



**Human Rights Commission  
Legal Representation Committee  
October 7, 2021  
Virtual/Electronic Meeting  
1:30pm**

**Agenda Packet Attachments**

1. Meeting Agenda
2. 09-02-2021 HRC Legal Representation Committee Meeting Minutes
3. DRAFT Resolution HR21-1

# Attachment 1



**Human Rights Commission  
AGENDA  
Legal Representation Committee  
October 7, 2021  
Virtual/Electronic Meeting  
1:30pm**

Please take Notice that this virtual meeting of the Human Rights Commission is for the purposes of planning, developing and drafting management and administration documents for the Human Rights Commission. For the purpose of addressing issues during the quarantine, this virtual meeting will be a limited public forum to discuss the agenda items designated under Section 5 below and to ensure the continuity of services provided by the Commission. The Commission Chair may limit public comments or discussion points that are unrelated to agenda items under Section 5 or that pertain to topics outside the scope of this Agenda. Members of the public are limited to three minutes of comment time per person related to the Agenda below. A maximum of sixteen public comment time slots are allotted per meeting. This will be a virtual/electronic meeting open to the public and registration information is available at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom).

**Link to Human Rights Commission shared Box folder:** <https://app.box.com/s/xty3wnn2s1tj8h7trkknvd79bipyxezy>

**1. WELCOME**

- a. CALL TO ORDER
- b. ROLL CALL
- c. MISSION (recited by all): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*

**2. MATTERS BY THE PUBLIC**

- a. PUBLIC COMMENT (Webinar attendees use the "raise hand" function, phone attendees use \*9)
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

**3. MINUTES**

- a. 09-02-2021 HRC Legal Representation Committee Meeting Minutes\*

**4. WORK SESSION**

- a. Next steps for draft resolution
- b. Discussion of next steps for developing program details
- c. Other business

**5. MATTERS BY THE PUBLIC**

- a. PUBLIC COMMENT (Webinar attendees use the "raise hand" function, phone attendees use \*9)
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

**6. NEXT STEPS & ADJOURN**

\* ACTION NEEDED

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to [ada@charlottesville.gov](mailto:ada@charlottesville.gov). The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

# Attachment 2



**Human Rights Commission  
Meeting Minutes  
Legal Representation Committee Meeting  
September 2, 2021  
Virtual/Electronic Meeting  
1:30 pm**

Public link to meeting rebroadcasts on Boxcast: <https://boxcast.tv/channel/vabajtzeuyv3iclxx1a>

Public link to HRC documents on Box: <https://app.box.com/s/xy3wnn2s1tj8h7trkknvd79bipyxezy>

**1. WELCOME**

- a. CALL TO ORDER
  - i. No official chair. Meeting is called to order at 1:28 pm
- b. ROLL CALL
  - i. Kathryn Laughon
  - ii. Mary Bauer
- c. MISSION (recited by all): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*
  - i. Mission statement skipped.

**2. MATTERS BY THE PUBLIC**

- a. None.

**3. MINUTES**

- a. None

**4. BUSINESS MATTERS**

- a. None

**5. WORK SESSION**

- a. Review of UVA Title 9 complaint process
  - i. Making an ask of the City for a specific amount—how to decide on amount?
    1. Commissioner suggests talking to state delegates
      - a. State likes to test different amounts in localities
    2. Compare legal representation for complainants
    3. Commissioner says City could create a fund without legal authority
  - ii. Kathryn suggests talking to Kristin Clarens
    1. OHR staff says he and Kristin are already in contact, and have already successfully gotten people pro-bono legal representation for mediation
  - iii. Commissioner asks OHR staff is it is possible to look at number of cases in jurisdiction of Commission that have had representation and see how many hours each has taken
    1. Commissioner asks if certain categories of cases are harder to place than others
      - a. Employment and housing are common areas of

expertise; public accommodations is less common, though there has already been a public accommodations case with representation

- iv. Commissioner asks OHR staff if he looks for attorneys only when clients ask for them, or if he looks automatically
  - 1. Search for legal counsel begins when a client begins asking for legal advice
  - 2. Oftentimes, the respondent will have representation already
- v. Commissioner asks how high of a level the fund will come from, like for a private attorney, or if there is an income cap on who can be given representation
  - 1. Another Commissioner responds that UVA more or less does this for civil cases; the complainant is referred out and given some funding
  - 2. There is a vetted list
  - 3. OHR staff wonders if the City requires attorneys to register as vendors—is it more employees or contracted consultants?
- vi. Commissioner wonders if Commission should involve the City Attorney's Office to ask for their analysis—should HRC push for a particular interpretation or push for a change in state law?
- vii. Commissioner asks about status on right to counsel
  - 1. Mary says LAJC was in negotiations for the \$300,000, which is less than both the HRC and LAJC estimated to be necessary
  - 2. Issue over whether the City would commit to the three years (City said it would commit if the county commits)
  - 3. Mary wrote a letter to Council for them to codify the right to counsel fund into the ordinance, and the response was that it could not do so under state law
  - 4. Committee expresses general support for moving this forward and getting in contact with the county
- viii. **Todd will find numbers for how long cases have taken**
- ix. Questions about how to approve a lawyer, what other things the committee needs to understand before making a recommendation, etc.
  - 1. Look into legal review
- x. Commissioner expresses support for drafting an ordinance rather than simply having a fund
  - 1. Another Commissioner suggests keeping this as an eventual goal
- xi. Kathryn asks Mary if it is necessary to do anything locally, such as asking UVA about what they are doing
  - 1. **Mary will ask LAJC when she asks about the right to counsel**
  - 2. Kathryn says a letter to UVA may be helpful
    - a. **Could draft one to present at the next meeting**
- b. Review of draft Resolution HR21-1
  - i. **OHR staff asks Kathryn to look at draft Resolution as a starting point for edits**

## **6. MATTERS BY THE PUBLIC**

- a. No members of the public in attendance.

