

LATINOJUSTICE PRLDEF

**2023 – 2024
Report**

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.

Policing Reform: In recent years, LJP has deepened its decades-long commitment to supporting criminal legal system reform. Our past litigation resulted in the curtailment of “Stop & Frisk” in New York City and unconstitutional home raids by ICE in Nassau, Suffolk, and Westchester Counties.

Our policing accountability work is changing the landscape in Long Island and New York City. In *Plaintiffs 1-20 v. Suffolk County*, a class action challenge to the Suffolk County Police Department's “stop and rob” scheme to target Latino drivers and pedestrians for stops, tickets, and even theft, we vigorously litigated against the county's racial profiling in federal court for eight years. In July 2023, we won a groundbreaking settlement, which provides injunctive relief that increases police accountability as well as \$1.5 million in damages for 20 individual plaintiffs. We are currently monitoring the settlement's numerous reform provisions through community outreach and data analysis. Also in July 2023, we filed *Central American Refugee Center v. Nassau County*, a challenge to the Nassau County Police Department's discriminatory failure to provide services to limited English speakers. As with our workplace justice advocacy, this work is done in partnership with individual New York residents, local community groups, and organizing coalitions who inform the direction of our legal advocacy and



Service Area: New York State

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

Staffing Full Time Equivalents:

Total Staff: 45 Lawyers: 20

Paralegals: 1 Others: 24

help ensure that any changes won in court are implemented on the ground.

LJP continues to litigate on behalf of our clients in *Orellana-Castaneda v. Suffolk County Sheriff's Office*. This complaint, filed in 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. Oral arguments are scheduled to take place in the Eastern District of New York on June 26, 2024.

Equal Access to Education: In *Chinese American Citizens Alliance of Greater NY v. Adams*, we represent 11 individuals and several community-based partners who support efforts by the NYC Department of Education to improve diversity at NYC's specialized high schools. Plaintiff parents and student groups sued NYC to stop admissions criteria emphasizing socioeconomic factors, which the Department of Education instituted for its summer Discovery program, in a modest effort to help Black, Latino, and low-income Asian American students gain access to schools like Stuyvesant, Bronx Science, and Brooklyn Tech. SDNY Judge Edgardo Ramos denied plaintiff's motion for a preliminary injunction, and later granted summary judgment to the NYC DOE. LJP and its partners represent defendant intervenors—Hispanic Federation, Teens Take Charge, DRUM, and Coalition for Asian American Children & Families, as well as individuals. The case is currently on appeal before the Second Circuit. Oral argument was held on June 14, 2023, and we await the panel's decision.

Voting Rights: As part of our cutting-edge work in voting rights, on February 7, 2024, LJP filed the second-ever case to enforce New York's John R. Lewis Voting Rights Act, which was enacted by the state legislature in 2022, with our support. In *New York Communities for Change v. Nassau County*, we represent a multi-racial coalition of plaintiffs, including several individuals and organizational clients who are challenging Nassau County's legislative maps, which dilute the Black, Latinx, and Asian vote. This case, which is in expedited discovery in preparation for local elections in 2025, is the first single-district challenge under a state voting rights act in the country.

Workplace Justice: We have revitalized our outreach on workplace justice, developing a variety of workplace justice materials, including flyers and presentations on wage theft, occupational safety, and discrimination. We deepened relationships with existing partners and forged new collaborations with churches, organizers, and community advocates who seek to educate themselves and their neighbors in pathways to enforce their rights.

DIRECT LEGAL SERVICES

Funes v. Berkeley Educational Services et. al. (Employment):

Discovery continues in this action against a for-profit college for condoning a gender-biased and sexually hostile work environment. On March 10, 2021, LJP 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 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.

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. Summary judgement will be briefed in August 2024.

