

## MARIANNE ENGELMAN LADO

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### Education

M.A., Politics Department, Princeton University -- fields of study: American Politics, Public Law and African American Political Thought (1989)

J.D., University of California, Berkeley, School of Law (1987)

B.A., magna cum laude in Government, Cornell University, College of Arts and Sciences, with distinction in all subjects (1984)

### Professional Experience

**Visiting Professor, Douglas Costle Chair in Environmental Law, Vermont Law School** (July 2019 – present). Direct new Environmental Justice Clinic representing communities of color and low-income communities fighting disproportionate environmental burdens. Docket includes litigation, administrative advocacy, and long-term systemic policy reform on state and federal levels.

**Lecturer, Yale University School of Forestry & Environmental Studies, Yale University School of Public Health** (August 2018 – present). Teach capstone course on environmental justice and clinic on climate change, sustainability and public health, working with student teams on projects and cases on behalf of environmentally overburdened communities of color and low-income communities. Projects focus on civil rights enforcement in the environmental justice context, including litigation, administrative cases, legislative initiatives, and work with communities to collect and gather information about the effects of landfills and other sources of contamination.

***Of Counsel, Poverty & Race Research Action Council (PRRAC)*** (September 2018 – June 2019). Collaboration on efforts to build capacity of environmental justice groups seeking enforcement of civil rights and environmental laws. Docket includes administrative cases, as well as initiative to build and make accessible a repository of civil rights materials for use by communities.

**Florence Rogatz Visiting Clinical Professor of Law at Yale Law School** (January 2017 – July 2018). Launched Environmental Justice Law Clinic with students from Yale Law School, the School of Forestry and Environmental Studies and the School of Public Health. The Clinic's docket included cases and advocacy to advance environmental justice, with a particular focus on enforcement of civil rights in the environmental justice context. The Clinic involved 18 students in the breadth of community-based legal practice, including litigation, administrative advocacy, and case development. The Clinic

represented community members and groups in administrative complaints filed with EPA under Title VI of the Civil Rights Act of 1964, FOIA practice, and *CARE v. EPA*, a federal court challenge to EPA's unreasonable delay in investigations of civil rights complaints. The Clinic also partnered with the Practicum in Climate Change, Sustainability, and Public Health on air pollution monitoring projects to develop the evidentiary base for advocacy in Tallassee, Alabama, and Beaumont, Texas. Co-taught Veterans Legal Services Clinic, Spring and Fall, 2017.

**Senior Staff Attorney, Earthjustice** (2010 – 2016). Docket focused on civil rights enforcement at EPA, the public's right to information about toxics, the regulation of toxic chemicals, including dispersants used in response to the BP oil disaster in the Gulf of Mexico, and the impacts of concentrated animal feeding operations (CAFOs). Litigation and advocacy emphasized impacts on vulnerable and overburdened populations. Member, Earthjustice's Diversity Management Team, 2010-2015. Litigation highlights include *Buffalo River Watershed Alliance v. USDA* (successful federal litigation challenging approval of loan guarantees to swine facility on the banks of a tributary to the Buffalo National River); intervention in *SIRC v. Sebelius* (successful intervention in industry challenge to agency decision to list styrene as "reasonably anticipated to be a carcinogen" on the Report on Carcinogens); *Alaska Community Action on Toxics v. EPA* (federal court litigation to compel EPA to analyze and identify information about the toxicity of chemical dispersants); *Florida Wildlife Federation v. EPA* (Freedom of Information Act case in the Northern District of Florida for the disclosure of information about dispersants); and *Friends of the Earth v. EPA* (litigation to compel EPA to determine whether lead additives in aviation fuel endanger public health and welfare). Developed docket on behalf of community members and groups that filed administrative civil rights complaints filed with EPA and litigation to reform EPA's Title VI enforcement program.

**Lecturer, Columbia Law School and the Earth Institute, Columbia School of Professional Studies** (2013 – 2016). Taught Environmental Justice seminar that examined the environmental justice movement, its origins, tenets, challenges, and strategies, focusing on the role of lawyers and litigation-based strategies.

**Visiting Assistant Professor, Seton Hall University School of Law** (2009 – 2010). **Adjunct** (Spring 2011). Taught family law, conducted research, and involved in student advisement. Research interests include role of civil rights law in addressing barriers of access to health care, disability rights, and African American legal traditions.

**Consultant, National Campaign to Restore Civil Rights** (2009 – 2012). Worked with staff on strategic direction of Campaign focusing on emerging challenges to enforcement of rights in the federal courts. The Campaign partnered with scores of organizations nationwide to strategize and raise awareness about developing jurisprudence on Congressional authority, sovereign immunity, rights of action, standing, and other doctrines that have an impact on the enforcement of laws that are vital to social justice.

