

Towards Justice 2017 Annual Report:

**Advancing Economic Justice Through Creativity,  
Persistence, and Collaboration**

**2017**

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Our community makes this work possible.  
Together, we are making economic  
mobility a reality for more workers and  
more families in Colorado and beyond.

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TOWARDS JUSTICE

**Thank you for believing  
in Towards Justice.**



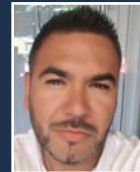
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**“I didn’t feel like a leader. I felt like a regular guy. But we felt a responsibility to make sure that these people actually knew they did wrong and that there are actually people out there paying attention to this and that it’s not going to go unnoticed. Once I met Towards Justice, I felt like we were going to get some things done ... Working with Towards Justice was the best thing that ever happened to us.”**

**– Edgar Ceballos,  
Towards Justice Client**



# TOWARDS JUSTICE

DEFENDING THE DIGNITY OF WORK

Since our founding in 2014, over 1,400 workers have completed a full legal intake process with Towards Justice regarding wage theft and other workplace rights violations. Meanwhile, our litigators have represented over 60,000 workers in creative, precedent-setting litigation and recovered over \$2 million on their behalf.



## Our Vision

Towards Justice roots out systemic barriers to economic mobility and fights employers who nickel and dime low wage workers out of hard earned wages.

## Our Mission

Towards Justice empowers America's chronically marginalized workforce to address systemic injustice, defend family financial stability, and ensure that work is the most effective strategy for economic success in our country.



**Nina DiSalvo**  
Executive Director

**TOWARDS JUSTICE**  
DEFENDING THE DIGNITY OF WORK



# Welcome Letter

## Advancing Economic Justice Through Creativity, Persistence, and Collaboration

When I think about Towards Justice, I think about creativity in service of low-wage workers who are struggling to make ends meet. In 2017 our team demonstrated that creativity repeatedly – developing cutting-edge legal theories about workplace relationships in the gig economy and the traditional fast food industry; using the law to prevent reckless big data collection from undermining employment opportunities; launching a train the trainer program that educates new communities about workplace rights; and finding creative solutions to workplace disputes that get our clients paid just in time for the holidays.

Meanwhile, Towards Justice and our courageous clients continue to demonstrate the persistence necessary to give our big ideas staying power. We continue to stand up for shepherds – some of the lowest paid and most vulnerable workers in our country, appealing their cases to the

Tenth and the District of Columbia Circuit Courts of Appeals. We continue to train community members as Just Wages Navigators and to push the Colorado Department of Labor and Employment to refine its wage dispute resolution system. We also continue to educate and encourage workers to vindicate their employment rights. In these challenging times, we need ever more vigilance to protect the most vulnerable among us.

Finally, in 2017 we made change through collaboration. We began working with new co-counsel from around the country, ranging from Berger & Montague P.C. to Zuckerman Spaeder LLP to Outten & Golden LLP. With their help, we are raising the bar for attorneys representing vulnerable workers. We also formalized partnerships with immigrant service providers across Colorado who help us to distribute information about workplace justice to diverse communities and participate

in Towards Justice programs as Just Wages Navigators, Trainers, and Bilingual Intake Volunteers. We grew our Collaborating Attorneys Network, which now includes attorneys from across Colorado and the country. Finally, we continued to build our relationships with our clients, who daily inspire us with their bravery and willingness to seek justice not only for themselves but also for their colleagues.

Our community makes this work possible. Together, we are making economic mobility a reality for more workers and more families in Colorado and beyond.

Thank you for believing in Towards Justice!

