

THE BARBARA MCDOWELL
AND GERALD S. HARTMAN
FOUNDATION

SOCIAL JUSTICE THROUGH LEGAL ACTION

FACT SHEET

- Our mission is to achieve social justice.
- The Foundation aims to improve the economic well-being, social conditions, and civil liberties of disadvantaged persons and groups in the United States.
- Established in 2009 to honor and continue the work of social justice advocate, [Barbara McDowell](#).
- We fulfill our mission by making grants to organizations that undertake systemic, social justice litigation and by coordinating direct, pro bono litigation through our High Impact Litigation Project.
- Since its inception in 2009, the Barbara McDowell Foundation has supported over 60 social justice litigation cases with nearly \$1,200,000 in grants to 45 organizations and coordinated some 20 cases and investigations as part of its [High Impact Litigation Project](#).
- The Results of the Foundation's Grants can be found here: <https://www.mcdowellfoundation.org/results>
- The History of Cases Litigated through the High Impact Litigation Project can be found here: <https://www.mcdowellfoundation.org/high-impact-project-case-updates>
- The Foundation accepts applications for grants from June 1 to August 1 each year for its following fiscal year. The Foundation anticipates making grants totaling \$200,000 to \$250,000 for the coming fiscal year in the amounts of \$40,000 to \$50,000 each.

- The recently expanded Board of Directors includes several attorneys from national law firms with experience in litigating complex, high-impact litigation. The Advisory Committee of the Board is comprised of former Board members and aids in the grantmaking decisions of the Foundation.
- The Foundation has produced three Annual Reports and a Tenth Anniversary Special Report which can be found here:
<https://www.mcdowellfoundation.org/reports>
 - The Tenth Anniversary Special Report features highlights of the Results of the Foundation’s Grant Funded cases since the Foundation’s inception.

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RESULTS OF GRANT FUNDED CASES

Legal Services, Alabama (2018)

The results of the Foundation grant to Legal Services, Alabama was that a successful suit was filed against the Alabama Department of Human Resources for implementing a law which limited the ability of “able-bodied” adults to receive food stamps thereby removing thousands of people from the food stamps roll. The suit also challenged the Department’s failure to give notice of the termination of food stamp benefits. [Shammyane Nettles v. Alabama Department of Human Resources](#)

The suit resulted in the reinstatement of benefits and systematic changes that would foreclose the problem from happening again in the future.

Michael Forton, Director of Advocacy: “Receiving support from the Barbara McDowell Foundation helped us to provide assistance to many people beyond just our individual clients.”

Center for Gender and Refugee Studies (2016)

In their grant-funded case, they litigated on behalf of a young Guatemalan domestic violence survivor who sought protection before the Immigration Court in Arizona. That case, Matter of S-O-, was litigated, as a part of a broader strategy, to transform the culture of immigration courts in jurisdictions particularly hostile to asylum seekers. The immigration judges in Arizona were denying asylum in a staggering 94.9 percent of cases, far out of sync with the national average.

In February 2017, the individual was granted asylum, was reunited with her son, and is beginning her new life in the United States.

“The grant from the Barbara McDowell Foundation was critical to our ability to win protection for our client,” said Blaine Bookey, Legal Director. Media coverage included stories in the Washington Post and on National Public Radio.

Native American Rights Fund (“NARF”) (2016)

NARF reported that it successfully challenged North Dakota’s voter identification law which discriminated against Native Americans living on reservations who did not have a qualifying ID such as a driver’s license. Tribal IDs were not permissible if they did not have a permanent physical residential address. A post office box number would also not suffice.

An initial suit, Brakebill v. Jaeger, was overturned by the federal court of appeals. However, a subsequent suit making similar allegations on behalf of the members of the Spirit Lake and Standing Rock Sioux tribes living in North Dakota was successfully settled in February of 2020 after the United States District Court

for the District of North Dakota denied the State's motion to dismiss. Spirit Lake Tribe v. Jaeger.

“The Barbara McDowell grant afforded us the opportunity to give a voice to some of the most vulnerable populations in the country, Native Americans, by assisting them in a political process to which they are absolutely entitled,” said Don Ragona, Director of Development.

SUCCESSFUL CASES OF THE HIGH IMPACT PROJECT

Class Action Suit to Compel Information on Public Welfare Benefits to be Accessible to the Visually Impaired (2013)

A settlement was reached in a case brought under the auspices of the Barbara McDowell Foundation High Impact Litigation Project by a team of Drinker Biddle & Reath lawyers from the Washington and Philadelphia offices in partnership with a team of lawyers from the National Center for Law and Economic Justice to represent a class of blind and seriously visually impaired individuals. The class sued the New York City Human Resources Administration, the New York State Office of Temporary Disability Assistance, the New York State Department of Health, and the Commissioners of these agencies for being denied their right to receive Medicaid and Food Stamps benefits information in formats that are accessible to them. See Rafferty v. Doar, No. 13-cv-1410 (S.D.N.Y.).

A Consent Decree followed lengthy and complex negotiations with the New York City Human Resources Administration (HRA), the New York State Office of Temporary and Disability Assistance (OTDA), and the New York State Department of Health (DOH). The federal court in the Southern District of New York approved the landmark settlement in October 2015. As part of the Consent Decree, quarterly reporting from the City and State agencies lists the numbers of individuals in the plaintiff class making alternate visual format requests and the types of formats they elect to access public benefit documents.

This reporting demonstrates the significant impact of the Rafferty settlement. Through May of 2017, OTDA has reported that: (1) 2,202 food stamp clients have requested and received eligibility documents converted into one of the four alternate visual formats; and (2) 377 clients have requested and received administrative fair hearing documents converted into one of the alternate visual formats. DOH has reported that 1,985 Medicaid clients have requested and received eligibility documents converted into one of the four alternate visual formats.

Challenge to Segregation and Discrimination of Institutionalized Intellectually Disabled Persons (2017)

Samantha R., et al v. North Carolina, et al, pending in State Court in North Carolina, is systemic litigation designed to address the failure of the State of North Carolina to provide appropriate behavioral health services to citizens with intellectual and/or developmental disabilities (I/DD). The case is being handled by Drinker Biddle, Jerry Hartman, and Disability Rights North Carolina. The lawsuit challenges North Carolina's failure to have a comprehensive or an effective plan for addressing unnecessary institutionalization and provide adequate alternatives to institutionalization.

After over two years of discovery, the North Carolina State Court ruled in January 2020 on cross-motions for summary judgment holding that the defendant, the State of North Carolina, failed to abide by the Supreme Court's Olmstead decision by not integrating into the community disabled individuals with intellectual disabilities residing in State institutions. The Court's Order states that it will order the State to draft an Olmstead plan to comply with this integration mandate. The case will now proceed to the remedy phase unless the State appeals.