

PRO BONO MATTERS

NEW YORK LAWYERS FOR THE PUBLIC INTEREST – SPRING 2018



(L-R) NYLPI Senior Staff Attorney Maureen Belluscio and Disability Justice Program Director Ruth Lowenkron with pro bono counsel James C. duPont and Emily R. Horn of Mayer Brown LLP worked collaboratively to achieve an impactful settlement. Photo by Marielle Solan.

NYPD Begins to Provide Accessible Transportation

New York Lawyers for the Public Interest (NYLPI) and co-counsel **Mayer Brown LLP** settled a federal lawsuit in August 2017 against the City of New York under which the New York City Police Department (NYPD) – for the first time – created policies for transporting people who use wheelchairs. The sweeping impact of this settlement marks a milestone in NYLPI's work to advocate against discriminatory NYPD policies.

NYLPI and Mayer Brown LLP represented Robert Filer, who, because of his disability, exclusively uses a wheelchair or motorized scooter. Following his arrest by the NYPD, officers transported Mr. Filer in an inaccessible police van, and did not secure him to a seat. As a result, he was thrown to the floor during his ride to the precinct. When the

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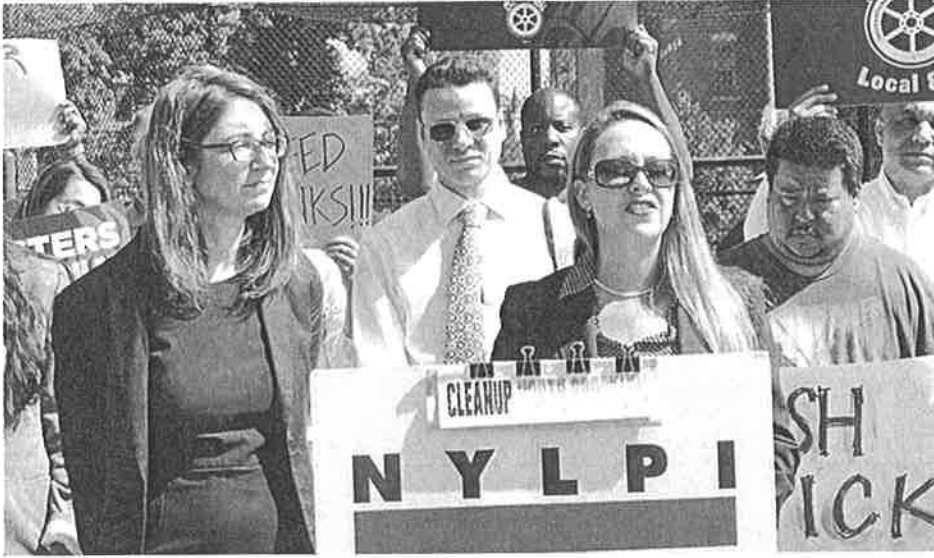
A Family of Immigrants Rebuilds After Hate Incidents

Standing up against New York City's relentless gentrification, NYLPI stepped into action when the Lopez* family was forced out of their East Harlem apartments, where they had lived for fifteen years, by threats of deportation and violence from their landlord. Their lives became a nightmare when the long-time owner died and his daughter, Darlene,* along with accomplices Mark* and Bob,* decided to vacate the building for a lucrative sale. Having recently fled their homes in fear for their family's safety, the Lopez family came to NYLPI for assistance. At first, the family had bravely weathered their landlord's repeated demands to leave, but the campaign to evict them ratcheted up dramatically. Mark and Bob used a variety of tactics to intimidate the family, including recruiting a fake immigration officer to threaten an immigration raid, claiming that the building's boiler could cause a fire and no one would know whether it was arson, and menacing one of the Lopez sisters in the neighborhood by stating that they knew where the Lopez children attended school.

While the Lopez family made do in temporary housing, NYLPI quickly filed a lawsuit with the support of board member Lauren E. Aguiar and co-counsel **Skadden, Arps, Slate, Meagher & Flom LLP** as well as

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Fighting Neighborhood Toxins for Brooklyn Community Group



NYLPI Environmental Justice Program Senior Staff Attorney Melissa Iochan (center) and Environmental Justice Program Director Rachel Spector (left) announce that a lawsuit was filed at a rally held in Maria Hernandez Park in Bushwick, Brooklyn in August 2017.

Families, artists, and small business owners in a part of East Williamsburg and Bushwick formed the group Cleanup North Brooklyn to fight against pollution, rotting garbage, excessive noise, idling trucks, and a proliferation of rats caused by a poorly managed private waste transfer station in their neighborhood. In 2016, the group reached out to NYLPI for legal assistance when they published a report documenting over a thousand instances of misconduct by

the transfer station within one week. NYLPI, in partnership with co-counsel Steven R. Schindler, a NYLPI board member, and Karen M. Steel, a NYLPI Pro Bono Advisory Council member, of **Schindler, Cohen and Hochman LLP**, Cleanup North Brooklyn, and individual members of the group filed a lawsuit in Kings County Supreme Court in August 2017 alleging that the waste transfer station is causing a public and private nuisance.

“Our community has been suffering for too long due to the poor practices of this privately-owned waste transfer station. This lawsuit has the potential to lead to an overall healthier quality of life and safer streets” said Jen Chantrtanapichate, President of Cleanup North Brooklyn. The lawsuit seeks a court order requiring the transfer station’s owners to stop creating harmful conditions at their garbage facility. Defendants have sought to delay the action by removing it to federal court, and our pro bono partners have taken the lead in crafting skillful arguments to defeat these attempts. While a decision remains pending, NYLPI and its pro bono partners look forward to advancing the case and winning relief for this overburdened community.

“Our community is grateful to NYLPI and Schindler, Cohen & Hochman for recognizing our community’s struggles and getting behind our fight for environmental justice.”

—Jen Chantrtanapichate,
President of Cleanup North Brooklyn

NYPD Begins to Provide Accessible Transportation (continued from cover)

officers brought Mr. Filer into the precinct, the holding cells were too small for his wheelchair, and the bathrooms were inaccessible to him. As a result of the inaccessible facilities, officers chained Mr. Filer to a bar attached to the wall, where he remained for the majority of his approximately thirty-eight hour detention, unable to use the bathroom.

For many years, the NYPD has failed to use accessible vehicles when arresting, detaining, and transporting people who use wheelchairs, carrying out arrests in a dangerous and discriminatory manner. People who have mobility impairments have repeatedly sued the NYPD, alleging that they were forcibly removed from their wheelchairs during arrest. Even when the NYPD transported people

who were arrested with their wheelchairs, numerous complaints allege people were placed in inaccessible vehicles, and often injured during the process.

Under the terms of this settlement, the NYPD will implement its first Americans with Disabilities Act-compliant solution for transporting “people under arrest whose disability necessitates using a wheelchair.” Mr. Filer filed this action to compel the NYPD to provide safe, accessible vehicles and services for all people who use wheelchairs, and he succeeded in his goal. We thank our co-counsel Mayer Brown LLP and Henninger S. Bullock, Emily R. Horn, and Pro Bono Advisory Council member James C. duPont for their leadership and invaluable assistance.