



BROOKLYN
DEFENDER
SERVICES

THE
LEGAL AID
SOCIETY
Justice in Every Borough.



July 17, 2020

Dear Community Partner,

Our court system is on the cusp of plunging headfirst into a full-fledged humanitarian crisis - one of its own making.

Last week, the New York State Office of Court Administration (OCA) announced that it would reconvene in-person appearances in criminal cases on Wednesday, July 15. The sudden announcement came only a few hours after Mayor Bill de Blasio, in the absence of evidence or logic, recklessly blamed the courts for the modest uptick in shootings.

Until this point, public defenders had been working closely with OCA on a plan that would ensure a safe return to courts for our staff and clients after a review of OCA's plan by medical experts. Three weeks ago, defenders, union representatives and medical experts, along with OCA officials, toured several courts in three different boroughs to take stock of what was truly needed. This process was just beginning, and all parties were in agreement: reopening the courts could not safely happen soon. Then OCA abruptly reversed course, scheduling cases for in-person appearances with little notice to us or our clients.

The people who have been called to come to court are not those who are languishing in jail. The cases are not ones that are on for hearing or trial. Under the Governor's current Executive Order, the right to a speedy trial and the right to discovery are and continue to be suspended. Instead, the people who are being forced to come to court are people who are at liberty and are, like the rest of us, trying to work, care for our families, and stay safe. The OCA plan disproportionately impacts Black and Latinx New Yorkers by requiring them to leave their homes and other safe spaces to go on the subways and appear in courts where there have already been many cases of COVID-19 and some tragic deaths. If these individuals do not appear in court, they may be subject to a warrant being issued and possible incarceration after that.

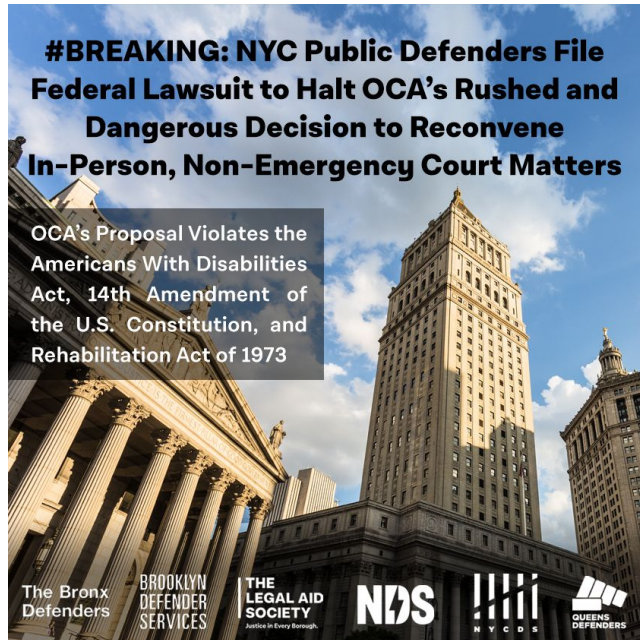
The court system is forcing people to choose between their health and safety and their freedom. And this is being done without reason or common sense, in cases that we know have no chance of proceeding or having anything meaningful occur when these people come to court. In essence, the courts have reopened simply to prove they have re-opened.

After exhausting all efforts to convince OCA to postpone these in-person appearances or to allow litigants to continue to appear virtually, we filed a lawsuit to protect the health and safety of our clients and our staff. The lawsuit argues, among other violations, that OCA's proposal violates the Americans with Disabilities Act (ADA) by depriving thousands of people who have medical vulnerabilities or other disabilities the opportunity to seek and access necessary accommodations from the Court. This predicament forces people to choose between their health and their liberty, because if they do not attend court they can have a warrant issued and potentially be incarcerated.

We ask you, as our community partners, to stand with us as we defend the rights of our clients, the same people you serve in so many capacities, and let OCA know that this behavior is unfair and unacceptable. Attached is the most recent toolkit. Please share this information with your community, call out this injustice on social media.

In solidarity,

The Bronx Defenders
Brooklyn Defender Services
The Legal Aid Society
New York County Defender Services
The Neighborhood Defender Service of Harlem
Queens Defenders



Tweets:

- 1) New York State's rushed and reckless plan to re-open the courts is illegal and puts the lives of New Yorkers in danger. NYC Defenders are suing in Federal Court to protect the health and safety of clients and staff. More: <https://tinyurl.com/y8qkd2pz>
- 2) New York City Defenders are suing @NYSCourtsNews to prevent the rushed, dangerous and unilateral decision to reconvene in-person, non-emergency court matters. Their plan puts the lives of our clients and staff at needless risk.
- 3) New York City Defenders are suing @NYSCourtsNews to prevent the reckless decision to reopen the courts with less than 48 hours notice. As we all work to stop the spread of COVID, why put more people at needless risk?
- 4) NYC public defenders are suing @NYSCourtsNews over its dangerous plan to reopen courts. OCA's plan violates the ADA by depriving people with medical vulnerabilities the opportunity to seek & develop necessary accommodations from the Court.
- 5) NYC public defenders are suing @NYSCourtsNews over their reckless plan to re-open the courts this week. Under their plan, people would be required to leave their homes — in communities w/ high infection rates — to attend non-essential court appearances, putting lives at risk.

Facebook:

New York City Defenders are suing New York State's Office of Court Administration to prevent the rushed, dangerous and unilateral decision to reconvene in-person, non-emergency court matters this week. Their plan puts the lives of our clients and staff in danger and violates the American's With Disabilities Act, among other laws and protections. Under their plan, people would be required to leave their homes — in communities with high infection rates — to attend non-essential court appearances, unnecessarily putting lives at risk.

Instagram:

New York City Defenders are suing New York State's Office of Court Administration to prevent the rushed, dangerous and unilateral decision to reconvene in-person, non-emergency court matters this week. Their plan puts the lives of our clients and staff in danger and violates the American's With Disabilities Act, among other laws and protections. Under their plan, people would be required to leave their homes — in communities with high infection rates — to attend non-essential court appearances, unnecessarily putting lives at risk.

