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TO: MEMBERS OF THE LONG ISLAND JEWISH ORGANIZED MEDICAL STAFF

It should not come as a surprise that last year's Supreme Court ruling on abortion rights would quickly echo in the federal court system. A matter brought in the Northern District Federal Court is an example of this "echoing" effect.

Plaintiffs had, prior to the high court ruling, brought suit against the Governor and others contending that the New York Reproductive Health Act and certain other New York statutes concerning the definition of "person" as one who had been born, deprived women of certain protections and limited their rights to sue for damages. The case had originally been dismissed by the Court for a variety of reasons.

After the U.S. Supreme Court decision, plaintiffs moved to reopen the dismissed case contending that the new ruling constituted a change both in decisional law and that an "extraordinary circumstance" (i.e. the decision) had "reshaped" the constitutional basis of the earlier dismissal.

The federal court stood by its earlier decision and stated that the Supreme Court ruling "did not impose any affirmative obligation on state governments to prohibit abortions."

One can be certain that this is not the last time the "abortion" issue will be in court. On a personal note, the senior member of our firm was counsel to the Senate Majority at the time and he was charged with the task of drafting the New York statute which became New York's abortion law as New York eliminated the criminality of abortion.

In the highly charged political life of that time those opposing abortion formed the Right-to-Life Party and that party quickly merged and was adopted by the Conservative Party. The shape of political life and structure both in New York and nationally was forever changed.

Respectfully submitted,

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