

I am Avery Friedman. I have been litigating employment, housing and public accommodations cases for over forty years and have taught employment law here in Ohio and throughout the United States. [Exhibit A]

Neither federal nor Ohio law offers statutory protections against same sex, sexual orientation or related cases. We were successful in prevailing in an employment case against Cuyahoga County which discriminated against a county employee because of her same-sex significant other. That litigation was successful because it was a challenge under the equal protection clause of the Fourteenth Amendment to the Constitution of the United States. [Exhibit B]

Our experience in employment and housing is that most discrimination cases arise out of the private sector. With some very limited exceptions, private discrimination cannot be challenged under the Constitution of the United States or Ohio. In the absence of legislation such as that provided under S.B. 11, there are no viable means by which a victim of this form of discrimination can vindicate her or his rights when faced with bias in the workplace, the housing market or in places of public accommodations.

**Editors' Note:** Guest blogger Tico Almeida is a civil rights litigator at Sanford Wittels & Heisler LLP, which was recently named by Law360 as the only plaintiff-side law firm on the 2010 list of the Top Five employment law practices in the United States. From 2007 to 2010,



Tico-Almeida-4-11.JPG

Mr. Almeida served as the lead counsel on the proposed Employment Non-Discrimination Act (ENDA) in the U.S. House of Representatives.

Our U.S. Constitution begins elegantly, "We the People." Yet some elected officials in Cuyahoga County, Ohio recently argued in federal court that gays and lesbians are not included in that "We the People."

Thankfully, a federal judge published an important legal opinion earlier this week rejecting the Ohio County's arguments and affirming that the Equal Protection Clause of Fourteenth Amendment to the U.S. Constitution protects *all of us* from irrational discrimination.

Shari Hutchinson of Ohio, a dedicated public employee who also happens to be a lesbian, began working for a Cuyahoga County child-support enforcement agency in 2002. She was hired as a support officer and later became an account clerk. Her lawsuit alleges that the County denied her higher-paying promotional opportunities in favor of lesser qualified straight people with unimpressive educational credentials, even though Hutchinson has more experience and a Master's Degree in Business Administration.

Unfortunately, Ohio does not have a state-level ENDA, and we all know that the U.S. Congress has still not passed the federal ENDA either. Interestingly, Cuyahoga County does have a non-discrimination policy that includes sexual orientation, but like so many other local government non-discrimination policies, those words are pretty on paper but they do not create a meaningful enforcement mechanism.



2011-Avery-FINAL.jpg

That is why we so desperately need to pass a fully inclusive ENDA.

Thankfully, Hutchinson found a talented lawyer named Avery Friedman (*pictured*), whom you may have seen on CNN as a legal correspondent. Friedman brought Hutchinson's discrimination lawsuit based on the Equal Protection Clause of the Fourteenth Amendment.

As I have previously written on Bilerico, LGBT plaintiffs who work for public employers can bring a constitutional claim alleging discrimination even if no state or federal ENDA exists. Unfortunately, gays and lesbians who suffer discrimination or workplace harassment in the private sector are out of luck if they live in a state without a state-level ENDA.

Hutchinson's case was assigned at random to Judge James S. Gwin, a smart and progressive jurist who was appointed by President Bill Clinton. (Yes, elections do matter to everyday people like Shari Hutchinson). Once the legal proceedings began, a man named Dave Lambert, the civil division chief for County Prosecutor Bill Mason, decided to defend the unconstitutional discrimination that Ms. Hutchinson endured rather than amicably settling the case.

The most revolting part of the litigation thus far is that Lambert and his boss Bill Mason, an elected Democrat who currently faces state and federal investigations for his alleged unethical conduct, decided to argue in federal court that gays and lesbians essentially do not belong within the equality protections of the U.S. Constitution.

According to Judge Gwin's written opinion, the County submitted papers contending that "all of Hutchinson's claims must fail because sexual orientation is not a protected class, and thus does not merit the constitutional protection, under the Equal Protection Clause, that Hutchinson seeks."

Judge Gwin disagreed with the County, which is a preliminary win for the plaintiff at this early stage of the case, but unfortunately the Court chose to apply only the lowest form of constitutional protection: "Rational Basis Review."

Earlier today, I spoke to attorney Avery Friedman and he told me that at the time he filed his legal papers on behalf of Ms. Hutchinson, President Barack Obama and Attorney General Eric Holder had not yet announced the official position of the U.S. Government that gays and lesbians deserve "Heightened Scrutiny" under the Constitution, rather than merely the lowest form of Rational Basis Review. But the case is not over.

Ms. Hutchinson's lawsuit now proceeds to the next stage at the trial court - fact discovery followed by "Summary Judgment" - and perhaps eventually to a jury trial and then review by the U.S. Appellate Court and the U.S. Supreme Court. At those later stages of the litigation, Judge Gwin and other federal judges on the higher courts will have the opportunity to reassess what level of constitutional protection should apply in this case - and to gays and lesbians in general. Whatever they decide will have huge implications for all LGBT Americans, and we are in a stronger position today because of President Obama's recent DOMA announcement.

