

ALAA Union Update

March 16, 2001

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Contents

Funding.....1
Collective Bargaining.....1
Executive Board Elections.....1
Political Action.....1
Jobs.....2
P.D.'s War on Men of Color.....3

Funding

On Tuesday, The Legal Aid Society presented detailed City Council testimony on the Society's FY 02 budget (attached as Appendix 1).

•Criminal Defense. The Society told the Council that, as a result of continuing administration budget cuts for CDD and CAB, "the situation is dire. We no longer have enough attorneys in CDD to staff all the arraignment shifts we are required to handle each month, leaving us no choice but to notify the courts that we must develop a plan for reducing CDD's arraignment staffing as it experiences further attrition during the rest of FY01."

The Society asked "the Council to restore \$15.8 million in funding, above the \$54.7 million presently allocated to the Society in the executive budget," because staff attorney "[s]alaries . . . must rise. . . . [since] [o]ur lawyers no longer have salary parity with their counterparts in the City's district attorney offices," and because of the need "to reduce the excessive caseloads our criminal defense staff is presently handling."

•Civil Legal Services. The Society asked the Council "to once again restore funding for . . . civil legal services programs in the amount of \$2.65 million for the HRA EAF legal services program, \$2.5 million for the HPD legal services program, and \$2.75 million to provide city-wide civil legal services." (To participate in lobbying on April 3 for state civil funding, please contact Adriene Holder).

Collective Bargaining

In response to further membership input, the Executive Board has revised ALAA's draft bargaining proposals, which will be discussed and adopted by the Delegate Council on Tuesday, March 20. See the attached Delegate Council Bulletin (Appendix 2). All members are invited to attend, and

to provide further responses via return e-mail or to Union representatives.

Executive Board Elections

The March 20 Delegate Council meeting will fill two open Executive Board positions. Candidates are listed in the attached Delegate Council Bulletin (Appendix 2).

Political Action

•Mayoral Race. At recent mayoral candidate forums, Mark Green has said that, if elected, he will restore Legal Aid criminal funding. In addition, the first item on Green's campaign literature at Thursday night's Working Families Party forum noted that "[w]hen Mayor Giuliani slashed the Legal Aid Society's budget after its attorneys went on strike, Mark was the city's only leading elected official with the courage to denounce this act of retaliation and file a complaint with the NLRB."

ALAA members can help raise the profile of this and related issues in the campaign by specifically asking all candidates to state whether they will:

- (1) fully restore LAS criminal funding;
(2) terminate the Giuliani administration's runaway (RFP) defenders;
(3) end search-and-destroy policing programs such as the Street Crime Unit (Diallo) and Operation Condor (Dorismond); and
(4) fully restore LAS civil funding.

•Police Abuse. On March 9, The Chief-Leader, NYC's civil service newspaper, published a letter on police abuse written by Michael Letwin on behalf of ALAA (see page 3 of this Update).

•Drop the Rock. ALAA and 1199 and among many organizations participating in Drop the Rock, a March 27 mass mobilization to repeal the Rockefeller Drug Laws. The unions' four buses (seating about 200) leave 1199 HQ (310 W. 43 St.) at 7 a.m. return at about 7 p.m. Paid release time for this purpose is available under the terms of a previous memo to all LAS staff. Please reserve a free seat ASAP by return e-mail.

•Death Penalty. At Noon on Wednesday, March 21, ALAA will participate in a City Hall press conference calling on City Council Speaker Peter Vallone to

allow the Council to vote on death penalty moratorium resolution.

●**WBAI Radio.** On Monday, March 12, ALAA hosted a press conference in support of unionized staff (including ALAA member Mimi Rosenberg) under attack from WBAI radio management.

●**Discount Tickets for National Lawyers Guild Dinner.** A limited number of tickets to the March 30 National Lawyers Guild Annual Dinner are available to ALAA members at the 50% discounted rate of \$50. Tickets will be assigned on a first-come, first-serve basis. Please reply by return e-mail.

## Jobs

●**Family Center.** Staff attorney to provide citywide in-home legal services for families affected by serious illness in areas of family/child welfare law, public benefits, housing, health care planning, financial/estate planning. Prefer oral/written competence in Spanish, experience in public benefits and/or housing law. Full-time with benefits. Resume/cover to: The Family Center Inc., Box CAD, 66 Reade St., 5 Fl., New York, NY 10007, <[cdavis@thefamilycenter.org](mailto:cdavis@thefamilycenter.org)>, fax: 212.766.2779. EOE.

●**Loisaida, Inc. (NYC).** Executive director for 21-year-old nonprofit organization serving Lower East Side. DOE, EOE. Resumes to: Loisaida, Inc., Board of Directors, E.D. Search Committee, 710 E. 9 St., New York, NY 10009, or fax to 212.473.5462.

