

Justice Gary S. Stein
Public Interest Center
at Pashman Stein Walder Hayden

2020
Year in Review

Our Mission

The Justice Gary S. Stein Public Interest Center at Pashman Stein Walder Hayden is dedicated to a broad range of public interest impact litigation and appellate advocacy that advances social, racial, and economic justice; protects civil liberties and constitutional rights; and promotes an open and transparent government. Under the leadership of Director CJ Griffin, the Stein Public Interest Center remains on the forefront of these issues by taking on important and impactful cases and partnering with local, regional, and national organizations to promote and advance justice.



Message from Our Director

The challenges of 2020 required many changes in our personal and professional lives, and events across the country heightened public awareness of the need for social, racial and economic justice. For the Justice Gary S. Stein Public Interest Center at Pashman Stein Walder Hayden, the year underscored the importance of our commitment to protecting civil liberties and constitutional rights through impact litigation and appellate advocacy.

Our lawyers participated in many cases, representing local, regional and national organizations as friends-of-the-court. I am honored to have worked with so many outstanding organizations this past year, providing a voice through *amicus* briefs and direct litigation, so that together we can provide background and context to legal issues, advance justice, and positively influence outcomes in some of the most important cases before our courts.

We established the Stein Public Interest Center in 2019 in recognition of the distinguished career of dedicated public service of Justice Gary S. Stein (Ret.), paired with Pashman Stein's commitment to shaping public interest law through landmark court cases. I am grateful for the role the Stein Public Interest Center has played in significant matters throughout the year, and for the dedication of Pashman Stein's lawyers who contributed pro bono hours at a record level in 2020, more than double that of the previous year!

By providing the training and opportunity to work on high-impact, meaningful public interest and pro bono cases, we are building a generation of attorneys who are dedicated to ensuring access to justice for all and committed to pro bono work. I am proud to be part of a law firm that is taking a leadership role in this area and humbled to be trusted with such an important responsibility as the Director of the Stein Public Interest Center. I look forward to working with our existing partner organizations, and forging new partnerships with others, so that we can have an even greater impact and further advance justice in 2021.



CJ Griffin
January 25, 2021



CJ Griffin | Director, Stein Public Interest Center at Pashman Stein Walder Hayden



"The Stein Public Interest Center has been a valuable partner in the ACLU-NJ's advocacy over the past year. Pashman Stein attorneys worked with us on a range of civil rights issues, including protecting the rights of an incarcerated transgender woman and the rights of patients prescribed medical marijuana. Under CJ Griffin's leadership, the Stein Public Interest Center takes a holistic, creative approach to addressing pressing legal and public policy issues in New Jersey. We are looking forward to continuing and growing our partnership."

Jeanne LoCicero | *Legal Director of ACLU-NJ*

At a Glance

Since launching the Stein Public Interest Center in mid-2019, we:

Received 6 awards, including the **New Jersey State Bar Association's Pro Bono Law Firm Award**

Performed more than **4,000 hours of pro bono legal work in 2020**, more than double the number of pro bono hours in 2019

Were involved in **27 cases before the New Jersey Supreme Court in 2020**, including participating in 8 oral arguments

Included **59% of Pashman Stein attorneys** on pro bono matters

Partnered with more than 50 organizations as pro bono counsel

Executive Summary

The Justice Gary S. Stein Public Interest Center at Pashman Stein Walder Hayden was established in mid-2019, formalizing the Firm's long-standing commitment to pro bono and public interest work. Our mission is to advance justice by working on significant public interest lawsuits and landmark appellate court cases that have far-reaching impact beyond the parties to the case. Together with our partner organizations, we are moving the needle on important public interest issues and serving as a voice for many injustices in our State. This report recaps some of the highlights of our work since the Stein Public Interest Center was established.

Through the Stein Public Interest Center, we remain at the forefront of critical public interest issues such as government transparency, police transparency, racial justice, voting rights, free speech, transgender rights, cannabis rights, and the rights of criminal defendants and incarcerated individuals. Our police transparency litigation has contributed to what has been described as a "sea change" in New Jersey to move towards greater transparency in police internal affairs and misconduct investigations.

We continue our efforts to redress the systemic racial inequality that unfortunately still exists in this country and our State. Together with our partner organizations and co-counsel, we continue our work on a groundbreaking effort that may prove to be among the most important social justice reforms of our time – the landmark lawsuit to end the intense segregation in the State's public schools. In addition, many of our pro bono criminal justice cases seek to address the implicit and institutional racial biases within the criminal justice system, as well as measures and tactics that disproportionately impact people of color.

In a significant racial justice victory, New Jersey voters passed the ballot question to amend New Jersey's Constitution and legalize adult-use cannabis. A team of Pashman Stein attorneys provided pro bono legal support to NJ CAN 2020, a political committee that campaigned for the passage of that ballot question. Even prior to the election, the Stein Public Interest Center advocated for the rights of medical marijuana users, with our attorneys appearing before the New Jersey Supreme Court in two cases in 2020 involving such rights, one of which resulted in a victory while the other is still pending.

