Overview of Achievements

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, 2021 through March 31, 2022, LJP used the tools of law reform litigation, legal work, advocacy, advice and referrals to defend the civil and human rights of Latinos in New York City and State. The total number of persons who benefitted from our services and programs is more than 10,000. The total monetary benefits from settlements was $74,900. Additionally, with our assistance, more than 80 immigrant clients were able to successfully apply for and receive awards through the Excluded Workers’ Fund, totaling more than $805,000 (some applications remained pending at end of grant period and so total awards may have gone up from this amount).

We have had successes on several ongoing cases. For example, in our Tenecora et al. v. Ba-Kal Rest Corp. d/b/a Princess Diner case, which we filed in December of 2018, we have achieved remarkable success for 11 restaurant workers in their discrimination claims this Long Island East End restaurant. In 2021, the Court, in a lengthy fact finding on a motion for default judgment, ordered $226,000.00 in compensatory damages and $130,000.00 in punitive damages for our clients, plus $109,088.10 in attorneys’ fees. On May 20, 2021, the district court ordered an additional $15,865.20 in attorney’s fees to compensate us for work. In another case involving a Title VII discrimination case against Ben’s Restaurant Group in Long Island, we negotiated a settlement agreement in December of 2021, awarding 7 workers $275,000. These damages and fees remain unpaid, and we are securing pro bono counsel to help us enforce the judgment.

Population Served: Minorities and Ethnic Groups, Primarily the Latino Population

Area Served: Statewide

Total IOLA Grant: $102,500

Staffing Full Time Equivalents:
- Total Staff: 26
- Lawyers: 11
- Other: 15
Direct Legal Services: Cases

Case 1 - Other (race, gender bias, sexual harassment):
On March 10, 2021, LatinoJustice PRLDEF filed a gender bias and sexually hostile workplace and retaliation complaint in the New York Supreme Court, Funes v. Berkeley College, on behalf of a Latinx army veteran who served three tours of duty and has nearly two decades of leadership experience. Over the last three years Berkeley College, a for-profit institution of higher education, with campuses in mid-town Manhattan, Brooklyn and New Jersey, allowed its female employees in the Office of Military and Veteran Affairs, to be subjected to unwanted and unsolicited sexual innuendos, degradation, harassment and intimidation. The client filed the complaint to put an end to the toxic, abusive and demeaning work environment that she and other female employees endured at Berkeley College.

The client’s complaint alleges that her male supervisor—her harasser—showed her lewd Facebook pictures of a Berkeley College male student’s private body parts, repeatedly pestered her to translate vulgar Spanish words, such as “huevos” (men’s genitals), and told her about sexual conquests that he found on a sex dating site. When the client complained about her degrading work environment, rather than taking corrective action, Berkeley College furloughed and then fired her. The client’s complaint seeks compensatory damages and injunctive relief for the schools’ condonation of a hostile work environment and for retaliation in violation of the New York State Human Rights Law, New York City Human Rights Law, and the Equal Employment Opportunity Act (Title VII of the Civil Rights Act of 1964). The client’s complaint also seeks to hold her supervisor liable for his offensive conduct in violation of the aiding and abetting provisions of both the New York State and New York City Human Rights Laws.

“I served my country honorably in the army. Like every civilian, I deserve to work in an environment that is free from sexual, racial and disability related harassment,” she said. “I enjoyed working with veteran students at Berkeley College. I would have continued to serve them in their quest for higher education, had I not endured blatant harassment at Berkeley College. I want Berkeley College to apologize for its conduct, to take corrective action, and to repair the trauma that it caused me,” said the client.
Direct Legal Services: Cases

“We commend our client for standing up against sexual harassment. Too often, women, particularly women of color, are silenced and intimidated by their employers from seeking redress in the face of abusive and toxic work environments,” said Nathalia A. Varela, Associate Counsel at LatinoJustice and one of the lawyers on the client’s case. “LatinoJustice will vigorously defend our client’s rights under the law,” she concluded.

Case 2:
In October 2021, we filed an EEOC complaint, Ramos v. Liqui-mark, on behalf of our client, who is Latino and gay, alleging a hostile work environment and discrimination at a pen factory in Hauppauge, NY. We continue to investigate potential sexual harassment claims v. female employees in the factory and may eventually need pro bono counsel to pursue a complaint on their behalf.

Cases by Legal Problem Area

- Income: 36%
- Employment: 22%
- Housing: 14%
- Immigration: 13%
- Individual Rights: 4%
- Education: 5%
- Family: 4%
- Other: 2%

Direct Legal Services: Cases

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Throughout New York State, Latinx immigrants are often targeted and discriminated against for who they are, where they’re from, the color of their skin, the language(s) they speak, indeed for their very presence in the country. Unfamiliarity with the legal system, language barriers, fear of disclosing immigration status, and little to no financial resources make it nearly impossible to obtain legal assistance and representation and assert their legal rights. 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. Community-based 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 our assistance. At others, LatinoJustice 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 10,000 people during the grant period. This number includes a verified minimum 1,800 television viewers to whom we provided critical legal information about who qualifies for the Excluded Worker’s Fund and how to apply during a televised segment with our media partner Univision/Channel 42. In the current COVID-19 pandemic we are continuously exploring ways to provide these services virtually using a range of mediums including digital, print and broadcast media.