As Professor Jack Balkin of Yale Law School has written, "when the President and the Justice Department change their minds publicly and take a new constitutional position, it gives federal courts cover to say that their decisions are consistent with the views of at least one of the national political branches. Agreeing with the President appears less countermajoritarian, even if other parts of the federal government (and the various states) disagree."

In other words, President Obama's historic stance in the DOMA context may likely have positive spillover effects in the employment context. As I have written a few times before, *equality begets equality*. The victims of senseless workplace discrimination like Shari Hutchinson will have a greater chance of securing justice and holding their employers accountable because of the important work of their own attorneys, as well as the attorneys within the Obama Administration.



feed

AVERY FRIEDMAN  
701 The City Club Building  
850 Euclid Avenue  
Cleveland, OH 44114-3358  
(216) 621-9282  
Fax 621-9283  
avery@lawfriedman.com  
WEBSITES: [www.fairhousingtraining.com](http://www.fairhousingtraining.com)  
[www.averyfriedman.com](http://www.averyfriedman.com)

- Chief Counsel*, **FAIR HOUSING COUNCIL OF NORTHEAST OHIO** [1990-Present]  
*Chief Counsel*, **THE HOUSING ADVOCATES, INC.** [1975-1982]  
(Public interest law firm litigating federal fair housing and related federal civil rights cases)  
*Associate Director*, **LAWYERS FOR HOUSING** [1972-1975]  
(Public interest firm jointly funded through Ford Foundation and American Bar Association)

#### HONORS

- Marquis *WHO'S WHO IN AMERICAN LAW*<sup>®</sup>  
[1998-2017]
- Marquis *WHO'S WHO IN AMERICA*<sup>®</sup>  
[2000-2017]
- SPECIAL COUNSEL, IAOHRA, Washington, D.C.  
International Association of Official Human  
Rights Agencies
- Recipient*, **United States Fair Housing Achievement Award** [Washington, 1976]  
(Highest Award in Equal Housing Opportunity presented by U.S.  
Department of Housing & Urban Development)
- Recipient*, **SCRIBES Tribute for Pursuit of Improvement of Legal Writing in America**  
(International Society of Legal Writers) [New York, 1972]
- Recipient*, **Ohio Humanitarian Award** [Columbus, 1994]  
(Presented by the Governor of the State of Ohio in commemoration  
ceremonies for the Martin Luther King, Jr. Holiday Commission)
- Recipient*, **Legendary Champion of Civil Rights** [Cleveland, 2004]  
(Presented by the Southern Christian Leadership Conference)
- Recipient*, **Distinguished Service for the Cause of Civil Rights** [Louisville, 1988]  
(Kentucky Commission on Civil Rights)
- Recipient*, **The Durfee Award** [San Diego, 1988]  
(§10,000 National Human Rights Award for Enhancing  
Human Dignity Through Law)
- Recipient*, **Special Tribute to Equal Justice Under Law** [East Chicago, 1983]  
(State of Indiana Consortium of Human Rights Agencies)
- Recipient*, **The Freedom Award, NAACP** [Cleveland, 1986]  
(Civil rights organization branch's highest honor)
- Recipient*, **Dr. Martin Luther King, Jr. Memorial Human Relations Award** [Shaker Heights, 1998]
- Recipient*, **Hon. William K. Thomas Ethics Award** [Cleveland, 2017]  
(Cleveland Metropolitan Bar Association's top ethics, professionalism recognition)

- Recipient, Recognition for Federal Fair Housing Litigation - Special Award* [Buffalo, 1983]  
(Greater Buffalo Community Housing Resource Board)
- Recipient, Recognition of Achievement Award* [Milwaukee, 1981 and 1984]  
(Metropolitan Milwaukee, Wisconsin Fair Housing Council)
- Recipient, Special Award of Appreciation, Ohio Fair Housing Congress* [Columbus, 1983]  
(State of Ohio coalition of civil rights and fair housing organizations)
- Recipient, "Mentor Extraordinaire" Tribute* [Atlanta, 1984]  
(Metro Fair Housing Services, Inc.)
- Recipient, Fair Housing Advocacy Tribute* [Salina, 1983]  
(City of Salina, Kansas)
- Recipient, Cleveland Catholic Diocese Social Justice Award* [Cleveland, 1978]  
(Presentation by Most Rev. Bishop James Hickey)
- Recipient, Distinguished Service in Open Housing* [Cleveland, 1984]  
(Presentation by the Cuyahoga Plan of Ohio, Inc.)
- Recipient, Special Tribute, Region III* [Rockville, 1985]  
(Honored by 19 state and local human rights agencies representing Pennsylvania, Maryland, Delaware, Washington, D.C., West Virginia & Virginia)