"The Stein Public Interest Center reflects our Firm's long-standing commitment to lean in, and to leave an imprint on the public issues of our time, as well as our belief that the practice of law is more than just a business -- that as lawyers, we have a heightened responsibility to use our resources to serve the public good"

Michael S. Stein | *Managing Partner, Pashman Stein Walder Hayden*

We are thrilled and honored that two retired judges joined Pashman Stein in 2020 who, together with Justice Gary S. Stein (Ret.) and Judge Ronny Jo Siegal (Ret.), provide invaluable guidance and perspective to the Stein Public Interest Center.

Judge Stuart Peim, J.S.C. (Ret.) joined the Firm as pro bono of counsel in November 2020 after spending 19 years as a New Jersey Superior Court Judge, including 16 years in the Criminal Division, and three years in Juvenile Court. Through the Stein Public Interest Center, Judge Peim dedicates his pro bono practice to assisting detained clients in removal and asylum immigration cases in federal courts, enabling us to expand our pro bono work to further protect the rights of immigrant communities.

Judge Ellen L. Koblitz, P.J.A.D. (Ret.) joined the Firm as special counsel in September 2020, after serving as a judge for 27 years, including 10 years in the Appellate Division, and serving in the Office of the Public Defender for 17 years. As a vigorous advocate for justice, Judge Koblitz brings invaluable insight to the work of the Stein Public Interest Center.

Our clients generally include local, regional, and national organizations. We represent organizations as pro bono *amicus* counsel before the New Jersey Supreme Court and Appellate Division, as well as serving as direct counsel in impact litigation and providing pro bono legal advice. In 2020, our attorneys were involved in 27 cases before the New Jersey Supreme Court, including participating in eight oral arguments before the Court.

And finally, we are humbled by the honors and awards received in recognition of the work done through the Stein Public Interest Center, including: the New Jersey State Bar Association's 2020 Pro Bono Law Firm Award in the large law firm category; the *New Jersey Law Journal* naming Pashman Stein 2020 Appellate Litigation Department; and the *New Jersey Law Journal* naming CJ Griffin a Finalist for the 2020 Attorney of the Year award.

Promoting an Open and Transparent Government

Through direct representation and *amicus curiae* support of individuals and organizations seeking information, we are on the cutting edge of defining the public's right of access to government documents, public meetings, judicial records and proceedings, and information that is otherwise hidden or unavailable. In 2020, we filed three *amicus* briefs in the Appellate Division and two *amicus* briefs in the New Jersey Supreme Court to promote a transparent and open government.

Having previously litigated the landmark police records case in *North Jersey Media Group v. Township of Lyndhurst*, 221 N.J. 541 (2017), we have remained at the forefront of the quest for greater police transparency. In late 2019, the NJ Supreme Court granted our petition for certification in *Libertarians for Transparent Government v. New Jersey State Police*, a case that sought the name of a state trooper who had been fired for "engaging in racially offensive behavior." In June 2020, the Attorney General reversed course and disclosed the trooper's name to our client, paid the firm's legal fees, and issued Law Enforcement Directives 2020-5 and 2020-6. Those Directives have been described as a "sea change" because they make information about police misconduct public for the first time and specifically require the disclosure of the names of law enforcement officers who receive major discipline.

Unfortunately, several police unions immediately filed appeals to challenge the Directives. Representing two law enforcement organizations who support transparency, the Stein Public Interest Center filed an *amici curiae* brief in the Appellate Division to protect the disclosure Directives, a result that we had worked tirelessly to obtain. Thankfully, the Appellate Division upheld the Directives in a published opinion, but the appeals are now pending in the NJ Supreme Court. Oral argument is scheduled for March 2021, where we will forcefully argue that the public deserves to know the names of officers who engage in misconduct and that the Directives should be upheld.



Some of our significant cases in this area of law include:

***Digital First Media v. Ewing Twp.*, 462 N.J. Super. 389 (App. Div. 2020)**

CJ Griffin represented *The Trentonian* newspaper in an Open Public Records Act (OPRA) lawsuit seeking a copy of a Use of Force Report (UFR) that related to force that Ewing police officers used against a teenager. Although the trial court held that the UFR could not be released due to a statute that exempts certain juvenile records, the Appellate Division granted our appeal and ruled that the UFR must be released with the juvenile's name redacted. Ewing Township was also required to pay the newspaper's legal fees.

***In re Attorney Gen. Law Enf't Directive Nos. 2020-5 & 2020-6*, 465 N.J. Super. 111 (App. Div. 2020)**

CJ Griffin represented the National Coalition of Latino Officers and the Law Enforcement Action Partnership as *amici curiae* in support of two important police transparency directives issued by the New Jersey Attorney General that require law enforcement agencies to disclose the identities of police officers who receive major discipline, along with a brief explanation of the misconduct that gave rise to the penalty. The directives were challenged by several police unions who believe such information should be kept secret. The Appellate Division upheld the directives and the case is now pending in the Supreme Court. Zachary Levy also worked on this matter.

***Fraternal Order of Police, Newark Lodge No. 12 v. City of Newark*, 244 N.J. 75 (2020)**

CJ Griffin filed an *amici curiae* brief in the NJ Supreme Court on behalf of the New Jersey Urban Mayors Association, Latino Leadership Alliance of New Jersey, and Libertarians for Transparent Government in favor of Newark's ordinance creating a Civilian Complaint Review Board (CCRB). The Supreme Court upheld the authority of the City to create the CCRB, although it limited its powers.

