

New York City News

NATIONAL LAWYERS GUILD – NYC CHAPTER



SPRING 2023

NLG-NYC Legal Observers Win Judgment Against City

INSIDE THIS ISSUE:

PAGE 2:

Veterinarians Against
Ventilation Shutdown

PAGE 4:

Executive Committee Members
Erica Johnson & Garrett Kaske

PAGE 5:

Executive Committee Members 2023

PAGE 7:

Labor and Employment Committee
Update

PAGE 8:

Executive Committee Member
King Downing
Obituaries

PAGE 9:

Fall Ball in Pictures

PAGE 10:

Remembering Haywood Burns
Haywood Burns Fellows

PAGE 11:

Member News

PAGE 13:

Guild in Action

PAGE 17:

Brief History of Handschu

PAGE 20:

Can Artificial Intelligence Bridge the
Access to Justice Gap?



June 4, 2020 “FTP4” protest in Mott Haven, Bronx.

BY CHRISTINE DRISCOLL

On July 22, 2022, twelve volunteer NLG-NYC Legal Observers (“LO’s”) accepted a money judgment against the City of New York in *Krystin Hernandez, et al. v. City of New York, et al.*, 21-cv-07406 (CM)(GWG). This was one of many federal civil rights lawsuits consolidated for pre-trial purposes in the US District Court for the Southern District of New York arising from what Human Rights Watch called a “planned assault” by the NYPD on a summer 2020 “FTP4” (F**k the Police) protest in the Mott Haven neighborhood.

In their initial statement to the press, Plaintiff Attorneys, Gideon Orion Oliver and Elena L. Cohen made clear how the NYPD’s conduct takes aim at the most basic speech rights:

“After days of sustained protests—and brutal NYPD response—in the wake of

the May 25, 2020 police murder of George Floyd in Minneapolis, MN, NYPD members planned and executed a violent attack on a protest in the Mott Haven area of the Bronx, trapping and arresting protesters without giving them warning and a meaningful opportunity to disperse. Each Hernandez Plaintiff was volunteering as a NLG-NYC Legal Observer at that protest when they were kettled and arrested along with the protesters. NYPD Legal Bureau Sergeant Kenneth Rice, a police lawyer on the scene, was captured on video directing or authorizing the arrests, many of which were sudden and violent. In some cases, NYPD members took or destroyed Legal Observers’ confidential notes. Most were handcuffed and detained between around 20 and 40 minutes before police took pictures of their identification and released them.”

Each LO received a federal judgment against the City of New York between \$2,501

continued on page 8

NATIONAL LAWYERS GUILD

NEW YORK CITY NEWS

EDITORIAL BOARD

Michael Fahey
Elba Galvan
Susan C. Howard
Garrett Kaske
Joel Kuperman
Ann M. Schneider
Graphic Design:
Judith Rew

PRESIDENT

Andrew Sawtelle

VICE PRESIDENTS

Milad Momeni
Marc Ramirez

TREASURER

Miles Ashton

EXECUTIVE COMMITTEE

Tamara Bedić
Ethan Chiel
King Downing
Stephen Ferrante
Aaron Frishberg
Elba Galvan
Erica Johnson
Garrett Kaske
Joel R. Kuperman
Daniel L. Meyers
Michael O'Hara
Collin Poirot
Ann M. Schneider
Franklin Siegel
Martin R. Stolar
Marc Walkow

Representatives from
New York City Law
Schools

EXECUTIVE DIRECTOR

Susan C. Howard

Veterinarians Against Ventilation Shutdown

BY TAMARA BEDIĆ

Who is your veterinarian? How did you choose him/her? Unless your companion animal requires a specialist or emergency treatment, you probably choose your vet based on their proximity to your home, their value and their ability to convince you (the client) that they adore Fluffy or Rex.

But consider: your vet probably practiced surgical skills via terminal surgeries where the patient is killed instead of awoken after multiple unnecessary surgical procedures. About 80% of America's veterinary schools use healthy animals in terminal surgeries instead of models. Several schools purpose-breed animals to later subject them to invasive and terminal surgeries. Dogs and cats (from animal shelters, animal dealers and greyhound racetracks) are routinely killed as practice tools for vet students, hardening idealistic twenty-somethings to killing. Killing animals dispassionately is *de rigueur* for certain types of veterinary practice— e.g. vets who choose industrial farming, where clients are agribusiness and live animals are 'populations' numbering in the hundreds of thousands, not individuals. Students resistant to deliberately killing a patient will [receive an F--](#) - as Stephanie Fraissl did at Auburn University, in 2018.

The stress of killing healthy animals is the most demoralizing part of veterinary practice. Yet only 46% of veterinary students receive the [benefit of ethics instruction](#) to help them handle

the strain. Only six of 32 vet schools mandate an animal welfare class; only fourteen require an ethology class; and only 17 oblige students to pass a formal course on animal ethics. While these classes may prepare students for moral stresses of future companion animal practice, they rarely address moral dilemmas and emotional traumas endured in veterinary school itself. [Veterinarian mental health: The story of Lacey, and why I had to kill her. \(slate.com\)](#)

Moral stress intensifies post-graduation, when younger vets encounter employers who resist change: continuing to declaw cats, dock dogs' ears and tails, or remove vocal cords, for example. 80% of vet students are now women. Although their stronger beliefs in animal sentience may significantly impact veterinary practice ([Veterinary Students' Beliefs About Animal Sentience: What Role Does Gender Play?](#)), female veterinarians are more prone to burn out and are 3.5xs more likely to commit [suicide](#) than the general public, according to a 2018 [JAVMA](#) study.

Caught in the moral crosshairs are award-winning veterinarians like Dr. Crystal Heath. A beloved Bay Area veterinarian, Dr. Heath has provided hundreds of hours of free medical care to shelter animals as well as companion animals living in economically disadvantaged communities. She also volunteers abroad, providing low-cost spay and neuter. Dr. Heath's advocacy for animal welfare has not gone unnoticed... or unpunished.

continued on page 3



Attention: Veterinarians



Crystal Heath, a veterinary colleague and self-proclaimed animal rights activist, is presently active in veterinary social media groups

- *soliciting opportunities to shadow large animal colleagues or a USDA colleagues,
- *asking colleagues to converse with her about their large animal or USDA experiences via Zoom,
- *phishing with what appear to be innocuous questions designed to entrap colleagues.

Crystal Heath has an agenda that doesn't include anything positive for our profession.

Crystal Heath publicly expresses a fondness for Animal Liberation Front and Earth Liberation Front, a known and confirmed group of domestic terrorist organizations that operate in the shadows collecting data from unsuspecting sources.

Crystal Heath is a member of many Facebook groups, including but not limited to many veterinary specific groups, American Cattleman's Association, Angus Association, many 4-H pages, several CVM pages, several animal product pages, American Association of Swine Veterinarians, and many equestrian and equine sporting groups.

If you are active on any of these pages, you may be on the radar of dangerous animal rights activists.

WE RECOMMEND YOU BLOCK THIS PERSON, CRYSTAL HEATH.

You do not want her having access to anything on your profile.

You do not want her viewing any of your content in any mutual social media groups or platforms.

This message generated by Vigilant Administration of Veterinary Social Media Groups



AVMA Hill Visits
To: Crystal Heath >

10:19 AM

AVMA 2023 Legislative Fly-In

The Fly-In is an opportunity for the AVMA to share the profession's legislative priorities with members of Congress. For the Fly-In to be a success, it is very important that those participating be able to fully support the AVMA's positions on the two or three key issues we will be discussing with legislators and staff. AVMA's positions are the result of very careful deliberation by our volunteer leadership and reflect input from across the profession.

Unfortunately, your recent actions and advocacy suggest it is very unlikely that your perspective and the AVMA's on these key issues will align. While we fully respect your right to your own views, conflicting messages could undermine our advocacy efforts. Our intent is not to exclude you from all AVMA events. However, it is essential that the AVMA be able to conduct events, like its Fly-In, in the manner we believe is most likely to be productive and effective.



continued from page 2

A former 4-Her from rural California, Dr. Heath's interest in farm-animal welfare remains keen. When she critiqued mass-induced heatstroke (commonly called 'ventilation shutdown') on her social media, several colleagues suggested she shadow a livestock veterinarian to gain industry's perspective. When she sought such opportunities, however, the anonymous meme (above, left) was circulated to all her social media groups. It falsely accused Dr. Heath of "phishing" for data to "entrap" colleagues, and of "expressing fondness for Animal Liberation Front and Earth Liberation Front." Facebook Group administrators who received the meme banned Dr. Heath from multiple veterinary Facebook groups.

Two years later, Dr. Heath continues to be ostracized for advocating against heat stroke-based killing methods. Although she is a paying member of AVMA, she was disinvited and barred from the Cargill-sponsored Humane Endings conference (Jan. 27 – 29th) as well as AVMA's April Legislative Fly-In. The AVMA's rationale for this recent disinvitation appears above right.

Dr. Heath is not the only vet being silenced and excluded. Despite having no history of disruption, violence, or arrest, DVMs Castillo, Reyes-Illg and several others also received emails saying they 'could not be accommodated'. All were current in their AVMA memberships when they registered and when they were disinvited.

What doctors Heath, Reyes, Castillo and other (mostly-female) veterinarians share is a desire to ethically upgrade their profession; including having the AVMA reevaluate gruesome (but legal) mass-killing methods initiated during Pres. Trump's administration and continuing into Biden's. These killing methods include inducing heatstroke in chickens and sows, subjecting them to prolonged fear, nausea, heat distress and breathlessness before losing consciousness. The industry euphemism for mass-induced heatstroke is ventilation shutdown. Unregulated, cheap and fully indemnified by federal dollars, it has quickly become BigAg's default method of mass killing entire barns of sick and healthy animals alike. [The Rise of Heatstroke as a Method of Depopulating Pigs and Poultry: Implications for the US Veterinary Profession.](#)

Why mass kill 10 million healthy sows, dump them into shallow pits and raise

the price of pork? Economic expediency. Transportation to slaughterhouses became irregular and expensive in 2020, slaughterhouse employees were ill with COVID, and slaughter speeds reduced. Pigs stayed on site, eating ever more expensive feed. Rather than pay to have pigs stunned, shot or gassed humanely, BigAg found it cheaper to kill sows en masse in the same barns where they were raised, by hiking temperatures to a scorching 165.2°F (the temperature at which meat is considered safe to eat), while they were still alive. Sows cried for nearly three hours while their skin burned; their piercing squeals secretly taped by Direct Action Everywhere [Investigator Matt Johnson](#) who was subsequently charged with eavesdrop-ping by Iowa Select Farms, under Iowa's third Ag-Gag law. The [2.5 hour audio](#) is the stuff of nightmares.