**Inductee, OHIO CIVIL RIGHTS HALL OF FAME** [2010]

**WEEKEND LEGAL ANALYST, CNN** [2001- ]  
Have provided roughly 800 live weekly legal commentaries and analysis for national and international news network

**LEGAL ANALYST, GUEST HOST, The Bill Press Show** [2007- ]  
Syndicated talk show broadcast from Capitol Hill

#### ACADEMIC

- Adjunct Law Faculty, CLEVELAND STATE UNIVERSITY College of Law* [1973-1975, 2018]
- Assistant Adjunct Professor of Urban Affairs, CLEVELAND STATE UNIVERSITY* [1975-1983]
- Adjunct Urban Affairs Faculty, CASE WESTERN RESERVE UNIVERSITY (Cleveland)* [1979-1980]
- Visiting Lecturer, STANFORD UNIVERSITY School of Law (Palo Alto)* [1980, 1981]  
Lecture sponsored by Stanford law and business schools and HUD
- Visiting Lecturer, UNIVERSITY OF MICHIGAN School of Law (Ann Arbor)* [1993]
- Visiting Lecturer, DUKE UNIVERSITY School of Law (Durham)* [1980]  
Lecture sponsored by Duke and HUD
- Visiting Lecturer, UNIVERSITY OF CALIFORNIA, BERKELEY School of Law* [1983]  
(Boalt Hall) (Berkeley) Lecture sponsored by Boalt Hall's Earl Warren Legal Institute and California Department of Fair Employment & Housing
- Visiting Lecturer, UNIVERSITY OF TEXAS School of Law (Austin)* [1974, 1979]  
Lecture sponsored by law school and the Texas Bar Association
- Visiting Lecturer, UNIVERSITY OF NORTH CAROLINA Law School (Chapel Hill)* [1975]  
Lecture at invitation of Joint Law and Urban Planning degree faculty/student program
- Visiting Lecturer, UNIVERSITY OF HAWAII Richardson School of Law (Honolulu)* [1989]  
Lecture at invitation of law school and Hawaii Continuing Legal Education (CLE) Institute

|  |              |
|--|--------------|
| <i>Visiting Lecturer</i> , UNIVERSITY OF NOTRE DAME School of Law (Notre Dame)<br>Lecture at invitation of Notre Dame Legal Clinic                                   | [1997]       |
| <i>Visiting Lecturer</i> , UNIVERSITY OF SAN FRANCISCO School of Law   | [1977, 1978] |
| <i>Visiting Lecturer</i> , UNIVERSITY OF WISCONSIN School of Law (Madison)<br>Lecture sponsored by Wisconsin CLE and HUD   | [1979]       |
| <i>Visiting Lecturer</i> , TULANE UNIVERSITY School of Law (New Orleans)   | [1979]       |
| <i>Visiting Lecturer</i> , UNIVERSITY OF OKLAHOMA School of Law (Lawton)   | [1981]       |
| <i>Visiting Lecturer</i> , TEXAS SOUTHERN UNIVERSITY, Thurgood Marshall College of Law<br>(Houston) Lecture sponsored by law school and the National Bar Association | [1976]       |
| <i>Visiting Lecturer</i> , CREIGHTON UNIVERSITY School of Law (Omaha)<br>Lecture sponsored by law school and Nebraska CLE  | [1977]       |
| <i>Visiting Lecturer</i> , TEMPLE UNIVERSITY School of Law (Philadelphia)  | [1979]       |
| <i>Visiting Lecturer</i> , UNIVERSITY OF CONNECTICUT School of Law (Hartford)  | [1982]       |
| <i>Visiting Lecturer</i> , UNIVERSITY OF UTAH School of Law (Salt Lake City)   | [2008]       |
| <i>Visiting Lecturer</i> , ST. MARY'S UNIVERSITY School of Law (San Antonio)   | [1994]       |
| <i>Visiting Lecturer</i> , NORTHWESTERN School of Law of Lewis and Clark College (Portland)  | [1989]       |
| <i>Visiting Lecturer</i> , DEPAUL UNIVERSITY School of Law (Chicago)   | [1980, 1982] |
| <i>Visiting Lecturer</i> , HAMLIN LAW SCHOOL (St. Paul)  | [1979]       |
| <i>Visiting Lecturer</i> , UNIVERSITY OF MISSISSIPPI School of Law (Jackson)   | [1980]       |
| <i>Visiting Lecturer</i> , OHIO STATE UNIVERSITY School of Law (Columbus)  | [1981]       |
| <i>Visiting Lecturer</i> , OKLAHOMA CITY UNIVERSITY School of Law (Oklahoma City)  | [2008]       |
| <i>Adjunct Faculty</i> , NOTRE DAME COLLEGE (Cleveland)  | [2000-2003]  |
| <i>Visiting Distinguished Adjunct Professor in Constitutional Law</i> , URSULINE COLLEGE (Pepper Pike, Ohio)   | [2003- ]     |