**General Counsel, New York Lawyers for the Public Interest** (1999-2009).

Led and supervised a civil rights legal program, including impact litigation, individual representation, administrative advocacy, community organizing, communications strategies and public education on issues of racial justice (Access to Health Care and Environmental Justice) and disability rights (Education, Opportunity & Access, and Deinstitutionalization). Oversaw and was directly involved in litigation in state and federal court, as well as advocacy. Developed and supervised the National Campaign to Restore Civil Rights. Served as counsel to the organization, reviewing contracts and drafting policies, and played key role with fundraising, grants, overall management, and government reporting. Liaison to state agency providing funding through the federal Protection & Advocacy system, as well as disability rights networks.

Litigation highlights include *Bartlett v. NYS Board of Law Examiners* (participated on remand in successful federal court suit under the ADA and Section 504 of the Rehab Act, challenging failure to provide accommodations on the bar exam); *DIA v. Duane Reade, Inc.* (litigation in the Southern District of New York to address the failure of a drug store chain with more than 300 stores to ensure that stores were accessible, pursuant to the ADA); *Posner & Queens Independent Living Center v. Parkway Hosp.* and *Jane Doe v. Interfaith Medical Center* (two federal court actions challenging the failure of hospitals to provide reasonable accommodations and effective communication to persons who are deaf); *Edwin T. v. Carpinello* (suit in the Eastern District of New York to challenge the inappropriate placement of people with psychiatric disabilities in nursing homes); *LJ v. Mattingly* (intervention in state court suit brought by the City of New York against state Office of Mental Retardation and Developmental Disabilities, aimed at addressing the failure of both agencies to coordinate and ensure that appropriate referrals and services are provided for children with disabilities in foster care); *E.W. v. Staten Island University Hospital* (federal court litigation to challenge segregation of patients with disabilities in waiting rooms and failure to provide reasonable accommodations on behalf of people with developmental disabilities); and *In Re Jane Doe* (state court proceeding challenging the institutionalization of a child with developmental disabilities in a nursing home, part of a larger effort to address the unlawful institutionalization of children in nursing homes). Docket included complaints filed under Title VI of the Civil Rights Act of 1964 to challenge the failure of area hospitals to provide interpretation and translation services for persons who are limited English proficient (LEP).

**Assistant Professor, School of Public Affairs, Baruch College** (November 1996 - May 1999). Taught graduate and undergraduate level courses in public policy, health policy (MBA/MPA program for health administrators), and education law (MSEd program for education administrators). Served on school curriculum committee, college academic discipline committee, steering committees for health administration and educational administration programs, and the faculty advisory committee to the Coexistence Project. Awarded 1999-2000 PSC CUNY Research Award.

**Staff Attorney, NAACP Legal Defense & Educational Fund, Inc. (LDF)** (Fall 1989 - Winter 1997). (On leave, April 1993 - November 1994; Cooperating Attorney, 1997 - 1999). Litigation and advocacy within LDF's Poverty & Justice Program, representing clients addressing barriers of access to health care and quality education. State and

federal court experience on educational equity including case development, trial, and appellate work in *Sheff v. O'Neill* (Connecticut state courts, filed 1989), trial work in *Mannings v. Hillsborough County School Board* (unitary status hearing in federal court, 1996), and projects on tracking and access to educational opportunities for pregnant and parenting teens and welfare recipients. Responsible for developing health care docket addressing the scarcity of health resources in medically underserved communities; discriminatory practices by the health care industry and managed care organizations; lack of access to reproductive health services; and issues of environmental justice. Initiated *The Matter of St. Luke's* (administrative action, filed 1991, pursuant to Title VI of the Civil Rights Act of 1964) and *Mussington v. SLRHC* (S.D.N.Y., filed 1992), each aimed at ensuring the accessibility of obstetric and pediatric care for poor families; worked on various other cases and projects, such as *Brewster v. White* (M.D. Tenn., filed 1991) and *Linton v. White* (M.D. Tenn., filed 1987); organized 1991 conference, "An African American Health Care Agenda: Strategies for Reforming an Unjust System;" coordinated New York City working group that successfully challenged the privatization of the public hospitals (and which launched *Queens Hospital Center Community Advisory Board v. HHC* (New York State courts, 1995), and *Campaign v. Giuliani* (New York State courts, 1996), among other cases) (1995-1997); and co-authored briefs of *amicus curiae* in *The Matter of Blue Cross, Blue Shield* (New Jersey, Appellate Division, 1990), *UAW v. Johnson Controls* (U.S. Supreme Court, October Term, 1989), *Rust v. Sullivan* (U.S. Supreme Court, October Term, 1990), *Planned Parenthood v. Casey* (U.S. Supreme Court, October Term, 1991), and *Burditt v. Sullivan* (U.S. Court of Appeals for the Fifth Circuit, 1991).

