



## HSG SECURED A FAVORABLE DECISION AT THE SECOND DEPARTMENT

08.04.2025

**H**SG secured a favorable decision at the Second Department in *Poltorak v. Clarke*. The Second Department held that a statute imposing a financial penalty on judges who refused to issue a writ of habeas corpus “violates the Compensation Clause of the New York State Constitution, as well as the separation of powers doctrine, the tenet upon which our democracy rests[.]”

HSG associate Brian Goldman argued at the Second Department, and HSG of counsel Kevin Benish argued at the trial court in 2020. The HSG team also included partners Jim McGuire and Vincent Levy.

The full case is *Bella Poltorak v. Sharon A. B. Clarke*, No. 2718/17.

The case received coverage in publications including the New York Law Journal and Law360.

### ATTORNEYS

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