Urging the AVMA to prioritize animal welfare over commercial expediency, U.C. Davis ethics professor Barry Kipperman, opined that ["the veterinary profession should not condone killing animals by heatstroke"](#). Members of [Our Honor, Veterinarians Against Ventilation Shutdown and over 2,900 Veterinary Professionals & Advocates](#) proposed that the AVMA join UK and EU veterinary societies by "reclassifying ventilation shutdown as a 'non-recommended' method of killing." AVMA members submitted petitions on three separate occasions.

stances" were defined but not met, that might jeopardize federal indemnification money reimbursing industry.

While [Veterinarians clash over mass killing](#) methods, welfare groups hope Congresswoman Jayapal re-introduces her [Transparency in Depopulation Act](#) which would list instances of depopulation on a public database, while excluding ventilation shutdown from federal indemnification funds. But with Republicans controlling the House, even Jayapal's modest proposal is unlikely to pass and—as of this writing-- she has not formally re-introduced the bill.

How much have mass-killing events cost American taxpayers? Below is an unredacted section of a USDA's *Appraisal and Indemnity Request Form* for one, 2022 instance of ventilation shutdown in New Castle, DE. When hens in Barn Two displayed HPAI symptoms, hens in *all nine barns* were roasted in the ensuing VSD. Question #11 details the requested reimbursement/ indemnity for 1,146,937 hens: \$3,750.00 + 5,000,000 + 700,000 = 9,450,000 (Nine Million, Four Hundred Fifty thousand dollars).

These are the issues we will deep-dive at our May webinar from Noon to 1:00PM ET: [Veterinarians Against Ventilation Shutdown](#). Joining us will be Congresswoman Jayapal, DVM Crystal Heath, activist Matt Johnson, Vox editor Martina Bolotnikova and

For Depopulation:	To be determined
For Disposal:	
	Removal of birds from houses for composting
11. Please indicate the approximate indemnity and or compensation being requested for this flock (for Owner and/or Grower):	
a. Indemnity (supplied by poultry team with number and age of birds):	\$3,750,000
b. Depopulation and Disposal:	\$5,000,000 (request NVS)
c. Virus Elimination:	\$700,000 flat rate est of \$3/cu yd & \$0.40/sq ft processing
(**A Field Reimbursement Specialist or Avian Indemnity Team member can assist with estimates)	

The AVMA increased the number of necessary signatories from 50 to 200, then sent the petition to a panel for consideration. That was two years ago. Meanwhile, the AVMA also refused to define what "constrained circumstances" would justify using VSD. If "constrained circum-

others.

Registration is free, via Eventbrite; please 'Follow' us to get notified when tickets become available:

https://Tamara_Bedic_NLGNYC.eventbrite.com

New Executive Committee Member Erica Johnson

BY ELBA GALVAN

Erica Johnson, a recently elected member of the Executive Committee, joined the NLGNYC more than a decade ago. Like so many, she became interested in the organization after seeing the ubiquitous bright green legal observer hats at protests. At the time, Erica worked for NYS tax & finance in Albany having graduated from SUNY Buffalo with a major in economics and geography and also earning her paralegal certificate. She was considering pursuing a dual program, MFA (for acting/directing) and JD. However, the high cost of graduate school loans deterred her. NLGNYC offered her a way to stay connected to the legal world while she contemplated her next steps.

As a child, Erica enjoyed drawing, fine arts, and creative writing. She joined her

high school's drama club and became more interested in the performing arts in college. She also took up photography during the pandemic, occasionally serving as a professional event photographer. For well over a decade, Erica has performed improv and stand-up throughout the country, including at the People's Improv Theatre. As a comedian, she understands the importance of audience interaction and the iterative process that comedy entails. She took a similar approach as a former co-chair of the Mass Defense Committee (MDC), prioritizing the input from committee members to develop resolutions organically. Erica is inspired by comics such as Eddie Murphy, Richard Pryor, Robin Thede, Issa Rae and Dave Chappelle. Her commitment to free expression remains constant, whether as an artist or a supporter of demonstrators.



Undoubtedly, Erica is making the most of New York's vibrant creative and activist communities.

New Executive Committee Member Garrett Kaske

BY ANN SCHNEIDER



New EC member **Garrett Kaske**, Long Island native and son of a plumber and a waitress, worked at Outten and Golden as a paralegal before graduating CUNY law school in 2013. Since April 2014, he has worked at Kessler Matura P.C. recovering unpaid wages for individuals, groups, and classes of workers. He has had some interesting cases, such as seeking unpaid wages on behalf of domestic workers of international socialite Baroness von Langendorff. Among his firm's recent cases is a suit alleging that Emblem, the big insurer, misclassified its Individual Insurance Sales Representatives and Marketing Sales Representatives to make them exempt from overtime.

He's also had the good fortune of supporting workplace-justice organizations by co-counseling with Make the Road New York and fundraising for Brandworkers. Garrett co-chairs the Chapter's L & E committee, which recently produced a CLE on impacts of the Dobbs decision on union healthcare funds and the rights of workers to be free from employer abortion-related discrimination. He is a father of two and enjoys the community life of Patchogue Village.

Executive Committee Members 2023

MILES ASHTON Miles is a private practice attorney focusing on protester defense and First Amendment issues. He has been a member of the National Lawyers Guild since his first year of law school at CUNY Law.

He is a past member of the NLG-NYC Executive Committee.

TAMARA BEDIĆ received her Master's degree from New York University and her JD from the University of Virginia. A life-long learner, she is returning now for a PhD.

Tamara has been a member of the NLG-NYC Chapter for ten years. She is Chair of the NYC Animal Rights committee and a member of the Guild's Executive Committee. As a long-time Legal Observer, Tamara has watched many different protests and causes but, most consistently at animal rights actions. Tamara has successfully represented animal rescue groups, pro bono. She is a donor and member of numerous animal rights groups, as well as a dog and cat rescuer.

As an employment attorney, Tamara champions women in the workplace under Title VII, the FMLA and the ADEA. Her special focus is sexual harassment and retaliation claims. She is currently with Pedowitz, Meister, LLP.

ETHAN CHIEL works in the housing unit of The Legal Aid Society's Brooklyn Neighborhood Office. He graduated from CUNY School of Law in 2022. Before attending law school he worked as a journalist.

STEPHEN FERRANTE is a third-year law student at Pace Law School, with an interest in civil liberties and criminal defense law. Stephen has been a member of the NLG-NYC since August 2020, the NLG-NYC Executive Committee since January 2021, and currently serves on the Executive Board of NLG-Pace. Stephen is a recipient of Pace Law's Winifred Sobie Pasternack Civil Liberties Award. He is a Legal Observer Coordinator for NLG-Hudson Valley Mass Defense and was active in the creation of the Hudson Valley satellite chapter. After his upcoming graduation, he hopes to be a public defender.

AARON FRISHBERG has been a member of the National Lawyers Guild since college, over forty years ago, and helped

revive the dormant national committee which is now known as the Disability Justice Committee. Aaron also sits on the steering committee of the national Military Law Task Force. He has lived and practiced in New York City all of his professional life, and has strong friendships with members of National Conference of Black Lawyers, including its first National Director, who had him do legal research for his law firm beginning when he was in the City College Urban Legal Studies program, better known to many NLG members as "Haywood's program."

ELBA GALVAN has worked as a New York attorney for over twenty-five years. Early in her career, Elba worked as a litigator and appellate attorney in two private firms. Subsequently, she served as special counsel to the Puerto Rican Legal Defense and Education Fund (currently LatinoJusticePRLDEF) and managed a solo practice. She also served as a Law Clerk to SDNY Judge Analisa Torres and Judge Laura Johnson and served as a court attorney-referee to Surrogate Judge Margarita Lopez-Torres. Elba is a past president of the Puerto Rican Bar Association and recipient of the PRBA's 2011 Excellence in Advocacy Women's Award. She is also a past deputy regional president of the Hispanic National Bar Association. A two-term past president of the NLG-NYC, she currently serves on the executive committee, the editorial board of the NYC Chapter Newsletter and the Mass Defense Committee. Elba received her B.A. from Cornell University and J.D. from Howard University School of Law.

ERICA JOHNSON Erica is a standup comedian and a NLG legal observer. She's held several leadership positions with the Guild including co-chair of the NYC Mass Defense Committee where she's helped shape the future and relationship of NYC in a more open and honest way. She combines her passion for social justice with her comedic pursuits often bringing lawyers from the Guild and other spaces to comedy shows to talk about the work they do. One major collaboration she fostered was with the Lady Parts Justice to talk about legal observing at abortion clinics in Queens.

Erica graduated from American University in Washington, D.C., with a MA in Strategic Communications in 2019. She's

also the Founder and Chief Storytelling Officer at Sir Carter Carter (Majer News), a news site focused on comedy, entertainment, culture, and news. When Erica's not working on Sir Carter Carter (Majer News) or writing pilots, sketches, and standup routines, she looks for ways to develop her craft. Venturing out into the world, trying new foods, reading books, and playing games give her life during the pandemic.

GARRETT KASKE has been committed to the struggle for workplace justice for over 15 years. Garrett started as a paralegal at an employee-side employment law firm from 2007 to 2010 and then attended CUNY Law ('13), where he was part of the school's workers' rights clinic, held several workers' rights internships, and was active in the school's NLG student organization and Labor Coalition. Since 2014 Garrett has been a litigation associate at Kessler Matura, P.C., where he represents employees subjected to discrimination, harassment, and wage theft in individual and in class actions. Garrett has been a member of NLG-NYC since 2011. He has primarily been involved with the Labor & Employment Committee, which he has co-chaired since 2013. In this capacity, he has worked to build the Guild's presence in the NY-area labor movement by hosting social events for law students and recent graduates, organizing uniquely pro-worker CLEs, and supporting workplace campaigns through letter writing, picketing, and trainings.

JOEL R. KUPFERMAN is the co-chair of the NLG Environmental Justice Committee (local and national), executive director of the New York Environmental Law & Justice Project and the Environmental Initiative for Haiti. Co-counsel in *Benzman v. Whitman and EPA*, in which the judge held Whitman's statement that the air was safe in lower Manhattan after 9/11 to be egregious. Joel represents tenants, community gardens, public parks, indigenous people, workers' groups on EJ issues from lower Manhattan to the Gulf Coast to Haiti.

DANIEL L. MEYERS is a retired Criminal Defense/Civil Rights Attorney. In 1967 he began practicing law and since 1968 has been a member of the NYC-

continued on page 6

Executive Committee Members 2023

continued from page 5

NLG Chapter. From 1974-2001, he was an attorney member of the Attica Brothers legal team who sued Gov. Rockefeller and other state officials for the barbaric consequences of the 1971 Attica Massacre. Danny is a past president of the Chapter.

MILAD MOMENI is a housing attorney and tenant advocate at CAMBA Legal Services. He joined the NLG as a law student at Pace and has been a member of the NLG-NYC EC for about a year. He is the most recent recipient of Pace's Sobie Pasternack Award in Civil Rights and the Vanessa H. Merton Public Service Award. Milad has a history of organizing work in anti-imperialist and poverty movements, and has been involved in various grassroots movements since he was a student at Kenyon College. He is also a faith-based organizer for Muslims for Progressive Values.

