



# **2021** (virtual) **ANNUAL** **MEETING**

WEDNESDAY, NOVEMBER 3, 2021

**ACLU**

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Rhode Island

*2021 Virtual Annual Meeting*  
*American Civil Liberties Union of Rhode Island*

*November 3, 2021*

**ACLU of RHODE ISLAND'S  
2021 Virtual Annual Meeting**

Welcome and Annual Business Meeting  
*Heather Burbach*

In Memoriam

*Honoring the work and lives of longtime ACLU volunteers*  
*Christopher Corbett*  
*John Dineen*  
*H. Jefferson Melish*

Presentation of ACLU Cases & Legislative Work

*Koso v. Neronha — Lindsay Koso & Carolyn Medina*  
*Duhamel v. Baldelli-Hunt — David Cass*  
*School Discipline — Paige Clausius-Parks*  
*Benson v. Raimondo — Lynette Labinger*

Concluding Remarks

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## ACLU Attorney & Plaintiff Panel



When law student **Lindsay Koso** was researching an immigration issue for a law review article, she was unable to find copies of annual reports that state law required the Attorney General to publish involving non-citizens and the criminal justice system. The Attorney General's response to her Access to Public Records request came with a \$225 fee in order to provide her with the requested information. She called the ACLU for help, and ACLU volunteer attorney **Carolyn Medina** agreed to challenge the fee demand. She argued that under state law, the reports Lindsay was requesting had to be prepared and submitted to the RI General Assembly annually and therefore they should have been readily available to her upon request without the charging of any fee, much less an exorbitant one. After she filed suit, the Attorney General's office quickly caved in and provided the records at no charge.



**David Cass** – After the ACLU received complaints from two Woonsocket residents about being blocked from Mayor Lisa Baldelli-Hunt's Facebook page simply because they had posted mildly critical comments about actions she had taken, ACLU cooperating attorney David Cass agreed to file a lawsuit on their behalf. The suit argued that the Facebook page constituted a "public forum" and that, under the First Amendment, the Mayor could not bar people from accessing or commenting on her page merely because of political disagreements. Shortly after the suit was filed, the Mayor agreed to unblock the two plaintiffs and to no longer block other people for expressing views protected by the First Amendment.



Over the years the Affiliate has lobbied and filed briefs on a number of education-related issues. One issue that continues to be a particularly troubling one is the continued use of school-based police officers for disciplinary matters. **Paige Clausius-Parks**, Senior Policy Analyst for RI KIDS COUNT, spends her days working to change education policy, and has been a strong advocate and ally with the ACLU in fighting the "school-to-prison pipeline."

**Lynette Labinger** — In 2019, the R.I. General Assembly passed an extremely important law that codified the principles of *Roe v. Wade* into statute. The law was passed in prescient recognition of *Roe*'s fragile status at the federal level. But even before this bill was signed into law, anti-choice opponents of the legislation filed a lawsuit challenging its constitutionality. ACLU of Rhode Island cooperating attorneys Lynette Labinger and Faye Dion filed a "friend of the court" brief supporting the law's validity. A Superior Court judge upheld the law, and the case is pending in the R.I. Supreme Court where the ACLU filed another brief. Labinger is no stranger to the issue, having successfully handled challenges to a half-dozen state anti-choice laws enacted by the General Assembly over the decades.



## ACLU of RI YEAR IN REVIEW (November 2020-October 2021)

The continuation of the Covid-19 epidemic has brought many challenges to the defense of civil liberties, but they are challenges we continue to meet. Being able to participate only remotely in this year's General Assembly session was difficult, but it did not stop us from lobbying on more than 300 bills and obtaining some important legislative victories. And, for the second year in a row, we helped score a major triumph in the U.S. Supreme Court.

In highlighting just a small sample of the ACLU of RI's activities this past year, the list below provides some perspective on the breadth of our work and, we hope, demonstrates the critical function we continue to play in these dire times.

### First Amendment Rights



A federal judge declared unconstitutional a Cranston ordinance that banned all panhandling, charitable solicitation and leafletting from roadway medians.

The ACLU successfully represented a Portsmouth homeowner who had been facing \$500-a-day fines for posting political signs on his property.

The state entered into a consent agreement that struck down a state law banning vanity license plates that were “offensive to good taste and decency.”

Thanks to an ACLU lawsuit, the Mayor of Woonsocket agreed to no longer block people posting critical comments from her Facebook page.



As the result of ACLU intervention, the Attorney General confirmed he would not enforce an antiquated state law and take action against the RI Democratic Women's Caucus for using the word “Democratic” in their name without permission of the state political party.

### Voting Rights



The ACLU filed a brief challenging Bonnet Shores Fire District by-laws that bar non-property-owning residents from voting in fire district elections.

Responding to disputes that took place in last year's elections in a few low-income, non-white neighborhoods, the ACLU submitted proposed regulations to the state Board of Elections that would establish clear, public standards before polling locations can be closed.

## Privacy

The ACLU filed a “friend of the court” brief in the R.I. Supreme Court, urging the dismissal of a challenge to the constitutionality of the Reproductive Privacy Act, the state law codifying the protections of *Roe v. Wade*.

