

SELECTED LITIGATION AND ADVOCACY 2021.3.18

Voting Rights

Voice of the Ex-Offender et al v Edwards et al, state court class action challenge to denial of voting rights to 69,000 people in Louisiana convicted of felonies still on probation or parole. July 1, 2016. Lost in Louisiana District Court 2017. Lost Appeal to Louisiana First Circuit Court of Appeals. Writ to La S Ct denied. Cocounsel.

Chisom v Jindal, USDC, 86-4075, 2012 successful federal voting rights challenge to Louisiana Supreme Court efforts to deny Justice Bernette Johnson, court's only African American Justice, her rightful position as Chief Justice, by reopening earlier case to enforce consent decree. Also filed Section 5 complaint. Cocounsel.

ACORN v Blanco, USDC, 06-611 B (2006) federal voting rights challenge to insure Katrina displaced voters in Orleans have full opportunity to vote. Co-counsel Advancement Project. Judge pushed State to set up in-state voting centers, refused to order Louisiana to set up out of state voting centers.

ACORN, Urban League and Unity 04 v McKeithen et al, CDC, #2004-15624, Lawsuit by voting rights groups to keep New Orleans polls open extra hours on November 2, 2004 to remedy system-wide problems with voting machines and provisional ballots. Co-counsel with Alaina Beverly, NAACP Legal Defense and Educational Fund and Ron Wilson. Request for injunctive relief denied.

Louisiana House of Representatives et al v Ashcroft et al, USDC, DC, DC, # 02-CV00062. April 2002. Intervention on behalf of African American voters to challenge reapportionment of Louisiana House of representatives. Co-counsel with NAACP Legal Defense Fund (LDF). Settled Summer 2003 with modest improvements.

Maxwell v Foster, USDC, W.D. LA, #98-1378. Intervention on behalf of African American voters into challenge to black-majority legislative district in north Louisiana. Co-counsel with NAACP Legal Defense Fund (LDF).

Hays v Edwards, USDC, W.D. LA #92-1522 c/w 95-1241 "S", Intervention on behalf of African American voters into challenge to black-majority Louisiana congressional district by white voters. Intervention originally denied by District Court, Fifth Circuit and U.S. Supreme Court; subsequently allowed. Case lost in three judge court, January 1996; cert denied as moot by U.S. Supreme Court, summer 1996. Co-counsel with NAACP Legal Defense Fund (LDF).

Chisom v. Roemer, 111 S.Ct. 2354 (1991) successful federal class action seeking creation of first black majority district on Louisiana's Supreme Court. Decision on legal issues by U.S. Supreme Court, 111 S.Ct. 2354 (1991). Co-counsel with LDF.

Major v. Treen, 574 F.Supp 325 (E.D.LA 1983), federal class action resulted in reapportionment of Congressional districts of Louisiana. Created Louisiana's first black majority congressional district and one of the first cases to interpret the newly amended Voting Rights Act. Co-counsel with LDF.

Valteau v. Edwards, (#84-1293, USDC, E.D.LA 1984), three judge court, federal statewide class action resulting in the reinstatement of the Presidential Primary in Louisiana which was canceled after Rev. Jesse Jackson announced he sought Democratic nomination. Lead counsel with LDF.

Quant v. Edwards, (#84-3841, USDC, E.D.LA 1984), unsuccessful federal statewide class action challenging Louisiana's voter registration laws. Lead counsel with LDF.

Jones v. Edwards, 674 F.Supp 1225 (E.D.LA 1987), three judge court, unsuccessful class action challenging voter purges prior to elections. Co-counsel with LDF.

Numerous Section 2 and Section 5 VRA challenges to: Louisiana House of Representatives on behalf of the Legislative Black Caucus (in 1980s as cocounsel with LDF; in 1990s as cocounsel with The Lawyers' Committee and LDF; in 2000's with LDF) the Louisiana Senate in 1991 and local governmental electoral actions in Orleans, Plaquemines, East Carroll, East Feliciana, St. Tammany, Pointe Coupee, Madison, Washington, Basile and others.

Cooper v. Fowler, (#87-19205, CDC), successful statewide class action against State of Louisiana and all 64 parish governments improving access to polls for physically handicapped. Lead counsel with Advocacy Center.

Rodney v McKeithen, (USDC, M.D. La), successful challenge to failure to redistrict Louisiana parishes of Pointe Coupee, Madison, West Feliciana, East Carroll. Cocounsel with Lawyers Committee for Civil Rights, Washington, DC.

Wilson v St. Francisville, (#92-765 B USDC, M.D. LA), successful challenge to town council elections. Result: consent creation of additional black majority voting district. 1996 effort of town to set aside consent judgment. Matter reheard and new black majority district created. Cocounsel with Voting Rights Project of ACLU, Atlanta, Georgia.

Perschall v Louisiana, (various Louisiana state and federal courts), effort to set aside federal court consent remedy in Chisom v Roemer (see above). Intervened to represent African American voters. Case was filed in state court, removed to federal court, transferred back to state court, to decide if remedy is consistent with state and federal law. Lost advisory opinion in Louisiana Supreme Court, 7-1-97; dismissed as moot in USDC.

Constitutional Litigation

Rise St. James and Sharon Lavigne v Formosa, 23rd JDC, 39,963 (D) Temporary Restraining Order prohibiting Formosa from interfering with Juneteenth Prayer Visit to Cemetery of Enslaved Persons on former Buena Vista Plantation. Filed June 15, 2020, TRO granted June 15, 2020. Motion to Lift TRO denied June 18, 2020 and Emergency Writs to LA 5th circuit denied June 18, 2020. Prayer vigil at cemetery held June 19, 2020. Cocounsel with Center for Constitutional Rights.