#### ADDRESSES AND PRESENTATIONS

|  |        |
|--|--------|
| Before the <b>United States Senate Subcommittee on Housing &amp; Urban Affairs</b> ,<br>by invitation of Chairman Chic Hecht (Testimony regarding proposed fair<br>housing programs under Title VIII of the Civil Rights Act of 1968) (Washington, D.C.)                                 | [1986] |
| Before the <b>United States House Judiciary Committee, Subcommittee on<br/>Civil &amp; Constitutional Rights</b> , by invitation of Chairman Peter Rodino<br>(Testimony regarding proposed aspects of amendments to Title VIII<br>of the Civil Rights Act of 1968) (Washington, D.C.)    | [1987] |
| Before the <b>United States House Judiciary Committee, Subcommittee on<br/>Civil &amp; Constitutional Rights</b> , by invitation of Chairman Peter Rodino<br>(Testimony regarding proposed comprehensive amendments to<br>Title VIII of the Civil Rights Act of 1968) (Washington, D.C.) | [1978] |
| On <b>Federal Fair Housing in America</b> , by invitation of the<br>American Bar Association Section on Individual Rights<br>(7-member panel included Sen. Walter Mondale, Cong. Robt. Drinan<br>and officials from HUD & Justice Dept.) (Washington, D.C.)                              | [1976] |

- On **Housing and Education in Ohio**, by invitation of Joint Select Subcommittee on Desegregation, Ohio General Assembly (Columbus) [1978]
- On **Developments in Federal Fair Housing Law**, by invitation of the National Association of Realtors (NAR Annual Meeting) (San Francisco) [1982]
- On **Violence and the Historical Underpinnings of American Civil Rights Law**, by invitation of the International Association of Official Human Rights Agencies (**Keynote**) (Montgomery) [1997]
- By Invitation of the Chief Justice, Supreme Court of Ohio, "*Hidden History: How the Civil Rights Act of 1866 Lives in Our Laws Today*" FORUM ON THE LAW on the 150<sup>th</sup> Anniversary of the Civil Rights Act of 1866 (Columbus) [2016]
- On **The Future of Affirmative Action**, by invitation of the Princeton Club [1998]
- On **Miranda at 50- More Than Words**, Law Day Luncheon Keynote, by invitation of The Stark County Bar Association (Canton) [2016]
- On **Fundamentals of the Fair Housing Amendments Act**, by invitation of the National Association of Home Builders Rural Housing Council (NAHB Annual Meeting) (Atlanta) [1990, 1991]
- On **Theories of Damages Recovery in Fair Housing Litigation**, by invitation of the Commonwealth of Kentucky Human Rights Commission (Louisville) [1980]
- On **Preventative Measures to Comply with Fair Housing for Homebuilders**, by invitation of the National Association of Home Builders National Council of the Multifamily Housing Industry (Annual Meetings) (Atlanta, Las Vegas, Chicago) [1992-1998]
- On **Federal Judicial Enforcement of Civil Rights Law**, by invitation of the International Association of Official Human Rights Agencies (IAOHRA) (**Keynote**) (Denver) [1982]
- On **Fair Housing Act's New Amendments and Their Application to Achieving Housing Dignity**, by invitation of the Fair Housing Council of the San Gabriel Valley (**Keynote**) (Pasadena) [1988]
- On **Practical Realities of Fair Housing Enforcement**, by invitation of Broward County (**Keynote**) (Fort Lauderdale) [2007]
- On **Federal Fair Housing Enforcement**, by invitation of the California North/South Fair Housing Coalition (**Keynote**) (Pacific Palisades) [1986]
- On **Stand Against Hate**, by invitation of the FBI and United States Attorney for Tactical Considerations in Prosecuting Hate Crimes (**Keynote**) (Cleveland) [2005]
- On the **Impact of the Federal Fair Housing Amendments on Public Housing Authorities**, by invitation of the National Association of Housing & Redevelopment Officials (NAHRO) at its Annual Meeting (Seattle) [1989]
- On **Fair Housing and Dr. King's Dream**, by invitation of the South Bend Human Rights Commission (**Keynote**) (South Bend) [1997]
- On the **Future of Fair Housing in America**, by invitation of National Neighbors, Inc. (National organization of municipal and neighborhood organizations supporting interracial living) (**Keynote**) (Chicago) [1983]
- On **Did Dr. King Die in Vain?**, by invitation of the Salt Lake City NAACP (**Keynote**) (Salt Lake City) [2008]
- On the **Future of Fair Housing Litigation**, by invitation of State of Wisconsin