MICHAEL O'HORA is a second-year student at the Elisabeth Haub School of Law at Pace University, with an interest in environmental law. Specifically, land use law and climate change policy. Michael has been a member of the NLG since he started his legal studies at Pace, and currently serves on the NLG-Pace executive board. During his 1L summer he interned for the City of Houston Legal Department in the Real Estate Division, assisting with affordable housing efforts and hurricane recovery programs. For his 2L summer he will be working with the Environmental Justice Initiative / New York Environmental Law and Justice Project. He is committed to public interest law and holding capitalists responsible for climate change while also helping vulnerable communities adapt to future climate threats.

COLLIN POIROT is an immigration attorney and member of the Mass Defense Committee, as well as the International Committee. Collin joined the NLG as a law student at Harvard, and eventually became co-chair of his student chapter. Collin has a background in organizing in the anti-war and immigrant rights movements, and has been involved in the Palestinian liberation

struggle since he was an undergraduate at the University of Texas. Collin has previously worked with attorneys in the Chicago, LA, and Boston chapters of the NLG and is excited to continue building the guild here in New York City!

MARC RAMIREZ is a public defender in the Bronx. He earned his J.D. from the City University of New York (CUNY) School of Law, with a concentration in Social Justice, Equality & Civil Rights. While at CUNY Law, he interned with organizations that served vulnerable populations, including those with criminal records, the LGBTQ community, homeless and displaced youth, and undocumented immigrants. Marc is a member of the American Bar Association, the New York City Bar Association, and the Hispanic National Bar Association. He has spoken on panels about careers in nonprofits, and navigating the character and fitness process during bar admission.

ANDREW SAWTELLE is a staff attorney at the Drivers Resource Center of the Metropolitan Taxicab Board of Trade, where he represents taxi drivers in administrative hearings and assists drivers with civil and criminal legal issues. Andrew is a recent graduate of the City University of New York School of Law, where he joined the NLG as a member of the CUNY chapter and through it became a Legal Observer. He has been an active legal observer since the first anniversary of Occupy Wall Street in 2012, and has organized capacity building and training projects within the program. He worked with the chapter's Mass Defense Committee to oppose the creation of the NYPD's anti-protest Strategic Response Group in 2015. Prior to law school, he was a foreclosure prevention counselor in the Hudson Valley and helped found Nobody Leaves Mid-Hudson, a grassroots, multi-issue community organization based in Poughkeepsie.

ANN SCHNEIDER has practiced law for 25 years on behalf of union members, specializing in divorce, housing and consumer law. She is a writer and activist who's been involved in feminist, labor, anti-nuclear, death penalty, and anti-imperialist causes over the years. She was the chapter's

unpaid coordinator during our financial crisis of the mid-90's.

FRANKLIN SIEGEL worked in the NLG National Office Collective, held leadership roles in several national NLG projects including the Puerto Rico Legal Project, was on the board of the NLG's Grand Jury Project and co-chaired the national NLG's International Committee during a prolific period of growth. He was the N.O. staff member who coordinated the filing of the national NLG's lawsuit against the FBI, in which the Guild was represented by Rabinowitz, Boudin, Standard, Krinsky & Lieberman. He is a past president of the Chapter, and is currently a member of the NYC Mass Defense Committee.

Franklin's recent chapter work includes organizing the October CLE on the affirmative action cases pending in the U.S. Supreme Court (co-presented with the Society of American Law Teachers). He is working on getting an extensive collection of hard-copy chapter dinner journals digitized, as well as digitizing several decades of back issues of the chapter's long-form newspaper, *Blind Justice* (anticipated completion summer-fall 2023). In recent years he secured the meeting and dormitory facilities when the Chapter hosted the 2016 NLG Convention; organized a full day CLE in January 2017 on the coming Trump era (co-sponsored with CUNY Law and the Society of American Law Teachers); co-organized the June 2017 CLE "Defending Protesters in Criminal Court" with Sarah Kunstler and Susan Howard; and organized the October 2021 NLG Convention panel on the NLG's representation of the Attica Brothers. He is Secretary of the board of The NLG-NYC Chapter Foundation.

Franklin is a Distinguished Lecturer and director of the Evening Program at CUNY School of Law. (With a Legal Aid Support Staff shop steward, he arranged for SEIU-1199's Education Fund to provide substantial tuition support for LAS support staff to attend CUNY Law's evening program.) He spent a decade in private practice, was a Staff Attorney at the Center for Constitutional Rights, became CCR's Treasurer at a time of fiscal stress and served on its board for 18 years. He is one of the five class counsel in

continued on page 7

Labor Employment Committee Update

BY GARRETT KASKE

I. LABOR & EMPLOYMENT COMMITTEE'S DOBBS @ WORK CLE

The Supreme Court struck a heavy blow against abortion rights when it issued *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022). In this post-Roe landscape, reactionary legislatures across the nation unleashed wide-ranging anti-abortion laws and policies. The NLG-NYC's Labor & Employment Committee ("LEC") presented a one-hour webinar exploring how labor-and-employment attorneys can mitigate Dobbs' impact and support workers' efforts to push back.

Amanda Katapang, a Filipino law student at CUNY, activist, and artist based in Queens opened the session. Amanda grounded the CLE's legal focus in the context of the larger right-wing attack on workers' rights and liberties.

Marcy Dunlap, a partner at Cohen,

Weiss and Simon LLP, then escorted the attendees through the myriad problems Dobbs has posed for workplace healthcare plans. Marcy highlighted many undecided issues, such as whether unions and their attorneys run afoul of the aiding-and-abetting laws of states like Texas, Kentucky, and Oklahoma by covering travel expenses related to an abortion or maintaining a vacation fund that pays someone for time off to obtain an abortion. Marcy also explored whether Section 514 of the ERISA, 29 U.S.C. §§ 1144(a) & (b) (4), will preempt state laws that criminalize coverage for abortion or bar plans and plan sponsors from covering abortions.

Garrett Kaske, an associate at Kessler Matura P.C., closed out the presentation portion of the webinar by outlining the laws that protect workers exercising their right to seek an abortion and protect the right to organize around abortion rights discrimination at work. Garrett noted that at the federal level, Title VII

of the Civil Rights Act, as amended by the Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k), bars an employer from discriminating against an employee "for having or contemplating an abortion." See U.S. E.E.O.C., Enforcement Guidance on Pregnancy Discrimination and Related Issues, EEOC-CVG-2015-1, § I(A)(4) (c) (2015), <https://www.eeoc.gov/laws/guidance/enforcement-guidance-pregnancy-discrimination-and-related-issues>.

**The LEC is planning its annual
Labor & Employment Law Intern
Reception for June.**

Here in New York, employees are protected from discrimination and retaliation for their reproductive health decisions. See N.Y. Lab. L. § 203-e(1)-(2),(5); see also N.Y.C. Admin. Code §§ 8-102, 8-107(1) (barring employers from discriminating against their employees because of decisions related to sexual and reproductive health, including abortion). The discussion also considered more nuanced arguments for extending the associational-discrimination theory to those who support an individual who has obtained an abortion, applying National Labor Relations Act protections to those organizing around abortion rights, and for using New York Labor Law § 201-d to protect workers who support pro-abortion political advocacy groups and politicians (or are running for office themselves).

Please contact the LEC for more information and resources on these topics.

Executive Committee Members 2023

continued from page 6

Handschu v. Special Services Division, coming into the case when he was a law student at Marty Stolar's law collective.

MARTIN R. STOLAR has been a lawyer since 1968. He was a member of the original New York Law Commune, a partner of Stolar, Alterman & Gulielmetti and, since 1987, has been in individual private practice.

Starting in 1970, he has represented thousands of arrested demonstrators as part of the Mass Defense Committee including Black Panthers, civil rights activists, anti-war activists, welfare mothers, Young Lords, Vieques activists, RNC, OWS, Black Lives Matter and environmental activists, and just about everyone who comes within the scope of the NYC Chapter's Mass Defense Committee. Other notable cases include The Camden 28, The Attica rebellion, assorted Grand Jury resisters, post-9/11 detainees, the 34th Street Subway bomb plot, and Handschu v. SSD, the now 50-year-old action regulating the activities of the NYPD's investigations of

political and religious activity.

Marty has been part of the NLG since he began practicing law and has been President of the NYC Chapter for five terms. Marty is the current President of the NLG-NYC Chapter Foundation.

MARC WALKOW became a second-career lawyer in 2020 after graduating from New York Law School as part of an accelerated program. While a student, he resuscitated the school's dormant NLG chapter and served as a Fellow at the school's Impact Center for Social Justice. He was also an intern at Everytown for Gun Safety and the SDNY's pro se civil litigation clinic, where he advised indigent civil litigants on all aspects of their cases. Before law school, Marc spent two decades working in film and video distribution and working in nonprofit film festival management. After graduation, he joined Paul Weiss as an associate and moved to mid-sized firm Greenspoon Marder LLP in late January 2022, where he works as a general litigation associate.

II. INTERN RECEPTION

The LEC is planning its annual Labor & Employment Law Intern Reception for June. This annual event brings together interns spending their summer in the labor-and-employment field and introduces them to LEC members. Keep an eye out for a formal announcement. If you will be working as an intern this summer in the area of labor-and-employment law or will be hosting labor-and-employment interns, feel free to reach to the LEC to ensure that you get on the invite list.

EC Member King Downing co-hosts the WBAI morning program

Good Morning Nueva York. He is a lawyer, filmmaker and journalist. King is active in the chapter's Mass Defense Committee, and for a number of years was the Director of Mass Defense in the NLG's National Office, where he was visible for his pro-active work-style joining NLG Legal Observers on the ground in Ferguson, Missouri following the killing of Michael Brown, in North Dakota during the Standing Rock protests and in Charlotte for the Unite the Right counter protests. King framed a "rapid-response" model for the national NLG Mass Defense Committee, for instances where social justice mobilizations occur in localities where there is no formal NLG chapter, or where there are at-large members with no formal mass defense committee. King earlier worked as National Coordinator for the ACLU's Campaign to End Racial Profiling, and as a Program Analyst for Healing Justice Work at the American Friends Service Committee in Philadelphia. King is a graduate of Rutgers Law School, founder of the Human Rights-Racial Justice Center and has directed justice campaigns for many national organizations. King is a musician, and tries his hand at "sit down" comedy.

Legal Observers Win

continued from page 1

and \$10,001—a total of \$49,012. Most of the Plaintiffs were law students for whom the win came as they were studying to take the bar examination and disclosing information about their arrests and the lawsuit as part of their character and fitness review. They were then able to report that the case ended with a judgment in their favor, against the City of New York, as they began their legal careers. This resolution came after two years of public pressure and litigation seeking transparency and accountability from the City of New York around the NYPD's June 4, 2020 actions. Those efforts began right away after the Legal Observers' arrests in 2020 and the City and NYPD have resisted them from the beginning, and continue resisting.

