



NEW YORK STATE SENATOR

Kristen Gonzalez

Senator Gonzalez's Bill Enabling Greater Access To The Courts Passes NYS Senate

KRISTEN GONZALEZ June 12, 2023

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NEW YORK - The Senate has passed S.5137, sponsored by Senator Kristen Gonzalez (SD 59-D/WFP). This legislation would prevent state courts from denying a class action certification against government entities solely because the case involves government operations. This bill passed the Assembly in March.

Senator Kristen Gonzalez said, "Plaintiffs in cases against a state entity's improper actions are more likely to be poor, elderly and/or disabled. Yet, it is these same communities that have

the fewest resources to be able to file an individual lawsuit. By reducing barriers to class action suits, low-income communities will have greater access to the courts and a greater ability to hold the government accountable. Removing the government operations rule can lead to systemic change and improve government practices that are harming vulnerable populations.”

Suits brought as class actions have held government agencies accountable in numerous areas over the past decades. Class actions have challenged the failures of New York’s foster care system, sought to remedy nursing home facilities’ failing health standards, ensured mentally ill prison inmates have treatment plans upon discharge, and challenged the NYPD’s practices of racial profiling under stop and frisk.

New York is unique in its government operations rule; neither the federal government nor other states block class actions solely because the suit is against a government entity.