2020 YEAR IN REVIEW

Laws alone are not enough
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LCR LAWYERS FOR CIVIL RIGHTS BOSTON
Those closest to the pain should be closest to the power.

Congresswoman Ayanna Pressley
LCR’s 2020 Virtual Reception
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**Mission & History**

**Lawyers for Civil Rights** is a leading hub for litigation, advocacy, and resistance to discrimination. We foster equal opportunity and fight discrimination on behalf of people of color and immigrants. We engage in creative and courageous legal action, education, and advocacy in collaboration with law firms and community partners.

Our organization was founded in 1968 in the midst of riots, the aftermath of the assassination of Dr. Martin Luther King, Jr., and the findings of the Kerner Commission report concluding that the nation was “moving toward two societies. One black, one white – separate and unequal.”

With funding and *pro bono* legal services contributed by Boston law firms, the organization became the first of eight independently funded and governed local affiliates of the Washington, D.C.-based Lawyers’ Committee for Civil Rights Under Law, a national organization formed at the request of President John F. Kennedy to enlist the private bar in providing free legal representation to address racial discrimination.

In 1973, we became the first *pro bono* project of the Boston Bar Association (BBA) and the only Lawyers’ Committee in the country directly connected with a major bar association. Although the organization is now separately incorporated with its own 501(c)(3) tax-exempt status, we continue to maintain strong ties to the BBA and the private bar in Boston.

Membership by private law firms still forms the working foundation of our organization. Member law firms fund a significant part of our annual operating expenses and provide millions of dollars in *pro bono* legal services by working closely with the organization. In this way, for decades, we have harnessed the resources and talent of Boston’s leading law firms to secure and protect the civil rights of Massachusetts residents.

Over the years, our organization has also grown, adding new projects and initiatives to respond to the changing face of discrimination. While working closely with an ever-increasing number of diverse community partners, we remain true to our core mission to challenge and eradicate all forms of discrimination.

The struggle continues, but the future is bright. Lawyers for Civil Rights will continue advancing justice and equality for decades to come.
Message from the Executive Director

Right now, we are experiencing overlapping and concurrent health, economic, and racial justice pandemics. As legal first responders, at a time of so much need and uncertainty — when many doors are closing — we are opening ours wider. We hired two new attorneys dedicated to deepening and expanding our life-changing work addressing health disparities and police misconduct.

As detailed in this report, our legal response has been bold and effective. Our growing team has been busy providing free legal support to vulnerable families and marginalized communities — including people of color affected by police violence — all while standing up to the Trump Administration. We are unequivocally committed to fighting and dismantling all forms of discrimination and oppression.

In response to the current climate, we rapidly mobilized because we know what it’s like to experience the harm, trauma, and indignity of discrimination, violence, and illness. Half our staff experienced COVID-19 infections. Some of my colleagues were hospitalized and had family members on ventilators. We also experienced loss. With this brutal reality in mind, we are pushing with urgency for linguistically-appropriate, culturally-relevant, and technologically-applicable services and accessible programs that can help protect households and save lives.

Post-election, we will continue our law-changing work to ensure the legal and lived equality of all our families and communities. Now more than ever, we need to fight for the rights of those in need.

To our clients, our friends, our neighbors, our allies, and our partners:
You are not alone.
We see you. We hear you.
We will fight with and for you.
Here’s to moving forward without fail — and without fear.

Iván Espinoza-Madrigal, Esq.
Lawyers for Civil Rights (LCR)
2020: A Year Of Crisis And Response

In 2020, an unprecedented pandemic swept the globe, and the crisis hit our client communities the hardest. Black and Latinx communities suffered disproportionately from COVID-19 and from the economic ramifications of the pandemic. Meanwhile, we experienced a national reckoning on race, brought on by the killing of George Floyd and Breonna Taylor at the hands of police. To meet the moment, LCR sprang into action rapidly mobilizing our pro bono partners and working with our community allies to address client needs.

COVID-19 Rapid Response

As detailed in the pages of this report, LCR’s response to the COVID-19 pandemic was immediate and multi-pronged:

• We held multi-lingual informational sessions online, to provide real-time legal information to communities in crisis—on topics ranging from unemployment to education to eviction prevention.

• We successfully litigated the first federal COVID-19 class action lawsuit and secured the humanitarian release of immigrants held in civil detention in Bristol County in Massachusetts, in cramped and dangerous conditions that placed them at extreme risk of contracting COVID-19.

• We successfully sued in Massachusetts’ highest court to ensure that all Massachusetts voters – particularly communities of color hardest hit by the pandemic—could safely vote by mail this election season.

• We helped hundreds of clients through our Medical-Legal Partnership with Massachusetts General Hospital (MGH)—expanding the geographic reach of our partnership as others were closing their doors—to ensure that medically-vulnerable families could stay housed and fed in the current climate.

• We pressed Boston Public Schools and other area school districts to postpone high-stakes tests and to make sure that students had equal educational and technological opportunities and access to free- and reduced-price meals during the pandemic.

• We channeled hundreds of thousands of dollars worth of free legal help and re-opening grants to small minority-owned and women-owned businesses struggling to stay open amidst unprecedented business shut-downs.

• We successfully demanded that Massachusetts provide multi-lingual application materials for unemployment assistance—to ensure that no one was denied relief simply because they did not speak English well.

• We helped hundreds of clients to access unemployment benefits and emergency rental assistance that they desperately needed during periods of massive unemployment.
At the same time, the racial justice issues that we and our client communities have been working on for years exploded onto the national scene as video of the police killing of George Floyd rocketed around the globe. LCR’s work at the intersection of policing and racial justice became more relevant than ever:

- We continued our path-breaking lawsuit on behalf of Hope Coleman, whose son **Terrence Coleman**—a Black man living with a mental disability—was gunned down by Boston police after Hope called 911 for medical assistance for her ailing son.

