

KATIE M. SCHWARTZMANN

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EDUCATION

Tulane Law School, New Orleans, La Juris Doctor, May 2003

Honors and Activities: Graduated *Cum Laude*; CALI Excellence for the Future Award in International Human Rights; Phi Delta Phi; Civil Law Certificate; Public Interest Law Foundation President; Civil Litigation Clinic; Street Law Program; Project for Older Prisoners

Fort Lewis College, Durango, Co Bachelor of Arts, Political Science, April 2000

Honors and Activities: Graduated *Magna Cum Laude*; Outstanding Political Science Graduate; Pi Sigma Alpha; Dean's List; Recipient of Leroy Goodwin Scholarship; Recipient of Alltel Scholarship; Student Government Senator

LEGAL WORK EXPERIENCE

American Civil Liberties Union of Louisiana

New Orleans, La

Aug 2005- May 2011 and Dec 2018- May 2020

Legal Director

Responsible for building a legal program at the ACLU of Louisiana, assisting in administrative, staffing and policy decisions necessary to create a legal department. Responsible for coordinating the legal docket, managing intake, processing complaints and researching legal issues for the ACLU statewide. Serve as counsel on every case filed by the ACLU in Louisiana, including constitutional questions of freedom of speech, freedom of religion, separation of church and state, discrimination, due process, unlawful search and seizure, police misconduct and cruel and unusual prison conditions. File, brief and argue cases in every federal district courthouse in Louisiana, as well as in the United States Court of Appeals for the Fifth Circuit, consistently maintaining a docket of between ten and twenty cases. Responsible for supervising legal staff, law students and volunteer attorneys, as well as media appearances. Consult with the board of directors regarding pending litigation, conduct "know your rights" events, and assist with creation of public education materials.

Roderick and Solange MacArthur Justice Center

New Orleans, La

Nov 2013- Dec 2018

Founder, Co-Director

Attorney in a non-profit civil rights law firm focused on criminal justice reform. Created and built the office, including selecting physical space, hiring and training staff, choosing vendors and establishing personnel and office policies. Supervised a staff of twelve working on dozens of pieces of litigation challenging various aspects of the Louisiana criminal justice system for reform, all of which has a racial justice component. Filed litigation challenging the illegal incarceration of people with mental illness in jails rather than in hospitals, unlawful incarceration on the basis of poverty due to bail practices and court fines, illegal incarceration / over-detention, violations of the state public records law, secrecy by the District Attorney and denial of free speech. Represented people who are incarcerated in challenges to conditions of confinement. Further developed expertise in class action litigation. Responsible for setting priorities, strategic planning, media appearances and community engagement.

Southern Poverty Law Center

New Orleans, La

May 2011- Nov 2013

Managing Director

Coordinated and supervised litigation and outreach work of six attorneys, four investigators and multiple support staff in the Louisiana office. SPLC's Louisiana work focused on education reform, immigrant justice and prison reform. Served as lead counsel on successful class action challenging conditions of confinement at Orleans Parish Prison. Also served as counsel on a class action against the State of Louisiana to ensure equal access to Orleans Parish charter schools for students with disabilities. In addition to maintaining and supervising litigation, responsible for management and personnel decisions in the New Orleans office, requiring the establishment of intake, timekeeping, filing and financial accountability systems. Further responsible for coordinating work with SPLC's four other offices and among the organization's senior leadership, including assisting with the budgeting process and board relations. Represented the organization and clients in the press, in the legislature and before other public bodies.

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SELECT FIRST AMENDMENT CASES

Dean v. Easterling, M.D.Fla. case no. 19-cv-566 (2019): A school principal photographed wearing Nazi-associated symbols at the removal of the New Orleans Robert E. Lee monument was terminated from his job at a predominately African American high school in May 2017. In May 2019 he sued Abdul Aziz, the photographer who took his picture and posted it to the Internet. Aziz is sued for defamation in the Middle District of Florida. I have enrolled to represent Mr. Aziz and moved to dismiss for lack of personal jurisdiction, improper venue, prescription and failure to state a claim because Aziz's publication of the photo is protected under the First Amendment.

Guidry v. Elberson, W.D.La. case no. 18-cv-01232 (2019): The Lafayette Parish Library was sued by a group called "Warriors for Christ" to prevent the library from allowing use of library rooms for "Drag Queen Story Time," an event in which self-identified "drag queens" read books to children. In response to the suit, the library agreed to require all patrons to sign a form attesting that they were not affiliated with drag queens or Drag Queen Story Time. We filed a motion to intervene and sought an injunction over the use of the form. We also argued that the ban on drag queen use of the library violated the First Amendment as viewpoint-based discrimination in a public forum. We prevailed.