- Department of Industry, Labor and Human Relations **(Keynote)** (Racine) [1984]
- On **Federal Fair Housing Practice**, by invitation of the NAACP at its Annual Meetings (CLE accredited) (Dallas, New York) [1985, 1987]
- On **Dr. Martin Luther King Memorial Lecture**, by invitation of the City of Rocky Mount, N.C. **(Keynote)** (Rocky Mount) [2013]
- On the **Importance of State and Local Human Rights Law Enforcement of Fair Housing**, by invitation of the Michigan Department of Civil Rights **(Keynote)** (Lansing) [1992]
- On **Private Federal Enforcement of the Fair Housing Act**, by invitation of the Assistant Secretary, Fair Housing & Equal Opportunity, U.S. Department of HUD (Arlington) [1994]
- On **Affording Older Americans Reasonable Accommodations**, by invitation of the National Council on the Aging at its 44<sup>th</sup> Annual Conf. (Washington, D.C.) [1994]
- On **Opportunities to Further Fair Housing for All**, by invitation of Mayor Pam Iorio **(Keynote)** (Tampa) [2006]
- On the **Role of Non-Profits in Fair Housing**, by invitation of the Shreveport-Bossier Community Housing Resource Board at Louisiana State University at Shreveport **(Keynote)** (Shreveport) [1992]
- On **Federal Fair Housing Practice**, by invitation of the National Bar Association (NBA) at its Annual Meeting (CLE accredited) (Oakland) [1989]
- On **Fighting Intimidation, Coercion & Harassment Using the 1988 Federal Legislation**, by invitation of U.S. Department of HUD at its Annual National FHAP Conference (Dallas) [1991]
- On **Using the Fair Housing Act's History for Effective Law Enforcement**, by invitation of John Marshall Law School and HUD at Annual National FHAP Conference **(Keynote)** (Montgomery) [1997]
- On the **New Amendments to the Fair Housing Act**, by invitation of the Des Moines Community Housing Resource Board **(Keynote)** (Des Moines) [1989]
- On **Enforcement of Human Rights**, by invitation of the Ft. Wayne, Ind. Human Relations Dept. **(Keynote)** (Ft. Wayne) [1985]
- On **Interrelations between Private Sector & Government in Achieving Fair Housing**, by invitation of the Montana Human Rights Commission **(Keynote)** (Bozeman) [1989]
- On **"Housing: Is It Fair?"** by invitation of the Thirtieth Anniversary Committee of the Pennsylvania Human Relations Commission (Harrisburg) [1985]
- On **Impact of the Amendments to the Federal Fair Housing Act**, by invitation of the Kauai (Hawaii) Board of Realtors (Lihue) [1989]
- On **"New American Fair Housing Rights,"** by invitation of the Wisconsin State Fair Housing Network **(Keynote)** (Appleton) [1990]
- On **"Buffalo's Part in America's Fair Housing Effort,"** by invitation of the Buffalo Fair Housing Council **(Keynote)** (Buffalo) [1990]
- On **"Practical Application of the Fair Housing Act,"** by invitation of the Springfield (Mo.) Community Housing Resource Board (CLE accredited) (Springfield) [1990]
- On **"Basics and Developments in Federal Law"** by invitation of the Clearwater Community Housing Resource Board, Inc. (CLE accredited) (Clearwater) [1998]
- On **Federal Fair Housing Practice**, by invitation of the Nebraska State Bar Association (CLE accredited) (Omaha) [1985]