- We brought national attention to the **intersection of race, gender, mental illness, and policing** through powerful community conversations, including with Congresswoman Ayanna Pressley.

- We **fought back against racial and identity-based profiling**, filing complaints on behalf of individuals unfairly profiled by local and state police.

- We represented **victims of hate crimes**—including a family savagely beaten in East Boston for speaking Spanish—to insist that police departments treat such crimes seriously, rather than sweeping them under the rug.

- We filed powerful briefs in state and federal courts, moving our judiciary to a more enlightened approach to racial profiling and **police diversity** cases.

Meanwhile, the many civil rights issues that pre-dated the pandemic continued as well—from voting rights to immigrant justice—and our legal warriors battled on those fronts as well.

2020 will long be remembered for intense upheaval—but perhaps also as a galvanizing moment when the justice that LCR, our clients, and our allies have long fought for took root and began to flourish.
As COVID-19 ravages communities, devastating the health and economic well-being of many of our most vulnerable neighbors, LCR saw a dramatic increase in the number of community members seeking our legal assistance. By the end of March 2020, our entire staff was working remotely — yet we re-doubled our efforts to help communities in crisis. Throughout 2020, we have provided legal representation, information, advice, and referrals to thousands of individuals and small businesses on topics ranging from housing and remote education to returning to work safely.

**Intake: Who We Serve**

**2020 Intake Demographics**

**2020 Intake Breakdown**
Protecting Democracy:
The Census and Right to Vote

In 2020, we saw the convergence of two events that are critical to our communities: the Census and the national election. This year, both played out against the backdrop of the COVID-19 pandemic, heightening the importance of LCR’s advocacy.

Fighting the Exclusion of Undocumented Immigrants from Census 2020

In July, together with our pro bono allies at Ogletree, Deakins, Nash, Smoak & Stewart, P.C., LCR filed a lawsuit challenging a presidential memorandum issued by the Trump Administration purporting to exclude undocumented immigrants from the congressional apportionment base. The case, Haitian-Americans United v. Trump, was filed on behalf of LCR’s longtime community partners and allies — Haitian-Americans United, the Chelsea Collaborative, Centro Presente, the Brazilian Worker Center, the Massachusetts Voter Table, the Massachusetts Census Equity Fund, Worcester Senior Connection, and Union Capital Boston, our efforts included:

• Operating a multi-lingual census hotline to provide legally accurate information about Census 2020;

• Advocating directly with the U.S. Census Bureau to extend the timeframe for data collection due to challenges presented by the pandemic;

• Providing multi-lingual “know-your-rights” presentations and workshops to community-based organizations regarding the importance of Census 2020, including participating in events like the Haitian-American Census Day of Action in August; and

• Creating multiple, multi-lingual resources about Census 2020, including Facebook videos with step-by-step directions on how to complete the census online.
Preserving The Right to Vote-by-Mail for Communities of Color

In July, LCR, along with pro bono partner Ropes & Gray, filed a landmark petition on behalf of seven Black, Latinx, and Asian-American voters, as well as organizational plaintiffs, CommonCause and MassVOTE, seeking an order from the Massachusetts Supreme Judicial Court (SJC) requiring the Secretary of the Commonwealth to send applications for mail-in ballots to all registered voters on July 15 as specified in the state’s new emergency elections law passed earlier that month. The day after the election legislation passed, the Secretary announced that he would not comply with the portion of the law that required him to send ballot applications to voters. Without receiving a mail-in ballot application, our clients—most of whom have serious underlying medical conditions and limited access to computers or printers at home—would have experienced difficulty requesting ballots and exercising their right to vote without risking COVID-19 infection, illness, and death.

Our case, Bertin v. Galvin, prompted swift action. Facing an emergency hearing, the Secretary reversed course and began sending out mail-in ballot applications to voters.

“For people like me, voting is an intricate part of who I am”

— Mary Bertin

One of the individual plaintiffs in our landmark case on mail-in ballots, Bertin v. Galvin.

Photo Credit: John Tlumacki / Boston Globe
Following the success of our litigation in the SJC, it came to light that the Secretary had failed to send Khmer-translated applications to voters in Lowell, MA, as required under the new elections law. LCR, together with the Cambodian Mutual Assistance Association, led a successful effort to force the Secretary to send Khmer-translated vote-by-mail applications. Facing legal and community pressure, the Secretary relented and sent out a second mailing to Lowell voters — this time, fully translated for the Khmer-speaking community.

Additionally, LCR undertook advocacy to address concerns that on the September 1st state primary, the City of Boston had only one mail-in ballot drop box location — City Hall — which is relatively distant from the neighborhoods that have the greatest number of residents of color. This advocacy resulted in Boston agreeing to install 17 additional drop boxes across the City.
Protecting the Vote: Massachusetts Election Protection

LCR, along with our allies WilmerHale, CommonCause and MassVote, once again spearheaded Massachusetts Election Protection, the nation’s largest non-partisan voter protection program. Election Protection ensures that all eligible voters have the information and support they need to cast a meaningful ballot and to have their vote counted. This year, LCR coordinated and trained over 2000 volunteers for Election Protection to monitor poll sites in communities of color and to provide technical support to voters in real-time through our free Election Protection Hotline: 866-OUR-VOTE.

