

# 2018 ANNUAL REPORT

*Social Justice through Legal Action*

The Barbara  
McDowell &  
Gerald S. Hartman  
Foundation

# Letter from the President

---

Dear Friends of the Foundation,

I am excited to share our 2018 Annual Report that shows another year of the impact of the Foundation's work as we strive to bring about social justice through legal action.

**OUR GRANTS AND UPCOMING FUNDRAISING CAMPAIGN** – The Foundation awarded grants of \$150,000 total to five worthy social justice organizations in September 2018 of \$30,000 each, representing a \$5,000 per recipient increase over the previous year's grant levels. **(See pages 3 and 4 for a description of these grantees).** Our progress has been remarkable since 2010 when our grants totaled \$25,000. Our financial position remains stable, with approximately \$1,200,000 in our capital account. The Foundation wants to continue this upward course by increasing the total amount and number of our grants. It will soon embark on its first fundraising campaign.

**HIGH IMPACT LITIGATION PROGRAM** – Working under the auspices of the Foundation, law firms, including Drinker Biddle, together with social justice organizations continue to bring high impact cases aimed at benefitting the economic well-being and social conditions of disadvantaged persons and groups throughout the nation. The Foundation's website describes these current and past high impact cases which, coupled with the Foundation's grant activities, make the Foundation unique in the social justice community.

**THE FOUNDATION'S OPERATIONS** – The Foundation's practices of vetting grant applications, monitoring quarterly the work of its grantees, and reporting quarterly on their efforts demonstrates the sophisticated level and quality of its social justice efforts. To further increase and broaden its scope of grantmaking, the Foundation hired in October 2018 an Executive Administrator, Aaron Stiner, who comes to the Foundation from a management position at United Way in Arizona to concentrate on board development, outreach to new grantees and fundraising.

**FUTURE EFFORTS** - The Foundation continued to publicize its work in 2018 by regularly posting its activities on Twitter, Facebook, and in monthly blog updates. The Foundation anticipates building on those efforts in 2019 to make its work more visible, enabling it to have an even greater impact on the systemic inequities existing in the United States. The upcoming Tenth Year Celebration of the Foundation's founding on April 23, 2019, will further spotlight its place in the social justice community.

We are grateful to our grantees and litigation partners for their continued efforts. We also thank our board members and donors for their ongoing support.



Sincerely,

Jerry Hartman  
President  
The McDowell Foundation  
[Jerry.Hartman@McDowellFoundation.org](mailto:Jerry.Hartman@McDowellFoundation.org)

# About the Foundation

## Mission Statement

The mission of the McDowell Foundation is 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 direct, pro-bono litigation, both focusing on:**

- Access to Benefits • Children’s Rights • Civil Rights • Constitutional and Voting Rights • Disability Rights
- Domestic Violence • Low Income Housing • Refugee and Immigration Rights

## The Need

Nonprofit organizations representing low-income and disadvantaged individuals and groups **often lack the necessary funds to pursue even the most egregious cases.**

In 2018, the Legal Services Corporation reported in *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans* that a vast majority of low-income Americans received inadequate or no legal help whatsoever because of a lack of resources. **This “justice gap” between the legal needs and the services available disadvantages our most vulnerable populations and exacerbates our country’s systemic inequities.**

## Social Justice Through Legal Action

***The Barbara McDowell Foundation helps fill the “justice gap” by supporting litigation both through grantmaking and coordinating high impact cases in partnership with law firms and social justice organizations.***