- On **Equal Opportunity in America: A Prognosis**, by invitation of the York (Pa.) Human Relations Commission for the Dr. Frederick Holliday Memorial
- On **Notions for Future Federal Fair Housing Enforcement**, by invitation of the Fair Housing Congress of Southern California (**Keynote**) (Los Angeles) [1986]
- On **Lawyers' Role in Enforcing the Amended Federal Fair Housing Act**, by invitation of Miami Legal Services, Inc. (CLE Accredited) (Miami) [1989]
- On the **Role of the Community in Insuring Fair Housing Rights**, by invitation of the Delaware Division of Human Relations Commission (**Keynote**) (Wilmington) [1986]
- On **Creative Enforcement Under the Fair Housing Act**, by invitation of the Fresno Fair Housing Council (CLE accredited) (**Keynote**) (Fresno) [1997-1998]
- On **Sex Discrimination/Sexual Harassment**, by invitation of the Tennessee Human Rights Commission (Nashville) [1987]
- On **"Fair Housing: A Two-Way Street,"** by invitation of Dane County, Wisc. (**Keynote**) (Madison) [1989]
- On **Fair Housing Law Enforcement**, by invitation of Metropolitan Oklahoma City Fair Housing Council (CLE accredited) (**Keynote**) (Oklahoma City) [1988]
- On **Fair Housing Education for the Real Estate Industry**, by invitation of the Nashville Board of Realtors (NAR) (Certified for credit by the Tennessee State Real Estate Commission) (Nashville) [1988]
- On **Fair Housing Education for the Real Estate Industry**, by invitation of the Ohio Association of Realtors (Certified for credit by the Ohio Real Estate Commission) (Columbus) [1994]
- On **Using the Fair Housing Act to Combat Sex Bias**, by invitation of the Nebraska Equal Opportunity Commission, 25th Anniversary Committee (CLE accredited) (Lincoln) [1990]
- On the **Power of Fair Housing Law Enforcement in the 1990's**, by invitation of the Kansas Commission on Human Rights (**Keynote**) (Topeka) [1993-1994]
- On **Fair Housing Act Compliance for the Real Estate Industry**, by invitation of the Florida Association of Realtors (FAR) (Certified for credit by the Florida State Real Estate Commission) (Orlando) [1989, 1991]
- On **The Role of State and Local Human Rights Agencies in Enforcing Fair Housing Rights**, by invitation of the International Association of Official Human Rights Agencies Annual Meeting (Ft. Worth) [1996]
- On **Fair Housing Act Compliance for Home Builders and Housing Professionals**, by invitation of the Tidewater (Va.) Homebuilders Association and others (**Keynote**) (Chesapeake) [1991]
- On **"Industry Liability Issues,"** by invitation of the Indiana Association of Realtors (IAR Annual Meeting) (Evansville) [1989]
- On **Federal Litigation Under Fair Housing Act Amendments**, Sponsored by the Old Pueblo Community Housing Resource Board (**Keynote**) (Tucson) [1989]
- On **Methods in Fighting Housing Bias**, by invitation of the Lubbock, Texas Community Housing Resource Board (**Keynote**) (Lubbock) [1989]
- On **Fair Housing Act Fundamentals and Amendments**, by invitation of the King County Community Housing Resource Board (**Keynote**) (Seattle) [1989]
- On **Fair Housing Compliance for Property Managers**, by invitation of the Indiana Apartment Association (IAA) at its Annual Convention (Indianapolis) [1991]

- On **Fair Housing for the Millennium**, by invitation of the  
Escambia County-Pensacola Human Reforms Commission (CLE accredited)  
(**Keynote**) (Pensacola) [1999]
- On **Fair Housing for the 1990's**, by invitation of the Hillsborough County  
Community Housing Resource Board  
(Certified for credit by the Florida State Real Estate Commission) (**Keynote**) (Tampa) [1988]
- On **Impact of the 1988 Federal Fair Housing Amendments Act**, by invitation of the  
City of Gainesville Human Relations Department) (**Keynote**) (Gainesville) [1991-1992]
- On **Fundamentals and Developments in Federal Fair Housing Law**, by invitation of the  
Fair Housing Council of Oregon (CLE accredited) (**Keynote**) (Portland) [1991]
- On **Fair Housing Laws and Their Enforcement**, by invitation of the Harrisburg, Pa.  
Fair Housing Council in conjunction with the Harrisburg Bar Association  
(CLE accredited) (**Keynote**) (Harrisburg) [1988]
- On **The Future of Fair Housing and the Enforcement of Fair Housing Laws**,  
by invitation of the Fort Worth Human Relations Commission (CLE accredited)  
(**Keynote**) (Fort Worth) [1988]
- On **Government's Role in Fair Housing**, by invitation of the Tacoma, Wash.  
Human Rights Commission (**Keynote**) (Tacoma) [1989]

#### CONSULTANT WORK

- Consultant*, **U.S. Department of Housing & Urban Development**,  
Division of Fair Housing & Equal Opportunity (Washington, D.C.)  
Engaged to author proposed exclusionary zoning regulations [1979-1980]
- Consultant*, **City of Kansas City, Missouri** Commissioned to write  
**THE KANSAS CITY FAIR HOUSING GUIDE** and provide implementation  
lectures for the investigation and disposition of housing discrimination cases [1991]
- Consultant*, **U.S. Equal Employment Opportunity Commission/International  
Association of Official Human Rights Agencies** Commissioned to write manual,  
conduct 6-city instructional program on testing for employment discrimination  
(Atlanta, Chicago, Cleveland, Denver, Los Angeles and Philadelphia) [1992]
- Consultant*, **State of Texas** Commissioned to write six volume series on **FAIR HOUSING LAW**  
and provide series of lectures throughout the state [1993-1996]
- Consultant*, **City of Dallas, Texas** Commissioned to write **THE DALLAS GUIDE  
TO FAIR HOUSING LAW ENFORCEMENT** and provide a series of  
lectures for present and future staff training [1991]
- Consultant*, **State of California Department of Employment and Housing**  
(Los Angeles and San Francisco Training) [1983]
- Consultant*, **State of Missouri Human Rights Commission** (Columbia) [1991]
- Consultant*, **State of Nebraska Equal Opportunity Commission** (Lincoln) Commissioned  
as legal advisor to redlining/discriminatory lending practices study in conjunction  
with the Center for Applied Urban Research, University of Nebraska (Omaha) [1983]
- Consultant*, **State of Iowa Civil Rights Commission** [1990-1991]  
Commissioned as a developer of computer programs in the investigation of  
housing discrimination cases in conjunction with the Regional Executive Council  
on Civil Rights
- Consultant*, **State of Kansas Commission on Human Rights** (Topeka) [1989, 1993-1994]