***Gannett Satellite Information Network LLC v. Twp. of Neptune*, Docket No. A-4006-18**

CJ Griffin submitted an *amicus curiae* brief on behalf of the American Civil Liberties Union, New Jersey (ACLU-NJ) arguing that the internal affairs records of a police officer who shot and killed his wife in 2015 should be released pursuant to OPRA or the common law right of access and, that even if access is granted under only the common law, the trial court's award of attorneys' fees to the plaintiff should be affirmed. The case is pending before the Appellate Division.

***Ernest Bozzi v. City of Jersey City*, Docket No. 084392**

CJ Griffin submitted an *amicus curiae* brief on behalf of Libertarians for Transparent Government arguing that commercial requestors must be treated the same as others who file OPRA requests and that there is no privacy interest in a dog license that justifies denying access to such records. The case is pending before the NJ Supreme Court.



"For many years, CJ Griffin and Pashman Stein have helped the CCRP gain access to records relating to police shootings, incidents of force, and police misconduct. As a result, CCRP has been able to analyze use of force trends to identify agencies and officers that use force disproportionately against people of color and we have been able to advocate for policy and training changes across the state. This work has been especially important over the past year, as the entire nation has focused on reimagining policing. The police reforms in New Jersey are due in large part to community access to police records. CJ has made it her mission for transparency."

Richard Rivera | Co-Chair of the Civil Rights Protection Project (CCRP), Latino Leadership Alliance of New Jersey

Protecting Civil Liberties and Constitutional Rights

Through impact litigation and appellate advocacy, the Stein Public Interest Center defends and advances constitutional rights, tackling some of the biggest issues of our day, such as school segregation, voter disenfranchisement, and attacks upon free speech and the media. Since the Stein Public Interest Center was established, we have participated in important cases involving first amendment issues, including whether schools may punish students for out-of-school protected speech, and the application of the “Shield Law” to bloggers, as well as the standard of proof in a right to privacy case involving hidden bathroom cameras.

We continued our work in 2020 in two pending cases alleging racial segregation in New Jersey schools. In *Latino Action Network v. State of New Jersey* (filed May 17, 2018), discovery is ongoing in this landmark lawsuit alleging that persistent segregation in New Jersey’s public schools violates the constitutional rights of hundreds of thousands of New Jersey’s students. The lawsuit contends that “because educational opportunity is, as a result, undermined for students in schools that are often characterized by intense poverty and social isolation in numerous, well-documented ways, these segregative state laws, policies, and practices deny an alarming number of Black and Latino students the benefits of a thorough and efficient education.” This case reflects a groundbreaking effort that may prove to be among the most important social justice reforms of our time.

In *In Re Team Academy Charter School*, we are representing the Education Law Center in its efforts to prevent charter school expansion in Newark that increases racial segregation and segregation of children with learning disabilities and limited proficiency in English.



Some of our significant cases in this area of the law include:

***Latino Action Network v. State of New Jersey* Docket No. MER-L-001076-18**

The Firm continued its work on the landmark lawsuit, initially filed by our Firm as co-counsel in May 2018 against the State of New Jersey, alleging that persistent segregation in New Jersey’s public schools violates the constitutional rights of hundreds of thousands of New Jersey’s students. The Court has not yet decided our motion for summary judgment asking it to rule on the undisputed facts that existing levels of racial segregation in New Jersey’s public schools violate the New Jersey Constitution and New Jersey statutes as a matter of law. The parties are currently engaged in discovery pertaining to liability. Charter schools and related organizations and individuals, other traditional public-school substitutes, as well as individual school districts have been granted intervention and/or *amicus* participation. Michael S. Stein and Roger Plawker are spearheading the matter.

***In Re Team Academy Charter School*, 459 N.J. Super. 111 (App. Div. 2019), certif. granted 241 N.J. 1 (2020)**

In February 2020, the NJ Supreme Court granted our petition for certification in a case challenging the State Commissioner of Education’s decision to dramatically expand charter school enrollment in the Newark Public School district by approving an enrollment increase of 8,500 students at seven Newark schools, thereby depriving district students of essential education resources and intensifying persistent patterns of student segregation in the district. Michael S. Stein, Ranit Shiff, and Brendan M. Walsh are working on the matter, which is pending.

“For decades, New Jersey has done nothing to address the fact that its urban schools are intensely segregated by race and poverty. We cannot remedy this issue simply by lobbying for it. The only way to achieve justice is to get a ruling from the court that will force the State to take steps to remedy it.”

Justice Gary S. Stein (Ret.) | *Special Counsel, Pashman Stein Walder Hayden*

***Friedman v. Martinez*, 242 N.J. 449 (2020)**

CJ Griffin argued on behalf of ACLU-NJ as *amicus curiae* in a case involving secret bathroom cameras placed in a women’s workplace restroom. The Supreme Court ultimately agreed with our position that the plaintiffs did not need to prove that their images were actually captured on video in order to maintain a cause of action for invasion of privacy, a holding that is especially important in the era of livestreaming.

