

## The Legal Aid Society

At a pre-trial hearing in a Manhattan federal courtroom today, the City of New York agreed to make eligibility determinations by Friday for the 13 named plaintiffs in a class action brought by a coalition of legal groups including The Legal Aid Society and Hughes Hubbard, which is providing its services pro bono.

The suit alleges that city and state agencies systematically deny battered immigrant women and their children, along with other eligible immigrants, public benefits, including food stamps, medical benefits and cash assistance.

At today's hearing, the City further agreed to provide all benefits for which the named plaintiffs are determined eligible within two to three business days following this Friday's eligibility determination; to make determinations of retroactive benefits by the following Friday; and to make the retroactive benefits available within two to three days after that. In sum, the City agreed to provide essentially all of the relief that had been sought in the plaintiffs' TRO application.

Expedited discovery will commence immediately, followed by oral argument on the plaintiffs' preliminary injunction motion on Jan. 26 and an evidentiary hearing on Feb. 15.

Hughes Hubbard lawyers were instrumental in filing the class action Tuesday in the Southern District of New York. The suit alleges that every year hundreds, if not thousands, of battered immigrant women and their children are illegally denied food stamps, medical care and other public assistance because of flawed administration by the City and State, including pervasive errors in New York's computerized public assistance programs, a confusing and sometimes erroneous mass of policy directives, regulations and interpretations, and poor staff training.

The suit, described as a last resort, is intended to bring about an overhaul of the city and state public assistance system for immigrants, seeking to enjoin the city from misapplying eligibility requirements to illegally deny plaintiffs and plaintiff class members Medicaid, food stamps and other forms of public benefits. It also seeks to enjoin the city from discouraging and deterring eligible plaintiffs from applying for such benefits and to enjoin the state to ensure the city's compliance with all federal mandates regarding immigrant eligibility for public aid. The lawsuit was widely reported: it was the subject of an article on the front page of Tuesday's *New York Times* Metro Section, a front-page story in today's *El Diario* and Russell Jacobs was interviewed by CNN en Espanol.

In hundreds of pages of court papers, lawyers for the plaintiffs argue that the problems stem in part from flaws in the city and state computer systems used to administer public benefits.

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Chief among these is a drop-down computer menu used by caseworkers to enter information about non-citizens applying for aid that omits key categories for battered "qualified aliens." The complaint also points to the inadequate training and supervision of city workers, who have for years received misleading and erroneous directives and information about eligibility requirements from the New York City Human Resources Administration, as well as the New York State Office of Temporary and Disability Assistance and the New York State Department of Health.

Typical of the many, harrowing stories detailed in the suit is that of M.K.B., who moved to the U.S. from Jamaica in 2004 to live with her husband, a lawful permanent resident, and the father of her two young children. Not long after their arrival, M.K.B.'s husband became physically and verbally abusive to them. On Sept. 7, 2005, when M.K.B. was eight months pregnant, her husband threatened to kill her and told her he would feed the children rat poison. Ever since, she and her children have been living in a Manhattan homeless shelter.

M.K.B. and her two immigrant children were subsequently denied all public benefits because the HRA workers handling her case did not know they were eligible. They eke by on what M.K.B.'s youngest child, a U.S. citizen, receives in public assistance: \$68.50 semi-monthly cash allowance and \$119 in food stamps.

Hughes Hubbard represented five of the named plaintiffs in the suit. It represented and advised hundreds of other such women in the last 10 months, redoubling its efforts in the most dire of cases to get immediate action from the city and state.

At the hearing today, Judge Jed Rakoff made it clear he had little patience with any delay by the City in proceeding to address the merits of the dispute. When a lawyer from the Corporation Counsel's office claimed the City had not been served papers, the Judge proceeded, from the bench, to call Michael Sweeney in Hughes Hubbard's mailroom, who confirmed that the papers had been duly served on the City at 8:50 this morning.

The team from Hughes Hubbard included Ron Abramson, Russell Jacobs, Maryann Sexton, Jennifer Rolnik, Joe Sena, Shawn McEnnis, Natasha Reed, Shannon Frank, Beatriz Biscardi, Nadine Gomes, Jami Johnson, Lori Weiss, Angela Migally and Cristina Martinez.