

**\$5,000,000 Million**

**Developmentally disabled women prevail in long-standing civil rights suit against the District of Columbia**

***Jane Does I-III v. District of Columbia, USDC-DC - Civil Action No. 01-2398***

**Type of Case:** Civil rights – forced abortion

**Court:** United States District Court for the District of Columbia

**Attorneys:** Shep Williams (Williams Legal Group); Irvin V. Cantor and H. Aubrey Ford, III (Cantor, Stoneburner, Ford, Grana, Buckner).

Two developmentally disabled women who were wards of the District of Columbia sued the District for consenting to abortions without due process in violation of 42 U.S.C. § 1983. The case was initially filed as a class action, challenging the District consent policy for not following the substituted judgment standard in consenting to medical procedures on 1600 adults. Plaintiffs won class certification, summary judgment on liability and a permanent injunction in 2005. That victory was short-lived as the D.C. Circuit reversed the liability finding and injunction in 2007 and stated that Plaintiffs' constitutional claims were meritless. Undaunted, after unsuccessfully attempting settlement with the District, Plaintiffs reformulated the case to just focus on the due process claims of 2 plaintiffs who had been forced to have abortions and not the class-wide challenge to the consent process.

In 2013, the Court allowed Plaintiffs to amend the complaint and proceed on the new theory. After two years of litigation, the Court granted Plaintiffs' motion for summary judgment and held that the District did not provide the women with constitutionally adequate protections before authorizing abortions on their behalf and that District municipal policy was the moving force behind the violation of Plaintiffs' due process rights. 206 F.Supp. 3d 583 (D.D.C. 2016). The District then expressed an interest in mediating the case. Plaintiffs conducted focus groups with Jury Impressions and using information gained in that process was able to settle the case for 5,000,000 in mediation with the Hon. Johanna Fitzpatrick.