The ACLU favorably settled a precedent-setting lawsuit that held that employers could not discriminate against job applicants based solely on their off-work use of medical marijuana.

The ACLU submitted detailed testimony calling for the strengthening of recommendations proposed by the Attorney General for a statewide police body camera policy.



Ruling in a case initiated by the ACLU, the U.S. Supreme Court ruled unconstitutional a Cranston police department practice of searching homes without a warrant when engaging in so-called “community caretaking” functions.

## Students’ Rights



The ACLU successfully represented two young children expelled from school for the year because their parents allowed them to attend while the father was awaiting the results of a Covid test.

ACLU advocacy prompted CCRI to revise the college’s free tuition program, known as Rhode Island Promise, to allow students with disabilities to take more than two years to earn their degree.

## Immigrant Rights

A federal appeals court supported the ACLU’s position in rejecting the federal government’s claim that a person who would likely be tortured if extradited back to his home country could not rely on that fact to prevent his return there.

## Gender Equality

In an important sex discrimination case, the ACLU successfully argued in a federal appeals court in support of a settlement agreement it had reached with Brown University that reinstated two women’s sports teams it had previously cut.

After years of lobbying efforts by the Affiliate, the General Assembly enacted a law barring health insurance companies from using gender as a factor in setting premiums.



## **Due Process of Law**

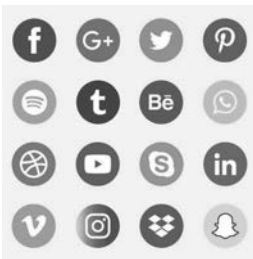
For the second year in a row, the ACLU assisted in obtaining the release of a prisoner who had been granted parole but remained held at the ACI based on a retroactive change made by prison officials in calculating parole eligibility dates.



An ACLU-led effort helped defeat an Attorney General bill that would have expanded the use of mandatory sentencing.

As the result of ACLU-proposed amendments, a new law establishing a process to allow private individuals to officiate at marriages strictly limits the Governor's discretion to deny approval.

## **Workers' Rights**



Responding to ACLU objections, the Providence School Board revised its social media policy that stifled the private free speech rights of teachers.

A federal judge ruled in favor of a Johnston police detective represented by the ACLU who was suspended after he publicly raised concerns about certain police department actions.

## **Open Government**

The ACLU successfully represented a RWU law student who was charged hundreds of dollars by the Attorney General to obtain copies of public reports that state law specifically required that office to submit to the General Assembly.

## **Rights of the Incarcerated and Ex-Offenders**

Dozens of professional licensing statutes were amended, as the result of ACLU lobbying, to bar state officials from denying licenses to people if they had ever been convicted of undefined "crimes of moral turpitude."

The ACLU appeared in state and federal court in separate cases seeking to strike down once and for all the state's archaic statute declaring individuals serving life sentences "civilly dead" and barring them from bringing lawsuits on their behalf.





## In Memoriam — Christopher Corbett



Over the varied course of his service with the ACLU, Christopher Corbett was an assiduous staff person, Board member and cooperating attorney. As a member of the Affiliate staff for over six years, Chris handled a wide array of job duties with humor and aplomb.

After graduating from law school, he served both as a cooperating attorney and on the Affiliate's Board of Directors. Two years ago, he sparkled as a presenter at the Affiliate's 60th anniversary dinner.

As a volunteer attorney, he filed a number of "friend of the court" briefs and co-counseled an important First Amendment case challenging the censorship of political advertisements at T.F. Green Airport.

A sampling of cases he handled for the affiliate are listed below.

**Farrell v. Whitehead.** "Friend of the court" brief in support of a whistleblower lawsuit filed by union officers who were threatened with a disciplinary hearing for filing a complaint with the state Ethics Commission against a former union official.

**R.I. Brotherhood of Correctional Officers v. R.I. Airport Corporation.** Favorably-settled federal lawsuit challenging the airport's censorship of an issue-oriented advertisement on the grounds that it was "political" and "negative."

**Lariviere v. Lariviere.** "Friend of the court" brief in support of a Family Court decision denying the request of a father with joint custody of two children, ages 11 and 13, to restrain the mother from taking them to a rap concert.

**Shakur v. Wall.** Representation of a prisoner at the ACI, challenging prison policies governing access to magazines and other publications.

**R.I. ACLU v. CVS Caremark Corporation.** Successful administrative complaint challenging a company's on-line application questionnaire as having a disparate impact on applicants with certain mental impairments.

## In Memoriam — John Dineen

John Dineen was a conscientious objector in the Vietnam War and dedicated his life to social justice, first as an attorney at Legal Services and then as a long-time volunteer attorney for the ACLU of RI, for which he handled literally dozens of cases.

Being especially committed to the indivisibility of free speech, he represented an extraordinary range of plaintiffs for the ACLU in fulfillment of that principle. The First Amendment lost a dear ally with his passing.

A sampling of cases he handled for the affiliate are listed below.



**City Streets v. City of Woonsocket.** Successful federal lawsuit on behalf of a nightclub advised it could not have an “all male revue” without first obtaining a special license.

**Sammataro v. Sammataro.** Favorable state court appeal on behalf of a mother who had lost custody of her daughter solely for receiving welfare assistance.