***Schwab v. Klein*, Docket No. OCN-L-2695-18**

CJ Griffin filed an *amicus curiae* brief on behalf of the Reporters Committee for Freedom of the Press and ten media organizations in a defamation case where a blogger claimed the Newsperson’s Privilege, more commonly known as the “Shield Law,” and refused to be deposed. Our *amicus* brief argued that the Shield Law applies to journalists connected with nontraditional news media outlets, including blogs, and that it protects reporters’ sources of information and any information obtained in the course of their professional activities, even if a reporter denies involvement in the articles about which he or she is questioned. The trial court denied the plaintiffs’ motion to depose the blogger.



Advancing Social, Racial, and Economic Justice

The Stein Public Interest Center is dedicated to legal advocacy to serve as a voice for those who are marginalized and criminalized due to their social, racial, or economic status, and to reshaping the interpretation of the laws that are meant to provide equal rights and liberties to all. In 2020, we participated in important cases before the New Jersey Supreme Court and Appellate Division involving the rights of medical marijuana users and transgender incarcerated persons, as well as cases addressing issues of implicit and institutional racial bias in jury selection and whether immigration status can be used as a basis for pretrial detention.

We continued our work in 2020 in two pending cases alleging racial segregation in New Jersey schools, which reflect a groundbreaking effort that may prove to be among the most important social justice reforms of our time. For further information, see “Protecting Civil Liberties and Constitutional Rights.”

With the addition of Judge Stuart Peim (Ret.), the Stein Public Interest Center has expanded its work in cases involving immigrants’ rights. Judge Peim’s pro bono practice is focused on representing detained clients in removal and asylum cases.



Some of our significant cases in this area of law include:

***Wild v. Carriage Funeral Holdings, Inc.*, 241 N.J. 285 (2020)**

Dillon J. McGuire represented ACLU-NJ as *amicus curiae* and argued that employers have an obligation under the New Jersey Law Against Discrimination (LAD) to accommodate employees who use medical marijuana outside the workplace to treat their disabilities. The NJ Supreme Court agreed and held that those who are terminated from their jobs, based upon their proper medical use of marijuana, may bring a disability discrimination claim under the LAD. CJ Griffin co-authored the brief.

***In the Matter of the Adoption of a Child by C.J.*, 465 N.J. Super. 162 (App. Div. 2020)**

Tracy Julian, Timothy P. Malone, and Linda Torosian represented an indigent mother who appealed a trial court determination to terminate parental rights to allow the private adoption of her ten-year old daughter by a stepparent. In a published, precedential decision, the Appellate Division reversed and vacated the order of adoption, setting forth the appropriate evidentiary standard and burden of proof in a contested adoption case.

***Doe v. New Jersey Dep't of Corr.*, Docket No. A-5101-18T1 (App. Div. June 3, 2020)**

Roger Plawker and James W. Boyan III served as appellate co-counsel with ACLU-NJ, representing Sonia Doe, a transgender woman, in a successful appeal of disciplinary sanctions imposed upon her while in the custody of the New Jersey Department of Corrections. The Appellate Division ordered that Doe's sanctions be reconsidered in recognition that she was a "member of a vulnerable population" under the newly passed Isolated Confinement Restriction Act, which provides that isolated confinement should not be used against such populations.

***C.R. v. M.T.*, Docket No. 083760**

CJ Griffin argued before the NJ Supreme Court on behalf of New Jersey Coalition Against Sexual Assault and Partners for Women and Justice as *amici curiae* in a case that will decide what standard applies when determining whether a sexual act was "nonconsensual" for the issuance of a restraining order under the Sexual Assault Survivor Protection Act. The case is pending.

***State v. Edwin Andujar*, Docket No. 084167**

CJ Griffin submitted an *amicus curiae* brief on behalf of the Association of Criminal Defense Lawyers of New Jersey (ACDL-NJ), arguing defendant's right to a fair trial by an impartial jury drawn from a representative cross-section of the community was violated when the State ran a criminal background check on a minority member of the jury pool after it unsuccessfully sought to remove the prospective juror for cause. The brief further argues that the Court should prohibit prosecutors from running criminal background checks on any jurors in the future except in very narrow circumstances and that the Court should consider rule changes to better shield the jury selection process from implicit and institutional racial biases. The case is pending. Zachary Levy and Yelena Yuxhvid also worked on this matter.

***Hager v. M&K Construction*, Docket No. 084045**

Alan Silber argued on behalf of NORML, Garden State-NORML, the Coalition for Medical Marijuana-NJ, and Doctors for Cannabis Regulation as *amici curiae* in a case that will determine whether a workers' compensation judge may order an employer to reimburse its employee for the cost of the employee's medical marijuana prescribed for chronic pain following a work-related accident. Dillon J. McGuire co-authored the brief. The case is pending before the NJ Supreme Court.

***State v. Juan C. Molchor; State v. Jose A. Rios*, Docket No. 084694**

CJ Griffin and Rachel E. Simon submitted an *amici curiae* brief on behalf of several non-profit organizations in a case that will determine whether a defendant's immigration status can form the basis for a court's pretrial detention decision under the Criminal Justice Reform Act. Our clients, who argue that immigration status is not a reason to detain someone, are: Make the Road New Jersey, Bangladeshi American Women's Development Initiative, Fair and Welcoming Communities Coalition of Somerset County, Faith in New Jersey, First Friends of New Jersey and New York, International Justice Project, MomsRising, National Coalition of Latino Officers, LatinoJustice PRLDEF, Latino American Legal Defense and Education Fund, Law Enforcement Action Partnership, Volunteer Lawyers for Justice, and Wind of the Spirit. The case is pending.

