



Mayor of Providence

David N. Cicilline

November 3, 2009

The Honorable Members
The City Council of the
City of Providence
City Hall
Providence, Rhode Island 02903

Dear Honorable Members:

Pursuant to Sections 302(b) of the Providence Home Rule Charter of 1980, as amended, and Section 8-17 of the Code of Ordinances, I am this day re-appointing Ms. Lynette Labinger, of 658 Hope Street, Providence, Rhode Island 02906, as Chief Judge to the Providence Housing Court for a term to expire on the First Monday in January, 2013, and respectfully submit the same for your approval.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Cicilline", with a long horizontal flourish extending to the right.

David N. Cicilline
Mayor, City of Providence

DNC: ljv

IN CITY COUNCIL
JAN 21 2010

READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED AND APPROVED
A handwritten signature in black ink, appearing to read "Clerk M. [unclear]", written over the stamp.
CLERK

Curriculum Vitae of:

LYNETTE LABINGER

344 Wickenden Street
Providence, RI 02903
401-421-9794 (office)
401-421-0132 (fax)

Education

Mt. Holyoke College
South Hadley, Massachusetts
A.B. 1971, *magna cum laude*
Phi Beta Kappa 1970
Sarah Williston Scholar

New York University School of Law
New York, New York
J.D. 1974, *cum laude*
University Prize 1974 (highest cumulative average)
Order of the Coif, 1974
Root-Tilden Scholar, 1971-74
Alumnae Key Award, 1974

Admitted to practice of law before:

Massachusetts Supreme Judicial Court, December 1974
Rhode Island Supreme Court, October 1975
United States District Court, District of Rhode Island, November 1975
United States Circuit Court of Appeals, for the First Circuit, November 1978
United States Supreme Court, May 1980

Legal Employment

February 2004-January 1, 2007

Associate Judge, Housing Court of the City of Providence (part-time continuing
appointment)
City of Providence, RI

January 1983 - current

Partner
Roney & Labinger LLP
344 Wickenden Street
Providence, RI 02903
401-421-9794 (phone)
401-421-0132 (fax)

September 1976 - December 1982

Associate Attorney, Abedon, Michaelson, Stanzler, Biener, Skolnik & Lipsey
220 South Main Street
Providence, RI 02903

September 1974 - August 1976

Law Clerk to Honorable Raymond J. Pettine, Chief Judge
United States District Court for the District of Rhode Island

PROFESSIONAL SOCIETIES, HONORS, AND RELATED ACTIVITIES (EXCERPTS):

Arbitrator, Court-annexed arbitration of the Superior Court, State of Rhode Island, 1989-

Member, Panel of Neutral Intervenors, Alternative Dispute Resolution Plan of the United States District Court, District of Rhode Island, 1995-

Member, Board of Federal Examiners for the District of Rhode Island, 1981-2004

Member, Commission on Judicial Tenure and Discipline of the State of Rhode Island,
May 1983-June 1986

Member, Advisory Committee on Women in the Courts, 1987-1993

Fellow, Rhode Island Bar Foundation, inducted 1988
Board of Directors, 1992-

Fellow, American College of Trial Lawyers, inducted 2000

Member (emeritus), American Inns of Court, Roger Williams (R.I.) Inn, 1994-
Executive Board, Barrister Representative, 1995-96
Executive Board, Representative-at-Large, 1996-97
Secretary-Treasurer, 1997-98
President, 1998-1999

Member, Board of Editors, *Rhode Island Lawyers Weekly*, July 2001-February 2004

Rhode Island Affiliate, American Civil Liberties Union

Board of Directors, 1978-1980

Volunteer Attorney, 1977-present

Legal committee, 1977-1978, 1983-

Recipient, 1982 Volunteer Attorney Award

Recipient, 1989 Civil Libertarian of the Year Award

Recipient, Annual Award of Excellence for 1996, conferred by R.I. Women's Bar Association, May 23, 1996

