

## **Thomas J. Henderson**

### **Experience:**

October 2008 to Present:

**Principal  
Henderson Law Firm, PLLC, Washington, D.C.**

*Executive Representation:* Provide legal and strategic counseling to executives regarding employment relationships, rights and responsibilities. Represent executives with discrimination, retaliation and whistleblower claims in administrative proceedings before regulatory agencies. Represent executives in confidential negotiations with employers to resolve disputes and determine exit packages. Litigate employment discrimination and retaliation cases on behalf of current and former executives.

*Minority- and Women-Owned Business Representation:* Represent minority and women entrepreneurs and their businesses in seeking remedies for discrimination in the marketplace and regarding participation in DBE programs, including in administrative proceedings. Provide analysis and advocacy for constitutionally-permissible race- and gender-conscious efforts to promote participation and ownership in concessions, contracting, broadcasting and other business opportunities.

*Litigation:* Serve as counsel in complex and class action civil rights and consumer litigation, including private and federal sector employment discrimination cases. Act as co-counsel and consultant in mediation and settlement negotiations of class action cases. Represent law firms regarding attorneys' fees awards in litigation and settlement agreements. Represent parties in charges of class wide discrimination before federal and state enforcement agencies.

December 2009 to Present:

**Of Counsel  
Sanford, Wittels & Heisler, LLC, Washington, D.C.**

*Litigation:* Serve as counsel in complex class action and multi-party civil rights and consumer litigation, in federal and state courts, including private and federal sector employment discrimination cases. Act as co-counsel and consultant in mediation and settlement negotiations of class action cases. Represent law firms regarding attorneys' fees awards in litigation and settlement agreements. Represent parties in charges of class wide discrimination before federal and state enforcement agencies.

October 2008 to April 2009:

**Of Counsel**

November 2004 to October 2008:

**Partner  
Sprenger & Lang, PLLC, Washington, D.C.**

*Litigation:* Served as lead or co-lead counsel in litigation of complex federal civil rights and constitutional class action employment discrimination, insurance discrimination and school desegregation and education cases, including all aspects of litigation and appellate practice. Lead firm in undertaking and developing expertise in electronic discovery. Initiate and persuade Equal Employment Opportunity Commission to undertake class-wide investigations. Represented executives in administrative proceedings and negotiations with employers.

*Supervise Litigation:* Supervise associates in litigation, particularly with regard to litigation strategy, discovery matters and various writing assignments. Supervise paralegals in fact investigations and communications with putative class members, document inspection and analysis, and preparation for depositions.

August 1990 to October 2004:

**Chief Counsel and Senior Deputy Director (2000-2004);  
Deputy Director for Litigation (1990-2000).  
Lawyers' Committee for Civil Rights Under Law, Washington, DC**

*Management:* Participate in executive management of national non-profit public interest law firm with Board of more than 200 leading attorneys and staff of 40, including Board relations and involvement, strategic

planning, relationships with partner organizations and coalitions, institutional policy, finance, administration, and other management responsibilities.

*Program Development:* Design, implement and supervise new program initiatives, including substantive legal, policy and research programs, outreach, communications and coordination activities, through staff, Board member participation and collaboration with partner organizations.

*Strategic Advocacy:* Organize, speak and participate in collaborations among litigators, policy analysts and advocates, researchers, clients and others in examining and developing alternative litigation and advocacy strategies on various civil rights issues; use litigation expert reports to develop new research and expand research agenda; and organize and make presentations at continuing education and training events.

*Supervise Litigation:* Supervise a Deputy Director for Legal Programs, several Project Directors and numerous Staff Attorneys of a national civil rights public interest law firm with 10 to 15 attorneys. Set litigation priorities and review, approve and supervise a docket of from 50 to 80 complex federal civil rights cases, mostly class actions. Recruit private firms and establish and manage *pro bono* co-counsel relationships.

*Litigation:* Serve as lead or co-lead counsel, with *pro bono* law firm counsel and staff, in litigation of complex federal civil rights and constitutional class action cases in the areas of education, environmental justice, employment and housing discrimination, land use, and voting rights, including direct participation in all aspects of litigation, mediation and settlement, trials of from three to seven weeks, and appeals.

*Supreme Court Advocacy:* Recommend to Board, write, co-author or edit and approve more than 50 U.S. Supreme Court briefs *amicus curiae* on a wide range of constitutional, civil rights and procedural issues, meet with U.S. Solicitor and Deputy Solicitor General regarding positions of the United States; and preparing advocates for Supreme Court arguments, including moot arguments and second-chairing arguments.

*Policy and Legislation:* Testify before Committees of the U.S. Senate and House of Representatives on class actions, federal housing policy and other matters; prepare analyses of a variety of proposed legislation and policy proposals and their impact; and brief members of Congress, their staff, coalition partners, legal organizations and the public on policy and legislative proposals.

