

Legal Aid Workers Launch Sectoral Bargaining in NYC

Interview with Leah Duncan, Financial Secretary-Treasurer of the Association of Legal Advocates and Attorneys (ALAA), UAW Local 2325



ON THE LINE AND JEFF ROSENBERG

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Jeff Rosenberg: We're excited to be speaking with you at the start of your bargaining process in New York City where ALAA now represents almost all legal aid workers and is for the first time in decades approaching bargaining across these employers

a sectoral level. To start, could you tell us just who these workers are and what they do?

Leah Duncan: Our members include 3,400 workers from 31 nonprofit legal organizations currently under contracts. Additionally, we're in negotiations for first contracts with another nine employers, covering 300 more members. We work at legal services and advocacy organizations in the New York City metropolitan area, as well as members in upstate New York. Our members provide a broad range of services, including public defense, immigration law, tenants' rights, family law, reproductive rights, juvenile law, and LGBTQ protections. And that's just to list a few.

We have attorneys, paralegals, social workers, family advocates, tenant organizers, investigators, interpreters, researchers, administrative and development staff, like myself, organized in these wall-to-wall shops. Our workers do everything that makes these nonprofit legal aid organizations run and provide the protections to the clients we serve.

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JR: With this work, I'm sure that you and your members are painfully aware of the many ways that the justice system can fail working people. What are some of the ways your members see the failures of the justice system day to day?

LD: Let's look at immigration law. Even under the systems that we had under Biden the legal bureaucracy immigrants had to go through was incredibly dense. Without attorney, many individuals would be at very high risk for deportation through no fault of their own. Within that system, the avenues for attaining protected status or legal permanent residence status can be incredibly complicated, even nonsensical. There are protections for immigrants, but the paths to accessing those protections are

incredibly complicated to the point of being meaningless for most. Now it's only gotten worse.

Because there is only so much that you can do as an immigration attorney, our members are working on Know-Your-Rights trainings. In this new nightmare space that we're in, we're figuring out how we utilize our knowledge of the legal system, its limitations, and collective power to actually protect people.

Or we can look at criminal justice. A large number of our public defense attorneys are fully aware that they're working within a system that is far from just. And it's a matter of fighting for the best protections that they can in a system that is unfair to their clients.

In New York City, we have an affordable housing crisis and many landlords who disregard the law. Organizers in New York City have won better protections for tenants than many parts of the country to address this. Even so, so much of the law is focused on protecting the landlords, meaning our members need to fight very hard to ensure that clients aren't living in spaces that are sometimes literally killing them.

As another example, I come from the New York Legal Assistance Group, NYLAG. I was a grant writer in our medical legal partnership program. We had attorneys providing free legal services stationed within hospitals in New York City, which means providing a broad swath of all civil legal services that people might run into – essentially all of the legal issues that people dealing with terminal illness could face. Maybe they don't have health insurance at all because they have an immigration status that prevents them from getting it. Ostensibly, there are many laws to protect vulnerable people. However, it's the most vulnerable people who then face an almost impossible web of bureaucracy and challenges within the legal system to use those protections.



JR: What do you see as the connection between your union's work and your member's commitment to fighting against these injustices every day?

LD: It really is the core of why our union exists. In 1963, a decision by the Supreme Court established the right to legal defense with *Gideon v. Wainwright*. After this decision expanded the right to representation, the Legal Aid Society (LAS) – which was the oldest organization of its kind in the U.S. – quickly expanded to become the largest.

With that expansion came many new young attorneys that were deeply committed to justice. We had many members coming in from Civil Rights organizing to this work.

They came into this space and realized that their workplaces were not actually set up in a way that allowed them to provide adequate services. It was basically just a mill of people being arrested and needing defense, and lawyers stretched too thin and ill-equipped to support their clients.

There was no thought to continuity of representation. Meaning the same client should be represented by the same person and not get shuffled around, so it isn't that every time you're meeting with a new attorney, you're dealing with your life on the line. A lot of this was really the root of the union forming in 1969. This continues as central to our mission today. The needs of our clients are very much interwoven with our needs as workers and the demands we make.

JR: One of the most dramatic turning points in ALAA's history came in a fight with Mayor Rudy Giuliani in 1994. What happened then that made it such a critical turning point for ALAA?

