

LATINO JUSTICE PRLDEF

2022-2023

OVERVIEW OF ACHIEVEMENTS

LatinoJustice PRLDEF (LJP) uses litigation, advocacy, community education, and mobilization to defend and advance the rights of Latinx communities across New York. We identify and challenge violations of Latinos’ civil and constitutional rights, in addition to defending individuals who are victims of hate crimes based on race, ethnicity, and immigration status. The total number of persons who benefitted from our services and programs during the grant period is estimated at more than 2000.

Since establishing our *Reinvision Justicia* program in 2017, LJP has deepened its decades-long commitment to supporting criminal justice reform. Our past litigation resulted in curtailing “Stop & Frisk” in New York City and unconstitutional home raids by ICE in Nassau and Westchester Counties. In March of 2023, LJP secured a major victory on this front, agreeing to a tentative settlement in *Plaintiffs #1-21 v. County of Suffolk, et al.*, a class action lawsuit we initiated against the Suffolk County Police Department, on behalf of residents who were victims of race-based stops, detentions, and other forms of harassment.

The proposed \$3.75 million settlement, which is currently pending judicial approval, marks the culmination of nearly eight years of sustained advocacy carried out by LJP’s legal team. This sum includes payments of \$75,000 to each of the 20 plaintiffs named in the lawsuit, as well as \$2.25 million in legal fees. In addition to these monetary reparations, the settlement aims to advance systemic reforms to prevent future discriminatory policing.



Population Served: Minorities and Ethnic Groups, Primarily the Latino Population

Total Funding: \$2,686,742

Total IOLA Grant: \$102,500

Staffing Full Time Equivalent:

- Total Staff: 41
- Paralegals: 1
- Lawyers: 17
- Other: 23

Relevant negotiated terms include:

- Creation of a “Precinct-Level Advisory Board” (PLABs) for Suffolk’s seven police precincts, which will include religious leaders and members of civic organizations. The PLABs will help police address community concerns, foster new relationships with community leaders, and establish clear lines of communication.
- Updated implicit-bias training that incorporates the SCPD’s own traffic stop data.
- Quarterly publication of traffic and pedestrian stop data.
- Improved language access, including a Spanish-speaking aide at the Third Precinct in Bay Shore.
- Expanded use of body cameras.

Taken together, the terms of the proposed settlement will help ensure that needed reforms are implemented adhered to, even after the Department of Justice concludes its period of oversight.

LJP continues to litigate on behalf of our clients in *Orellana-Castaneda v. Suffolk County Sheriff’s Office*. This complaint, filed July 2017, challenges the Suffolk County Sheriff’s practice of unlawfully keeping individuals in jail custody past their required release date. On August 31, 2022, Magistrate Judge Arlene Rosario-Lindsay issued a Report & Recommendation that class certification be granted to a class of immigrants whom the Sheriff’s Office had held without probable cause for the purpose of turning them over to ICE.

We have also had considerable success defending the rights of Latinos in the workplace. During the grant term, we helped execute a \$275,000 settlement against a New York-based restaurant group on behalf of several workers who suffered racial discrimination and harassment. Similarly, in *Ramos v. Liqui-mark*, we advocated for Latino factory workers suffering under hostile working conditions, in addition to investigating potential sexual harassment claims.

LJP’s legal team lent its expertise to several cases through amicus briefs. In November of 2022, for instance, we filed an amicus brief in a case challenging the NYPD’s policy of barring recording inside a precinct. Authored by Senior Counsel Andrew Case and Associate Counsel Rayza Goldsmith and filed jointly with the Office of the Public Advocate, our brief argued that New York State’s Right to Record Act protects the right to record police activity in publicly accessible areas of precinct.

LJP has served as a crucial partner in the multi-racial coalition working to preserve the landmark New York City Municipal Voting Law. We moved to intervene—on behalf of

nine immigrants whose rights to vote would be lost if the law was overturned—in a lawsuit filed in the Richmond County Supreme Court. Our clients, from four different continents and all five boroughs, argued that New York law does not prohibit non-citizens from voting in local elections, and moved to dismiss the complaint for lack of standing. Though the court initially granted summary judgment to the plaintiffs seeking to strike down the law, LJP has filed appeal briefs and will continue advocating for the right of non-citizens to vote in local elections.

