

Plaintiffs' Exhibit

12

Civ. No. 21-00997 (CJN)

**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)

SECOND DECLARATION OF IFETAYO BELLE

I, Ifetayo Belle, hereby depose and state:

1. I am the Managing Attorney at School Justice Project (SJP). SJP has represented Plaintiffs in the above-captioned case with co-counsel from Terris, Pravlik & Millian, LLP, and Washington Lawyers' Committee for Civil Rights & Urban Affairs (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. SJP is a DC-based legal services and advocacy organization that provides direct representation to court-involved young people (ages 17-22) with disabilities that qualify them for special education and related services under the Individuals with Disabilities Education Act (IDEA). Since opening our doors a decade ago, we have served over 100 young people. SJP is

the only legal services organization of its kind in the country that specializes in special education rights for court-involved and incarcerated young people. SJP has six attorneys.

4. All of SJP's work is done without charge to the client. SJP receives grants and individual 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, SJP 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. SJP has litigated IDEA cases containing systemic claims against the District of Columbia for its failure to provide special education services and Free Appropriate Public Education (FAPE) to students during periods of placement in out-of-District facilities and to students in Federal Bureau of Prisons facilities. *See Easter v. District of Columbia*, 128 F. Supp. 3d 173 (D.D.C. 2015); *Brown v. District of Columbia*, 324 F. Supp. 3d 154, (D.D.C. 2018).

6. The attorneys who worked on the matters at issue in this fee application are listed in the time records in Plaintiffs' Exhibit 13, 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. 14).

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

(a) I, Ifetayo Belle, graduated from Northeastern University School of Law in 2010, where I participated in the Poverty Law Clinic and provided direct representation to low-income clients. After graduation, I worked as a legal fellow (attorney) at Lawyers' Committee for Civil Rights and New York Civil Liberties Union and then as a Staff Attorney at Advocates for

Children in New York. I joined SJP as a Senior Staff Attorney in 2019 and became Managing Attorney in 2023.

(b) Sarah Comeau, graduated *cum laude* from American University Washington College of Law in 2011. Before she co-founded SJP in 2013, she represented court-involved young people in the District of Columbia as a post-graduate legal fellow (attorney) in the Juvenile Services Program at the Public Defender Service for the District of Columbia. At SJP, she has continued to practice special education law in the District of Columbia on behalf of court-involved students.

(c) Rachel Russo graduated from Georgetown Law Center in 2014, where she participated in the Juvenile Justice Clinic and provided direct representation to juveniles charged with felonies and misdemeanors in the Family Court of the District of Columbia Superior Court. She joined SJP in 2014 as a Staff Attorney and became a Supervising Attorney in 2017.

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

8. All the work performed by SJP, 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.

9. 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, plaintiffs eliminated significant fees.

10. SJP uses computerized timekeeping software to track the time expended by individuals associated with each case. That software was used for SJP's time presented in this

application and to generate the data presented in the supporting exhibits. Plaintiffs' Exhibit 13 represents the contemporaneous time records of SJP timekeepers.

ATTORNEYS' FEES TOTAL FOR SCHOOL JUSTICE PROJECT

11. After reducing our fees in the exercise of billing judgment, School Justice Project incurred attorneys' fees of \$719,920.81 (Pl. Ex. 13).

12. SJP 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/ Ifetayo Belle

IFETAYO BELLE