

September 16, 2022

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Good afternoon Mr. Dan Ruben,

I'm writing to thank you and Equal Justice America for supporting law students with funding for public service work. This funding enabled me to work at Prisoners' Legal Services of Massachusetts ("PLS") this summer. My experience at PLS was transformative. I had the opportunity to work with PLS's tireless and fierce lawyers and advocates, PLS's allies and other stakeholders including the Department of Corrections (DOC), and most powerfully, PLS's clients. I wanted to spend some time in this letter reflecting on the ways in which this experience, and in particular the clients I served, changed how I think about macro level issues (like the distribution of labor and resources in the legal profession) and issues relating back to the self (like the pernicious effect that our acceptance of deplorable prison conditions has on how we judge ourselves) as well as how to effectuate progress for prisoners' rights while still striving for abolition.

This summer heightened my awareness of the invaluable role that public service lawyers working at places like legal aid organizations play in our legal landscape. Most people who interact with the law do so involuntarily through for example prosecution in the criminal courts, a custody dispute in family court, or an eviction in housing court. They do so on playing fields that disadvantage them or at the very least with significantly less bargaining power. The field of professionals versed in the law, lawyers, are inaccessible to them. This bottomless need for accessible legal services is filled almost entirely by legal aid organizations. And yet even though the majority of people who need legal services get them from legal aid organizations, these organizations are underfunded and understaffed. PLS is a good example of this. PLS is in a unique position serving the civil needs of incarcerated people in the state of Massachusetts

At PLS, it felt like the resource pressure meant that there were frequently vacancies that needed to be filled and strategic decisions had to be made about how to allocate those finite resources between several urgent, pressing needs. We as a profession need to do better to ensure that the legal field's collective resources are spent where they are needed most and that legal services are accessible to those who need them most.

My summer at PLS tested what I had dreamed to be the future of the prisoners' rights movement and encouraged me to push my imagination further in thinking about what we can do for the people we serve. Rather than focusing primarily on class actions as the tool of impact litigation and diverging that from direct services, we need to be strategic in our long-run as a movement and not think of progress as an outcome in any one individual case. For example, use of force cases in prisoners' rights are very hard to win. The legal standard is astonishingly deferential to DOC making it nearly impossible for any individual incarcerated person to win a claim against a correctional officer (CO) or the prison.

Individual use of force cases (as contrasted with class actions) that are particularly egregious get farmed off to an eager associate at a corporate firm who will take it pro bono for the experience. But most individual cases are left for the incarcerated person to proceed with pro bono if they so choose.

If we adopted a longer time horizon though, we could fight to secure pro bono counsel for as many cases as possible – even if they’re virtually unwinnable. DOC would have to defend each of those use of force case filed by counsel– these are much harder to have quickly dispose of than those brought by pro se plaintiffs. We might find that the cumulative toll on DOC of bringing every use of force case to their attention might have a greater impact than we can now imagine. And it is what clients want. They know these cases are hard to win but they call PLS and report them because they want to *try* and they want to see *change*.

Finally, my time working with my clients at PLS also made me confront the torture we allow members of our community to endure simply because they are incarcerated. As described to me variously by clients: our current prison system is marked by tremendous levels of violence, often inflicted or instigated by correctional officers tasked with the safety and care of “inmates.” Incarcerated people face a dire lack of access to appropriate mental health services while simultaneously being subjected to conditions such as solitary confinement that can exacerbate or even trigger the new onset of psychiatric symptoms and psychological distress. Those who are incarcerated with pre-existing mental health concerns often find that medication they relied on in the free world is now being withheld from them. Incarcerated people are forced to petition for, often litigate for, and beg for medical service provision as they cannot seek care on their own. Premature death is not uncommon. Incarcerated people also lack access to meaningful education or work training opportunities, healthy or even edible food, sanitary living conditions, mental stimulation, ways to communicate with their family (or sometimes their lawyer).

It is difficult to understand how we can allow our community members to be treated this way unless we do not see as equal and we do not recognize their humanity. This is something I hope to spend time in law school writing about for law review and the time in my career working to undo through collaborative advocacy with movement leaders inside and in the free world.

This summer was challenging and challenged me in surprising ways. I believe I am stronger for it, and I thank you for the opportunity.

Sincerely,  
My Seppo  
University of Michigan Law School