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July 28, 2020

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NYC Public Defenders Oppose Federal Court Decision to Allow the Dangerous Resumption of In-Person, Non-Emergency Court Proceedings

(NEW YORK, NY) - A federal judge today denied a request from New York City public defenders to halt the recent resumption of in-person, non-emergency court proceedings in New York City until a thorough and comprehensive re-opening plan can be put in place.

The Bronx Defenders, Brooklyn Defender Services, The Legal Aid Society, Neighborhood Defender Service of Harlem, New York County Defender Services, and Queens Defenders issued the following statement in response to the Southern District of New York's decision to allow the resumption of in-person, non-emergency court proceedings in New York City:

“On the 30th anniversary of the Americans with Disabilities Act, we are enormously disappointed that the federal court relied on a technicality to allow the Office of Court Administration (OCA) to resume in-person, non-emergency court proceedings in a manner that violates federal disability law, ignores medical input, and recklessly endangers the health and safety of our clients, our staff, court staff, and New Yorkers. The decision by the Southern District of New York to allow this unlawful plan to continue violates our clients' rights and exposes the public to unnecessary risk. We will explore the options available to prevent further harm.

OCA's plan to reopen courts for non-emergency, in-person proceedings forces our clients to choose between their health and safety and their freedom, and violates the Americans with Disabilities Act in doing so. Moreover, the cases OCA seeks to schedule are not urgent: the people who are forced to come to court are people already at liberty. They were, like the rest of

us, trying to work, care for our families, and stay safe. Their cases have not been indicted. There is no grand jury action. There is no reason to force anyone to pile onto public transit and into courtrooms for cases that are going to be adjourned, when the same result can be achieved over a virtual hearing.

In fact: the first day that the court demanded in-person appearance, every case on the calendar was adjourned until August or September. Put plainly: OCA's plan puts our clients - mostly low-income New Yorkers of color - at enormous risk for no compelling reason. We are disappointed that the Southern District of New York allowed OCA to continue down this reckless road.

We worked with OCA for months to devise a plan that respects the rights of New Yorkers and protects public health, and jointly consulted medical experts to do so. OCA disregarded this input, instead choosing to reopen courts without regard for our clients' rights and safety. The federal court dismissed the case on a technicality without ruling on the ADA claim, and we believe OCA continues to flagrantly violate the rights of people with disabilities every day its plan goes on. As we consider our next steps, we urge OCA to reconsider this approach, and instead wait for the opinion of medical experts before exposing New Yorkers to unnecessary risk during a pandemic.”

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