Profiled by RHODE ISLAND LAWYERS WEEKLY, vol. V #46 and vol. VIII, #35 (11/23/87)

Profiled by RHODE ISLAND MONTHLY in Kadzis, *The Best of the Bar*, vol. I #8 (12/88)

Profiled by RHODE ISLAND MONTHLY in Francis, *Legal Eagles [Fifty Best Lawyers in Rhode Island]*, vol. 10 #11 (2/98)

Also listed in RHODE ISLAND MONTHLY in Francis, *Power of Attorneys [Forty-Nine Best Lawyers in Rhode Island]*, vol. 1 #5 (9/03)

Profiled by OCEAN STATE BUSINESS, vol. 7 #5 (January 1990), *Lynette Labinger: Civil Liberties Lawyer in a Conservative Era*

SPEECHES, PRESENTATIONS AND PUBLICATIONS (EXCERPTS)

Panelist, Symposium on "Gender Equity in College Athletics: An Analysis of Title IX," presented by the Villanova Sports & Entertainment Law Forum, Villanova University School of Law, Villanova, Pennsylvania on November 13, 1993

Speaker, Seminar on Litigation Strategies (*Cook v. Rhode Island*), presented to staff of the Office of General Counsel, Equal Employment Opportunity Commission, Washington, D.C., on March 7, 1994

Keynote Address, "New Avenues for Preventing Discrimination on the Basis of Obesity under the Americans with Disabilities Act," presented to the annual meeting of the American Society for Bariatric Surgery in Minneapolis, Minnesota on June 10, 1994

Labinger, L., "Opportunities Aren't Equal for Women," NEW YORK TIMES, 9/17/95, Section 8, page 11, *reprinted in*, Egendorf, L., editor, *Sports and Athletes*, Greenhaven Press 1999, at 137-139.

Keynote Address, "Title IX, Athletics and *Cohen v. Brown University*," at the Annual Conference of the North Carolina Association of Women Attorneys, September 19, 1997, Wrightsville Beach, North Carolina.

Panelist, "Cohen v. Brown," at the Annual Conference of the National Association of College Women Athletic Administrators, October 12, 1997, Denver, Colorado

Featured Speaker, "*Cohen v. Brown University*," at Mount Holyoke College, South Hadley, Massachusetts, February 4, 1998

Labinger, "Title IX and Athletics: A Discussion of *Brown University v. Cohen* by Plaintiffs' Counsel," 20 WOMEN'S RIGHTS LAW REPORTER 85 (1999).

Labinger, L., "A Conversation with Joseph Brodsky (Leningrad, July 13-15, 1970)," AGNI No. 51, at 17-20 (2000), *reprinted in*, Haven, Cynthia, editor, *Joseph Brodsky: Conversations*

(*Literary Conversations*), Univ. Press of Mississippi 2003.

CASES OF INTEREST (EXCERPTS)

Public Employment, Retaliation for First Amendment Activity

Pilkington v. Bevilacqua, U.S. District Court and First Circuit Court of Appeals (successful challenge to discharge of employee of Institute of Mental Health on basis of his speech) Cites: 439 F. Supp. 465 (D.R.I. 1977), *aff'd*, 590 F.2d 386 (1st Cir. 1979); on fees, 522 F.Supp. 906 (D.R.I. 1981), on remand from 632 F.2d 925 (1st Cir. 1980)

Brule v. Southworth, U.S. District Court and First Circuit Court of Appeals (successful challenge to suspension of two Rhode Island prison officials for testifying in favor of inmates challenging a lockup). Cites: 611 F.2d 406 (1st Cir. 1979); on fees, 552 F. Supp. 1157 (D.R.I. 1982), *vacated sub nom. Gabriele v. Southworth*, 712 F.2d 1505 (1st Cir. 1983)

Fishman v. Clancy, U.S. District Court and First Circuit Court of Appeals (successful challenge to discharge and other harassment of outspoken public school teacher) Cites: 763 F.2d 485 (1st Cir. 1985)(affirming merits and fee award).