Drawing District Lines To Protect and Empower Communities Of Color In Lowell

Following our landmark victory in a federal voting rights case against Lowell, MA — which resulted in a groundbreaking settlement compelling the city to change its unfair “at-large” system of electing its City Council and School Committee — LCR worked in 2020 to ensure the settlement was implemented smoothly. Partnering with community allies such as the Cambodian Mutual Assistance Association, the Latinx Community Center for Empowerment, and Lowell Alliance, we embarked on a multi-pronged, multi-lingual effort to educate the community about the new district-based system and to help draw the district lines. We were aided immeasurably in this effort by our allies at the Metric Geometry and Gerrymandering Group, a Boston-based working group led by Professor Moon Duchin of Tufts University and Professor Justin Solomon of MIT, which created an interactive mapping tool that allowed a level of community engagement that would not otherwise have been possible.

As part of the #LowellLines campaign, LCR is helping to draw lines to empower communities of color in Lowell, MA.
Immigrant communities have been under siege over the past four years, and 2020 saw escalations across the United States with federal efforts at every turn to detain and deport thousands of individuals, while seeking to make life unbearable for those who remain. COVID-19 has only exacerbated challenges for immigrant communities making life harder and turning immigration detention into a potential death sentence. LCR is fighting with and for these communities with strategic and creative legal and policy responses to weather the storm and lay the foundations for systemic change.

Challenging Life-Threatening Detention Conditions

COVID-19 has devastated communities and no one has been more drastically affected than the most vulnerable members of our society. In March 2020, at the height of the pandemic, as conditions were deteriorating in immigration detention facilities, LCR filed *Savino v. Souza* — the first coronavirus class action in the country against immigration officials. The lawsuit, demanding the humanitarian release of immigrants held at the Bristol County House of Correction, was brought in partnership with WilmerHale and the Worker and Immigrant Rights Advocacy Clinic (WIRAC) at Yale Law School. The lawsuit focused on the life-threatening conditions created by COVID-19: extremely close quarters, congregate living, a lack of COVID-19 testing, and deplorable sanitation.

The successful *Savino* litigation served as a blueprint for similar legal challenges across the country. In *Savino*, the court granted class certification, admitted nearly 50 class members to bail, and granted a preliminary injunction requiring facility-wide testing and preventing new admissions to the facility. This landmark injunction, coupled with releases secured by the lawsuit, dropped the current population of the facility to 29 — from a stated capacity of over 200. *Savino* has served as an important precedent for COVID-19 litigation across the country. After observing the success of *Savino*, numerous groups filed litigation with the same underlying theory, and even expressly requesting “*Savino*-like” relief. Many of these cases have now achieved similar successes — victories for immigrants’ rights that would not have been possible without the courageous and creative work at the height of the pandemic on *Savino*. This important case continues to be litigated to ensure that those who remain in the facility can be released to safety and to prevent immigration officials from increasing the detained population absent court intervention.

We also continue to aggressively litigate the illegal and unprecedented use of detention and removal proceedings that
Illustration of unsafe conditions in Bristol County Jail. Credit: Jen Shin of the Yale School of Architecture
destroy families and communities. In *Rivas v. Hodgson*, we are litigating against the rogue Bristol County Sheriff who illegally detained our client, Mr. Rivas, solely based on his immigration status. The case, brought in partnership with Latham & Watkins, is designed to set a clear precedent that local and state law enforcement officials cannot illegally detain immigrants.

**Protecting Humanitarian Immigration Programs**

In 2020, we won a major victory on behalf of Liberian nationals across the United States. Our litigation, *African Communities Together v. Trump*, was filed to protect Liberian nationals with Deferred Enforced Departure (DED), a humanitarian program that the Trump Administration attempted to cancel. We filed litigation on behalf of brave individuals with DED, their U.S. citizen children, African Communities Together and the UndocuBlack Network in partnership with Lawyers’ Committee for Civil Rights Under Law and Dechert LLP. In 2020 this case, along with sustained advocacy from our community partners, forced the administration to capitulate and to create a new pathway to permanent residency status for all Liberian nationals. This historic victory represents the first immigration legalization in decades. We continue to monitor the roll-out of this program to ensure that all who are eligible can benefit from this life-changing expansion of the law.

We also continue to fight for other vital humanitarian protections to remain in place. In *Centro Presente v. Trump*, we continue to litigate with *pro bono* support from Choate Hall & Stewart to save Temporary Protected Status (TPS) on behalf of Haitian, Salvadoran, and Honduran immigrants. While this case proceeds, we continue to work on the ground to ensure that TPS recipients are fully protected, including successfully advocating with the Registry of Motor Vehicles to break through bureaucratic logjams that were preventing TPS beneficiaries from renewing their drivers’ licenses. Part of our fight for immigrant communities includes making sure we understand what is happening on the ground and ensuring government transparency and accountability. To that end, LCR filed new litigation with *pro bono* support from Block & Leviton LLP against the U.S. Department of Homeland Security (DHS) to force them to produce records on their partnerships with law enforcement agencies through the Warrant Service Officer program and to reveal specific information about joint “gang databases.”

**Safeguarding Access to Justice and Due Process for All**

We continue to litigate groundbreaking cases such as *Ryan v. ICE*, a case designed to prevent Immigration and Customs Enforcement (ICE) officers from stalking courthouses and arresting immigrants on civil immigration violations. This novel case was brought on behalf of District Attorneys Rachael Rollins and Marian Ryan, the Committee for Public Counsel Services (CPCS), and the Chelsea Collaborative in *pro bono* partnership with Goodwin LLP. The case was initiated in response to data collected by LCR demonstrating rampant rates of immigration enforcement at state courthouses. This practice has generated tremendous fear. Immigrants are too scared to seek judicial redress. Victims of domestic violence have been chilled from seeking protective orders against their abusers in court because they would risk arrest and deportation. We won a preliminary injunction — the first of its kind in the country — blocking ICE arrests in and around Massachusetts Courthouses. We are currently in the First Circuit defending the injunction against government appeals while also building a strong record for permanent relief in the trial court.
At the national level, we also continue to challenge the Trump Administration’s unprecedented plan to subject thousands of immigrants to “expedited removal” — a process that allows low-level immigration officers to short-circuit normal immigration procedures to summarily deport individuals without counsel and without oversight by an immigration judge. Our lawsuit, Centro Presente v. McAleenan, was filed in partnership with Ropes & Gray on behalf of Centro Presente, the Pioneer Valley Worker Center, and brave immigrant families who are now subject to “expedited removal” under the government’s new policy. The case seeks to stop the unconscionable and illegal expansion of “expedited removal,” which has traditionally been limited primarily to immigrants who just crossed the border and were apprehended close to it.

