

# CREEC

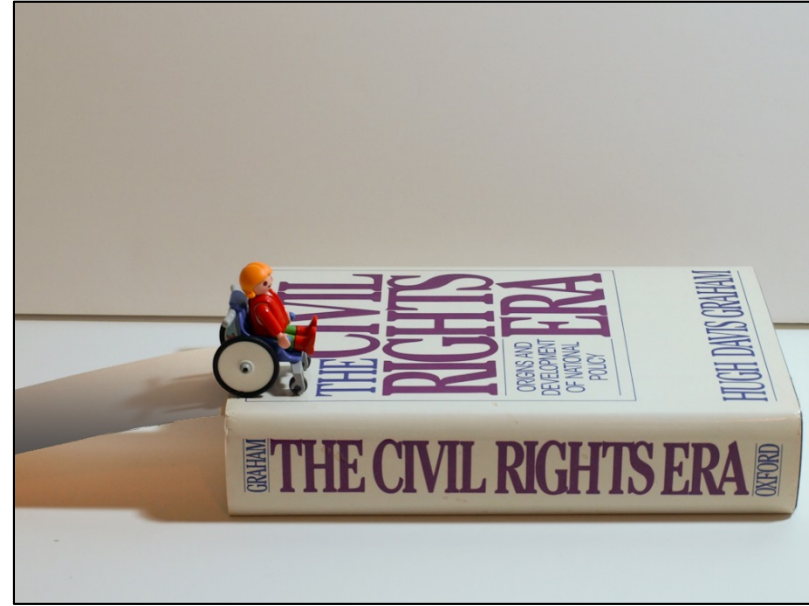
CIVIL RIGHTS EDUCATION  
AND ENFORCEMENT CENTER

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**What we've been up to in 2017.**

CREEC is a membership organization that has the goal of ensuring that everyone can fully and independently participate in our nation's civic life without discrimination based on race, gender, disability, religion, national origin, sexual orientation, or gender identity.

What We're About



# Litigation

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INVESTIGATING, NEGOTIATING, THEN (IF NECESSARY) SUING THEIR BEHINDS



Plaintiffs Analilia Jimenez Perea and her son, Saul Jimenez Perea, speak at a news conference to announce a Medi-Cal civil rights complaint filed by attorneys with the Mexican American Legal Defense and Educational Fund, commonly known as MALDEF, and the Civil Rights Education and Enforcement Center in Los Angeles on July 12, 2017. California is harming medical care for more than 13 million lower-income residents, more than half of them Latinos, by failing to pay doctors enough to provide proper care, according to a lawsuit filed in July. **Damian Dovarganes** - Associated Press

CALIFORNIA FORUM

## California talks big on health, but so few docs take Medi-Cal that it violates civil rights

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 3 MEXICAN AMERICAN LEGAL DEFENSE  
 4 AND EDUCATIONAL FUND  
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 10 mgalindo@maldef.org

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 13 ENFORCEMENT CENTER  
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 18 Email: blee@creeclaw.org

19 *Attorneys for Plaintiffs and the Putative Class*  
 20 *[Additional counsel appear on next page]*

21 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 22 FOR THE COUNTY OF ALAMEDA

23 ANALILIA JIMENEZ PEREA, SAUL  
 24 JIMENEZ PEREA, ESTHER CASTAÑEDA,  
 25 REBECCA BINSFELD, OFELIA JARDON,  
 26 *on behalf of themselves and a proposed class*  
 27 *of others similarly situated; the COMMUNITY*  
 28 *DIVISION OF THE SERVICE EMPLOYEES*  
 INTERNATIONAL UNION-UNITED  
 HEALTHCARE WORKERS WEST; ST.  
 JOHN'S WELL CHILD & FAMILY  
 CENTER; and NATIONAL DAY LABORER  
 ORGANIZING NETWORK,

Plaintiffs,

v.

DIANA DOOLEY, as Secretary, California  
 Health and Human Services Agency,  
 JENNIFER KENT, as Director, California  
 Department of Health Care Services,  
 CALIFORNIA HEALTH AND HUMAN  
 SERVICES AGENCY, CALIFORNIA  
 DEPARTMENT OF HEALTH CARE  
 SERVICES, and DOES ONE through  
 TWENTY inclusive,

Defendants.

VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT

ENDORSED  
 FILED  
 ALAMEDA COUNTY  
 JUL 12 2017  
 CLERK OF THE SUPERIOR COURT  
 By CURTIVAH GANTER  
 Deputy

# Perea v. Dooley: Challenging Disparate Impact in Medicaid

## Harvard and M.I.T. Are Sued Over Lack of Closed Captions

By TAMAR LEWIN FEB. 12, 2015

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More

MARTIAN  
OCTOBER 2  
WATCH TRAILER

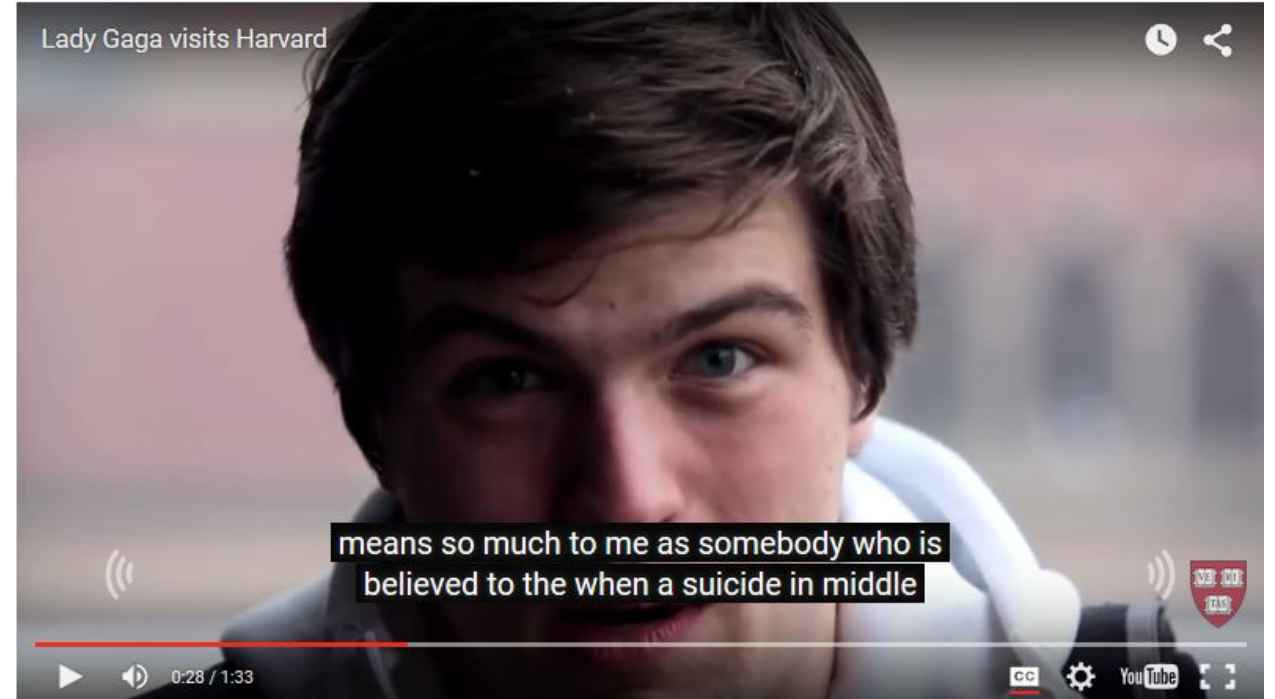
Advocates for the deaf on Thursday filed federal lawsuits against [Harvard](#) and [M.I.T.](#), saying both universities violated antidiscrimination laws by failing to provide closed captioning in their online lectures, courses, podcasts and other educational materials.

“Much of [Harvard](#)’s online content is either not captioned or is inaccurately or unintelligibly captioned, making it inaccessible for individuals who are deaf or hard of hearing,” the complaint said, echoing language used in the [M.I.T.](#) complaint. “Just as buildings without ramps bar people who use wheelchairs, online content without captions excludes individuals who are deaf or hard of hearing.”

Jeff Neal, a spokesman for Harvard, said that while he could not comment on the litigation,



M.I.T. and Harvard have extensive materials available free online, including edX, a nonprofit that offers dozens of MOOCs, or massive open online courses.  
Gretchen Ertl for The New York Times



Should say: “means so much to me as somebody who was bullied to the point of suicide in middle school . . .”