**Research Director, Connecticut Education Project of the Poverty & Justice Program, LDF** (Summer 1988). Supervised and conducted research on historical and ongoing inequities in the educational system within the Hartford metropolitan region.

### **Academic Honors and Awards**

PSC CUNY Research Award (for 1999-2000); AmJur Award in Public Law (Spring, 1987); Prosser Award in Legal Ethics (Spring, 1986); Clyde Duniway Prize (awarded by Cornell University's Government Department to the top student among graduating seniors) (Spring, 1984); Phil Beta Kappa; National Merit Scholar; Cornell National Scholar.

### **Professional Associations; Committee and Board Service**

New York State Bar (admitted 1988)  
Southern District of New York, Eastern District of New York (admitted 1992)  
U.S. Supreme Court Bar (admitted 2009)  
Northern District of Florida (admitted 2010)  
D.C. Circuit (admitted 2013)  
2<sup>nd</sup> Circuit (admitted 2015)  
Connecticut State Bar (admitted 2017)  
New York City Bar

- Committee on Education and the Law (1990-1992, 1999)
- Committee on Civil Rights (member, 1999-2005; chair, 2001-2005)
- Federal Legislation Committee (2005-2007)

Legal Committee, National Disability Rights Network (2001–2007; chair 2004-2007)

Task Force on the Common School, the Century Foundation (2001-2002)

Federal Rights Project Advisory Council (2007-2012)

Co-Chair, Access to Justice Issues Group, American Constitution Society (2007-2010)

Board Member, Center for Public Representation (2009 – present)

Advisory Board Member, Common Cause New York (2010 – 2013)

Board Member, African American Policy Forum (2010 – 2019)

Board Member, WE ACT for Environmental Justice (2013 – present; secretary 2018-present)

## **Publications and Writing**

“Environmental Injustice in Uniontown, Alabama Decades After the Civil Rights Act of 1964: It’s Time for Action,” *ABA Human Rights Magazine* (2019) (forthcoming)

“No More Excuses: Building a New Vision of Civil Rights Enforcement in the Context of Environmental Justice,” *University of Pennsylvania Journal of Law and Social Change* (2019).

“Toward Civil Rights Enforcement in the Environmental Justice Context – Step One: Acknowledging the Problem,” 24 *Fordham Environmental Law Review* 1 (2017).

“Using Civil Rights Tools to Address Health Disparities,” with Robert Garcia, Marc Brenman, Michael Rodriguez, the City Project (2015), *available at* [http://cityprojectca.org/publications/documents/Using\\_Civil\\_Rights\\_Tools\\_to\\_Address\\_Health\\_Disparities\\_2015.pdf](http://cityprojectca.org/publications/documents/Using_Civil_Rights_Tools_to_Address_Health_Disparities_2015.pdf).

“Title VI of the Civil Rights Act at 50: An Unfulfilled Promise at EPA,” *Poverty & Race* (July/August, 2014), *available at* [http://www.prrac.org/full\\_text.php?text\\_id=1491&item\\_id=14956&newsletter\\_id=136&header=Environment&kc=1](http://www.prrac.org/full_text.php?text_id=1491&item_id=14956&newsletter_id=136&header=Environment&kc=1).

“Why We Can’t Wait: Reversing the Retreat on Civil Rights: An Introduction to the Civil Rights Section,” with Cristóbal Joshua Alex, et al., 30 *North Carolina Central Law Journal* 224 (2008).

“Lawyering and Litigation During the Rollback: Legal Strategies to Pursue Social Justice,” in Morgan, Denise, et al., *Awakening from the Dream: Civil Rights Under Siege and the New Struggle for Equal Justice*,” (Carolina Academic Press, 2005), 363-77.

“Unfinished Agenda: The Need for Civil Rights Litigation to Address Continuing Patterns of Race Discrimination and Inequalities in Access to Health Care,” 6 *Texas Forum on Civil Liberties & Civil Rights* 1 (2001).

“Evaluating Systems for Delivering Legal Services to the Poor: Conceptual and Methodological Considerations,” with Gregg Van Ryzin, *67 Fordham Law Review* 2553 (1999).

“Litigation and Structural Change in Low-Income Communities: Toward a New Conceptualization of the Role of National Legal Campaigns” (Aspen Institute Roundtable on Comprehensive Community Initiatives, July, 1998).