Nina

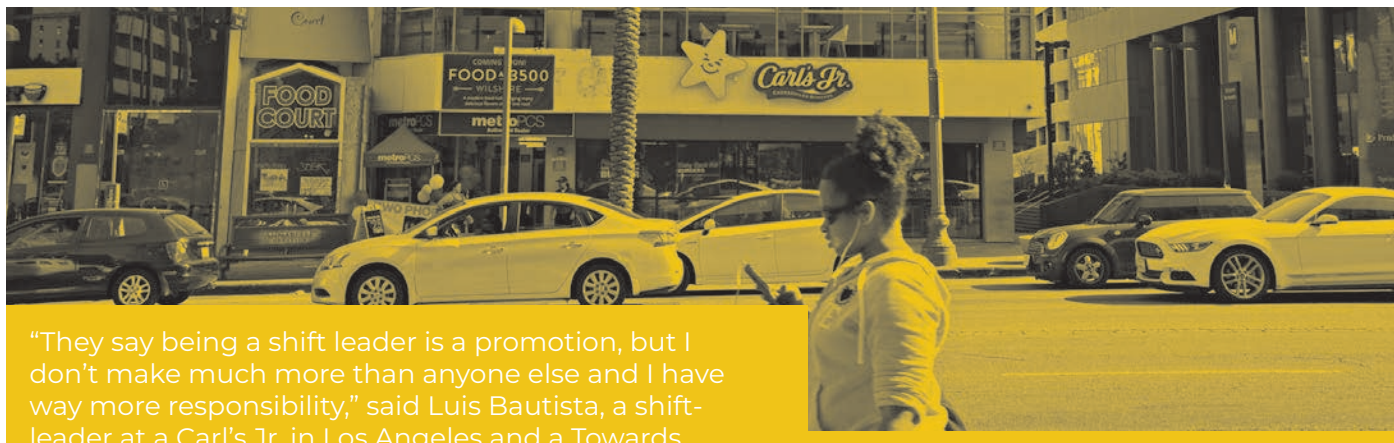
**TOWARDS JUSTICE**  
DEFENDING THE DIGNITY OF WORK

# Un-Rigging the System:

**TOWARDS JUSTICE**  
DEFENDING THE DIGNITY OF WORK

## Winning Respect for Work

Towards Justice roots out systemic barriers to economic mobility and fights employers who nickel and dime low wage workers out of hard earned wages.



"They say being a shift leader is a promotion, but I don't make much more than anyone else and I have way more responsibility," said Luis Bautista, a shift-leader at a Carl's Jr. in Los Angeles and a Towards Justice client. "If I could get out of here, maybe they would appreciate me more and recognize what a hard job I'm doing and what good customer service I'm providing."

**Los Angeles Times**  
**The New York Times**



## Winning Respect for Work

In 2017, we were faced with a clause buried deep in franchise agreements between Carl's Jr. and its franchisees that prevents workers from moving from one Carl's Jr. franchise to another. In a class action lawsuit filed in February 2017, our clients allege that this “no hire” agreement prevents employees from seeking higher wages and better working conditions at competing Carl's Jr. franchises, and allows defendants to pay less and treat employees worse without worrying that employees will leave. A story in The New York Times followed Towards Justice's work exposing this no hire agreement, as did follow-on litigation against McDonald's, Jimmy John's and others, as well as academic research into collusive behavior in franchise agreements.

In 2017, Towards Justice dug into the gig economy. Sometimes called the future of work and hailed for creating flexibility and independence, it has also created new ways to nickel and dime workers. The abuses at the online convenience store GoPuff convinced Austin Shockley, with Towards Justice as Counsel, to file a class action lawsuit seeking unpaid minimum wage and overtime for thousands of delivery drivers working across the country. With a few clicks on a cell phone app, GoPuff allows customers to order not only chips, ice cream and candy, but also marijuana paraphernalia. Mr. Shockley says these conveniences are offered on the backs of delivery drivers, like himself, who are illegally classified as independent contractors and not paid overtime. Indeed, after expenses like gas and wear and tear on his vehicle, Mr. Shockley alleges that he did not even receive minimum wage for the hours he worked.

“There's no pro-competitive justification that we can identify that would support having a restraint on moving from employer to employer like this. The only rationale is to actively reduce labor costs to save them money.” - Nina DiSalvo, Executive Director, Towards Justice

# Un-Rigging the System:

**TOWARDS JUSTICE**  
DEFENDING THE DIGNITY OF WORK

## Winning Respect for Work

In 2017, Towards Justice also identified deep and systemic barriers to employment for low-wage workers when it dug into the world of big data. It turns out that abusive and careless background check reporting can hurt the job prospects of tens of thousands of workers, including our client Elsie Campo. With Towards Justice as Counsel, Ms. Campo brought a class action lawsuit against one of the largest background check companies in the country, Sterling Infosystems, Inc., alleging that Sterling's careless reporting procedures violated the Federal Fair Credit Reporting Act and prevented Wal-Mart from offering her a job. Specifically, Ms. Campo alleges Sterling falsely reported to Wal-Mart that she resided at a "High Risk Residential Facility" during the period when she used an address at The Gathering Place, a non-profit center for homeless women, to receive mail.



