

No. 17-1740

*In the*  
**United States Court of Appeals**  
*for the*  
**Fourth Circuit**

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DAMIAN STINNIE, ET AL., *PLAINTIFFS-APPELLANTS*,  
v.  
RICHARD HOLCOMB, *DEFENDANT-APPELLEE*.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

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**ADDENDUM TO *AMICI CURIAE* BRIEF OF THE VIRGINIA STATE  
CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE AND EIGHTEEN CIVIL  
RIGHTS AND POVERTY LAW ORGANIZATIONS IN SUPPORT OF  
APPELLANTS**

CYNTHIA COOK ROBERTSON  
ROBERT C.K. BOYD  
PILLSBURY WINTHROP SHAW PITTMAN  
LLP  
1200 Seventeenth Street NW  
Washington, DC 20036  
(202) 663-9256  
cynthia.robertson@pillsburylaw.com  
robert.boyd@pillsburylaw.com

THOMAS V. LORAN III  
PILLSBURY WINTHROP SHAW PITTMAN  
LLP  
Four Embarcadero Center, 22nd Floor  
San Francisco, CA 94111  
(415) 983-1865  
thomas.loran@pillsburylaw.com

*COUNSEL FOR AMICI CURIAE*

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### **Supplemental Information Regarding the Interest of the *Amici Curiae***

*Amici Curiae* are non-profit civil rights and poverty law organizations who work on a daily basis to achieve economic and social justice for all. They represent a broad spectrum of organizations with like interests, all across the country. Each individual organization and its mission is further identified below.

**Alabama Appleseed Center for Law and Justice** (“Alabama Appleseed”) is a private, non-profit organization that envisions Alabama as a place that ensures the fundamental human rights of all of its residents. Alabama Appleseed organizes campaigns that use policy analysis, research, documentation, public education, community organizing, pro bono engagement, coalition building, and litigation to achieve justice and equity for all Alabamians. Alabama Appleseed is a member of the national Appleseed Network, which includes 17 Appleseed Centers across the United States and in Mexico City.

**The American Civil Liberties Union Foundation of Virginia** (“ACLU of VA”) is a state affiliate of the national ACLU with approximately 40,000 members across the Commonwealth. The ACLU of VA is a private, non-profit organization that promotes civil liberties and civil rights for everyone in the Commonwealth of Virginia through public education, litigation, and advocacy with the goal of securing freedom and equality for all. In addition to litigation, ACLU of VA educates the public, informs the media, lobbies legislators, organizes grassroots

activists, and disseminates information about constitutional freedoms through membership and volunteer chapters.

**The Center for Civil Justice** (“CCJ”) is a non-profit organization that advocates for people in Michigan who need help meeting their basic needs. CCJ uses legal expertise, informed by the experience of low-income people, to monitor and improve public policy and access to governmental programs and services. By focusing on broad, systemic change and engaging in social justice advocacy and class action impact litigation, CCJ provides the most vulnerable people in Michigan with a voice and with access to the resources that form Michigan’s social safety net.

**The Center for Justice** is a non-profit organization based in Spokane, Washington, which helps thousands of individuals in Spokane with civil legal services. The Center for Justice works to protect our natural environment for the wellness of the planet and community, to overcome barriers to employment, and to assist previously-incarcerated individuals to get back on their feet. More broadly, the Center for Justice works with community partners and governments to create policies and practices that promote governmental accountability, public safety, land use laws, and medical and legal access for the disadvantaged.

**The Colorado Center on Law and Policy** (“CCLP”) is a non-profit organization dedicated to promoting access to justice, economic security, and health care for low-income Coloradans. CCLP advocates for policies at the state level that remove systemic barriers to economic security and that address the high cost of being poor, including increasing access to affordable housing, addressing the collateral consequences of criminal records on employment and economic opportunity, and protecting low-income households from predatory lending.

**Equal Justice Under Law** is a non-profit organization that is dedicated to achieving equality in our justice system by challenging wealth-based discrimination, with the goal that everyone should be treated equally, regardless of wealth-status. Equal Justice Under Law provides pro bono legal services to individuals in need, giving a voice to the silenced and disenfranchised, and has filed lawsuits in 14 states and the District of Columbia since its founding. Additionally, Equal Justice Under Law also works to advocate federal and state legislators to pass laws that protect the most vulnerable among us.

