

Spring 2023 Public Justice Highlights



In the News

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Associated Press | Appeals court pulls back on North Carolina "ag-gag" law ruling

The Washington Post | NYT exposed the ills of forced arbitration. It's now a company policy.

USA Today | Despite men's rights claims, colleges expel few sexual misconduct offenders while survivors suffer

Access to Justice

Protecting Access to Assistive Technology

Public Justice joined the team representing Jahinnslerth Orozco, a blind FBI intelligence analyst, in appealing a district court decision to dismiss his case against his employer for failing to use software that integrates with the assistive technology he needs to do his job. The D.C. Circuit ruled that the Rehabilitation Act of 1973, which requires federal departments and agencies to provide accessible technology, allows all federal employees and members of the public with disabilities to go to court to enforce their rights to these accommodations.

Holding Wrongdoing Corporations Accountable

Johnson & Johnson attempted to evade accountability for its cancer-causing baby powder, which put thousands of lives at risk. Using a legal maneuver known as the "Texas Two-Step," J&J transferred its liabilities to a dummy corporate entity, which then immediately filed for bankruptcy, forcing more than 40,000 plaintiffs' claims into bankruptcy court. Our amicus brief, filed by Public Justice member firm Tycko & Zavaree LLP, argued that greenlighting J&J's conduct would set harmful precedent for consumers' rights. The Third Circuit agreed, ruling that corporations cannot use the bankruptcy system to sidestep liability.

Access to Justice Continued

Blocking Forced Arbitration of All Claims

Plaintiff Teyo Johnson sued his former employer due to sexual and racial harassment he experienced on the job—including pressure from the company's female CEO to have sex with coworkers and clients and inappropriate race-based sexual comments. His employer attempted to compel arbitration, but Public Justice's amicus brief argued – and the Court concluded -- that because Johnson's case includes sexual harassment claims, the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act (EFASASHA) bars forced arbitration of his entire case. This ruling ensures plaintiffs with multiple claims will not be forced to choose between claims or litigate simultaneously in court and arbitration.

Students' Civil Rights Project

Effecting Systemic Change in Schools

A male student began sexually abusing student Jane Doe and other female students in sixth grade. Despite a teacher witnessing the abuse, little was done. Jane Doe moved middle schools to avoid him. High school officials assured Jane's mother that she and the male student would be kept separate. Nonetheless, the school assigned Jane and the male student to the same class—where the abuse continued.

Public Justice and our allies at Messa & Associates fought hard in court to help Jane hold North Penn School District accountable for its failure to appropriately respond to this harassment.

We reached a settlement, which, in addition to monetary damages, includes ongoing campus climate surveys, in-class instruction on identifying and reporting sexual harassment, changes to the district's reporting process, and more. These systemic changes aim to address and rectify North Penn's lack of preparation, training, and action.

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Students' Civil Rights Continued

Advocating for Survivors of Sexual Abuse

Dr. Jenny Conviser, a sports psychologist, blew the whistle on sex abuse and discrimination in DePaul University's athletics department. The University retaliated, eventually terminating her employment. When Dr. Conviser sued, DePaul sought to throw out her Title IX case because she was an independent contractor. But the Court rejected this argument, allowing her case to move forward. Public Justice is proud to be part of the team representing Dr. Conviser in this fight, which has implications for all those facing discrimination and retaliation for speaking truth to power.

Food Project

Protecting Factory Farm Whistleblowers

Public Justice helped strike down an Ag-Gag law in North Carolina, which would criminalize undercover investigations at factory farms and slaughterhouses that expose worker and animal abuse. The Fourth Circuit ruled that undercover investigations and whistleblowing are protected by the First Amendment. This is our Food Project's latest win in a long line of victories against Ag-Gag laws across the country. The decision is an important win for our clients, who can continue to document and expose unsafe, unethical, and inhumane working conditions, moving us toward a more just, transparent food system.

Ensuring Essential Services for Farmworkers

We recently secured a win in which Colorado agribusinesses dismissed the case they brought to deny farmworkers their right to access essential service providers like doctors, lawyers, and teachers. Agribusinesses had been using the lawsuit to spread misinformation and intimidate service workers like our client Colorado Legal Services from meeting with farmworkers at their homes on the farms where they work and often live. Now that the case is dismissed, they will be able to continue providing their critical services to workers without threats of violence and intimidation.

Debtors' Prison Project

Challenging the Criminalization of Poverty

Public Justice and our allies filed a lawsuit challenging Los Angeles County's uniform "bail schedules," which set a fixed dollar amount each arrested individual must pay based on the charges specified by the arresting officers, not the detainee's ability to pay.

This policy discriminates against those unable to afford the fees, destabilizing their lives by jailing them—often in inhumane conditions—while their wealthier counterparts walk free before trial.

Los Angeles' bail schedule deprives thousands of presumptively innocent people of their liberty *before* they have even seen a lawyer or judge.

We argue this policy, which allows massive wealth appropriation from communities of color disproportionately targeted by the police into the for-profit prison industry, violates the Excessive Fines Clause of the 8th Amendment.

Environmental Enforcement Project

Forcing Polluters to Clean Up Their Act

Public Justice is representing our allies at the Lower Susquehanna Riverkeeper in a citizen suit against Modern Landfill for repeatedly violating the federal Clean Water Act and making unpermitted discharges of PFAS (dangerous chemicals).

Modern Landfill's actions have severely damaged water quality and safety in Central Pennsylvania, putting residents and wildlife at risk. Everyone deserves access to clean water, and we intend to enforce the Clean Water Act's water quality-based permits that Modern Landfill continues to violate.

Learn more at www.publicjustice.net