Background reporting is a lucrative business," said Towards Justice Executive Director Nina DiSalvo. "Companies like Sterling are too rarely concerned with privacy or accuracy, and Ms. Campo's allegations show how such carelessness harms vulnerable workers. I am inspired by Ms. Campo's bravery in challenging Sterling's practices both for herself and for workers across the country.

**“I’ve been trying so hard to make ends meet,” Ms. Campo said. “All I wanted was a job that paid money, but I couldn’t get one because this company I’d never heard of was telling lies about me to potential employers. I’ve never been at a residential facility, and certainly not a high risk one.”**

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# TOWARDS JUSTICE

DEFENDING THE DIGNITY OF WORK

2017 was also a big year in Towards Justice's cutting edge forced labor case, in which civil immigrant detainees allege that the country's second largest private prison provider forced detainees to work under threat of solitary confinement. In February, Judge Kane in the District of Colorado certified a class of between 50,000 and 60,000 current and former immigrant detainees held at GEO's Aurora, Colorado detention facility since 2004. Defendant The GEO Group, Inc. was quick to request appellate review of Judge Kane's decision, and Towards Justice's Co-Counsel argued before the Tenth Circuit Court of Appeals in November. As the year comes to a close, we await the appellate court's determination on this important class certification issue.

In 2017, we raised systemic workplace justice issues in the media with support from our courageous clients. Grisel Xahuentitla stands out for her work with Towards Justice to draw attention to abuses inside The GEO Group, Inc.'s immigrant detention center in Aurora. Grisel spoke with reporters about her experience and her role standing up for immigrant detainees as a class representative in a large class action case. And reporters listened. Over 17 publications, ranging from The Washington Post and Vice News to The Denverite and Law Week Colorado, published articles about Grisel's case in 2017. Thanks to her, the world is watching.



## Are Private Prison Companies Using Forced Labor?

**Bloomberg  
Businessweek**



"American immigration policy is too often driven by the profit motives of the private corporations that we pay to round up and detain our immigrants," said Nina DiSalvo, Executive Director of Towards Justice. "By certifying the Rule 23 classes, Judge Kane's ruling allows vulnerable detainees to band together and hold GEO accountable for profiteering on the backs of its captive labor force."

**Grisel Xahuentitla Flores, a former detainee at GEO's Aurora facility and a Towards Justice client said, "I was detained at GEO in Aurora for four months in 2014. Like me, thousands of immigrant detainees were used by GEO to make as much profit as possible. If the detainees did a good enough job keeping our pods clean, sometimes the guards would give us a prize of ice cream and cookies, or let us watch a movie, all while they continued to profit off keeping us in the detention center. I am proud to stand up for what is right and am honored be one of nine lead plaintiffs in this class action lawsuit."**

# TOWARDS JUSTICE

DEFENDING THE DIGNITY OF WORK

Finally, Towards Justice won two important victories for construction workers in 2017. First, Towards Justice received a class judgment of approximately \$682,000 for a class of over a hundred workers involved in constructing pre-fabricated metal buildings. Second, Towards Justice leveraged creative claims against an insurance company and a principal contractor to recover \$70,000 for nine construction workers who worked building a Wyoming senior center.





## Empowering Our Community: Building Leaders Who Recognize and Combat Workplace Injustice

2017 was full of firsts for Towards Justice. Our Access to Justice Program brought workplace rights training to more, diverse, rural and hard-to-reach communities than ever before. We increased the number of confidential legal claim analyses completed to **315** – topping **1,300** workers served since our founding in 2014. We increased participation in our Collaborating Attorneys Network to **28** and in our Just Wages Navigator Program to **25**. We connected nearly half of the wage theft victims served through our Access to Justice Program to an attorney, and nearly **50** to a Just Wages Navigator. We served Spanish speaking workers - **64%** of those served by our Access to Justice Program – but also English and Burmese speakers. With the help of our Access to Justice Network,

wage theft victims got settlements and judgments worth **\$753,385.22** in 2017. Meanwhile, our litigators recovered more in judgments and settlements than ever before – topping **\$2 million** in a single year. We also filed and argued more complicated and important issues on appeal than ever before. We represented over **60,000** people in 2017. And we got more high-profile media coverage than ever with articles in The Washington Post, The New York Times, The Los Angeles Times, National Public Radio, and The Denver Post, among others.