Fontana v. City of New Orleans, E.D.La. case no. 19-cv-09120 (2019): Environmental activist Luke Fontana was arrested for setting up a table to distribute literature for "Save Our Wetlands" during French Quarter Festival. The City maintained that Fontana was in violation of a "Clean Zone" ordinance that it adopted in advance of major festivals and events in the New Orleans. The Clean Zone prohibits use of the French Quarter (and other surrounding areas) for the purposes of advertising or solicitation during designated special events. The 78-year-old Fontana spent the night in Orleans Parish Prison. We filed a damages suit on his behalf, but are primarily seeking injunctive and declaratory relief limiting the application of Clean Zones.

Morris v. City of New Orleans, E.D.La. case no. 18-cv-02624 (2019): Local businessman Neal Morris placed a large mural on the side of one of his properties that quoted President Trump on women, including the line: "When you are a (star) they just let you do it... grab them by the (pink cat hat image.)" The New Orleans office of safety and permits cited Morris and ordered the mural removed for lack of a permit. The ACLU filed suit arguing that the mural permitting scheme, which was wholly opaque and required a \$500 fee, is an unconstitutional prior restraint. We argued the scheme lacks adequate approval standards and allows a "heckler's veto" of unpopular speech. Last month Judge Feldman entered summary judgment in our favor.

Kissinger v. LeBlanc, M.D.La. case no. 17-cv-0011 (2017): Prisoner Bill Kissinger sent electronic messages to reporters with the Baton Rouge Advocate alleging certain facts about misconduct by longtime Angola Warden Burl Cain. Kissinger was taken from his prison cell to another prison, where he was held in harsh conditions of solitary confinement for months. We filed suit alleging violation of his First Amendment rights. We settled the case with a return of Mr. Kissinger to Angola, restoration of his "class A trusty" status, and money damages.

Simmons v. City of Mamou, W.D.La. case no. 09-cv-663 (2012): Retired police officer Bobby Simmons e-mailed the Ville Platte Gazette and advised that the paper should investigate the police chief having been stopped for DUI. Simmons also advised that another officer was released on a DUI charge. The Gazette called the police chief for comment, after which the chief issued a subpoena for the e-mail. The police chief then arrested Simmons and charged him with criminal defamation. Simmons spent three days in jail. The police chief held a press conference and threatened to arrest anyone else who was spreading rumors about him. We sued. The case ultimately settled with a damages award to Mr. Simmons.

Leonard v. Louisiana Department of Public Safety and Corrections, W.D.La. case no. 07-cv-813 (2011): The Louisiana D.O.C. banned the Nation of Islam publication *The Final Call* due to its inclusion of rhetoric advocating for the separation of the races. We filed suit advancing both religion and speech rights under the First Amendment. We won at the district court and appellate levels. The state appealed to the Supreme Court but cert was denied.

Billizone v. LeBlanc, M.D.La. case no. 09-cv-0438 (2009): Earnest Billizone was incarcerated in a Louisiana work release program. He wrote a grievance complaining about the conditions of his confinement. He was disciplined by the Louisiana Department of Public Safety and Corrections for “spreading rumors.” We sued. The disciplinary rule was declared unconstitutional and vague. As a point of interest, the Tulane Law Clinic litigated this same disciplinary rule years earlier in a case called *Cassels v. Stalder*.

Social Aid and Pleasure Club Task Force v. City of New Orleans/ Original Pigeontown Steppers v. City of New Orleans, E.D.La. case no. 08-cv-803 (2008): After hurricane Katrina the New Orleans Police Department raised “police escort fees” for traditional New Orleans Second Line parades. The NOPD rationale was that because the Clubs walked through high-crime neighborhoods, more police presence was required to accompany second lines. The fees threatened the very existence of second lines; clubs cancelled their parade. We filed suit arguing that the standard-less discretion in setting police escort fees violated the First Amendment, and that allowing the violence of the neighborhoods to dictate the cost of speech was a heckler’s veto and also passed the general cost of public safety along to someone exercising their constitutional rights. We settled the cases and the parades go on.

Griffith v. City of New Orleans, E.D.La. case no. 07-cv-9738 (2007): Local activists were arrested by N.O.P.D. officers for filming a police altercation with a crowd on Mardi Gras. Police seized their cameras, deleted footage and booked them into jail, charged with “crossing or traversing a police cordon.” We brought the case to jury trial with the Tulane Law Clinic. We lost the trial. We then produced a report on the First Amendment right to film police.

Crayton v. City of Natchitoches, W.D.La. case no. 06-cv-01946 (2007): Christian protestor Edwin Crayton demonstrated in front of the Natchitoches Wal-Mart with a sign that said, “Christians, Wal-Mart Supports Gay Lifestyles and Marriage. Don’t Shop There.” A Natchitoches police officer stopped and told Mr. Crayton that he needed a permit to protest. Crayton applied for a permit, which the City simply failed to act upon. We filed suit (with Jane Johnson as cooperating counsel) and the unconstitutional ordinances were repealed.