



HOLWELL SHUSTER & GOLDBERG FILES AMICUS BRIEF IN EIGHTH AMENDMENT CASE QUESTIONING CIVIL ASSET FORFEITURE BY STATES AND LOCALITIES

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Holwell Shuster & Goldberg LLP filed an *amicus* brief with the U.S. Supreme Court in *Timbs v. Indiana*, a case addressing whether the Excessive Fines Clause of the Eighth Amendment applies to states and localities.

HSG filed the brief on behalf of 12 organizations with different perspectives and political agendas, including the Drug Policy Alliance, the National Association for the Advancement of Colored People, Americans for Prosperity, the Brennan Center for Justice at NYU School of Law, FreedomWorks Foundation, the Law Enforcement Action Partnership, and others.

The brief argues that the modern experience with civil forfeiture statutes demonstrates the need to apply the Excessive Fines Clause to the states in order to check improper seizures of property. Although civil forfeiture was initially expanded in the 1970s to pursue the assets of drug kingpins, the brief explains, forfeiture statutes have become a weapon against low-income people and persons of color, who are often afforded little by way of procedural protections to guard against improper seizures.

“Organizations across the ideological spectrum are united in their conviction that the civil forfeiture system is not only unjust, but emblematic of the need to apply the Excessive Fines Clause to state and local governments in order to protect people from confiscatory government action, whatever the source,” said Daniel M. Sullivan, partner at HSG and counsel of record for the amici.

“Even in this hyperpartisan age, organizations with different policy goals and philosophies can come together, and they can promote a unified perspective as to how the Supreme Court should address matters that come before it,” added Vincent Levy, also a partner at HSG who worked on the brief with Sullivan.

The full brief, which was submitted by Levy, Sullivan, and additional HSG attorneys Lauren Giudice and Evan Stein, is available here. Sullivan and Levy are both former U.S. Supreme Court clerks; they clerked for the Hon. Antonin Scalia and Justice Ruth Bader Ginsburg, respectively.

HSG has filed half a dozen *amicus* briefs in Supreme Court cases over the past year. In the intensely watched appeal on political gerrymandering, *Gill v. Whitford*, HSG spearheaded a brief that ultimately won the endorsement of 65 current and former state legislators from both major political parties. The firm also drafted a brief for data protection and legal experts in *United States v. Microsoft*, which Justice Sotomayor referenced during oral argument.

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