Our clients, partners, and co-counsel made these accomplishments possible. In 2017 Towards Justice worked with powerful partner organizations in Western Colorado to connect with vulnerable workers

in rural parts of the state. Together with the Hispanic Affairs Project and Tri-County Health Network in Telluride, Towards Justice connected with workers from small ethnic and linguistic minorities who have made Colorado home. We also trained community members as Just Wages Navigators, so workers can help one another to recover stolen wages through the state administrative process.



# TOWARDS JUSTICE

DEFENDING THE DIGNITY OF WORK

Our partners in our new Train the Trainer Program also enhanced our impact in 2017. With their help, we were able to expand our community education program into diverse communities, including the Belong Church community thanks to M. Thandabantu Iverson, the Asian community thanks to Justin Valas and the Asian Pacific Development Center, and the immigrant community thanks to Victor Galvan and the Colorado Immigrant Rights Coalition.

"I wanted to become engaged with the efforts of Towards Justice because such educational work offers opportunities to help working people and working-class communities to better understand and more effectively confront the scourge of Wage Theft." - M. Thandabantu Iverson, Ph.D, Towards Justice Trainer, Independent Labor & Human Rights Educator and Activist



"Since Towards Justice visited Telluride, both our local workforce and community advocates enjoy a more nuanced understanding of common worker's rights violations and how to pursue justice. Without the ongoing support we receive from Towards Justice, I can say without doubt that marginalized workers in Telluride and across the Western Slope would be more likely to work without pay, accrue debt, and have poorer health outcomes." - Kody Gerkin, Community Outreach Manager, Tri-County Health Network



**With the help of our talented and committed Bilingual Legal Intake Volunteers, we conducted 315 full legal intakes in 2017. These volunteers are leaders not only at Towards Justice, but in their communities. It is only with their support that we are able to consistently and timely offer thoughtful, respectful, and confidential case analysis services to so many workers.**

“Working with Towards Justice made me feel like a leader by taking on a big responsibility of trying to connect our clients with legal help .... It is remarkable how normalized wage theft is ... it helps you recognize that workplace injustice is a huge issue across so many sectors.” – Sarah Rowse, Towards Justice Intern and Bilingual Legal Intake Volunteer



**TOWARDS JUSTICE**  
DEFENDING THE DIGNITY OF WORK

“Workers are stressed, angry, and sometimes hopeless towards their situations. More than anything, you want to be their hero. Someone they can rely on to take them towards justice.”  
– Estefan Hernandez, Towards Justice Intern and Bilingual Legal Intake Volunteer.

## Winning Respect for Work

In 2017, we reached settlement or judgment for more money for more workers than ever – over \$2 million in a single year. We did this with the help of our clients, who stood up for themselves and their colleagues in complicated, time-consuming class-action litigation. For example, Towards Justice and co-counsel Lowrey Parady LLC represented Edgar Ceballos, Cesar Salazar, and seven other named plaintiffs in a suit to recover back wages for the construction workers who built the SkyHouse luxury condominium in downtown Denver. As class representatives, Edgar and Cesar lead the charge in seeking justice not only for themselves, but for all the other workers who suffered similar abuse. Just in time for the holidays, Edgar and Cesar recovered over \$800,000 in back wages and penalties for a class of approximately 150 workers.



“Being paid what I was owed has allowed me to stabilize my financial situation and move closer to my kids,” explained Cesar Salazar. “My son used to ask me why I work so much but we can’t even go to McDonald’s. Thanks to Towards Justice, I not only stood up for my rights, but I can also take my son and daughter out to eat. I also feel good about helping other workers – everybody worked hard on this project and deserved to be paid.”

"As cranes rise in the sky and the Denver construction industry booms, it seems only fair that the most vulnerable workers involved in the process begin to benefit from our city's growth," said David Seligman, an attorney at Towards Justice who represents the workers. "This is an important victory not only for our clients, but for all workers whose employers will now think twice before cheating them out of their wages."



