are more than 30 firms represented in the Litigation Partnership. The following were actively engaged as co-counsel or advisors this year:

Brown, Goldstein & Levy, LLP
Cohen Milstein Sellers & Toll, PLLC
Goldman & Minton, PC
Gordon Feinblatt LLC
Gordon, Wolf & Carney, Chtd.
Howard B. Hoffman, Attorney at Law
James & Hoffman, PC
Law Offices of Elizabeth Alexander
Ria P. Rochvarg, PA
Rosenberg Martin Greenberg, LLP
Stephen H. Sachs
Smitson Law LLC
Venable LLP
Bradford Warbasse, Attorney at Law

In total, legal professionals donated pro bono hours valued in excess of \$1.8 million to build a just society. Thank you!

What an inspirational night ...life changing!

— Dudley Mason

The whole thing was soooo good. You couldn't leave the event without feeling that PJC is a remarkable organization energized by remarkable people. ... (T)his event ... bathed the PJC in a beautiful glowing light. The night was an unqualified success. Carry on with the vital work you do.

— Carl Luty

WOW THANK YOU CELEBRATING 30 YEARS

On May 11, 2016, the Public Justice Center celebrated 30 years of excellence in legal advocacy with a spectacular evening at the Joseph Meyerhoff Symphony Hall. The event was a thrilling success! Nearly 700 people enjoyed featured keynote speaker Bryan Stevenson, founder of the Equal Justice Initiative, the author of *Just Mercy* and the recipient of a MacArthur Genius Award. Desmond Tutu has called Mr. Stevenson "America's young Nelson Mandela." He has also been hailed as one of America's most important voices. We couldn't agree more.

In tribute to the intersection between the arts and social justice, our guests created a mural with street artist Nether, which was installed later at the PJC offices, and participated in a Wide Angle Youth Media photo shoot. New Lens created a film honoring recipients of the 2016 John P. Sarbanes Courage Award. Students from Baltimore School for the Arts and 901 Arts provided music.

#JUSTisTRENDING

Gala photo credits unless noted are: Steve Walsh, Aidan Walsh and Warren Cook.



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Above: I attended the event with nine of my students from CCBC. It was a great thrill and honor for all of them to hear and meet Bryan Stevenson, especially after they had read *Just Mercy* this semester. Congratulations to you all for your amazing work and this great and momentous occasion.

—Michael L. Sanow, Ph.D., Professor, Sociology,
The Community College of Baltimore County



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Tamara and Barry Zavislan, Jr.

STAFF NEWS



Welcome, Dave!
Dave Rodwin joined the PJC in September 2015 as a Workplace Justice Fellow in the new Abell Foundation-funded Home Care Worker Initiative. Dave’s passion for economic justice began while working at a Dalit rights organization in India, teaching English at a vocational training center. He returned to the U.S. seeking to target domestic human rights violations by focusing on this country’s economic inequality. After spending much of law school working with the homeless, he represented a group of hotel cooks and housekeepers who had been illegally denied rest and meal breaks. These individuals showed him that low-wage service-sector workers are on the front lines of the battle against economic inequality. The Public Justice Center’s new Home Care Worker Initiative—which centers the experiences of workers who have long been subjected to racial and gender discrimination—combines Dave’s passions for education, outreach, and litigation, all with an eye toward changing a system that exploits workers, harms those who need and receive care, and allows toxic inequality to flourish.

Farewell, Andrea!
This year, we said farewell to staff attorney Andrea J. Vaughn who took a new position with the National Labor Relations Board. In her time with the Public Justice Center, Andrea was an ardent advocate for the rights of low-wage workers and immigrants.

Welcome, Sulma!
We welcomed Sulma Guzmán to the Workplace Justice Project. Sulma grew up in California in a farmworker family, which makes her quite familiar with issues facing low-wage workers. She earned a B.A. in political science at California State University. Before going to law school, she worked in the California Labor and Workforce Development Agency and for the Hispanic Association of Colleges and Universities. She received her law degree from University of California, Hastings College of the Law. Sulma then joined Legal Services of Northern California, where she primarily represented low-income tenants. Sulma came east to Maryland last year, and worked for CASA de Maryland on housing and consumer issues. Sulma, along with PJC attorney Camilla Roberson, co-founded Maryland Lawyers Alliance for Race Equity and Human Rights.

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Executive Director

Debra Gardner
Legal Director

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Sulma Guzmán
Matthew Hill
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Patrick McDonell (*Jesuit Volunteer 2015-16*)
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FY2016 INCOME AND EXPENSES

The following information was prepared from end of year (June 30, 2016) financial statements prior to the completion of the annual independent audit.

Your generosity made this a year to celebrate! We are grateful for the incredible outpouring of support in honor of our 30th anniversary, for the donations of attorney’s fees from co-counsel, and for *cy pres* awards. In addition to donated fees, we earned attorney’s fees in successful litigation efforts. Foundation grants held steady again this year and we were able to maintain steady control of expenses. Given that we started the fiscal year with a projected deficit of \$206,510, we were quite pleased to end the year on firm financial footing. We erased that projected deficit and ended the year with \$147,839 positive net income.

