



Association of Legal Aid Attorneys UAW 2325 (AFL-CIO)



December 19, 2017

Honorable Janet DiFiore
New York State Court of Appeals
20 Eagle Street
Albany, New York 12207

Honorable Chief Judge DiFiore,

As public defenders, legal services providers, labor leaders, advocates, and public officials, we advocate for our clients and constituents seven days a week in courthouses and communities across New York. It is a great privilege to represent our clients, breathing life into the rights afforded by the Constitution, ensuring that their liberty is not seized arbitrarily. We cannot be silent as long as a disturbing trend continues in courthouses in New York.

Since the beginning of 2017, there have been 78 courthouse arrests by Immigration and Customs Enforcement Officers from the Department of Homeland Security in New York City. These arrests are being made of our non-citizen clients who appear in court to answer charges the state has levied against them.

Courthouses are a place for the laws of New York to be enforced. The presence of ICE agents in the courthouse converts them from a point of entry to justice into a bait-and-switch trap. The mere threat of ICE agents in the courthouses discourages our clients from coming to court, and prevents us from acting in our clients' best interests; we cannot legally advise them to stay away, but if they come to court to preserve their rights under the Constitution they risk being arrested and deported. In some instances we have even been forced to request that judges impose bail, an unorthodox and in many ways troubling request for an advocate.

Right now, any court appearance puts our non-citizen clients at risk of arrest, detention, and deportation by ICE. This deprives our clients of due process under the law, effective assistance of counsel, and a genuine right to defend themselves. Does the accused really have a right to a trial if numerous court appearances beforehand expose them to

ICE and the risk of deportation? The situation is completely untenable and threatens the very legitimacy of our court system.

For these reasons, we call on you, Honorable Chief Judge DiFiore, to ban Department of Homeland Security Agents from our courthouses. The courts should be a means of access to justice, not tenets of fear. So long as ICE Agents are able to arrest individuals in New York State Courts during their court appearances, there is no equal access to justice. We, the undersigned, demand that all ICE agents henceforth be banned from entering or making arrests in New York courthouses and that court staff end all coordination with ICE and end any facilitation of arrests by ICE agents.

Association of Legal Aid Attorneys (ALAA), UAW Local 2325 by Deborah Wright

New York City Council Speaker Melissa Mark-Viverito

New York City Comptroller Scott M. Stringer

Manhattan Borough President Gale A. Brewer

New York City Council and Majority Leader Jimmy Van Bramer

New York City Council Member Margaret Chin

New York City Council Member Daniel Dromm

New York City Council Member Barry Grodenchik

New York City Council Member Jumaane Williams

New York State Senator Brian A. Benjamin

New York State Assemblyman Andrew Hevesi

New York State Assemblyman Robert Rodriguez

New York State Assemblyman Sean Ryan

New York State Assemblyman Al Taylor

New York State Assemblyman Dan Quart

United States Congressman Brian Higgins, NY-26th

New York State Defenders Association

The Legal Aid Society by Seymour James
Brooklyn Defender Services by Lisa Schreibersdorf
The Bronx Defenders by Justine Olderman
The Legal Aid Society of Nassau County by N. Scott Banks
Neighborhood Defender Service of Harlem by Rick Jones
New York County Defenders Services by Stan Germán

Ali Forney Center
Alterman & Boop, LLP
Arab American Association of NY by Rama Issa-Ibrahim
Asian American Legal Defense and Education Fund
Attorneys of Color at Legal Aid Caucus, UAW Local 2325
Black Attorneys at Legal Aid Caucus, UAW Local 2325
CAAAV
CAMBA
Prof. Paris R. Baldacci, Clinical Professor Emeritus of Law, Cardozo School of Law
Community Action for Safe Apartments (CASA)
Catholic Migration Services
Center for Appellate Litigation
Center for Constitutional Rights
Chelsea Coalition on Housing
Children's Defense Fund (CDF)
Citizens' Committee for Children of New York, Inc. by Jennifer March
Coalition for the Homeless
Columbia Law School American Constitution Society by Zach Piaker
Columbia Law School Criminal Justice Action Network by Melissa Castillo

Columbia Law School Society for Immigrant and Refugee Rights (SIRR) by Baldemar Gonzalez and Clarisa Reyes-Becerra

Columbia Law School Latino/a Law Students Association (LaLSA)

Columbia Law School Chapter of the National Lawyers Guild

Columbia Law School Student Public Interest Network by Jordan Murov-Goodman,

Columbia Law School Public Defender Students

The Community Service Society of New York

Crumiller P.C.

CUNY School of Law Black Law Students Association

CUNY School of Law Labor Coalition

The Door's Legal Services Center

Families for Freedom by Donald Anthonyson

Gay Asian Pacific Islander Men of New York (GAPIMNY)

Good Old Lower East Side, Inc. (GOLES)

Himmelstein, McConnell, Gribben, Donoghue & Joseph LLP

Housing Conservation Coordinators

Housing Court Answers

Ignatian Solidarity Network by Christopher Kerr

Immigrant Defense Project by Alisa Wellek

Immigrant Justice Corps.

Immigration Equality

Jewish Voices for Peace

JustLeadership USA

LatinoJustice PRLDEF

The LGBT Bar Association of Greater New York

LGBTQ Caucus of ALAA, UAW Local 2325

Make the Road NY by Javier Valdes
Mobilization for Justice, Inc.
National Employment Law Project (NELP)
The National Lawyers Guild – New York City Chapter
National Lawyers Guild, New York City Chapter, Labor & Employment Committee
National Organization of Legal Services Workers, UAW Local 2320 by Gordon Deane
The National Writers Union, UAW Local 1981 by Larry Goldbetter
New York Lawyers for the Public Interest (NYLPI)
New York Legal Assistance Group (NYLAG) by Beth Goldman
New York Legal Services Coalition
New York City Gay and Lesbian Anti-Violence Project
Justice Emily Jane Goodman, New York State Supreme Court Ret.
New York Working Families Party
NMIC Legal Services
Office of the Appellate Defender
P.A.'L.A.N.T.E. Harlem
Prisoners' Legal Services of New York
Queer Detainee Empowerment Project
Resist Here
SEIU 32BJ by Hector Figueroa
Southside United HDFC - Los Sures
Transgender Law Center
Trans Justice Funding Project
United Auto Workers (UAW), Region 9a by Julie Kushner
UAW Local 259 by Brian Schneck

UAW Local 1508 by Timothy Vogt

UAW Local 2110 by Maida Rosenstein

UAW Local 2121 by Andrea Goodrich

UAW Local 2179 by John Viol

UAW Local 2377 by Paul Vakos

UAW Local 6950 by Steven Manicastri

UAW Local 7770 by Cathy Rayner

UAW Local 7902 by Emily Barnett

University Settlement

Urban Justice Center

VIP (Victim Intervention Program)

VOCAL-NY

Warren B. Scharf, Lenox Hill Neighborhood House

Youth Represent by Laurie Parise