Former Vice President Andy Izenzon says:

The National Lawyers Guild NYC celebrates the victory of our Legal Observers and volunteer attorneys in this recognition of the misconduct and brutality of the NYPD in June of 2020. However, we invite NYPD Commissioner Sewell to refer to our letter of June 7th 2020 demanding meaningful changes to NYPD policies and practices. The officers who unlawfully detained and brutalized

both our volunteers and hundreds of other New Yorkers on that day have received no discipline, and the targeted harassment of all participants in ongoing demonstrations for Black Lives continues to this day. We have made specific and reasonable demands for account-

The National Lawyers Guild NYC celebrates the victory of our Legal Observers and volunteer attorneys

ability from the City, and received nothing but resistance in response. This money judgment does not change that, and we will continue our decades of dedicated work to hold law enforcement to account.

Our Legal Observers cannot be scared or bought, and we aren't going anywhere.

Obituaries

ELEANOR JACKSON PIEL died on November 26 at age 102. She practiced law for seven decades until she was in her 90s. She was an NLG member during much of her career, and a long-time resident of Manhattan. She represented interned Japanese Americans during World War II, and after the war she worked for the International War Crimes Tribunal in Tokyo, and then represented clients before the House Un-American Activities Committee.

She won victories for civil right sit-in activists, death row inmates, and a teenage math prodigy barred from all-boys Stuyvesant High School in New York. In 1969 during the litigation, Stuyvesant settled and has been co-ed ever since.

She was a tenacious and effective litigator. Her alma mater Berkeley Law School remembered her with respect as "[one tough case](#)".

Long-standing Guild member **ALAN TIMOTHY LUNCEFORD-STEVENS** passed away on May 28 after a difficult year and a half battling ALS. He was a member of **Rise and Resist**, a direct-action group formed in response to the 2016 U.S. election, and a tireless activist with **Act Up** since the organization's founding in 1987, as well as a participant in Act Up's Oral History Project. Donations can be made in his name to the ALS Association.

FALL BALL!



Elizabeth Street Garden founder and host, Joseph Reiver



Fall Ball Revelers



L to R Bruce Bentley, Joel Kupferman, Columbia Fiero, Heidi Siegfried & Ann Fawcett Ambia



Outgoing President Tamara Bedić & incoming President Andrew Sawtelle

Remembering Haywood Burns



On February 27 CUNY School of Law held a special event celebrating the 2023 return of the Burns Chair Series after an interruption caused by the Covid pandemic. The W. Haywood Burns Chair in Human & Civil Rights brings trailblazers and luminaries with groundbreaking contributions to civil and human rights discourse to teach, lecture, and research at CUNY Law. Established in 1996, the chair advances his legacy of championing public education for generations of people's lawyers. Vince Warren, Executive Director of the Center for Constitutional Rights and Janai S. Nelson, President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. were the featured speakers. Haywood was a noted civil rights lawyer and CUNY Law's second dean. He represented Martin Luther King, Jr., Angela Davis, and prisoners after

the Attica prison uprising. He was one of the founders of the National Conference of Black Lawyers, and a former president of the National Lawyers Guild. He died tragically in 1996 in an automobile accident in

The chair advances his legacy of championing public education for generations of people's lawyers.

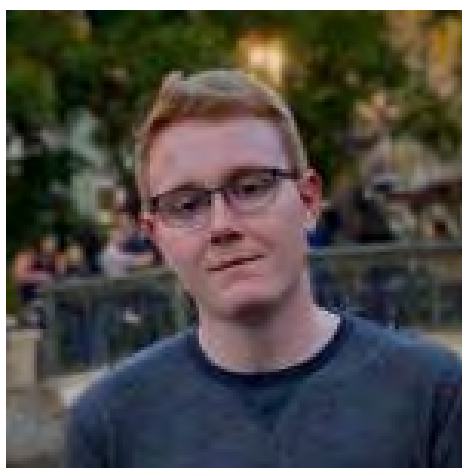
Cape Town, South Africa. For those who don't remember Haywood, he appeared on an early 1970's national public affairs television program [Black Journal](#). The subject of the episode was "Young Black Lawyers."

Haywood Burns Fellows

Michael Ohora and Arabella Colombier were named *NLG Haywood Burns Fellows* in 2023 and 2022 respectively.

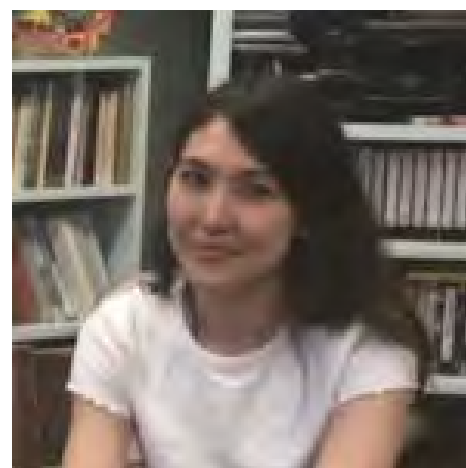
Michael is a 2L student at Pace University Law School, interested in environmental law. During his 1L summer, he interned for the City of Houston Legal Department in the Real Estate Division, assisting with affordable housing efforts and hurricane recovery programs. As a Haywood Burns fellow, he will be working with the [Environmental Justice Initiative / New York Environmental Law and Justice Project](#). He is committed to public interest law and holding capitalists responsible for climate change while helping vulnerable communities adapt to future climate threats.

Arabella is a student at Columbia Law School and a member of its NLG's chapter and the NLG-International Committee. Before law school, Arabella studied philosophy at McGill University, where she served as a board member of the Quebec Public Interest Research Group and worked as a program coordinator for public education and community engagement event series.



Michael Ohora

At Columbia, she has explored her interests in justice, care, and liberation as a student attorney in the Immigrants' Rights Clinic, Abolition Practicum, Movement Law Lab, the COVID-19 Eviction Moratorium and Housing Policy Project, and as a staff editor for the *Columbia Human Rights Law Review (HRLR)* and *A Jailhouse Lawyer's Manual*. As a research assistant for the Columbia Center for Contemporary Critical Thought, Arabella worked on *Thunderhawk v. County*



Arabella Colombier

of Morton, a class action about constitutional violations by law enforcement during the *No Dakota Access Pipeline* (NoDAPL) movement. She has interned at the Center for Constitutional Rights, and organizes support in solidarity with Wet'suwet'en land defenders resisting the Coastal GasLink pipeline. She was grateful to receive the Haywood Burns Fellowship to support her internship at Honor the Earth, where she assisted with its *Water Is Life* campaigns.

MEMBER NEWS



Austen Fisher, 2d from right, with BLS colleagues Jewel Uddin, Morgan Kashinsky, and Katie O'Connell

Brooklyn Law School NLG leader, 2L Austen Fisher, co-chaired Brooklyn Law School's annual Edward V. Sparer Public Interest Forum on March 23. The forum is BLS' premier public interest presentation for students, alumni, and the public. Marking its return to live format following the pandemic, the program entitled *"Who Watches the Watchers?: Surveillance and the Law"*, opened with greetings from legendary women's rights professor **Elizabeth Schneider**, a long-time chapter member and founder of BLS' Edward V. Sparer program. Austen's forum co-chair was Professor **Susan Herman**, who served as president of the national ACLU during key years of the post-9/11 era.

Gideon Orion Oliver was a participant in the March 8 NYU Law School Review of Law and Social Change *2023 Colloquium—Criminalization of Dissent: Historical and Contemporary Repression of U.S. Resistance*

Movements. His panel, *Resisting and Surviving*, discussed the resources that exist to support those who have been targeted because of their justice work, and legal avenues and litigation tactics to resist these attacks.



Friends, colleagues, and clients gathered on March 4 to celebrate the 70th birthday of **John Upton**, pictured at left working with the chapter

Mass Defense Committee, John has represented countless people arrested at protest demonstrations. Music was provided by The Blue Laws, whose founder and guitarist is John's long time suite mate **Joel Siegel**, pictured below right. Coincidentally, Joel represented the seller when the chapter bought its current office space in 2021.

On February 28 NYC Mass Defense co-chair and long-standing legal observer **Nicandro Iannacci** is temporarily stepping away from the Guild and leaving his post as a public defender with Queens Defenders to take a two-year clerkship with Judge Tana Lin in the Western District of Washington.



Margaret Kunstler and **Deborah Hrbek**

have been advocating for changes in the drug laws since the early 1990s. On February 22 their Brooklyn-based law firm Hrbek Kunstler and Long Law hosted a *Cannabis Roundtable Talk*, "an informal conversation on the ever-changing landscape of cannabis legislation in New York State". The venue was Interboro Spirits & Ales on Grand Street in Brooklyn.



Carol Lipton is a finalist for the [David Prize](#), which funds extraordinary New Yorkers who seek to build a better New York City by solving urgent questions. Carol's project is to *teach New Yorkers how to file rent overcharge petitions* with NYC's Division of Housing and Community Renewal (DHCR).

On January 26, 2023 the *New York Times* published a letter from **Emily Jane Goodman**, *Finding the Supreme Court Leaker*: "Your coverage [of the investigation into the leak of the draft opinion in the *Dobbs* abortion case] indicates that inquiries were made of the justices, but most likely not of the spouses. After all, they surely have access to home computers, the ability to reach media and, arguably, among them, the motive to publicize the draft before the justices could weaken the final disastrous opinion. Those are the tests: access, ability, motive.

Failure to question the spouses has resulted in an incomplete and lawed investigation of the circumstances surrounding one of the court's most ill-informed and misguided acts in contemporary America".

Emily Goodman is a retired justice of the New York State Supreme Court.

Working with the *Mass Incarceration Committee (MIC)* of the NLG National Office, **Audrey Bomse** coordinated the campaign and legal advocacy to successfully challenge the placement in solitary confinement—continued on page 12



Chapter executive director **Susan Howard** joined Lower East Side leaders and residents for a rally at City Hall on March 15 to urge Mayor Adams to work with them to restore [CHARAS / El Bohio](#) Community Center on East 9th Street. The Center was a neighborhood organization and squatted community facility between 1979 and 2001. The building that housed the center is deteriorating, has been vacant for over 20 years, and is now in foreclosure. The rally was covered by [NY1 Noticias](#). Susan can be seen speaking at 2:07 of the embedded video link.

MEMBER NEWS

continued from page 11

ment and the loss of property of **Sundiata Jawanza**, who was targeted by the South Carolina Department of Corrections for his jailhouse lawyer work. In October of 2022 Mr. Sundiata and eight other prisoners had been placed in solitary confinement without charge.

Simone Levine, former chapter member and one-time amateur boxer, has relocated to New Orleans and is a candidate for Criminal Court Judge in NOLA.



You can learn more about her campaign [here](#).

Congratulations to Executive Committee members **Ethan Chiel** and chapter Mass Defense co-chair **Krystin Hernandez**, both CUNY Law grads, who passed the July 2022 NY bar exam!