“Civil Rights Litigation to Address Continuing Patterns of Race Discrimination and Inequalities in Access to Health Care” (requested by Long-Range Planning Committee of the NAACP Legal Defense & Educational Fund, June, 1998).

“A Question of Justice: African-American Legal Perspectives on the 1883 *Civil Rights Cases*,” *70 Chicago-Kent Law Review* 1123 (1995).

“Breaking the Barriers of Access to Health Care: A Discussion of the Role of Civil Rights Litigation and the Relationship Between Burdens of Proof and the Experience of Denial,” *60 Brooklyn Law Review* 239 (1994).

### **Public Speaking & Conference Participation**

Broad experience presenting on an array of topics, including racial justice, environmental justice, environmental law, disability rights, political science, health care, public administration, and lawyering, including guest lectures and presentations at law schools, schools of public health, conferences, and meetings, including, for example:

“Development of an Administrative Complaint to Inpower Residents and Address Environmental Injustice: A Story of Three Communities” and “Title VI: A Tool for Environmental Justice,” 5<sup>th</sup> University of Maryland Symposium on Environmental Justice & Health Disparities (Panelist, College Park, MD, May 11, 2019).

“Justice Delayed, Justice Achieved: Seeking Environmental Justice Through Civil Rights Law,” 3<sup>rd</sup> Annual Environmental Law Symposium: Environmental Justice for Washington and Beyond, Univ. of Washington School of Law (Seattle, WA, November 2, 2018).

“Constitutional Arguments for Environmental (and Equal) Protection,” ABA SEER Fall Conference (Panelist, San Diego, CA, October 17, 2018).

“Collateral Damage: Factory Farming Impacts Beyond the Animals,” Animal Law Conference (Panelist, Chicago, IL, October 13, 2018).

“Representing Communities: Legal Strategies to Address Environmental Injustice,” Yale Young Global Scholars Program (Lecturer, New Haven, CT, July 12, 2018).

“Reclaiming the Legacy of Martin Luther King Jr.,” American Constitution Society National Convention (Plenary Panelist, Washington, D.C., June 9, 2018).

“Environmental Justice and the Devaluation of Human Life,” Dignity Rights and Environmental Justice Conference at Delaware Law School (Panelist, Wilmington, Delaware, April 13, 2018).

“No More Excuses: Building a Vision of Civil Rights Enforcement in the Context of Environmental Justice,” Yale School of Forestry & Environmental Studies Research Seminar Series (Speaker, New Haven, CT, February 14, 2018).

“Lawyering to Protect the Urban Environment,” Protecting the Urban Environment, Ninth Annual Environment, Energy & Natural Resources Symposium, Indiana University Robert H. McKinney School of Law (Lunch Address Keynote, Indianapolis, March 31, 2017).

“Finding Solid Ground: Environmental and Land Use Dispute Resolution in CT,” Quinnipiac University School of Law (Facilitator, Environmental Justice Breakout Session, New Haven, CT, March 17, 2017).

“Death by Discretion: Toxic Trespass, Human Rights & the Public Trust Doctrine,” Public Interest Environmental Law Conference (Panelist, Eugene, Oregon, March 4, 2017).

“Title VI, Environmental Justice and Affected Communities,” Vermont Law School Annual Solutions Conference (Panelist, South Royalton, VT, March 24, 2017).

“Legal Strategies to Ensure Environmental Justice: The Need for Civil Rights Enforcement,” Flint Environmental Justice Summit (Panelist, Flint Michigan, March 10, 2017).

“America’s Water Crisis: An Issue of Environmental Justice,” Fordham University, School of Law (Panelist, NY, February 10, 2017).

“Lessons from Flint: Using Federal and State Laws to Protect Our Communities,” NAACP National Conference CLE (Panelist, Cincinnati, Ohio, July 18 2016).

“Factory Farms and Environmental Justice,” Sustainable Agriculture & Food Systems Funders Conference (Lunchtime Panelist, Louisville, KY, June 30, 2016).

“Overcoming Corporate Threats to Academic and Community Health Research on Industrial Animal Production,” Association for Environmental Studies and Sciences (Panelist, Washington, D.C., June 9, 2016).

“Flint Water Crisis: A Drop in the Bucket of the History Between Flint and the EPA,” ABA Section of Civil Rights and Social Justice (Panelist, Teleconference, April 8, 2016).

“Civil Rights Law and Health,” Committee on Community Based Solutions to Promote Health Equity in the United States, the National Academies of Sciences, Engineering, Medicine (Speaker, Washington, D.C., March 7, 2016).