●**National Association for Law Placement (D.C.) Deputy Director.** Full-time, contractual senior staff position that assumes responsibility for the day-to-day operations of a busy, multi-faceted national law-related education association, the productivity of a diverse professional administrative staff, and leadership for a wide range of association services. The position is a highly visible appointment that is charged to represent the interests of the

association and administer organizational operations, staff and employee matters, governance activities, delivery of member services, liaison and support, and marketing. Info:

<<http://www.nalp.org/about/nalpjjobs.htm>>.

**Director of Education.** The Director of Education assumes responsibility for leading the development and implementation of high-quality educational and informational programming for both NALP and the NALP Foundation. These events include, but are not limited to NALP's Annual Education Conference, NALP's Annual Newer Professional's Forum, FOCUS Programming, Peer-to-Peer Educational Services, Foundation Summits and Symposia, as well as CLE activities and consulting initiatives of both organizations. The Director will also assume leadership for development of new media and methods for delivery of educational programming, including CD-Rom, self-study, streaming video, teleconference, and video. Info:

<<http://www.nalp.org/about/nalpjjobs.htm>>.

●**Southern Poverty Law Center.** Staff attorney to advance and protect the rights of minorities, the poor, and victims of injustice in significant civil rights and social justice litigation. Develop and litigate significant civil rights cases in cooperation with a staff of five lawyers and five support personnel. Applicants for the position should have a strong commitment to civil rights, the talent and determination to develop new cases, and excellent analytical and writing skills. At least six years of experience preferred. Salary competitive with that for attorneys at the United States Department of Justice. Excellent benefits. Position will remain open until filled. Mail, fax or e-mail a resume and cover letter to: Legal Department Employment Coordinator, Southern Poverty Law Center, P. O. Box 2087, Montgomery, Alabama 36102-2087, Fax: 334/262-2419, <[legal@splcenter.org](mailto:legal@splcenter.org)>.

*The Chief-Leader*, Friday, March 9, 2001

## **P.D.'s War on Men of Color**

*To the Editor:*

The whole city deserves “enlightenment” about the NYPD exoneration of Officer Craig Yokemick, who fatally fractured Kenneth Banks’s skull by throwing a police radio at his head in October 1998 (Feb. 23 editorial). Unfortunately, the department’s failure to take even minimal disciplinary action against Yokemick in this case reflects the Giuliani administration’s street-level war on young men of color.

As in the cases of Amadou Diallo (1999) and Patrick Dorismond (2000), Mr. Banks was a black man whose life was taken without justification by the NYPD. The 5’5”-tall Banks was unarmed and posed no threat to the 6’6” Yokemick. As with attempts to defuse criticism by assassinating the characters of Diallo and Dorismond, police sought to justify Bank’s death by demonizing him as a drug dealer—an allegation disputed by civilian witnesses—with a criminal record. Indeed, rather than obtaining emergency medical attention for his severe injuries, police cuffed and jailed the unconscious Banks, whom they charged with misdemeanor drug possession.

As in the Diallo and Dorismond cases, New York City’s criminal justice system has proved unwilling to punish the officer responsible for Banks’s death. Every day, Legal Aid attorneys relearn the old maxim that prosecutors can indict even a ham sandwich. Here, however, the Manhattan District Attorney’s Office endorsed the grand jury’s

decision not to indict Yokemick on the grounds that “the level of force was appropriate under the circumstances in order to apprehend Mr. Banks.” Then-Police Commissioner Howard Safir would comment only that “the criminal justice system has spoken.”

To top it off, the NYPD’s Department Advocate was unable to obtain even a 10-day suspension in Yokemick’s recent disciplinary hearing. It wasn’t the first time the department had gone easy on Yokemick; he was still on the force at the time of Banks’s death despite previous findings of excessive force, assault, and discourtesy.

This pattern of abuse is the predictable consequence of the Street Crime Unit (Diallo), Operation Condor (Dorismond), and department-wide “quality of life” arrest quotas systematically aimed at young black and Latino men—usually for nonviolent and/or petty offenses. As a high-ranking NYPD narcotics commander recently explained, “[c]ops are flooding the system with minor stuff just for the overtime.” (N.Y. Daily News, December 22, 2000). As a result, “Manhattan has more residents in state prison than any other county in the state . . . A whopping 105 out of every 10,000 Manhattan residents are in state prison” (N.Y. Post, Feb. 4, 2001).

These policies, in turn, feed the state’s insatiable “war on drugs,” whose Rockefeller Drug Laws have boosted the number of state prison inmates to 70,000—21,000 of them incarcerated for nonviolent drug offenses.

The Giuliani administration insulates police misconduct generated by these policies through staunch resistance to effective police oversight. According to both the NYCLU and the city Department of Investigation, the CCRB is, at best, ineffective. The Mayor has adamantly opposed Federal oversight of the NYPD, and recently defended his refusal to cooperate with Federal investigation of the Street Crime Unit on the grounds that “they (Federal prosecutors) have to stop harassing the Police Department.”

By pursuing such search-and-destroy policies, the administration bears ultimate responsibility for taking the lives of people like Amadou Diallo, Patrick Dorismond and Kenneth Banks

**MICHAEL LETWIN**

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**Association of Legal Aid Attorneys/UAW 2325**