On August 16 chapter members **Margaret Ratner Kunstler** and **Deborah Hrbek** filed a [lawsuit](#) in the SDNY against the CIA and former CIA Director Mike Pompeo. They allege that in the course of their representation of **Julian Assange** their electronic devices were seized and copied during their visits with him inside the Ecuadorian embassy in London, and that the information was provided to the CIA in violation of their Fourth Amendment protections against unreasonable search and seizure. **Robert Boyle** is one of their co-counsels.



"Why did I write about living with a bird for 30 years? Usually I write about things left-wing, like law and politics. But after 30 years of living with an African grey parrot, and especially living with him over the last three being isolated by

*COVID, I better understand the interconnectedness of species and our part as stewards of nature. In August '22 OR Books came out with **Parrot Tales: Our Life with a Magical Bird, which I co-wrote with my wife Debby**". Order **Debby Smith** and **Michael Steven***

Smith's book [here](#).

Shiv Chakraborty and **Zurab Maisuradze** tabling for the **NLG Hofstra Chapter** during law school orientation on August 16.



On July 25, Chapter member **Emily Jane Goodman** was nominated by Attorney General **Letitia James** to the **NYS Commission on Ethics and Lobbying Government**. Emily spent nearly 30 years in public service, first as a hearing officer with NYS Family Court, then as a judge in criminal and civil courts, and as a Supreme Court judge. She is Of Counsel at Beldock Levine & Hoffman LLP.

On June 20, PBS presented an encore showing of the 1988 film [Who Killed Vincent Chin?](#) It has been 40 years since the brutal death of **Vincent Chin**, the 27-year-old Chinese American who was beaten to death in a Detroit suburb by two white men in a racially motivated assault. His assailants were acting out racist resentment over layoffs and unemployment in the auto industry, which was blamed on Japanese imports. They were fined \$3,000 and received no jail time. **Marty Stolar** was legal counsel for the film's producers, [Third World Newsreel](#).

On April 9, the *New York Times* ran a feature article on *Who We Are: A Chronicle of Racism in America*, the film directed by **Emily** and **Sarah Kunstler**. It documents the ever-evolving lecture presentation of **Jeffery Robinson** which depicts how racism against Black people has been part of our country's legacy since its founding. [Using Film to Tell a Personal History of America and Race](#). There have been screenings of the film at *AMC Magic Johnson Harlem* and at the Film Forum, both followed by [Q&As with Emily and Sarah](#), moderated by King Downing.

The **Belmarsh Tribunal** (whose name comes from the maximum security prison in which **Julian Assange** is incarcerated) was livestreamed on February 25. The event was co-chaired by **Margaret Kunstler**. Speakers included **Alice Walker**, **Noam Chomsky**, **Cornell West**, and **Deborah**

Hrbek. **Margaret** and **Deborah** are representing Mr. Assange. The Tribunal called for the U.S. government to drop the charges against Julian Assange. The event was endorsed by the NLG-NYC. **His right to publish is our right to know!**



Long time EC member and past president **Elba Galvan** ran in the 2022 Demo-cra-tic primary for

Surrogate's Court judge in Manhattan. Although she lost to the heavily endorsed establishment candidate, the experience has only deepened her commitment to the communities she serves. Elba gleaned too many teaching moments to incapsulate here, but suffice it to say that this rare county-wide judicial race was filled with unexpected insights into electoral politics. Stay tuned for a future deeper dive.



On January 20, 2022 *The Gothamist* reported a Manhattan Criminal Court case with a novel outcome. It involved **two dozen climate change activists from Extinction Rebellion** who and sat down chained themselves together on the FDR Drive during morning rush hour in October 2021: "[District Attorney Alvin] Bragg didn't drop the charges altogether, but the parties brokered a deal where the cases would be withdrawn once the demonstrators completed an act of community service - painting a climate change mural and hosting a teach-in on the same subject as the mural was unveiled." **Marty Stolar**, (pictured above) who was representing the protesters, said the outcome was *unprecedented*. [Confusion, Backlash and Optimism: Manhattan DA Alvin Bragg Attempts to Break With Status Quo](#)

GUILD IN ACTION

This year marks the **10th anniversary of the chapter-sponsored Parole Prep Project's** founding. What began as a small project inspired by incarcerated elders has grown to a powerful, statewide movement. PPP trains community volunteers to collaborate with incarcerated people as they prepare for their interviews with the Board of Parole. In the last decade, PPP has trained over 700 community volunteers and partnered with nearly 400 incarcerated people—270 of whom have already returned home to their loved ones. Beyond preparing people for the parole board, its efforts include litigation, reentry support, and legislative advocacy. To celebrate these milestones and to honor the homecoming of the dozens of people who were released from prison last year, on May 11 PPP is hosting its **10th Annual Welcome Home Party! In person!** There will be free food and drinks, music, and a short program: **Ten Years Toward Freedom Parole Prep's 10th Anniversary Welcome Home Party** at *Above the Heights*, 2420 Amsterdam Avenue at 181st Street.

[You Can Buy Tickets Here.](#)

On March 22 the **Labor & Employment Committee (LEC)** presented via Zoom a *CLE: The A.S.A. for Workers: What Does the Adult Survivors' Act Mean for Workers' Rights Litigation in New York?* *Survivors have until November 2023 to sue their abusers for sexual assaults that occurred when they were over 18-years old, regardless of when the assault occurred.* The speaker was **Kat Thomas**, of Thomas Legal Counselors, LLC, who litigates on behalf of survivors of workplace or institutional sexual harassment, sex-based and gender-based discrimination; and the moderator was **Gabriel Morales**, Executive Director of [Brandworkers](#), a nonprofit dedicated to supporting local food factory workers. The LEC was very pleased to have Ms. Thomas present on this statute-of-limitations-lifting law and what it means for those in the fight for workplace justice. Please contact the LEC for more information and resources on this topic. (A more detailed account of this CLE session will be published in the next bulletin.)

The Chapter was an endorser of the International **US-Cuba Normalization**

Conference on March 11 at Fordham University's Lincoln Center Campus. The event included film and art exhibits. *Cuba solidarity demands:*

- *Take Cuba off Washington's List of State-Sponsors of Terrorism!*
- *End the US Blockade of Cuba!*
- *End All US Anti-Cuba Economic and Travel Sanctions!*

The NLG-NYC **Mass Defense Committee** has continued its virtual *Legal Observer Training Series* training for members who serve at protests and rallies. There were nine sessions throughout 2022, and two in February 2023.

NLG-NYC's **Immigration Committee** and the **Bronx Defenders** are working with the **Envision Freedom Fund** (formerly the Brooklyn Community Bail Fund) on the *Immigration Court Watch Project*. The project builds on Envision's [Court Watch NYC](#) which organizes volunteers to observe criminal courts in the five boroughs, and is all the more essential in immigration court because of the absence of the right to counsel and inconsistent language interpretation services. The program is designed to hold judges and DHS accountable by being a watchdog presence in the courtroom, assessing for bias, and tracking judges' behavior and decisions. Former chapter president



Carl Hamad-Lipscombe is Envision's executive director. If you are interested in participating, provide your information [here](#).

On February 21 Mayor Adams announced the appointment of *a new Civilian Representative (CR) to the Handschu Committee*, which regulates how the NYPD investigates cases involv-

ing political and religious activity. The new CR, **Muhammad Faridi**, is a graduate of CUNY Law School and a partner in a major New York firm with a background in civil rights litigation. Counsel for the plaintiff class in this now 52 year old case, former NYC Chapter Presidents **Martin R. Stolar**, **Franklin Siegel** and **Jethro Eisenstein**, welcomed the continuation of the CR's role



L-R: Eisenstein, Faridi, Stolar

and, in particular, the appointment of Mr. Faridi. (see separate box for Marty's account of the *Handschu* case.)

On February 6 the chapter re-convened **NLG-NYC Queer Caucus** via Zoom. *If you're interested in being a part of shaping the work and placement of the Queer Caucus in this chapter, please join us! If you're wondering if the Queer Caucus is the right place for you, it probably is!* The Queer Caucus (also known as H.O.M.O.S., or "Highly Overdue Movement On Sexuality"), is a gathering and organizing space for members of the chapter who are part of queer or trans communities. *The Caucus is a space for us to connect, care for each other, support each other's work and ideas, and build solidarity with other marginalized members of the chapter.*

The NLG-NYC **Animal Rights Committee** presented a webinar on *Horse Drawn Carriages* on January 18, 2023. Participants were: **Tony Avella**, Former New York State Senator; **Edita Birnkrant**, Executive Director, *New Yorkers for Clean, Livable, and Safe Streets*; **Kate Schultz**, Senior Attorney, *Center for a Humane Economy*; **Donny Moss**, documentarian filmmaker of *Blinders*; **Brian Hackett**, Legislative Affairs Manager, *Animal Legal Defense Fund*; **Alfonso Hernandez Olmos**, Designer and Projects Director, *Advanced Power Vehicles*;

continued on page 14

GUILD IN ACTION

continued from page 13

Marty Irby, Executive Director, *Animal Wellness Action* 2023 will be the year we retire New York's carriage horse industry, converting it to an eCarriage fleet! Twitter: @NLGNYC_Animal; [Facebook](#)

Through January 15, 2023, the Chapter accepted applications for its 2023 **George Floyd/BLM Civil Litigation Taskforce Fellowships**. These six-month fellowships which seek to hold police accountable provide:

- An opportunity to participate in ongoing civil rights cases with George Floyd/BLM Civil Litigation Taskforce members;
- Access to shared litigation resources;
- Free civil rights law training, in some cases with CLE credits;
- Pairing with an experienced mentor;

A stipend of up to \$10,000 (\$5,000 for the first three months and an additional \$5,000 if the fellow has the capacity to continue).

The chapter held its **Annual Meeting & Holiday Gathering** on December 8, 2022 to celebrate the holidays and elect our new board. An additional feature was a book talk by **Luca Falcicola** on his new book *Up Against The Law: Radical Lawyers and Social Movements* which details the work of Guild members during the 60's and 70's.

On November 16 the chapter's **Labor & Employment Committee** presented a CLE via Zoom **Dobbs @ Work: What Does the End of Roe v. Wade Mean for Workplace Rights?** The panel covered the impact of *Dobbs v. Jackson Women's Health Org.* on employee benefit plans, Title VII protections for individual work-

ers, and National Labor Relations Act protections for workers engaged in concerted activity related to abortion rights. Panelists were **Marcy Dunlap**, Partner, Cohen, Weiss and Simon LLP; and **Garrett Kaske**, Associate, Kessler Matura, P.C. The moderator was **Amanda Katapang**, Law Student, CUNY School of Law. (See Garrett's description of the program in the labor and employment committee update.)