Belton v Gautreaux, Middle District Louisiana, 3:20-cv-00278, class action habeas and injunctive and declaratory relief for 1000+ people in jail over COVID-19, May 27, 2020, cocounsel.

Spell v Edwards, USDC, Middle District Louisiana, 3:20-cv-00282-BAJ-EWD, local counsel for Americans United for Separation of Church and State, Amicus supporting Covid regulations on church gatherings. May 12, 2020; also US 5th circuit;

Tatalu Helen Dada et al v Witte, USDC, 1:20-cv-00458, Western District of Louisiana, habeas and TRO filed for at risk ICE detainees, April 14, 2020, co-counsel with Center for Constitutional Rights, National Lawyers Guild Immigration Law Project. Detainees released June 9, 2020.

Tatalu Helen Dada et al v Witte, USDC, 20-1093 T, habeas and TRO petition for release of 17 at risk people in ICE detention in LA, MS and AL. Co-counsel with Center for Constitutional Rights, National Lawyers Guild Immigration Law Project. April 1, 2020. Dismissed April 6, 2020.

Jerome Morgan et al v Blair's Bail Bonds et al, CDC, class action for 5000 people to declare unconstitutional an act of the Louisiana legislature retroactively approving overcharges for people seeking bonds in Orleans Parish for the past 14 years, August 12, 2019;

Coalition Against Death Alley et al v John Bel Edwards, et al, 19th JDC, No C-683607, O, First Amendment Temporary Restraining Order sought to prevent law enforcement from arresting people marching on bridges in environmental justice march. Co-counsel with Center for Constitutional Rights. May 29 2019; Lost TRO May 31, 2019.

Anne White Hat et al v Jeff Landry et al, USDC Middle District Louisiana, 3:19-cv-0322-JWD, constitutional challenge to Louisiana critical infrastructure law which made trespass around pipelines into felony. May 22, 2019. Co-counsel with Center for Constitutional Rights.

Theda Wright v BBP. Due process challenge to expropriation by Bayou Bridge Pipeline on behalf of landowners. 16th JDC Louisiana. Co-counsel with Center for Constitutional Rights. September 2018. Won declaration of trespass at trial level and minimal damages. Case on appeal.

B.C. Culliford by and through his Next Friend Bill Quigley v Louisiana Supreme Court, et al, USDC 2:18-cv-04059, filed April 18, 2018, challenging Louisiana law which allows sterilization of interdicted people without any input from the person being sterilized. Counsel is Advocacy Center. Stopped sterilization.

Does 1-4 v Bossier Parish School Board, #5:18-cv-00152, USDC, Western District of Louisiana, 2.7.18. Representing four parents in First Amendment constitutional challenge to coercion of public school students into Christian religious practices and subjecting them to unwelcome religious messages and indoctrination. Co-counsel with Americans United for Separation of Church and State. Consent decree victory May 2019.

Clifford Hampton v Louisiana, 2017. Resentencing St. James Parish District Court. Mr. Hampton was given life without parole for homicide as juvenile and has been in Angola for 58 years. He was 76 years old when challenge to his life in prison sentence was commenced. Parole Board granted parole April 11, 2019. He will be free for first time since Eisenhower was President. Cocounsel.

Daniel Acosta Sarmiento v Indalecio Ramos, USDC 6:16-cv-01424 (Western District of Louisiana) Petition for habeas corpus for release of Honduran man from Pine Prairie detention center on bond while pursuing humanitarian immigration relief based on finding of reasonable fear of persecution in Honduras. Cocounsel.

Four individual habeas petitions for individuals incarcerated in Winn Parish Louisiana for many months without lawyers or trial dates due to funding crisis of Louisiana Indigent Defender. Kenneth Bratton, Tara Michelle Allen, Ramundo Russell, James Malone v Cranford Jordan, 8th Judicial District Court, Winn Parish. May 5, 2016 filed initial petitions. Lost and filed original petitions into Second Circuit Court of Appeal for two parties. Lost there too July 2016 when counsel appointed for defendants. Cocounsel.

Yarls et al v Bunton et al, USDC MD LA 3:16-cv-00031 JJB – RLB; class action on behalf of arrested people who were put on a “waiting list” by public defender due to lack of funds. Co-counsel with ACLU Criminal Law Reform Project and others.

Amicus Brief in Support of Taking Down Confederate Monuments, Monumental Task Force Committee et al, v Foxx et al, USDC 2:15-cv-060905, CJB-DEK, Primary coauthor, filed January 11 2016;

Romain v Sonnier, USDC #2:15-cv-06942 – federal class action seeking injunction against termination of 64,000 people SNAP food stamps. Co-counsel with National Center for

Law and Economic Justice and the New Orleans Worker Center for Racial Justice. Case won, benefits are to be reinstated retroactively with change in administration.

Romain v Sonnier, US Fifth Circuit Court of Appeals, 16-30929, Appeal of denial of attorney fees under 42 USC Section 1988 despite obtaining the relief sought. 10-11-16. Cocounsel.

Cain v New Orleans, USDC # 15-cv-04479 – SSV- Eastern District of Louisiana, federal class action against criminal court judges, police, sheriff, and city challenging constitutionality of putting indigent people in prison for non-payment of fines and fees. Co-counsel with Equal Justice Under Law.