**Jacques v. R.I. Public Telecommunications Authority.** Favorably settled federal lawsuit challenging a public TV station's decision not to allow an independent candidate for office to participate in a station-sponsored candidate debate.

**Estey v. Internal Revenue Service.** Favorably settled federal lawsuit on behalf of an IRS employee barred from submitting for publication an article he had written on pension reform.

**Barense v. Town of Barrington.** Successful federal lawsuit challenging on First Amendment grounds a Town's practice of providing free clearing of snow from churches' parking lots.

**Parker v. School Committee of the Town of Westerly.** Successful administrative challenge to the suspension of a high school student for wearing a T-shirt with the numerals “666” on it.

**Pombo v. City of Providence.** Successful federal lawsuit on behalf of a street performer required to obtain a permit to play his saxophone in public and barred from seeking donations for his performances.

**Brady v. Tamburini.** Successful federal lawsuit challenging the two-day suspension of a Johnston detective after he publicly criticized the police department in his role as president of the police union.

## In Memoriam — H. Jefferson Melish



**Jeff Melish** left his mark on the Affiliate as both a long-time Board member and cooperating attorney. Jeff's quiet demeanor hid a deep and abiding passion for civil rights and liberties. He took on numerous challenges as an ACLU volunteer lawyer for almost three decades.

In his last ACLU case, handled this year, he successfully advocated for two children who were kicked out of school for the rest of the year as punishment for their parents letting them attend school while their father awaited a COVID test result.

A sampling of some of the other cases he handled for the affiliate are listed below.

**Robinson v. City of East Providence.** Successful state court challenge on free speech and due process grounds to a police matron's summary termination.

**DiStefano v. Haxton.** Successful lawsuit challenging a town ordinance barring more than three unrelated people from living in the same house.

**In re: Michael P.** Favorably settled administrative proceeding filed on behalf of a Chariho special education student who was kept out of school for almost a year due to the school's failure to accommodate his medical needs.

**URI Student Senate v. Town of Narragansett.** Lawsuit challenging a town ordinance authorizing police to charge tenants and landlords with allowing, and to place orange stickers on houses that were allegedly the site of, "unruly gatherings."

**Martin v. Langlois.** Representation of a person who was barred by a judge from posting on Facebook any information relating to a Family Court case involving her brother.

**State v. B.** Representation of a juvenile who was ordered to Truancy Court, and whose parents were the subject of an "abuse and neglect" petition, because of the student's repeated tardiness to school.

**Gooding v. Ocean Community YMCA.** Favorably settled lawsuit on behalf of a woman who was barred by her employer from breastfeeding her baby in public areas of the workplace.

## ACLU of Rhode Island Volunteers

Listed below are many of the non-Board members who have assisted the ACLU in 2021. These are the volunteers who did speaking engagements, served as cooperating attorneys, helped with fundraising, testified before town councils, lent their time and talent to Affiliate events, and so on. It cannot be overstated that the ACLU's strength comes from its volunteers, and we express our grateful appreciation to them.

Edith Ajello  
Cheryl Allen-Ricciardi  
Armando Batastini  
Brett Beaubien  
Barry Best  
Thomas G. Briody  
Ethan Brill-Cass  
Audrey Buffi  
David Cass  
C. Alexander Chiulli  
Susan Church  
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Chloe Davis  
Amato DeLuca  
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Georgi Vogel-Rosen  
Anne Voss-Altman  
Daniel Weisman  
Vivian Weisman  
Elizabeth Wiens  
Hilary White  
Kristen Williams



**Thanks to all of our predecessors who made our  
Affiliate as strong as it is today.**

**From the Board of the American Civil Liberties  
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*In Memory of*  
*Jeff Melish*



