

Summary ALAA History

(Rev. March 1999)

1876. Der Deutsche-Rechtsschutz-Verein (German Legal Aid Society) founded in NYC, first such program in U.S. to represent immigrants primarily in civil legal matters.

1896. Under the auspices of leading bar figures, the organization is renamed The Legal Aid Society. It now also represents a small number of indigent criminal defendants.

1910-1920. Fearing what they perceive to be rising immigrant crime and radicalism, Progressive Era reformers and the legal establishment endorse a national movement to create public defenders, the premise of which is non-adversarial representation in which prosecution and defense work together to ensure that "no innocent man may suffer or a guilty man escape."

1920-1940s. LAS expands its criminal defense to 7,500 indigent misdemeanor defendants annually, using private funds donated by the Rockefellers and others.

1949-1951. LAS begins to represent felony defendants in Brooklyn & Bronx.

1950s-1963. LAS represents 57,000 criminal defendants.

1963. *Gideon v. Wainwright* greatly broadens constitutional right to indigent legal representation in virtually all criminal cases.

1965-1966. Pursuant to *Gideon* and 18-B statute, New York City designates LAS as primary indigent defender and contracts with it to provide constitutionally-mandated criminal representation in all non-conflict and non-homicide cases. LAS hires large number of young, largely idealistic attorneys for this purpose.

June 1968. Opposed to the Society's assembly-line style criminal representation, Staff Attorneys establish the Association of Legal Aid Attorneys of the City of New York. Union founder Jerry Lefcourt is fired for these efforts.

Dec. 30, 1969. Following an election, ALAA is certified as exclusive bargaining representative for all Staff Attorneys.

May 3-6, 1970. ALAA members strike for improved conditions, especially continuity of representation, without which "no attorney-client relationship is possible." Despite judges' threats to replace Legal Aid, the Union wins a first, one-year contract with a 12-step salary scale and training requirements, but fails to win continuity or significantly improve representation. CDD staff remains overwhelmingly junior, with high turnover.

July 2-9, 1973. Staff Attorneys strike for lower caseloads, private client interview facilities, stenographic help, more time for research, better salaries and continuity of representation. In response, the Appellate Division Presiding Justices recruit scabs and threaten retaliation. The settlement establishes "horizontal" continuity within the same court, and then only to "the maximum extent feasible," workload grievance mechanisms; salary increases in Steps 2-5; eventual "substantial parity" with ADA salaries; shorter

probationary periods; the right to be relieved when in disagreement with a supervisor about how to handle a particular case; Spanish language training; confidential interview conditions; greater office space; and such basic equipment as desks, chairs and telephones.

July 9, 1974. Manhattan CDD lawyers establish an ALAA tradition by boycotting a judge's courtroom in protest of the contempt finding against, and jailing of, Staff Attorney Doug Colbert.

September 11-30, 1974. Attorneys strike on September 11, after Management equivocates on continuity and offers only 7.6% increase despite 20% inflation. Declaring that the strikers "are attorneys, professionals, not day laborers, and should act accordingly," the Presiding Justices threaten disciplinary charges, recommendations of dismissal and replacement by 18-B attorneys. Congressman Ed Koch replies that "[t]o threaten a man -- any man -- be he lawyer or laborer, with loss of employment, loss of the right to earn his living at his chosen occupation for speaking his mind, for striking to improve his lot, is not only uncalled for but repugnant to our law." Demoralized after one-third of attorneys cross the picket line, members accept settlement that permits Management to modify, or even abandon, continuity in order to handle more cases.

1976. The collective bargaining agreement finally recognizes full vertical continuity in CDD.

1976. Following ALAA's first one-day protest strike, Management rehires Caroline Kearney, a young Manhattan CDD union activist, who was fired for missing an arraignment shift.

1977. For the first time, ALAA makes affirmative action central to collective bargaining, but Management refuses to negotiate over the Union's demand for joint hiring committee on this issue.

January 1978. Backed by community activists, ALAA mobilization forces Management to rehire five attorneys of color who had failed the bar (similarly situated white attorneys had not been fired). An ALAA Minority Caucus and an interracial Affirmative Action Committee are established.

March 1978. ALAA affiliates with parent-union District 65 under terms securing its autonomy.

1979. After its first joint campaign with the Legal Services Staff Association (LSSA) and Legal Aid's 1199 support staff, the ALAA contract provides for jointly administered health and pension plans and for a Society affirmative action officer.

1981. In July, ALAA members authorize a "no contract, no work" policy and ALAA exchanges pledges of mutual support with 1199. On October 1, ALAA members ratify their contract, but shortly thereafter, 1199 support staff strike for six weeks. ALAA does not adopt a uniform policy of honoring 1199 picket lines. Many Civil Division attorneys, however, are docked for refusing to cross the lines, while ALAA provides other support.