Snow v Lambert, USDC #15-cv-00567 – SDD- RLB- Middle District LA, federal class action filed against Ascension Parish Judge and Sheriff for jailing people too poor to pay scheduled bonds to get out of custody after arrest without an individual determination of their ability to pay. Case resulted in settlement which eliminated secured cash bonds for non-violent misdemeanors in Ascension Parish. Co-counsel with Roderick & Solange MacArthur Justice Center and Equal Justice Under Law, August 2015;

Amicus Brief, State of Louisiana v Rodericus Crawford, Louisiana Supreme Court, co-author, Over One Hundred Religious Leaders across Louisiana, October 2015, challenging the misuse of the Bible by Prosecutor to argue Jesus would want the jury to give the death penalty.

Amicus Brief, City of New Orleans v Gusman, Civil District Court, co-author on behalf of seven community organizations opposing expansion of Orleans Parish Jail beyond 1438 people, July 6, 2015;

United States of America v New Orleans City, USDC 2:12-cv-01924 SM – JCW, filed motion for intervention into proposed consent decree oversight of New Orleans Police Department on behalf of Community United for Change. Lost in USDC, appealed to US Fifth Circuit Court of Appeals. August 2012 - Co-counsel.

State of Louisiana versus 20+ people without counsel. June 2012-June 2013 challenge to Orleans Parish Criminal Court prosecutions of people without appointed counsel. Ask that prosecutions be stayed and those in jail awaiting trial without counsel be released. Section K and Louisiana Fourth Circuit Court of Appeals.

Doe v Caldwell, USDC 2:12-cv-01670, June 2012 class action challenge to Louisiana sex registry listing of 600+ people for crime against nature. Settled case by removing 600+ from registry in Louisiana. Co-counsel.

Enziaya v Landrieu, USDC #11-2977 “I”, federal First Amendment challenge to actions by City of New Orleans to demolish Occupy NOLA encampment at Duncan Plaza. Won Temporary Restraining Order December 6, 2011 ordering City to let protestors in tents back into plaza. Lost preliminary injunction. Co-counsel.

Doe v Jindal, USDC ED LA, #2:11-cv-00388, February 16, 2011 federal constitutional challenge to Louisiana law which makes a person convicted of solicitation of oral or anal sex a registered sex offender. Co-counsel. Successful on motion for summary judgment, April 2012.

Al-Aulaqi v Obama, USDC DC – challenge to extrajudicial targeted killings of US citizens by US government. Hearing USDC November 2010, lost December 2010. Co-counsel.

CCR and ACLU v OFAC, - USDC DC – challenge to requirement that lawyers get permission of government to sue government on behalf of people on terrorist list, won settlement fall 2010.

ACORN v USA, USDC – 09-04888, E.D. NY, November 2009, challenge to Bill of Attainder by Congress cutting off all federal funding to ACORN and affiliates, subsidiaries, and allies. Won in USDC, lost in US Second Circuit, cert petitioned to USSCt February 2011;

City Council of New Orleans v Tracie Washington, CDC, First Amendment appeal of district court gag order and prior restraint on publication of emails of city council members, March 2009. Co-counsel.

Joshua v City of New Orleans, USDC, 07-0425 – class action challenge to lack of due process in home demolitions in New Orleans. Co-counsel.

Bentley v La Dept Education, USDC, 07-0571 S-4. Children signing up for public school in Recovery School District wait listed. Violation of homeless children education act. Over 300 children turned away from school. Case settled with removal of wait list policy. Assistant counsel to NAACP Gulf Coast Advocacy Project.

Kirk v City of New Orleans, 2005-13471 “T”, 12.28.05; class action challenge to Christmas Eve announcement of bulldozing by City of NO without notice action brought first in state court, got TRO stopping all bulldozing; removed to USDC, settlement, January 2006 giving notice to all homeowners of city intention to demolish; no houses demolished until February, after newspaper, mail and web notice; Co-counsel with Advancement Project.

Sylvester v Boissiere, USDC, ED La. # 05-05527, helped negotiate successful due process challenge to inadequate notice by tacking for absentee renters after Katrina. Co-counsel with Advancement Project. November 2005.

Gizelle Smith et al v Lambert Boissiere et al, CDC 2005-12029, 10-24-05, successful state court constitutional challenge to holding Orleans eviction hearings in Gonzales Louisiana because New Orleans courts were damaged. Won TRO and Permanent Injunction.

Bourgeois v Peters, 387 F.3rd. 1303 (11th cir 2004) October 15, 2004, successful First and Fourth Amendment challenge to city policy of subjecting political protestors to metal detector searches. Trial in USDC November 2002, appeal to 11th U.S. Circuit Court of Appeal. Co-counsel.

Hamdan v Foti, USDC #03-1420 C, ED LA. First Amendment challenge of Muslim prisoners to lack of accommodation to their religion at Ramadan. Appointed by USDC. Settled 2004.

Parents for Educational Justice, et al v Picard, USDC #00-0633 N, E.D. La. Due Process constitutional challenge on behalf of parents of public school children to use of Louisiana LEAP test for retention purposes. Case Dismissed on Standing. Lead counsel.

Charlet v Edwards, Louisiana state court constitutional challenge to inadequate educational opportunity. Filed 1992. Lost appeal to Louisiana First Circuit Court of Appeal, 713 So. 2d 1199 (La. App 1st Cir. 1998). Appeal to Louisiana Supreme Court denied. Cocounsel with New Orleans Legal Assistance Corporation, ACLU, and others.

