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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

## ***Legal Aid Files Lawsuit to Challenge Systemic Discrimination by the NYS Justice Center***

(New York, NY) – The Legal Aid Society filed a [lawsuit](#) on behalf of client Michael McCoy in New York State Supreme Court against the New York State Justice Center for the Protection of People with Special Needs (Justice Center) for unlawfully discriminating against Mr. McCoy based on a criminal case that had been adjourned in contemplation of dismissal, in violation of the New York State Human Rights Law.

The Human Rights Law was amended in April 2019 as part of Governor Cuomo’s reentry initiative to reduce barriers to employment for people with arrest records. The amendment expressly prohibits employers and government agencies from discriminating on the basis of a criminal case that was resolved with an adjournment in contemplation of dismissal (ACD). An ACD is a court order that adjourns and schedules the dismissal of a criminal case; it is not a conviction and does not involve any admission of guilt by the accused.

Prior to enactment of the 2019 amendment, a loophole in the Human Rights Law permitted employers and licensing agencies to discriminate against applicants during an ACD adjournment period, resulting in rampant discrimination against prospective workers who had not been convicted of any offense. The law was specifically amended to close the ACD loophole and extend antidiscrimination protection to the ACD adjournment period.

In October 2019, Mr. McCoy applied for a case manager position at a nonprofit homeless services provider that required him to clear a background check conducted by the Justice Center, a State agency responsible for conducting background checks for employees who work with vulnerable populations.

The Justice Center denied Mr. McCoy clearance for employment solely because of an arrest that had resulted in an ACD. This denial violated the Human Rights Law and was pursuant to a Justice Center policy that violates the Human Rights Law. As a result of the Justice Center’s unlawful determination, Mr. McCoy’s prospective employer was prohibited from hiring him, despite its desire to do so.

“The Justice Center is violating Governor Cuomo’s reentry mandate,” said Joshua Carrin, Staff Attorney with

The Legal Aid Society's Worker Justice Project. "The Human Rights Law amendment enacted by Governor Cuomo expressly prohibits licensing agencies from discriminating on the basis of ACDs, which is exactly what the Justice Center has continued to do."

Mr. McCoy seeks a reversal of the Justice Center's determination that unlawfully deprived him of this employment opportunity; Mr. McCoy also seeks a declaratory judgment that the Justice Center's ACD policy violates the Human Rights Law, and a court order directing the Justice Center to modify its policy accordingly.

The Justice Center is believed to be the only State licensing agency that has refused to modify its ACD policy to comport with the Human Rights Law. The Legal Aid Society's pre-litigation efforts to seek modification of the Justice Center's ACD policy were unsuccessful, and counsel sued on July 13, 2020.

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*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>*