|  |                   |
|--|-------------------|
| <i>Consultant, State of Oklahoma Human Rights Commission (Oklahoma City)</i>   | [1991]            |
| <i>Consultant, Broward County, Florida Equal Opportunity Division (Ft. Lauderdale)</i>   | [1992]            |
| <i>Consultant, City of Lorain, Ohio</i><br>Annual contract to train municipal fair housing board; developed comprehensive training materials on fair housing law, investigation, conciliation, remedies, etc.  | [1992]            |
| <i>Consultant, State of Washington Human Rights Commission</i><br>Civil rights training program co-sponsored by the state commission, HUD, Seattle Human Rights Department, Tacoma Human Rights Department and State of Oregon Bureau of Labor and Industries (Port Ludlow, Wash.) | [1984]            |
| <i>Consultant, Regional Executive Council on Civil Rights (Kansas City)</i><br>Civil rights training of consortium of state human rights commissions of Iowa, Missouri, Kansas, Nebraska and other state and local agencies  | [1985, 1987-1990] |
| <i>Consultant, State of Alaska Human Rights Commission (Anchorage)</i><br>Engaged to train commission personnel on federal fair housing law, conciliation, investigation and relief.   | [1984]            |
| <i>Consultant, State of Colorado Civil Rights Division (Denver) engaged to train staff, commissioners, private sector on fair housing technique</i>  | [1987]            |
| <i>Consultant, Detroit (Michigan) Fair Housing Council Engaged to teach federal civil rights techniques to Detroit area attorneys co-sponsored with the National Committee against Discrimination in Housing (NCDH)</i>  | [1980]            |
| <i>Consultant, City of Salina (Kansas) Human Relations Commission</i>  | [1983]            |
| <i>Consultant, City of Lawrence (Kansas) Human Relations Department</i>  | [1985]            |
| <i>Consultant, Baltimore (Maryland) Neighborhoods, Inc.</i><br>Training lawyers and testers at programs held at the University of Maryland School of Law   | [1984]            |
| <i>Consultant, City of East Chicago (Indiana) Human Rights Commission</i>  | [1983]            |
| <i>Consultant, (Atlanta) Metro Fair Housing Council,</i><br>in conjunction with Georgia State University   | [1982]            |
| <i>Consultant, U.S. Department of HUD (Region II)</i><br>(New York City) Training of HUD and FHAP agency personnel from New York and New Jersey on fundamentals and developments in fair housing law, techniques in investigation and conciliation                                 | [1991]            |
| <i>Consultant, U.S. Department of HUD (Region IX) (San Francisco)</i><br>Training of HUD and FHAP agency personnel from California, Arizona, Alaska and Nevada on developments under federal civil rights statutes   | [1991]<br>[1984]  |
| <i>Consultant, U.S. Department of HUD (Regions II and III) (Atlantic City, N.J.)</i>   | [1985]            |
| <i>Consultant, U.S. Department of HUD (Regions VI, VII &amp; VIII) (Kansas City, Mo.)</i>  | [1985]            |
| <i>Consultant, U.S. Department of HUD (Regions IV, V &amp; VI) (Kansas City, Mo.) (Keynote)</i>  | [1990]            |
| <i>Consultant, U.S. Department of HUD (Region IX) (Newport, Oregon)</i>  | [1985]            |
| <i>Consultant, U.S. Department of HUD (Regions IV, V &amp; VII) (Atlanta, Ga.)</i><br>Legal training for HUD, FHAP agencies and fair housing councils for Tri-Regional FHAP/CHRB Conference  | [1988]            |
| <i>Consultant, U.S. Department of HUD (Regions VI, VIII &amp; IX) (Las Vegas)</i><br>Legal training for HUD, FHAP agencies and fair housing councils for Tri-Regional FHAP/CHRB Conference   | [1988]            |

|  |                    |
|--|--------------------|
| <i>Consultant, U.S. Department of HUD (Regions IV, V and VI) (Kansas City)</i><br>Keynote for HUD, FHAP agencies and fair housing councils for Tri-Regional<br>Mandatory FHAP Conference | [1990]             |
| <i>Consultant, City of Hutchinson (Kansas) Human Relations Commission</i>  | [1984]             |
| <i>Consultant, City of Columbus (Indiana) Human Relations Commission</i>   | [1984]             |
| <i>Consultant, South Bend (Indiana) Neighborhood Housing Services</i>  | [1985]             |
| <i>Consultant, Stark County, Ohio Fair Housing Office</i>  | [1983]             |
| <i>Consultant, City of Ashtabula, Ohio Affirmative Action Office</i>   | [1983]             |
| <i>Special Legal Counsel, City of Lakewood, Ohio</i>   | [1983]             |
| <i>Special Legal Counsel, City of Shaker Heights, Ohio</i>   | [1985] [1992-1994] |
| <i>Special Legal Counsel, City of Westlake, Ohio</i>   | [1997-1998]        |