Short v Bridwell, successful federal housing discrimination case received \$57,000 award in 1993. Reported as "largest lump sum ever obtained in the South" by cocounsel Lawyers Committee for Civil Rights Under Law.

Louisiana v Leonard Peart, appointed by Criminal District Court to litigate issue of funds for court-appointed DNA experts. Awarded \$10,000 July 1992.

Thompson v. City of New Orleans, (#85-5475, USDC, E.D.LA), successful class action challenge to municipal criminal ordinance "sleeping in public" used to harass homeless. Lead counsel.

Roshan v Smith, 615 F. Supp. 901 (DC.DC. 1985) unsuccessful action to challenge the construction of Oakdale Alien Detention Center on grounds that people confined there would not have adequate access to counsel because of its size and isolated location. Co-counsel with Lawyers Committee International Human Rights and ACLU.

Ringe v. Romero, 624 F.Supp 417 (W.D.LA 1985), successful constitutional challenge invalidating Louisiana statute and local ordinances "consent to search" laws. Lead counsel.

Shirley Jones v. City of New Orleans, (1983, E.D.LA), successful class action resulting in improvements in law enforcement computer identification in Greater New Orleans area. Lead counsel.

Meadows v. City of New Orleans, (#83-703, USDC E.D.LA), successful action improving rights of hearing-impaired persons in interrogation, arrest and incarceration. Lead counsel.

Melvin Jones v. City of New Orleans, (#85-2897, USDC E.D.LA) successful class action challenging municipal restrictions on campaign signs. Lead counsel.

Medvid v. Lambert, (#85-5150, USDC, E.D.LA) unsuccessful habeas petition for defecting Russian seaman by next friends U.S. Senators Grassley, Helms and Humphries. Lead counsel.

Drefchinski v. Regan, 589 F.Supp 1516 (W.D.LA, 1984), unsuccessful constitutional challenge to I.R.S. penalty imposed on pacifist tax protester. Lead counsel.

Bates v. Phelps, (#89-65, USDC, W.D.LA), successful constitutional class action by death-row inmates concerning access to courts issues. Co-counsel with National Prison Project.

Hamilton v. Morial, (#88-3736, USDC, E.D.LA), class action by 3000+ inmates in Orleans Parish jails challenging conditions of confinement. Successful settlement of medical issues, psychiatric issues, and environmental issues. Other issues pending include a recently filed sub-class action for all female inmates: Lambert v Morial. Co-counsel with National Prison Project.

Schultz v. Edwards, (#86-4926, USDC, E.D.LA), successful class action by 450,000 Medicaid recipients to restore illegal program and budget cuts. Lead counsel with New Orleans Legal Assistance Corporation.

Oakdale Legal Assistance v. Bureau of Prisons, (1986, USDC, W.D.LA), successful challenge to BOP curtailment of access of paralegals to incarcerated clients. Lead counsel.

Copeland v Rice, CDC 97-2452, (1997) Amicus brief on First Amendment issues for ACLU of Louisiana urging dismissal of defamation action by fried chicken king versus vampire novelist.

Housing

Tyneesha Jackson et al v PC Wilshire, 2020-3343 H, 14th JDC, class action to halt illegal evictions of 191 Hurricane Laura evacuees in Lake Charles. Won Temporary Restraining Order stopping evictions. September 14, 2020, continuing. Counsel with Center for Constitutional Rights.

Yen J. Nguyen v Stewart Hall, 2020-CW-0531, Louisiana First Circuit Court of Appeal, successful Amicus on Behalf of several organizations and individuals in support of writ to stop eviction for violation of ADA by Justice of the Peace refusal to accommodate person who could not attend court. Lead counsel. June 25, 20220.

Allen v HANO, CDC 07-15799 (F)(10) – successful action for injunction to halt demolition until approval by New Orleans City Council. Cocounsel.

Anderson v Jackson, USDC 06-3298 (B)(5) (2006) class action on behalf of 4000 families seeking to return to public housing in New Orleans and to prevent HUD from demolishing 5000 affordable housing units – co-counsel with Advancement Project and Jenner & Block;

Community Development Block Grant \$10 billion objections filed on behalf of ACORN, PHRF, others, March 2006, April 2006 – co-counsel with many other advocates

McWaters v FEMA, USDC 05-5488, In February 2006, played a small part in a very big case brought by other lawyers. Filed intervention on behalf of 12,000 families to stop FEMA hotel evictions. Temporary restraining order denied 2.13.06. Cocounsel.

Powell v Maison Inn St. Charles, CDC, 1.7.06, successful class action to stop evictions of FEMA residents at hotel;

Mitchell v. Housing Authority of New Orleans, (#87-1446, USDC, E.D.LA), successful class action to enforce federal regulations re: lead paint poisoning. Lead counsel. Motion for Contempt filed with New Orleans Legal Assistance Corporation, Fall 1993.

Jackson v. H.A.N.O., (#82-3907, USDC, E.D.LA), successful class action to utility allowances, eviction procedures and general conditions in St. Thomas Housing Development. Lead counsel.

Alexander v. Landrieu, (#79-4040, USDC, E.D.LA), successful class action challenge to conditions in Desire Housing Development. Lead counsel.