Testimony, Environmental Justice Hearing, U.S. Commission on Civil Rights (Panelist, Washington, D.C., February 5, 2016).

“Title VI of the Civil Rights Act: How Engagement with Environmental Justice Advocates Can Strengthen Civil Rights Enforcement – Effective Strategies for Working with Federal Civil Rights Offices and Recommendations for Improving the Use of Title VI to Address Environmental Justice Issues,” National Environmental Justice Conference and Training Program (Panelist, Washington, D.C., March 12, 2015).

“Case Studies: Using Title VI of the Civil Rights Act to Achieve Environmental Justice,” National Environmental Justice Conference and Training Program (Panelist, Washington, D.C. March 28, 2014).

“EPA, Environmental Justice and Title VI of the Civil Rights Act,” Public Interest Environmental Law Conference (Panelist, Eugene, Oregon, March 1, 2013).

“Environmental Justice,” Northeast Region of the National Black Law Student Association (NEBLSA) (Panelist, January 28, 2012).

“Federal Courts, Inc.?” American Constitution Society (ACS) (Panelist, New York, February 8, 2011).

“New Developments in Disability Rights Law,” Practising Law Institute (PLI) (Panelist at Diversity CLE, New York, March 2, 2012, January 25, 2011, February 24, 2010).

“Disability Rights & Marginalization,” Third National People of Color Conference (Panelist, Newark, NJ, September 11, 2010).

“Supreme Court Update,” National Disability Rights Network Annual Conference (Speaker, June 8, 2010).

“The Use of International and Transnational Authorities: Ethical Obligations in the Context of Indeterminacy,” Ethics and Domestic Human Rights Lawyering, CLE (Panelist, June 4, 2010).

“Litigation as a Tool to Leverage Community Advocacy in the Access to Health Care Context,” Community Lawyering Conference, Southern Coalition for Social Justice (Keynote, Atlanta, GA, February 5, 2010).

Human Rights & Advocacy to Address Barriers of Access to Health Care, Human Rights



Institute, Columbia Law School (Lunchtime Event Panelist, April 17, 2009).

*Ex Parte Young*: The Font of Federal Rights Enforcement, Law School Symposium, University of Toledo, College of Law (Panelist, March 20, 2009).

“Termination of Parental Rights,” TASC/P & A CAP Annual Conference, National Disability Rights Network (Panelist, June 3, 2008).

“E-Discovery,” TASC/P & A CAP Annual Conference, National Disability Rights Network (Panelist, June 4, 2008).

Supreme Court Roundup, Columbia Law School (Panelist, October 7, 2007 and in previous years).

“The Legal Landscape Today,” a part of “Beyond Diversity 101,” Practicing Law Institute (Panelist, October 3, 2006).

“Awakening from the Dream: Civil and Human Rights Under Siege and the New Struggle for Equal Justice,” Litigation and Advocacy Directors Conference, National Legal Aid & Defender Association (Plenary Panelist, June 4, 2006).

“Health Care and Civil Rights,” CLE Seminar at NAACP Conference (Panelist, July 10, 2005).

“Rebellious Lawyering in the Age of the Rollback,” 10<sup>th</sup> Annual Rebellious Lawyering Conference (Opening Address, February 20, 2004).

## **Media Experience**

Wide ranging experience with print, radio, television and online media, including, for example, interviews with McNair Ezzard, A Better World, WPVM (Feb. 2, 2017, Show #35), <https://wpvmfm.org/show/a-better-world/>; Rachel Leven, Bloomberg BNA for “The Flint Water Crisis and Civil Rights” (July 12, 2016), <http://www.bna.com/flint-water-crisis-b73014444109/>; Kendra Pierre-Louis, Inside Climate News for “The Alabama Landfill That Brought Noise, Health Woes, and a Lawsuit” (July 5, 2016), <https://insideclimatenews.org/news/29062016/alabama-landfill-brought-noise-health-woes-and-lawsuit>; NBCBLK (Aug. 5, 2015) (EPA’s record on civil rights enforcement), <http://www.nbcnews.com/news/nbcblk/epa-environmental-injustice-uniontown-n402836>; KUAF National Public Radio (May 5, 2015) (coverage of the Buffalo River case), <http://kuaf.com/post/department-justice-drops-appeal-federal-ruling-against-ozarks-swine-cafo-financials>; Reuters (May 1, 2015), <http://www.reuters.com/article/2015/05/01/usa-environment-hogs-idUSL1N0XS0G020150501>; Al Jazeera English (October, 2010).

## **Languages**

Reading knowledge of Spanish.

References available upon request.