Vierra v. Rhode Island Municipal Police Academy, R.I. Superior and Supreme Courts (successful challenge to differential treatment of training program candidate as retaliation for past legal challenges to actions of Police Academy). Cites: 539 A.2d 971 (R.I.1988)

Discrimination on Basis of Sex, Age, Race, Disability

Cohen v. Brown University, U. S. District Court, District of Rhode Island (represent plaintiffs in a class action suit under Title IX of the Education Amendments claiming sex discrimination in athletics program provided to women students), preliminary injunction granted, 809 F.Supp.978 (D.R.I.1992), *affirmed*, 991 F.2d 888 (1st Cir. 1993); partial settlement approved December 16, 1995, judgment for plaintiffs after trial, 879 F.Supp. 185 (D.R.I. 3/29/95), *aff'd in part, rev'd in part*, 101 F.3d 155, 188 (1st Cir. 1996), *cert. denied*, 520 U.S. 1186 (1997), class settlement approved October 8, 1998.

Cook v. State of Rhode Island, Department of Mental Health, Retardation and Hospitals, U.S. District Court, District of Rhode Island (handicap/disability in employment). Cites: 783 F.Supp. 1569 (D.R.I. 1992)(denying motion for failure to state a claim of handicap discrimination on basis of severe obesity); after jury verdict for plaintiff, judgment entered for plaintiff on September 24, 1992 awarding job reinstatement and \$100,000 in damages; *affirmed*, 10 F.3d 17 (1st Cir. 1993)

Burney v. City of Pawtucket, U.S.D.C. (sex discrimination in employment)(partially successful challenge to Municipal Police Academy entry and graduation requirements.) Cites: 559 F. Supp. 1089 (D.R.I. 1983), *appeal dis'd*, 728 F.2d 547 (1st Cir. 1984); also 563 F. Supp. 1088 (D.R.I. 1983).

Rathbun v. Autozone, 361 F.3d 62 (1st Cir. 2004) (establishing that claims under the Rhode Island Civil Rights Act are governed by a three-year statute of limitations)

Abortion Rights (Fourteenth Amendment)

Rhode Island Medical Society v. Whitehouse, successful challenge to constitutionality of ban on “partial birth abortion” enacted in 1997 and amended in 1998. Cites: 66 F. Supp. 2d 288 (D.R.I. 1999) *aff’d*, 239 F.3d 104 (1st Cir. 2001).

Planned Parenthood of Rhode Island v. Rhode Island Board of Medical Review, U.S.D.C. (successful challenge to constitutionality of mandatory husband notification of abortion statute). Cite: 598 F. Supp. 625 (D.R.I. 1984).

National Education Association v. Garrahy, U.S.D.C. (successful challenge to constitutionality of state prohibition of employer-paid abortion insurance coverage to municipal employees). Cites: 598 F.Supp. 1374 (D.R.I. 1984), *aff’d per curiam*, 779 F.2d 790 (1st Cir. 1986).

Planned Parenthood of Rhode Island v. Caldarone, U.S.D.C. (successful challenge to constitutionality of state requirement that abortions be excluded from comprehensive health insurance and offered only at additional cost.) Cites: 598 F. Supp. 1374 (D.R.I. 1984), *aff’d per curiam*, 779 F.2d 790 (1st Cir. 1986).

Planned Parenthood of Rhode Island v. Roberts, U.S. District Court, D.R.I. (successful challenge to constitutionality of 1980 Rhode Island “Informed Consent for Abortion” Act.) Cites: *Women’s Medical Center of Providence, Inc. v. Roberts*, 512 F.Supp. 316 (D.R.I.1981); 530 F.Supp. 1136 (D.R.I. 1982).

Students' Rights, First and Fourteenth Amendments (Due Process)

Fricke v. Lynch, U.S.D.C. and First Circuit Court of Appeals (successful challenge to school principal's refusal to permit male student to bring male date to his senior prom). Cites: 491 F. Supp. 381 (D.R.I. 1980), *appeal dis'd as moot*.