***Deyvi Alexander De Leon v. Attorney General of United States*, Docket No. 20-2381, U.S. Court of Appeals for the Third Circuit**

Our attorneys represent a client in an appeal of a Final Order of Deportation from the Board of Immigration Appeals. The client sought relief from deportation claiming his disabled, elderly parents would suffer extreme hardship if he was deported. Our brief argues that by denying the client the right to testify and call his father as a witness, precluding him from being able to use relevant documents, and by requiring the client to appear at the hearing via videoconferencing, the client's hearing was conducted in a manner that violated his constitutional and statutory rights and he was deprived of a fair opportunity to present his case. Judge Stuart Peim (Ret.) and Andrew M. Kuntz are working on the matter, which is pending.

***Oasis Therapeutic Life Centers, Inc. v. Wade*, 457 N.J. Super. 218, 231 (App. Div. 2018), certif. granted, 239 N.J. 492 (2019)**

James W. Boyan III filed an *amicus curiae* brief in the NJ Supreme Court on behalf of the Community Health Law Project. Our brief asked the Court to affirm the Appellate Division's decision that defendants' interference with the efforts of Oasis Therapeutic Life Centers, Inc. to purchase property for use as a group home for autistic individuals was an actionable claim under the New Jersey Law Against Discrimination. The case was settled and dismissed by the parties before a decision was issued.

NJ CAN 2020

NJ CAN 2020 is a political committee that was formed to campaign for the passage of the 2020 ballot question to amend New Jersey's Constitution to legalize adult-use cannabis. A team of Pashman Stein attorneys including Justice Gary S. Stein (Ret.), CJ Griffin, Bruce J. Ackerman, and Matthew E. Frisch provided pro bono legal support to the committee. In addition to assisting with the incorporation of NJ CAN 2020, Pashman Stein provided advisory services to the campaign for compliance with the reporting requirements to the New Jersey Election Law Enforcement Commission. The ballot question ultimately passed, which is a significant racial justice victory.

***L.G. v. High Focus Centers*, Chancery Division**

Our attorneys successfully obtained a temporary restraining order compelling a medical service provider to continue providing needed medical services, which had been denied solely because the patient obtained his medical cannabis card from the State of New Jersey. Sean Mack and Zachary Levy worked on this matter.



"CJ Griffin has made the Stein Public Interest Center a top choice for pro bono assignments involving cases of first impression of broad public importance. Partners for Women and Justice is so grateful to CJ and Pashman Stein for their work on behalf of victims of sexual assault and for advancing police accountability, which is essential to victims of domestic violence and sexual assault."

Trish Perlmutter, Esq. | *Policy Counsel,*
Partners for Women and Justice

Defending and Advancing the Rights of the Criminally Accused

The Stein Public Interest Center is involved in matters that question and challenge judicial interpretations of rights that are guaranteed to the accused, defendants, prisoners, and detainees. In 2020, our attorneys represented *amici curiae* partner organizations in numerous criminal justice cases before the New Jersey Supreme Court on a wide range of issues, including the number of times the State may re-submit a matter to a grand jury, sentencing guidelines, jury instructions, and pretextual stops that disproportionately impact people of color. Our attorneys were also designated pro bono counsel by the Office of the Public Defender in seven criminal appeals currently pending in the Appellate Division.

In addition, together with co-counsel, our attorneys secured a \$25 million settlement, plus legal fees, for a class of thousands of incarcerated persons and family members and friends of incarcerated persons in a case regarding overcharges for telephonic calling services.

Some of our significant cases in this area of law include:

***State v. Shaw*, 241 N.J. 223 (2020)**

CJ Griffin represented ACLU-NJ as *amicus curiae* and argued that there should be limits on the number of times the State may re-submit a matter to a new grand jury after the return of a “no bill.” The NJ Supreme Court adopted the test we proposed, permitting the State to re-submit the matter once as a matter of right and requiring it to obtain permission from the Assignment Judge after the return of a second “no bill” if it seeks to re-submit to additional grand juries.

ultimately testified at trial. The New Jersey Supreme Court agreed that defendant’s constitutional right to a fair trial was violated. CJ Griffin co-authored the brief.

***Bobby James v. Global Tel*Link Corp.*, Civil Action No. 13-4989-WJM-MF**

Our attorneys, along with co-counsel, secured a \$25 million settlement on behalf of a class of thousands of incarcerated persons and family members and friends of incarcerated persons in a federal case regarding overcharged calling services by a technology company, which they were required to use and included charges up to 100 times the market rate for phone calls. The company was also required to pay legal fees. James A. Plaisted, Justin P. Walder, Dennis T. Smith, and Matthew E. Frisch were part of the legal team representing the class.

***State v. Greene*, 242 N.J. 530 (2020)**

Alan Silber argued on behalf of ACDL-NJ as *amicus curiae* in a case where a prosecutor told the jury in his opening statement that the defendant had confessed to his grandmother, who never



***State v. Mark Melvin*, Docket No. 083298; *State v. Michelle Paden-Battle*, Docket No. 084603**

In these two appeals, the defendants' sentences were enhanced (extended) when the sentencing judge found that the defendants had actually engaged in criminal conduct, despite the defendants having been acquitted by a jury. Joseph A. Hayden, Jr. and Dillon J. McGuire submitted briefs on behalf of ACDL-NJ as *amicus curiae*, arguing that under the Fifth and Sixth Amendments to the United States Constitution, a sentencing court must not be permitted to enhance a defendant's sentence by making factual findings that directly conflict with the jury verdict. The cases are now pending in the NJ Supreme Court.

