

June 8, 2016

Honorable Andrew Cuomo
Governor
State of New York
Executive Chamber, State Capitol
Albany, New York 12224

Re: Monetary Relief Under the State Human Rights Law

Dear Governor Cuomo:

The undersigned bar associations urge the Legislature and Governor to build upon the progress achieved through last year's enactment of much of the Women's Equality Act and permit the award of reasonable attorneys' fees, costs and exemplary damages to a prevailing plaintiff in all cases involving unlawful discriminatory practices under the New York Human Rights Law, not just in cases of gender discrimination.¹ Chapter 364 of 2015, which provided this expansion to cover sex discrimination, was a positive step forward but we believe these awards must be available equally and cover all protected classes. As a matter of basic equity, New York should not have a policy that elevates any particular type of discrimination as being more deserving of relief or deterrence.

The availability of fee awards in all cases of discrimination would ease the financial burden on meritorious plaintiffs and increase their access to competent counsel. In turn, this would impose more of the costs of enforcing the civil and human rights laws on discriminating defendants and perhaps reduce the burdens currently borne by state and local civil and human rights enforcement agencies. It would also bring New York's Human Rights Law in line with comparable federal and local laws.

Discrimination does not always fall neatly into one category; a woman may experience discrimination on account of both her sex and other unlawful factors. To allow her to recoup

¹ See, e.g., A.113 (AM Dinowitz) / S.758 (Sen. Kennedy) (NYS 2016).

attorney's fees because of her gender but not her race or religion - and to deny such relief to an individual who demonstrates discriminatory conduct based on any of the other protected classes identified in the Human Rights Law - fails to appreciate the complexity of discrimination or its damaging effects. We urge you to enact legislation this session that will provide equal access to justice for all New Yorkers facing unlawful discrimination.

Thank you for your consideration.

Respectfully,

Amistad Long Island Black Bar Association
Cherice Vanderhall, President

Dominican Bar Association
Queenie Paniagua, President
Vianny Pichardo, Director & President-Elect

Hispanic National Bar Association
Robert Maldonado, National President

Jewish Lawyers Guild
Bruce Raskin, Board Chair
Shoshana Bookson, President

**LGBT Bar Association of Greater
New York (LeGaL)**
Meredith R. Miller, President

Long Island Hispanic Bar Association
Frank Torres, President

Metropolitan Black Bar Association
Taa Grays, President

Muslim Bar Association of New York
Atif Rehman, President

Puerto Rican Bar Association
Betty Lugo, President

New York City Bar Association
John S. Kiernan, President

South Asian Bar Association of New York
Rippi Gill, President

Cc: Hon. Jeffrey Dinowitz
Hon. Timothy Kennedy
Helen Diane Foster, Commissioner, NYS Division of Human Rights

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