# Captioning in Higher Education: huh?

In 2010, CREEC and the Civil Rights Clinic at Denver Law filed an individual lawsuit on behalf of Troy Anderson, a prisoner in solitary at the Colorado State Penitentiary, asking (among other things) that he be permitted to exercise outdoors. At that time, CSP did not have outdoor yards. Mr. Anderson won on this issue, and was transferred; no yards were built. CREEC and the CRC filed a class action in 2013 which settled in 2015 with a promise to build outdoor yards. In April, 2017, we finally saw the results.



*Anderson and Decoteau: Outdoor Exercise Achieved!*

## Settlement: Seattle to build thousands of sidewalk curb ramps over next 18 years

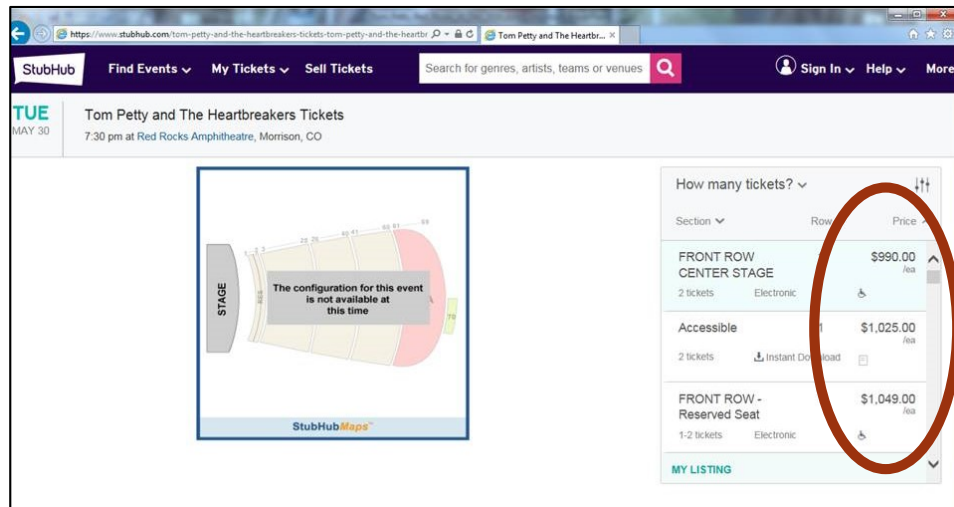
Originally published July 17, 2017 at 7:57 pm | Updated July 24, 2017 at 10:05 am



CREEC and co-counsel Goldstein Borgen Dardarian & Ho are challenging inaccessible curb ramps in a number of cities around the country. The team reached a landmark settlement with the City of Seattle that will result in thousands of additional ramps. Negotiations are ongoing in four other cities, and investigations in a number of others.

*Reynoldson v. City of Seattle: Accessible Curb Ramps.*

Red Rocks Amphitheatre is a beautiful outdoor concert venue owned by the City of Denver. Because wheelchair accessible seats are located only in the first and last rows, the desirable first row seats would sell out immediately, only to appear on scalper sites at inflated prices. CREEC, Disability Law Colorado and the Colorado Cross-Disability Coalition sued and **reached a settlement** requiring new ticketing and seating policies designed to prevent scalping of these valuable accessible tickets.