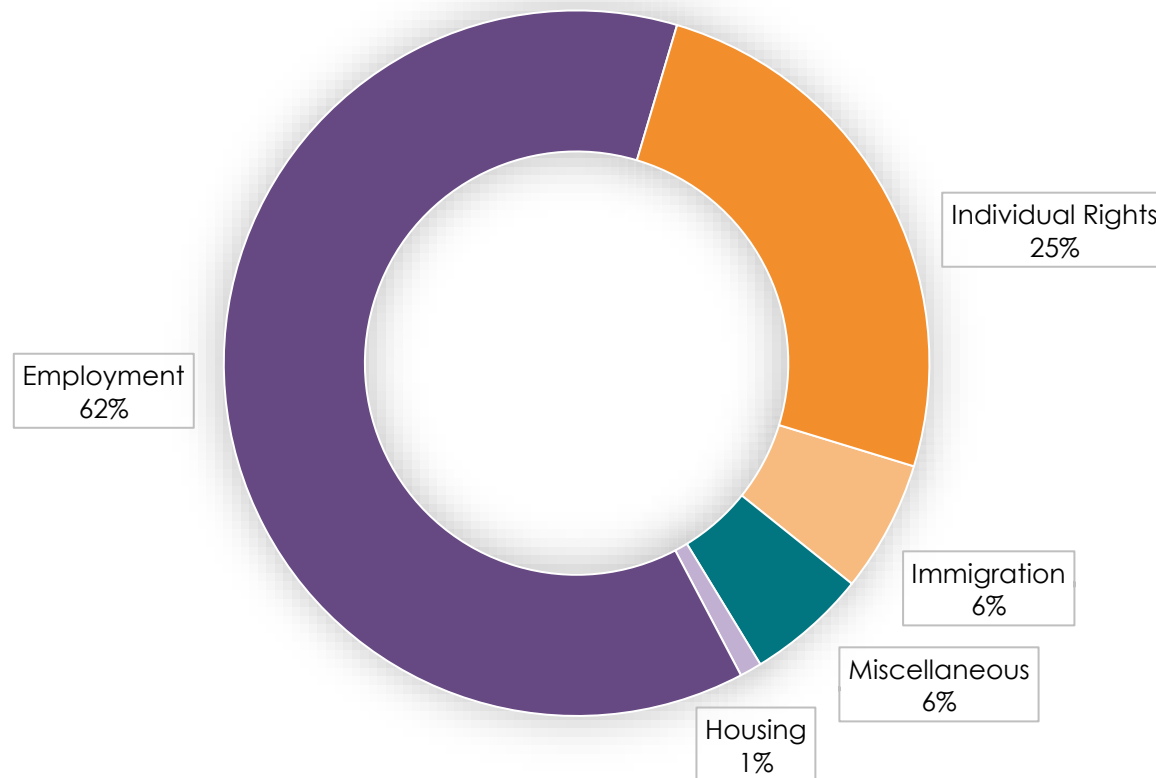
296

people
benefited
from

200

legal cases
closed

CASES BY LEGAL PROBLEM AREA



Fossella v. Adams (Voting): LJP has led the multi-racial coalition working to preserve the landmark New York City Municipal Voting Law. In *Fossella v. Adams*, on behalf of nine immigrants whose rights to vote would be lost if the law was overturned, we intervened in a lawsuit filed by partisan actors in the Richmond County Supreme Court. We appealed our loss in the trial court and held oral argument on appeal in June 2023. In February 2024, the Appellate Division of the Second Department issued its 3-1 decision upholding much of the trial court's decision and ruling that the Municipal Voting Law, while it did not violate state election law, did run afoul of the New York State Constitution. We are appealing that decision and will continue advocating for the right of non-citizens to vote in local elections.

M.Q. V. United States. (Immigrant Rights): In this Federal Tort Claims Act case against ICE, we are alleging medical neglect, abuse of process, and intentional infliction of emotional distress. M.Q. suffered physical and medical mistreatment while in ICE detention in Rensselaer County, followed by re-detention in Orange County in retaliation for speaking out. After filing an administrative claim for damages with ICE, M.Q. filed suit in federal court in the S.D.N.Y. A second administrative claim has now gone through the required administrative process, and we are planning to file our amendment soon.

OTHER LEGAL-RELATED SERVICES

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, and for their very presence in the country. A host of factors—unfamiliarity with the legal system, language barriers, fear of disclosing immigration status, and limited financial resources—make it nearly impossible to obtain legal assistance and representation and assert their legal rights.

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. 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 have experienced discrimination or hate crimes. Our community education efforts served approximately 14,296 directly during the grant period.

LJP regularly provides Know-Your-Rights training on a variety of issue areas, including voting rights and economic justice. During the grant period, among the trainings we conducted were:

- April 2023: LJP participated in the Your Vote Matters Symposium and presented to 20 attendees
- May 2023: LJP presented on our cases on Long Island at an in-person presentation in Hempstead, NY to 20 attendees
- July 2023: LJP participated in the Language Access Town Hall in Freeport, LI to 20 attendees.

14,296

people
benefited
from
**Community
Legal
Education**

13,955

people
benefited
from
**Pro Se
Assistance**

IMPACT CASES

Case 1: Trabajadores Por Igualdad (“TPI”) v. Nassau County Parks Department

In *Trabajadores Por Igualdad (TPI) v. Nassau County Parks Department*, a group of 23 seasonal workers for the Nassau County Parks & Recreation Department worked for the county for years without access to benefits or paid time off, and several have been denied promotions to permanent positions. The Equal Employment Opportunity Commission (EEOC) has been investigating our charges for three and a half years. 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.

Case 2: Ligon v. City of New York (S.D.N.Y)

LJP continues in our crucial role in the joint remedial process for New York Police Department reform. In *Ligon v. City of New York*, the monitor released a report criticizing the NYPD for continuing to conduct “clean halls” patrols, rejecting the NYPD’s claim that it has complied with court orders. We are in discussions with the monitor about the NYPD’s proposed compliance plan.

