

UAW sends Bronx Defenders legal aid employees back to work following tentative agreement

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The United Auto Workers (UAW) sent employees of the Bronx Defenders back to work after reaching an agreement with the nonprofit organization, which provides legal services to low-income and indigent New Yorkers. The agreement ended the workers' 11-day strike for reasonable workloads, increased pay and other demands on August 7. The 300 employees include attorneys, social workers, investigators, advocates and support staff.

These workers, who began their strike on July 27, were the third group of legal aid employees in New York to walkout this summer. They followed more than 500 of their colleagues at Brooklyn Defender Services, who struck from July 16 to July 21, and more than 140 workers at Harlem's Neighborhood Defender Service, who struck from July 24 to August 3. Eighty public defenders in Detroit also struck for seven days before the UAW called off the strike on August 4. All four of these groups of workers are members of UAW Local 2325.

The tentative agreement with the Bronx Defenders, like the others, provide certain concessions related to salary and benefits but fail to address the decisive issues. Ratification of the agreement would increase the starting salary for support and administrative workers to \$70,555, which is less than a living wage in New York, according to the Massachusetts Institute of Technology's Living Wage Calculator. The starting salary for social workers would increase to \$91,000, and that for attorneys would increase to \$95,000. This is inadequate particularly for workers with children.

The agreement also provides a 3 percent cost-of-living raise each year. But as of July, the 12-month rate of inflation was 3.4 percent for the United States and 4.6 percent for New York City. Therefore, workers would continue to fall behind as the costs of food, rent, transportation and other expenses increase.

In exchange for the raises, the UAW made what it admitted were two major concessions. First, it gave up a popular benefit that allowed workers to access free education classes. More significantly, it severed the link between attorney salaries and social worker salaries, which means that raises for one group of workers will no longer automatically mean raises for the others.

"It is so deeply disappointing to all of us," Bronx Defenders criminal defense attorney Abhi Hu told *amNewYork*. "We had made impassioned pleas and provided testimonials about the ways social workers had shown up for our clients that are so separate and different from what any attorney can do." Hu added that the concession is "a big hurt to our union and a tragic loss." Hu cited "an air of disappointment" among workers, who had hoped to make bigger gains.

Most importantly, no publicly available information suggests that any of the three agreements addresses the fundamental demand that all New York's legal aid workers have raised: the reduction of unmanageable caseloads. "We have incredibly high caseloads," Tori, a family court attorney in her second year at the Bronx Defenders, recently told the *World Socialist Web Site*. "And we work really hard, oftentimes more than our contract hours."

The New York Office of Indigent Legal Services created caseload standards for Family Court practitioners. As of 2023, its research shows that caseloads were 70 percent too high and that almost 90 percent of all Family Court practitioners had excessively high caseloads. Incredibly, 25 percent of employees had caseloads that were triple the maximum feasible level.

These outrageous caseloads have contributed to a high level of attrition among the legal aid workers, which exacerbates the problem of overwork. In addition, a 2019 discovery reform law established new requirements for prosecutors to turn over evidence to defense attorneys in a timely manner. Although the reform has created more work for both sides, the city and state have only provided additional resources to prosecutors, not to defense attorneys. The organizations providing legal services to low-income New York workers are thus woefully understaffed and underresourced, making it impossible for them to provide the adequate representation that the US Constitution guarantees.

The problem of excessive caseloads has persisted for decades. In 1973, a federal judicial opinion and memorandum cited documents indicating that the average caseload of legal aid attorneys in Kings County, New York (Brooklyn), was 94 cases, or 56 if those awaiting grand jury action or sentence

were excluded. As early as 1971, the attorney-in-charge of the Brooklyn office of the Legal Aid Society said no trial attorney could handle more than 40 cases while fulfilling their other responsibilities. Any increase in caseloads erodes the attorney's effectiveness in all his or her cases.

Inhuman caseloads have not persisted because of mistakes or the lack of resources in the city with the highest number of billionaires on the planet. They reflect a deliberate, bipartisan policy of depriving the most vulnerable workers of adequate legal defense. Today, this policy is part of President Donald Trump's broader campaign to establish a presidential dictatorship and suppress opposition to inequality and war. In New York, this attack on workers' legal rights is being overseen by the Democratic Party and its mayor, Zohran Mamdani, a member of the Democratic Socialists of America (DSA).

The most immediate opponent that New York's legal aid workers face, however, is the apparatus of the UAW bureaucracy itself. Though the nearly 950 workers in New York and Michigan all belong to Local 2325, the UAW leadership prevented them from waging a united struggle, even across the city. By bringing each of the local's chapters on strike separately, the apparatus weakened its members' leverage and aided management, as well as the city and state governments that fund these contracts.

The shutdown of the strike in Detroit has left workers vulnerable to an attack by the courts. Little more than a week after the union announced a deal with NDS, Wayne County Third Circuit Judge Darnella Williams-Claybourne moved to hold public defenders Megan Gokey and Daniel Eichinger in contempt of court because they were absent due to the strike. The two lawyers face up to 93 days in jail, a \$7,500 fine or both if found guilty of criminal contempt.

UAW Region 9A in New York is overseen by Director Brandon Mancilla, a member of the DSA. Earlier this year, Mancilla refused to authorize a strike of Columbia University student workers and threatened the local with receivership if they did not drop their political demands, which included protection from ICE, an end to surveillance and divestment from military contractors.

Mancilla is running for re-election this year on the slate led by UAW President Shawn Fain. Four years ago, Fain presented himself as a reformer and became president following an election marked by systematic voter suppression. Since then, Fain has been a reliable enforcer of the corporations' demands. During the 2023 "stand up strike" at the Big Three automakers, Fain ensured that most workers stayed on the job, thus minimizing the impact of the strike.

Fain has repeatedly invoked the World War II "arsenal of democracy," which included a no-strike pledge that allowed US imperialism to wage war. He also has supported Trump's tariffs and economic nationalism. Fain is now the subject of several investigations by the court-appointed federal Monitor

and the Department of Justice that have exposed a pattern of corruption, abuse of power, retaliation and obstruction.

Will Lehman, a socialist autoworker from Pennsylvania, is running for UAW president on a program of abolishing the bureaucracy and restoring power to the shop floor. Lehman rejects class collaboration, nationalism and war and calls for workers to unite across national borders. On July 27, Lehman issued a statement to striking legal aid workers, which read in part:

The alternative the officials offer, particularly in New York, is to appeal to the Mamdani administration to open the city's checkbook on your behalf. But a budget written under the supervision of Wall Street can be rewritten by Wall Street the moment workers' demands collide with its interests, and workers taught to wait on a friendly politician will find they have surrendered the only real power they had. That power lies neither in city hall nor in any official's negotiating skill, but in the independent organization of the working class itself—our capacity to unite across workplaces, industries and borders through organizations answerable to nobody but ourselves. That is what rank-and-file committees are for, and building them is the task in front of you now.

To every NDS and Bronx Defenders worker: Establish a rank-and-file committee at every office, elected by the workers themselves. Insist that every proposal and every bargaining session be reported to the membership in full and in real time, so that no agreement can be handed to you as a finished fact.

Where votes on tentative agreements are still taking place, legal aid workers should reject the sellout deals, form rank-and-file committees and develop a fighting strategy. Only through these committees will workers be able to break out of their union-imposed isolation and win the resources and conditions that will allow them to defend their clients. These committees should fight for the mobilization of the entire working class to abolish capitalism: the source of austerity, dictatorship and war.



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