Finally, LJP significantly expanded its organizational capacity during the grant period, hiring two additional attorneys and a paralegal operating out of our New York headquarters. We also promoted two attorneys to the role of Supervising Counsel. In this capacity, they direct litigation in LJP’s police, prisons, criminal legal reform, and voting rights matters. We also hired our first-ever Chief of Advocacy to direct our non-litigation advocacy, as well as a new Director of People and Culture.

DIRECT LEGAL SERVICES: CASES

Case #1

On March 10, 2021, LatinoJustice PRLDEF filed a gender bias and sexually hostile workplace and retaliation complaint in the New York Supreme Court on behalf of a Latinx army veteran. Over the last several years, Berkeley College—a for-profit institution of higher education with campuses in Manhattan, Brooklyn, and New Jersey—allowed its female employees in the Office of Military and Veteran Affairs to be subjected to unwanted and unsolicited sexual innuendos, degradation, harassment, and intimidation. The client filed the complaint to put an end to the toxic, abusive, and demeaning work environment that she and other female employees endured at Berkeley College.

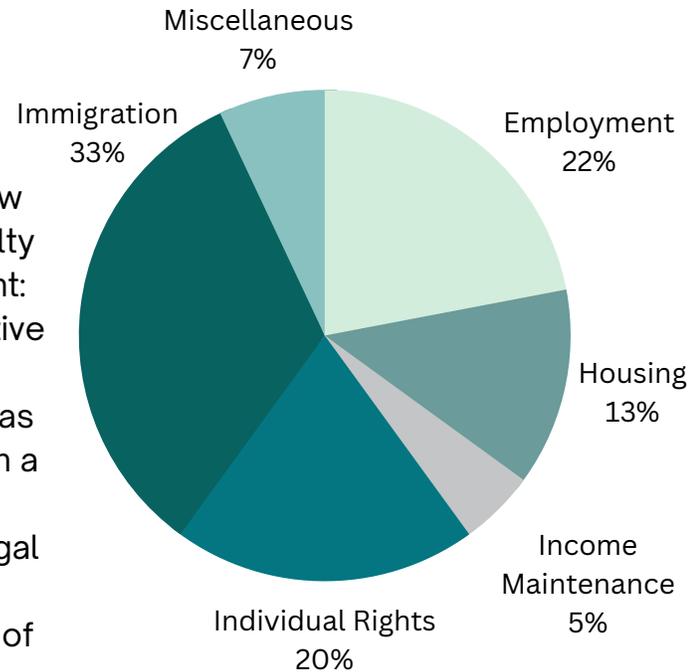
When the client complained about her degrading work environment, rather than taking corrective action, Berkeley College furloughed and then fired her. The client’s complaint seeks compensatory damages and injunctive relief for the schools’ condonation of a hostile work environment and for retaliation in violation of the New York State Human Rights Law, New York City Human Rights Law, and the Equal Employment Opportunity Act (Title VII of the Civil Rights Act of 1964). The client’s complaint also seeks to hold her supervisor liable for his offensive conduct in violation of the aiding and abetting provisions of both the New York State and New York City Human Rights Laws.

591
legal cases
closed &
people
benefitted

LJP continues to pursue not only reparations on behalf of our client, but also systemic changes to Berkeley College’s internal practices and policies. Director of Racial Justice Strategy Francisca Fajana crafted an innovative complaint to make use of recent amendments to the employment discrimination provisions of New York State’s Human Rights Law as well as New York City’s Human Rights Law. Both Fajana and Associate Counsel Rayza Goldsmith have taken several depositions in this contentious case. Discovery is expected to close on June 30, 2023.

Case #2

In 2021, LJP won a default judgment for ten immigrant restaurant workers federal court in the Eastern District of New York for discrimination based on race and sex under Title VII and the New York State Human Rights Law. The financial penalty for the Southampton, NY employer was significant: \$483K in compensatory damages, \$143k in punitive awards, and \$109k in attorneys’ fees. The restaurant has since closed, and the employer was jailed and later released for labor law violations in a separate case initiated by the NY AG’s office. Senior Counsel Jackson Chin, assisted by paralegal Nancy Umana-Melendez and law student intern Davona Johnson, have been docketing abstracts of judgment, last issued with Suffolk County clerk’s office, in order to lay foundation to establish lien priority and support further enforcement of monetary judgment and/or information subpoenas.