**Florida Legal Services, Inc.** (“Florida Legal”) is a non-profit organization that is a Florida-wide leader in advancing economic, social, and racial justice. Florida Legal advocates for poor, vulnerable, and hard to reach people through impact litigation, legislative and administrative advocacy, education, and strategic

partnerships. Florida Legal strategically focuses advocacy to maximize impact and to reform systems and policies that perpetuate racial and economic injustice and create barriers to opportunity.

**Kansas Appleseed Center for Law and Justice** (“Kansas Appleseed”) is a nonprofit, nonpartisan justice center dedicated to vulnerable and excluded Kansans. Through collaborations with pro bono attorneys and community partners, Kansas Appleseed investigates social, economic, and political injustice in Kansas and advocates for systemic solutions. Kansas Appleseed serves as a voice for the public at large and for individuals and groups who are without effective legal representation. Kansas Appleseed is led by leading Kansas attorneys and other professionals who volunteer their expertise to improve the fair administration of justice.

The **Lawyers’ Committee for Civil Rights Under Law** (“Lawyers’ Committee”) is a nonpartisan, nonprofit organization, formed in 1963 by leaders of the American bar, at the request of President John F. Kennedy, in order to mobilize the private bar in vindicating the civil rights of African-Americans and other racial minorities. The Lawyers’ Committee is dedicated, among other goals, to preventing the criminalization of poverty, ending mass incarceration, and securing criminal justice reform through impact litigation and other means. To that end, the

Lawyers' Committee is currently litigating a challenge to the State of Louisiana's failure to ensure indigent defendants' right to counsel in criminal cases. *Allen v. Edwards*, Case No. 655079 (La. 19th Jud. Dist. Ct. Feb. 7, 2017). The Lawyers' Committee is also litigating an action challenging a scheme in Pulaski County, Arkansas that results in the incarceration of indigent defendants because they are unable to pay outstanding criminal justice debt associated with "hot check court." *Dade v. Sherwood*, Case No. 16-cv-00602 (E.D. Ark. Aug. 23, 2016). Additionally, the Lawyers' Committee is challenging a scheme operating in the Orleans Parish Criminal District Court that results in the incarceration of indigent defendants who are unable to pay court fines, fees, and assessments. *Cain v. City of New Orleans*, Case No. 15-cv-04479 (E.D. La. Sept. 19, 2015).

**Mississippi Center for Justice** ("MCJ") was founded to untangle well-entrenched policies that deny poor and African-American Mississippians access to meaningful opportunity to advance themselves. Today, the MCJ advances racial and economic justice through an approach that combines legal services with policy advocacy, community education, and media advocacy. The MCJ partners with national, regional, and community organizations and volunteers to develop and implement campaigns to aid low-wealth Mississippians and communities of color in the areas of educational opportunity, financial security, access to healthcare, affordable housing, and community development.

**National Center for Law and Economic Justice** (“NCLEJ”). For more than half a century, the NCLEJ has litigated in state and federal courts nationwide to protect and promote the economic security of low-income families and individuals. It has had a particular focus on challenging government policies and practices, such as the one at issue in this case, that impose burdens or deprivations that fall on the poor simply because they are poor and would not be shared by those who can afford to pay their way out of trouble.

**North Carolina Justice Center** (“NC Justice Center”). For over 20 years the NC Justice Center’s mission has been to reduce and eliminate poverty in North Carolina by working to ensure every household has access to the resources, services, and fair treatment it needs to achieve economic security. We pursue this mission through litigation, public policy advocacy, research, community outreach and organizing, and communications. The NC Justice Center’s Second Chance Initiative works on behalf of North Carolinians with criminal records to identify and ameliorate the sanctions and exclusions triggered by criminal records. When a person in North Carolina enters the criminal justice system, a complicated system of financial obligations awaits. Those obligations go by many names: fees, fines, surcharges, assessments, restitution, to name a few. When a person exits the criminal justice system, all of these financial obligations often converge to create a significant barrier to successful reentry and contribute to high rates of re-



incarceration. These “collateral consequences” of a criminal record deprive individuals of basic human needs, including gainful employment, safe and affordable housing, family unity, and quality education—some of which are directly tied to the individual’s ability or inability to pay costs or fines. The suspension of a driver’s license because of the failure to pay court costs or fines for a traffic offense—often imposed by a court without an assessment of “willfulness”—is one example where the natural consequences are job loss, driving without a license, family stress and further impoverishment.