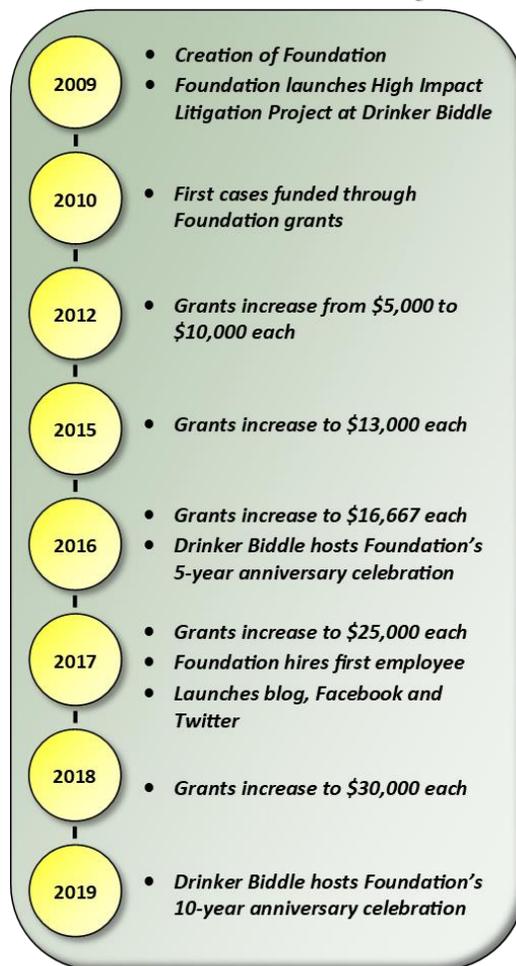
### ANNUAL GRANTMAKING

Each year, the Foundation advertises its grantmaking services to the legal aid community and receives applications from across the country. After the Foundation’s Board conducts a rigorous evaluation process, it meets to choose grantees selected from 15 to 20 finalists. These grants are made to social justice organizations for litigation that focuses on systemic-type cases having an impact on the denial of civil liberties of low-income and disadvantaged individuals and groups.

### HIGH IMPACT LITIGATION PROJECT

The Philadelphia-based law firm Drinker Biddle, other major law firms, and nonprofits from around the country, under the auspices of the Foundation’s High Impact Litigation Project, fight social injustice through direct, pro-bono litigation. The Foundation usually adds several new cases each year.

## Notable Events in Our 10-Year History



# Meet the 2019 Grantees

## *American Immigration Council, Washington, DC*

---

Established in 1987, the American Immigration Council works to protect immigrants by working toward a more fair and just immigration system that opens its doors to those in need of protection and unleashes the energy and skills that immigrants bring. The Council's legal department contributes to this mission through impact litigation to protect and defend the rights of immigrants, the filing of amicus briefs to educate the courts about immigration law and immigrants' rights, and technical assistance provided to immigration attorneys.

**The Case:** The American Immigration Council is challenging a United States Citizenship and Immigration Services' policy that unlawfully blocks otherwise eligible noncitizens with Temporary Protected Status (TPS) from gaining lawful permanent (LPR) status. The case was filed on behalf of a class of TPS holders who, but for this policy, are eligible to become lawful permanent residents because of a close family relationship with a United States citizen or through their United States employer. While holding TPS, a noncitizen is in a lawful, though temporary status and is authorized to work in the United States protected from deportation. Most TPS holders have held this status for upwards of two decades and consequently have established deep roots in the United States. However, the Department of Homeland Security is terminating persons with TPS from six countries over the next 18 months. TPS holders from those countries will lose their protected status and eligibility to work and will become subject to deportation unless they can gain LPR status.

## *Center for Gender and Refugee Studies, San Francisco, CA*

---

In 1999, following her groundbreaking legal victory in Matter of Kasinga, Karen Musalo founded the Center for Gender and Refugee Studies (CGRS) to meet the needs of asylum seekers fleeing gender-based violence. Since its inception, CGRS has helped thousands of advocates around the country secure protection for their clients. CGRS has also continued to litigate high-impact cases like Kasinga, achieving positive, precedential decisions that have advanced the law for women, children, and LGBT individuals fleeing persecution in their home countries.

**The Case:** In 2018 United States. Attorney General Jeff Sessions intervened in an asylum case involving a domestic violence survivor from El Salvador known as Matter of A-B, certifying the case to himself for reconsideration. CGRS immediately joined the applicant's legal team and began rallying attention to her case. In June, Sessions issued a decision in Matter of A-B, reversing her previous grant of asylum and casting doubt on the viability of all asylum claims based on domestic violence, gang brutality, and other forms of persecution perpetrated by nongovernment actors. The ruling marked a clear attempt by Sessions to shut down access to asylum for many individuals seeking protection at the United States' southern border.

CGRS is now launching a multifaceted campaign to reverse Sessions' decision in Matter of A-B, including litigation, as well as nationally coordinated public advocacy. CGRS will challenge Sessions' ruling in Matter of A-B before the United States Court of Appeals for the Fourth Circuit.

## *National Center for Law and Economic Justice, New York, NY*

---

The 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. Because poverty disproportionately impacts communities of color and families headed by women, the Center applies this strategy to advance racial, immigrant, and gender justice. NCLEJ believes that this nation should ensure that all have access to the means to meet basic human needs and that all people are guaranteed an equal opportunity to participate in United States society.

