

Bio of Shirl A. Mora James

Nebraskan native, a Chicana attorney who practices Civil Rights, Immigration, and Criminal Defense in both Federal and State Courts, seeking 'Justice for All'. The founding partner of MORA JAMES LAW, located at 1028 G Street, Suite 108, Lincoln, NE 68508. The co-founder of the Nebraska Hispanic Bar Association.

EDUCATION

J.D. - University of Nebraska College of Law, 1991, Lincoln, NE 68583-0902

B.A. - Kearney State College, 1979, major-Political Science, Kearney, NE 68849

A.A. - Mid-Plains Community College, 1976, North Platte, NE 69101

BAR ADMISSIONS

Nebraska State Bar Association - 1992 Admitted to practice in the following courts:

Courts of the State of Nebraska - 1992

United States District Court for the District of Nebraska - 1992

United States Court of Appeals for the Eighth Circuit - 1994

United States Supreme Court – 2006

U.S. Immigration Court - 2010

SIGNIFICANT LEGAL ACCOMPLISHMENTS

Jackie Heuck, et al. v. Broadwater Public Schools, et al., 4:CV93-3297, (Lead counsel, Special education issue involving failure to provide a free appropriate public education to a child with a disability. Plaintiffs recovered attorney's fees and costs).

Hiles, et al. v. Otto Gaspar, et al., 4:CV93-3370, (Lead counsel, Fair Housing issue involving individuals with disabilities. Case was successfully settled).

Ron H., et al. v. Nelson, et al., Case No. 4:CV93-3257, (Co-counsel, a certified class action involving state wards' rights pursuant to IDEA. Represented Plaintiff State Wards with disabilities and obtained settlement to ensure the appointment and training of surrogate parents for children with disabilities, to protect the educational rights of state wards with disabilities. Attorney's fees and costs were awarded to the Plaintiffs by the Court).

Palmer, et al. v. Nelson, et al., 160 F.R.D. 118 (D.Neb. 1994) (Co-counsel, this action was brought by nineteen people with developmental disabilities by and through their guardians and Nebraska

Advocacy Services, Inc. and challenged the care and treatment of these individuals in certain Nebraska care facilities. Attorney's fees and costs were awarded to the Plaintiffs by the Court).

Genoways v. University of Nebraska Regents, et al., Case No. 4:CV96-3109, (Lead counsel, employment discrimination case involving the denial of reasonable accommodations for a woman with cerebral palsy and learning disabilities. Case was successfully settled, monetary damages and attorney fees were recovered).

Sweet v. U. S. West, Case No. 4:CV96-3372, (Lead counsel, employment discrimination case involving the denial of reasonable accommodations and short-term disability benefits for a woman with Meige Syndrome. Case was successfully settled, monetary damages and attorney fees were recovered).

Caroline C., et al. v. Dale Johnson, et al., Case No. 4CV:95-22, (Co-counsel, Consent Decree entered into on December 23, 1998. This case is a certified class action involving rights violations pursuant to the ADA, Section 504, state and federal constitutions, and laws. The class consists of women patients with mental illnesses and developmental disabilities in custody at a mental health institution. The class/women patients were subjected to repeated sexual assaults and rapes by male patients, while staff punished the women for speaking out about the sexual abuse by using inappropriate seclusion and restraint on the women patients. A settlement was reached in the form of a consent decree. Now the State of Nebraska is required to: (1) maintain a safe therapeutic environment for the Hastings Regional Center's residents; (2) develop trauma treatment for women with abuse histories; (3) have specific restrictions for restraint and seclusion of women with a history of sexual abuse; (4) develop a new grievance procedure; and (5) develop a consumer women's council to address concerns with the top administrators at the Hastings Regional Center. Attorney's fees and costs were awarded to the Plaintiffs).

Janssen v. Ingersoll Rand, f/ k/ a Thermo King, Case No. 4:98CV3280, (Lead counsel, won a federal jury trial in July, 2000. My client's issue involved employment discrimination concerning his learning disability, *i.e.*, employer was requiring my client to take a written test which was not required by other employees without disabilities. The defendant/employer then moved for a new trial and for judgment as a matter of law, or to alter or amend the judgment after they lost the jury trial. Ultimately, the defendant appealed to the 8th Circuit, and it was successfully settled with the assistance of the 8th Circuit Settlement Director, recovered monetary damages, attorney fees and costs).

Omwiler v. Conagra Beef Companies, f/ k/ a Monfort, Inc., Case No. 8:01CV134, (Lead counsel, the client's issue involved employment discrimination about an orthopedic disability for whom her employer failed to make a reasonable accommodation. Case was successfully settled; monetary damages and attorney fees were recovered).

Bill M., et al., v. NDHHS, et al., Case No. 4: 03CV3189, (Lead Counsel, a major case for citizens with developmental disabilities against the Nebraska Department of Health and Human Services (NDHHS). This case corrected NDHHS= continued inappropriate use of assessment procedures and instruments which we contend, arbitrarily deny qualified individuals appropriate services to meet their needs in the community. Plaintiffs are seeking an order ending this practice for all persons being denied services under the Home and Community Based Waiver Program. Plaintiffs are challenging the State's failure to provide them with funds for the home and community-based

developmental disability services for which they are eligible, in violation of the Medical Assistance Act; the Americans with Disabilities Act; Section 504 of the Rehabilitation Act of 1973; and 42 U.S.C. '1983. Joint Settlement Agreement was reached, and case is settled.

United States and Bill M., et al., v. NDHHS, et al., U.S. Docket No. 05-777, (Lead Counsel for the named- Plaintiffs, the U.S. Supreme Court ruled on April 17, 2006, that the ADA eleventh amendment immunity issue must be revisited by United States Court of Appeals for the 8th Circuit. The ADA immunity issue was originally appealed to the 8th Circuit by the State of Nebraska. The State's appeal was based on the denial of their motion to dismiss by the U.S. District Court. The 8th Circuit's decision was vacated and remanded back to the 8th Circuit by the United States Supreme Court and ordered the 8th Circuit Court of Appeals to review the issue again in light of *U.S. v. Georgia*).

Other Civil Rights cases that I successfully resolved were as follows:

- Illegal strip search case of an 8-year-old Native American boy with disabilities at school;
- Denial of a FAPE education case of a 10-year-old Mexican/American girl;
- Employment discrimination case of an African/American woman against a phone company;
- Post-secondary education discrimination case on behalf of a Latina doctor;
- In-state tuition case for immigrant college students, *i.e.*, the “DREAMERS”; and
- Immigration deportation cases in obtaining legal permanent residency for my clients.