## **7. COMMISSIONER UPDATES**

- a. None
- 8. NEXT STEPS**
  - a. **General next steps**
    - i. Potentially draft letter to UVA for approval at next HRC meeting
  - b. **Mary**
    - i. Will ask about local action for pushing forward funding when following up with LAJC
  - c. **Kathryn**
    - i. Will look over the starting point draft Resolution HR21-1 to make edits
  - d. **Todd**
    - i. Will find the amount of hours taken to find representation during relevant cases in jurisdiction of the Commission
    - ii. Potentially ask Kristin Clarens for input on an amount recommendation
- 9. ADJOURN**
  - a. Meeting adjourned at 1:50 pm

Pending HRC Approval

# Attachment 3



**RESOLUTION TO ESTABLISH A LEGAL REPRESENTATION FUND FOR PARTIES TO A COMPLAINT OF DISCRIMINATION  
CHARLOTTESVILLE HUMAN RIGHTS COMMISSION  
RESOLUTION #: HR21-1**

**WHEREAS**, the role of the Charlottesville Human Rights Commission, hereinafter “the Commission,” is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights (City code Article XV. Sec. 2-433.); and

**WHEREAS**, the Charlottesville Human Rights Ordinance, hereinafter “the Ordinance,” states that the Commission will assist individuals who believe they are the victim of an act of unlawful discrimination in the City (City code Article XV. Sec. 2-433.b.); and

**WHEREAS**, the Ordinance states that the Commission will prepare recommendations to City Council as to policies and procedures the Commission believes are necessary for the performance of the roles, duties and responsibilities assigned to the Commission within this article, and for modification of operating procedures approved by City Council (City code Article XV. Sec. 2-433.f.); and

**WHEREAS**, the Ordinance states that the Commission will be responsible for identifying and reviewing policies, practices and systems of an institutional nature that may not constitute unlawful discriminatory practices but nevertheless produce disparities that adversely impact individuals on the basis of a status such as their race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, criminal record, income or disability (City code Article XV. Sec 2-435.a.2.)

**WHEREAS**, the staff of the Office of Human Rights, including the Director of the Human Rights Commission, hereinafter “OHR staff,” are neutral parties to the complaint and cannot provide legal advice to the Complainant or Respondent at any stage before, during, or after the investigation, mediation, determination of cause, appeal, or public hearing of the Commission regarding the complaint;

**BE IT RESOLVED** that the Commission hereby supports the creation of a legal representation fund to provide equitable access to legal services for parties to complaints of discrimination filed with the Charlottesville Office of Human Rights, provided such complaints have been authorized for further action by the Director of the Human Rights Commission.

The HRC recommends that the legal representation fund be available to both Complainants and Respondents who meet the following criteria:

1. The applying party must be the named Complainant or named Respondent in a case that has been authorized by the Director of the Commission for further action. Qualifying actions shall include one or more of the following:
  - a. Mediation
  - b. Investigation
  - c. Public Hearing
2. Individual Complainants shall have a household income of no more than 250% of the federal poverty guidelines.
3. Respondents shall meet one of the following criteria:
  - a. Individual Respondents, representing only themselves and not affiliated with a larger corporate entity, shall have a household income of no more than 250% of the federal poverty guidelines.

- b. Respondents that are entities incorporated with the Virginia State Corporation Commission, shall have a corporate net worth of no more than \$XXX.

The HRC further recommends that the following restrictions apply to the legal representation fund:

1. Funds shall only be used to employ the services of an attorney barred in the Commonwealth of Virginia.
2. Funds shall only be used to employ the services of an attorney for matters directly related to the complaint of discrimination for which the Director of the Commission has authorized further action.
3. The maximum amount of funding awarded to a single qualifying party shall not exceed \$XXX,000.
4. Payment for legal services will be made directly to the designated legal representative of the qualifying party upon provision of documentation detailing the specific legal services provided to the party.

The HRC further recommends that the following exclusions apply to the legal representation fund:

1. Legal services provided to a party to a complaint prior to application for and approval of funding from the legal representation fund shall not be reimbursable.
2. Legal services provided to a party to a complaint after the case has been deemed Dismissed or otherwise Closed shall not qualify for payment.
3. Legal services provided to a party related to the filing or litigation of a private civil suit in General District Court, seeking court-mandated relief related to an active, closed, or dismissed complainant, even if said complaint was previously approved for funding, shall not qualify for payment.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2020.

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Mary Bauer, Chair, Human Rights Commission