***State v. Olenowski*, Docket No. 082253 (A-4666-16T1)**

Aidan P. O'Connor filed an *amicus curiae* brief in the NJ Supreme Court on behalf of ACDL-NJ contesting the admissibility of drug recognition expert (DRE) testimony at trial, arguing that such evidence was unreliable and not generally accepted as required by law. The NJ Supreme Court has remanded this case to a special master to determine whether DRE evidence has achieved general acceptance within the relevant scientific community and therefore satisfies N.J.R.E. 702 and we are participating in those hearings. Aidan P. O'Connor is representing the ACDL-NJ before the Special Master together with Darcy Baboulis-Gyscek.

***State v. Collado*, Docket A-0581-20**

CJ Griffin filed an *amicus curiae* brief on behalf of ACDL-NJ in the Appellate Division in this interlocutory appeal where police ignored the knock-and-announce requirement of a search warrant. Longstanding NJ Supreme Court precedent says that the appropriate remedy under the New Jersey Constitution is suppression of the evidence, which the trial court ordered. The State argues that the appellate court should reject that precedent and instead apply the United States Supreme Court's decision in *Hudson v. Michigan*, which held that the appropriate remedy under the Fourth Amendment to the U.S. Constitution is not suppression, but rather a civil lawsuit or police discipline. In light of the current composition of the U.S. Supreme Court, it is important to uphold the principal that our state Constitution provides greater rights to New Jerseyans than the federal Constitution does. Andrew M. Kuntz also worked on this matter.

"The Stein Public Interest Center has been invaluable in helping the ACDL-NJ present its views on significant criminal law issues through *amicus* litigation in the New Jersey Supreme Court and Appellate Division. At a time when the pandemic has made it difficult to obtain volunteers for this purpose, Pashman Stein's pro bono group has been available, even enthusiastic, to help us out both with the number of cases they have accepted and the superlative quality of the briefs and arguments that they have provided. We look forward to calling on them again in the future."

Mark H. Friedman | Vice President & Treasurer of the Association of Criminal Defense Lawyers of New Jersey

***State v. Roman-Rosado*, Docket No. 084074 and *State v. Carter*, Docket No. 083221**

CJ Griffin submitted *amicus curiae* briefs on behalf of the Latino Leadership Alliance of New Jersey in two cases where defendants were stopped by police officers because the words "Garden State" on their vehicle license plates were very slightly obscured by license plate frames, which the State alleges violated a statute that prohibits "any part of any marking imprinted upon" a license plate from being concealed or obscured. Our brief argues the officers did not have a reasonable basis for stopping the defendants' cars for violations of the statute and that permitting officers to stop vehicles simply because vanity words or markings on the license plate are slightly covered has no rational relationship to the purpose of the statute; gives police officers far too much discretion, which invites pretextual stops that disproportionately impact people of color; and raises First Amendment concerns. The cases are pending.

***State v. Garcia*, Docket No. 083568**

Dillon J. McGuire argued on behalf of ACDL-NJ as *amicus curiae* that the defendant was deprived of a fair trial where the trial court improperly excluded a video that showed family members attempting to speak to the police at the crime scene, which supported the defendant's claim of self-defense, and then the prosecutor made statements to the jury in summation suggesting that defendant's family had not attempted to speak to the police at the scene and urging the jury to reject defendant's claim of self-defense. CJ Griffin co-authored the brief. The case is pending before the New Jersey Supreme Court.

***State v. McQueen*, Docket No. 084564**

Denise Alvarez filed a brief on behalf of ACDL-NJ as *amicus curiae* in the NJ Supreme Court to uphold the trial court's suppression of a telephone call received by the defendant from her boyfriend, who called her using a telephone at the police station after he was arrested. Neither the caller nor the defendant was notified that the call would be monitored or recorded. The ACDL-NJ argued that the recording of private telephone calls without notice infringed upon the reasonable privacy expectations of the defendant and her right to be free from unreasonable searches and seizures. The case is pending.

***State v. Ramirez; State v. Orozco*, Docket No. 083902**

Darcy Baboulis-Gyscek argued on behalf of ACDL-NJ as *amicus curiae* that the NJ Supreme Court should uphold the reversal of two criminal convictions, in which the defendants were charged with murder related to the death of their child, on the basis of an incorrect jury instruction regarding the level of culpability necessary to convict either defendant as an accomplice for failing to intervene to prevent the child abuse, and thereby warranting a new trial. Aidan P. O'Connor co-authored the brief. The case is pending before the NJ Supreme Court.

Criminal Appeals with the Office of the Public Defender

In 2020, our attorneys were designated pro bono counsel by the Office of the Public Defender in seven criminal appeals currently pending in the Appellate Division. Attorneys working on these appeals include CJ Griffin, Barry H. Evenchick, Brian J. Yarzab, Zachary Levy, Howard Pashman, Andrew M. Kuntz, Dillon J. McGuire, and Darcy Baboulis-Gyscek.