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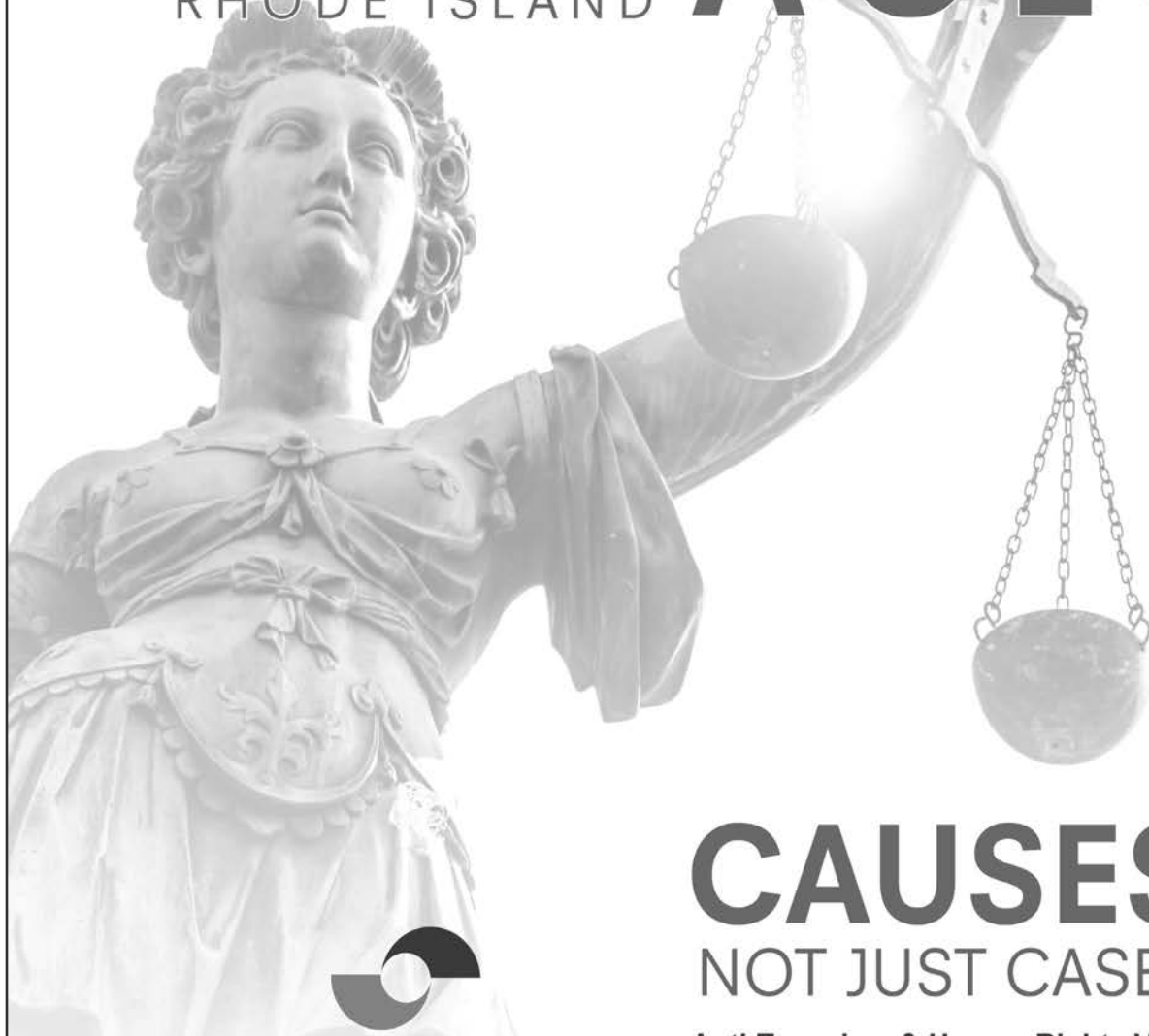
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Robert J. McConnell (MA, RI) and Vincent L. Greene IV (RI) are the attorneys responsible for this communication. Motley Rice LLC, a South Carolina Limited Liability Company, is engaged in the New Jersey practice of law through Motley Rice New Jersey LLC. Esther Berezofsky attorney responsible for New Jersey practice.

# KEEP GOING!

THANKS,  
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IN MEMORY OF

**JOHN DINEEN, Esq.**

His acerbic wit and lifelong commitment to  
the ACLU will not be forgotten.

Bill & Joan Flynn



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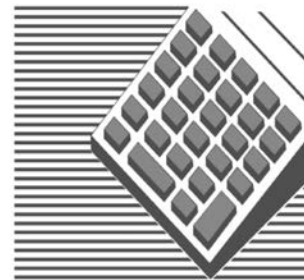
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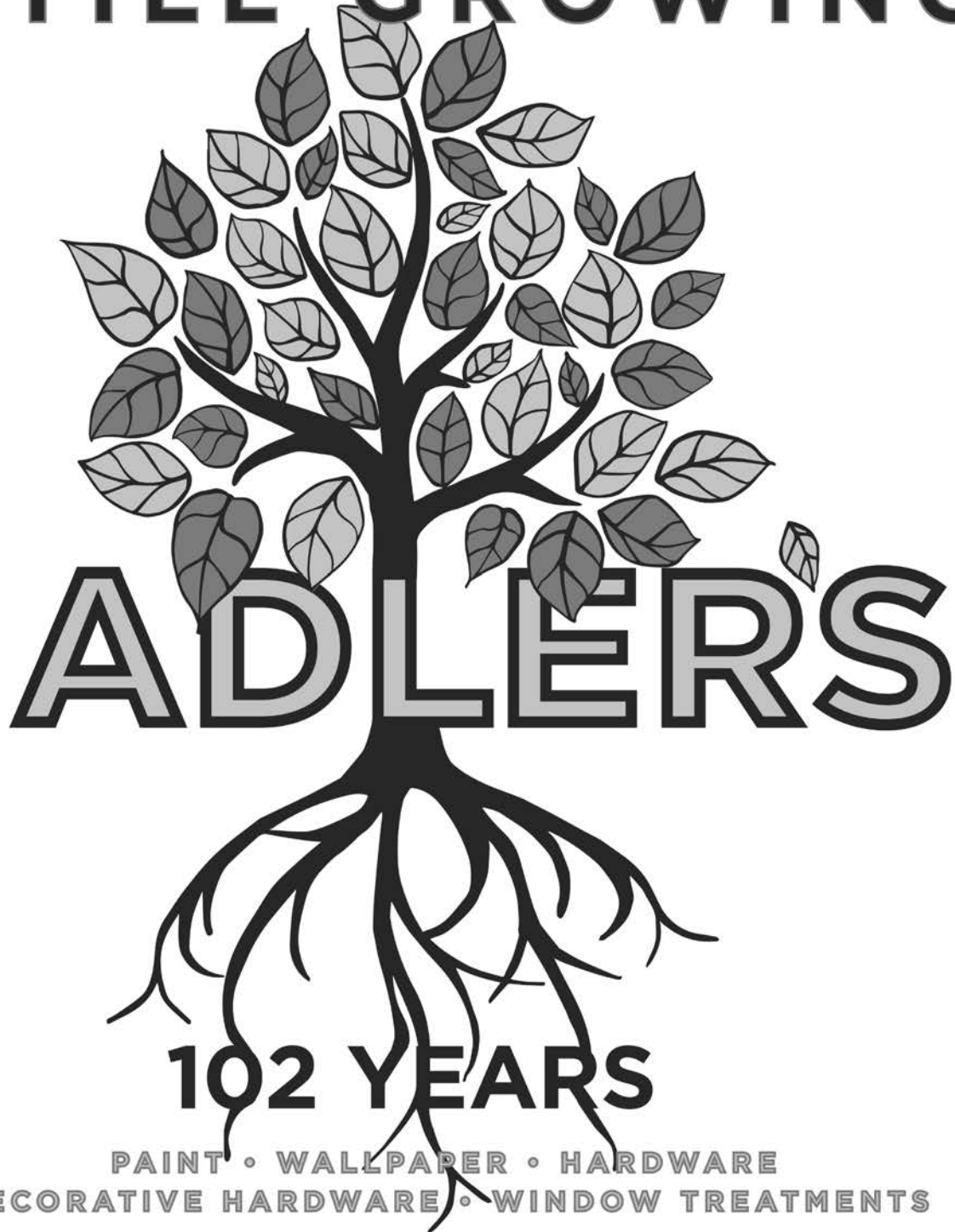


