

THE LEGAL AID SOCIETY

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Statement in Response to Supreme Court Ruling in Case Related to Plaintiff's Right to Speedy Hearings to Recover Property Seized by Law Enforcement

(NEW YORK, NY) - The Legal Aid Society released the following statement in response to the Supreme Court's ruling today in *Culley v. Marshall*, a case to determine whether a plaintiff has the right to a preliminary hearing to recover property — in this instance a vehicle — that was seized by law enforcement prior to the conclusion of their civil forfeiture case:

“The Court’s ruling against a plaintiff’s right to a preliminary retention hearing to recover property seized by law enforcement while they await the outcome of their civil forfeiture case eviscerates a critical due process protection that has existed in New York for decades following *Krimstock v. Kelly*. In 2002, Legal Aid’s Special Litigation Unit obtained a ruling in *Krimstock* that cemented a person’s due process right, if their vehicle had been seized by police, to appear before a judge and challenge the necessity of the continued impoundment of their vehicle while they awaited the case’s outcome.

“Individuals without these protections could now be forced to wait months — even years — to regain their property which, as in the case of *Culley v. Marshall*, means vehicle owners could lose access to a vital form of transportation. The loss of a vehicle is a major disruption to an individual’s life, hurting their ability to commute to work, obtain childcare, or access basic necessities like groceries or medicine. People rely on these retention hearings to protect against unwarranted seizures of property, particularly for minor crimes in which the impoundment of an individual’s vehicle is both unnecessary and excessively cruel.

“Justice Sotomayor’s dissent relied on our [amicus](#) to the Court to explain the benefits of retention hearings, and it called on States and localities to adopt measures to safeguard against the abuses rampant in civil forfeiture systems. As New York City and New York State consider their response to this decision, we offer our assistance to ensure that proper safeguards are in place for all New Yorkers.”

Background:

The case of *Culley v. Marshall* involves car owners who allege their due process rights were violated when their cars were seized, as they were not present at the seizure and were never charged with a crime. The 11th U.S. Circuit Court of Appeals held that the civil forfeiture proceeding provides sufficient due process to protect innocent owners, despite it often taking years for the property to be returned.

In 2002, Legal Aid's Special Litigation Unit represented plaintiffs that obtained a ruling in [*Krimstock v. Kelly*](#) that cemented a person's right, if their vehicle had been seized by police, to appear before a judge and challenge the necessity of the continued impoundment of their vehicle while they awaited the case's outcome.

Prior to the ruling, vehicle owners were often forced to wait months, even years, for an opportunity to regain possession of their car once it had been seized. Even for minor crimes, many vehicles were unjustly impounded for egregious lengths of time, often leading to the disruption of the person's daily life by preventing them from being able to commute to work, provide childcare, or access basic necessities like groceries.

The ruling in *Krimstock v. Kelly* resulted in the prompt return of hundreds of vehicles to people who would have otherwise suffered immense harm had they been forced to wait years for the outcome of a pending trial. Legal Aid clients rely on the availability of these retention hearings, and the protections they afford, every day.

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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 145 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>