



**BALANCING  
THE  
SCALES OF JUSTICE  
IN A  
BROKEN SYSTEM**

Fair Fight Initiative



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Through litigation, advocacy, awareness, and education, the Fair Fight Initiative fights for those whose lives are being harmed, destroyed, or unnecessarily ended by the broken criminal legal system in states throughout the Deep South including Louisiana, Georgia, and Alabama.

[fairfightinitiative.org](https://fairfightinitiative.org)

# OUR ORIGIN STORY

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In May of 2015, 26 year-old Lamar Johnson was driving to pick up his grandmother from her dialysis treatment when Baker, Louisiana police stopped him for a taillight violation. Like so many Black men in the United States, Lamar's encounter with the police ended tragically—in his death four days later in the notorious Baton Rouge jail. Lamar's mother, Linda Johnson, was able to find top-notch legal talent who were able to successfully sue the jail for her son's death.

What happened at the final settlement conference against the city of Baton Rouge led to the founding of the Fair Fight Initiative (“FFI”). The city agreed to pay Lamar's daughter \$135,000 for failing to keep and maintain a safe jail. Lamar's daughter, however, received none of the money because the expenses to litigate the case—depositions, expert tours of the jail and reports, and travel expenses—ate up the entire settlement. The lawyers who originated and litigated the case did not receive any fee from the settlement with the city, a strong disincentive for law firms to accept cases like Lamar's.

In early 2018, FFI was established as a nonprofit corporation to crowdfund litigation and advocacy against mass incarceration and America's racist criminal legal system. Since then, thousands of people have donated to the effort. FFI's funding covers attorney fees and expenses in cases that are often too risky for lawyers to take on, expanding the number of cases lawyers can file. Because FFI covers origination and litigation costs in full, clients receive 100 percent of the recovery when the settlement is less than \$100,000.



Lamar Johnson pictured with his son, before his death in May 2015.

# OUR VALUE PROPOSITION



A small staff identifies key cases and legal talent to litigate cases.



Litigators can move quickly on key cases without concern about origination or litigation costs.



More than 95 percent of donations go directly to litigation and advocacy, maximizing social change.

FFI is a lean, agile, and efficient organization that uses crowd sourced funding to retain successful, experienced, private civil rights and criminal defense attorneys to represent people in desperate need of help, as well as pay the costs associated with litigation (experts, records, depositions, and more) that make filing civil rights lawsuits cost-prohibitive.

This way, FFI can be immediately responsive when crises and needs arise. For example, when the State of Louisiana announced its intention to incarcerate juveniles on the former Death Row of Angola—a prison that was a slave plantation until the Civil War—FFI and its partnering attorneys burst out of the gate, organized, and sued the State within days.

Our litigation model eliminates the vast majority of overhead and administrative costs of larger nonprofits, meaning that well over 95 percent of donations are used directly for litigation and other advocacy efforts.

# IMPACT STORIES



Some of the cases where Fair Fight Initiative has had an impact changing the criminal legal system in the past year.



In July 2022, Louisiana’s Governor announced his plan to transfer children from juvenile court to be incarcerated on the former Death Row at the notorious, adult Louisiana State Penitentiary at Angola, Louisiana.

Due to its agility, FFI jumped into action after Louisiana advocates failed to sue. FFI retained experienced civil rights litigators who developed a litigation plan, recruited other pro bono attorneys and nonprofits, and filed a lawsuit as lead counsel to prevent children from being housed in solitary cells in this remote, adult prison.

Juvenile justice in Louisiana was—and should again be—different from criminal justice. Children, still in their development, should be invested in with hope and care. Gov. John Bel Edwards’ decision effectively says certain children, some not even convicted of a crime, are irredeemable.

A preliminary injunction trial proceeded forward in September 2022. The district court erroneously ruled that despite the evidence of potential harm, the State’s plan could proceed for the time being. FFI continues to represent the children sent to this former forced work camp and is preparing for a full injunction trial to stop these transfers.



As soon as the Supreme Court overturned *Roe v. Wade*, Louisiana legislators enacted drastic and contradictory laws criminalizing abortion. Under one statute, doctors performing an abortion can be imprisoned for 15 years for each procedure. Any person disseminating abortion pills can be imprisoned for five years. The ambiguity in law could even be misused to seek potential homicide charges against any provider or any person seeking an abortion by an aggressive prosecutor—of which there are many across Louisiana, including the state’s current attorney general.

FFI immediately responded to the Dobbs decision by offering free representation by experienced criminal defense counsel to any person—doctor, nurse, patient, or provider—charged under any of these draconian laws.

The cash bond and bail system in this country is broken at best and willfully corrupt at worst.