Winter 1983-1984. From October 22, 1982-January 3, 1984, ALAA members strike pursuant to a contract salary reopener. The underlying issue, however, is overwhelming criminal workload, symbolized by the firing of Brooklyn CDD attorney Weldon Brewer. Membership support for the strike grows, despite threats by Management, the Courts, and then-Mayor Ed Koch to discipline attorneys and replace the Society with a public defender. Although Brewer would never be rehired, the settlement wins higher salaries and strongly reestablishes ALAA's strength.

However, attacks on the Union continue after the strike. A 1983 City Bar Ethics Committee opinion suggests that Legal Aid criminal defense attorneys were ethically obliged to continue to represent their current clients in the event of a strike, and might even have to pick up new clients. Although the Keenan Commission report rejects as impractical replacement of the unionized LAS by a public defender office, the city and courts begin to direct greater number of cases and funding to private 18-B attorneys to weaken ALAA's impact in the criminal justice system: by late 1997, only 29% of the City's felony defendants are assigned to LAS, vs. 40% to 18-B.

1986. The new contract provides for quicker resolution of caseload grievances and a Union-Management affirmative action task force.

May 28, 1987. ALAA holds demonstration against the dismissal of 17 law graduates -- 15 of them attorneys of color -- who had failed the bar examination for the second time. As a result, the Society agrees to provide greater support for attorneys who failed their first bar exam.

1987. Brooklyn CDD attorneys collectively refused to staff Criminal Court arraignments until interview areas are rid of rats, roaches and other vermin.

August 15, 1988. Brooklyn CDD attorneys and support staff hold a joint walkout over a lack of air conditioning and ventilation, followed on August 25 by a picket and invasion of Management HQ by some 500 Union members to protest dockings and warning letters issued to those involved.

1988. The ALAA Civil Division Affirmative Action Committee calls attention to Management's failure to effectively recruit, retain and promote attorneys of color, followed by years of grievances on the issue that ultimately result in adoption of an aggressive affirmative action policy.

1986-1989. The ALAA Brooklyn CDD Affirmative Action Committee joins protests against 1986 acquittal of Bernhard Goetz, racist murders in Howard Beach, Bensonhurst and Staten Island; testifies before State Judicial Commission on Minorities; and criticizes "preferential treatment" for white defendants. ALAA supports strikes at Eastern Airlines and at the Pittston (West Virginia) mines, becomes increasingly involved in abortion rights, and endorses the first mayoral candidacy of David Dinkins.

February 1, 1990. An ALAA protest focuses media attention on the police-instigated beating in the Brooklyn court pens of a defendant charged with sexual abuse of a child. More generally, it publicizes criticism of police abuse and the "war on drugs."

February-June 1990. The Office of Court Administration responds to Management's agreement to settle a workload grievance in the Juvenile Rights Division by threatening to bid out the work performed by JRD's Manhattan office to a nonunion contractor. Management announces that it will immediately lay off six of the JRD attorneys that it had hired as part of the workload grievance settlement. By the end of June, mass demonstrations and intensive lobbying by ALAA and 1199 force OCA to retain JRD contract and compel Management to ensure jobs for the six threatened lawyers, if necessary through assignment to other Society divisions.

Summer 1990. The Attorneys of Color of Legal Aid (ACLA) is established as an ALAA caucus.

August 15, 1990. ALAA focuses several days of front-page attention on secret mass beatings of Rikers Island inmates by guards.

July 1990- April 1991. In contract negotiations, ALAA calls for greater affirmative action, meaningful job security, health and safety, equal benefits for lesbian and gay attorneys, and higher salaries. Management responds by demanding health insurance and salary give-backs. The Union conducts a protracted "inside campaign" that includes public rallies, informational pickets, invasion of the Society's annual meeting, disruption of Management's Christmas Party, wearing "Ready to Strike" buttons in court, a January 29, 1991 one-day strike, picketing Board officers' law firms, applying direct pressure to Board members' private clients, refusal of City offers of higher salaries in exchange for surrender of continuity, and a threat to disrupt annual the Society's annual Waldorf-Astoria dinner.

The contract settlement restores essential health benefits and rescinds unilateral employee health insurance deductions, but freezes wages. ALAA wins significant improvements in job security, equal benefits for lesbian and gay attorneys, and health and safety, and successfully resists Management's last-minute attempt to condition the entire settlement on withdrawal of a Civil Division affirmative action grievance.

January 1991. ALAA and 1199 members join together against the Gulf War.

December 12, 1991. Brooklyn CDD Union members walk off the job and picket Criminal Court against the handcuffing of Staff Attorney Michelle Myers for allegedly being late to court and for "smiling" at Judge Bernadette Bayne, after Myers had asked that her misdemeanor client be unshackled for a pre-trial hearing.