The chapter joined an amicus brief by **Muslim Advocates** and the **Muslim Bar Association of New York** in *Fossella v. Adams*, a New York state case where right-wing groups challenged the New York City Council's law [extending the right to vote in municipal elections to non-U.S.-citizen residents of New York City](#) who are authorized to work in the United States. This law would extend the vote to over 800,000 non-U.S. citizens who are governed by the City of New York and should be permitted to have a voice in that governance. The brief argues that the challengers lacked standing to challenge the law and that the New York State Constitution does not prohibit New York City from enfranchising non-U.S. citizens.

On October 21, NLG-NYC and the Society of American Law Teachers (SALT) presented *SFFA v. Harvard/UNC: Defending Diversity on the 2022 Supreme Court Docket*, an online CLE program and discussion about the **affirmative action cases likely to define the Court's new term**.

Participants were:

Deborah Archer – president of the national ACLU; Professor of Clinical Law and Co-Faculty Director of the Center on Race, Inequality and the Law at NYU Law School;

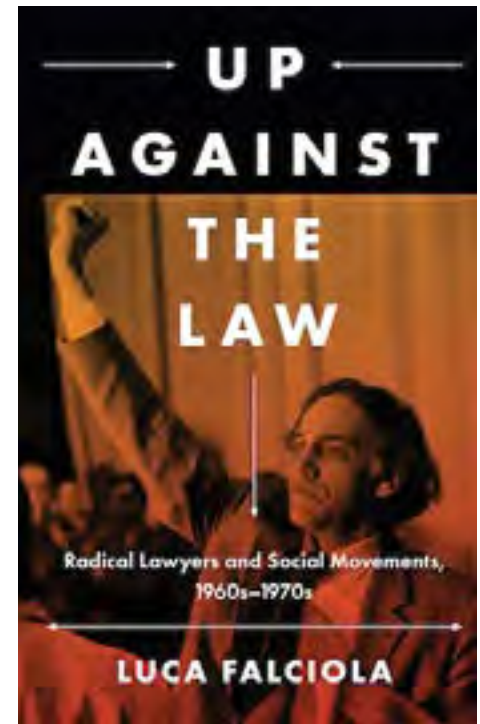
Corinthia Carter – president of the Legal Services Staff Association-LSSA 2320 (UAW), the “wall-to-wall” union representing the secretaries, paralegals, receptionists, process servers, social workers and attorneys of Legal Services NYC; board member of The NLG-NYC Chapter Foundation;

Victor Goode – Professor Emeritus at CUNY School of Law; former Executive Director of the National Conference of Black Lawyers and founder of the Bakke-era Affirmative Action Coordinating Committee;

Vinay Harpalani – Chair in Evidence

and Procedure and Professor of Law at the University of New Mexico School of Law; member Society of American Law Teachers Board of Governors;

Moderator: **Olympia Duhart** – co-president of the Society of American Law Teachers; Associate Dean for Faculty Development and Professor of Law at Nova Southeastern University College of Law.



On October 18 the University of North Carolina Press released *Up Against the Law: Radical Lawyers and Social Movements, 1960s-1970s*, by **Luca Falcicola** a lecturer in History at Columbia University. “*This is the best book I’ve read on the important contributions of radical lawyers to a wide range of social movements during the ‘long 1960s.’ Falcicola demonstrates in fascinating detail how law was both a target and a tool of lawyers associated with the National Lawyers Guild during these years.*”—Jeff Goodwin, New York University. Falcicola discussed his new book, with **Heidi Boghosian** on [Law & Disorder radio](#) on Monday, October 17. There are both paperback and eBook editions, and here is a [link](#) where you can find it (enter code 01DAH40 at checkout to receive a 40% discount).

continued on page 15



GUILD IN ACTION

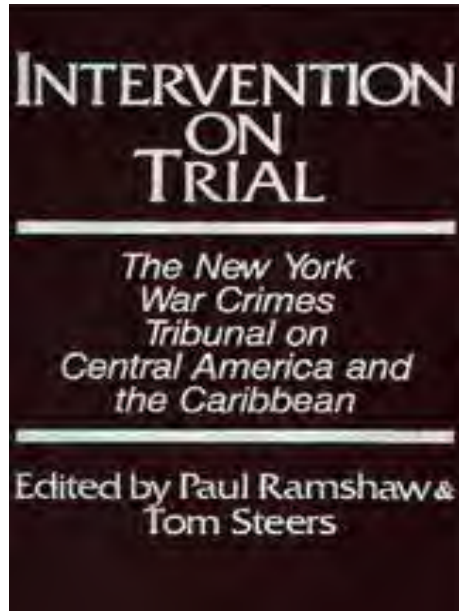
continued from page 14



The chapter held its annual *Fall Ball* on October 6 at the [Elizabeth Street Garden](#), a public community green space on the Lower East Side. EC member **Andrew Sawtelle** was DJ.

The chapter joined the appeal by the #HALTsolitary campaign urging the New York City Council to adopt a bill to **End Solitary Confinement**. *Solitary confinement is torture. It causes immense suffering and devastating physical and mental harm. Solitary has taken the lives of far too many New Yorkers. Solitary causes people to engage in self-mutilation and suicide. It causes heart disease. It causes anxiety, depression, and psychosis. Research shows that even only one or two days in solitary leads to significantly heightened risk of death by accident, suicide, violence, and overdose. Evidence shows that the opposite of solitary confinement – utilizing alternative forms of separation that involve full days of out-of-cell group programming and engagement – actually works better to improve everyone's safety as well as health and well-being.*

Taylor Swift lived here! The September 22 *New York Times Real Estate* section showed a basement apartment at **23 Cornelia Street**, a former stable in Greenwich Village which has been renovated into a luxury townhouse. [Beneath the Surface: A Peek at Private Pools](#) (scroll down). *This building was home to the NLG National and NYC offices in the early/mid 1970's.* At the time of the NLG's occupancy, the chapter and the N.O. were on the ground floor, and the NLG's prison newspaper, *The Midnight Special*, was produced in the basement. Those offices had no windows (the National Office staff did a Convention skit which they called "No



Windows on Cornelia Street").

On August 26 the chapter received a check for **\$129.83**. We are the beneficiaries for the royalties of [Intervention on Trial: the New York War Crimes Tribunal on Central America and the Caribbean](#), published in 1987, edited by **Paul Ramshaw & Tom Steers**. The tribunal was convened in October 1984 by the **Center for Constitutional Rights, The National Conference of Black Lawyers, La Raza Legal Alliance**, and NLG's **Central America Task Force** to hear testimony from victims and eyewitnesses of human rights abuses, war crimes and other violations of international and domestic law in Central America and the Caribbean. This volume presents the edited statements of approximately 26 witnesses, including North American academics, church people, journalists, medical workers, Latin American students, human rights workers, refugees, labor leaders, and peasant organizers. Witnesses included **Rigoberta Menchu**, exiled Guatemalan Indian leader; **Richard Alan White**, author of *The Morass: United States Intervention in Central America*; **Judy Butler**, researcher with Nicaragua Research and Documentation Center for the Atlantic Coast; **Ramon Flores**, Salvadoran medical student, former prisoner and torture victim; and **David MacMichael**, former CIA analyst on Central America. The countries covered are El Salvador, Guatemala, Honduras, Cuba, Grenada, and Nicaragua.

On August 22 the NLG-NYC Animal

Rights Committee hosted *Drafting Your Freedom of Information Act (FOIA) Request* with presentations by **David Bahr, Esq., Benjamin Levitan, Esq., Amy Atwood, Esq., and King Downing, Esq.** The moderator was **Tamara Bedić, Esq.**, chair of the Animal Rights Committee and NLG-NYC President. The event was a follow-up to the committee's July 13 Zoom event *Animal Rights Committee explores the Freedom of Information Act*, which examined the Freedom of Information Act and how it can be used to reveal environmental degradation and animal abuse(rs). Congresswoman **Dina Titus** joined six animal rights orgs and journalists who described their FOIA requests. Twitter: @NLGNYC_Animal; [Facebook](#)



On August 13 the Brooklyn Academy of Music (BAM) screened *Chicago 10: Speak Your Peace*, a 2007 animated documentary written and directed by **Brett Morgen** that tells the story of the legendary *Chicago 8 conspiracy trial*. It combines actual film of the underlying events with animated trial scenes using the trial transcripts. Many NLG lawyers and legal workers were involved in the trial and the successful appeal, including chapter members **William Kunstler** and **Leonard Weinglass**. The title of the film came from a quote by defendant **Jerry Rubin**: "You can call us the Chicago Eight, but really we're the Chicago Ten, because our two lawyers went down with us." [CHICAGO 10 - OFFICIAL TRAILER](#)

King Downing, Tamara Bedic, Jack Einstein, Susan Howard, and Christine Driscoll tabled at the [United Justice Coalition Social Justice Summit](#) on July 23 at Center415 in midtown Manhattan.

continued on page 16

GUILD IN ACTION

continued from page 15

The NLG-NYC *George Floyd / BLM Civil Litigation Taskforce* presented a series of **Civil Litigation CLEs** via Zoom moderated by Taskforce Administrator **Rosa Palmeri**:

- July 18 *Electronically Stored Information in Civil Rights Litigation* which focused on how the police department and city electronically store information, including body worn camera footage and ARGUS security camera footage, and how to access it during civil rights litigation. The speaker was commercial and civil rights litigator **Rob Ricker**.

- July 11 *Settlement Conferences in 1983 Litigation*. The program covered the procedures of a settlement conference before a magistrate judge, issues that arise, and strategic preparation. The speaker was **Cyrus Joubin**, who began as a public defender at Neighborhood Defender Service of Harlem, and now is in private practice focusing on indigent criminal defense and police misconduct lawsuits.

- June 27 *Avoiding Mistakes at Intake* covered the intake procedures for civil rights claims, and the elements and typical defenses of these claims. The presenter was police misconduct, civil rights, and criminal defense attorney **Michael Lumer**.

It was very late coming due to COVID, but on July 15 the chapter received notice that our **Accredited CLE Provider Status** has been renewed by the New York State Continuing Legal Education Board.

After news leaked on May 3 of a **draft Supreme Court ruling overturning the landmark *Roe v. Wade* case**, more than a thousand demonstrators gathered at Foley Square in Lower Manhattan. Twenty-two legal observers from the chapter responded on short notice. *Roe v. Wade* has guaranteed the right to abortion for nearly half a century. Addressing the protesters, New York's Attorney General **Letitia James** shared that she herself had an abortion years ago when she was new in the City Council. She encouraged people to turn their anger into action.



"Do Police Belong in Labor?" was the subject of a virtual presentation and panel discussion on what relationship the labor movement should have, if any, with unions that represent law enforcement on April 8. Panelists were **Flint Taylor** of the People's Law office; **Jonathan Moore** of Beldock Levine & Hoffman LLP; and **Julia Wallace** of SEIU 721 and *SEIU Drop the Cops!* The discussion was led by Professor **Frank Deale** of CUNY School of Law. The event was sponsored by the **CUNY Labor Coalition** and the **CUNY NLG Chapter**.