*Judicial Rule-Making:* Analyze proposed amendments to the Federal Rules of Civil Procedure, communicate with partner public interest and attorney organizations, prepare formal comments on behalf of coalition to the Advisory Committee on the Rules of Civil Procedure, the Standing Committee on Rules of Practice and Procedure and the Judicial Conference of the United States regarding proposed amendments.

*Executive Policy:* Evaluate and advocate proposed policy positions with White House staff; analyze and prepare comments on proposed regulations, guidance and policies of federal Executive Agencies; and advocate policy to Executive Department Secretaries, Deputy and Assistant Secretaries and General Counsel, Attorneys General, Deputy, Associate and Assistant Attorneys General and others.

*International Policy:* Analyze International Convention on the Elimination of All Forms of Racial Discrimination and other international instruments, examine U.S. compliance and, in collaboration with representatives of international Non-Governmental Organizations, develop proposals to more effectively implement its terms and advocate adoption in UN Plan of Action of World Conference Against Racism.

*Fundraising and Development:* Conceptualize and write or edit proposals for foundation and corporate funding; meet with funding executives and program officers; write and edit reports to grantors; solicit contributions from Board members and others.

*Law Firm Pro Bono:* Organize, manage and supervise program of outreach to scores of law firms and organizations of lawyers to promote *pro bono* and recruit firms to undertake litigation, transactional and other *pro bono* projects, establish and manage all aspects of public interest relationships with *pro bono* law firms;



### **Selected Publications:**

Henderson, Thomas J., "Tackling E-Discovery." *The Employee Advocate*, Summer/Fall 2007.

Henderson, Thomas J., "Practical Considerations in Selecting Class Representatives, And Managing Their Expectations in Litigation and Settlement." *10 Employee Rights and Employment Policy Journal* 531, No. 2, 2006.

Henderson, Thomas J. "Analysis of Studies Pursuant to Section 257 of the Telecommunications Act of 1996 and Section 309(J) of the Communications Act of 1934 With Respect to Constitutionally Permissible Means of Implementing Minority Ownership Policies," submitted to the Federal Communications Commission in response to Media Bureau Public Notice DA 04-1690 by the Minority Media & Telecommunications Council, October, 2004.

Henderson, Thomas J. "Strategies for Civil Rights Litigators Amid the Supreme Court's Constitutional Counterrevolution." *Human Rights*, Fall 2002.

Henderson, Thomas J., David S. Bailey, & Selena Mendy Singleton. "Analysis of Racially Disparate Impacts in the Siting of Environmental Hazards." In *Challenges to Equality*, ed. Chester Hartman. 215-219, Armonk, NY: M. E. Sharp, 2001.

Henderson, Thomas J. "Socioeconomic School Integration, A Response to Richard D. Kahlenberg." *Poverty & Race*, November/December 2001.

Henderson, Thomas J. & Stacy E. Seicshnaydre. "Sanders v. HUD: A Multi-Faceted Remedy for Housing Segregation." *Poverty & Race*, July/August 1995.

### **Selected Presentations and Addresses:**

National Employment Lawyers Association: 20<sup>th</sup> Annual Convention, moderator and panelist in *E-Discovery 2009*, June 24-27, 2009, Rancho Mirage, CA; 19th Annual Convention, panelist *Innovative Remedies for Achieving Equality in the Workplace* and moderator and panelist in *Civil Rights & the 21st Century*, June 26 - 27, 2008, Atlanta, GA; 18th Annual Convention, moderator and panelist in *Obtaining & Using Electronic Evidence*, June 2007, San Juan, P.R.; National Conference "Impact Litigation: Representing Workers in Class, Collective & Multiple Plaintiff Actions," panelist in *The 'Named Plaintiff' & Multiple Plaintiffs Issues*, October 2005, Cambridge, MA.

American Bar Association Law Practice Management Section: Law Firm Marketing Strategies Conference, panelist in *From 'No Comment' to 'No Problem': Developing a Media Strategy for Handling a Crisis and Growing Your Business*, November 2007, Washington, D.C.

American Bar Association Section of Labor and Employment Law & ABA Center for Continuing Legal Education: teleconference and live/video webcast, panelist in *E-Discovery-Since the New Rules*, May 2007, Washington D.C.

NAACP Legal Defense & Educational Fund, Inc.: Annual Civil Rights Institute, panelist in *Ethical Considerations in Investigating Claims and in Communications Prior to Class Certification*, October 2006, Warrenton, VA.

Wayne State University Law School, Fair Housing Center of Metropolitan Detroit, Michigan Department of Civil Rights and U.S. Department of Housing and Urban Development: panelist in symposium *Remediation Techniques for Racial Housing Discrimination*, March 2005, Detroit, MI.