VanZan v. Harris, 1978, and Louisiana Black Assembly v. HUD, 1979, USDC, E.D.LA, challenges to 1978 and 1979 Community Development Block Grant programs in Jefferson Parish, LA. Lead counsel.

Human Rights

Co-counsel, Petition to International Criminal Court, September 2011, on behalf of survivors of clergy sex abuse, a human rights complaint asking the ICC prosecutor to investigate and prosecute the people responsible in the Vatican for systematic and widespread concealment of rape and child sex crimes committed around the world.

Co-counsel, Petition to Stop Forced Evictions in Haiti from Displacement Camps, Inter American Court for Human Rights, October 2010;

Co-counsel, Petition on Gender Violence in Displacement Camps in Haiti, Inter American Court for Human Rights – September 2010;

Death Penalty Post-Conviction Representation

Co-counsel for David Earl Wilson. Overturned death sentence; given life, February 1990. Cocounsel with major Minnesota firm.

Co-counsel for Andrew Lee Jones. Habeas challenge to conviction by all white jury. Executed July 1991.

Co-counsel for Wayne Felde. Executed March 15, 1988. Co-counsel with Team Defense.

Co-counsel John E. Brogdon, executed July 30, 1987. 790 F2d 1164 (1986).

Co-counsel for Timothy Baldwin. Executed September 10, 1984. Cocounsel with LDF.

Co-counsel for Patrick Sonnier. Executed April 5, 1984. Cocounsel with Team Defense.

Other Social Justice, Poverty, and Public Interest Cases and Advocacy

Member, Marshall Motley Scholars selection process NAACP Legal Defense and Educational Fund, Inc. March 2021.

Lead organizer and lead signer letter of 119 law professors objecting to Florida legislative attempts to stifle dissent and penalize protest. February 10, 2021.

Defense counsel – 10 people arrested for sit in Poydras Street September 1, 2020 advocating for reinstatement of \$600 unemployment compensation.

Defense counsel – Louisiana v Anne Rolfes and Kate McIntosh criminal district court Baton Rouge on charges of terrorizing RS 14:40.1 cocounsel with Barrington Neil, Rachel Conner, Pam Spees of the Center for Constitutional Rights. June 24, 2020.

Enrolled as defense cocounsel for Jessica Reznicek in 4:19-cr-00172 RGE-HCA USDC Southern District of Iowa, January 2020. Jessica Reznicek and Ruby Montoya, who were members of the Des Moines Catholic Worker House at the time, were charged with 9 felonies each in connection with actions to disable the Dakota Access Pipeline in Iowa in Spring of 2017;

Lead organizer and lead Cocounsel, Brief of 123 Law Professors as Amici Curiae in Support of allowing the defense of climate necessity in State of Washington v Spokane County District Court and George Taylor, Case 36506-9-III, January 14, 2020.

Defense of Rev Gregory Manning and Sakura Kone, arrested in Baton Rouge October 30, 2019 for protesting outside offices of Louisiana Association of Business and Industry. Case dismissed.

Defense of ten people arrested outside ICE office trying to stop deportation of sick immigrant, September 9, 2019. Case dismissed.

Defense of University Network for Human Rights which released a research study “Toxic Emissions and Disease Near the Louisiana Denka/DuPont Plant” July 24, 2019.

Advisory counsel for dozen protesters arrested on felonies and misdemeanors in El Paso Texas protest against deaths of children in Border Patrol custody. April 2019.

Defense of 8 environmentalists from Louisiana Bucket Brigade arrested for nonviolent criminal trespass for disrupting oil company meeting in New Orleans, March 15, 2019; Case dismissed.

Defense of eighteen water protectors protesting Bayou Bridge Pipeline arrested for felony violation of Critical Infrastructure law in St. Martin Parish, Cynthia Spoon, Sophia Cook-Phillips, Eric Moll, August – September 2018;

Defense of protestors at ALEC event in NOLA, Nadia Ben-Youssef, Tara Thompson, Toni Jones, Thomas Tackett. 8.8.18. Case dismissed.

Defense protestor Ronald Seifert, BBP v Jackson Fleder et al, 16th JDC 087000, Section E, July 2018;

Aaslestad v Bayou Bridge Pipeline, 16th JDC, St Martin Parish, Petition for Declaratory and Injunctive Relief, July 27 2018; lost opposition to expropriation, won trespass decision.

Defense of 30+ people arrested in Poor People’s Campaign, Baton Rouge May - June 2018;

Defense Anne Rolfes, St. Charles Parish trespass protest, May 2018; case dismissed.

St. James Parish 5 Water Protectors arrested May 9, 2018 and charged with criminal trespass.

Jefferson Davis Parish 9 Water Protectors, arrested May 2, 2018 for climate justice disobedience.

Challenge Open Meetings Law violations by New Orleans City Council approving Entergy plant in New Orleans East. Deep South Center for Environmental Justice, VAYLA NEW ORLEANS, JUSTICE AND BEYOND, 350 NEW ORLEANS, SIERRA CLUB, MR. THEODORE QUANT, AND MS. RENATE HEURICH vs City of New Orleans. Civil District Court 18-3843 L. April 2018, cocounsel.