On March 4 the chapter's **Animal Rights Committee** presented a Zoom Webinar: *Early Childhood Relationships with Animals: "We at the National Lawyers Guild NYC Animal Rights Committee decided to begin 2022 with an exploration of early childhood and our first interactions with other species. What are our first relations with animals like and how does the quality of those interactions change as we mature? What happens when we realize where 'meat' comes from? How can children value Nature if they spend so little time in Nature? 'Humane Education' has been mandatory in New York since 1917-- why don't more school-teachers know about it? Or comply with the law? When and why does speciesism take root and grow? These are some questions we'll be asking our panelists."* The panel included artist **Ruby Roth**, author of five children's books, including *That's Why We Don't Eat Animals*, *V is for Vegan*, and *Vegan is Love*; **Dr. Matti Wilks**,

Lecturer and Associate Professor in the Department of Psychology at the University of Edinburgh, co-author of *Children Prioritize Humans Over Animals Less than Adults Do*; Associate Professor of English **Anastasiya Andrianova**, author of *"To Read or Not to Eat; Anthropomorphism in Children's Books"*; **Meena Alagappan, Esq.**, Executive Director of Humane Education Advocates Reaching Teachers (H.E.A.R.T.); Registered Dietician **Gail Mayer**; and **James Wildman**, Humane Educator for the Animal Rights Foundation of Florida. Twitter: @NLGNYC_Animal; [Facebook](#)

On February 28 the **National Lawyers Guild International Committee** hosted a webinar on the *crisis in Ukraine* with a wide-ranging discussion covering the present situation of war in Ukraine, international law analysis, and examination of the role of the United States and NATO. The webinar featured speakers: **Yevgenii Gerasymenko**, Ukrainian Association of Democratic Lawyers; **Marjorie Cohn**, National Lawyers Guild International, International Association of Democratic Lawyers; and **Jan Fermon**, secretary-general, International Association of Democratic Lawyers, and was facilitated by **Suzanne Adely**, NLG President and NLG International co-chair. The NLG-NYC endorsed this event. On February 18 the chapter presented a Zoom CLE: *A Trauma-Informed, Anti-Racist Approach to Legal Advocacy: Burnout, capacity, vicarious trauma, and structural racism continue to be pressing issues for legal advocates, especially during a pandemic and in the wake of a civil rights uprising. This training will help you rethink your approach to legal advocacy entirely that will result in increased sustainability for you as the advocate, holistic care for the people you serve, and outcomes that disrupt unjust systems.* Presenter **Lorilei Williams** (they/them lorilei@lorilei.info) is a queer, trans Korean-American abolitionist, artist, and attorney dedicated to teaching legal advocates on how to engage in trauma-informed and antiracist advocacy.

continued on page 17

continued from page 16

An anonymous chapter-member made 30 Sony Classic Film licenses available for 30 chapter members for an on-demand streaming of the documentary film *Who We Are: A Chronicle of Racism in America* on January 17, 2022. The film was directed by chapter member Sarah

Kunstler and her sister Emily Kunstler and written by criminal defense/civil rights lawyer Jeffery Robinson. It chronicles anti-Black racism in the United States from slavery to the modern myth of a post-racial America. The screening was followed by a Q & A with Sarah and Emily via Zoom. *Los Angeles Times*: "Through Robinson's

fervor for truth, Emily and Sarah Kunstler's *Who We Are* (2022) chronicles how such heartaches, when observed on a personal level, remind us how knowing the unchangeable past can still improve the alterable future for the better. This film should be shown in every classroom."

Brief History of Handschu

BY MARTIN R. STOLAR

In 1971 a diverse group of political activists sued the New York Police Department and the City of New York in a class-action alleging that the police department's investigations, infiltrations, dossier collections and file maintenances on political individuals and organizations violated the First Amendment. The federal lawsuit was almost unprecedented in its allegations and request for relief and was bitterly opposed by the Police Department defendants. Counsel for the plaintiff class were Martin R. Stolar and Jethro M. Eisenstein, both of whom would become President of the City NLG Chapter, who were joined "of counsel" by every progressive legal organization in the City. Lead plaintiff Barbara Handschu was an activist Guild lawyer and the suit was known as *Handschu, et al. v. SSD, et al.*, 71CIV2203 (SDNY).

The City's first defense was to move to dismiss the action as legally groundless, a move which fortunately failed. When pre-trial discovery commenced, the City successfully moved to limit its scope to the size and nature of the class rather than the files and documents maintained. Discovery proceeded on this front for a number of years, as class-counsel were joined by Paul G. Chevigny of the NYCLU and Franklin Siegel, who had begun work on the case as a law student working with Marty Stolar. In this period the City tried every delay tactic in the book to limit the process, but in 1986 enough discovery had been obtained for a successful motion to certify the case as a class action.

As the case was now ready for full discovery, the City offered to negotiate a settlement to avoid that prospect. Negotiations for a settlement proceeded with class counsel offering a number of unprecedented controls over the collection of First Amendment-related intelligence which the City ultimately accepted as a group: The Handschu Guidelines.

In essence, the Guidelines provided that all investigations of political activity had to originate in the Intelligence Division, which was prohibited from investigating pure political activity, encouraged to investigate pure criminal activity, and required to obtain permission from the Handschu Authority when there was a mix of political and alleged criminal activity to open or continue an investigation. The Authority itself was composed of two high-ranking police officials and, in an unheard of precedent, a civilian appointed by the Mayor of the City. Other rules controlled the use of information collected in advance of demonstrations and the use of undercover agents in authorized political/criminal investigations.

The settlement also provided for the immediate disclosure of the past 20 years of files and dossiers with the remainder, dating from 1908, to be turned over to the City Archivist.

It is worth noting that the settlement was opposed by several individuals and groups, including members of the NYC Chapter, but it was accepted by the Court and upheld on appeal. Most significantly, the Guidelines were incorporated into the settlement so that a violation of the Guidelines could be addressed as a violation of a court order and be heard in the federal court. Thus, the case

remained as an open and continuing consent decree.

Over the next several years, the Guidelines seemed to work, but there were several occasions when class counsel went back to Court to try to curb apparent violations of the Guidelines – such as maintaining a "Black Desk" to focus intelligence collection in the black community, and video-taping of demonstrations with video of perfectly lawful conduct being preserved. On almost every occasion, class counsel prevailed and the Police Department was forced to back down.

Then came 9/11 and a new wave of law enforcement investigations of "terrorism" justified by the felling of the twin towers. The then Mayor, Mr. Giuliani, appointed David Cohen as head of the NYPD Intelligence Division. Skilled only in CIA operations and having only a high school civics regard for the Bill of Rights, Cohen lost no time in making a motion to abolish the Handschu Guidelines and abolish the Authority, as both impeded the all-important investigations of terrorism. Plaintiff's position was weak in the light of 9/11 but class counsel successfully maneuvered retaining a somewhat weaker version of the Guidelines based on a version of the FBI's guidelines but keeping them as part of the continuing injunction. Most significantly, investigations were now authorized by the Deputy Commissioner for Intelligence without any other oversight.

Naturally, with this new license, Cohen and the Department went overboard in investigating every aspect of every Muslim mosque, community center, restaurant, and gathering place in New York (and around the

continued on page 18

Handschu continued from page 17

world) without regard to any allegation or link to so-called “terrorist activity”. A series of Pulitzer-prize winning articles by two AP reporters broke the story of the unlimited surveillance of Muslims and the NYPD’s unhindered collection of information about individuals and organizations with no ties to anything remotely unlawful.

The AP stories and documents revealed in them led Handschu class counsel to seek remedies from the federal court for violations of the court’s order (the Guidelines) and to a new lawsuit filed in Brooklyn entitled *Raza, et al v. City of New York, et al.* with Muslim individuals and organizations as plaintiffs. Discovery proceeded, substantiating most of the plaintiffs’ claims, which led to joint negotiations to try to resolve the matters.

What emerged in 2017 was a set of New Revised Handschu Guidelines which strengthened the definition of “criminal activity” and provided for an 11 member Handschu Committee to commence, con-

tinue or close a departmental investigation of political or religious activity. Reestablishing outside oversight, a civilian appointed by the Mayor was made part of the Committee and charged with ensuring whether the Department was in compliance with the Guidelines and reporting and deficiencies to the Court.

The role of the Civilian Representative was supposed to last for 5 years, but the current Mayor has just approved continuation of the position and appointed a new Civilian Representative. Class counsel and the Muslim community are generally supportive of this person.

Over the years, activity in the Handschu case has generally been reflective of the level of political activity in the City. Most significantly, when the Police Department feels seriously threatened, the rules controlling their behavior go out the window. The existence of the 4th Amendment has never stopped an illegal search, only provides

Skilled only in CIA operations and having only a high school civics regard for the Bill of Rights, Cohen lost no time in making a motion to abolish the Handschu Guidelines.

a remedy for a violation of it. Similarly, Handschu provides a platform to complain about excessive, wrongheaded behavior. It’s not perfect, by any means, but it works for what it is. Paraphrasing the words of Judge Charles S. Haight, who has presided over the case for the past 50 years, there will be a Handschu case as long as the City of New York exists.



MAY DAY HANGOUT & FUNDRAISER Friday, April 28, 2023 • 6-10 pm

C-Squat / Museum of Reclaimed Urban Space
155 Avenue C (bet. 9 & 10th Sts.) • Community Rm. (enter through museum)

TICKETS: \$35. \$50. \$100.

RSVP REQUIRED: bit.ly/NLGNYCMayDay

Come hang out, make some new friends, and help us raise some much needed funds for NLG-NYC work for 2023!

Venue donated by C-Squat & MoRUS

Beer donated by Interboro Spirits and Ales • Pizza donated by Two Boots

*all proceeds will go to funding chapter programs and operations for 2023

NYC Chapter NLG attorneys sue CIA and Mike Pompeo

BY MARGARET RATNER

Together with two national security journalists, we are plaintiffs in a lawsuit against The Central Intelligence Agency, Mike Pompeo and others for violating our constitutional rights in connection with our many visits to WikiLeaks publisher Julian Assange while he was taking refuge in the Ecuadorian Embassy in London. Assange did not step foot outside of the embassy for 7 years, certain that if he did so he would be arrested and extradited to the United States to face charges relating to WikiLeaks' release of materials—materials that were leaked by Chelsea Manning and published by every major news organization the world over. Assange was pilloried as a paranoid narcissist for this belief. As it turns out, he was right. On April 11, 2019 UK police forcibly dragged Assange from the embassy. In the almost 4 years since that time, he has been languishing in HMP Belmarsh, a maximum security prison in London, while his challenge to the US extradition request makes its way through the British court system at a snail's pace.

Our complaint was filed in August 2022 in SDNY. In it, we allege that Pompeo oversaw and directed an extraordinary campaign of illegal spying on Assange's visitors inside the Ecuadorian embassy in London. Pompeo not only directed the effort but his agents – with the help of Sheldon Adelson's security detail - also recruited David Morales, then CEO of UC Global, to implement his illegal program.. Among other things, we seek injunctive relief requiring the government to purge all illegally seized materials.