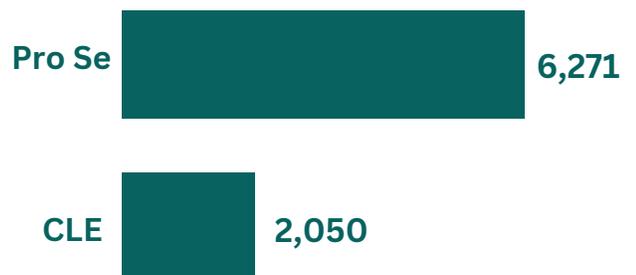


Cases by Legal Problem Area

OTHER SERVICES: OVERVIEW

Throughout New York State, Latinx immigrants are often targeted and discriminated against for who they are, where they are from, the color of their skin, the language(s) they speak, indeed for their very presence in the country. Unfamiliarity with the legal system, language barriers, fear of disclosing immigration status, and little to no financial resources make it nearly impossible to obtain legal assistance and representation and assert their legal rights.

Number of People Benefitted from Other Services



Providing community legal education is an important part of our service delivery strategy. We partner with community-based organizations that provide an essential connection to individuals with whom they have established relationships of trust. Community-based groups support our clients and provide them with a safe place to express fears of and complaints against powerful figures in employment, and with government and law enforcement. At times, these groups identify a legal issue and seek our assistance. At others, LJP is the one to initiate collaborative action. Community partnerships enable us to reach isolated individuals and to directly provide local know-your-rights workshops and legal clinics that potentially uncover issues we would not hear about otherwise. Our target population is Latinos whose rights have been violated and/or who are victims of discrimination or hate crimes on the basis of race and ethnicity. Our community education efforts served approximately 1230 directly during the grant period.

8,321
people
benefitted
from
Services
Other Than
Direct Legal
Services

OTHER SERVICES: TECHNOLOGY

During the grant period, an LJP paralegal spearheaded an effort to develop the legal team's internal communication tools. As a result of this initiative, much of the department's communications are now centralized on Microsoft Teams, allowing for more seamless and integrated collaboration.

More broadly, LJP staff members are fully connected to the data they need to communicate efficiently and effectively with a wide variety of audiences. Using apps such as RingCentral, Zoom, HopIn, Streamyard, FB Live, and WhatsApp, the staff has been able to tailor community and one-on-one presentations and meetings to ensure that we can facilitate delivery of services and client communications. Through these channels, dialogue and file sharing can be managed under a rapid response approach as well, making it easier to share needed information both among staff members and collaborators and with impacted communities.

Senior leadership is also preparing to switch to a new case management software, LegalServer. Throughout the grant period, our team worked internally to develop priorities and goals for the software, as well as externally with LegalServer representatives to coordinate data transfers and ensure a smooth transition. We anticipate formally adopting the software in the winter of 2023.

OTHER SERVICES: TRAININGS

LJP provides a variety of trainings and tools for its employees. Staff have access to an online platform called Udemy, which offers thousands of courses in technology, productivity, leadership & management, project management and operations, personal development, among others. We also utilize KnowBe4, the world's largest security awareness training and simulated phishing platform to provide staff with digital training in the areas of data security and safety, as well as HR compliance.

We have developed our own series of Café Con Learning sessions, where staff members and special guests share expert knowledge on a variety of organizational development topics, including professional and program development topics and topics related to our pillars of work. This internally-developed training is complemented by professional development trainings and CLE courses our staff participate in to update and strengthen the information and skills they employ in their work.

By department, we offer training related to the area of expertise and managed by each department. This may be associated with the specific tools the employee utilizes, such as database/case management software, legal research software, etc. that facilitate the delivery of services to the community. For instance, during the grant period, we organized several trainings tailored to the needs of the legal team, including sessions on preparing briefs and conducting depositions. Senior leadership is also in the process of developing a legal team-wide training in trial and appellate work, which will take place in the fall of 2023.

We also provide opportunities for collective learning, generally associated with the strengthening of our organizational processes and culture. Over the last year, LJP's staff participated in facilitated strategic sessions to develop detailed work plans, goals, and priorities that will help guide and shape LJP's work over the coming years.

For our board members, we provide onboarding and orientation that includes education about the work and programs of LJP, training to help them serve as volunteers for our programs and coaching or training by staff and external experts on issues related to our pillars of work and/or functions that support the organization. This includes fundraising training and training and preparation to participate in activities such as election protection phone banking.

