

THE BARBARA MCDOWELL
AND GERALD S. HARTMAN
FOUNDATION

SOCIAL JUSTICE THROUGH LEGAL ACTION

2019 ANNUAL REPORT

*Our Mission Is
To Achieve Social Justice*

Letter from the President

Dear Friends of the Foundation,

The Foundation's mission from its outset in 2009 has been to achieve social justice. We have striven to improve the economic well-being and social conditions of disadvantaged persons and groups in the United States by making grants to social justice organizations for their civil rights litigation and by coordinating similar litigation cases through our Pro Bono High Impact Project. To date we have made 56 grants to 40 organizations totaling over one million dollars and have coordinated 20 Pro Bono High Impact Litigation cases.

But in these troubled times the Foundation believes that it must do more to help reshape our country so that justice and equality can exist.

To make this happen, the Foundation has expanded its Pro Bono High Impact Litigation Project to allow additional law firms from throughout the country to partner on systemic, high impact cases with the Foundation and its network of nonprofit social justice organizations. In addition, the Foundation is recruiting *Foundation Fellows*, volunteer attorneys usually retired from the government or law firms, to partner on these High Impact cases. *Foundation Fellows* will bring their additional expertise in complex litigation at no cost to the Project's social justice cases.

To also further its impact, the Foundation is increasing the total amount of its grants in 2021 to \$250,000, a 25% increase over the prior year and a ten-fold increase from our 2010 inaugural grant year. The Foundation's grant-making efforts over its ten-year history appear in our **Special Report** which can be found on our website at www.mcdowellfoundation.org/reports and is highlighted on Page 2 of this Annual Report.

The Foundation hopes to expand its efforts even more in the coming years and with that aim in mind has embarked on its first fundraising drive linked to its ten-year record of achievements.

Jerry Hartman
President
Barbara McDowell Foundation

Supporting Social Justice Litigation

Mission Statement

Established in 2009 to honor and continue the work of social justice advocate, **Barbara McDowell**, the Foundation aims to improve the economic well-being, social conditions, and civil liberties of disadvantaged persons and groups in the United States.

We fulfill our mission by making grants to organizations that undertake systemic, social justice litigation and by coordinating litigation through our Pro Bono High Impact Project, both focused on the following thirteen issue areas.

Our Issue Areas

- Access to Benefits • Children's Rights • Disability Rights • Discrimination
- Domestic Violence • Environmental Justice • Homelessness • Housing • Native American Rights
- Prisoners' Rights • Refugee and Immigration Rights • Voting Rights • Veterans' Rights

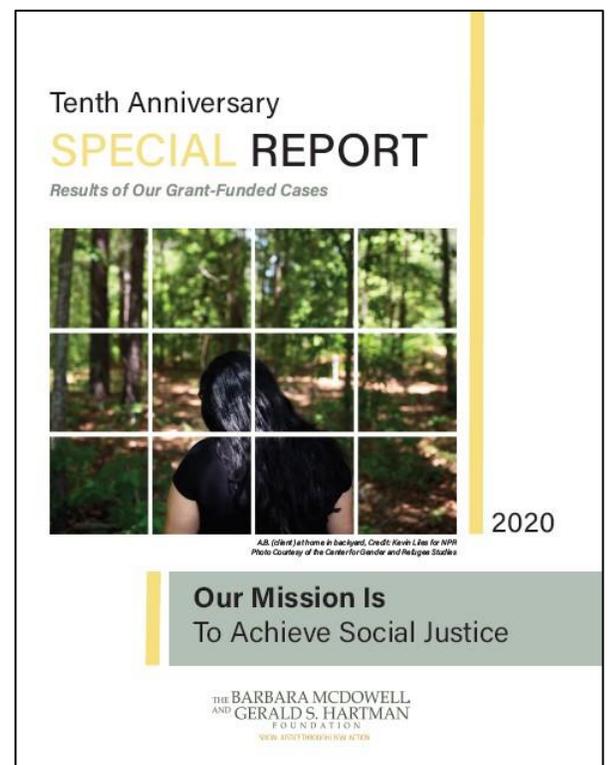
Grant Making

Since 2010, the Barbara McDowell Foundation has supported the litigation of 56 social justice cases with over one million dollars in grants to 40 organizations.

The Foundation's grants focus on systemic cases which significantly impact a specific area of the law or a legal issue through the establishment of a legal precedent and which help improve the lives of large groups of disadvantaged people.

Tenth Anniversary Special Report

To celebrate its ten years of grant making the Foundation assembled from its grantees updated results of all 56 grant-funded cases which can be found at www.mcdowellfoundation.org/results. Highlights of the cases have been published in a Special Report also available on the Foundation's website at www.mcdowellfoundation.org/reports.