Along with more than 100 American visitors to Julian Assange during his time at the London based embassy—among them doctors, lawyers, and journalists—we were required to turn over all electronic devices in our possession, including smartphones and laptops, to employees of security firm UC Global. As UC Global whistleblowers admitted in the context of a Spanish investigation after Assange the security guards

copied the information stored on these devices without the visitors' knowledge or consent and provided that information to the CIA, then headed by Mike Pompeo. In addition, attorney-client meetings were secretly recorded and transmitted to the CIA under the direction of Morales' CIA handlers.

Our case was brought to shed light on the extent of the misconduct engaged in by the US government in its fierce determination to exact revenge on WikiLeaks for publishing leaks that proved embarrassing to the CIA. A September 26, 2021 Yahoo! News article, "Kidnapping, assassination, and a London shoot-out: Inside the CIA's secret war plans against WikiLeaks," quotes Trump administration officials who spoke of the unprecedented campaign

more dangerous because "the one thing [current] whistleblowers don't need is a publisher" since the internet enables information to be shared instantly. Pompeo then directly referenced the target of his fury – WikiLeaks. He went on to describe WikiLeaks as "a non-state hostile intelligence service." Yahoo! News reporting revealed that this designation enabled the CIA to avoid Congressional oversight of its activities in pursuing WikiLeaks and its founder, Julian Assange.

If President Biden's Department of Justice fails to drop the extradition request or underlying indictment lodged by the Trump administration, Assange will be extradited to the United States and likely spend the rest of his life

Kidnapping, assassination, and a London shoot-out: Inside the CIA's secret war plans against WikiLeaks,"
quotes Trump administration officials who spoke of the unprecedented campaign against WikiLeaks and its staff beginning in 2017.

against WikiLeaks and its staff beginning in 2017. "Some senior officials inside the CIA and the Trump administration even discussed killing Assange, going so far as to request 'sketches' or 'options' for how to assassinate him. Discussions over kidnapping or killing Assange occurred 'at the highest levels' of the Trump administration, said a former senior counterintelligence official. "There seemed to be no boundaries."

The complaint notes that in one of his first speeches as CIA Director, Pompeo outlined what would be his unconstitutional campaign against WikiLeaks, Assange and any of Assange's perceived supporters. Pompeo had warned his audience that the situation is now

behind bars. NLG member Robert Boyle, one of our lawyers, stated, "This Democratic administration will have succeeded in helping Trump accomplish his goal of criminalizing investigative journalism." If a foreign journalist can be prosecuted for publishing factual documents, then no journalist is safe, and apparently Mike Pompeo believes that attorneys representing journalists should not be safe either.

All of the defendants have been served with the complaint. Requests for extensions of time to answer or move to dismiss have been repeatedly granted, and we anticipate the filing of a motion to dismiss by the CIA and Michael Pompeo in mid-March. We will continue to update our NLG colleagues of developments

Can Artificial Intelligence Bridge the Access to Justice Gap?

BY ESOSA C. OHONBA

The [Access to Justice Gap](#) refers to the vast disparity between individuals with access to legal representation and those without. Most Americans must face the legal system each year by themselves. While lawyers have a more than fifty percent chance of success in court, laypeople have only a seven percent chance. Appreciation for the United States Supreme Court has been dwindling; only eighteen percent of Americans believe Lawyers contribute a lot to society; and almost all Black Americans believe that [the judicial system needs an overhaul](#).

The United Nations categorizes the lack of access to justice as an issue of governance and wealth inequality - a question of civic trust. As progressive lawyers, we understand this gap better than anyone else. In 2020, this country took to the streets in protest for their right to an uncriminalized existence - some of us marched with them.

The National Lawyers Guild was founded to support the underserved within and through the practice of law. But the Access to Justice Gap offends not only what the NLG is about but provides an incredible opportunity for progressive attorneys to show up.

True to its history as a bedrock for progressivism, New York City has been a hotbed for innovation. When the pandemic hit the city and lives were on the line, the City showed up: Firstly, a free legal hotline was made to support the many New Yorkers facing a legal crisis. This endeavor for access to justice represented the combined effort of attorneys from Legal Services and Legal Aid plus pro bono volunteers. Secondly, the many progressive political entities of the city successfully campaigned for an eviction moratorium and universal housing court representation – one of the greatest inroads to a public right to housing made in recent time. There is also a space of judicial creativity with Housing, Drug, and Domestic Violence specialty courts and programs – efforts that all begin to bridge the chasm between working people and justice. However, these efforts have proven



ephemeral, overworked, and limited in response to the Access to Justice Gap.

It is inarguable that the more extractive and destructive forces of law need a disruption to a system that most Americans don't believe in. Disruptions are necessary for societies to grow and become more inclusive. While unexplored in progressive contexts, technology can be that disruption. With recent innovations, lawyers are already beginning to seize the catalyst of artificial intelligence (AI). Legaltech is one of the quickest -growing sectors in the startup world and promises turnkey solutions that make the legal process faster and more accessible from bankruptcy to divorce. With the promulgation of [Generative AI](#) such as Chat-GPT4, lawyers are expanding their services to clients, so they can understand their customers better and create contracts faster. But many of these solutions affect only the experience of clients already connected to lawyers, not those of the people who have yet to navigate the gap.

A few services focus on the gap, but they face formidable barriers. The first is the virtual exclusion of nonlawyers from the judicial process, even though nonlawyers are

often the first responders to our cases, our experts, and those who clean up our legislative messes. Also, “unauthorized practice of law”, a contentious rule of representation while understandable on its face, has historically been used to limit the expansion of services.

Technology can disrupt the more harmful processes of the judicial system, such as mass incarceration or mass eviction, and it can expand the more progressive ideals of rule-of-law and justice to those Americans lawyers cannot represent. They can come into court armed with support and protection, even if they cannot receive representation. With recent technological advances, there is a window of opportunity to transform law for the better. But, if we fail to band together and seize it, the chasm between those represented and those unrepresented will only grow wider, and our communal values will suffer.

Esosa C. Ohonba (He / They) is a 3L at NYU School of Law. He is working on [Layman](#), a platform to use AI to provide legal information to lay people. Esosa would be happy to hear from you at eo2124@nyu.edu.



The NLG-NYC Chapter Foundation Inc. is a tax-exempt charitable-educational organization under section 501(c)(3) was created through the transformative bequest of chapter member and major donor Allan Botshon (stewarded by his friend and Chapter Director Susan Howard). Allan had a storefront law practice on Manhattan's Lower East Side. (Learn more about Allan's life on page 4 of the Spring-Summer 2015 chapter newsletter, <http://nlgnyc.org/wp-content/uploads/2015/08/NYC-NYC-News-summer2015.pdf>).

The Chapter Foundation's policy is to preserve Allan's one-time bequest for the long-term benefit of the Chapter and its programs, and it makes allocations from income generated on the principal for Chapter program grants. Past grants include support for chapter educational activities and support for chapter operations throughout the pandemic, start-up support for the Parole Preparation Project (PPP) of the Mass Incarceration Committee which enabled PPP grow and cultivate a substantial external funding stream; support for mass defense operations throughout the summer of 2020 related to the racial justice protests following the late May killing of George Floyd; and substantial grant to the chapter, which the chapter allocated to a chapter Affirmative Litigation Committee formally known as the George Floyd/BLM Affirmative Litigation Committee. In addition to funding Chapter projects and operations, the Chapter Foundation was also responsible for the purchase of the office condominium, the first permanent home for the Chapter and the Chapter Foundation.

The Chapter Foundation is currently raising funds to support the renovation of the Chapter and Foundation offices, to allow for events, trainings, and gatherings in our new home.

HOW TO SUPPORT CHAPTER WORK THROUGH THE FOUNDATION

Tax exempt gifts for educational and public service activities of the NLG-NYC may be made to The NLG-NYC Chapter Foundation Inc., and will be granted to the Chapter, including for donor advised Chapter activities. Donations by check may be mailed to The NLG-NYC Chapter Foundation, Inc., 14 East 4th Street, Ste. 601, New York, NY 10012. Online one-time or recurring donations can be made at <https://nlgnyc.org/nlg-nyc-foundation/>.

Requests for general support or educational and public service activities of the New York City Chapter of the National Lawyers Guild can be made by making the NLG-NYC Chapter Foundation Inc. the recipient of the gift.

Charitable Gift Annuities are available through the Chapter Foundation, and, for members 70½ or older, you can make tax-free charitable gifts of up to \$100,000 per year directly from your IRA to the NLG-NYC Chapter Foundation.

The Foundation's annual reports, tax returns and organizational documents are available on the Charities Registry website of the New York State Attorney General's Charities Bureau: www.charitiesnys.com.

Got a program-building idea? Join a Committee or Project and apply for a NLG-NYC Chapter Foundation Grant!

With the Supreme Court embarked on a destructive spree doing damage to women's right to reproductive choice, amidst deep concern for racial justice as the public awaits rulings this spring on affirmative action, it is an important moment to remind Chapter members that The NLG-NYC Chapter Foundation Inc., the philanthropic partner of the New York City Chapter of the National Lawyers Guild, has two grant programs. They advance the Foundation's goals to promote membership in the NLG-NYC Chapter, build capacity of committees or program subdivisions of the Chapter, and seed creation of Chapter program addressing timely social justice issues in areas where the Chapter does not currently have a committee or working group.

The first program is for grants up to \$5,000 to Chapter committees, projects and subdivisions. The second is for grants of \$5,000 or above to Chapter committees, projects and subdivisions. Both a Simplified Application for the first program, and an outline of general criteria and application procedures for the second, are available from the Chapter office, nlgnyc@igc.org or from Foundation president Martin Stolar, mrsllaw37@hotmail.com. (Grants are not intended for individual Guild members, outside entities, firms or non-profits where NLG members work, or cases of individual members or outside entities.)

The Foundation board is appointed by the Executive Committee of the New York City NLG Chapter for three year terms. Current board members are Corinthia Carter, senior staff attorney at Brooklyn Legal Services and president of the Legal Services Staff Association Local 2320 <https://lssa2320.org/about-us/>; Marco Conner DiAquo, foundation treasurer and Executive Director of Take Root Justice <https://takerootjustice.org/people/marco-connor-diaquo/>; Sarah Kunstler, foundation vice-president, trial attorney and award-winning social justice filmmaker <https://kunstlerlaw.net/index.php/sarah-kunstler/>; Franklin Siegel, foundation secretary who teaches at CUNY Law <https://www.law.cuny.edu/faculty/directory/siegel/>; Martin Stolar, foundation president <https://indypendent.org/2018/03/meet-marty-stolar-a-lawyers-who-brings-the-protest-into-the-courtroom/>; and Chauniqua Young, partner at Outten & Golden LLP <https://www.outtengolden.com/lawyer-attorney/chauniqua-d-young>. Susan Howard serves as volunteer Executive Director of the Foundation.