NAACP LITIGATION & LEGAL ADVOCACY UPDATE
July 29, 2022

Juvenile Justice

- On July 27th, Magistrate Judge Paige Gossett of the United States District Court of South Carolina held a hearing in SC NAAP et al v. Hendricks, a challenge to the conditions of confinement of minors in South Carolina’s Department of Juvenile Justice facilities. At the hearing, Joseph Rostain Schottenfeld of the Office of General Counsel presented arguments on defendants’ motion to dismiss and plaintiffs’ motion for a preliminary injunction.

Education

- On July 25th, the NAACP and the NAACP Legal Defense Fund filed a joint amicus brief with the U.S. Supreme in Students for Fair Admissions, Inc. v. University of North Carolina, et al. Amici argue that Petitioners’ reliance on Brown v. Board of Education to impose race-ignorant admissions contradicts the context, purpose, and meaning of that transformative decision. In truth, Brown did not espouse Petitioners view of “colorblindness,” which willfully ignores ongoing racial inequality. Indeed, Brown and its progeny underscore the need for tailored race-conscious interventions to ensure equal educational opportunity in higher education. Indeed, the Supreme Court’s failure in Plessy v. Ferguson was ignoring, and thus perpetuating, our nation’s racial caste system. LDF represents the NAACP and LDF in this Supreme Court amicus filing. In a press statement, NAACP General Counsel Janette McCarthy Wallace noted, “To paraphrase the late Thurgood Marshall, remember that during most of the last 200 years the Constitution, as interpreted by the Supreme Court, did not prohibit the most ingenious and pervasive forms of discrimination against Black people.” “Now, when the State of North Carolina considers race in acknowledgment of that legacy of discrimination to pursue the benefit of diversity, this same Constitution cannot stand as a barrier.”

- Court rejects challenge to new middle school magnet program. You may recall that the Association for Education Fairness sued the Montgomery County, MD Board of Education and others in the U.S. District Court for the District of Maryland for allegedly discriminating against Asian students in their access to the middle school magnet program. The Montgomery County NAACP, along with the Montgomery County Progressive Asian American Network, Asian American Youth Leadership Empowerment and Development, and CASA, Inc. jointly moved to Intervene. But on July 29, 2022, U.S. District Judge Paula Xinis granted the school district’s motion to dismiss. The Court dismissed, without prejudice, the Plaintiff’s amended complaint and denied as moot the motion to intervene filed by the NAACP and others. The NAACP and allied groups also formed an Amici coalition that argued that Plaintiff’s Equal Protection challenge to the new middle school magnet admissions program fails as a matter of law. The Judge agreed, finding no plausible allegation of disparate impact or discriminatory intent sufficient to trigger strict scrutiny. She thus upheld the admissions program under rational basis review. The Court specifically credits the coalition’s participation with changing her thinking on the disparate impact issue.
113th National Convention

- Members of the Office of General Counsel, including the Kellogg’s Summer Law Fellows, played an instrumental part in the resolutions process at the 2022 National Convention in Atlantic City, New Jersey. This year marked the first time using electronic voting, which obviated the need for a hand count.

- The Office of General Counsel put on a two-day Continuing Legal Education (CLE) program, which was attended by lawyers and non-lawyers alike. The panels composed of national experts discussed redistricting, the status of lawsuit currently pending regarding voting and redistricting, and newly enacted voter suppression/nullification laws. Speakers also discussed strategies for protecting voting in the upcoming elections.

- The Office of General Counsel hosted the Clarence M. Mitchell, Jr. Memorial Luncheon. Member of the Mitchell family were present and spoke about the family legacy of civil rights. The Juanita Jackson Mitchell, Esquire Award was presented to the South Carolina State Conference and the Tennessee State Conference. Presidents Brenda Murphy and Gloria Sweet-Love, respectively, accepted the awards on behalf of their state conferences. Deborah N. Archer, Professor of Clinical Law and Co-Faculty Director of the Center on Race, Inequality, and the Law at NYU School of Law, was awarded the Foot Soldier in the Sand Award for the work performed by her and her students regarding the NAACP’s challenges to housing ordinances that disproportionately adversely affect black renters. The Keynote Speaker was Kristen Clarke, the Assistant Attorney General for Civil Rights at the U.S. Department of Justice.

- Lanita Ross of the Office of General Counsel was presented with the 2022 Medgar Wiley Evers Award. Medgar Wiley Evers dedicated his life to the fight for freedom in his native state and America. His steadfast courage in the face of constant danger endeared him to NAACP Members and liberty lovers everywhere. His memory serves as a lasting inspiration to NAACP staff members who carry on the work to overcome the consequences of racism. Medgar Wiley Evers, the first NAACP Field Director for the State of Mississippi, was struck by an assassin's bullet in the back on June 12, 1963. The award is presented to outstanding employees of the National Office of the NAACP.