IMPACT CASES

36 beneficiaries were affected by
2 Closed Impact Cases

Trabajadores Por Igualdad (“TPI”) v. Nassau County Parks Department

Trabajadores Por Igualdad (TPI) is a group of seasonal workers for the Nassau County Parks & Recreation Department. Many have worked for the county for years without access to benefits or paid time off, and several have been denied promotions to permanent positions. Together with our clients, LJP has continued pursuing discrimination charges against Nassau County. The firm Outten & Golden has agreed to co-counsel with us in our EEOC complaint, brought on behalf of 20 Latino workers at the Nassau County Parks Department.

Ligon-Ligon v. City of New York (S.D.N.Y)

Senior Counsel Andrew Case and Associate Counsel Norma Esquivel continue in our crucial role in the joint remedial process for NYPD reform. Created as part of the settlement of the cases challenging the NYPD’s stop-and-frisk racial profiling policies in 2013, the process involves litigators and community stakeholders providing feedback to court-appointed monitor Mylan Denerstein, a Gibson Dunn partner with experience at the NY Attorney General’s office and the SDNY’s USAO. The monitor recently released a report criticizing the NYPD’s continued use of “vertical patrols” in private buildings, even though they have ostensibly ended the program.

All Impact Cases

*Tenecora et al. v.
Ba-Kal Rest Corp. d/b/a Princess
Diner*

*LatinoJustice v.
Port Washington Police*

*Plaintiffs
#1-21 v. County of Suffolk, et al.*

*Orellana-Castaneda v.
Suffolk County Sheriff’s Office*

Ligon v. City of New York

*Funes v.
Berkeley Educational Services et al.*

*Fossella et al. v. Adams et. al
Christa McAuliffe*

*Intermediate School PTO. et al. v.
DeBlasio, et al.*

*Trabajadores Por Igualdad (“TPI”) v.
Nassau County Parks Department*

*Tax Equity of New York v.
City of New York, State of NY*

*Thoele v. Texas Board of
Pardon & Paroles*

*D.J.C.V. et al. v.
United States*

*Immigrant Defense Project et al.
v. ICE, DHS & CBP*

Ramos v. Liqui-mark

Felix Garcia v. United States et al.

*Centro de Periodismo
Investigativo et al. v.*

U.S. Department of Treasury

CASA v. Wheeler, et al.

Florida Rising Together et al. v. Lee

*Organized Communities
Against Deportations v. ICE*

Austin Sanctuary Network et al. v. ICE

PRO BONO VOLUNTEERS

LJP partners with dozens of private attorneys at major law firms, as well as other legal and advocacy nonprofit groups to provide legal assistance and representation for Latinos represented in our impact cases. We partner to share legal and financial responsibilities, as well as to develop the most effective litigation team to handle a given case. During the grant period, LJP continued to collaborate with multiple law firms including Outten & Golden, Dechert LLP, Cleary Gottlieb, Locke Lord, Nixon Peabody; Davis Polk, Milbank Tweed, Skadden Arps, Patterson Belknap, and Baker Hostetler, among others. These partnerships have added crucial capacity across several significant cases, including *Trabajadores Por Igualdad (“TPI”) v. Nassau County Parks Department and Plaintiffs #1-21 v. County of Suffolk, et al.*

We are known for our competitive law student internships and the valuable practical legal experience law students obtain while interning at LJP. Our law student internships are offered throughout the year. Law student legal interns provide substantive support to all of our work through legal and factual research memoranda, translation of documents, assisting in the preparation of legal briefs, and support for our hotline and legal intake program by screening and interviewing members of the public who contact us for legal assistance. Many of our interns hail from New York-based institutions, including Pace Law School, Brooklyn Law School, Columbia Law School, NYU Law School, and CUNY School of Law. Several formal interns have returned to work at LJP as legal fellows and staff attorneys.



185 Attorneys volunteered 4,125 hours

22 Law Students volunteered 820 hours

Each  icon is equal to 20.7 volunteers.
Attorneys are represented through the Green Figure.
Law Students and Other Volunteers are represented through the Grey Figure.

SIGNIFICANT COLLABORATIONS

LJP works in collaboration with other local and national civil rights litigation groups on an ongoing basis. Some of our collaborators include the Advancement Project, Dominicanos USA, Demos, AALDEF, the NY Immigration Coalition, the Immigrant Defense Project, the Center for Law and Social Justice at Medgar Evers College, and the NAACP LDF, among many others.

