

'Impact Litigation' Lures Lawyer

By CHRISTIAN NOLAN

Attorney Josephine Smalls Miller said she likes to think of herself as someone who fights for the underdogs.

"It does not endear me to establishment type folk," said Miller, a Georgia-native who still has some southern drawl to her voice after two decades in Connecticut.

"When I first thought about going to law school I always thought about being a champion for underdogs, to be a voice for people who would not otherwise have a voice to speak for them," continued Miller. "Maybe one day it'll pay off financially but right now it's more about 'let me sock it to those folks who think they're so comfortable.'"

Currently, Miller is working around-the-clock representing parents seeking to block the state's takeover of the Bridgeport school district. The school board voted for the action, citing dysfunctional working relations among members.

In total, 19 lawyers are involved in the case, including city attorneys and the state Attorney General's Office. Though initially scheduled for the complex litigation docket at the trial level, already the case has been moved up. A hearing before the state Supreme Court is expected this fall.

Miller admits this case currently dominates her time. Briefs for the state's high court are due Friday.

"I've had to ask for extensions of time on a number of other matters so I can focus on this," said Miller, who's also admitted to practice law

in Georgia and Michigan.

Miller went solo about eight years ago, after the then-49-year-old left in-house counsel life. Miller had spent the prior 12 years at Praxair Inc. in Danbury.

"Something in the back of my mind said I want to be part of what I call impact litigation," said Miller. "There's certain cases that'll have an impact much broader than that particular individual and I see this case as one of those impact cases. If they can do this in Bridgeport they can do this anywhere in Connecticut. It could have such wide ranging impacts."

Miller has also recently filed a lawsuit alleging equal protection violations against the Stratford superintendent and board of education for their decision to have a grandmother, Marie Menard, of Stratford and her daughter, Ana Wade, of Milford,

arrested for sending Wade's two sons to Stratford schools, using the grandmother's address.

The issue of stealing an education came to the forefront in April when Tanya McDowell was arrested for sending her son to the Norwalk district even though she didn't reside there.

"Since we're supposed to have free public education here, how can somebody steal something that's supposed to be free?" said Miller, noting that the grandmother pays taxes in Stratford but still has to pay for the alleged stolen education.

"The most disturbing thing is it seems to happen on a regular basis in many of these towns and nobody gets prosecuted criminally," continued Miller, noting that most violators are

handled by the district administrative-ly. "We believe that's singling out certain people for adverse treatment ... to criminalize their conduct, is extremely harsh and unwarranted."

As if those cases aren't interesting enough, Miller is representing a former Central Connecticut State University student who was forced to drink cow's blood by his track coach there. The student, Charles Ngetich, sued the coach, George Kaweck.

Miller said the coach had read about a small tribe in Kenya, where the student was from, that drank cow's blood. The coach went to a butcher shop and bought the blood and gave it to Ngetich to drink when he appeared "peeked" and "malnourished" one day.

Over time, Miller said, Ngetich became depressed, lost his scholarship and wasn't allowed back into school because he failed to pay tuition he owed, a set of circumstances that caused other lawyers to shy away from the case. The lawsuit alleges counts for racial discrimination and intentional infliction of emotional distress.

"You'd think this was the kind of case the defendants would want to resolve but so far they've been resistant," said Miller. "This is one of the reasons I left corporate America. A lot of times a lawyer knows a client is wrong and doesn't want to fix it and pretends no harm has been done, and that's what's happening in this case."

"And that's the kind of attitude I really take issue with," continued Miller. "It makes me want to go out there and push these cases to the limit. If nobody else is going to be a voice

for Charles, then that's when Josephine Miller comes into play."

Though Miller said she's never experienced any blatant racism or derogatory remarks over the course of her 31-plus years as an attorney, she still notices an "unconscious bias" towards non-white lawyers in the courtroom.

But she said judges have been fair with their decisions in her cases.

"I just don't want my race being a distraction from the way my cases are heard."



Josephine Smalls Miller was an in-house counsel for 12 years before she realized she wanted a chance to fight for people without a voice in the legal system. Among her cases is an effort to block the state takeover of the Bridgeport school system.



ALEX V. HERNANDEZ



Firm: Pullman & Comley LLC
Age: 50
Law School: Stanford Law School
Job Title: Member
Responsibilities: Member of firm's Litigation Department and chair of its White Collar

Defense and Corporate Investigations Section.

Career Highlights:

- Serves as chair of firm's Diversity Committee.
- Recently named by Gov. Dannel P. Malloy to a panel tasked with developing short- and long-term strategies for the state's crime lab.
- Began career in 1986 as an assistant district attorney in the New York County District Attorney's office.
- In 1991, became an assistant U.S. attorney in Connecticut. Served as Senior Litigation Counsel from 2004-05 and supervisory assistant U.S. attorney from 2005-07.
- As supervisor of the Fairfield County office of the U.S. Attorney's Office, he oversaw the work of 12 attorneys and six support personnel who investigated and prosecuted criminal tax fraud, white collar crime, public corruption cases, computer-related offenses, and violent felonies.
- In June 2011, received an award from the Bridgeport Police Department for the investigation and prosecution of Frank "The Terminator" Estrada and his narcotics trafficking enterprise.

Public Service:

- Serves on the boards of the Cardinal Shehan Center, the Shelter for the Homeless Inc. and United Way of Coastal Fairfield County.
- Serves on board of directors of the YWCA Hartford Region.

BARBARA E. HOUSEN



Agency: Office of Governmental Accountability, Office of State Ethics
Law School: Boston University School of Law
Job Title: General Counsel, Office of State Ethics

Responsibilities: Practices in the areas of government transparency, ethics, compliance, and conflicts of interest. Issues advisory opinions on ethics codes to all state public officials and employees.

Career Highlights:

- First permanent General Counsel of the Office of State Ethics and the first female General Counsel to head an independent government watchdog agency.
- Previously worked at the Freedom of Information Commission, where she rose from staff attorney to principal attorney.
- Considered an access-to-information expert and has provided guidance to countries and U.S. jurisdictions implementing access to information laws, including Mexico, China, and Jamaica.
- Speaker and presenter at access to information, government transparency and ethics conferences held throughout the U.S. and Canada.

Public Service:

- Volunteers with Lawyers Collaborative for Diversity, serving as a mentor for lawyers and law school students.
- Former board member and secretary for A Better Chance in Glastonbury.
- Works with Hartford Public High School Law and Government Academy's Internship Program.

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our friend and colleague



Alex V. Hernandez
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