



Harter Secret & Emery LLP

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HARTER SECREST & EMERY SECURES PRECEDENT-SETTING PRO BONO VICTORY FOR DISABLED PRISONERS AND CLASS MEMBERS GENERALLY

Rochester, New York, November 19, 2019 – [Harter Secret & Emery LLP](#), a full-service business law firm with offices throughout New York, has won a precedent-setting victory for the rights of disabled and chronically-ill prisoners, as well as for the rights of members of any certified class.

A three-judge panel of the United States Court of Appeals for the Second Circuit held that the due process rights of a certified class of inmates at New York’s Green Haven Correctional Facility were violated by the termination of a longstanding consent decree. The decree had ensured constitutionally adequate medical care for disabled inmates and others. Upon its termination in 2015, Green Haven inmates immediately lost classwide rights to medical care and accessible accommodations. In a published decision, the Second Circuit voided that termination order, holding that it violated class members’ due process rights because no class representative was in place at termination.

The Second Circuit’s decision restores vital protections to disabled inmates at Green Haven. More broadly, the precedent the classwide rights of members of any certified class. As the Second Circuit concluded at the end of its decision, the opinion should “remind district courts that even for longstanding consent decrees such as the one here, the named representatives must adequately represent class members’ interests at all times.”

“We are thrilled with this victory for our incarcerated clients, whose rights to basic medical care will be restored,” said Brian M. Feldman, a partner at Harter Secret & Emery, who represented the inmates pro bono. “At Green Haven, this decision should translate into medical care for the sick and the return of accessible housing units for the physically disabled. Throughout the Second Circuit, this commonsense decision will ensure that class representatives are empowered to defend classwide

rights before they can be lost. Today’s decision protecting disabled inmates could, tomorrow, protect class members anywhere.”

Information on the ruling can be found [here](#).

About Harter Secrest & Emery

Harter Secrest & Emery LLP is a full-service business law firm providing legal services to clients ranging from individuals and family-owned businesses to Fortune 100 companies and major regional institutions. With offices in Buffalo, Rochester, Albany, and Corning, New York, the firm is a recognized leader in litigation, corporate, employee benefits, environmental and land use, health care, higher education, immigration, intellectual property, labor and employment, real estate, and trusts and estates law. Harter Secrest & Emery has 35 *U.S. News - Best Lawyers* 2020 “Best Law Firms” top tier metropolitan practice group rankings—more Western New York rankings than any other law firm. The firm has been honored by *Chambers USA* for Corporate/M&A, Healthcare, Labor & Employment, Litigation, Immigration and Real Estate law and 46 attorneys are recognized as *The Best Lawyers in America*® for 2020. For more information visit www.hselaw.com.

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