***State v. J.V.*, 242 N.J. 432 (2020)**

Barry H. Evenchick argued on behalf of ACDL-NJ as *amicus curiae* that the new juvenile waiver statute should apply retroactively to the defendant, who was sentenced after the enactment, but before the effective date, of the new statute. The Court held it did not apply retroactively. CJ Griffin authored the brief.

***State v. Courtney*, 243 N.J. 77 (2020)**

Aidan P. O'Connor argued on behalf of ACDL-NJ as *amicus curiae* in a case involving whether N.J.S.A 2C:35-12 prevented a sentencing court from imposing a lesser sentence than recommended in the plea agreement if the State did not formally seek an extended term. The Court found that Section 12 did not require a formal application and that the sentencing court did not have discretion to impose a lesser term of imprisonment than set forth in the plea agreement. Dillon J. McGuire co-authored the brief.



Honors and Awards

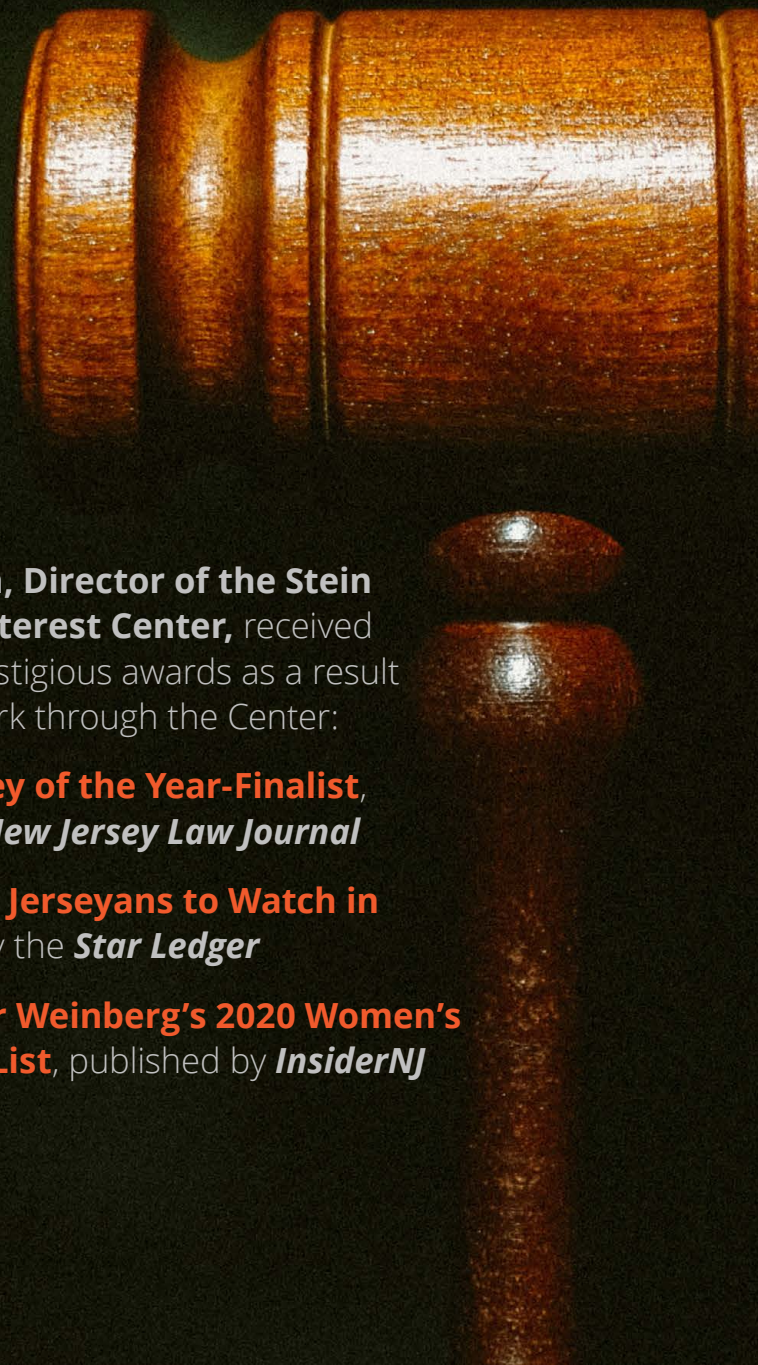
The New Jersey State Bar Association named **Pashman Stein Walder Hayden** the **2020 Pro Bono Law Firm** for the large firm category, recognizing the important pro bono work we are doing and the significance of creating the Stein Public Interest Center.

The *New Jersey Law Journal* named **Pashman Stein Walder Hayden** as **2020 Appellate Department**, due in large part to the appellate work performed through the Center.

Tracy Julian, Timothy P. Malone and **Linda Torosian** were honored at the **2020 New Jersey Judiciary Pro Bono Attorney Recognition Event** for the pro bono appellate representation of a natural parent who appealed a contested private adoption.