LD: After being recognized in 1969, we won our first contract in 1970. There were several historic strikes following that in 1973, 1974, and for 10 weeks in 1982. Given that LAS was the only public defender organization in the city, these strikes had a lot of power – basically shutting down the courts. All of this was done with the support of our clients and other unions. In 1994, we were in the middle of contract negotiation and moved to strike starting October 1st.

This time was different. The city government was clearly against us, and so was the press. Giuliani threatened to blacklist striking workers so that they couldn't get other jobs at legal service providers in the city. Earlier in his political career, Giuliani had worked in Reagan's administration in the Department of Justice. He may have picked up some inspiration from the PATCO strike where Reagan fired and blacklisted thousands of career air traffic controllers. Under that threat, and with the additional looming threat of budget cuts and moving our work to non-union organizations, ALAA members voted to ratify the contract.

Despite voting to ratify the contract, just a day later Giuliani announced budget cut. So ALAA had to go back to the table to negotiate against the impending layoffs from those sudden budget cuts too. But the most damaging blow to the union's power was when Giuliani announced his "Request for Proposals" or RFPs, calling for organizations to essentially bid on the city contracts that LAS had. This was put out as an attempt to replace legal aid with alternate providers, which we called "scab shop".

They were created specifically with the intent to break the 1994 strike and break our capacity to strike altogether. Giuliani wanted to force LAS to include contract language that prevented workers from ever striking again. Giuliani explicitly stated that the purpose of this request for proposals was to create permanent strike breaks so that the city would "no longer be at the mercy of one group that could decide in the future to go out and strike."

It's taken time to rebuild, but we've done it. In fact, a number of those "scab shops" have now been organized and joined ALAA. The bottom line is we're back and you can't mess with us.



JR: ALAA has now successfully organized across the sector today, reaching high level of coverage once again. How did ALAA reach this level of union density and strength today?

LD: It took a lot of work and time. In 1995, we affiliated with UAW. That took us from being an independent union to having the backing of a very strong international union. Then we built back shop by shop. We picked up a few new shops after that, but it really picked up in 2017. Since then, we've really grown dramatically. We were able to win contracts for many of the shops specifically created as part of the Giuliani RFPs. As we sought to reorganize these shops of attorneys, we also expanded to organize other groups of workers alongside our members.

For example, at LAS we originally only represented attorneys. In 2020, we unionized the investigators and interpreters too. Now they're a separate chapter of our union, they work very closely with the attorneys. We also recently unionized CAMBA's IT

staff. Where we have strong shops of attorneys, we are making them stronger by organizing other workers too.

Building out our infrastructure to handle new organizing has allowed us to respond more workers who want to organize. All told, we essentially organized around 25 shops in eight years. It's been a huge movement. Our members are in a much different range of positions than they were 20 years ago. We welcome all of these workers with open arms.

For example, I'm the first non-attorney to be in one of the at-large positions at ALA. That's emblematic of the organizing we've done over the last decade with the goal of protecting everyone. Our members play a big role in new organizing too, to do outreach and build connections. Legal services is a small world at the end of the day. Sometimes our members change to a new shop that isn't with ALAA yet, and realize "This place needs a union."

JR: Bringing it back to today, what have your efforts to organize the contract campaigns across these shops looked like? And where do you see it going?

LD: I think it was a nugget in several people's brains for a long time, but it was fully actualized in the summer of 2023 when our union voted to pass a resolution to engage in sectoral bargaining. After we passed that resolution, we wanted to lay the groundwork to make it meaningful. There's been an incredible amount of thought put into this process, and we have had a number of member-led committees to help make this happen. One of the first things we did was have members start drafting sectoral resolutions.

Last June 2024, we had a sectoral convention. All members of the union were welcome to attend, and we voted on sectoral resolutions there. Those resolutions both specify mechanisms for making this contract campaign happen and resolutions for core demands to help guide the various bargaining committees. Currently, we have 12 chapters uniting 2,100 members all within the New York Metropolitan area. Their

contracts are all aligned to expire on June 30, 2025. This was part of the alignment that was proposed in the original resolution.

