

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: THIRD DEPARTMENT**

In the Matter of the Application of the PEOPLE OF THE  
STATE OF NEW YORK, by LETITIA JAMES, Attorney  
General of the State of New York,

Petitioner-Respondent,

and

TROY BRANCH OF THE NATIONAL ASSOCIATION FOR  
THE ADVANCEMENT OF COLORED PEOPLE, CLIFTON  
PEREZ, SHARON FERGUSON, and DANIELLE COLIN  
CHARLESTIN,

Proposed Intervenors  
Petitioner-Respondents

-against-

JASON SCHOFIELD, individually and in his capacity of  
Commissioner of the Rensselaer County Board of Elections,  
EDWARD McDONOUGH, individually and in his capacity of  
Commissioner of the Rensselaer County Board of Elections,  
and RENSSELAER COUNTY BOARD OF ELECTIONS,

Respondents-Appellants.

Appellate Division—  
Third Department Case  
No. 533467

**AFFIRMATION OF PERRY M. GROSSMAN IN SUPPORT OF PROPOSED  
INTERVENORS PETITIONERS-RESPONDENTS' MOTION FOR INTERVENTION**

Perry Maxwell Grossman, an attorney being duly admitted to practice law before the  
Courts of the State of New York, hereby affirms the truth of the following under penalty of  
perjury pursuant to CPLR § 2016:

1. I am an attorney for proposed Intervenors in this proceeding, the Troy Branch of  
the National Association for the Advancement of Colored People, Clifton Perez, Sharon  
Ferguson, and Danielle Colin Charlestin. I am a Senior Staff Attorney at the New York Civil

Liberties Union Foundation, which represents the Intervenors on a pro bono basis. I submit this Affirmation in support of Proposed Intervenors Motion to Intervene. Attached to this Affirmation are true and correct copies of the following exhibits:

Exhibit 1: Affidavit of Clifton Perez

Exhibit 2: Affidavit of Danielle Colin Charlestin

Exhibit 3: Affidavit of Renée Powell.

2. I am an experienced voting rights lawyer and an active member of the civil rights bar in the State of New York. In my experience, there are very few experienced voting rights litigators in New York who represent the non-partisan interests of voters on a pro bono basis. The vast majority of the election lawyers I know in New York work as retained counsel for candidates or political parties. In my experience, attorneys in private practice in New York are reluctant to bring voting rights cases because individual voters and non-profit, non-partisan associations can rarely afford to retain counsel; there are no monetary damages available for voting rights claims; and statutory fee recovery, when available, is often uncertain. Of the small group of experienced public interest voting rights lawyers, most divide their practices among multiple states and devote very little time to investigating and prosecuting cases within New York.

3. Even when there is a lawyer available and interested in their case, in my experience, voters are often unwilling to prosecute even clear-cut infringements on their voting rights because building cases is time-consuming and plaintiffs are not entitled to any damages for violations. Many voters, especially the low-income voters of color and disabled voters whose voting rights are most often infringed upon, cannot afford the time and effort required to prosecute a case in light of work, family, or other obligations.

Dated: August 6, 2021  
Bronx, New York

/s/ Perry Maxwell Grossman

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Perry Maxwell Grossman  
**New York Civil Liberties Union  
Foundation**  
125 Broad Street, 19<sup>th</sup> Floor  
New York, NY 10004