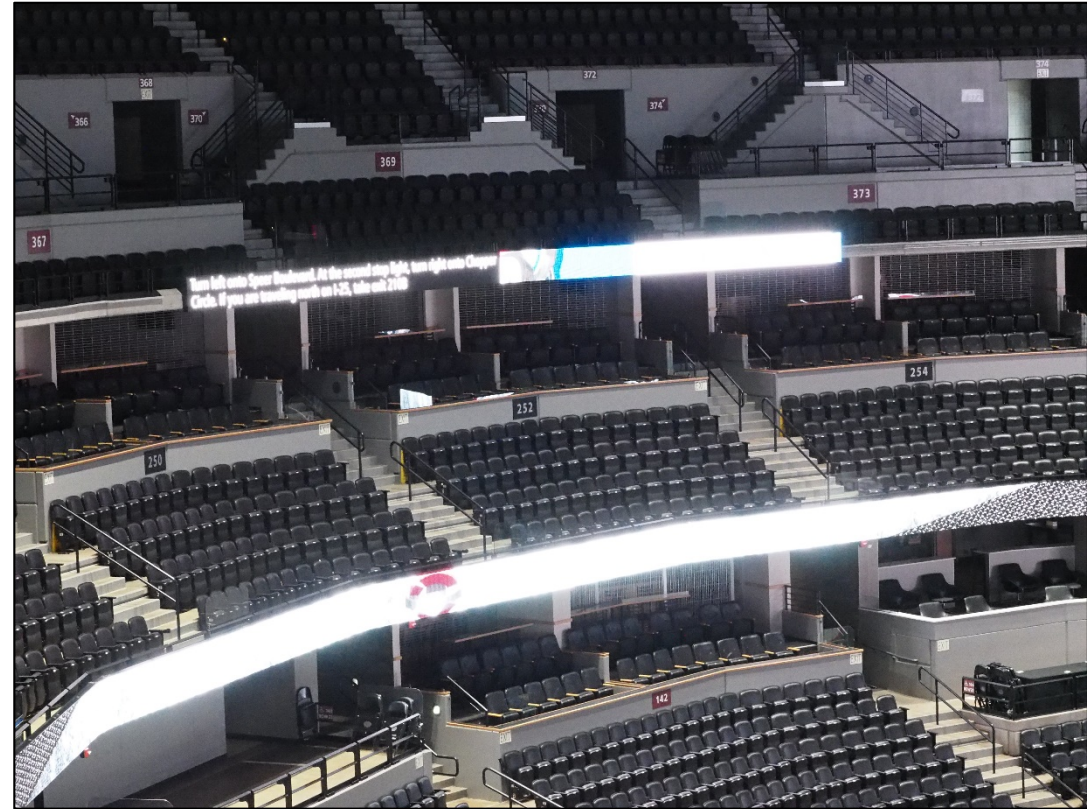
Red Rocks litigation team: Jennifer Purrington (DLC), Amy Robertson (CREEC), Kevin Williams (CCDC), Alison Butler (DLC), Caiti Hall (CREEC), and Tram Ha (CCDC).

*Lucas v. Denver*: Equitable Ticketing Policies at Red Rocks.





The Pepsi Center is Denver's basketball/hockey arena. CREEC represented a Deaf woman in a class action seeking captioning at sporting events. We reached a settlement in which the arena's owner **agreed to provide open captioning on four LED boards** around the fascia boards on the third level.



*Kurlander v. Kroenke Arena Co.:* Captioning at the Pepsi Center.



We continue to work with the ACLU of Montana and ACLU National Prison Project to help the Montana Department of Corrections come into compliance with the ADA.

County Court . <span style="background-color: yellow;">          </span> County, Colorado Court Address:	
In the Matter of the Petition of: <span style="background-color: yellow;">OLD NAME</span>	▲ COURT USE ONLY ▲
For a Change of Name to: <span style="background-color: yellow;">NEW NAME</span>	
	Case Number:
	Division          Courtroom
PETITION FOR CHANGE OF NAME (ADULT)	

We continue to handle numerous cases – both in litigation and informally – seeking effective communication for Deaf people in medical and law enforcement contexts.



We are working with volunteer attorney Amanda Upson and the Name Change Project to help trans\* Coloradoans change their names and gender markers on legal documents.

## Other Litigation Activities

Discrimination is illegal – and can be challenged in court – even if the target intentionally put him/herself in a discriminatory situation to investigate it and bring it to light.\* CREEC continues to investigate:



Inaccessible apartments or businesses.

Businesses that discriminate on the basis of race, sexual orientation, or gender identity.



Religious discrimination in employment ads.

\* My paraphrase of "individuals who, without an intent to rent or purchase a home or apartment, pose as renters or purchasers for the purpose of collecting evidence of unlawful [housing] practices" have standing to sue under the Fair Housing Act. "That the tester may have approached the real estate agent fully expecting that he would receive false information, and without any intention of buying or renting a home, does not negate the simple fact of injury within the meaning of" the Fair Housing Act. *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 373, 374-75 (1982).

# Undercover Discrimination Investigation



Conditions in immigration detention facilities.

Lack of necessary curb-cuts



Inaccessible hotel vans.

More Ongoing Investigations.