By forcing people without wealth to come up with money they don’t have or stay in jail, this system twists the concept of justice to keep citizens in jail regardless of guilt or innocence. Thanks to crowdfunding, FFI took this system to federal court in Baton Rouge, Louisiana.

In our suit, we alleged that judges were violating two parts of the constitution: due process and equal protection.

We are proud that as a result of our case’s settlement, judges in this district are now required to take a defendant’s ability to pay bond into account before issuing one.

With nearly 1,200 people in jail unable to pay their bond on any given day, this decision will help thousands return to—and continue supporting—their families while fighting their criminal cases on a level playing field.

We are entering the monitoring phase of the litigation, working with lawyers and advocates to ensure the judges are adhering to the federal consent decree.

Imagine: Your mother is arrested and placed in jail. You know she needs her heart medicine. You call the jail and tell them. But, your mother calls and tells you she has not gotten her pills. You call the jail again and tell them you will bring the medicine to them. They refuse, telling you they have everything under control. Your mother calls again, panicked that she still has not received the medicine she needs to live. You call again and again, but the jail ignores your pleas. The feeling of powerlessness is overwhelming—here in your hand are the pills necessary to keep your mother alive, but the jail won't listen or acknowledge you. The phone rings again. This time instead of hearing your mother's voice, it is a deputy telling you your mother is dead of heart failure.

## KEY FOCUS AREA:

# NEGLECT, VIOLENCE, & NEEDLESS DEATH IN JAILS & PRISONS ACROSS THE SOUTH

The East Baton Rouge Parish Sheriff and his jail inflicted this misery and pain on Timika Scott and her family. This jail, with a long history of abuse and neglect, including denying basic medical care, claimed another victim in Ms. Scott's mother: a completely preventable, needless death. FFI is representing Ms. Scott in her fight for justice.

This problem is not limited to Baton Rouge. Lee Creely had two young children and a girlfriend who loved him dearly. None of them could be with him when he died, alone in a jail cell, in Savannah, Georgia. Locked up for failing to report a change of his address to his probation officer, Lee began withdrawing from his anti-anxiety medicine and heroin. Less than three days after being booked into the jail, Lee was dead. FFI retained lawyers to represent the family he left behind.

Lasalle Corrections is a private prison company that runs facilities in Louisiana, Texas, and Georgia. Its record of human rights abuse is nothing less than shocking: women in Georgia unknowingly having hysterectomies performed without their consent; incarcerated people dying from lack of any basic health care, abuse by guards, or failure to protect; guards convicted of lying to coverup their misdeeds. Yet, no matter the body count or carnage caused, Southern States continue to pay Lasalle handsomely to imprison their citizens.

Ladarius Payne is serving time in Alabama's notoriously violent prison system. After being exposed for having insufficient staff and being dangerously overcrowded by the US Dept. of Justice, Alabama's political leadership continues to fail to act, leaving people like Ladarius to suffer. Locked in a dorm with more than a hundred men, and with only one guard assigned to monitor the dorm and protect the people imprisoned there, Ladarius is subject to the whims of the prison's gangs. FFI filed a lawsuit against the state after Ladarius was stabbed multiple times by gang members who had a virtual free run of the dorm. The lawsuit is part of an effort to make Alabama pay financially for its failed prisons, the lone recourse to change this brutal system.

# DAVID UTTER

## FOUNDER & EXECUTIVE DIRECTOR

David Utter has dedicated his entire career to human and civil rights. His founding of the Fair Fight Initiative is the capstone of a legal portfolio that has exposed him to every broken cog in the criminal injustice system.

A graduate of Emory University, he earned his law degree from the University of Florida law school. In 1990, he started work as an attorney with the Southern Center for Human Rights in Atlanta, where he represented indigent prisoners in Alabama and Louisiana challenging illegal treatment and conditions of confinement.

Mr. Utter moved to New Orleans in 1992 and expanded his advocacy for human and civil rights to Mississippi. In 1993, he and Clive Stafford Smith opened the Louisiana Crisis Assistance Center to address the crisis in the defense of indigent persons facing the death penalty in Louisiana. In late 1997, after Human Rights Watch and the U.S. Department of Justice documented unspeakable violence and brutality in Louisiana's juvenile prisons, Mr. Utter co-founded the Juvenile Justice Project of Louisiana (JJPL) and served as its director.

