

*FROM THE EXECUTIVE DIRECTOR ...*

The Impact Fund continues to expand in its role as an essential resource for complex public interest litigation. Since 1993, Impact Fund grants and technical assistance have enabled 200 talented litigation teams to break new legal ground—and in doing so, to challenge the bases of injustice and poverty.

We're proud that The Impact Fund has supported some of our profession's fondest and ultimately most effective practitioners—and we're proud of the leverage we've been able to apply to such a relatively small pool of resources.

In this Bulletin, we are pleased to share with you some of our most recent successes ...

—Brad Seligman



**Civil Rights**

**Cupolo v. Bay Area Rapid Transit District**—Disability Rights Advocates (Oakland) has achieved a final settlement of its successful class action suit against the Transit District's failure to comply with disability access requirements. In addition to multiple access improvements, the settlement provides \$750,000 in monetary relief, including 5 years of free fare for class members ... **Proposition 187**—With support from The Impact Fund, a coalition of civil rights groups has enjoined California's anti-immigrant Proposition 187. Rather than going forward with an appeal before the federal Ninth Circuit, newly installed Governor Gray Davis has asked for "mediation" of the litigation. Stay tuned ... **Kessler v. Bartu**—Traci Comstock, also honored at The Impact Fund's "Winning Against Great Odds" reception, has changed the way sexual harassment is dealt with by Nebraska courts ... **Sequoia Union High School v. Citizens for Lawful and Effective Attendance Policies**—the East Palo Alto Community Law Project, another "Winning Against Great Odds" honoree, blocked an attempt by the School District to impose punitive and discriminatory attendance discipline policies. ■

**Making an Impact**

**I**MPECT FUND GRANTEES pursue complex class action cases that result in significant law reform and substantial recoveries. Each grantee agrees to repay the original grant, plus interest, in the event of a successful outcome. Thus each victory vindicates important legal rights as it generates funding for a new wave of critical, complex litigation. Since 1992 The Impact Fund has awarded \$2 million in grants; more than \$445,800 has been recovered through grant repayments.

resulted in an agreement that West American Rubber Company of Orange, California, install equipment that will reduce toxics emissions by 75 percent ... **Natural Resources Defense Council v. U. S. Department of Energy**—the Western States Legal Foundation, recently honored at The Impact Fund's "Winning Against Great Odds" reception (see back page), helped establish a unique \$6.25 million fund to support the monitoring of nuclear environmental contamination.

**Recent Successes**

**Environmental Justice**

**California Department of Human Services v. Bruce Babbitt**—For six years, The Impact Fund has supported litigation brought by the BAN Waste Coalition (San Francisco) and the Committee to Bridge the Gap (Los Angeles) to halt the construction of a nuclear waste dump in Ward Valley, California. Now, in what may be the final nail in the dump's coffin, a Washington D. C. federal judge has rejected an attempt by the proposed dump operator to force a transfer of land (which would be required to open the facility) from the federal government to California... **California Community Health Advocates v. West American Rubber Company**—This case, the first in a series of Proposition 65 suits challenging illegal release of toxics, has

**The Impact Fund Goes to the Supreme Court**

■ **Lopez v. Monterey County**—Voting rights expert Joaquin Avila recently won his second U. S. Supreme Court victory in his challenge to Monterey County's election process for municipal judges. The high court rejected the County's claim that it was not subject to requirements of the federal Voting Rights Act that the U. S. Department of Justice "pre-clear" any changes in the voting process, because a state law modified the voting procedures. On remand, after nine years of litigation, the District Court finally ordered the County to comply with the Voting Rights Act "forthwith".  
 ■ **Reno v. American-Arab Anti-Discrimination Committee**—The high court issued a devastating reversal with an opinion holding that aliens cannot bring selective prosecution claims against the Immigration and Naturalization Service. Grantee Marc Van Der Hout (San Francisco) and co-counsel will now litigate First Amendment claims to defend their clients against deportation proceedings in this case that has been dragging on for years.  
 ■ **Kolstad v. American Dental Association**—Grantee Yablonski, Both & Edelman (Washington, D. C.) appeared before the Supreme Court to determine the standard for punitive damages in employment discrimination actions under Title VII of the Civil Rights Act. Despite 1991 amendments to the Act that allowed for punitive damages in instances of "reckless disregard" of rights, the District of Columbia Circuit Court had imposed a stringent "egregiousness" standard upon plaintiffs seeking to establish a right to such damages. ■