Overview of Achievements, 2020-2021

LatinoJustice PRLDEF (LJP) provides free legal assistance to Latinos whose civil and constitutional rights have been violated, and those who are victims of hate crimes on the basis of race, ethnicity and immigration status. Our New York State Latino Immigrant Justice Project focuses on better integrating Latino immigrants into the civic life of New York through impact litigation, advocacy and other initiatives. From April 1, 2020 through March 31, 2021, LJP used the tools of law reform litigation, legal work, advocacy, advice and referrals to defend the civil and human rights of thousands of Latinos in New York City and State.

As we began the grant term in April 2020, LatinoJustice PRLDEF (LJP) was contending with the great challenges wrought by the Covid-19 pandemic. One challenge that affected all of our work was the necessity to implement remote work protocols that began on March 13, 2020. Fortunately, we were able to adapt rapidly because of work advanced in 2019 to update our technology. Most of our staff was already equipped with laptops and online access to files to facilitate working remotely. In addition, we completed an extensive Return to Work plan incorporating the latest guidance on safety protocols. Despite the challenges, our operations continue unabated.

Our attorneys and legal staff have continued primarily working remotely, shifting to telework and forging ahead with our advocacy and legal work. We have participated in several virtual depositions in our pending Long Island immigrants’ rights lawsuits including our Suffolk County Sheriff detainer litigation and our Suffolk County Police Department “stop & rob” litigation where virtual depositions of police experts on both sides were conducted during this period. We have ramped up and prioritized legal advocacy on behalf of immigrant workers, mixed status families, incarcerated individuals, and day laborers—populations at tremendous economic and health risk during the covid pandemic crisis.

Population Served: Minorities and Ethnic Groups, Primarily the Latino Population
Area Served: Statewide
Total Funding: $3,372,814
Total IOLA Grant: $102,500
Staffing - Full Time Equivalents:
  - Total Staff: 27.00
  - Lawyers: 10.00
  - Others: 17.00
Direct Legal Services

368 people benefitted
368 legal cases closed

CASES BY LEGAL PROBLEM AREA

- Employment: 8%
- Housing: 22%
- Income Maintenance: 32%
- Individual Rights: 20%
- Immigration: 11%
- Miscellaneous: 7%
Other Services...

**Number of People Benefitted by Services Other Than Direct Legal Representation**

<table>
<thead>
<tr>
<th>Total</th>
<th>5,000 people</th>
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</thead>
<tbody>
<tr>
<td>Community Legal Education</td>
<td>5,000 people</td>
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**Other Legal Related Services: Overview**

Providing community legal education is an important part of our service delivery strategy. We partner with community-based organizations that provide an essential connection to individuals with whom they have established relationships of trust. These groups support our clients and provide them with a safe place to express fears of and complaints against powerful figures in employment, and with government and law enforcement. At times, these groups identify a legal issue and seek LJP’s assistance. At others, LJP is the one to initiate collaborative action. Community partnerships enable us to reach isolated individuals and to directly provide local know-your-rights workshops and legal clinics that potentially uncover issues we would not hear about otherwise. Our target population is Latinos whose rights have been violated and/or who are victims of discrimination or hate crimes on the basis of race and ethnicity. Our community education efforts served approximately 5,000 people during the grant period. In the current COVID-19 pandemic we are continuously exploring ways to provide these services virtually using a range of mediums including digital media and radio.

**Other Legal Related Services: Examples**

LJP represented Mr. S in pre-litigation negotiations against his previous employer alleging that he was fraudulently induced to transfer to a new job and retaliated against for raising concerns about the office’s ethical practices and speaking with other employees about their salaries. Mr. S was an employee at the practice for nine months and despite receiving high praise from his managers he was permanently laid off under the guise of the pandemic. His position was immediately re-opened after he was laid off. Mr. S. reported that from his lay-off in March to December 2020 he applied to 5-8 jobs daily without any prospect of comparable work. After engaging in pre-litigation negotiations LJP was able to obtain a confidential settlement of $50,000.00 and neutral letter of reference indicating his lay-off coincided with the pandemic.
Significant Collaborations

LJP works in collaboration with a number of other local and national civil rights litigation groups on an ongoing basis. Some of our collaborators include the Advancement Project, Demos, AALDEF, Center for Law & Social Justice at Medgar Evers College and the NAACP LDF among many others.

