

LEGAL MOMENTUM

**2023 – 2024
Report**

OVERVIEW OF ACHIEVEMENTS

Since 1970, Legal Momentum has played a critical role in securing, expanding, and defending women’s rights nationwide. Our legal expertise in advancing civil rights and gender justice has enabled us to advance our pillars: eliminating gender-based violence, promoting workplace equality and economic justice, and advancing reproductive justice. Through our high-impact litigation, legislative advocacy, amicus briefs, helpline, educational know-your-rights resources, and education initiatives, we promote and protect the rights of women and girls, especially immigrant women, women of color, low-wage workers, and survivors of domestic violence.

We achieved significant progress during this reporting period. Legal Momentum’s Syms Gender Equality Helpline provides support and targeted referrals to callers seeking guidance and representation on issues involving discrimination, gender-based violence, and reproductive rights. We received 71 telephone inquiries which resulted in 236 referrals. The number of referrals surpasses the number of intakes due to our commitment to providing New York callers with extensive referrals tailored to their identified issue areas. We do not limit the number of referrals per caller. Moreover, callers often present complex circumstances, with overlapping needs such as food or housing insecurity alongside their quest for legal representation.

Our current impact litigation cases involve issues of nonconsensual drug testing during pregnancy, including litigation in New York and employment discrimination based on status as a survivor of domestic violence. We partnered with pro-bono and public interest law firms to strategize and advocate for our clients, resulting in significant advancements in cases.

In one of our nonconsensual drug testing cases, our efforts led the New York State Division of Human Rights to find probable cause for our



Service Area: New York State

Population Served: Low-income women

Staffing Full Time Equivalents:

Total Staff: 10.88 Others: 6

Lawyers: 4.88

discrimination allegations against a private hospital, the Office of Children and Family Services, and the Administration for Children's Services.

Our legislative advocacy efforts include strengthening workplace protections for women in low-wage work, advancing pay equity through pay transparency, enhancing employment protections for survivors of domestic violence, enacting an equal rights amendment that covers gender-based constitutional protections, and combatting nonconsensual drug testing of pregnant people.

In collaboration with PowHer's New York Equal Pay Campaign, we enacted groundbreaking pay transparency laws in New York City and New York State requiring employers to disclose pay ranges in any advertisement for a job, promotion, or transfer opportunity. We also partnered with the office of New York City Councilmember Selvina Brooks-Powers to draft amendments to strengthen New York City's pay disclosure law. Our pay transparency work in New York has built momentum in other states, like Maryland, demonstrating our national impact on the broader economic justice movement. Moreover, we drafted amendments to strengthen existing New York State workplace protections for survivors of gender-based violence, which were recently introduced in the NY state legislature.

We also began working with Congresswoman Dingell's office to guide the reintroduction of the Security and Financial Empowerment (SAFE) Act, to enact similar workplace protections for survivors at the federal level. We are also working with the NYS Attorney General's office to assist in its investigation of hospital "test and report" practices of pregnant patients across NYS. We also joined the following amicus curiae briefs: *Anders, et al. v. California State University, Fresno*, *U.S. v. Rahimi*, *Doe v. Horne*, *People v. Harvey Weinstein*, *Benzor Shem Vidal v. Advanced Care Staffing, LLC*, *The People of New York State vs. Harvey Weinstein, Carlos M., et al. minors Depart. Of Children and Family Services, Respondent, v. L.C. Appellant*, *U.S. Food & Drug Administration, Et al., Petitioners v. Alliance for Hippocratic Medicine*, *Brenda Evers Andrew v. Tamika White*, and *Idaho v. United States* and *Moyle v. United States*.

Our current programming includes the Worker Empowerment Collaborative (WEC), prioritizing the unmet needs of the most underserved women in New York—including women of color, immigrant women, women in low-wage jobs, and survivors of gender-based violence—through targeted legal education and advocacy, and Rights Now, a legal education program for youth.

OTHER LEGAL-RELATED SERVICES

In addition to conducting impact litigation challenging gender and sex-based discrimination, we also offer community legal education services, web-based assistance, and resources for workers and labor advocates. Our programming has included the award-winning National Judicial Education Program (NJEP), which provides guidance and training for federal, state, local, and tribal judges, and justice system professionals to learn about gender bias as a factor in civil, criminal, family, and juvenile law, and how to prevent it. NJEP offers resources, model judicial education curricula, and interactive online courses.