Equal Justice Society: Third Annual Conference, panelist in *Legal Reframing: Using Social Science Research in the Legal Arena*, April 2004, University of Michigan Law School; First Annual Conference, Moderator in *Federalism's Emerging Threat to Civil Rights*, April 2002, Harvard Law School.

American Constitution Society: panelist in *Tennessee v. Lane and the Future of the Americans With Disabilities Act*, January 2004, Georgetown University Law Center.

Federal Communications Commission: Federal Advisory Committee on Diversity for Communications in the Digital Age, Financial Issues Subcommittee, Panelist in *Regulatory Approaches*, January 2004, Washington, DC.

Pro Bono Institute at Georgetown University Law Center: Annual Seminar, Panelist in *Ten Ways to Create Effective Pro Bono Partnerships*, February 2004, Washington, DC; Annual Seminar, Panelist in *Ten Ways to Think Big*, February 2003; Annual Seminar, Panelist in *Forging Stronger Partnerships*, February 2001, Washington, DC.

The Impact Fund, Panelist in *Amendments to Rule 23 and Pending Legislation*, Strategic Conference on Title VII Class Actions, January 2003, San Francisco, CA.

Lawyers' Committee for Civil Rights Under Law: Principal Organizer and Speaker, 40<sup>th</sup> Anniversary Legal Symposium *The Quest for Equal Justice: Advancing a Dynamic Civil Rights Agenda For Our Times*; Panel Moderator in *Remedying Discrimination and Creating an Inclusive Society: The Future of Affirmative Action, Intentional Discrimination: Is This an Appropriate Constitutional Standard?*, and *Where Do We Go From Here? Observations on Strategies and Coordinated Action From the Civil Rights Coalition*, June 2003, Washington, DC.

NGO Forum of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance: Organizer and Moderator, *Workshop on the UN's Model Legislation for the Guidance of Governments in the Enactment of Further Legislation Against Racial Discrimination*, August 2001, Durban, South Africa.

American Bar Association, Section of Natural Resources, Energy, and Environmental Law, Key Environmental Issues in U.S. EPA Region IV, Panelist in *Environmental Justice: Recent Developments and How They Impact both the Regulators and the Regulated Community*, November 1998, Atlanta, GA.

American Bar Association, Civil Justice Reform Act Conference, Panelist in *Discovery and Judicial Case Management*, March 1997, University of Alabama School of Law, Tuscaloosa, AL.

American Bar Association, Annual Convention, Section of Litigation, Panelist in *Pre-Trial Practice in the 1990s and Coping with New Federal Rules of Civil Procedure and the Civil Justice Reform Act*; and Section of Individual Rights & Responsibilities, Panelist in *Fair Housing*, August 1994, New Orleans, LA.

**Selected Organizational Affiliations:**

Board of Directors, 2008-present, Institute for Inclusion, Chicago, IL;

Board of Directors, 2008-present; member, National Litigation Strategy Task Force, 2009, The Employee Rights Advocacy Institute for Law & Policy, San Francisco, CA;

Member, Sections of Litigation & Labor and Employment Law and Center for Professional Responsibility, American Bar Association, Chicago, IL;

Member, Class Action Committee; Chair, Fundraising Committee; Member, Planning Committees for 2007 and 2008 Annual Conventions, 2006-present, National Employment Lawyers Association, San Francisco, CA;

Member, 2008 to present, American Constitution Society, Washington, D.C.;

Member, 2007 to present, Equal Justice Society, San Francisco, CA;

Board of Directors, 1991-2008, Poverty and Race Research Action Council, Washington, DC;

Accredited NGO Participant: UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (“WCAR”), and NGO Forum of the WCAR, August & September 2001, Durban, South Africa; Second Session of the Preparatory Committee of the WCAR, May & June 2001, Geneva, Switzerland; and Forum of NGOs and Civil Society Organizations of the Americas, UN Regional Conference of the Americas, December 2000, Santiago, Chile;

Steering Committee, 1996-2001, Common Destiny Alliance, College Park, MD;

Co-chair, Education Taskforce, and Chair, FCC Task Force, 1996-2002, Leadership Conference on Civil Rights, Washington, DC;

Planning Committee, 1994, First National Conference on Housing Mobility, Washington, DC.

**Awards:**

*Edwin D. Wolf Award*, for outstanding service and commitment to civil rights, Lawyers' Committee for Civil Rights 40<sup>th</sup> Anniversary, June 2003;

*Champion of Justice Award*, Metropolitan Pittsburgh Crusade for Voters, December, 1988;

*Marjorie H. Matson Civil Libertarian Award*, American Civil Liberties Union, Greater Pittsburgh Chapter, January, 1988;

*Citation*, NAACP, East Boroughs Branch, Allegheny County, PA, 1985.