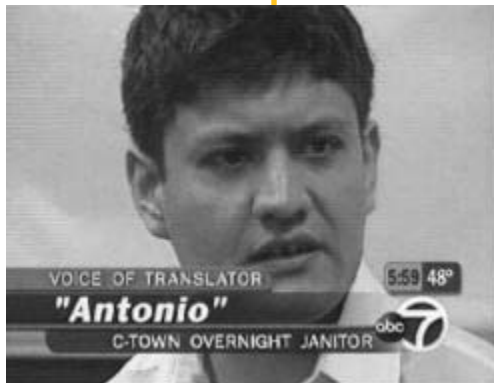




MFY's Workplace Justice Project Adds Legal Muscle to Campaign to End Janitor Lock-ins

On March 25, the 94th anniversary of the Triangle Shirtwaist Factory fire that killed 146 women locked in their sweatshop, MFY filed suit in Bronx Supreme Court on behalf of three janitors who were routinely locked in two supermarkets overnight while they stripped, waxed and buffed the floors. The suit charges the stores with false imprisonment and negligence and demands compensatory and punitive damages.



"These stores are potential deathtraps," said MFY Attorney Amy Carroll at a press conference announcing the suit. "Workers have no way out if there's a fire, and generally no access to a phone if there's an emergency. This lawsuit may be the first of many, because we will not wait for a disaster to happen."

Antonio, one of the plaintiffs, described the fear he felt being locked in overnight, especially when he cut his hand and could not summon help. "I thought I would bleed to death before the manager came and unlocked the door," he said.



The decision to file suit came after a year-long effort by Fifth Avenue Committee, a Brooklyn-based advocacy organization, to get the Fire Department and Occupational Health & Safety Administration (OSHA) to inspect the supermarkets and enforce the law. The Committee approached MFY's Workplace Justice Project for help after there was no improvement in the 36 supermarkets that the Fifth Avenue Committee had identified as routinely locking in workers. Staff Attorney Chaumtoli Huq did extensive research on the issue and worked with the Committee to develop a litigation strategy.

Images from ABC-TV News coverage of the press conference held on March 25 to draw attention to the practice of locking in cleaning workers overnight at supermarkets.

Amy Carroll, an Equal Justice America fellow who joined MFY's staff in January, worked closely with Artemio Guerra, Director of Organizing at the Fifth Avenue Committee, to document the abuses at two Bronx supermarkets and craft the complaint. "The beauty of this lawsuit is it's a vehicle where the workers can say I'm entitled to a safe work environment," she said. "The goal isn't just to benefit the plaintiffs, but to protect anyone who holds these jobs in the future."

Patterson Belknap Webb and Tyler, LLP is serving as co-counsel on the case. The Workplace Justice Project is supported by the Bernard A. and Alva F. Gimbel Foundation, New York Community Trust, New York Foundation, JPMorgan Chase, and the Altria Employees' Fund.

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Record Numbers of Workers Seek Help from Workplace Justice Project

Since opening its doors three years ago, MFY's Workplace Justice Project has helped bridge the gap in employment-related legal services for low-wage workers who had little access to justice. Demand for the Project's services has soared, especially among the city's large population of immigrant workers.

The Project is now the largest provider of free employment-related legal services in the city. In 2004, the Project handled over 400 cases and provided meaningful advice and referral to another 300 callers to the Project's helpline. Each month, some 50 workers attend the Project's Employment Clinics, where they meet with an attorney or paralegal and

get immediate help. Last fall, students from New York Law School assisted clients at the clinic and handled cases, along with several volunteer attorneys.

Across the city, immigrant workers are often denied minimum wage and overtime compensation. In many cases, employers pay only a small portion of the agreed-upon wages, promising to pay the rest 'next week.' 'Next week' can turn into months of unpaid wages. Day laborers are particularly vulnerable to receiving nothing after a day's labor. Workers who demand their wages often face retaliation. MFY and Make the Road by Walking, a Brooklyn community organization, filed suit on April 6 on



behalf of four garment workers whose employer threatened to contact immigration authorities when they demanded their pay.

MFY's docket also includes many workers who have been denied unemployment insurance, have been fired from their jobs because of a prior criminal record despite good job performance, and have faced age discrimination.

Lawyer/Organizer Model Extends Workplace Justice Project's Reach

"LSNY recommended you as the first stop for workplace justice cases for the undocumented," Shirley Lin, an organizer for New Immigrant Community Empowerment in Jackson Heights, told MFY Staff Attorney Chaumtoli Huq recently. Ms. Lin reported that MFY's advice enabled her to help an immigrant worker settle a back wage claim on his own, with two days' salary paid on the spot.

For over a year, Ms. Huq has been reaching out to neighborhood organizations and social service providers that help immigrants and low wage workers. In January, Ms. Huq led a workshop in Queens for South Asian workers and advocates on how to resolve the most common problems faced by immigrant workers. Ms. Huq is helping to build the Legal Aid Network for South Asians (LANSA), a group founded by Anamika Samanta, a former extern at MFY from Wilkie Farr & Gallagher.