### Number of People who Benefitted from Services Other Than Direct Legal Representation

<table>
<thead>
<tr>
<th>Service</th>
<th>Number of People</th>
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<tbody>
<tr>
<td>Community Legal Education</td>
<td>10,105</td>
</tr>
<tr>
<td>Pro Se Assistance</td>
<td>225</td>
</tr>
<tr>
<td>Online Assistance</td>
<td>12</td>
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10,342 People Benefitted by Services Other Than Direct Legal Representation
Other Services: Technology and Other Innovations

LatinoJustice Staff is fully connected to the data they need to communicate efficiently and effectively with a wide variety of audiences. Using apps such as RingCentral, Zoom, HopIn, Streamyard, FB Live and WhatsApp, the staff has been able to tailor community and one-on-one presentations and meetings to ensure that we can facilitate delivery of services and client communications. Through these channels, dialogue and file sharing can be managed under a rapid response approach as well, making it easier to share needed information both among staff members and collaborators and with impacted communities. We shifted outreach and training to virtual, in some cases audiences were larger than pre-pandemic, which has prompted us to re-think our outreach, advocacy and collaboration efforts as we move to hybrid in-person and virtual outreach. Our attorneys and legal staff continue to primarily work remotely, forging ahead with our advocacy and legal work. We 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.

Other Services: Trainings

LJP provides a variety of trainings and training tools for its employees. Staff have access to an online platform called Udemy, which offers thousands of courses in technology, productivity, leadership & management, project management and operations, personal development, among others. We also utilize KnowBe4, the world’s largest security awareness training and simulated phishing platform to provide staff with digital training in the areas of data security and safety, as well as HR compliance.

We have developed our own series of Café Con Learning sessions, where staff members and special guests share expert knowledge on a variety of organizational development topics, including professional and program development topics and topics related to our pillars of work. This internally-developed training is complemented by professional development trainings and CLE courses our staff participate in to update and strengthen the information and skills they employ in their work.

By department, we offer training related to the 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. that facilitate the delivery of services to the community. We also provide opportunities for collective learning, generally associated with the strengthening of our organizational processes and culture. During the grant period LJPs 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.
Impact Cases

Joaquin Orellana Castaneda and German Hernandez Argueta v. County of Suffolk, and Suffolk County Sheriff’s Office; et al.
Our class action legal challenge to the illegal detention of immigrants without predicate judicial authorization continues. This case originated on behalf of a Guatemalan immigrant whom the Suffolk County Sheriff’s Office held beyond his required release date because of an ICE request to detain. After state court rulings finding that Suffolk County did not have federal authority to hold immigrants for ICE based on an “ICE detainer,” the newly elected Suffolk County Sheriff rescinded the detainer policy and is purportedly no longer holding individuals past release date based solely on an ICE request. Fact and expert discovery has closed and summary judgment and motion to dismiss briefing concluded on December 16, 2021, with the filing of Plaintiff’s sur-reply. A pre-trial conference will be held within days of the Court issuing a ruling on summary judgment.

Plaintiffs #1-21 v. County of Suffolk, et al.
UPCOMING TRIAL: LJP represents 20 individual Latina/o Long Island residents who had been racially profiled and “stopped & robbed” by uniformed Suffolk police officer(s). This case, which was certified as a class action on April 5, 2021, alleges that the defendant police department knew and/or should have known that now-convicted Officer Scott Greene as well as others had been racially profiling and engaged in biased-based traffic stop policing practices. Although discovery has concluded, news reports recently revealed the existence of potentially relevant information that SCPD has not disclosed, and we are preparing a motion to compel discovery. The jury trial, which will take place at the federal courthouse in Brooklyn, is currently scheduled to begin on August 15 and to last three weeks.

Tenecora et al. v. Ba-Kal Rest Corp. d/b/a Princess Diner Filing Date
Co-Counsel: Pro bono counsel needed to enforce judgment.
Led by Associate Counsel Nathalia Varela, we have achieved remarkable success for 11 restaurant workers in their discrimination claims this Long Island East End restaurant. The Court last year in a lengthy fact finding on a motion for default judgment ordered $226,000.00 in compensatory damages, $130,000.00 in punitive damages and $109,088.10 in attorneys’ fees. On May 20, 2021, the district court ordered an additional $15,865.20 in fees to compensate us for work filing objections to the MJ’s R&R. Although all but the additional $15,865.20 in fees were ordered prior to the current grant period, the damages and fees remain unpaid, and we are seeking pro bono counsel to help us enforce the judgment.
Impact Cases

**Ben’s Restaurant Group:** Associate Counsel Nathalia Varela leadership led our team to an excellent tentative settlement in this Title VII discrimination case against a Long Island business, obtaining an agreement for: $275,000 on behalf of seven workers on December 13, 2021. She continues to work on finalizing the details of the settlement, which involve tax and other statutory complexities.

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**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 Tweed; Skadden Arps; Patterson Belknap; and Baker Hostetler among others.

We are known for our 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. Additionally, during the 2021 elections, we secured dozens of volunteers to assist in providing real-time legal information to Latinx voters experiencing obstacles at the polls on election day.

<table>
<thead>
<tr>
<th>140 Attorneys volunteered</th>
<th>5,125 hours</th>
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<tbody>
<tr>
<td>35 Law Students volunteered</td>
<td>900 hours</td>
</tr>
<tr>
<td>90 Other Volunteers volunteered</td>
<td>5,900 hours</td>
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</table>
Significant Collaborations

LJP works in collaboration with a 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 afraid to come forward and speak out against the SCPD officers. We work with the New York Immigration Coalition, Suffolk County New York Civil Liberties Union, SEPA Mujer, and Long Island Jobs with Justice.

We continue 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. We also work 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 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.

Sources of Funding

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
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<tbody>
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<td>IOLA Grant</td>
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<tr>
<td>State Funding</td>
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<td>Foundations</td>
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