

Winston Wins Landmark Case for the Chicago Housing Authority

JULY 1, 2015

In a case closely watched around the country, including reports by *ABC News*, *The Washington Post*, and *National Public Radio*, Winston & Strawn represented the Chicago Housing Authority (CHA) in a lawsuit alleging that suspicionless drug screening at CHA subsidized units in mixed-income developments violated the Fourth Amendment to the United States Constitution.

Plaintiffs, representing a putative class of CHA residents, sought a preliminary injunction banning all such drug screening throughout Chicago. After hearing several days of evidence, the United States District Court for the Northern District of Illinois denied the plaintiffs' motion for preliminary injunction, finding a lack of state action and that the plaintiffs consented to the drug screening. The Court further found that the drug screening was not mandated by the CHA, but rather by the private owners of the mixed-income developments, who applied the screening equally to all tenants, CHA, and non-CHA, alike. Thus, the challenged drug screening did not violate the Fourth Amendment.

Plaintiffs appealed the Court's ruling to the Seventh Circuit and were joined by 16 *amici curiae*. On July 1, 2015, the Seventh Circuit, in an opinion written by Judge Posner, unanimously affirmed the ruling. In doing so, Judge Posner adopted several of Winston's key arguments for why there was not state action. The ruling is historic as this was a case of first impression and allows CHA's pioneering Plan for Transformation to proceed as developed in collaboration with private entities to revamp and revitalize public housing in Chicago by replacing traditional high-rise developments with mixed-income developments.

The CHA was represented at the preliminary injunction hearing by Chicago-based partners Samuel Mendenhall and Kimball Anderson. CHA was represented on appeal by Mr. Mendenhall, who argued the appeal, and Mr. Anderson.

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