All Impact Cases

- Plaintiffs #1-21 v. County of Suffolk, et al
- Orellana-Castaneda v. Suffolk County Sheriff's Office
- Ligon v. City of New York
- Fossella et al. v. Adams et. al
- Christa McAuliffe Intermediate School PTO. et al. v. DeBlasio, et al.
- Tenecora et al. v. Ba-Kal Rest Corp. d/b/a Princess Diner
- Trabajadores Por Igualdad (“TPI”) v. Nassau County Parks Department
- 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
- 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
- LatinoJustice v. Port Washington Police

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. A separate project is underway with the goal of migrating all the content from LJP's legacy server into the Microsoft cloud, so that we can bring all organizational files to seamless cloud integration. This stage will be paired with an update to our technology policies and corresponding training.



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 among staff members, collaborators, and partner communities.

Our legal team is also preparing to switch to a new case management software, LegalServer. This program will enable us to more effectively track and document our full range of cases, with software specifically tailored to both individual and impact work. 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, train staff in using the software, and ensure a smooth transition. We have formally adopted the software as of April 2024.

Our People & Culture department has also upgraded their operating systems, and migrated from GoCo to ADP Workforce Now, which is LJP's new HRIS system. This update provides ADP's robust system technology to our People & Culture team and brings a new level of integration with our existing payroll module and data sync with our ancillary benefits management platform.

IOLA TECHNOLOGY GRANT

As noted previously, our legal team is preparing to switch to a new case management software, LegalServer. The Technology Grant provided essential support that enabled us to adopt this much-needed software. LJP wanted to adopt this type of software but would have had to use other general operating support to purchase it, thereby decreasing resources that could be applied to programs. This grant meaningfully supported LJP's strategic technology goals.

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.

42attorneys volunteered **3,700** hours**12**law students volunteered **3,250** hours

SIGNIFICANT COLLABORATIONS

Civil Rights Litigation Groups: 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.

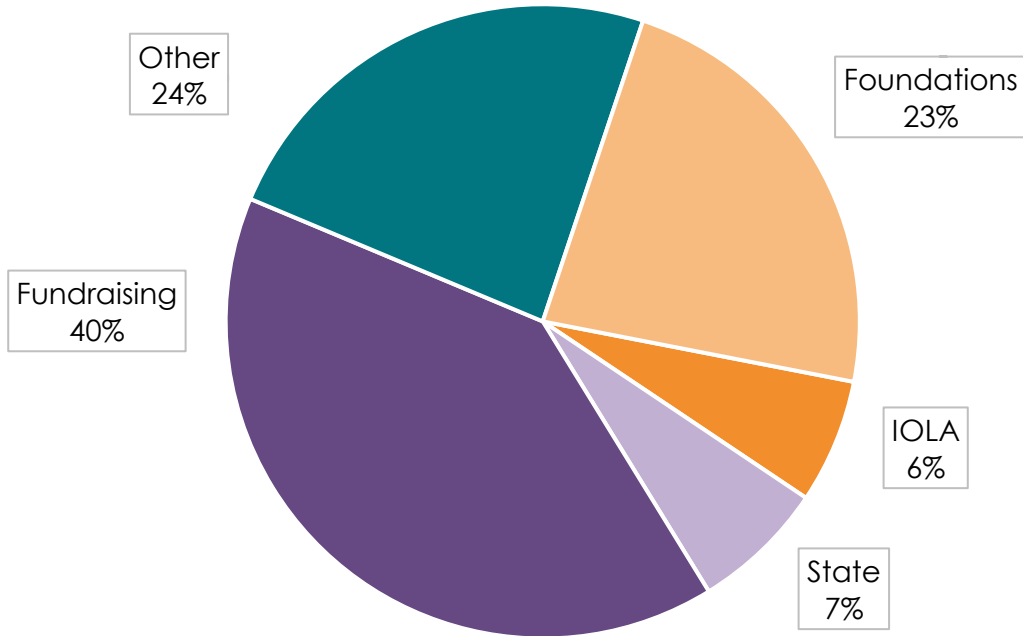
Community-Based Organizations: We also partner with community-based organizations such as the Hispanic Federation, Worker Justice Center of New York, Catholic Charities Community Services, and Rural Migrant Ministries in upstate New York. In the Suffolk County Police Department investigations, we partnered 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.

Post-Shelby County Voting Rights Litigation Working Group: 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.

Law Firms: We also work with many law firms that serve as pro bono co-counsel on pending litigation and provide legal research. For instance, 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.

CIVIL LEGAL SERVICES FUNDING

\$ 2,834,760



IOLA Funding	\$ 179,818
City & County Funding	\$ 193,463
Foundations	\$ 650,000
Fundraising	\$ 1,136,479
Other Funding	\$ 675,000