CJ Griffin, Director of the Stein Public Interest Center, received three prestigious awards as a result of CJ's work through the Center:

- **Attorney of the Year-Finalist**, by the *New Jersey Law Journal*
- **20 New Jerseyans to Watch in 2020**, by the *Star Ledger*
- **Senator Weinberg's 2020 Women's Power List**, published by *InsiderNJ*



Our Partners

In addition to representing clients in important public interest and pro bono cases, we partner with local, regional, and national organizations to promote and advance justice, including representing such organizations as pro bono *amicus curiae* counsel. Our partner organizations include:

- American Civil Liberties Union, New Jersey
- Association of Criminal Defense Lawyers, New Jersey
- Bangladeshi American Women's Development Initiative
- Bergen County Bar Association
- BuzzFeed
- Coalition for Medical Marijuana-NJ
- Community Health Law Project
- DIAL, Inc
- Doctors for Cannabis Regulation
- Education Law Center
- Fair and Welcoming Communities Coalition of Somerset County
- Faith in New Jersey
- First Friends of New Jersey and New York
- Hereditary Disease Foundation
- International Documentary Assn.
- International Justice Project
- Latino Action Network
- Latino American Legal Defense and Education Fund
- Latino Coalition
- Latino Leadership Alliance of New Jersey
- LatinoJustice PRLDEF
- Law Enforcement Action Partnership
- Libertarians for Transparent Government
- Make the Road New Jersey
- MomsRising
- MPA - The Association of Magazine Media
- NAACP New Jersey State Conference
- National Association of Criminal Defense Lawyers
- National Coalition of Latino Officers
- National Press Photographers Association
- New Jersey Coalition Against Sexual Assault
- New Jersey Foundation for Open Government
- New Jersey Institute for Social Justice
- New Jersey Office of the Public Defender
- New Jersey Urban Mayors Association
- New Jersey Society of Professional Journalists
- New York Public Radio
- NJ CAN 2020
- NORML and Garden State-NORML
- Open990.org
- Partners for Women and Justice
- Pro Bono Partnership
- Radio Television Digital News Association
- Reporters Committee for Freedom of the Press
- Rutgers Law School Center for Immigration Law, Policy and Justice
- Society of Environmental Journalists
- Society of Professional Journalists
- The Media Institute
- Transgender Legal Defense & Education Fund
- Tully Center for Free Speech
- United Methodist Church
- Urban League of Essex County
- Volunteer Lawyers for Justice
- Wind of the Spirit

Our Pro Bono Attorneys

At Pashman Stein, the commitment to providing pro bono legal services is an integral part of our culture and a significant factor for many when choosing to join the Firm. The impact of the Stein Public Interest Center's pro bono matters in 2020 would not be possible without the dedication of the following attorneys who provided pro bono legal services throughout the year, as well as the staff who provide assistance:

- Bruce J. Akerman
- Denise Alvarez
- Darcy Baboulis-Gyscek
- Monica Babula
- Jennifer A. Borg
- James W. Boyan III
- Raymond M. Brown
- Janie Byalik
- Naomi Becker Collier
- Barry H. Evenchick
- Matthew E. Frisch
- CJ Griffin
- Joseph A. Hayden, Jr.
- Tracy Julian
- J. John Kim
- Judge Ellen L. Koblitz (Ret.)
- Andrew M. Kuntz
- Zachary Levy
- Sean Mack
- Timothy P. Malone
- Valerie Jules McCarthy
- Dillon J. McGuire
- Aidan P. O'Connor
- Howard Pashman
- Judge Stuart Peim (Ret.)
- Roger Plawker
- Svetlana (Lana) Ros
- Ranit Shiff
- Alan Silber
- Rachel E. Simon
- Matthew A. Smuro
- Justice Gary S. Stein (Ret.)
- Michael S. Stein
- Linda Torosian
- Brendan M. Walsh
- Brian J. Yarzab
- Yelena Yukhvid
- Michael J. Zoller

"I am deeply honored to be associated personally and by name with the Stein Public Interest Center. I have long believed in the power that impact litigation and effective appellate advocacy has to effect social change and raise awareness of inequality and discrimination. Public interest litigation seeks to directly remedy the wrongs imposed on disenfranchised individuals and groups, but also aims to clarify the intent and scope of our civil rights law through advocacy. That Pashman Stein Walder Hayden's lawyers have committed themselves so generously to this effort makes me proud to practice law with them."

Gary S. Stein | *Retired New Jersey Supreme Court Justice, and Special Counsel, Pashman Stein Walder Hayden*



The Honorable Gary S. Stein, Michael S. Stein, CJ Griffin

Contacting the Stein Public Interest Center

Individuals seeking representation specifically on matters related to the Open Public Records Act (OPRA) or Open Public Meetings Act (OPMA) are welcome to contact the Justice Gary S. Stein Public Interest Center at Pashman Stein Walder Hayden directly by emailing CJ Griffin at cgriffin@pashmanstein.com.

Except for OPRA and OPMA matters, the Stein Public Interest Center generally does not accept requests for representation made directly by individuals. Rather, potential clients seeking pro bono assistance in a legal matter must first contact a recognized public interest law organization or other screening agency, such as the Legal Services of New Jersey, American Civil Liberties Union of New Jersey, or Volunteer Lawyers for Justice, for an intake interview. If the public interest law organization determines that the individual or group qualifies for legal services, it may accept the matter directly, or it may refer the matter to the Stein Public Interest Center for representation.

If you have a question about the Stein Public Interest Center or are a member of the media seeking an interview with one of our attorneys, you may contact us at PublicInterest@pashmanstein.com.

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