# Education

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PRESENTATIONS, EVENTS, SPEECHES, AND OTHER OUTREACH

## Disability in Prison

Over 50% of inmates have mental health problems.\*

Over 34% of state inmates had one or more impairments:\*\*

- 23.3% learning
- 25% ADHD
- 10.3% vision
- 7% hearing
- 2.5% mobility



## Why Testing?

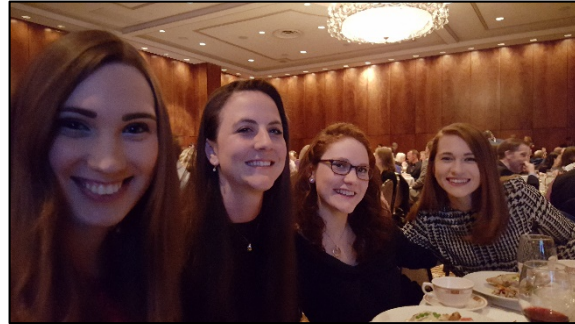


## Common ADA Access Myths

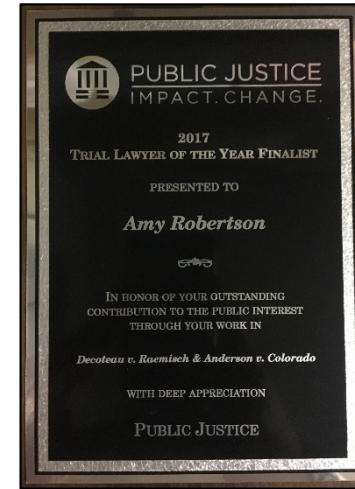
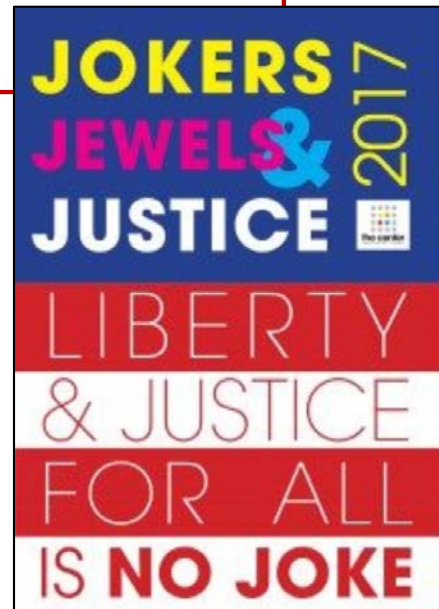
- **No building** is “grandfathered in.”
- Approval by a building department **does not constitute** compliance with ADA.
- It’s not OK to carry a person in lieu of a ramp.
- There is no “good faith” defense: access is mandatory.

# Education

CREEC was honored to receive a 2017 Visionaries in Action Award from The GLBT Community Center of Colorado. In notifying us of the award, The Center's Board Chairman, J. Ryann Peyton wrote that The Center was impressed by "CREEC's commitment to the protection of civil rights for all Coloradoans, especially those who are members of the LGBT communities."



The CREEC team met Sarah McBride!



CREEC was also honored to be nominated with the DU Civil Rights Clinic for the Public Justice Trial Lawyer of the Year Award. We didn't win, but met the other amazing finalists at the banquet in Boston – and posed in a fairly inexplicable clamshell.



And then there's this:

2017 TOP LAWYER

**Amy Robertson**

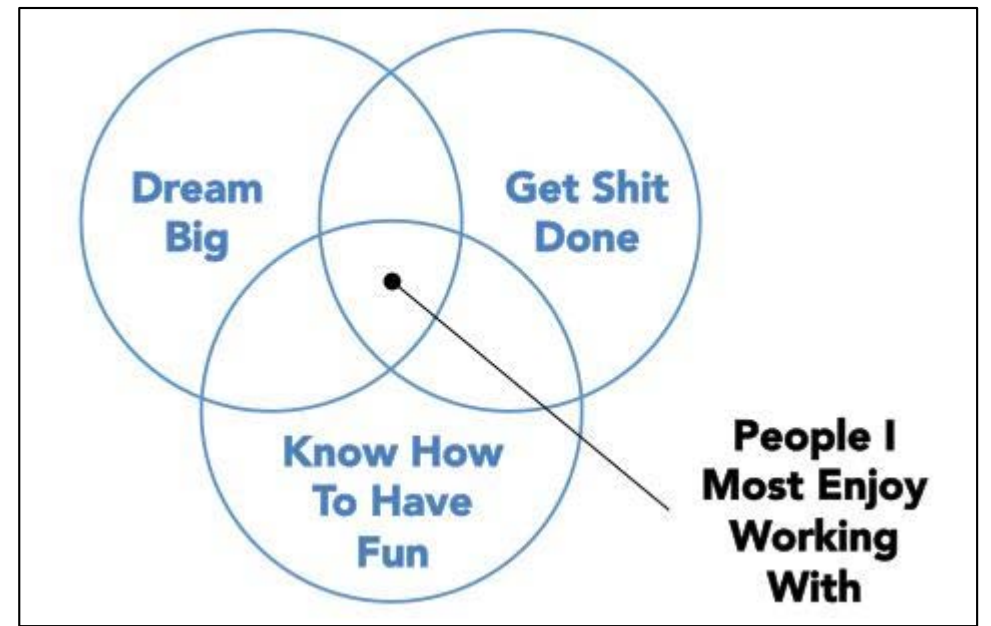
Denver > Civil Rights Litigation

2017 TOP LAWYER

**Timothy Fox**

Denver > Civil Rights Litigation

## Awards and Nominations



# Board and Staff

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PEOPLE WE LOVE TO WORK WITH





Left to Right:

Bill Lann Lee (CREEC)

Tim Fox (CREEC)

Alan Chen (University of Denver Sturm  
College of Law)

Mari Newman (Killmer, Lane & Newman)

Mark Lindsay (The Livingston Group)

Amy Robertson (CREEC)

## CREEC's Board of Directors



Senior Counsel  
Bill Lann Lee

Introducing our first CREEC Fellow:  
Liz Jordan!



Paralegal Caiti Hall



Paralegal Jean Peterson



Winter extern  
Marième Diop  
(with Caiti at the  
Women's March).



## CREEC's Staff



Tim Fox



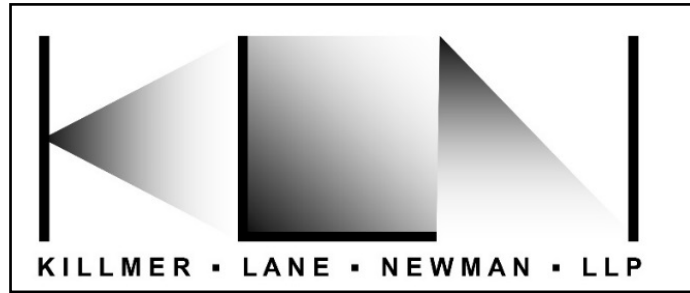
Amy Robertson

## CREEC's Executive Directors

# SPONSORS

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WITH DEEP APPRECIATION.



Kim & Mary Kay Love



Arlene Mayerson



Gold, Silver, and Bronze



Lainey Feingold

Phyllis Roestenberg

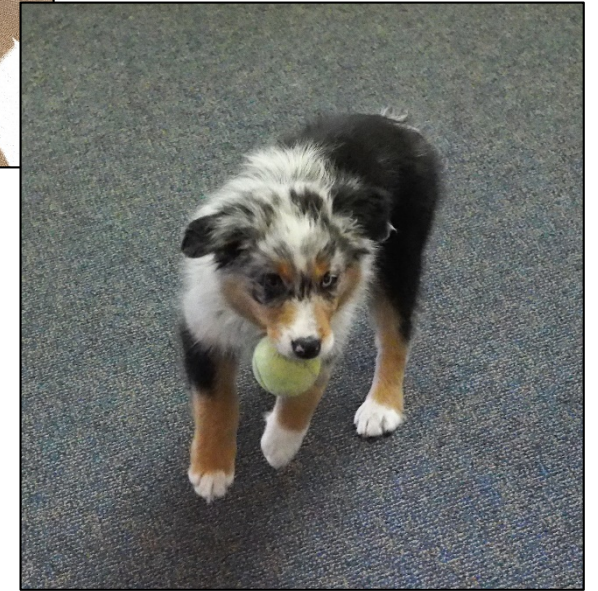
Christine Griffin



Orange

and of course . . . DOGS!

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Saguaro, Holly, and introducing: Finnley!





THE END