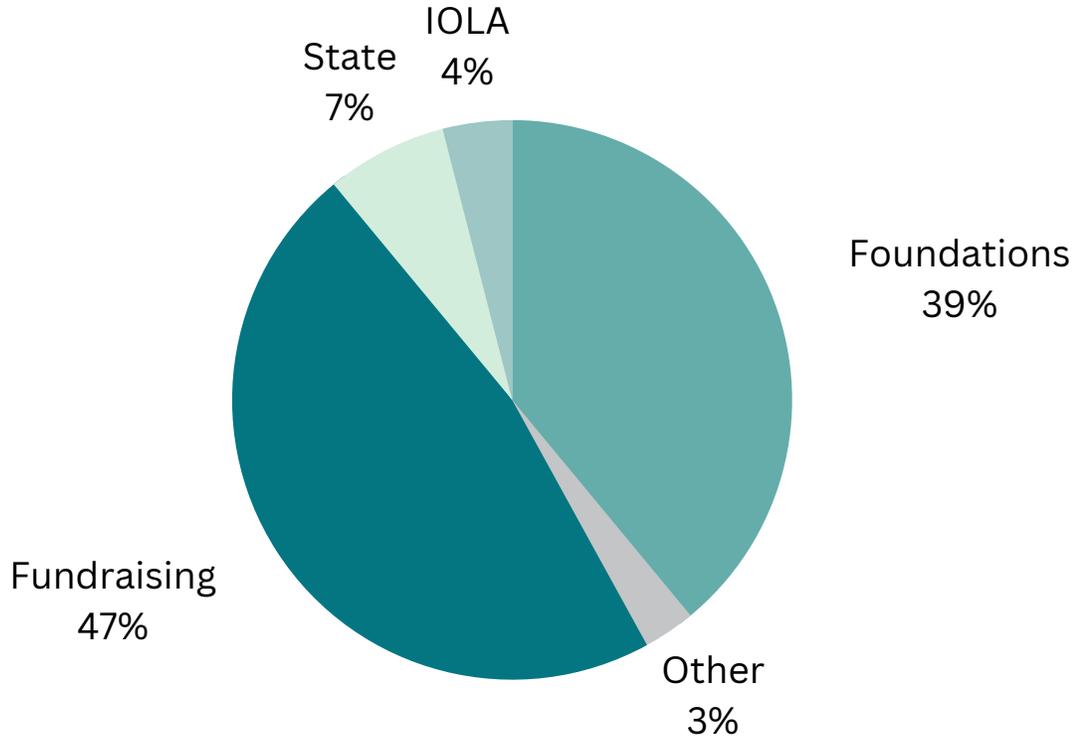
We also partner with community-based organizations such as the Hispanic Federation, Worker Justice Center of New York, Catholic Charities Community Services and Rural Migrant Ministries in upstate New York. In the Suffolk County Police Department investigations, we partnered with a community organizer from Make the Road NY who helped to identify victims who were afraid to come forward and speak out against the SCPD officers. We work with the New York Immigration Coalition, Suffolk County New York Civil Liberties Union, SEPA Mujer, and Long Island Jobs with Justice.

We continue to participate in the Post-Shelby County Voting Rights Litigation Working Group which was formed to undertake activities to prevent or deter as many discriminatory voting practices from being implemented or enacted as possible through litigation and pre-litigation investigation and advocacy in jurisdictions formerly covered under Section 5 of the Voting Rights Act. Our partners in this effort include the Mexican American Legal Defense and Educational Fund, Demos, AALDEF, NYU Brennan Center for Social Justice, and the NAACP Legal Defense and Education Fund. LJP's work in this effort is centered on requisite language assistance mandated by the Voting Rights Act in New York and Florida.

We also work in collaboration with many law firms that serve as pro bono co-counsel on pending litigation as well as providing legal research. The law firm of Milbank Tweed was an essential partner in our recent settlement agreement challenging the racially biased policing practices of the SCPD. Other law firm pro bono collaborators include: Outten & Golden, Winston & Strawn, Arnold & Porter, Emery Celli, Baker Hostetler, Clifford Chance, and McDermott Will & Emery. These firms often assign a partner to the case, co-counsel on strategy and brief-writing, take depositions, participate in discovery and trials, and assume responsibility for filing and serving. Partnering with firms is a strategy that enables us to bring far more litigation than we would be able to do with our staff alone.

SOURCES OF FUNDING

LatinoJustice PRLDEF received
\$2,686,742
in total funding this past year



IOLA Grant	\$102,500
Foundations	\$1,045,000
Fundraising	\$1,276,414
State Funding	\$187,828
Other	\$75,000
Total	\$2,686,742