



## **RESOLUTION SUPPORTING THE CIVIL JUSTICE TAX FAIRNESS ACT (CJTFA)**

Endorsed July 2014

**WHEREAS**, the Coalition of Bar Associations of Color (CBAC), organized in 1992, is a coalition created to act as a collective voice for issues of common concern to its member organizations; and

**WHEREAS**, the member organizations of the Coalition of Bar Associations of Color are the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA); and

**WHEREAS**, the Civil Justice Tax Fairness Act (H.R. 2509/S.1224, as introduced in the 113<sup>th</sup> Congress), formerly known as the Civil Rights Tax Relief Act, would eliminate unfair taxation on noneconomic damages received by victims of employment discrimination and other civil rights violations; and

**WHEREAS**, the CJTFA would, in whole or in part, treat compensatory damages (other than back pay and front pay) in employment discrimination and civil rights cases (as defined in 26 U.S.C. 62(e)) in the same manner as compensatory damages in personal physical injury cases; and

**WHEREAS**, the CJTFA would allow income averaging for complainants who receive in one year awards or settlements of back pay or front pay covering more than one year; and

**WHEREAS**, the CJTFA has bipartisan support in Congress and from a wide variety of organizations, including the American Bar Association, the Association of Corporate Counsel, the Leadership Conference on Civil and Human Rights, Advancing Justice-AAJC, the National Employment Lawyers Association, and many other bar and civil rights organizations; and

**NOW THEREFORE BE IT RESOLVED** that CBAC calls for the enactment of the Civil Justice Tax Fairness Act (H.R. 2509/S.1224, as introduced in the 113<sup>th</sup> Congress) or similar legislation that would provide relief to employment discrimination and civil rights complainants by, in whole or in part:

- (a) treating compensatory damages (other than back pay and front pay) in employment discrimination and civil rights cases (as defined in 26 USC 62(e)) in the same manner as compensatory damages in personal physical injury cases; and
- (b) allowing income averaging for complainants who receive in one year awards or settlements of back pay or front pay covering more than one year; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that CBAC recommends the retention of the present rule that awards of back pay, front pay, and punitive damages are taxable; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that CBAC authorizes its officers and staff to communicate the content of this resolution to its members, affiliates, other bar associations, members of Congress, the Administration, the press, and others to take steps to implement this resolution, as they deem necessary; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that CBAC supports this resolution as a policy priority until it is withdrawn or modified by subsequent resolution; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the legislative priority of the Coalition of Bar Associations of Color until it is withdrawn or modified by subsequent resolution.

#### **CERTIFICATION**

**WE**, the duly-elected Presidents of the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA), hereby certify that the foregoing Resolution was duly enacted by a duly noticed meeting of the Board of Directors.



*Miguel Alexander Pozo*

Miguel Alexander Pozo  
President, Hispanic National Bar Association

*July 15, 2014*

Date

*William J. Simonitsch*

William J. Simonitsch  
President, National Asian Pacific American Bar Association

*July 15, 2014*

Date

*Patricia Rosier*

Patricia Rosier  
President, National Bar Association

*July 15, 2014*

Date

*Mary Smith*

Mary Smith  
President, National Native American Bar Association

*15 July 2014*

Date