**Combatting Lending Discrimination**

Amidst all of the immediate health and public safety crises, immigrant communities continue to face everyday discrimination in every facet of life. One of these facets is access to financial services. In April 2020, LCR with pro bono support from Outten & Golden LLP filed Juarez v. SoFi, a nationwide class action litigation on behalf of DACA recipients who have been denied refinancing of their student loans by Social Finance (SoFi) solely on the basis of their immigration status. Education is extremely costly for immigrants, particularly because they may not have access to the same financial assistance programs as citizens. Discrimination cannot stand, whether from the government or private companies.

**Holding the Government Accountable on Public Charge**

In September, in partnership with our pro bono allies at Hinshaw & Culbertson, LCR filed a Freedom of Information Act (FOIA) lawsuit against U.S. Citizenship and Immigration Services (USCIS) for failing to provide records about a draft “public charge” regulation, which had been leaked to the news media in 2018. The draft was far more draconian than the actual “public charge” rule eventually proposed and implemented by USCIS. The draft had a widespread and devastating chilling effect. Even today, LCR regularly receives inquiries from immigrant families afraid to apply for MassHealth or food stamps for their U.S. citizen children, even though the receipt of those benefits would not impact them under the “public charge” rule. Through the FOIA request, LCR seeks to understand whether the Trump Administration had coordinated with USCIS to produce the draft regulation and whether the document was deliberately leaked to frighten immigrant communities. This case is currently pending in federal court in Boston.
Police Accountability

2020 has been a trying year for advocates of police reform and accountability in the midst of more deaths of people of color by law enforcement officers — generally followed by little to no legal response from the criminal justice system. George Floyd. Ahmaud Arbery. Breonna Taylor. Terrence Coleman. Those names remind us that no community is immune from the issues of police violence. Boston is no exception. Because #BlackLivesMatter, LCR continues to protect and empower those most deeply impacted. We contribute to local and national discussions on policy change and create legal resources to tackle this systemic problem.

Pressing For Reforms Of The Boston Police Department

Together with pro bono counsel from Fick & Marx LLP, we continue to fight for the family of Terrence Coleman, a 31-year-old Black man living with schizophrenia, who was shot and killed by a Boston police officer in October 2016 in response to a 911 call for medical assistance. To date, the Boston Police Department (BPD) continues to fall short of the critical training that is needed to ensure that law enforcement is equipped to respond to emergency medical and mental health calls.

Further, community members and lawyers alike are still struggling to secure public records to understand more about BPD’s training, hiring, and disciplinary measures, particularly along racial lines. To hold BPD accountable and to ensure transparency for our client communities, LCR with pro bono support from Birnbaum & Godkin, filed a lawsuit in Suffolk Superior Court demanding declaratory and injunctive relief to ensure that BPD will be held accountable to the clear timeframes of the public records law moving forward.

Fighting Back Against Racial Profiling

LCR continues to represent a host of clients illegally profiled based on their race and identity by law enforcement. Our newest cases include:

• In June 2020, we filed an internal complaint against a Massachusetts State Police trooper who racially profiled and improperly escalated an incident with a young Black man walking his dog near the University of Massachusetts campus in Boston, merely because he failed to comply quickly enough.

• In July 2020, we filed another internal complaint against a Massachusetts State Police trooper who racially profiled a young Black couple driving a new BMW, improperly escalating the incident which ultimately resulted in an unlawful search, an unlawful seizure, and physical and emotional harm to the driver as he was roughly handled, handcuffed, and illegally detained in the back of a cruiser.
Image of hate crime in progress as reported in The New York Times
• In July 2020, we represented a Black man profiled by the Needham Police Department. Our client was accosted outside a local Starbucks and detained in handcuffs in full public view for approximately 30 minutes after he bought cough drops and an iced tea at a local CVS. The town has now admitted that police mistakenly thought he was a shoplifting suspect. Together with WilmerHale, we are working to obtain relief for our client, including damages and changed police practices.

We took on the issue of racial profiling in systemic ways as well. In light of recent police killings, the Commonwealth is grappling with how to combat the systemic racism that pervades policing. One of the major sites of racialized policing occurs at traffic stops where drivers are often pulled over simply for “driving while Black.” This spring, LCR joined with the New England Innocence Project, the Charles Hamilton Institute for Racial Justice and the Massachusetts Association of Criminal Defense Lawyers to file an amicus brief in Commonwealth v. Long, a case that squarely presented the issue of how individuals may challenge racially motivated traffic stops. The brief, part of our longstanding advocacy work in criminal matters, succeeded in convincing the Supreme Judicial Court to change the standard for evaluating racial discrimination in traffic stops. Now, drivers of color need only show that race was one motivating factor of their stop, and this can be demonstrated through a variety of new evidentiary tools.

Ensuring That Hate Crimes Are Taken Seriously

LCR represented Ms. Vasquez and her teenage daughter who were victims of a violent hate crime in East Boston in February 2020. The white attackers followed the pair after they were overheard speaking Spanish on their way home from a family dinner. Despite eyewitnesses and a detailed statement at the scene, the Boston Police Department failed to act. It wasn’t until LCR stepped in on behalf of Ms. Vasquez that BPD detectives began investigating. The public pressure caused by our robust media campaign and advocacy resulted in the attackers being charged with hate crimes. Additionally, this case helped spark productive conversations between LCR, community partners, local politicians, and law enforcement around systemic changes needed to reform the procedures for identifying and responding to hate crimes.