Counsel Federal case in USDC Southern District Georgia, 2:18cr00022 LGW-RSB filed 5.2.18, (arrested April 5, 2018 and held without bail in jail before then under state charges). USA v Stephen Michael Kelly, Mark Peter Colville, Clare Therese Grady, Martha Hennessy, Elizabeth McAlister, Patrick M. O'Neill. Charged with three felonies and one misdemeanor: Conspiracy 18usc371; Destruction of Property on Naval Installation, 18 USC 1363; Depredation of Government Property 18 YSC 1361; Trespass, 18 USC 1382. These seven peace activists made up the Kings Bay Plowshares who went onto the Navy base in Kings Bay GA April 5, 2018 to protest the nuclear weapons armed submarines quartered there. Case started out in Camden County GA.

Counsel to Napoleonville 3 Water Protectors Phippen Frisbee-Calder, Meg Logue, Ben Quimby, civil disobedience defense for disrupting Bayou Bridge Pipeline, 23rd JDC, Napoleonville, February 2018;

Atchafalaya Basinkeeper, et al v Bayou Bridge Pipeline et al, 19th JDC #665-373 Section 24. Public records request against private Delaware corporation building pipeline and expropriating property. January 16, 2018. Co-counsel. Appeal to Louisiana First Circuit.

Center for Constitutional Rights v St. Charles Parish Office, 29th JDC, #83927 "C" looking for records in connection with Sheriff trip to Standing Rock, North Dakota, December 13, 2017; case won on appeal to LA 5th Cir. 12.27.18.

Louisiana Bucket Brigade v Lionel Johnson Jr., Mayor of St. Gabriel, Louisiana, 18th JDC, #77501 A, Petition for Mandamus under Louisiana Public Records Act, December 13, 2017;

Louisiana Bucket Brigade v Office of the Governor, 19th JDC, #664293, Section 23, Petition for Mandamus under Louisiana Public Records Act, looking for records connected to Bayou Bridge Pipeline, Cocounsel, 12-13-17.

Amicus Brief on behalf of Society of American Law Teachers and over 100 law professors supporting the ability of climate activists to use necessity defense in response to criminal prosecution. Co-authored with Climate Defense Project and organized law professors. Minnesota v Johnston et al, Minnesota Court of Appeals, A17-1650 et al, December 4, 2017;

Amicus Brief on behalf of Jesuit Social Research Institute on Catholic Social Teaching on Immigration, USA v Jose Manuel Mazon-De Dios, #17-065 N, USDC New Orleans December 26, 2017;

Counsel to First Grace United Methodist Church which started providing sanctuary to undocumented individual who was due to be deported by ICE. Jose Torres, 11-15-17;

Co-counsel, Petition to Intervene challenging the licensing of Tiger Swan private security before the Louisiana State Board of Private Security Examiners. Co-counsel with CCR on behalf of 350 New Orleans, Atchafalaya Basinkeeper, Bold Louisiana, Gulf Restoration Network, L'ey Est La Vie (Water is Life) Camp, Louisiana Bucket Brigade, Louisiana Crawfish Producers Association – West. November 9, 2017;

Counsel, Jessica Reznicek, and Ruby Montoya, direct actions against Dakota Access Pipeline, Des Moines Iowa August 2017;

Defense cocounsel for five Gulf Protectors 2017 misdemeanor charges in USDC, charges dismissed;

Assisted in drafting, presenting and successfully advocating for reform of New Orleans municipal court bail system removing cash bail requirement for all nonviolent city misdemeanors January 2017 along with Loyola Law grads Nia Weeks and Vanessa Spinazola;

Joined with Loyola Law grads Angela Davis, Anna Lellelid, Sr. Alison McCrary and Mauricio Sierra and dozens of other lawyers and law students to provide legal support for the School of Americas Watch Border Convergence October 7-9 in Nogales Mexico and Nogales Arizona. Over a thousand people converged at the border wall in a human rights remembrance of the victims of US state violence and to celebrate social justice resistance to these policies. There are numerous photos of the event available here, just credit Steve Pavey: <http://www.stevepavey.com/index/G0000YdaPoYtRuSw>

Pro bono cocounsel, Four people arrested at Take Em Down Nola protest at Andrew Jackson statue September 24, 2016;

Pro bono cocounsel, 4 people arrested at Bureau Ocean Management protesting federal oil leases of Gulf of Mexico waters, August 2016;

Assistance provided to National Lawyers Guild Louisiana Chapter in Baton Rouge Louisiana July 2016 after the police killing of Alton Sterling;

Cocounsel Amicus Brief on behalf of Orleans Parish Prison Reform Coalition in ongoing USDC jail litigation, May 2016;

Standby cocounsel for Catholic Worker Jessica Reznicek in Sarpy County Nebraska for her defense of her actions in breaking windows out of Northrup Grumman building for war crimes. May 24, 2016. Found guilty of two misdemeanors by jury, time served 72 days, \$5000 fine.

Co-counsel with New Orleans Worker Center for Racial Justice, Administrative Complaint to USDA and State of Louisiana challenging wrongful termination of Supplemental Nutrition Assistance Program benefits for 64,000 people. November 10, 2015.

Co-counsel with Judson Mitchell and New Orleans Worker Center for Racial Justice Municipal Court defense of twelve individuals arrested for civil disobedience protests in downtown New Orleans, July 2015 – January 2016;

Co-counsel Nashua Chantal and Eve Tetaz, USDC, Middle District Georgia, January 2015, federal criminal trespass in connection with School of Americas Watch protest;

Consulting counsel, Advancement Project, voting rights case in North Carolina, 2014.

Cocounsel, effort to persuade City of New Orleans to provide due process to homeless people subjected to government sweeps, August and September 2014.

Cocounsel, pro bono effort for parole for Thoni Green after 27 years in prison with Open Door Community, Atlanta, 2014.