Spotlight: Kellogg’s Summer Law Fellow

- Emily LaPlante

Emily is a 3L at Southern University Law Center. She applied to this fellowship for several reasons. One is the NAACP rich history and impact in marginalized communities. Secondly, while in undergrad at Florida State University, Emily was a member of the NAACP and served in various position of the college chapter. Her commitment to the organization grew because upon graduating she remained involved with the Tallahassee Branch of NAACP. She saw this Law Fellowship as an opportunity to connect her past to her future goals while incorporating civil rights advocacy. Emily also sought this fellowship for the opportunity to gain insight into the inner workings of NAACP Office of General Counsel. A highlight of the fellowship has been weekly and sometimes daily
meetings with different attorneys and NAACP partners. As Law fellows, they were able
connect with attorneys from a wide range of specialties and learn the different ways to
incorporate and advance civil rights. These meetings provided great insight into the power
of networking, the strong relationships that allow the NAACP to have the impact in terms
of advocacy and litigation. Through this fellowship, Emily was able to see the expansive
nature and the multiple facets of civil rights law. Emily has not narrowed down a specific
practice area but hopes to work as In-House counsel and incorporate civil rights advocacy
in her future career.

• Alexis Grant
Alexis is a 3L at Southern University Law Center. Alexis has always been interested in
being an advocate for others, specifically when it comes to civil rights and veterans. She
selected this fellowship because of her prior work with the NAACP on the local level which
began in 2017. She sought this opportunity to gain insight into how the Office of General
Counsel is interwoven with the community and local branches. The highlight of the
fellowship for Alexis has been all of the great networking opportunities that have been
provided by Kellogg’s and the NAACP Office of General Counsel. The various meetings
with different attorneys have allowed her to see how civil rights law can be done in almost
any aspect of the law. During this externship, she was able to have multiple invaluable
networking experiences including being able to have in-depth and real conversations with
the CEO of Kellogg’s; domestic and international attorneys who work for Kellogg’s; the
CEO and President of the NAACP; attorneys from the Supreme Court of the United States;
and previous law fellows. Although these conversations took place remotely, the
experience nonetheless was amazing. She has also enjoyed the variety in the work
assignments because they have dealt with a range of critical topics. Alexis came into this
externship with the desire to work in civil rights and veterans law. This externship has
solidified that aspiration and has given her more of the tools necessary to make it happen.

• Kailyn Hutchins
Kailyn is a 3L at Elon University School of Law. Kailyn applied to be a 2022 NAACP
Kellogg’s Law Fellow because she has always been interested in civil rights, particularly
in the criminal justice realm. Since Kailyn’s first year of law school, she has worked
heavily with Elon Law’s Innocence Project which involves advocating on behalf of those
who are incarcerated but have maintained their innocence the entire time. During Kailyn’s
second year of law school, she got involved with advocating on behalf of abused and
neglected children by drafting an appellate brief to the North Carolina Court of Appeals.
Those experiences made Kailyn realize that advocacy comes in many forms and that adults,
children, and families all need people working in their best interest. Kailyn believes the
NAACP is a perfect example of how that is done. When Kailyn applied for this position,
she knew that the NAACP will afford her the opportunity to get involved in various civil
rights projects that coincide with the mission of this organization, and that those projects
will also expose her to other areas of the law where advocacy and litigation are the fuel to
ensure that the rights of citizens are protected. Kailyn has thoroughly enjoyed every single
week of this Fellowship as she has worked on so many good projects with the attorneys
and staff within the General Counsel’s Office, and because Kailyn was able to attend the
2022 NAACP National Convention in Atlantic City, New Jersey. Considering all her
experiences thus far, Kailyn thinks the highlight is meeting with Kellogg’s employees and
the executive staff. Kailyn has always had an interest in corporate law so she really appreciated being able to spend a week getting to know more about that area of the law while also forming great connections with Kellogg’s employees and learning more about the company overall. That experience was such an eye-opener for Kailyn as she realizes that attorneys can pursue a career in another area of the law and still be an active advocate for civil rights.

As a third-year law student graduating in December of 2022, Kailyn will take the District of Columbia bar exam in February of 2023 and she plans to either work with the federal government as an Assistant U.S. Attorney or work in corporate and provide pro bono legal services on the side. Kailyn has always had an interest in working with the Department of Justice either in the Criminal Division or the Civil Rights Division so that she can be in the forefront of criminal justice reform and also ensure that justice is properly served across the board. On the other hand, Kailyn is now very interested in corporate and business law and would be interested in working as a transactional attorney or a business litigator while also pouring back into local communities by providing pro bono services in many ways to those in need. Whichever route Kailyn pursues, she will be sure to stay engaged with the NAACP as she is a member of her local branch in Calvert County, Maryland.