We also partner with community-based organizations such as the Hispanic Federation, Worker Justice Center of New York, Catholic Charities Community Services and Rural Migrant Ministries in upstate New York. In the Suffolk County Police Department investigations, we partnered with a community organizer from Make the Road NY who helped to identify victims who were too afraid to come forward and speak out against the SCPD officers. LJP works with the New York Immigration Coalition, Suffolk County New York Civil Liberties Union, SEPA Mujer, and Long Island Jobs with Justice.

LJP continues to participate in the Post-Shelby County Voting Rights Litigation Working Group which was formed to undertake activities to prevent or deter as many discriminatory voting practices from being implemented or enacted as possible through litigation and pre-litigation investigation and advocacy in jurisdictions formerly covered under Section 5 of the Voting Rights Act. Our partners in this effort include the Mexican American Legal Defense and Educational Fund, Demos, AALDEF, NYU Brennan Center for Social Justice and the NAACP Legal Defense and Education Fund. LJP’s work in this effort is centered on New York and Florida concerning requisite language assistance mandated by the Voting Rights Act.

LJP also works in collaboration with many law firms who serve as pro bono co-counsel on pending litigation as well as providing legal research. We are working with the law firm of Milbank Tweed in our effort to challenge the racially-biased policing practices of the SCPD. Other law firm pro bono collaborators include Winston & Strawn, Arnold & Porter, Emery Celli; Baker Hostetler, Clifford Chance, and McDermott Will & Emery. These firms often assign a partner to the case, co-counsel on strategy and brief-writing, take depositions, participate in discovery and trials, and often assume responsibility for filing and serving. Partnering with firms is a strategy that enables us to bring far more litigation than we would be able to do with our staff alone.
Impact Cases

Princess Diner R&R appeal. Lina Tenecora et al. v Ba-Kal Restaurant Corp., d/b/a Princess Diner et al. CV 18-7311(DRH- AKT) -

Filed: December 21, 2018

Title VII, New York State Human Rights, and 42 U.S.C 1981 claims alleging: 1) a racial, ethnic and national origin hostile work environment on behalf of all ten male and female Latinx plaintiffs; 2) a sexually hostile work environment on behalf of five of the female Latinx plaintiffs; and 3) disparate treatment of Latinx workers compared to white workers on account of race, ethnicity and national origin. The Defendants, Ba-Kal Restaurant Corp. and Richard Bivona (owner), never responded to the complaint.

After LJP moved for default judgment on February 14, 2020, the magistrate judge issued a report and recommendation on December 1, 2020, finding racially and sexually hostile work environment but denying plaintiffs’ disparate treatment claims. On January 5, 2021 LJP objected on the grounds that the magistrate failed to evaluate direct evidence of discrimination, failed to apply the proper pleading standard for a disparate treatment employment claim resulting in subsequent inaccurate determinations regarding adverse employment action and the existence of a nexus between adverse employment actions and discriminatory intent. On February 8th, 2021, Judge Hurley granted plaintiffs’ motion for default judgment, and upheld plaintiffs’ objections finding plaintiffs sufficiently plead a disparate treatment claim, established an adverse employment action and a nexus between said action and discriminatory intent. Moreover, J. Hurley sua sponte rewarded each plaintiff an additional $10,000.00 in punitive damages. Collectively, plaintiffs were awarded $226,000.00 in compensatory damages and $130,000.00 in punitive damages and attorneys’ fees with an opportunity to submit for additional fees incurred when filing the objection to the report and recommendation Tenecora v. Ba-Kal Rest. Corp., No. 218CV7311DRHAKT, 2021 WL 424364, (E.D.N.Y. Feb. 8, 2021). We are currently seeking pro bono counsel to help with enforcement of plaintiffs’ judgment.

