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

In First of its Kind Court Decision, Legal Aid and Pro Bono Co-Counsel Secure COVID-19 Vaccine for Vulnerable Client in DOCCS' Custody

(NEW YORK, NY) – The Legal Aid Society and pro bono attorneys Michelle Sloss, James Johnston, Zi Lin and Scott Musoff celebrated a ruling in *MacKenzie v. Jeffrey Tedford et. al.* - recently filed litigation on behalf of a client currently incarcerated at Adirondack Correctional Facility who is especially vulnerable to COVID-19 by virtue of his age and debilitating health ailments.

The lawsuit, initially filed as a habeas corpus action seeking Mr. MacKenzie's release, was converted by the court into an Article 78 proceeding requiring that the New York State Department of Corrections and Community Supervision (DOCCS) provide Mr. MacKenzie the COVID-19 vaccine.

The court's decision represents the first known ruling of its kind in New York State during this current pandemic.

The court ruled that "Mr. MacKenzie has a fundamental legal right to reasonable and adequate medical care as well as a clear legal right to receive the vaccine due to his age, [and] Respondents have a corresponding nondiscretionary duty to treat his medical needs....The proceeding is converted to one under CPLR Article 78 and the filing of the petition is deemed a demand for MacKenzie to be vaccinated with the COVID-19 vaccine."

"While we had wished that the Court had granted our emergency plea for Mr. MacKenzie's release, this decision acknowledges the reality that incarcerated people are at extreme risk to COVID-19 and must be protected by the vaccine," said **Stefen R. Short, Supervising Attorney with the Prisoners' Rights Project at The Legal Aid Society.** "We hope that the Court's recognition of this public health fact is heard by Governor Cuomo, and that DOCCS will quickly provide the vaccine to our clients."

"We are pleased that the Court recognized the vulnerability of aging people in prison during this unprecedented health crisis," **pro bono attorney Michelle Sloss** said. "And we are hopeful that this decision will move the State

in the right direction and shed some more light on the current conditions in which incarcerated people are confined."

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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. www.legalaidnyc.org