2020 Grantees and Funded Cases

Fair Elections Center – Voting Rights

Fair Elections Center is a national, nonpartisan voting rights and election reform organization that works to remove barriers to registration and voting, particularly those disenfranchising underrepresented and marginalized communities, and to improve election administration. Fair Elections Center’s attorneys and advocates deliver nonpartisan creative solutions to the complex barriers that continue to be erected to prevent citizens from registering to vote and casting a ballot that counts.

THE CASE: Fair Elections Center and the Kentucky Equal Justice Center filed in a federal lawsuit a challenge on First Amendment grounds to Kentucky’s arbitrary process for the restoration of voting rights for felons. The lawsuit was filed on behalf of eight former felons. Kentucky is one of three states that deny the right to vote to all former felons until they petition for rights’ restoration. According to the Sentencing Project, as of 2016, Kentucky had an estimated 242,987 felons who were still disenfranchised after completing their full sentences, including parole and probation, or 7% of the state’s voting-age population.

National Center for Law and Economic Justice – Discrimination

National Center for Law and Economic Justice (NCLEJ) works to advance the cause of economic justice for low-income families, individuals, and communities, using groundbreaking impact litigation, policy advocacy, and support for grassroots organizing. NCLEJ believes that this nation should ensure that all have access to the means to meet basic human needs. NCLEJ addresses a broad range of issues that impact low-income families.

THE CASE: NCLEJ is leading challenges against a series of interwoven policies and practices of the City of Montgomery, Alabama, designed to increase municipal budgets at the expense of low-income people of color by repeatedly ticketing them, subjecting them to coercive private “probation” schemes, jailing them when they lacked the ability to pay, and then forcing them to work while jailed in order to pay off their debt.

The centerpiece of the lawsuit is a peonage claim directed at the city’s practice of jailing indigent people for unpaid traffic tickets, fines, and fees and then coercing their labor to “work off” the debt at \$50/day. The lawsuit also brings equal protection and due process claims against the City of Montgomery and a private probation company that extracted millions of dollars in probation fees from NCLEJ’s clients.

National Veterans Legal Services Program – *Veterans’ Rights*

Established in 1981, the National Veterans Legal Services Program (NVLSP), a high-impact, independent nonprofit organization, has been dedicated to ensuring that our government lives up to its obligations to provide our 22 million veterans and active service members the benefits they have earned stemming from disabilities that resulted from their military service to our country.

THE CASE: NVLSP is challenging the legality of a policy employed by the United States Department of the Navy that has resulted in the discharge of more than 16,000 members of the Navy and Marine Corps without the military disability retirement benefits to which they are entitled. The proposed project involves a class action lawsuit against the United States Department of the Navy.

National Women’s Law Center – *Discrimination*

The National Women’s Law Center (NWLC) fights for gender justice — in the courts, in public policy, and in our society — working across the issues that are central to the lives of women. We use the law in all its forms to change culture and drive solutions to the gender inequity that shapes our society and to break down the barriers that harm all of us, especially those who face multiple forms of discrimination, including women of color, LGBTQ people, and low-income women and families.

THE CASE: The Foundation is supporting NWLC in two pieces of litigation related to the Department of Education’s Title IX rules on sexual harassment which threaten enormous harm to students who experience sexual assault or other forms of sexual harassment.

North Carolina Prisoner Legal Services – *Prisoners’ Rights*

North Carolina Prisoner Legal Services (NCPLS) is a nonprofit law firm that has worked since 1979 to litigate a broad range of conditions-of-confinement claims and unlawful convictions and sentences.

THE CASE: NCPLS and the ACLU of North Carolina have filed a class action lawsuit in state court alleging that North Carolina’s use of solitary confinement inflicts “cruel or unusual punishments” prohibited by North Carolina’s Constitution. A strong consensus has emerged among researchers, courts, and public officials that this usage of solitary confinement creates substantial risks of psychological and physiological injury, is expensive, undermines public safety, and provides no rehabilitative benefits.

Pro Bono High Impact Litigation Project

The Pro Bono High Impact Litigation Project, national in scope, brings together law firms, social justice organizations and volunteer attorneys to undertake significant litigation of systemic, high-impact cases across a broad range of social justice matters.

RECENT PRO BONO HIGH IMPACT LITIGATION PROJECT CASES

Investigation of a School System’s Failure to Integrate Disabled Children into Normal Classrooms and Programs – *In partnership with Bazelon Center for Mental Health Law, Disability Rights New York, Disability Rights Advocates, and Drinker Biddle.*

Investigation of Landlords Violating Potential Tenants’ Housing Rights for Failure to Accept Section 8 Housing Vouchers from Persons of Color – *In partnership with The Public Interest Law Center and Drinker Biddle.*

Challenge to the Seizing By New York City Without Due Process State Tax Refunds for Transit Violations – *In partnership with The National Center for Law and Economic Justice, New Economy Project, and Drinker Biddle.*

To achieve the goals of the High Impact Litigation Project, the Foundation has created a roster of national law firms willing to undertake such litigation on a pro bono basis.

