

NEWS RELEASE

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FOR IMMEDIATE RELEASE

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PUBLIC JUSTICE'S THREAT OF LAWSUIT PROMPTS SPORTS ASSOCIATION TO REVERSE DECISION PREVENTING HIGH SCHOOL GIRL FROM PLAYING BASEBALL

Heather Bauduin, a 16-year-old Wabash, Indiana high school junior, was told she would not be allowed to play baseball for her school because she was a girl. But, in a victory for gender equity in athletics secured by Public Justice and Philadelphia's Hangley Aronchick Segal & Pudlin (HASP), Heather will get to go out for the Wabash High School baseball team after all.

On February 28, after a sex discrimination lawsuit was threatened by Public Justice and HASP, a review committee of the Indiana High School Athletic Association (IHSAA) reversed the decision of its Commissioner and granted Heather's request for a waiver of a statewide IHSAA rule that prohibits girls from participating in high school baseball if the school offers softball.

An accomplished baseball player who recently moved to Indiana from California, Heather has spent nearly half of her life playing baseball. When she was nine years old, she signed up for her local little league team and fell in love with the game. She excelled as she moved up the little league ranks, and was the first girl to be named to her town's All Star teams in both the 9- to 12-year-old age bracket and the 12- to 14-year-old age bracket. Under the IHSAA rule, Heather was denied even the right to try out for Wabash High's baseball team solely because of her gender.

In a Feb. 4 demand letter, Public Justice charged that the IHSAA's rule violated both the Equal Protection Clause of the United States Constitution, and Title IX, a federal law designed to promote gender equity in school sports. After an initial decision by the Commissioner of the IHSAA to deny Heather's request to participate in baseball tryouts, Public Justice and HASP petitioned for, and were granted, a hearing before an IHSAA review committee to present their case on Heather's behalf. Following a presentation by lead counsel Sharon McKee of HASP, the IHSAA review committee reversed the Commissioner's decision.

"I'm happy that I have been given the chance to play the sport I love," said Heather, who catches, plays shortstop, and has an arsenal of three different baseball pitches. "I'm a baseball player, not a softball player."

"We are thrilled that this quick resolution ensures that Heather will be able to participate this spring," McKee said. "We hope that this case prompts the IHSAA to revise its rules so that no other Indiana girls are excluded from sports simply because they are girls. The rule barring girls from playing baseball is unconstitutional."

Public Justice's Goldberg, Waters & Kraus Fellow Amy Radon said her client was a trailblazer for gender equity in sports by refusing to accept the IHSAA's initial ruling.

"We are so proud of Heather for standing up for her rights," said Radon. "She has helped pave the way for girls' participation in baseball in Indiana and across the nation."

In their demand letter, Public Justice and HASP explained that the IHSAA's rule violated the Constitution's equal protection guarantee, which has been interpreted to prohibit girls from being excluded from athletic opportunities "based on generalized assumptions about the differences between males and females." The lawyers also explained that the IHSAA's rule violated Title IX, which requires that, in most cases where a school does not offer separate athletic teams for boys and girls, the school must afford girls the opportunity to try out for the school's boys' athletic team.

The IHSAA originally took the position that Heather should not be allowed to play baseball because she had the opportunity to play softball, a sport the IHSAA argued was comparable. But Public Justice and HASP presented expert testimony at the IHSAA hearing to show that softball and baseball require different skill sets, especially for overhand baseball pitchers like Heather.

This case marks another milestone in a long line of Public Justice victories in securing athletic opportunities for women and girls. Public Justice has successfully represented more female athletes and potential athletes in gender equity litigation than any law firm in the country, including landmark suits against Brown University, Temple University, and West Chester University. In November 2005, its threat of a Title IX suit prompted Florida A & M University to reinstate its women's swimming and diving team. At its 25th Anniversary Celebration law fall in Washington, DC, Billie Jean King lauded Public Justice for its extraordinary work and accomplishments in advancing equal rights.

This case also marks the fourth time that Public Justice has teamed with Sharon McKee and HASP to represent athletes seeking gender equity.

In addition to Radon and McKee, Heather Bauduin was represented by Bonnie Hoffman and Naomi Mendelsohn of of Hangle, Aronchick, Segal & Pudlin, Cynthia Rockwell of Rockwell & Jansen, LLC in Fort Wayne, Indiana, and Victoria Ni and Leslie Brueckner, Staff Attorneys of Public Justice.

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