December , 1991. ALAA and 1199 hold a mass picket against the firing of African American attorney Duane Williamson, one of a series of attorneys of color unfairly terminated at JRD.

June 17-October 1, 1992. On June 17, 1992, ALAA members adopt a contract strategy of alliance with 1199 and an October 1 "no contract, no work" deadline. Membership action includes formation of office-based strike committees; picketing the Society's annual Waldorf Astoria Dinner; a joint July 15 one-day strike; securing the UAW's agreement to provide emergency health coverage if Management cut off attorney

benefits; a mid-September boycott of weekend arraignments by Manhattan CDD attorneys; and several mass demonstrations.

On October 2, the membership ratifies an agreement in which the Society agrees to protect staff and clients from TB; provide mandatory racial diversity training; offer health benefits for lesbian and gay domestic partners; apply the principle of "substantial comparability" with ADA salaries through the 10th step, rather than only the first five; and increase compensation by 6.35%.

May 6, 1994. One hundred and thirty Brooklyn CDD attorneys call in sick to protest unfair discipline of colleague Monica Sheehan. After the 1994 strike (see below), the Union's grievance against Sheehan's suspension is upheld.

June 1994. Following a New York Times expose, the Giuliani administration accepts a proposal by the Society, with ALAA's strong endorsement, to reduce costly and unreliable 18-B assigned counsel representation by expanding the Society's criminal work in Manhattan.

August-October 1994. Preliminary contract negotiations produce rapid agreement on ALAA's proposals for greater affirmative action, health and safety, and quality of representation, and removal of the artificial ten-step limit on senior attorney salary comparability. At the last minute, however, the Giuliani administration blocks a modest economic settlement which the Society agrees to fund without additional City funding.

On the morning of October 3, 1994, the membership defies Giuliani's threats to apply "PATCO" against any strike. Within minutes of the strike vote, Giuliani terminates all of the Society's City contracts, both criminal and civil, and vows to issue requests for proposal (RFPs) for the Society's criminal work. Two days later, under Giuliani's threat to blacklist any striking attorney from all future City-funded representation, ALAA ratifies a slightly better offer and returns to work. Blocked by the NLRB from imposing a permanent no-strike clause, Giuliani immediately cuts \$13 million of the Society's \$79 million City criminal funds, specifying a drastic reduction in the number of supervising attorneys. The cut also requires CDD and CAB members of ALAA to give up a week's compensation in order to save the jobs of their junior colleagues.

November 1995. Increasingly aware of the need to participate in the broader labor movement, ALAA members vote overwhelmingly to become Local 2325 of the United Auto Workers (UAW), which has provided essential political support for ALAA members.

November 1995-Present. Angered by appointment of Daniel Greenberg to head the Society and by ALAA's continued refusal to surrender felony continuity, Giuliani issues RFPs for large portions of the Society's indigent criminal representation, for which Legal Aid is barred from bidding. Two sets of RFPs ultimately transfer approximately 20-25% of the Society's caseload to "Brooklyn Defender Services," "Appellate Advocates," "Queens Law Associates," "The Center for Appellate Litigation," "Bronx Defenders," "New York County Defender Services," and "Battiste, Aronowsky & Suchow, Inc."

The runaway shops, which are given funds to lure current and/or former Society staff attorneys, join the City in advocating the breakup of Legal Aid criminal representation on the grounds that the Union's strength must be broken. To date, the Giuliani administration's attack has cost the Society \$30 million, thereby dramatically escalating the workload for Legal Aid Staff Attorneys and undercutting continuity of representation. In August 1998, the Indigent Oversight Committee of the Appellate Division, First Department, finds that the Giuliani policies have damaged the quality of indigent defense representation. The Society, ALAA and 1199 resist these assaults through political action and pending state and federal lawsuits. The Unions also seek to prevent the non-union RFP groups from legitimizing themselves in the legal community.

Meanwhile, in negotiations under the 1994 contract, the Union wins significant improvements in health and dental benefits; and elimination of attorney premium contributions; transit cheques, the first significant midterm "comparability" increases for senior Staff Attorneys; and numerous joint Union-Management committees with real power to hire, promote, improve legal practice budget and address other important issues.

ALAA Presidents

1968-69: Sam Dawson

1969-71: Lou Oliver

1972-74: Karen Faraguna

1974-75: Joel Gorham

1975-77: Lee Ginsburg

1977-78: Michael Russek

1978-81: Craig Kaplan

1981-84: Carol Gerstl

1984-86: Jean Schneider

1986-90: John Yong

1990-Present: Michael Letwin

Michael Letwin - President
568 Broadway, Room 702A
New York, NY 10012-3225
(212) 343 - 0708
Contact: alaa@alaa.org