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**Thank you RI ACLU!**

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Mikaila M.L. Arthur  
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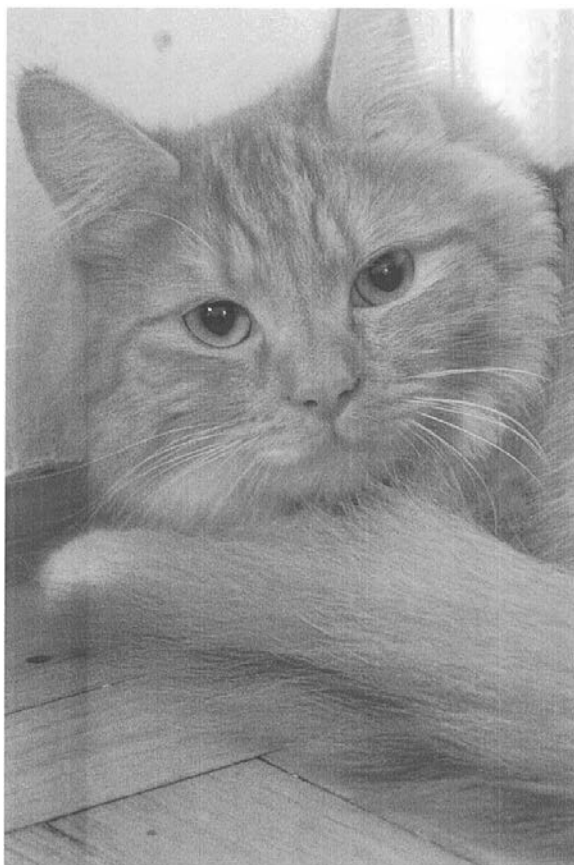


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Over my nearly three decades as a RI State Representative, I've come to value the work of the ACLU of RI more each year. No one working at the State House seems to read our bills more carefully. No one else seems to consistently catch the unintended consequences in legislation drafted with best intentions.

Thank you to Steve and Hannah and all of the volunteer advocates. And, a big thank you to all who support the work of the ACLU of RI.

Edie Ajello



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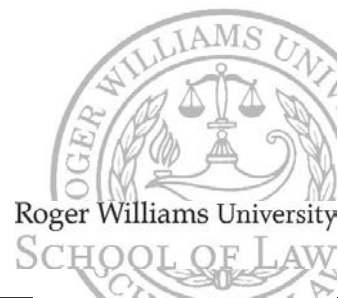


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A dedicated camping dad and member of the  
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A great friend, colleague and mentor whose sense of  
humor and smarts made us all better advocates

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**In Memory of**

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**August 15, 1945 - November 27, 2020**

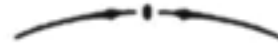
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RI ACLU

For your tireless advocacy & commitment to standing up against injustices that threaten our civil liberties.

**Leonela Felix**  
Democrat for State Representative



Thank you ACLU!

Responding to the pandemic has changed many things about how we live, but it has not lessened the need for the ACLU to champion civil rights. This year, please honor our lost champions — John Dineen, Jeff Melish & Chris Corbett

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## In Memory of RI ACLU Leaders ~

Chris Burke  
Christopher Corbett  
John Dineen  
Elizabeth Earls  
Jack Finger  
Nancy Gewirtz  
Dotty & Joe Gurland  
John Kellam  
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Irma Slavitt  
Milton Stanzler

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~ Vivian & Dan Weisman



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Thank you, ACLU!