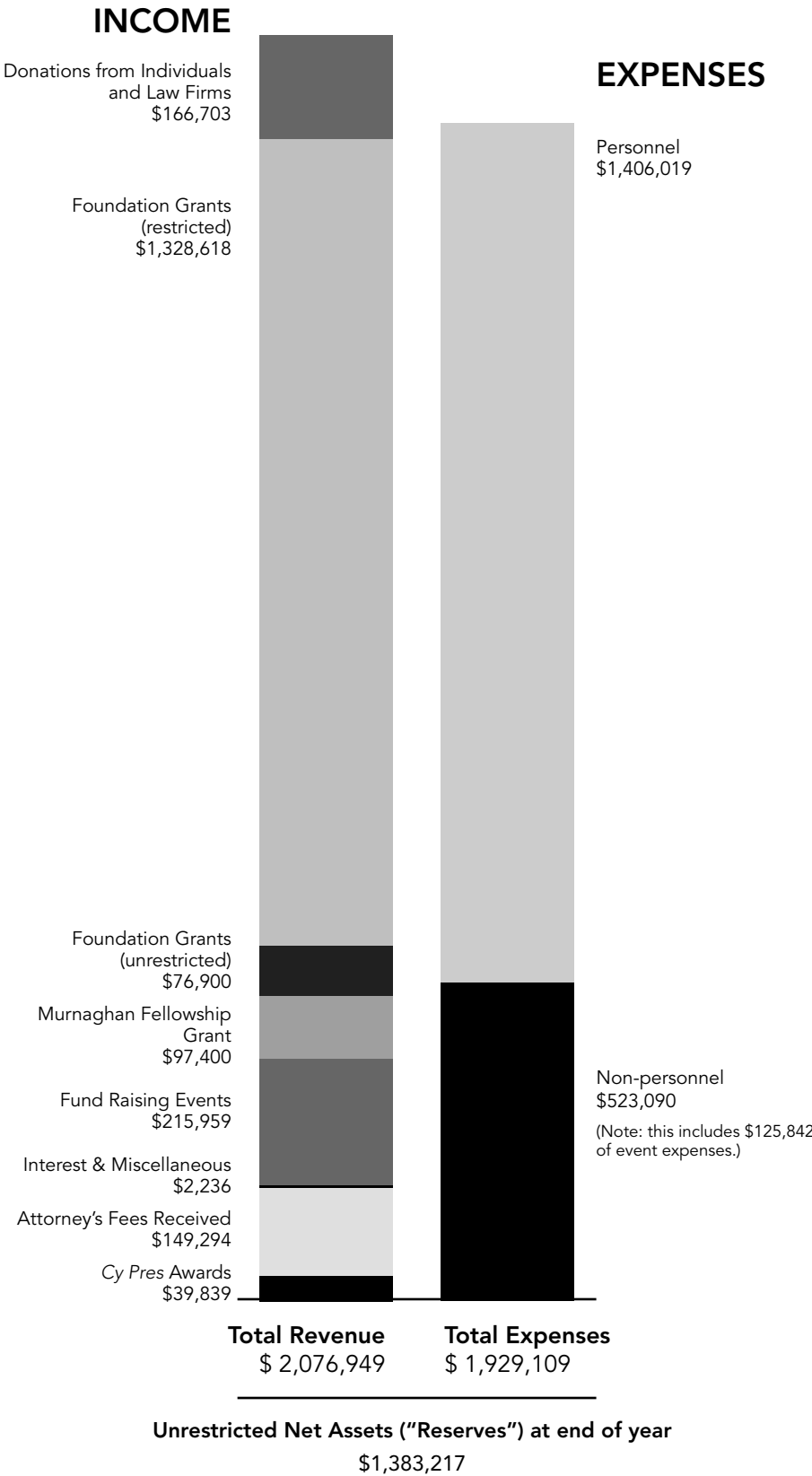
The PJC remains in a strong financial position financially, with more than \$1.3 million in unrestricted net assets. This affords us the flexibility required to advance our mission.

Strong advocacy is possible only with a strong base of support, and we are thankful for the people and the organizations who make our work possible. Thank you!

The Public Justice Center, Inc. is a 501 c 3 nonprofit organization incorporated in the State of Maryland. All contributions are tax deductible to the fullest extent of the law. Copies of current financial statements are available upon request by contacting the Public Justice Center at One North Charles Street, Suite 200, Baltimore, MD 21201 or by telephone: (410)625-9409. Documents and information submitted to the State of Maryland under the Maryland Charitable Solicitations Act are available from the Office of the Secretary of State, Annapolis, MD 21401 for the cost of copying and postage.



The Standards evaluate principles of honesty, integrity, fairness, respect, trust, responsibility, and accountability in nonprofit program operations, governance, human resources, financial management and fundraising.





2016 REPORT

"A lack of representation
can lead directly to
triggering the cycle of poverty
and reinforcing it."

— Ward Coe, President, Access to Justice Commission

"Renewed, independent Access to Justice Commission to advocate for legal aid"
Daily Record, February 1, 2016

In February, we celebrated the launch of the new, independent Access to Justice Commission. The Public Justice Center's Executive Director John Nethercut is a founding member. He had previously served as an appointed member of the now-disbanded Maryland Judiciary's Access to Justice Commission. The new commission will aim to expand access to the courts for those who cannot afford legal representation in civil cases, increase Marylanders' awareness of their legal rights, and generate support within the legal and business communities for organizations that provide pro bono or low-cost legal services.