

# \$11.5 Fee Cut to \$1.9M For School Safety Lawyer

By DAN ROSENBLUM | Posted: Monday, August 17, 2015 4:30 pm

When the de Blasio administration and Teamsters Local 237 reached a deal last summer to settle a gender-discrimination lawsuit, approximately 5,200 School Safety Agents rejoiced after being promised as much as \$7,000 in back pay.

More than a year later, and five years after they first filed their legal challenge, the officers could soon receive \$32 million, following a ruling by Federal Judge Sidney Stein that sharply reduced an \$11.5-million fee requested by their former lawyer.

## Pay Inequity

Backed by the local, several SSAs sued in 2010 arguing that the officers—who are predominantly female—were paid less than those in the male-dominated Special Officer title in other city agencies. As part of the legal settlement and contract agreement reached last August, the city committed to provide back pay to redress the historic gap.

It also agreed to gradually equalize their salaries with the other officers, allowing SSAs to earn \$46,700 by March 2018. The agreement, reached in conjunction with a collectively-bargained 10-percent raise over seven years, provided the workers with \$7,700 more than they otherwise would have under the terms of Local 237's contract, which extends retroactively from Sept. 26, 2010 through March 25, 2018. SSAs, civilians employed by the NYPD, also earned a \$1,000 ratification fee from the agreement.

The city in July began to pay out the \$43.3 million in raises, but held off on awarding the back pay until Judge Stein could determine how much of the settlement should be allotted to legal fees. After he granted the settlement March 26, the former attorney whose firm argued the case, James Linsey, asked for \$11.5 million from a “common fund” of the settlement and future pay raises. The Judge instead awarded the firm \$1.91 million.

That higher rate, the court calculated, would have paid the firm, on average, \$1,705 per hour for 6,744 hours; it instead awarded about \$450 per hour.

Judge Stein also ruled that the costs should be borne by the city, not by the SSAs.



James Linsey

JAMES L. LINSEY: Judge won't show him the money.

### **'Unwarranted Windfall'**

“We agree with the court’s reasoning that awarding the lawyers a percentage of plaintiffs’ recovery in addition to reasonable statutory fees in civil-rights cases would provide an unwarranted windfall that would be taken from money that would otherwise go to the plaintiffs themselves,” a Law Department spokesperson said in an e-mail.

The relationship between Local 237 and Mr. Linsey, a longtime labor lawyer who has represented the union’s members since former Mayor Rudy Giuliani attempted to privatize Health and Hospitals Corporation police, has soured over the past year.

“The city and the named plaintiffs—now represented by separate counsel—adamantly oppose LLF’s request to be awarded a percentage of what LLF refers to as the ‘common fund,’” the ruling stated.

Unless Mr. Linsey appeals the ruling, the city will distribute the money within three months after a 30-day appeal period expires, the official said.

### **Touts Accomplishment**

Mr. Linsey didn’t respond to a request for comment on whether he would appeal, though a statement on his website said Judge Stein’s decision didn’t adequately recognize the full \$76 million awarded under last year’s settlement.

“The court never credits that, and, unfortunately, that will likely make it harder, if not impossible, for those like you to obtain legal representation in future cases,” he wrote. “There are very few lawyers, unions, or others, in the United States that have ever accomplished an achievement such as this. We have.”

Judge Stein awarded another firm, Stroock & Stroock & Lavan, \$77,000.