Working side by side with organizers is the hallmark of the Workplace Justice Project, which has handled cases for the Latin American Workers Project, Chinese Methodist Church, National



MFY Staff Attorney Chaumtoli Huq leads workshop on Employment and Domestic Violence for social service workers and elected officials' staff at MFY's office on April 6.

Mobilization Against Sweatshops, Fifth Avenue Committee, and and co-counseled with Make the Road by Walking. Ms. Huq also has trained staff on the employment rights of domestic violence victims at Sakhi for Asian Women, Dwa Fanm (Haitian women), Safe Horizon, Project Safe, Catholic Charities, Beth Israel Medical Center, Food First, Safe Space, and Harlem Hospital. In May, job counselors and staff members from over 15 organizations that serve ex-offenders came to MFY for a workshop on Overcoming Barriers: Criminal Records and Employment, which reviewed the law and offered practical guidance on ways to address discrimination.

in brief

MFY Will Help Seniors Age in Place

The New York City Department for the Aging awarded MFY Legal Services and the Northern Manhattan Improvement Corporation a three-year contract to provide free legal services to Manhattan seniors. Known as the Manhattan Legal Aid for Seniors Project (MLASP), the initiative aims to help seniors age in place and live as independently as possible. Beginning in July 2005, the Project will provide a full range of high quality civil legal services to seniors, prioritizing those at risk of losing their housing and independence. MLASP will reach out to vulnerable seniors in need of help on housing, public benefits, health care, consumer, elder abuse and other issues.

MFY Board Members Speak Out Against Mental Health Cuts

MFY Board members David Chatterjee and Dana Escoffier, both former clients, spoke out against the State's \$159,000 cut to MFY's mental health advocacy at a March 10 hearing organized by City Council Member Margarita Lopez. Dr. Chatterjee and Dr. Escoffier said that without MFY's help, they would have lost their housing and called upon the State to restore funding for mental health advocates.

Court Certifies a Class in Suit Against Oceanview Home for Adults

Adult home residents scored an important victory when the U.S. Court for the Eastern District of New York certified a class in *Cortigiano v. Oceanview Manor*, originally filed in September 2004. The suit challenges Oceanview's practice of withholding residents' small personal needs allowances as a form of behavior control. The decision states that a class action is important because the residents live in fear of reprisal. **Pillsbury Winthrop Shaw Pittman LLP** is serving as pro bono co-counsel on the case.

Fellowship Honors Patterson Belknap's Pro Bono Work

A new, two-year fellowship in honor of Patterson Belknap Webb & Tyler's pro bono service to MFY's clients will begin in September 2005. The fellow will work closely with MFY's community-based partners on law reform issues, such as nursing homes, education, diminished capacity, aging in place, and immigrants' rights.

Patterson Belknap Webb & Tyler LLP has been long recognized for its substantial pro bono contributions in New York City. The firm has contributed pro bono resources to MFY for more than a decade. Patterson Belknap partner Lisa E. Cleary served as Board Chair of MFY for five years and, along with other firm lawyers, continues to work with MFY on adult home reform litigation, disability advocacy, and workers' rights.

City Bar to Honor Jeanette Zelhof

The Association of the Bar of the City of New York has named Jeanette Zelhof, MFY's Deputy Director and Supervising Attorney for the Adult Home Advocacy Project, a recipient of its 16th Annual Legal Services Award, which recognizes attorneys and others who provide outstanding civil legal assistance to New York's poor. The award, which will be presented on May 23 at 4 pm at the Association, recognizes Jeanette's leadership in efforts to reform New York State's adult homes.

pro bono news

Pro bono counsel from **Bryan Cave LLP** won \$20,000 in back wages for four construction workers whose employer violated wage and overtime rules.

Patterson Belknap Webb and Tyler LLP is serving as co-counsel in our suit on behalf of locked-in janitors.

Skadden, Arps, Meagher & Flom LLP is representing a supportive housing provider and MFY is representing the tenants in a suit brought under the federal Fair Housing Act, challenging a landlord's refusal to renew leases.

Paul Weiss Rifkind Wharton & Garrison is co-counsel in a class action suit challenging the state's placement of mentally ill people in large adult homes.

Externs from **Wilkie Farr & Gallagher LLP** and **Cleary, Gottlieb, Steen & Hamilton** litigate cases in our Neighborhood Preservation Project and East Side SRO Law Project.

Wachtell, Lipton, Rosen & Katz is continuing to fund a Wachtell Fellow for the Neighborhood Preservation Project.

Peter Pihos, a NYU Law School student and **Hays Civil Liberties Fellow**, is working on issues affecting ex-offenders who re-enter the workforce.

Thank You!

We wish to thank the following agencies and foundations for their generous support in 2005:

NYC Department for the Aging
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Workplace Justice Project
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New York Bar Foundation
Adult Home Advocacy Project

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299 Broadway
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