2017 also solidified our Collaborating Attorneys Network (CANetwork) as a cohesive, supportive community of lawyers. Our Collaborating Attorneys not only attended but also served as presenters, organizers, and leaders at our annual day-long continuing legal education program Wage Justice Day. With over 60 people in the audience, our CANetwork attorneys shared expertise on topics ranging from the gig economy to managing a wage and hour law practice to collective action certification under the Fair Labor Standards Act. CANetwork attorneys continue to share expertise and ideas through our growing CANetwork listserve and quarterly CLE programming. Most importantly, our CANetwork attorneys represented nearly half of the wage theft victims served by our Access to Justice Program in 2017 and won judgments or settlements of over \$750,000 in a single year. With their help, we are ensuring that vulnerable workers can access top legal talent, defend their rights, and put employers on notice that wage theft will not be tolerated in our community.





# TOWARDS JUSTICE

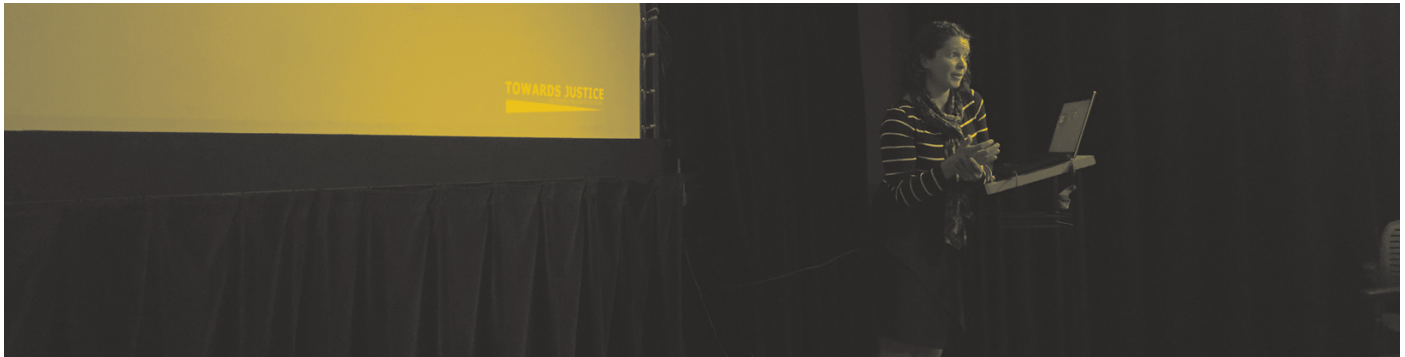
DEFENDING THE DIGNITY OF WORK

Our collaborative work continued with our ongoing partnership with El Centro Humanitario, including both robust cross-referral work and joint leadership of the Colorado Wage Theft Task Force. In 2017, we worked together to bring impressive speakers to Colorado to address the Task Force and give us ideas – both legislative and grassroots – for ways to systematically root out wage theft. We were particularly proud to host Teri Gerstein, a fellow at the Open Society Institute who is creating a guide for prosecutors regarding best practices for criminal prosecution of wage theft cases and analyzing community efforts to combat wage theft.





Finally, intellectual collaboration with co-counsel has allowed us to advance powerful arguments in both the trial and the appellate courts in 2017. Working with Outten & Golden LLP, we represented a class of 60,000 workers against an attack to class certification by the defendants. Arguing before the Tenth Circuit Court of Appeals, our co-counsel defended our clients' right to pursue their claims collectively and explained the power of class action litigation as a tool necessary to empower the marginalized. Meanwhile, working with Zuckerman Spaeder LLP, we presented a thoughtful critique of both the lower court ruling and the H2-A visa program for shepherds to the United States Court of Appeals for the District of Columbia. Finally, with The Law Offices of Brian D. Gonzales, we won a victory for a caretaker at a group home for disabled adults that explained the showing necessary to allow an employer to deduct sleep time from wages owed. The intellectual power behind these arguments sets the standard for Towards Justice's thoughtful legal work going forward.



# Protecting Our Tools:

## Fighting Forced Arbitration and Class Waivers

The proliferation of forced arbitration clauses and class waivers presents an urgent challenge to the rights of workers and other individuals who are forced to agree to fine-print terms to buy goods or services, take out a loan, or even enter a nursing home. The class action device is one of Towards Justice's most important tools--it allows our courageous named plaintiffs to stand up for the rights of others who've been similarly harmed, even if they don't realize their rights have been violated or are too scared to come forward. Arbitration requirements impede this critical tool, insulate wrongdoers from accountability, and make it more difficult for responsible employers to compete.