**The Case:** NCLEJ is challenging the Buffalo Police Department's systematic and unlawful targeting of communities of color by the City of Buffalo's aggressive, punitive traffic enforcement which has resulted in millions of dollars in ticket revenues. The lawsuit aims to stop these alleged discriminatory policing practices that have subjected communities of color in Buffalo to both unreasonable intrusion and relentless revenue harvesting through unfair ticketing, towing, suspensions, and arrests. This case rests at the intersection of two of NCLEJ's ongoing areas of litigation focus – racial justice and abusive debt collection practices.

## *National Immigration Project of the National Lawyers Guild, Boston, MA*

---

The National Immigration Project of the National Lawyers Guild (NIPNLG) is a national non-profit organization that works to protect and advance the rights of noncitizens by developing cutting-edge strategies to respond to unlawful immigration enforcement, government overreach, and efforts to erode immigrant rights. NIPNLG promotes justice and equality of treatment in all areas of immigration law, providing technical assistance and support to community-based immigrant organizations, legal practitioners, and all advocates for immigrant rights.

**The Case:** NIPNLG will represent detained immigrant children at the Berks County Residential Center in Berks County, Pennsylvania. It will seek to force the state to revoke the facility's license to run a child residential facility due to egregious regulatory violations related to health services, mental health care, and language access, as well as traumatic night-checks that repeatedly interrupt children's sleep. Without a license, the child detention facility will no longer be able to operate, and the United States Immigration and Customs Enforcement will then be required to release children to the community pending their deportation proceedings.

## *Prisoners' Legal Services of Massachusetts, Boston, MA*

---

Prisoners' Legal Services is a Massachusetts nonprofit legal services office founded in 1972 that provides civil legal assistance to the approximately 20,000 people incarcerated in Massachusetts' state prisons, county jails, and houses of correction. The organization promotes the safe, humane, and lawful treatment of Massachusetts prisoners through civil rights litigation, administrative advocacy, client counseling, and outreach to policy makers and the public.

**The Case:** Prisoners' Legal Services is challenging the Massachusetts law that authorizes the involuntary civil commitment of men suffering from alcohol and substance use disorders to Department of Correction prisons. Massachusetts is the only state in the country where men (but not women) are civilly committed to a correctional institution for substance use. In agreement with public health experts, all other states recognize that addiction is not a crime for which people should be punished, but a medical condition that requires treatment.

# Continuing the Legacy of Social Justice

---



**Barbara McDowell was an exceptional advocate for social justice reforms.** During her decorated career, she served as the founding director of the Appellate Advocacy Program at the Legal Aid Society of Washington, DC, worked as the Assistant to the Solicitor General of the United States, and spent ten years as a partner at the Jones Day law firm. Among her many successes, Barbara argued eighteen cases before the United States Supreme Court, including two on the same day!

**Following her untimely death from brain cancer at the age of 56, Barbara’s husband, Jerry Hartman, established the foundation in her name to honor and continue her extraordinary work.**

Since its inception in 2009, the McDowell Foundation has distributed **\$1,000,000** in grants to **41 organizations nationwide** and participated in some **20 cases** as part of its High Impact Litigation Project.

The Foundation’s grantmaking and pro-bono work has **benefited a wide and diverse array of constituent populations by focusing upon a variety of social justice causes.**

## ***Grantee Impact Highlight***

---

**2016 Grantee – Center for Gender and Refugee Studies (CGRS)** won asylum protection for a young Guatemalan domestic violence survivor seeking protection in Arizona. The extensive supporting materials developed in the case include model court submissions and reports on country conditions for use as evidence to corroborate asylum claims, which have been disseminated to thousands of attorneys representing domestic violence survivors nationwide.

*“The grant from the McDowell Foundation was critical to our ability to win protection for our client in this incredibly challenging jurisdiction.”*  
– CGRS Co-Legal Director Blaine Bookey.

## ***High Impact Litigation Highlight***

---

**2016 High Impact Case – The American Immigration Council (AIC), Drinker Biddle, and the law firm of Jerry Hartman, under the auspices of the Foundation’s High Impact Litigation Project,** filed suit against the United States Customs and Border Protection Service (CBP) to compel compliance with a Freedom of Information Act request AIC had served in late 2015. CBP produced ultimately, as a result of the litigation, thousands of pages of documents relating to complaints that noncitizens had filed against CBP agents along with CBP’s manual for processing, investigating and resolving complaints. A shocking 95.9% of the cases in which an outcome of a complaint was reported by CBP resulted in “no action taken.”