5,244

people
benefited from
**Community
Legal
Education**

Rights Now! Program: Moreover, Legal Momentum’s Rights Now! Program, currently in its seventh year, empowers youth aged 16-24 to educate their peers about their legal rights regarding racial and gender-based discrimination through a series of workshops on Title IX, healthy relationships, internet safety, and workplace protections. This summer, with the collaboration of several youth-based organizations, Rights Now peer educators plan to deliver seven workshops throughout New York City to an estimated 70 participants.

Legal Information: Furthermore, through the WEC, funded by IOLA, we have been able to provide comprehensive legal information regarding legal rights and protections in four key areas: discrimination, fair compensation, the ability to work and care for family, and workplace health and safety to individuals, particularly women, in low wage sectors and the informal economy like hospitality, agriculture, construction, street vending, and domestic work.

Worker Protection Resources: In November 2023, the Worker Justice Project in Brooklyn invited our Legal team to discuss our worker resource, “Women, Know Your Rights at Work!” during their OSHA training for 35 newly arrived immigrant women, equipping them with the tools to identify and address workplace violations as they enter the workforce. Furthermore, this winter, we developed a resource guide including workplace protections and strategies for addressing workplace rights violations for domestic workers. We obtained feedback from community-based partners who serve domestic workers in NYS and plan to distribute this resource to domestic workers with the help of our community partners and solicit additional feedback from workers to incorporate in future iterations. This guide, along with The Next Step

in the Fight for Pay Equity brief and our Understanding Your Right to Pay Equity in New York! guidance are examples of new materials we developed during the reporting period. Lastly, our guides and resources, such as the Working Woman’s Bill of Rights, Women, Know Your Rights at Work!, Transparency Pays: Guidance on Enacting Pay Transparency Legislation, Lessons Learned from New York, the Legal Toolkit for Women’s Economic Equality, and more are available to download on our website and have been accessed an estimated 400 times during the reporting period. Our legal staff have had numerous media opportunities highlighting our expertise across print news media, television, and the publication of opinion pieces.

IMPACT CASES

T.G. v. Hospital: Case involving non-consensual drug testing during pregnancy and reporting to child protective services. Our goal is to eliminate the practice whereby medical providers non-consensually drug test pregnant patients and report patients with positive toxicology results to child protective services for child abuse and maltreatment. This type of drug testing practice, which targets women and not men, disproportionately impacts women of color, and exposes pregnant patients to criminal or civil penalties, such as incarceration, involuntary commitment, loss of custody of their children, or loss of housing. The practice undermines reproductive rights in that it embraces fetal personhood and encourages policing and surveillance of pregnant persons based on conduct during pregnancy before a child exists.

We represent the plaintiff, who was drug tested without her knowledge or consent while seeking prenatal care and while in labor, and was subsequently reported to child protective services based on a positive toxicology result alone, absent any indication of actual child abuse, neglect, or maltreatment. The New York State Division on Human Rights determined probable cause for discrimination against all parties. We have pre-hearing settlement demand, and the NYS Division of Human Rights held a 1-



hour conference in February. Though the case is not resolved, we have continued to individually confer with all parties.

Moreover, the issue of non-consensual drug testing of pregnant patients has garnered increased attention in New York and across the U.S. The New York State Attorney General's office began investigating allegations of non-consensual drug testing this spring. Lawmakers in California have introduced legislation barring the practice of drug-testing pregnant patients without their explicit consent, except when deemed medically necessary.

V.R. v. Employer. and Z.C. v. Employer: These cases involve employment discrimination based on the client's status as a victim of domestic violence. Domestic violence often impacts a survivor's employment and financial stability, due to the impacts of physical, emotional, and economic abuse, and the need to take time off for court, moving, medical care, or establishing a new child care arrangement. Employers are often unaware that New York State and City law protect victims of domestic violence from discrimination in the workplace and afford victims reasonable accommodations based on their status to address the abuse. Our goal is to enforce these protections and to enhance and expand employment protections for survivors of domestic violence by bringing attention to this issue among employers and the public. V.R. v. Employer is pending before the New York City Commission on Human Rights.