While Towards Justice, its partners, and its clients hope that the Supreme Court will rule this spring in *Epic Systems v. Lewis* that employers cannot force their employees to waive their right to participate in class actions, Towards Justice has lent its technical expertise to state-level efforts to mitigate the harms of forced arbitration. In Colorado, Towards Justice has helped to draft legislation that would impose basic ethical principles on arbitrators and require a modicum of transparency in dispute resolution. Another proposal would deter drafters of standard form contracts (including arbitration requirements) from packing their contracts with clearly unenforceable terms.

Across the country, Towards Justice attorney David Seligman continues to provide technical expertise to efforts to pass pieces of the Model State Consumer and Employee Justice Enforcement Act, a Model Act he authored in 2015, including the boldest of its proposals, which would allow workers and consumers to bring public enforcement actions on behalf of the state to ensure that forced arbitration clauses cannot be used to insulate wrongdoers from accountability for violations of state law.

# Annual Just Wages! Celebration

On October 26, 2017 Towards Justice brought together our wonderful community of clients, partners, supporters, and friends at our annual Just Wages! event

We honored two inspiring leaders with our Wage Justice Champion award this year: Kelli Riley and Stan Garnett.

Kelli began her own wage and hour practice in 2014 and quickly joined the Towards Justice Collaborating Attorneys Network. In this short time, Kelli has made a name for herself as a strategic, practical litigator able to get results for her clients. She has also become a key Towards Justice partner, presenting continuing legal education programs at our annual Wage Justice Day, representing clients we are unable to represent, and piloting our Train the Trainer program. Thank you Kelli!

Serving as the Boulder County District Attorney for nine years, Stan Garnett became known for his dedication to community policing and protecting vulnerable communities. Stan took a unique interest in wage theft and used the power of his office to combat wage theft in Boulder County. As a fellow enforcer of the wage and hour laws, we commend Stan for his work and professionalism.



# Thank You To Our Donors

## Institutional Donors

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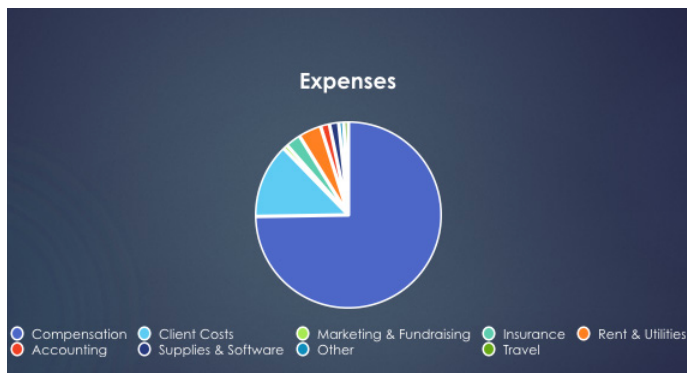
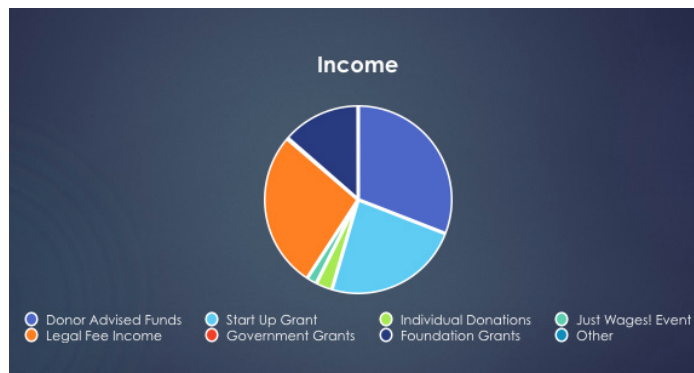
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# 2017 Financials

2017 was a strong year for Towards Justice, as we diversified and grew our base of financial support. We are particularly proud of our nearly 40% increase in individual donations in 2017, as well as our 12% increase in foundation support. We are grateful to all of our supporters, and especially to LatinasGive! for supporting our outreach work on the Western Slope of Colorado, and the Denver Office of Immigrant and Refugee Affairs for helping to launch our Train the Trainer Program. The Denver Foundation continues to support our Access to Justice Program, making possible our work supporting workers and deterring wage theft on the Front Range, and The Colorado Health Foundation understands the complex impacts of wage theft and economic instability on the mental and physical health of Colorado families. Thank you to Borealis Philanthropy for supporting litigation that may alter the private prison industry while advancing the rights of low-wage, immigrant workers. And thanks to all of you for believing that we can make a difference in the lives of working families. Together, we can!