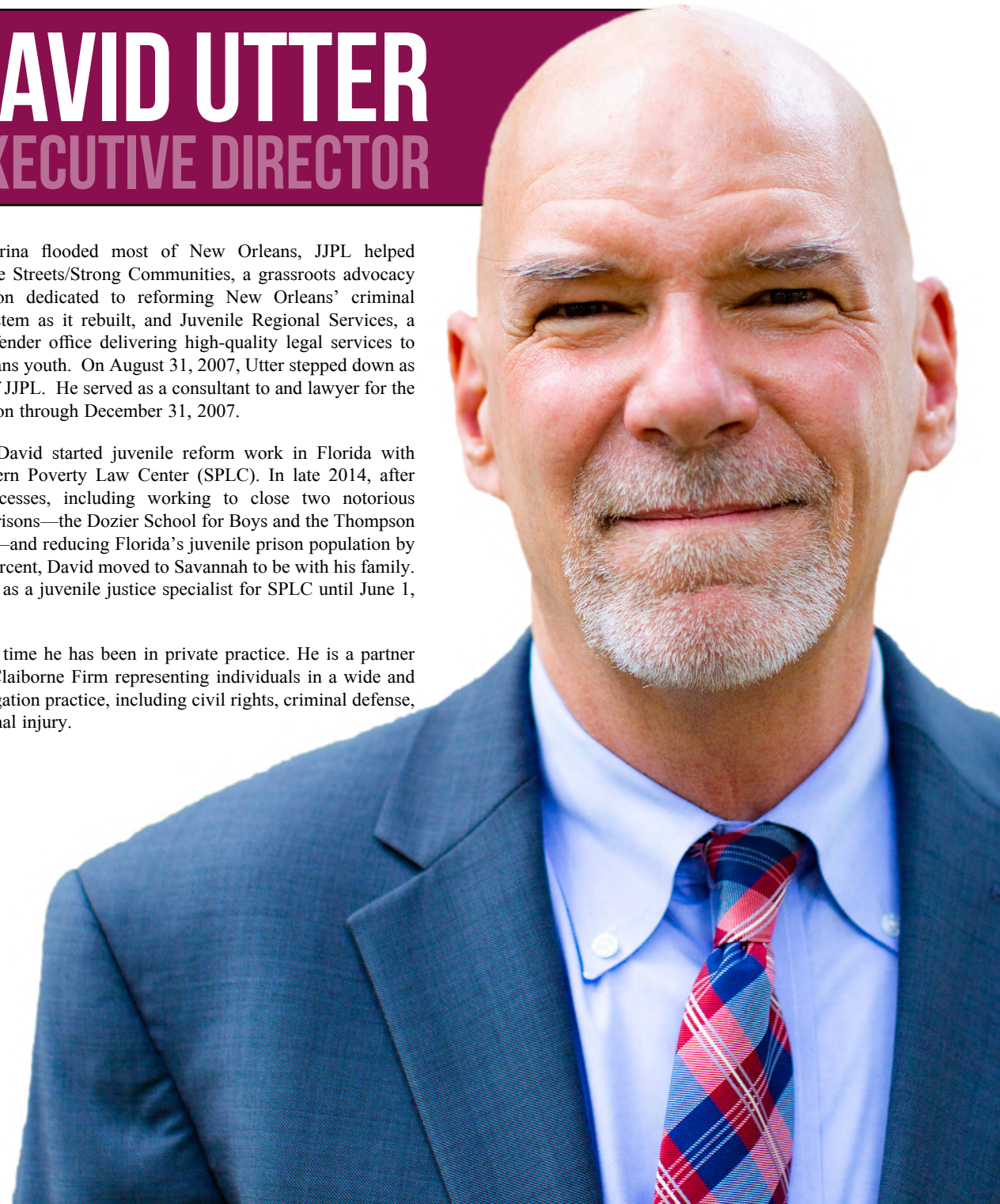
When JJPL first opened its doors, Louisiana had firmly established itself as having one of the worst juvenile justice systems in the country. Starting with a staff of four and building to a staff of sixteen, JJPL drove the debate for juvenile justice reform in the Bayou State. In 2001 JJPL helped launch Families and Friends of Louisiana's Incarcerated Children (FFLIC), a parent and community organizing group to help fight for reform. In 2003, JJPL and FFLIC's work culminated with the passage of the Juvenile Justice Reform Act of 2003, legislation nationally recognized as the most progressive and comprehensive to pass in any state in years.

In 2004, Gov. Kathleen Blanco acted on a JJPL inspired campaign pledge and closed the infamous Tallulah Correctional Center for Youth. Mr. Utter is the recipient of the Louisiana Bar Foundation's Distinguished Attorney of the year for 2003 and the Ford Foundation and Advocacy Institute's Leadership for a Changing World Award for 2005.

After Katrina flooded most of New Orleans, JJPL helped create Safe Streets/Strong Communities, a grassroots advocacy organization dedicated to reforming New Orleans' criminal justice system as it rebuilt, and Juvenile Regional Services, a public defender office delivering high-quality legal services to New Orleans youth. On August 31, 2007, Utter stepped down as director of JJPL. He served as a consultant to and lawyer for the organization through December 31, 2007.