#### LITIGATION

Have litigated and participated in roughly 3,000 federal fair housing and other federal civil rights cases establishing national precedent. Cases include *Weathers v. Peters Realty Corp.*, 499 F.2d 1197 (6<sup>th</sup> Cir. 1974), *Heights Community Congress v. Rosenblatt Realty, Inc.*, 73 F.R.D. 1 (N.D. Ohio 1975); *Bishop v. Pecsok*, 341 F. Supp. 34 (N.D. Ohio, 1976); *Harper v. Union Savings*, 429 F. Supp. 1254 (N.D. Ohio 1977); *Cornelius v. City of Parma*, 374 F. Supp. 730 (N.D. Ohio 1974), *vacated and remanded*, 506 F.2d 1400 (6<sup>th</sup> Cir. 1974), *cert. denied*, 424 U.S. 955 (1976); *United States v. City of Parma*, 471 F. Supp. 453 (N.D. Ohio 1979), 494 F. Supp. 1049 (N.D. Ohio 1980) (amicus); *Johnson v. Snyder*, 470 F. Supp. 972 (N.D. Ohio 1978), *Aff'd*, 639 F. 2d 316 (6<sup>th</sup> Cir. 1981); *Price v. Pelka*, 690 F. 2d 98 (6<sup>th</sup> Cir. 1982); *Smith v. Smythe Cramer*, 754 F. 2d 571 (6<sup>th</sup> Cir. 1985), *cert. denied*, 473 U.S. 906 (1985); *Heights Community Congress v. Hilltop Realty, Inc.*, 629 F. Supp. 1232 (N.D. Ohio 1983), 643 F. Supp. 8 (N.D. Ohio 1985), *aff'd in part and rev'd in part*, 774 F. 2d 135 (6<sup>th</sup> Cir. 1985), *reh. denied*, 793 F. 2d 129 (6<sup>th</sup> Cir. 1986), *cert. denied*, 477 U.S. 1019 (1986). *Westmoreland v. Sutherland*, 662 F.3d 714 (6<sup>th</sup> Cir. 2011), *rev'g* 718 F. Supp.2d 884, (N.D. Ohio 2010); *Miller v. City of Canton*, 319 Fed. Appx. 411 (6<sup>th</sup> Cir. 2009); *Hidden Village v. City of Lakewood*, 867 F.Supp.2d 920 (N.D. Ohio 2012).

#### PAPERS

- Friedman, *Damages in Housing Bias Litigation*, 21 N.Y.L.F. 554 (1976)
- Friedman, *Federal Fair Housing Practice*, 20 American Law Institute Prac. Law 15 (Dec. 1974)
- Friedman, *Warth v. Seldon: Foisting an Un-American Model?* 27 Land Use L. & Z. Dig. 6 (1975)
- Friedman, *Attacking Discrimination Through the Thirteenth Amendment*, 21 Cleve. St. L. Rev. 146 (1972)
- Friedman, *A Clinical Approach to Legal Writing*, 44 N.Y.St.B. J. 42 (1972)
- Friedman, *A Law Student Voice on Contemporary Issues*, 17 A.B.A. Stu. L.J. 10 (1972)
- Friedman, *What Cleveland's Legal Community Can Do About Legal Education*, 42 Cleve. B. J. 162 (1971)

#### MISCELLANY

- Special Advisor, Chief United States District Judge Frank J. Battisti* (dec.) after representation of the Diocese of Cleveland's Housing Task Force, then in remedial order aspect (desegregation) of Parma Housing Discrimination Case. Also served under **United States Senior Circuit Judge Robert B. Krupansky**, sitting by designation, and **United States District Judge Kathleen M. O'Malley**  
[1973-1996]
- Magistrate Judge, Lyndhurst, Ohio Municipal Court* [1976-1977]
- Legal Consultant, Office of General Counsel, National NAACP*  
Authored comprehensive proposed remedy for Los Angeles school desegregation case [1986]
- Special Counsel, State of Texas Attorney General and Commission on Human Rights*  
Engaged by State of Texas to author materials on civil rights law as part of the *Young v. Cisneros* remedy and assist in the pursuit of matters against the Ku Klux Klan [1992-2000]
- President, William K. Thomas American Inn of Court* [Inn designated Platinum (highest) by national organization] [2013-2014]