

Susman Godfrey Wins Closely Watched Jury Trial to Uphold the City of Houston's Equal Rights Ordinance

HOUSTON (February 14, 2015) — After two weeks of trial and one week of deliberations, a Texas state court jury on Friday issued its verdict and handed the City of Houston a resounding victory in the closely-watched trial over a challenge to Houston's Equal Rights Ordinance.

The lawsuit arose out of the Houston City Council's passage of Ordinance No. 2014-530, better known as the Houston Equal Rights Ordinance ("HERO"). HERO prohibits discrimination based on an individual's sex, race, color, ethnicity, national origin, age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity, or pregnancy in city employment and city services, city contracts, public accommodations, private employment (excluding religious organizations), and housing. The City Council passed HERO on May 14, 2014, and the law was published on June 3, 2014.

Plaintiffs and others organized a petition drive to try to repeal HERO and, on July 3, 2014, presented the City with a petition they claimed had approximately 55,000 signatures.

On August 4, 2014, the City announced that the petition to repeal HERO failed because thousands of signatures on the petition "failed to meet one or more of these requirements and had to be disregarded." Plaintiffs filed suit the next day.

The City asked [Geoffrey L. Harrison](#), a partner in Susman Godfrey LLP's Houston office, to serve as the City's lead trial lawyer. "I am extremely proud to represent the City of Houston and to have won this important jury verdict upholding Houston's Equal Rights Ordinance and rejecting plaintiffs' repeal petition." "We are on the right side of history," Harrison said.

The jury was asked to decide whether 97 "circulators" who gathered signatures for the petition had "signed and subscribed the circulator's oath" as required by the City Charter. In his closing argument on behalf of the City and the Mayor, Harrison asked the jury to examine the evidence and answer "yes" for some and "no" for others. The jury's verdict does exactly what Harrison asked, as the jury answered "no" 64 times (finding that 64 circulators did not sign and subscribe their oaths as required) and answered "yes" for only 33 circulators. In contrast, the plaintiffs' lawyer asked the jury to answer "yes" for all 97 circulators in a straight-ticket style answer.

"This is a huge win for the City, and it's wildly misleading for plaintiffs even to try to portray the jury's verdict as 'mixed.' We told the jury that most circulators failed to comply with the law, and that some did, and the jury's verdict correctly reflects that." Harrison added, "The jury found – exactly as we asked – that 64 out of 97 petition circulators failed to sign and subscribe the petition as required by the City Charter."

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Susman Godfrey partner [Alex Kaplan](#) also tried the case for the City and explained that “The jury’s verdict is even better for the City than what the already lopsided 64-33 numbers show. That’s because the jury found 10 out of 14 so-called high volume circulators (who gathered the vast majority of the petition’s signatures) failed to sign and subscribe the petition as required by the City Charter.”

Harrison agreed, “Based on the jury’s verdict, it is mathematically impossible for plaintiffs to get the 17,269 legally valid signatures they need. They can’t even come close.”

Other jury findings further cement the City’s win. Harrison said, “The jury was asked in particular about 13 of the highest volume circulators who accounted for most of the petition signatures at issue. The jury found that 12 of the 13 submitted pages with forgery, 12 of the 13 swore oaths that were not true and correct, and six submitted pages with other non-accidental defects.” Harrison pointed out “The jury’s verdict powerfully confirms what we have said since the City rejected the petition in August – this repeal petition is filled with evidence of forgery, falsity, and other non-accidental defects.”

In his opening statement at trial, Kaplan told the jury that the plaintiffs’ petition failed because they failed to follow the legal requirements set forth in the City Charter. Kaplan said, “The jury’s verdict is an important win for the rule of law – and, ultimately, for equal rights.”

Asked about plaintiffs’ attempt to spin the verdict as something other than a stinging defeat, Harrison laughed: “That’s nothing short of madness. Just watch. While we embrace the verdict, the plaintiffs will be back-pedaling and asking the judge to depart from the jury’s approach.”

Kaplan added, “I sure hope the plaintiffs will join us in asking the judge to count signatures based on the jury’s verdict. After all, plaintiffs insisted on a jury trial. But plaintiffs are already talking about how the court has the power to disregard the jury’s findings and how they hope the court will still find for them notwithstanding the jury’s verdict. Those are the kinds of noises you make when you’ve lost and don’t like the jury’s verdict.”

The City of Houston was represented by partners Geoffrey L. Harrison and Alex Kaplan and associate Kristen S. Schlemmer of Susman Godfrey LLP in Houston, Texas. Susman Godfrey handled the case pro bono.

The City Secretary was represented by partner Edward B. (“Teddy”) Adams, Jr. and associates Seth Isgur, Geraldine Young and Emery Richards of Norton Rose Fulbright in Houston, Texas.

The Mayor was represented by Judith L. Ramsey, Patricia L. Casey, and Jim Corbett of the City Attorney’s Office.

Plaintiffs were represented by Andy Taylor of Andy Taylor & Associates, P.C.

The case is *Jared Woodfill et al. v. Annise Parker et al.*, No. 2014-44974; In the 152nd Judicial District Court of Harris County, Texas. [Click here to read the article featured in The Houston Chronicle.](#)