Cocounsel, confidential ADA challenge filed with US Department of Justice to Louisiana Supreme Court rules for bar admission policies for people with history of mental health and alcoholism. 2014.

Counsel, UNITY for the Homeless, in ongoing dispute with City of New Orleans and in federal fair housing case over discrimination against siting of disabled homeless residence, USA v City of New Orleans, USDC 12-2011. 2011-2014.

Cocounsel, Concerned Citizens of St. Tammany Parish v Corps of Engineers, USDC 14-01118. Challenge to inadequate notice by COE for wetlands work in pre-fracking St. Tammany Parish. After TRO hearing with US District Judge Barbier, COE agreed to reissue notice and reopen public comment period in settlement.

Cocounsel, Civil Rights Challenge to group of charter schools with highest suspension rates in Louisiana on behalf of parents and community members (BEST), April 15, 2014

Cocounsel, 20 immigrant workers arrested for civil disobedience New Orleans, November 2013;

Counsel, Nashua Chantal, USDC GA, federal criminal charges for protest at WHINSEC-School of Americas, 2013;

Co-counsel for Michael Walli, USDC Eastern District of Tennessee, criminal charges arising from protest action at Y-12 plant as part of Transform Now Plowshares, 3:12-cr-107, September 2012 - ; Lost trial May 2013; Appeal to US Sixth Circuit filed and won.

Co-counsel with Davida Finger and Judson Mitchell, for seven jailed Entergy protestors in New Orleans who sat in Entergy offices against renewal of Vermont Yankee nuclear power plant in Brattleboro, Vermont, owned by Entergy, March 2012.

Co-counsel, Survivors Network of those Abused by Priests, in litigation in Missouri where lawyers for Catholic priests accused of sexual abuse of children trying to subject SNAP, not a party to the litigation, to invasive and burdensome discovery.

Co-counsel, Roy Bourgeois MM. Efforts to remain a Catholic priest and member of Maryknoll community while still advocating for ordination of women to priesthood, 2009 -

Standby Counsel – US District Court, Tacoma WA, federal felony jury trial, fall 2010. Disarm now Plowshares. Five activists who broke onto military base, cut through three fences and put up banners against nuclear weapons. Found guilty after 5 day trial.

Expert/testimony on Civil Resistance, Creech 14 criminal trial, Las Vegas, NV. 2010.

Standby counsel – District of Columbia v 24 Members of Witness Against Torture, misdemeanor criminal cases arising out of protests at US Capitol on the one year anniversary of President Obama's pledge to close Guantanamo. Main author and presenter of First Amendment, International Law and Necessity Defense brief. Cases of all 24 dismissed by judge after prosecution rested its case. June 14, 2010.

Co-counsel, federal criminal defense of School of Americas protestors November 2008-2009 – USDC Georgia

Co-counsel, detained immigrants in Laurel Mississippi ICE raid, September 2008 -

Co-counsel, Louis Vitale, USDC – CA – federal criminal trial for protest at Vandenberg Air Force base. 2008

Co-counsel, LeBlanc v Thomas, CDC #08-548 N8, state court action for healthcare reinstatement for the indigent – January 2008, co-counsel;

Co-counsel, Mary Burton Riseley, Betsy Lamb, and Jerry Zawada, federal criminal prosecution – anti-torture protest at Fort Huachuca USDC Arizona November 2007- February 2008;

Co-counsel, federal criminal defense of 11 protestors at SOA-WHINSEC, November 2007- January 2008;

Counsel, US v Louis Vitale, USDC # CR – 07-00576-TUC-HCE-(CVB) Tucson Arizona and advisory counsel for Steve Kelly – trespass and other state charges at Ft. Huachuca AZ to challenge teaching of torture at Fort. April 2007.

Co-counsel, federal criminal defense of prosecution by 16 protestors at SOA-WHINSEC, November 2006 – February 2007;

Counsel for Michael Walli and advisory counsel for others in: US v Kabat, Boertje-Obed and Walli, 2006 Case # 4:06-CR-59-DLH-CSM-1-3, USDC North Dakota, three men poured their own blood on Minuteman III intercontinental nuclear missile, charged with felony damage to property – guilty as charged after jury trial – September 2006;

Co-counsel, federal criminal defense of prosecution by US of 37 School of Americas-WHINSEC Protestors, USDC Middle District Georgia, November 2005 – February 2006.

On site legal counsel advisor for Pax Christi USA, civil disobedience by 205 people at Nevada Test Site, August 6, 2005 to protest 60th anniversary of U.S. nuclear attack on Hiroshima

Co-counsel, Pere Gerard Jean-Juste, arrested in Haiti July 2005, humanitarian medical release January 2006. Cocounsel with BAI and IJDH.

Haiti testimony: Qualified as expert witness on human rights in Haiti, US Immigration Court April 14, 2005 in successful asylum case of Marie Antoinette in New Orleans

Cocounsel with Institute for Justice and Democracy in Haiti - visits to Haiti during school year 2004-2005, 2005-2006 to investigate, report, and represent human rights cases

Haiti testimony: Affidavit for Yvon Neptune in Inter-American Commission on Human Rights, April 2005; Affidavit for Rosemie David Joseph, wife of Mario Joseph, US Immigration Court, January 2005.