Eliminating Unfair Barriers To Police Diversity

In collaboration with our long-standing allies, the Massachusetts Association of Minority Law Enforcement Officers (MAMLEO), we continue to advocate for the end of policies that unfairly and disproportionately harm police officers of color. After many years of litigation and advocacy, we finally succeeded in getting the City of Boston to drop its discriminatory “hair test” for drugs, which destroyed the lives and careers of many Black officers it wrongfully identified as drug users. We are still awaiting a decision in Jones v. City of Boston, the long-standing federal lawsuit that challenges this discriminatory and scientifically unreliable drug screening test and seeks damages for our clients who were wrongfully accused.
According to the ABA,
85% of all lawyers are White,
less than 5% are Black,
only 5% are Latinx,
only 2% are Asian,
only 2% are Multiracial, and
only 1% are Native American.
Less than 36% are women.
Employment

Through courageous litigation and timely advocacy, LCR remains a critical resource for communities of color and immigrant communities facing discrimination in the workplace. In the midst of COVID-19, these challenges have only increased.

Access To Unemployment During The Pandemic

In Spring 2020, LCR’s swift legal advocacy ensured that the Massachusetts Department of Unemployment Assistance launched a linguistically accessible mobile-friendly unemployment benefits application so that our client populations could access critically needed support. With record breaking numbers of unemployment applications being filed across the country, LCR also launched an initiative connecting pro bono attorneys with out-of-work employees to complete the daunting unemployment benefit process. Pro bono assistance was provided from member firms and community legal partners such as Zalkind, Duncan & Bernstein, and the Boston Bar Association’s Public Interest Program.

Challenging Discriminatory Employment Barriers

LCR continues to respond to increasing requests from employees barred from equal employment opportunities. We are challenging discriminatory practices that halt equal access and fair promotion paths. We are fighting alongside the most vulnerable, particularly women subjected to sexual harassment in the restaurant and custodial industries. When we fight in concert with our courageous clients, community partners and pro bono attorneys, we win.

For example, LCR and pro bono partners at Zalkind, Duncan & Bernstein, filed two lawsuits against the Boston Police Department (BPD) on behalf of women of color who had long served as successful civilian employees, but were repeatedly passed over for promotions in favor of less-qualified white candidates. Today, both of our clients have been offered promotions, but we are continuing on with our litigation to secure damages for lost earnings and to ensure that BPD takes a holistic approach to diversity and inclusion. Related work includes our cases challenging the BPD “bypass” procedure — the process by which an applicant is passed over in favor of a lower-ranking candidate in the hiring process. This year, we obtained a favorable decision from the Civil Service Commission expanding the body of caselaw limiting arbitrary bypasses. Our client, Malik Morgan, a Black man from Roxbury, will enter the police academy this Fall.
LCR also continues to focus on the ever-growing collateral consequences in the workplace that disproportionately impact workers of color. In September 2019, with pro bono support from Lichten & Liss-Riordan P.C., we filed a highly successful class action lawsuit against the Massachusetts Department of Early Education & Care challenging the unconstitutional and discriminatory use of overly-broad employment background checks, particularly the use of decades-old juvenile records as a basis for a lifetime-ban to employment. Today, our named Plaintiff, Tara Gregory, is back to work and the policy regarding juvenile adjudications has been rescinded. In a similar case that we are currently litigating with Fair Work, P.C. against Amazon, we are also challenging an overly-stringent background check practice that disparately impacts Black and Latino drivers. Our aim in this advocacy is to ensure that the racial bias inherent in the criminal justice system is not imported into the employment context.
Victory for Low-Income Students and Students of Color

LCR filed a groundbreaking lawsuit with the Massachusetts Supreme Judicial Court on behalf of several families from Chelsea, Chicopee, Fall River, Haverhill, Lowell, Orange and Springfield as well as the Chelsea Collaborative and the NAACP New England Area Conference with our co-counsel the Massachusetts Teachers Association, Sandulli Grace, P.C. and Professor Peter Enrich of Northeastern University School of Law. The suit, Mussotte v. Peyser, accused state education officials of chronically under-funding school districts with high concentrations of low-income students, immigrant students, and students of color, in violation of the state constitution.

In response to the lawsuit, as well as the courageous advocacy of our community partners, legislators passed a landmark school funding bill, the Student Opportunity Act (SOA), which will increase annual state education funding by $1.5 billion over inflation over the next seven years. Importantly, the SOA alters the state’s funding formula for public schools, which will entitle students in low-income communities to a greater share of state funding for critical educational necessities. LCR and its co-counsel are continuing to monitor the implementation of the funding commitment, particularly in light of the budgetary constraints imposed by COVID-19.