# Invest in Workplace Justice!

**TOWARDS JUSTICE**  
DEFENDING THE DIGNITY OF WORK

## Why Towards Justice?

- Systemic injustice in the workplace calcifies income inequality and undermines the American Dream
- Towards Justice fights injustice alongside workers who stand up for one another

## Join the Towards Justice Sustaining Membership Network!

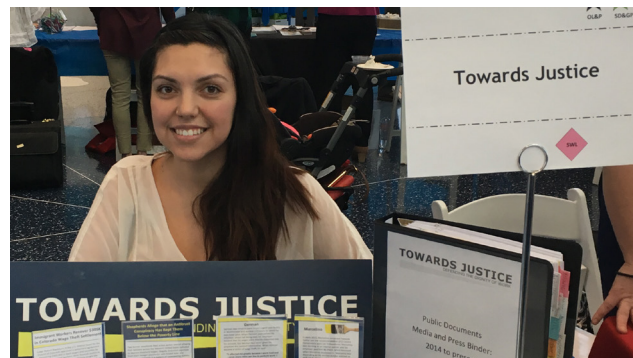
- Wage Justice Supporter = \$10.20/month (An Hour's Wage for a Minimum Wage Worker in Colorado in 2018)
- Wage Justice Advocate = \$44.17/month (A Half-Day's Wages for a Minimum Wage Worker in Colorado in 2018 (\$10.20 x 4)
- Wage Justice Defender = \$81.60/month (A Day's Wages for a Minimum Wage Worker in Colorado in 2018 (\$10.20 x 8)
- Wage Justice Warrior = \$408/month (A Week's Wages for a Minimum Wage Worker in CO \$10.20 x 40 in 2018)

## Make Towards Justice part of your workplace giving campaign!

- In 2017 Towards Justice became member of Colorado Community Shares, allowing employees to give to Towards Justice through their employer's workplace giving campaign

## Name Towards Justice as a cy pres recipient!

- Cy Pres is the legal doctrine that allows funds remaining after the distribution of a class action settlement to be given to a charitable organization whose mission aligns with the original purpose of the case.
- As a workplace rights defender, Towards Justice welcomes cy pres awards in employment-related class action cases and commits to investing those funds in advancing economic fairness and equity across the United States
- Towards Justice relies on cy pres awards to continue our thoughtful legal work in service of low-wage and immigrant workers. Thank you for your support!



# Our Team

## Our Staff

Nina DiSalvo,  
Executive Director  
Lindsay Fallon,  
Deputy Director  
Alexander Hood, Founder &  
Director of Litigation  
David Seligman, Strategic  
Litigation Counsel  
Andrew Schmidt, Strategic  
Litigation Counsel  
Justin Grant, Access to  
Justice Coordinator  
Brittney Bobadilla, MSW  
Associate  
Alyse Reynolds, MSW  
Associate  
Estefan Hernandez,  
Summer Intern  
Brianna Power, Summer  
Law Clerk  
Sarah Rowse, Fall Intern

## Our Volunteers

Amy Czulada  
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Alicia Perras



Alexander Saldivar  
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## Our Board

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# TOWARDS JUSTICE

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## Our Co-Counsel

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# Our Team

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Maria Surber  
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Jessica Velez  
Diego Bleifuss Prados  
Amy Czulada  
20 CU-Denver Students

A photograph of two men shaking hands in front of a city skyline. The man on the left is wearing a striped short-sleeved shirt and jeans, while the man on the right is wearing a dark suit and tie. The background features a mix of classical architecture and modern skyscrapers. The entire image has a yellow tint.

**Towards Justice empowers America's  
chronically marginalized workforce to  
address systemic injustice, defend  
family financial stability, and ensure that  
work is the most effective strategy for  
economic success in our country.**

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A photograph of two men standing side-by-side. The man on the left is older, with white hair, wearing a light-colored plaid short-sleeved shirt. The man on the right is younger, with dark hair and a beard, wearing a darker plaid long-sleeved shirt. They are both smiling. The background features a wall with a large, ornate, dark-colored decorative panel and a smaller framed picture to the left. The entire image has a yellow tint.

**Thank you for believing  
in Towards Justice.**

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