

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

CHARLES H., ISRAEL F., AND MALIK Z.  
on behalf of themselves and all others  
similarly situated,

*Plaintiffs,*

v.

DISTRICT OF COLUMBIA, *et al.*,

*Defendants.*

Civil Action No. 1:21-cv-00997 (CJN)

**DECLARATION OF KAITLIN R. BANNER**

I, Kaitlin R. Banner, hereby depose and state:

1. I am a Deputy Legal Director at Washington Lawyers' Committee for Civil Rights & Urban Affairs ("Washington Lawyers' Committee" or "the Committee"). The Committee has represented Plaintiffs in the above-captioned case with co-counsel from Terris, Pravlik & Millian, LLP, and School Justice Project (collectively, "Class Counsel"), beginning with the investigation of the case in 2020. I submit this declaration in support of Plaintiffs' Unopposed Motion for an Award of Litigation Costs, Including Attorneys' Fees.

2. As a component of the Settlement Agreement, the Parties have settled all of Plaintiffs' litigation costs, including attorneys' fees, expended in connection with this litigation through the Expiration Date, except for certain enforcement motions. *See* ECF No. 191-1, paras. 151-152.

**ATTORNEYS AND PARALEGALS**

3. Washington Lawyers' Committee is a DC-based non-profit organization that works to create legal, economic, and social equity through litigation, client and public education, and public policy advocacy with a primary focus on racial justice. For the last 50 years, the Committee

has been on the cutting edge of civil rights advocacy in the region bringing precedent-setting litigation to address discrimination. The Committee has fourteen attorneys.

4. All of Washington Lawyers' Committee's work is done without charge to the client. The Committee receives grants and donations to support its work and also receives compensation either when the client prevails and attorneys' fees are awarded by the court or when negotiated in settlement. In the present case, the Committee has not charged the clients for attorneys' fees or expenses and instead has agreed to seek compensation only through settlement or an award based on applicable law.

5. Washington Lawyers' Committee has litigated other complex federal class action cases brought under the Constitution and §1983, the Americans with Disabilities Act, and Rehabilitation Act, including *Scott et. al v. Clark et. al*, No. 3:12-00036 (W.D. Va.) (class action challenging conditions at Fluvanna Correctional center for Women); *Doe v. Shenandoah Valley Juvenile Center Commission*, No. 5:17-00097 (W.D. Va.) (class action challenging conditions at Shenandoah Valley Juvenile Center); *Black Lives Matter v. Trump et al.*, No. 20-1469, (D.D.C) (class action challenging the assault on protesters at Lafayette Square); *Costa et. al v. Bazron et. al*, No. 19-3185 (D.D.C.) (class action complaint for emergency injunctive relief regarding conditions at a public psychiatric hospital); and *Seaman et. al v. The Commonwealth of Virginia et. al*, No. 3:22-6 (W.D. Va.) (multi-plaintiff complaint challenging disability discrimination arising from Virginia's prohibition on required masking in schools).

6. The attorneys and paralegals who worked on the matters at issue in this fee application are listed in the time records in Plaintiffs' Exhibit 10, which also provides their rates pursuant to the Legal Services Index ("LSI") *Laffey* Matrix, which is described further in the

declaration of my co-counsel, Kathleen L. Millian. *See* Pl. Ex. 1. The attorneys are also described below, and additional detail is provided in their resumes (Pl. Ex. 11).

7. The attorneys who worked on this case over the period at issue in this application are listed in the subparagraphs below:

(a) I, Kaitlin Banner, graduated from George Washington Law School in 2008. I received my LL.M. in 2012 from the David A. Clarke School of Law at the University of the District of Columbia, where I was a Clinical Instructor at the Took Crowell Institute for At-Risk Youth from 2010 until 2012 and represented numerous individuals in IDEA due process hearings before OSSE's Office of Dispute Resolution. Before I joined the Committee in 2018, I was an attorney, then Deputy Program Director and Acting Director, of Advancement Project's Opportunity to Learn Program. As Deputy Legal Director at the Committee, I litigate complex civil rights class action cases in the federal courts, among other responsibilities.

(b) Jonathan Smith graduated from Antioch School of Law in 1984. Before joining the Committee in 2016, his extensive experience in civil rights and poverty law included serving as the Chief of the Special Litigation Section of the Civil Rights Division of the United States Department of Justice and serving as Executive Director of the Legal Aid Society of the District of Columbia, the Public Justice Center in Baltimore, Maryland, and the D.C. Prisoners' Legal Services Project. Mr. Smith joined the Committee as its Executive Director in 2016 and became the Committee's Senior Special Counsel for Criminal Legal System Reform in April 2023.

(c) Marja Plater graduated from American University Washington College of Law in 2006. After graduation, she worked as a law clerk, contract attorney, and staff attorney at various firms and organizations including CACI International, The Franklin Law Group, P.C., and

Maryland Legal Aid. Ms. Plater joined the Committee as Counsel in 2021 and became Senior Counsel in 2022.

(d) Margaret Hart graduated from Temple University Beasley School of Law in 2010. After graduation, she worked as an associate at a law firm in New York City and then as a staff attorney at Disability Rights DC at University Legal Services, the federally mandated protection and advocacy organization for individuals with disabilities in the District of Columbia. She joined the Committee as Counsel in 2019 and became Senior Counsel in 2021.

(e) Jennifer Thelusma graduated from Duke University School of Law in 2019. After graduation, she was an attorney at Tycko & Zavareei in Washington DC and joined the Committee as the Tycko & Zavareei Legal Fellow from April 2021 – July 2021.

8. The paralegals who worked on this case for the time period covered in this application were Leah Kanzer and Joselyn Machado.

9. We have billed paralegal time on this case in the same manner as attorneys' time. As a result, we have included paralegal time in the lodestar calculations. *See Missouri v. Jenkins*, 491 U.S. 274, 284-88 (1989).

**TIME EXPENDED FROM JULY 15, 2020 UNTIL DECEMBER 31, 2022**

10. All the work performed by Washington Lawyers' Committee, as set forth in this fee petition, was reasonably expended in representation of the plaintiff class between July 15, 2020 and December 31, 2022. This period was chosen because it covers the approximate start date of Class Counsel's investigation into the class claims at issue through to the end of December 2022. This work is described in further detail in Ms. Millian's declaration. *See* Pl. Ex. 1.

11. In identifying the time for which we seek compensation, we have exercised billing judgment. In the exercise of billing judgment concerning the attorneys' fees and expenses encompassed in this fee petition, Washington Lawyers' Committee eliminated significant fees.

12. Washington Lawyers' Committee uses computerized timekeeping software to track the time expended by individuals associated with each case. That software was used for the Committee's time presented in this application and to generate the data presented in the supporting exhibits. Plaintiffs' Exhibit 10 represents the contemporaneous time records of the Committee's timekeepers.

**ATTORNEYS' FEES TOTAL FOR WASHINGTON LAWYERS' COMMITTEE**

13. After reducing our fees in the exercise of billing judgment, Washington Lawyers' Committee incurred attorneys' fees of \$844,337.37 (Pl. Ex. 10).

14. Washington Lawyers' Committee has maintained detailed records of its work and expenses. These records will enable me, if necessary, to supplement these descriptions. Thus, if the Court requests, I would be pleased to supplement this declaration or to discuss any category in more detail, including the nature of the work and the amount of time expended.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on October 19, 2023.

*/s/ Kaitlin R. Banner*

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KAITLIN R. BANNER