Based on the data produced, the AIC was able to issue a special report, entitled “Still No Action Taken; Complaints Against Border Patrol Agents Continue to Go Unresolved.” AIC’s special report has received widespread media coverage which has brought much-needed transparency to the ongoing inadequacies of CBP’s system for investigating complaints.

# 2018 Financial Statement

<b>January 1, 2018, Beginning Capital Balance</b>		<b>\$1,451,626.70</b>
<b>INVESTMENT AND INCOME</b>	Capital Appreciation	(\$107,550.62)
	Investment Income	\$30,684.66
	Donations	\$25,250.00
	<b>TOTAL</b>	<b>(\$51,615.96)</b>
<hr/>		
<b>EXPENSES AND GRANTS</b>	Accounting Fees	\$1,980.00
	Attorney Fees	\$80.00
	Independent Contractor Fees	\$14,612.27
	Investment Advisor Fees	\$9,517.50
	Miscellaneous Expenses	\$1,000.00
	Printing, Technology, and Supplies	\$1,822.47
	State Registration and Taxes	\$1,268.00
	<b>Distributions to Grantees</b>	<b>\$150,000.00</b>
<b>TOTAL</b>	<b>\$180,280.24</b>	
<b>December 31, 2018, Closing Capital Balance</b>		<b>\$ 1,219,730.50</b>

## Connect with Us



### Blog

Visit us online for regular blog posts at [mcdowellfoundation.org/blog](http://mcdowellfoundation.org/blog)



### Twitter

Connect with us on Twitter by following [@mcdowell\\_fdn](https://twitter.com/mcdowell_fdn)



### Facebook

Like our page! At <http://facebook.com/themcdowellfoundation>

## Board of Directors

### Greg Castanias

Partner at the Jones Day law firm specializing in appellate litigation

### David Feiner

Co-founder and Producing Artistic Director at Chicago's Albany Park Theater Project

### Mark Feiner

Assistant Head of Greenwich Academy

### Sally Gordon

Professor of Constitutional Law at the University of Pennsylvania Law School

### Douglas Hallward-Driemeier

Partner and Head of the Appellate practice at Ropes & Gray LLP

### Jeffrey Lamken

Appellate lawyer and founding partner at Molo Lamken LLP

### Hayley Maclean Coker

Practicing obstetrician

### Rebecca McCullough Tarneja

Attorney at Cooley LLP

### Matthew Roberts

Special Counsel, United States Sentencing Commission

### Gerald S. Hartman

President of the McDowell Foundation, Former partner at Drinker Biddle LLP

# Prior Grantees

## 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  
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

## 2015

American Immigration Council  
Center for Gender and Refugee Studies  
Children's Rights  
Legal Voice  
Nebraska Appleseed

## 2014

Bet Tzedek Legal Services  
Florida Institutional Legal Services Project  
Heart Alliance's National Immigrant Justice Center  
Legal Aid Justice Center  
National Advocates for Pregnant Women  
New York Lawyers for the Public Interest

## 2013

Juvenile Justice Project of Louisiana  
National Housing Project  
National Immigrant Justice Center  
New Mexico Center on Law & Poverty  
North Florida Center for Equal Justice, Inc.

## 2012

Immigrant Law Center of Minnesota  
Legal Aid Justice Center  
National Center for Law and Economic Justice  
National Immigrant Justice Center  
National Law Center  
Public Justice Center

## 2011

American Civil Liberties Union  
Brennan Center for Justice  
George Washington University  
Mississippi Center for Justice  
National Center for Law and Economic Justice  
National Immigrant Justice Center  
Tahirih Justice Center

---

THE BARBARA MCDOWELL AND GERALD S. HARTMAN FOUNDATION

SOCIAL JUSTICE THROUGH LEGAL ACTION

A tax-exempt 501c3 organization

Federal Tax Identification Number 27-0411226

For more information, visit [www.mcdowellfoundation.org](http://www.mcdowellfoundation.org)

Phone: (703) 919-0423

Email: [mcdowellfoundation@mcdowellfoundation.org](mailto:mcdowellfoundation@mcdowellfoundation.org)