In 2008, David started juvenile reform work in Florida with the Southern Poverty Law Center (SPLC). In late 2014, after many successes, including working to close two notorious juvenile prisons—the Dozier School for Boys and the Thompson Academy—and reducing Florida's juvenile prison population by over 50 percent, David moved to Savannah to be with his family. He served as a juvenile justice specialist for SPLC until June 1, 2015.

Since that time he has been in private practice. He is a partner with the Claiborne Firm representing individuals in a wide and varied litigation practice, including civil rights, criminal defense, and personal injury.



# YOUR DONATION MATTERS

Fair Fight Initiative's lean, effective model ensures every dollar given is being spent creating change. We aren't building an endowment when donations are up, nor are we drawing from one when donations are down. All money received is directed immediately to litigation and advocacy.

Your donations are crucial to ensuring the projects already started can continue, while FFI broadens its fight for justice across the South. With the present financial climate and the receding focus on criminal justice issues since the summer of 2020, FFI needs your help now more than ever.

The following are areas to which FFI hopes to expand with increased donations:



## LOUISIANA'S FAILURE TO PROTECT CHILDREN

While Louisiana criminalized abortion as soon as *Dobbs* was handed down, it refuses to protect children once they are born. Louisiana's Department of Children and Family Services ("DCFS") is failing in its most basic duties. The completely avoidable, tragic death of two year-old Mitchell Robinson in June 2022 is one horrifying example. Baby Mitch was born to a mother addicted to drugs. Twice, by the age of two, Baby Mitch had to be taken to the emergency room for drug overdoses and revived with the drug Narcan. Nonetheless, DCFS did not take the child away from the mother or even regularly visit him as scheduled. On June 26, 2022, emergency responders were called and rushed Baby Mitch to the hospital where he was pronounced dead from a fentanyl overdose. Unfortunately, this case is far from the only incident with DCFS.

This system desperately needs to be held accountable and fundamentally changed. However, no one in Louisiana is doing so. Your donation is needed to enable FFI to litigate on behalf of Louisiana's children particularly in light of the inevitable increased birth rates resulting from the state's criminalization of abortion.

## DEATH AND SUFFERING IN THE EAST BATON ROUGE JAIL

Timika Scott is far from the only person to have a loved one unnecessarily stolen from them by the East Baton Rouge Parish Prison. At least forty-nine (49) people have died there since 2012—nearly four times the national average. Conditions are so bleak that Dr. Rani Whitfield—who worked at the jail for sixteen years—called the jail “a ticking time bomb.” These deaths and suffering of all persons with the misfortune to be arrested and detained in Baton Rouge's jail are caused by deadly medical and mental health care, deplorable conditions of confinement, and an absence of leadership by the sheriff and other local politicians.

Rather than having different attorneys litigate individual case by case with no coordination, your donations are necessary for FFI to expand its fight against the jail to a class action on behalf of all people detained there. All people are presumed innocent until proven guilty and regardless deserve to be treated humanely. FFI's lawyers are uniquely positioned to both take down the current jail and work with the community to reform the criminal legal system to dramatically reduce the number of people detained, ensuring a smaller jail is built to replace the current facility.



## NEGLECT OF CHILDREN ACROSS LOUISIANA'S JUVENILE JUSTICE SYSTEM

As soon as Louisiana's Governor announced his plan to incarcerate children in a former slave plantation turned prison in Angola, Louisiana, FFI was the first to jump into action to stop this injustice. Our lawyers are leading the class action federal litigation to shut down the placement of young people in the state's former death row and learned that Angola represents the tip of the spear of a deeply broken juvenile justice system. The state is responding to a perceived uptick in juvenile crime by adopting practices that punish rather than treat and educate teens who are fully capable of change and redemption. FFI hopes to lead a campaign that brings litigation where needed and works to reform the racist policies that push primarily Black teens into the pipeline of mass incarceration in Louisiana.



# WE CAN BALANCE THE SCALES OF JUSTICE.

None of this advocacy and litigation would be possible without donations from people like you. In 2023, FFI will monitor its hard-fought victories on the issue of cash bail, while hoping to expand its efforts to reform each part of the broken criminal legal system in the South: defending against draconian abortion restrictions, advocating for juveniles trapped in deplorable conditions of incarceration, and ensure those oppressed in any cog of our broken system have the best advocates at their side.

Please consider making a monthly or one-time donation to make our broken criminal legal system...

# A FAIR FIGHT.



[fairfightinitiative.org/donate-to-ffi/](https://fairfightinitiative.org/donate-to-ffi/)