**In memory, and in honor, of our eternally  
vigilant advocates:**



**Chris Corbett**



**John Dineen**



**Jeff Melish**

**Thank you,  
Lise Iwon**

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# ACLU of RI 2021 Legal Docket

## Active Cases, January-November 2021

\* indicates case opened in 2021; # indicates case closed in 2021

\* ***A.C. v. Raimondo***. STUDENTS' RIGHTS. "Friend of the court" brief supporting an appeal arguing that public school students have a constitutional right to an education that prepares them to effectively participate in a democracy. A decision is awaited. Cooperating Attorneys: Andrew Troop, Jeffrey Meltzer

# ***Aguasvivas v. Pompeo***. RIGHTS OF IMMIGRANTS. "Friend of the court" brief challenging the federal government's plans to deport a person back to his native country despite an immigration board's findings that he will likely be tortured if he is returned there. The federal appeals court affirmed a lower court ruling barring the petitioner's extradition. ACLU Attorney: Cody Wofsy Cooperating Attorney: Roberto Gonzalez

***Benson v. Raimondo***. ABORTION RIGHTS. "Friend of the court" brief in support of the State's motion to dismiss this lawsuit challenging the constitutionality of the Reproductive Privacy Act, which codified *Roe v. Wade* into state law. A judge dismissed the suit, and plaintiffs' appeal is pending in the state Supreme Court, where another brief has been filed. Cooperating Attorneys: Lynette Labinger, Faye Dion

***Blanchette v. Town of Narragansett***. STUDENTS' RIGHTS. Federal lawsuit on behalf of a high school student with disabilities who was thrown to the ground, handcuffed and arrested by a school resource officer for disorderly conduct after "giving the finger" to the SRO. Discovery is proceeding. Cooperating Attorneys: Amato DeLuca, Matthew Provencher

\*# ***B.R. and K.R. v. North Kingstown School District***. STUDENTS' RIGHTS. Administrative challenge to school

district decision to ban two children from in-school learning because their parents had let them attend school while their father was waiting for the results of a Covid test. A RI Department of Education hearing officer overturned the ban. Cooperating Attorney: H. Jefferson Melish

# ***Brady v. Tamburini***. FREEDOM OF SPEECH. Federal lawsuit challenging the two-day suspension of a Johnston detective after he publicly criticized police department officials in his role as president of the police union. The court ruled that the suspension violated the plaintiff's free speech rights, and entered a consent judgment providing for various remedies. Cooperating Attorneys: John Dineen, Elizabeth Wiens

***Calderon v. Nielsen***. RIGHTS OF IMMIGRANTS. Successful habeas corpus petition, filed by the ACLU of Massachusetts with initial ACLU-RI assistance, now a class-action lawsuit, on behalf of a Providence mother of two who was detained by ICE officials after appearing at an interview to change her undocumented immigration status. Numerous protective orders have been issued by the court as the case proceeds. ACLU of MA Attorney: Adriana Lafaille

# ***Callaghan v. Darlington Plastics***. MEDICAL MARIJUANA/WORKPLACE RIGHTS. Lawsuit on behalf of a graduate student who was denied employment as a paid intern at a fabrics company because of her status as a registered medical marijuana user. The court ruled that the company's actions violated the state's medical marijuana law. The company agreed to revise its hiring policy and pay damages and attorneys' fees. Cooperating Attorney: Carly Beauvais Iafate

***Caniglia v. Strom.*** DUE PROCESS. Federal lawsuit challenging both the basis for the police seizure of a homeowner's lawfully owned firearms without a warrant and a police department policy requiring individuals to obtain a court order in order to recover their weapons. The court ruled the policy unconstitutional but upheld the seizure of the weapons. An appellate court affirmed the latter decision, but in a unanimous decision, the U.S. Supreme Court reversed that ruling. The case is back in the district court for further proceedings. Cooperating Attorneys: Thomas W. Lyons, Rhiannon Huffman

**# *Carroll v. Craddock.*** FREEDOM OF SPEECH. Federal lawsuit challenging a state law giving the Division of Motor Vehicles authority to deny requests for "vanity plates" deemed to be not in "good taste or decency." The court ruled the law unconstitutional. Cooperating Attorneys: Thomas W. Lyons, Rhiannon Huffman

**# *City of Cranston v. Morton et al.*** FREEDOM OF SPEECH. Appellate representation of protesters found guilty of violating an anti-panhandling ordinance for distributing literature to drivers from a roadway median. The charges were dismissed after a separate ACLU challenge led to a ruling that the ordinance was unconstitutional. Cooperating Attorney: Neville Bedford

**# *City of Providence v. Barr.*** RIGHTS OF IMMIGRANTS. "Friend of the court" brief in the U.S. Court of Appeals in support of a legal challenge by two cities to a U.S. Department of Justice policy conditioning the municipal receipt of federal law enforcement funds on collaboration with ICE. The court agreed the requirement was unlawful. ACLU attorney: Cody Wofsy Cooperating Attorney: Nicholas Trott Long