LatinoJustice PRLDEF v South Country Central School District et al. 18-cv 1204 & 18-3292.

Filed: March 8, 2018 and June 18, 2018.

On February 4, 2021 LatinoJustice PRLDEF entered into comprehensive settlement of two FOIL lawsuits challenging the adequacy of responses by the South Country Central School District in Suffolk County to a Freedom of Information request. After intensive litigation and negotiation, including a three-day hearing in the New York State Supreme Court in Riverhead, NY in December 2018, the settlement includes wide-spanning injunctive relief. The settlement specifies the District’s obligations including a renewed search of District records for responsive documents, three years of District staff training on FOIL legal requirements and record retention policies, a change in District Policy on documenting and retaining records when students interact with law enforcement, and new District policies and practices when the District contracts, employs or otherwise engages law enforcement in the District.
**Trainings**

LJP manages three strategic areas of learning, each of which has its own internal and external resources. The first strategic area is Online Learning. LJP utilizes KnowBe4, the world’s largest security awareness training and simulated phishing platform. LJP uses this platform to provide digital training in the areas of data security and safety, as well as HR compliance. In addition to KnowBe4, LJP offers its employees access to Udemy which offers thousands of courses in technology, productivity, leadership & management, project management and operations, personal development, among others.

The second strategic area is In-House Learning. LJP has developed its own series of Café Con Learning sessions, where staff members and special guests share expert knowledge. The third strategic area is Specialty Training provided by area of expertise and managed by each department. This may be associated with the specific tools the employee utilizes, e.g. database/case management software, legal research software, etc.

LJP also procures opportunities for collective learning, generally associated with the strengthening of our organizational culture. During the grant period LJP’s staff participated in facilitated strategic planning sessions via the Zoom platform to confirm clear priorities and goals that will help guide and organize LJP’s work over the next 3-5 years.

**Technology**

During this time of continued necessity for social distancing and work-from-home protocols, LJP is fortunate to have implemented the findings of a technology assessment in 2018 that enables and equips staff to work remotely with efficiency. In addition to the assessment and implementation of new technology, this project established standards, norms and protocols for technology usage across the organization and supports our ongoing organizational strengthening efforts. LJP Staff is fully connected to the data they need and are producing required outcomes via our Microsoft Office 365 suite where collaboration tools such as SharePoint, OneDrive and Outlook intersect. Additionally, LJP is heavily relying on its communication applications, such as RingCentral for fax, voice and video conferencing. We have recently adopted their new version which includes instant messaging which comes the ability to create private and public channels of communication between teammates. Through these channels, dialogue and file sharing can be managed under a rapid response approach. The RingCentral app can be installed on employees’ mobile phones further increasing connectivity in times where individuals are managing their own challenging schedules at home.
Pro Bono Volunteer Involvement

LJP partners with dozens of private attorneys at major law firms, as well as other legal and advocacy nonprofit groups to provide legal assistance and representation for Latinos represented in our impact cases. We partner to share legal and financial responsibilities, as well as to develop the most effective litigation team to handle a given case. During the grant period LJP continued to collaborate with multiple law firms including Fried Frank; Cleary Gottlieb; Locke Lord; Nixon Peabody; Davis Polk; Milbank; Skadden Arps; Patterson Belknap; and Baker Hostetler among others.

LJP is known for its competitive law student internships and the valuable practical legal experience law students can obtain while interning at LJP. Our law student internships are offered throughout the year. Law student legal interns provide substantive support to all of our work though legal and factual research memoranda, translation of documents, assisting in the preparation of legal briefs, as well as support for our hotline and legal intake program by screening and interviewing members of the public who contact us for legal assistance. Several formal law student interns have returned to work at LJP as legal fellows and staff attorneys.

This year we have seen growth of opportunities for volunteers in our Next General Lideres (NGL) program. This program provides mentorship opportunities to college and high school students who aspire to careers in the legal profession. Our NGL mentorship program is now targeted to expand geographically to pair these aspiring law students with mentors in areas outside of the New York metropolitan area.

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<tr>
<th>Sources Of Funding</th>
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