Cases for the High Impact Litigation Project are selected from those the Foundation receives from its network of social justice nonprofit organizations. Cases are vetted by the Foundation to determine which ones to forward to partner law firms for consideration.

Working on some of these cases with the pro bono law firm and the social justice organization are volunteer *Foundation Fellows*, individual attorneys associated with the Foundation who bring to the case additional expertise in complex litigation.

The Pro Bono High Impact Litigation Project has its genesis in the work championed by **Barbara McDowell**, for whom the Foundation is named, founding director of the Appellate Advocacy Project of the Legal Aid Society of the District of Columbia, who died in 2009 of brain cancer. A national leader in public interest advocacy, Barbara did extraordinary work on behalf of the disadvantaged and downtrodden and inspired a generation of public advocacy lawyers.



Barbara McDowell

Financial Summary

2019 Financial Statement Investments, Income, and Expenses

January 1, 2019, Beginning Capital Balance		\$1,219,730
INVESTMENTS AND INCOME	Capital Appreciation	\$197,392
	Investment Income	\$25,816
	Donations	\$24,868
	TOTAL INVESTMENTS AND INCOME	\$248,076
EXPENSES AND GRANTS	Accounting Fees	\$2,020
	Independent Contractor Fees	\$26,692
	Investment Advisor Fees	\$8,572
	Fees for Board Search Organizations	\$500
	Printing, Technology, and Supplies	\$1,944
	State Registrations, Taxes, and Insurance	\$3,034
	Distribution to Grantees	\$200,000
TOTAL EXPENSES AND GRANTS	\$242,762	
December 31, 2109, Ending Capital Balance (Beginning Balance PLUS Investments and Income LESS Expenses)		\$ 1,225,044

Board of Directors

Sarah Barringer-Gordon

Professor, University of
Pennsylvania

Greg Castanias

Partner, Jones Day

David Feiner

Co-Founder and Producing
Artistic Director, Albany Park
Theater Project

Mark Feiner

Associate Head, Greenwich
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**Douglas Hallward-
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Partner, Head of Appellate
Practice, Ropes & Gray LLP

Jerry Hartman

Chairman and President,
Barbara McDowell Foundation

Edward Krugman

Volunteer Senior Attorney,
National Center for Law and
Economic Justice

Jeffrey Lamken

Founding Partner,
MoloLamken LLP

Hayley Maclean Coker

Obstetrician

Elizabeth McCallum

Partner, BakerHostetler LLP

Rebecca McCullough

Tarneja
Associate, Cooley LLP

Matthew Roberts

Retired Attorney, United
States Solicitor General's
Office

Brett Rogers

General Counsel, Brown
Advisory

Recent Grantees

2019

American Immigration Council
Center for Gender and Refugee Studies
National Center for Law and Economic Justice
National Immigration Project of the National
Lawyers Guild
Prisoners' Legal Services of Massachusetts

2018

Bazelon Center for Mental Health Law
Children's Advocacy Institute
Children's Rights
Legal Services of Alabama
Public Interest Law Center
Sargent Shriver Center on Law and Poverty

2017

American Immigration Council
Disability Rights North Carolina
Heart Alliance's National Immigrant Justice Center
Sargent Shriver Center on Law and Poverty
Western Center on Law and Poverty

2016

Center for Gender and Refugee Studies
Children's Rights
National Center for Law and Economic Justice
Native American Rights Fund
North Carolina Justice Center
Texas Fair Defense Project

For a full list of the Foundation's 40 grantees visit
www.mcdowellfoundation.org/our-grants

Foundation's Fundraising Drive

With today's legal, political, and economic climate, there is a significant and growing need for grantmaking to support social justice litigation.

As one of the very few nationwide sources for social justice litigation grants, the Foundation is raising additional funds to allow it to donate more money to more grantees and coordinate more High Impact Cases, creating even greater impact.

The Foundation hopes to meet its goal of raising \$150,000 in its Tenth Anniversary giving campaign so that it can increase the number and amount of its annual grants and generate additional Pro Bono High Impact Litigation Cases.

www.mcdowellfoundation.org/donate

THE BARBARA MCDOWELL AND GERALD S. HARTMAN FOUNDATION

A tax-exempt 501(c)3 organization

Federal Tax Identification Number 27-0411226

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