***Clark v. City of Providence.*** RACE DISCRIMINATION. Federal lawsuit challenging the dismissal of a Black Providence Police Academy recruit who was racially harassed by instructors, in

part due to a Christian rap song he had written and posted on social media a year earlier condemning the police killing of young Black men. Discovery is proceeding. Cooperating Attorneys: Sonja Deyoe, Georgi Vogel-Rosen

***Cohen v. Brown University.*** SEX DISCRIMINATION. Reopening of an almost-two-decades-old lawsuit challenging Brown University's violation of a consent agreement requiring gender equity in the school's athletic program. After discovery was conducted, the University entered a settlement agreement, reinstating two women's sports programs that had been cut and subjecting the University to formal monitoring for four years. A group of students then intervened to appeal the settlement, but the appellate court upheld the agreement. Cooperating Attorney: Lynette Labinger

***Cox v. Goncalves.*** OPEN RECORDS/ POLICE MISCONDUCT. Open records lawsuit against the Pawtucket Police Department for refusing to release requested reports relating to alleged police officer misconduct. The Department has agreed to turn over the records. Cooperating Attorney: James Cullen

**\*# *DiPaola v. Town of Portsmouth.*** FREEDOM OF SPEECH. Federal lawsuit challenging the constitutionality of a town ordinance banning the posting of political signs on residential property. A consent judgment was entered, permanently barring enforcement of the ordinance. Cooperating Attorney: Richard A. Sinapi

***Doe v. Providence School District.*** STUDENTS' RIGHTS/RIGHTS OF IMMIGRANTS. Lawsuit, filed with R.I. Legal Services, charging the Providence School District with violating laws and regulations governing the provision of educational services to English Language Learner students. Discovery is proceeding. Cooperating Attorney: Ellen Saideman

**\*# *Duhamel v. Baldelli-Hunt.*** FREEDOM OF SPEECH. Federal lawsuit challenging the Mayor of Woonsocket's actions in banning some of her critics from her Facebook page. A settlement agreement was entered, under which the plaintiffs were unblocked and the Mayor agreed not to block any other people from her page based on their expression of views protected by the First Amendment. Cooperating Attorney: David Cass

***Freitas v. Kilmartin.*** CRIMINAL JUSTICE. Federal lawsuit challenging the constitutionality of a state law barring certain sex offenders from residing within 1,000 feet of a school. A temporary restraining order against enforcement of the law was issued, and discovery is proceeding. Cooperating Attorneys: Lynette Labinger, John MacDonald

***Gaines v. State of Rhode Island.*** DISABILITY DISCRIMINATION. Lawsuit challenging the R.I. Department of Education's failure to reasonably accommodate the plaintiff's disability while employed there. Discovery is proceeding. Cooperating Attorneys: Lynette Labinger, Georgi Vogel-Rosen

***Hanson v. Jensen.*** DUE PROCESS/ECONOMIC JUSTICE. Federal lawsuit against the state Department of Labor and Training for freezing unemployment insurance benefits of thousands of eligible residents without notice or explanation. After taking various interim measures, the DLT entered into a settlement agreement requiring the agency to follow detailed due process procedures before withholding benefits, and to be subject to a court-reviewed monitoring process. Cooperating Attorneys: Ellen Saideman, Lynette Labinger

***Johnson v. City of Pawtucket.*** STUDENTS' RIGHTS/RACIAL JUSTICE. Federal lawsuit on behalf of a 13-year-old Black middle school

student who was arrested by a school resource officer and detained in jail for allegedly getting in a fight with another girl. Discovery is proceeding. Cooperating Attorneys: Shannah Kurland, Lynette Labinger

***In Re Kathleen S.*** DISABILITY RIGHTS. "Friend of the court" brief, filed with Disability Rights RI, challenging the state's jurisdiction over a Connecticut resident who was involuntarily transferred to a Rhode Island hospital under this state's civil commitment law. Cooperating Attorney: Carolyn Mannis

**\*# *Koso v. Neronha.*** OPEN GOVERNMENT. Open records lawsuit against the state Attorney General, challenging a substantial fee charged the plaintiff in order to obtain copies of public reports that state law requires the AG to annually prepare. The suit was dismissed after the defendant agreed to provide the records at no cost. Cooperating Attorney: Carolyn Medina

**# *Kurland v. City of Providence.*** FREEDOM OF SPEECH. Federal lawsuit on behalf of two protesters for being forced to move from the site of a political fundraiser where they were picketing. After motions for summary judgment were denied, a consent order was agreed to, awarding the plaintiffs damages and attorneys' fees. Cooperating Attorney: Richard A. Sinapi

***Lacoste v. R.I. State Police.*** DUE PROCESS/POLICE MISCONDUCT. Federal lawsuit challenging state police actions that resulted in the plaintiff's loss of employment at Twin River Casino after she refused to serve as a police informant in a criminal investigation. Discovery is proceeding. Cooperating Attorney: James Musgrave

***Liberty v. R.I. Department of Corrections.*** DISABILITY RIGHTS/RIGHTS OF PRISONERS. Federal lawsuit, filed with the ACLU National Prison Project and Disability Rights RI,

challenging the Department of Corrections' use of solitary confinement on individuals with severe and persistent mental illness. Discovery is proceeding. Cooperating Attorney: James Rollins ACLU NPP Attorney: Maria Morris