Z.C. v. Employer: In Z.C. v. Employer, the plaintiff is a survivor of domestic violence whose employer denied her requested reasonable accommodation and retaliated against her for seeking workplace protections. Our legal team has drafted a complaint we plan to file with the New York City Commission on Human Rights.

TECHNOLOGY

We have made notable efforts to optimize our existing technology infrastructure and reflect on opportunities for future improvements during the reporting period. During the pandemic, many organizations transitioned to remote and/or hybrid work, and we have remained hybrid. Our team works in person at least two days per week. Because we understand that our technology and communications infrastructure play a key role in our ability to maintain workflow, we began the migration process to transfer our data and file storage system from a local server to Microsoft Sharepoint, streamlining collaboration, enhancing data accessibility, and boosting organizational productivity. With the help of the 2023 IOLA Technology Grant, we were able to take the first step in a longer-term process to modernize our systems. The next step is to transition from our local network server to Microsoft Intune Endpoint Management.

IOLA TECHNOLOGY GRANT

The technology grant funding enabled us to improve and upgrade our information management systems. This funding played a crucial role in identifying and addressing our cybersecurity risks while replacing our outdated digital file storage system. In September, we began migrating our data and file storage system from a local server to Microsoft Teams to streamline collaboration, enhance data accessibility, and boost organizational productivity. Working closely with our contracted IT specialists, Dega Systems, we ensured data integrity and security throughout this transition. Dega also configured Microsoft Teams to replicate the existing file structure and permissions and designed and provided comprehensive user training and support to facilitate a smooth transition to our new system.

PRO BONO VOLUNTEERS

We recruit pro bono attorneys by leveraging our extensive network of advocacy groups, legal aid organizations, law firms, global pro bono legal services platforms like Trust Law and Paladin Law, and esteemed members of our board of directors, which includes partners and attorneys at leading law firms.

Additionally, we maintain collaborative partnerships with other firms and legal experts with whom we consult on various cases and help conduct legal research that informs our advocacy and legislative priorities. For example, one of our pro bono partners conducted research on

17attorneys volunteered **477** hours**1**law student volunteered **10** hours**1**other volunteer volunteered **152** hours

state gender-based constitutional protections as well as anti-abortion provisions within state constitutions and legislations in the wake of the *Dobbs v. Jackson Women's Health Organization* decision. Another one of our pro bono partners developed a 50-state guide specifying existing state laws that relate to the drug testing of pregnant patients and reporting of pregnant patients to CPS based on positive toxicology results, and recommendations to challenge non-consensual drug testing of pregnant patients.

We recruit one to four legal and non-legal interns each year through our connections with local law schools and the help of job boards like Idealist, pslaw.net, and Simplicity. Our interns are instrumental in advancing our mission of advocating for gender equality, especially in our policy development and legislative advocacy work. For instance, last summer, our interns researched and analyzed equal protection claims under Section 1983, a federal law that allows legal action against a government actor or entity for alleged violations of constitutional rights and assisted with our comment on proposed changes to HIPPA privacy rule to support reproductive health care policy. Throughout their internship, we conduct frequent check-ins, review their work, and provide timely feedback.

SIGNIFICANT COLLABORATIONS

We have partnered with several community-based organizations, coalitions, and task forces to design and implement our education and training initiatives, and our efforts in policy and legislative development. The Worker Empowerment Collaborative (WEC), funded by IOLA, aims to develop a worker-led legal rights training and curriculum driven by the needs and insights of New York women in low-wage occupations, is underway.

WEC Information Sessions: We have partnered with organizations throughout the state, like the Workers' Center of Central New York, the Worker's Justice Project, the Restaurant Opportunities Center, African Services Committee, and the Central American Refugee Center, to host WEC information sessions and five worker focus groups since December 2023. The insights we glean from the focus groups will inform the legal training and curriculum as well as help our legal team identify often overlooked aspects of workplace discrimination faced by women in low-wage work in New York.