Reforming Boston’s Exam Schools

With our longtime partners at the NAACP Boston Branch, LCR successfully advocated for Boston Public Schools (BPS) to suspend administration of an admissions test for its exam schools in 2020. Our advocacy centered on the injustice of requiring a high-stakes exam in the midst of a global pandemic, and built on longstanding work we have done to highlight the more broad-based inequities in the admissions process. We have continually noted that many constitutionally permissible alternatives to the current admissions model exist, including inviting a top percentage of students in each public school or Boston zip code to attend the BPS high school of their choice, or employing a holistic model to evaluate students individually. All of these proposals are aligned with state and federal law and would yield a high-performing student body reflective of BPS’ diverse student population. The need for reform has become even more urgent with the COVID-19 pandemic, which has exposed the inequities of Boston’s educational system even further and left countless children without the academic and socio-emotional support they need to learn and thrive. LCR will continue in 2021 to bring transparency and equity to the admissions process.
A Groundbreaking Resolution for Black and Brown Students at the MFA

LCR represented multiple Black students and educators from the Helen Y. Davis Leadership Academy (DLA) who experienced racial harassment and profiling at the Museum of Fine Arts (MFA). LCR guided our clients through parallel investigations of public accommodations discrimination conducted by the Civil Rights Bureau of the Attorney General’s Office and an independent private investigation launched by the MFA. LCR worked closely with attorneys at the Attorney General’s Office to craft holistic, comprehensive remedies that would address both the harm to the students and teachers and the need for institutional reform at the MFA. LCR also watched closely with the NAACP Boston Branch. These efforts were recognized in a first-of-its-kind agreement between the Commonwealth and MFA in May 2020, which involved the creation of a $500,000 fund by the MFA to support diversity initiatives, the implementation of an anti-discrimination and anti-harassment policy, and a reconciliation process between the MFA and DLA. The agreement represents a unique blueprint for community engagement as it both affirms the experiences of the field trip participants and provides a model for institutions seeking to strengthen their commitment to racial equity and inclusion. The landmark agreement received national press attention and was featured in the New York Times.

Disrupting the School-to-Deportation Pipeline

LCR and a coalition of students’ rights groups, together with Morgan Lewis, continue pressing the Boston Public Schools (BPS) to be transparent about its disturbing practice of sharing student information with federal immigration officials, including ICE via the Boston Regional Intelligence Center (BRIC). In 2020, we received documents through our public records lawsuit revealing that there were at least 135 instances where BPS shared student records with the BRIC—something that the City had repeatedly denied. This year, LCR also filed two additional lawsuits seeking additional records in order to protect the educational rights of immigrant students. These cases are ongoing.

Preserving Race-Conscious Admissions

In 2020, LCR fought in the First Circuit to preserve the trial court victory in SFFA v. Harvard, a case that successfully upheld the right to use race as one of many factors in creating a diverse, highly-talented student body in colleges and universities such as Harvard. We represent students and alumni of color who testified at trial about the importance of their racial and ethnic identity and about how being part of a diverse student body enriched their educational experience. As amicus, we presented oral argument in the First Circuit in an appeal that was ultimately successful ensuring diversity in higher education.
Housing

Preventing Housing Instability During COVID-19

The concurrent and overlapping public health and economic crises brought on by COVID-19 placed already vulnerable low-income communities of color at heightened risk of housing instability. In response, LCR launched a pro bono initiative to connect struggling families with emergency rental assistance through the Residential Assistance for Families in Transition (“RAFT”) program, a state-funded initiative administered by MetroHousing Boston that provides financial support to families facing housing crises.

The project has leveraged volunteer support from local law firms, law schools, and communities. To date, approximately 20 multilingual volunteers consisting of attorneys, legal staff, law students, and community members have connected over 100 families in Greater Boston with lifesaving funds to preserve their housing in the middle of the pandemic.

Preserving Disparate Impact Challenges

In September, in partnership with Anderson & Kreiger, LCR filed an Administrative Procedure Act (APA) challenge to the U.S. Department of Housing and Urban Development’s (HUD) drastic and unjustified reworking of the disparate impact protections of the Fair Housing Act. These protections, which the U.S. Supreme Court has recognized as critical to ending the scourge of segregation, allow victims of discrimination to challenge housing and lending policies that appear facially neutral but have a disproportionate effect on people of color, immigrants, women, and people with disabilities. Filed on behalf of the Massachusetts Fair Housing Center and Housing Works, the lawsuit alleges that HUD’s decision to impose significant pleading and proof burdens on victims of housing discrimination, while introducing a profit defense for defendants, was arbitrary and capricious, unlawful, and contrary to the spirit and letter of the Fair Housing Act. In a landmark victory, LCR secured a stay and nationwide preliminary injunction against HUD enjoining the rule in its entirety from taking effect. The federal court agreed that the inability to bring disparate impact claims would have immediate and irreparable harms on vulnerable communities. This represents a major win for fair housing advocates nationally.
Race and Climate Justice

In late 2019, in response to community demand, LCR launched a new project focused on Race and Climate Justice. The project folds together pre-existing work by LCR attorneys with new initiatives at the intersection of racial justice, climate resilience, and environmental justice. The Race and Climate Justice project integrates the voices of those most affected by pollution and climate change into conversations on resilience planning, decision-making, and policy-making. In 2020, our work has ranged from administrative complaints to legislative and community advocacy.

Fighting for Language Access for Affected Communities

LCR has filed two complaints under Title VI of the Civil Rights Act to push for enhanced language access for immigrant communities in East Boston and Chelsea. The first, filed in February 2020 on behalf of GreenRoots, Inc. and City Life/Vida Urbana with the U.S. Department of Housing and Urban Development (HUD), charged the Boston Planning and Development Agency (BPDA) with failing to provide comprehensive language access to Arabic and Spanish-speaking residents of East Boston throughout the review process for the development of the Suffolk Downs site. In particular, we argued that without adequate interpretation and translation, Limited English Proficient (LEP) residents were shut out of a decision-making process that could radically alter East Boston, transforming the historically working-class immigrant neighborhood into a new “Seaport District,” whose luxury condominiums and private spaces would exclude low-income immigrants. Too, residents were unable to voice their concerns regarding increased risk of coastal flooding and the incompatibility of the development with Boston’s own climate resiliency goals. The complaint received considerable press attention, including support from then-President candidate and U.S. Senator Bernie Sanders.