***Lombardi v. Raimondo.*** RIGHTS OF PRISONERS. Federal lawsuit challenging the constitutionality of a state law that declares inmates serving life sentences "civilly dead" with respect to their civil rights. Defendants filed a motion to dismiss, which was denied. Cooperating Attorneys: Sonja Deyoe, Lynette Labinger

***Lyssikatos v. King.*** OPEN RECORDS. Lawsuit against the Pawtucket Police Department over its refusal to release reports of alleged police officer misconduct generated by its Internal Affairs Division. Plaintiff's motion for summary judgment was denied, as was a petition for certiorari with the state Supreme Court. Cooperating Attorney: James Cullen

**# *Lyssikatos v. Town of Narragansett.*** OPEN RECORDS. Access to Public Records Act complaint filed with the Attorney General, challenging a police department's refusal to release any records of its investigations of police misconduct. The AG issued a ruling requiring most of the records to be released. Cooperating Attorney: James Cullen

**\* *Marsh v. McKenna.*** FREEDOM OF SPEECH. Defense representation of a person sued for defamation after she posted to a shoreline access Facebook group a summary of an adversarial encounter with a beach property owner while she was sitting on what she believed to be the public shoreline. Settlement negotiations are proceeding. Cooperating Attorney: Carolyn Mannis

**\*# *Martinez v. Coyne-Fague.*** DUE PROCESS. Habeas corpus petition challenging the Department of

Correction's retroactive application of a policy changing the way the Department calculated parole eligibility dates for individuals serving consecutive sentences for their crimes. The court ordered the release of the petitioner, and the RI Supreme Court denied the State's motion for a stay. Cooperating Attorneys: Lisa Holley, Sonja Deyoe, Lynette Labinger

**# *Medeiros v. Martin.*** RIGHTS OF IMMIGRANTS. Habeas corpus petition seeking the release of three individuals being civilly detained by ICE at the Wyatt Detention Center, whose illnesses made them vulnerable to serious illness or death if they were to contract Covid-19 while detained. A court ordered their release, and defendants withdrew an appeal of the ruling. Cooperating Attorneys: Deborah Gonzalez, Jared Goldstein

***Paiva v. R.I. Department of Corrections.*** RIGHTS OF PRISONERS. Contempt motion over the DOC's failure to comply with the "Morris Rules," a decades-old consent decree establishing specific procedures for handling disciplinary and segregation matters. Cooperating Attorneys: Sonja Deyoe, Lynette Labinger

**\* *Patterson v. Bonnet Shores Fire District.*** VOTING RIGHTS. "Friend of the court" brief in support of a lawsuit challenging a Narragansett fire district's policy that bars residents from voting if they own less than \$400 of property in the district, while allowing thousands of non-resident beach cabana owners to exercise the right. Cooperating Attorney: James Rhodes

***In re R.I. Department of Labor and Training.*** LANGUAGE DISCRIMINATION. Federal administrative complaint, filed with R.I. Legal Services, challenging the state DLT's failure to provide adequate language interpreter services. Cooperating Attorney: Jennifer Doucleff

**# *R.I. Housing Advocacy Project v. City of Cranston.*** FREEDOM OF SPEECH/ECONOMIC JUSTICE. Federal lawsuit challenging an anti-panhandling ordinance that bars standing on a roadway to receive anything from, or distribute anything to, a motor vehicle occupant. A temporary restraining order was issued. After further briefing, a judgment declaring the ordinance unconstitutional was entered. Cooperating Attorney: Lynette Labinger

**\* *Shepard v. Diniz.*** RIGHTS OF PRISONERS/FREEDOM OF SPEECH. Federal lawsuit, filed with the Center for Justice, challenging a person's placement in solitary confinement for eight months after he raised concerns with prison officials about a variety of condition issues . Cooperating Attorney: Brett Baubien

**\* *Stern v. Weldon.*** OPEN GOVERNMENT. Open records lawsuit challenging the Department of Labor and Training's refusal to turn over any documents regarding their potential use of facial recognition technology to process unemployment claims. Cooperating Attorneys: C. Alexander Chiulli, Hilary White

***United States v. Jonas.*** PRIVACY. "Friend of the court" brief filed by all the ACLU Affiliates in the First Circuit, arguing that a judicial warrant is required for law enforcement access to patient information in state prescription drug databases. Oral argument has been held, and a decision is awaited. ACLU Attorney: Nathan Freed Wessler Cooperating Attorney: Robert Mann

***Yanes v. Martin.*** RIGHTS OF IMMIGRANTS. Class-action habeas corpus petition challenging the continued civil detention of ICE detainees at the Wyatt Detention Center in light of the dangers of Covid-19 at prison facilities. The suit has led to the release of dozens of detainees. Settlement negotiations are proceeding. Cooperating Attorneys: Deborah Gonzalez, Jared Goldstein

**\* *Zab v. Rhode Island Department of Corrections.*** RIGHTS OF PRISONERS. "Friend of the court" brief in R.I. Supreme Court in support of a challenge to a state law that declares inmates serving life sentences "civilly dead." Oral argument was held, and a decision is awaited. Cooperating Attorney: Lynette Labinger





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