Rights Now! Collaborations: Additionally, Rights Now!, our peer-led legal education program for youth aged 16-24, partners with several schools and youth-focused organizations, like the High School for Law and Public Service, The Door, and Women for Afghan Women, to

provide legal education workshops about healthy relationships and teen dating violence, internet safety and online sexual abuse, and workplace protections to youth, particularly girls and young women of color, throughout New York City.

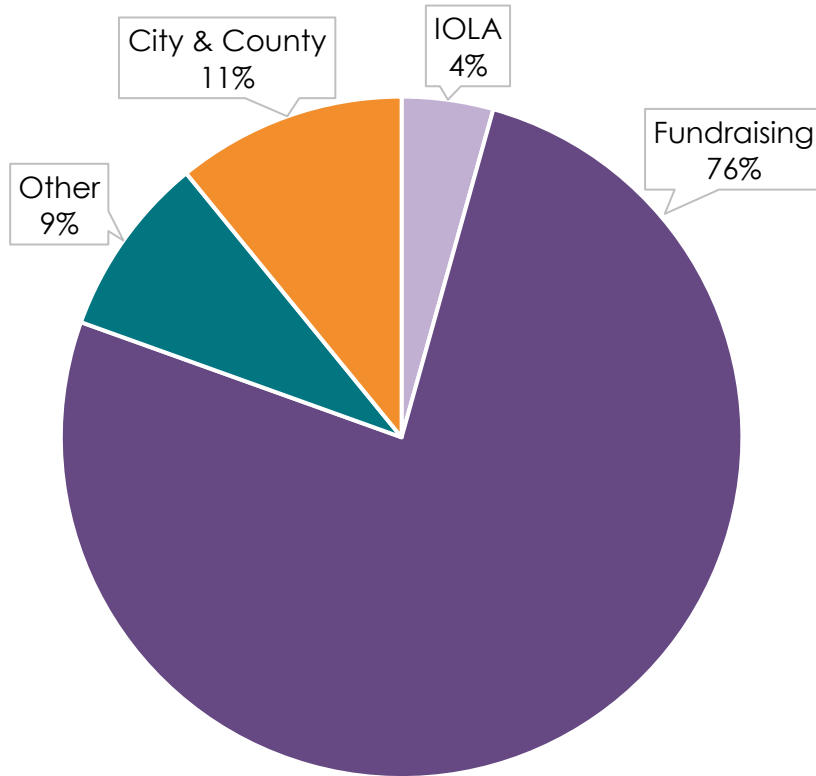
Employment Protection Collaborations: Furthermore, in November 2023, we submitted public comment on the NYS Department of Labor’s proposed pay transparency regulations along with PowHer New York, the Communications Workers of America, and the National Employment Lawyers Association New York. In early spring, we collaborated with PowHer New York and Community Service Society to plan ‘The Next Step in the Fight for Pay Equity,’ a panel event to discuss the existing wage gaps for New Yorkers and strategies for advancing pay transparency in New York. In our work on employment protections for survivors of domestic violence, Legal Momentum collaborates closely with Futures Without Violence, with whom we will update our state guide for employment rights for survivors of domestic violence. On this issue, we also work in coalition with many survivor-serving organizations to produce model legislative language and best practices. Additionally, we work closely with PowHer New York to advance pay equity legislation in New York State, and we are engaged with the NYS coalition to enact the NYS Equal Rights Amendment.

Women’s Health Collaborations: Lastly, we submitted testimony on addressing disparities in women’s health and are actively working with the American Civil Liberties Union (ACLU) of New Jersey, the New York Civil Liberties Union (NYCLU), and the Family Justice Law Center to develop a federal litigation strategy to challenge the practice of non-consensual drug testing of pregnant women and the reporting of women to Child Protective Services.

Coalitions: Furthermore, we participate in numerous national coalitions, including the National Task Force to End Domestic Violence, Equal Pay Today, as well as other coalitions to enact paid leave, address workplace harassment, and advance gender equity generally.

CIVIL LEGAL SERVICES FUNDING

\$ 1,965,185.37



IOLA Funding	\$ 85,323.24
City & County Funding	\$ 214,031.43
Fundraising	\$ 1,496,373.48
Other Funding	\$ 169,457.22