Advisory Counsel, St. Patrick's Four, federal criminal charges of conspiracy, trespass and criminal damage to property arising out of blood pouring civil disobedience at military recruiting center March 17, 2003 to try to stop the Iraq war, USDC -Northern District New York, 03-CR-73 et al. Spring 2005- Fall 2005. After 6 day jury trial found not guilty on felony charge of conspiracy (carrying up to 6 years) and guilty of misdemeanors.

Counsel, US v A.M. et al, USDC Middle District of Georgia, 04-PO-1 through 15, GMF, criminal defense co-counsel for 15 nonviolent civil disobedience resisters at School of the Americas-WHISC, November 2004 - Spring 2005.

Co-counsel, criminal representation of Fr. Gerard Jean-Juste, Port au Prince, Haiti, October 2004 - December 2004 - released December 2004. Co-counsel with Institute for Justice and Democracy in Haiti.

Co-counsel, Election Protection Coalition Legal Committee, New Orleans, September-November 2004

Counsel, School of Americas Watch protestors, NYC - RNC, August 2004

Counsel, G 8 Protest Legal Collective, Brunswick, GA, May - June 2004

Advisory Counsel, "St. Patrick's Four," Ithaca NY, state felony trial for criminal damage to property from pouring blood on walls of Marine Recruiting Station two days before invasion of Iraq, March 17, 2003. NY v Daniel Burns, Peter DeMott, Clare Grady, Teresa Grady, Tomkins County, # 03-0064. Defendants stipulated that they did the action. Six day jury trial resulted in hung jury, 9-3 for acquittal, April 13, 2004.

Coordinating counsel in School of Americas Watch legal collective representation of SOAW 45 in US v Auf der Heide, USDC 4:03 - M - 658 GMF et al, November 2003-February 2004. Federal misdemeanor criminal charges arising out of civil disobedience at School of Americas, Ft. Benning GA, November 2003 to February 2004.

Co-counsel, Henry v City of New Orleans, USDC 03-2493 N (2), civil rights complaint brought by homeless against NOPD for unconstitutional stop, search and arrest while waiting for work outside a temporary labor pool. September 2003 to present.

Co-counsel, Office of Foreign Assets Control, US Department of the Treasury v Voices in the Wilderness, USDC District of Columbia, #1:03 CV 01356 attempt to get \$20,000 in civil fines from VITW for bringing medicines to Iraq. Co-counsel Mara Verheyden-Hilliard and Carl Messineo Partnership for Civil Justice. Lost 2005.

Coordinating counsel in School of Americas Watch legal collective representation of US v Aguilar, et al. USDC 4:02-M-762 et al (M.D. Ga.) 85 federal misdemeanor criminal charges arising out of civil disobedience at School of Americas, Ft. Benning GA, November 2002 to February 2003.

Co-counsel, New Orleans Campaign for a Living Wage v City of New Orleans et al, CDC 2002-1824 "N" c/w Small Business Coalition to save Jobs v City of New Orleans, CDC 2002-1840. February 2002 to Summer 2002. State court litigation to preserve the 75,000 to 45,000 victory of raise in New Orleans minimum wage. Won in trial court, April 2002. Argued in Louisiana Supreme Court May 13, 2002. Lost fall 2002.

Lead trial counsel, SOA 43. Federal court representation of 43 defendants charged with trespassing in civil disobedience at Ft. Benning, Georgia, School of Americas, Fall 2001-Summer 2002. US v Booker-Hirsch et al, 4:02-M-253 et al. USDC Georgia. Trial July 8-12 resulted in dismissal of charges against 6, acquittal of 1, 8 persons given probation, 14 sentenced to 6 months in prison, 14 sentenced to 90 days in prison.

Co-counsel, Just Cause Law Collective and Katya Komisaruk, participation in training and representation of 31 people engaged in Jail and Court Solidarity state court civil disobedience at Ft. Benning over the School of Americas, Columbus Georgia, November, 2001.

Habeas corpus petition USDC #01-2971 C (1) on behalf of Chantakad Kota Niravong v Christine Davis (INS). Laotian prisoner in custody of Immigration and Naturalization Service Beauregard Parish Prison should be released under Zadvydas decision of US Supreme Court. September 2001. Co-counsel. Niravong released while decision pending before US District Court.

Citizens for Change and Alliance for Affordable Energy administrative complaint filed with the US Departments of Energy and Justice challenging unfair natural gas pricing in New Orleans. April 2001.

Citizens for Change and Alliance for Affordable Energy Emergency Petition for Relief from Utility Terminations filed in New Orleans City Council asking for ratepayers bill of rights and some flexibility for 40,000 families behind in utility bills and subject to termination. March 2001.

Rock v Picard, (2000) 468-901 M, 19th JDC, public records act challenge to withholding of records by Department of Education. Unsuccessful. Sole counsel.

Cressey v Foster, (1996-1997) 431-846 F, 19th JDC, challenge to Louisiana's welfare reform. Lost most issues in trial and appellate court. Cocounsel.

City of New Orleans v Julie Bourbon, (1996-1997) New Orleans Municipal Court prosecution of Loyola Community Action Project for handing out sandwiches to homeless in Lafayette Square. Charges ultimately dismissed. Counsel.

Johnson v Carter, 97-8378 L, CDC, (1997) mandamus to force New Orleans City Council to put proposed amendment to City Charter raising minimum wage by \$1/hour. Cocounsel. Lost

in trial court 6-97; on appeal to Louisiana 4th circuit remanded to trial court. Trial 8-99. Lost at trial, won on appeal October 2000, writs denied by Louisiana Supreme Court.