HUD vigorously investigated the complaint meeting with directly affected community members and seeking input from LCR regarding novel, comprehensive remedies to the BPDA’s language access deficiencies. In Summer 2020, in direct response to the complaint, the BPDA integrated Google Translate throughout its website and held three trilingual (English, Spanish and Arabic) meetings to provide residents with additional information on the project. In September, the BPDA entered into a landmark Voluntary Compliance Agreement with HUD incorporating many of the remedies proposed by LCR and requiring the implementation of systemic and holistic reforms aimed at fostering robust and meaningful engagement across diverse communities.

The second Title VI complaint, filed in June 2020 on behalf of GreenRoots with Conservation Law Foundation and the Law Office of Joshua M. Daniels with the Environmental Protection Agency (EPA), alleges that the Massachusetts Executive Office of Energy and Environmental Affairs, the Department of Public Utilities, and the Energy Facilities Siting Board consistently failed to provide adequate interpretation and translation during their review of a proposed electrical substation in East Boston.
In particular, the complaint highlighted the resistance of staff to providing interpretation at hearings and failure to provide Spanish-language translations, which left LEP residents with little to no time to digest complex documents and to offer comments. The complaint has been cross-filed with the U.S. Departments of Commerce, Transportation, and the Interior and has spurred a compliance review process by EPA to evaluate the state’s language access policies.

**Advocating for Fair and Equitable Transportation**

In partnership with allies at Conservation Law Foundation, GreenRoots, Alternatives for Community and Environment (ACE), and Community Labor United, LCR continues to advocate for enhanced equity in public transportation — particularly during COVID-19, which has highlighted the importance of social determinants of health, including safe, affordable public transportation. For example:

- LCR has campaigned to reduce or eliminate penalties for fare evasion, especially because most of the tickets MBTA Transit Police issue for skipping fares are to people of color, even though they make up a smaller percentage of subway riders;

- LCR has advocated for the elimination of fares on subways and buses during the COVID-19 pandemic; and

- As part of the MBTA Policy Working Group, LCR continues to advocate for low-income riders, immigrant riders, and riders of color, including and especially in the development of the MBTA means-tested fare challenge.

**Fighting for Utility Justice for All Massachusetts Residents**

In Massachusetts, competitive energy suppliers who supply, but do not generate electricity, can directly market their services to consumers. However, as reported by both the Massachusetts Attorney General and the National Consumer Law Center, many suppliers engage in predatory and deceptive practices, targeting low-income consumers and consumers of color with promises of enormous savings, but rarely delivering. Indeed, research conducted by the Massachusetts Attorney General found that residents who switch suppliers pay more, on average, than if they stayed with their utility, as well as that low-income consumers participate in the individual residential electric supply market at around twice the rate of non-low-income households.

In partnership with Alternatives for Community and Environment (ACE), LCR has launched a multi-pronged campaign to protect our neighborhoods from this exploitation. This issue, which sits at the intersection of environmental justice and consumer protection, has become even more urgent as we enter the ninth month of the COVID-19 pandemic and low-income residents grapple with record high unemployment, food insecurity and housing instability. These vulnerable families, who were deceived by suppliers who targeted them for their race and poverty, should not be forced to pay disproportionately high utility bills. Since spring 2020, LCR has:

- Worked directly with affected consumers who were deceived by competitive energy suppliers to identify companies targeting low-income, minority neighborhoods; and

- Joined the City of Boston’s Community Choice Energy Working Group to promote consumer awareness regarding competitive energy suppliers.
In 2020, the Partnership between LCR and the Massachusetts General Hospital (MGH) changed in three important ways. First, direct legal services were expanded from MGH-Chelsea to MGH community health centers in Revere, Everett, and Charlestown. Second, a new attorney joined the team providing specialized attention on a broad range of housing issues. Third, tele-lawyering joined tele-health to provide full service off-site by phone and Zoom.

As a result of these changes — the first major expansion since the 2003 launch of the Medical-Legal Partnership — more patients were served with expanded modes of communication. We successfully resolved the many technological hurdles raised by the pandemic and helped record numbers of clients. The number of legal interventions increased, resolving complex issues for a diverse immigrant and refugee population, spread over a larger geographic area.

The Medical-Legal Partnership has completed over 600 interventions, almost entirely with new clients. Approximately half of the patients served were Latinx, particularly from El Salvador, Guatemala, and Honduras. The next largest group — a quarter of the total — identified as Black or African immigrants. In contrast to the early years of the program, there were fewer refugees, now less than 5% of the total. The change from a refugee client population, with its ready access to a broad range of benefits, to an immigrant population with housing and food insecurity, presented even more challenges, but we were able to successfully assist hundreds of households.

### Interventions in MGH Chelsea, Revere, Everett, and Charlestown

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<th>Disability</th>
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<th>Naturalization</th>
<th>Child Support</th>
<th>Guardianship</th>
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Community Outreach

Central to LCR’s work is its programming designed to empower the communities we serve. At the beginning of the pandemic, we launched “Disrupting Discrimination,” with LCR staff members providing brief, daily updates on social media about legal issues affecting communities of color and immigrant communities, ranging from ties between pollution and COVID-19 to accessing personal technology devices for schoolchildren.

