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***THROUGH GROUNDBREAKING CLASS ACTION, HUNDREDS OF
NEW YORKERS HAVE OLD MARIJUANA CONVICTIONS SEALED***

(NEW YORK, NY) - A Manhattan Supreme Court justice has [ordered](#) the sealing of marijuana possession convictions for more than 300 people. Her order was the result of a successful class action petition brought jointly by the Manhattan District Attorney's Office, [the Legal Action Center](#), [Community Service Society](#), [The Legal Aid Society](#), [New York County Defender Services](#), [Neighborhood Defender Service](#) and pro bono counsel [Cleary Gottlieb Steen & Hamilton LLP](#). The case asked the court to seal these criminal records under New York Criminal Procedure Law § 160.59.

By moving to seal, petitioners sought to minimize collateral damage caused by these criminal convictions, which can be wide-ranging and persistent. People often face significant obstacles to employment, housing, and other basic rights for years or even decades after a conviction, even for low-level marijuana possession. These obstacles should be strictly reduced once the conviction is sealed. The class members are individuals with convictions for low-level marijuana possession (specifically, for violations of New York Penal Law § 221.10(1)), who have no other misdemeanor or felony convictions anywhere in New York, who have had no New York convictions for at least 10 years, and who do not have any undisposed arrest or charge pending in New York.

The public can contact 646-753-8044 for more information about class membership.

Emma Goodman, Staff Attorney with the Special Litigation Unit at The Legal Aid Society explained, "This new approach addresses one of the biggest challenges at the heart of the current sealing process. Filing individual actions is far too cumbersome and needs to be simplified. Despite New York's recent efforts, too many people are still prevented from leading the successful and rewarding lives they deserve. Until the sealing law changes, we are using all of the tools at our disposal to help as many people as we can."

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“There’s no reason a conviction for smoking or possessing marijuana should follow New Yorkers for life. I was honored to work with defense providers to seal these records and remove unnecessary obstacles to employment, housing, education, and other opportunities for hundreds of New Yorkers. This class action transforms New York’s complicated sealing laws by making sealing proactive, instead of requiring people who are eligible for sealing to navigate a complex application process. But civil sealing only goes so far: we must eliminate the needless collateral consequences associated with the criminalization of marijuana by legalizing its recreational use once and for all,” said **Cy Vance, Jr., Manhattan District Attorney**.

Criminal Procedure Law § 160.59 was enacted in 2017 to provide this kind of relief. It allows people to apply to seal certain types of criminal records after at least 10 years have passed. But, until now, few people have benefitted: to date only 1,279 people statewide have had their records sealed, even though an estimated 600,000 are eligible. “Fewer than 1% of the expected pool of eligible people have accessed the law. This problem has brought together unlikely allies. The District Attorney, public defenders and reentry advocates worked together on this matter out of shared recognition that we need more efficient mechanisms for people to seal their convictions. This successful petition is a first step,” said **Kate Wagner-Goldstein, Senior Staff Attorney at the Legal Action Center**.

By combining the judicial economies of class action law with C.P.L. § 160.59, petitioners sought to increase the impact of New York’s law by sealing the records of hundreds of eligible individuals at once. “The Community Service Society was proud to be part of this case, which brings real benefits to a large number of people in a very efficient fashion. Sealing or expunging their old criminal convictions is the best way we can clear the path for individuals to be full participants in our communities. By using the class action mechanism to streamline this process, we helped hundreds of people move beyond stale convictions and get on with their lives,” said **Judy Whiting, General Counsel for the Community Service Society**.

"One of the devastating consequences of mass incarceration is that it has saddled millions of people with criminal records. These individuals face tremendous barriers to employment, housing, education, voting and equity in general," said **Seth Steed, Managing Attorney of Neighborhood Defender Service’s criminal defense practice**. "We are proud to be part of this effort to seal hundreds of marijuana offenses that will allow our clients to move forward with their lives."

“The War on Marijuana ravaged vulnerable communities in New York City, marking hundreds of thousands of people of color with a permanent stain on their record that significantly limits their ability to secure good jobs, safe housing and affordable student loans. New York County Defender Services is proud to join with the other petitioners to help a some of our clients seal their records. We look forward to engaging in further litigation to widen the scope of these efforts and help even more people to seal their records. But the state legislature can and must act quickly to legalize cannabis for personal use and expunge the records of all people previously convicted of marijuana offenses. Piecemeal litigation like

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this is only a Band-Aid – legalization, expungement and community reinvestment are the cure,” said **Basima Hafiz, Supervising Attorney at New York County Defender Services.**

“This decision is an important step in broadening the reach of the positive impact of New York's conviction sealing laws. We were proud to partner in this effort to apply the class action mechanism to Criminal Procedure Law § 160.59 in order to address the hurdles that prevent eligible individuals from sealing their criminal convictions,” said **Cathi Choi, Associate at Cleary Gottlieb.**

“Long-standing criminal convictions can significantly impact the employment opportunities, housing and financial stability, and quality of life of the communities they affect. Laws such as Criminal Procedure Law § 160.59, that seal or expunge these records, are extremely important for allowing those impacted to rebuild their lives after convictions. This decision is a positive step toward reducing the collateral consequences associated with criminal records,” said **Courtnie Drigo, Associate at Cleary Gottlieb.**

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