**The Public Justice Center** (“PJC”) is a non-profit organization that uses legal advocacy tools to pursue social justice, economic and race equality, and fundamental human rights for people who struggle to provide for their basic needs. As a civil legal aid office, the PJC provides advice and representation to low-income clients, advocates before legislatures and government agencies, and collaborates with community and advocacy organizations. The PJC chooses projects and cases that will make a significant impact on systems, laws, and policies.

**South Carolina Appleseed Center for Law and Justice** (“South Carolina Appleseed”) is a non-profit organization, affiliated with the national Appleseed Foundation, that fights for low income South Carolinians to overcome social,

economic, and legal injustice. With its staff of attorneys, outreach workers, community organizers, support, and administrative staff, South Carolina Appleseed works to influence policymakers to ensure that the law is fair, to educate the public and their advocates about the law, and to assist attorneys in bringing systemic litigation where the law is unfair.

**Texas Appleseed** is a non-profit public justice center, affiliated with the national Appleseed Foundation, that works to change unjust laws and policies that prevent Texans from realizing their full potential. Texas Appleseed works with a dynamic network of pro bono partners and collaborators to develop and advocate for innovative and practical solutions to complex issues of social and economic justice. In addition, Texas Appleseed is known for its data-driven research that uncovers inequity in laws and policies, and for identifying solutions that generate lasting, concrete change—all united behind the goal of greater justice.

**Tzedek DC** is a nonprofit organization dedicated to safeguarding the legal rights and interests of low-income District of Columbia residents facing debt-related crises. Headquartered as an independent public center at the University of the District of Columbia David A. Clarke School of Law, our work is aided by law students and other volunteers. Tzedek DC and our client communities have a substantial interest in ensuring that the rules governing the suspension of drivers'

licenses comply with constitutional due process requirements and basic principles of fairness.

The **Virginia State Conference of the NAACP** (“Virginia NAACP”) is an affiliate of the national NAACP. Founded in 1909, the NAACP is the nation’s oldest and largest civil rights organization. The mission of the NAACP is to ensure the equality of political, social, and economic rights of all persons, and to eliminate racial hatred and racial discrimination. Its members throughout the United States and the world are the premier advocates for civil rights in their communities. Throughout its history, the NAACP has used the legal process to champion equality and justice for all persons. The NAACP recognizes the importance of economic stability in advancing an equal opportunity society and advocates for smarter, results-based criminal justice policies to keep our communities safe, including an end to racial disparities at all levels in the system.

**Washington Lawyers’ Committee for Civil Rights and Urban Affairs** (“Washington Lawyers’ Committee”) works to create legal, economic and social equity through litigation, client and public education, and public policy advocacy. While we fight discrimination against all people, we recognize the central role that current and historic race discrimination plays in sustaining inequity. Since its inception in 1968, the Washington Lawyers’ Committee has had an active docket

of cases and matters to address unconstitutional and unjust practices in the criminal legal system.

**The Western Center on Law and Poverty** (“WCLP”) is a non-profit organization that fights for justice and system-wide change to secure housing, health care, racial justice, and a strong safety net for low-income Californians. As the oldest and largest legal services support center in California, WCLP achieves real-world, policy solutions for clients through litigation, legislative and policy advocacy, technical assistance, and legal support for the state’s legal aid programs.

**CERTIFICATE OF SERVICE**

I hereby certify that, on August 16, 2017, I filed the foregoing Addendum to *Amici Curiae* Brief of The Virginia Conference of the NAACP and Eighteen Civil Rights and Poverty Law Organizations in Support of Appellants with the Clerk of the Court using the CM/ECF system, which will automatically serve electronic copies upon all counsel of record.

/s/ Cynthia Cook Robertson

Cynthia Cook Robertson

*Counsel for Amici Curiae*