The alignment of the contracts was first a big piece of work. During the latest bargaining sessions for these 12 chapters, there was a push to adjust our expiration to get that alignment, which required some shops taking a one-year contract to allow them to align.

Ultimately they chose to leave some things on the table in the last round of bargaining, dropping proposals in 2024 with the idea that we're going to drop these things now that we can get a one-year term and come back with 2,000 more people that have our backs. Bronx Defenders took a creative route on this. They'll be bargaining a salary reopener, so not the entirety of the contract, but they have the right to strike over the reopener, which is very rare. We have all these organizations that have found ways to fit into and align with this sectoral campaign, and they did it because they realized it would ultimately benefit everyone to have more power. And now we are ready to coordinate across our shops through our fights.



Since these are different shops and different employers, we aren't trying to negotiate just one contract. That said, we have some core tenets that we are all bargaining for

together. It helps all of our shops to be able to point to the other shops negotiating the similar demands too, and leverage the wins we get in one shop against the other.

In addition to our bargaining structure, we have also built a sectoral Contract Action Team (CAT). It's built from members on CATs from each of the shops. They're coordinating these actions that take place across all of the shops. And these structures are open to all our members to join because they all have a stake in it, even if their shop isn't bargaining right now.

We know direct action gets the goods. That's how I was raised. Now we're doing it very intentionally in a highly coordinated way. With our sectoral resolutions we also know what our top demands are that people are ready to fight for. We'll be prepared for all 2,100 of us to go on strike and shut down the city again if we have to. That's the power we've been building and we are getting there. It's really just been incredible to see us taking back what was stolen from us.

JR: I can see a lot of parallels here as well with the UAW contract fight with the Big 3 in 2023. The Stand Up strike tactic was used to go beyond pattern bargaining and instead really flex more sectoral power across these auto giants. How much was the Big 3 contract fight an inspiration for the sectoral bargaining resolution and planning that you all also started in 2023?

LD: Our members were really inspired by the Big 3 strike and the wins there. The Big 3 strike really changed things both for our local union and on a national level. We had our members going up in caravans to the picket lines. That helped show us that we could do something like this too. The Big 3 strike set the stage for us on what was possible and we knew we needed to take it up too. Looking forward, we passed a resolution and are working towards aligning our contract expirations with May Day 2028 to join the calls led by UAW for a general strike.

JR: As you approach the bargaining table across the sector, what are the top line things that you're fighting for across your shops?

LD: We have our key demands, and they touch on a lot of different issues that we're facing in our workplace. At the top of the list is guaranteed minimum cost of living adjustments – COLAs. New York City is painfully unaffordable, especially for our lowest paid workers.

Workload standards are also very important and have been an issue for our union since the beginning. Of course, it's for the benefit of our workers, but a reasonable workload is such an important fight because it is indispensable for our clients. You cannot adequately represent people who need complex legal services if you don't have an appropriate workload. Overwork is a disservice to and harms our clients.

We are also demanding student loan debt relief. Remote work is important for our members too. A lot of our members were deeply affected by the pandemic and benefited immensely from remote work accommodations, but those have been yanked away. A lot of our workforce is young, but others have been in this sector for decades. We're organizing around meaningful retirement security, pensions, and reliable healthcare for retired workers.

JR: Besides many of the fights that you all are coordinating for this incredible sector bargaining campaign, in the past year, ALAA has also taken bold stances against the genocide in Gaza. Despite the ongoing attacks against your members and your union, you all stood strong around this resolution. Why did ALAA find it so important to take on this fight?

LD: Palestinian liberation is not a new issue. This genocide has been going on for decades. The issue is important to our union because it's important to our members. That resolution was passed by a democratic vote, after it was presented as a response to a call from Palestinian workers and unions. We voted to pass that resolution as part of the national movement that has been standing against the genocide.

It's not a new thing at all for our union to stand strong against injustice and further actively combat injustice. In the past, we've passed resolutions standing against Sou

African apartheid. We actively protest ICE presence in the courts. We've stood against NYPD brutality. Our members are doing really incredible work to organize against right-wing attacks against working people today. It's very much a part of our history and values to stand up to all injustices.

JR: Absolutely. You all have set a really strong example for what a lot of the rest of the labor movement can look to and strive for. Thanks for joining us and keep up the incredible work.

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A guest post by

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