We have partnered with numerous community-based organizations to conduct in-person and virtual bilingual workshops on issues pertinent to immigrants and communities of color, including:

• The importance and safety of completing Census 2020, which will determine the allocation of funds for critical public services and the distribution of political representation for the next ten years;

• The expansion of the public charge rule, which may bar low-income immigrants from obtaining permanent residence;

• Updates on the status of humanitarian protections for immigrants such as TPS and DACA, the high-profile litigation for which has created uncertainty and fear among immigrant communities;

• Resources for families upended by the COVID-19 pandemic, including Rental Assistance for Families in Transition (RAFT) and Unemployment Assistance;

• Protesters’ rights amidst the summer 2020 demonstrations to demand racial justice and police accountability;

• Protections against consumer scams targeting low-income communities of color, which have increased during the public health crisis;

• Worker’s rights, particularly during the COVID-19 pandemic and as offices and workplaces begin to reopen; and

• Crucial information for small business owners, such as applying for Small Business Administration loans, limiting liability by forming a legal entity, navigating employment laws, and obtaining minority business certifications.
LCR | BizGrow provides minority, immigrant, and low-income entrepreneurs and small business owners with free legal assistance, technical support, and education. BizGrow furthers our mission of economic empowerment in traditionally disenfranchised communities by assisting entrepreneurs in developing sustainable businesses and achieving economic self-sufficiency. Through free legal clinics, business workshops, and individual representations we bridge the opportunity gap, making the connections that allow our entrepreneurs to achieve their dreams.

**COVID-19 Response**

In 2020, BizGrow met the demands of COVID-19 by seamlessly moving all of our programming virtual and instituting new programming to help struggling small businesses. Working in partnership with Ropes & Gray and Lawyers Clearinghouse, we helped to launch the **COVID-19 Relief Coalition** to assist struggling small businesses and non-profits on issues directly related to the pandemic. Originally focusing on Paycheck Protection Program (PPP) and other small business funding opportunities, the coalition has expanded and is now working on contract, real estate, and other corporate issues arising out of the pandemic.

The COVID-19 crisis also prompted BizGrow to find unique new ways to serve our clients. With the generous support of **Tufts Health Plan, Washington Trust Company**, and generous anonymous donors,
BizGrow was able to award more than $65,000 to over 70 diverse small businesses throughout Massachusetts and Rhode Island with funding dedicated to purchase personal protective equipment (PPE) to help businesses reopen safely reopen.

**Free Individual Legal Representation**

Resilient small business owners continue to open and expand their businesses amid the pandemic. Through the pro bono support of our partner law firms, we match small business owners with attorneys who provide them with free transactional legal assistance to ensure that their small business grows. Common small business legal issues include entity formation, contracts, intellectual property, and tax issues. Many of our law firms partners provide intensive one-on-one legal service to our clients, including Archstone Law, Dechert, Brown Rudnick, Foley Hoag, Goodwin, Latham & Watkins, Morgan Lewis, Mintz Levin, Nixon Peabody, Nutter, PretiFlaherty, Riemer, Ropes & Gray, and WilmerHale.

**Technical Support and Virtual Educational Programming**

Through our educational programming, we work to make sure that entrepreneurs have all the information they need to feel confident in the operation of their small business. Partnering with organizations like Roxbury Community College, Latham & Watkins, and Goodwin we held multiple virtual sessions of Create Your Own Job. This unique workshop series introduces fundamental business legal topics to aspiring entrepreneurs. Topics include entity formation, business planning, networking, marketing, and selling online.

To continually support our established small businesses, we hold weekly virtual workshops on topics crucial to the established business. With pro bono support from
Though 2020 hit small businesses hard, the resiliency and spirit of our small businesses shone through in their inspiring success stories. This year, multiple LCR clients have placed their packaged food products in Whole Foods. Manjari Saha, an immigrant from India, is selling delicious yogurt-based spread, Yogiballs, in Whole Foods from Maine to Connecticut.

Kamaal Jarrett makes delicious hot sauces inspired by his family’s home in Jamaica. You can buy his delicious Hillside Harvest Sauces in Whole Foods at the end of 2020.
law firms like Goodwin, Goulston & Storrs, Mintz Levin, Nixon Peabody, Ropes & Gray, and WilmerHale we make complex topics like employment law, contracts, taxes, and intellectual property accessible to our clients. During the COVID-19 pandemic we have also offered legal topics specific to this moment, such as PPP application and forgiveness workshops, reopening your small business workshops, moving your business online workshops, and pivoting your business model workshops.

BizGrow continues to support food entrepreneurs through its unique accelerator, FoodBiz 101. In partnership with CommonWealth Kitchen and Goodwin, FoodBiz 101 is a 13-week seminar designed to launch the businesses of aspiring food entrepreneurs. Our winter cohort started in person, and quickly pivoted to virtual sessions when it was clear that the pandemic would prevent in person gatherings. In addition to legal topics such as entity formation and contracts, this accelerator covers topics unique to food entrepreneurs such as food safety, recipe scaling, pricing, and labeling regulations. FoodBiz 101 culminated in a virtual pitch night where participants had the opportunity to present their business concept to industry experts, loan officers, attorneys, friends, and family.

To complement these webinar-style workshops, we hold free virtual legal clinics. At these events entrepreneurs have the opportunity to meet one-on-one with pro bono attorneys who specialize in legal topics crucial to small businesses. These unique opportunities allow small business owners to get the answers they need to successfully grow their business. Major law firms, such as Goodwin, Mintz, Morgan Lewis, Ropes & Gray, and Goulston & Storrs graciously donate their time and talent to provide this invaluable service.

To further assist clients struggling to open new businesses or keep their current businesses afloat during the pandemic we launched weekly virtual office hours. By creating a space where entrepreneurs know they can stop by on a weekly basis to get answers to their questions, we are better able to keep a pulse on issues arising in small businesses, and we can get them the resources they need in real time.

BizGrow Conference Participants

The BizGrow Conference
On July 16, we held our annual small business conference: The BizGrow Conference. This full-day virtual technical assistance conference for minority, immigrant, and women entrepreneurs and small business owners was made possible with the generous support of our sponsors and over 100 pro bono attorneys and legal volunteers. More than 150 small business owners and entrepreneurs attended twenty different workshops on business and legal issues. Each entrepreneur also had the opportunity to meet one-on-one using virtual breakout rooms with attorneys who specialize in small business legal issues.
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