

## OVERVIEW

*Trowbridge v. DiFiore* is a class action lawsuit that was filed on May 10, 2016, in the U.S. District Court for the Southern District of New York on behalf of thousands of New Yorkers who are affected by endemic delays in the processing of misdemeanor cases in the Bronx.

The plaintiffs claimed that administrators of New York State's Unified Court System have systematically violated the constitutionally guaranteed rights to a speedy trial and due process of people charged with misdemeanors in the Bronx.

The lawsuit sought a declaration that the court system as it currently operates deprives people charged with misdemeanors in the Bronx of their Sixth Amendment right to a speedy trial and their Fourteenth Amendment right to due process of law, and asked the Court to provide appropriate relief, which could include systemic reforms as well as additional resources.

## TIMELINE OF THE CASE

**April 13, 2013.** The New York Times begins publishing series of articles on court delay in the Bronx, beginning with [Faltering Courts, Mired in Delays](#) and covering issues facing our clients in [In Misdemeanor Cases, Long Waits for Elusive Trials](#), which includes information from BxD's report, [No Day in Court](#).

**December 2013.** New York's Unified Court System announces an initiative to address misdemeanor court delay in the Bronx. The reforms, however, fail to materialize and the problem of systemic court delay [persists](#).

**February 2016.** Chief Judge Janet DiFiore announces the Excellence Initiative, an examination of court operations focused on improving state courts' ability to ensure the just and timely resolution of all matters.

**May 10, 2016.** *Trowbridge v. Cuomo* is filed in the U.S. District Court for the Southern District of New York on behalf of thousands of New Yorkers who are affected by systemic and endemic delays in the processing of misdemeanor cases in the Bronx. The suit argues that the administrators of New York State's Unified Court System have violated the constitutionally guaranteed rights to a speedy trial and due process to people charged with misdemeanors in the Bronx.

**December 2016.** The Court rejects the defendants' arguments that the plaintiffs had failed to put forward valid claims and that federal courts were required to abstain from deciding the issues in the lawsuit, but grants a motion to dismiss on grounds that the original plaintiffs lacked standing, inviting the filing of an Amended Complaint with new plaintiffs.

**March 8, 2017.** An Amended Complaint including three additional plaintiffs is filed in January 2017 and accepted by the Court.

**May 18, 2017.** The parties agree to a six-month stay of the litigation in order to engage in meaningful settlement negotiations.

**August X, 2018.** The parties reach a settlement.

## SPEEDY TRIAL UNDER THE LAW

New York’s speedy trial statute requires prosecutors to be ready for trial within:

- **90 days** of arraignment for Class A misdemeanors,
- **60 days** for Class B misdemeanors
- **30 days** for non-criminal violations

### **COURT DELAY IN THE BRONX**

The impact of court delays in the Bronx stand in stark contrast to the other boroughs in New York City. While efforts have helped mitigate the delays and their harms, the Bronx still remains an outlier.

<b>END OF 2015</b>	<b>END OF 2017</b>
<p>Court delays in the Bronx keep thousands of cases pending for more than a year.</p> <ul style="list-style-type: none"> <li>● <b>2,378</b> misdemeanor cases in the Bronx pending <b>for over a year</b> (<i>more than all other boroughs combined</i>)</li> <li>● <b>538</b> misdemeanor cases pending <b>for over two years</b></li> </ul>	<p>The number of misdemeanor cases facing court delays have dropped substantially.</p> <ul style="list-style-type: none"> <li>● <b>513</b> misdemeanor cases in the Bronx pending <b>for over a year</b></li> <li>● <b>64</b> misdemeanor cases pending <b>for over two years</b></li> </ul>
	<p>Despite this progress, the Bronx remains an outlier.</p> <p>As of February 2018</p> <ul style="list-style-type: none"> <li>● <b>8% of all the cases in Bronx Criminal Court</b> had been pending for over a year, compared to</li> <li>● <b>2%</b> of cases pending over a year in <b>Brooklyn and Manhattan</b></li> <li>● <b>3%</b> of cases pending over a year in <b>Queens</b></li> <li>● <b>4%</b> of cases pending over a year in <b>Staten Island</b></li> </ul>
<p>In 2015, in the Bronx, there were vanishingly few trials happening.</p> <ul style="list-style-type: none"> <li>● There were <b>45,000</b> misdemeanor <b>arraignments</b></li> <li>● But only <b>98</b> misdemeanor <b>trials</b></li> </ul>	<p>In 2017, trials remain elusive for people fighting charges in the Bronx.</p> <ul style="list-style-type: none"> <li>● There were <b>37,000</b> misdemeanor <b>arraignments</b></li> <li>● But only <b>144</b> misdemeanor <b>trials</b></li> </ul>

<p>The few Bronx residents who did manage to exercise their right to trial, on average, waited:</p> <ul style="list-style-type: none"> <li>● 688 days for <b>a non-jury trial</b></li> <li>● 897 days for <b>a jury trial</b></li> </ul>	<p><i>2017 Annual Report has not been released</i></p>
<p>The average wait for <b>a jury trial</b> in the Bronx (827 days), which was:</p> <ul style="list-style-type: none"> <li>● 99% higher than in Manhattan (414 days)</li> <li>● 66% higher than in Brooklyn (496 days)</li> <li>● 48% higher than in Queens (558 days)</li> </ul>	<p><i>2017 Annual Report has not been released</i></p>

### **THE HIDDEN TAX**

Court delay forces many to choose between returning to court for years to fight their case — destabilizing almost every aspect of their lives — or accepting a plea bargain to end the punishing effects of the process. Many people ended up taking plea bargains and giving up their right to a trial.

Court delay does not just lead to a denial of justice, but to lost paychecks, school absences, missed medical appointments and childcare emergencies, among other “hidden taxes” on Bronx communities.

### **THE TERMS OF THE SETTLEMENT**

**The litigation will be stayed for a period of four years, during which time the plaintiffs will be monitoring the progress of ongoing efforts to address court delay in the Bronx Criminal Court.**

**At any point during this four-year period, the plaintiffs may terminate the stay and reinstate the litigation.**

**During this time, the New York State Unified Court System and Office of Court Administration will be required to share data with the plaintiffs on a regular basis. This data will include, among other information, data and reports pertaining to Court Delay, trial capacity, and the allocation of judicial resources within the New York City Criminal Court and Bronx Criminal Court.**