



# EQUAL JUSTICE AMERICA

## SUMMER 2024

## EJA FELLOWSHIP RECIPIENT



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### Update 1:

On Monday I started my first week at the ACLU National Prison Project! It's been so exciting to see how the ACLU as an organization functions and to contribute to the important work that the lawyers at the National Prison Project are doing. Since this was just my first week, a lot of my time was consumed with set up and orientation. However, I also got thrown right into the NPP's current litigation and some long-term assignments. This week I assisted with some brief drafting and cite-checking for the ongoing case *Duvall v. Hogan*, challenging inadequate medical and mental health care (as well as other conditions of confinement) at the Baltimore City Booking and Intake Center. Throughout my summer I will also be integrated into the litigation team for the case *Jensen v. Thornell*, which has a very long and complex procedural history, with litigation going back before 2014. The case challenges the medical care, mental health care, and conditions in maximum custody isolation units in Arizona state prisons. I am hopeful that I will be able to accompany NPP attorneys when they tour some of the facilities at issue in the lawsuit in late July. Finally, I will be helping to screen potential cases for the NPP's appellate project, where they help *pro se* plaintiffs with their appeals where particular areas of law are at issue, and an internal report on lessons learned from COVID litigation.

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### Update 2:

I have now been working at the ACLU National Prison Project for three weeks! I have continued to work on the teams for two of NPP's ongoing cases: *Duvall v. Hogan* and *Jensen v. Thornell*. I have been aiding with citechecking, research, and some brief writing as those cases progress. I have also continued to screen cases for the NPP's appellate project. In addition to these previously assigned projects, I have also conducted my first interview for the team's COVID litigation review. For this project, we are interviewing lawyers at organizations across the country that brought COVID-centered litigation in prisons, jails, and detention facilities to review the



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strategies and mechanisms that were successful in order to prepare for large-scale emergencies that may occur in the future. I am also starting a research project related to “pick one religion” policies that numerous prison systems maintain. These policies require incarcerated people to pick one religion to practice upon their incarceration, preventing people who maintain numerous religious or spiritual practices from fully practicing their faith. We have found that these kinds of policies disproportionately impact incarcerated native people. The goal of this project is to determine the scope of this issue, draft a research memo on existing laws, policies, and decided cases, and potentially draft a demand letter asking prisons to abandon this policy.

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### **Update 3:**

It has been such a joy working at the ACLU National Prison Project so far this summer! As mentioned in previous updates, I have continued to work on the teams for two of NPP’s ongoing case, *Duvall v. Hogan* and *Jensen v. Thornell*, helping citechecking, research, and brief writing. I have also continued to screen cases for the NPP’s appellate project and continued my research into the “pick one religion” policies that numerous prison systems maintain. Finally, I have been assisting with an ongoing investigation related to deaths of immigrants in ICE custody and current litigation surrounding several FOIA requests that ACLU NPP has made. I have been able to contribute both research and brief drafting to this project. Across each of these projects and cases I have continued to see the inside processes of class actions, monitoring agreements, publishing advocacy letters and reports, and pursuing strategic appellate level advocacy. Through this internship I have been fully integrated into NPP’s litigation teams and brought in to assist with all aspects of ongoing litigation and advocacy. Through these contributions and the ability to sit in on hearings, meetings with defendants and independently appointed prison monitors, and the ACLU’s strategic meetings, I have truly been learning so much about what it means to pursue advocacy on behalf of incarcerated people across the U.S. and beyond.

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### **Update 4:**

As has been the case throughout my internship at NPP, I have continued to assist with the project’s ongoing cases *Duvall v. Hogan* and *Jensen v. Thornell* and screen cases for the NPP’s appellate project. I have also continued to provide research and briefing support for our ongoing investigation related to deaths of immigrants in ICE custody and current litigation surrounding several FOIA requests. The most significant new project I’ve taken on has been related to some of the National Prison Project’s appellate advocacy. In addition to class action cases and other advocacy work, they also employ strategic appellate litigation to shift law across the circuits to be more favorable to incarcerated plaintiffs bringing different kinds of claims. Usually, they try to identify where particular standards are inconsistent across circuits, particularly where one circuit has made a ruling favorable to incarcerated plaintiffs and try to identify cases where they may be able to change bad precedent or implement precedent for



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issues that a particular circuit was undecided on. My current project relates to the PLRA physical injury requirement, as the standard for an incarcerated establishing a “physical injury,” as is required for most claims alleging a harm is inconsistent across the circuit courts. Thus, in these last couple weeks of my internship I will plan to put together an advocacy memo on the differences in the law between the circuits and pathways for future advocacy.

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## **Update 5:**

My summer working at the ACLU National Prison Project has been truly formative for me, and I am so thankful to Equal Justice America for helping to make it possible. While at the National Prison Project (“NPP”), I learned so much about working at nonprofits, advocating for prisoners’ rights, and pursuing appellate litigation.

A major aspect of my summer was working on NPP’s ongoing class action cases. I was fully integrated onto the team working on *Jensen v. Thornell*, which has been an ongoing case for several decades now. The case challenges the medical care, mental health care, and conditions in maximum custody isolation units in Arizona state prisons, and the NPP team is currently working to ensure that ADCRR is fully complying with the terms of the most recent consent decree. I also completed numerous research memos and cite checking assignments to support *Alex A v. Edwards*, aimed at preventing the transfer of children in the custody of Louisiana’s Office of Juvenile Justice to adult prisons, and *Duvall v. Hogan*, challenging inadequate medical and mental health care (as well as other conditions of confinement) at the Baltimore City Booking and Intake Center. Working on these class actions exposed me to so many new areas of law, particularly unique civil procedure issues, and helped me to better understand how organizations like NPP handle class action litigation and manage the resulting settlement agreements in a way that ensures the prison’s compliance. Drafting briefs about and researching unfamiliar areas of law also drastically improved my research and writing skills, particularly improving my ability to quickly wrap my head around novel issues.

I also worked on numerous FOIA-related projects. I helped review FOIA productions from the Bureau of Prisons and assisted with ongoing litigation resulting from NPP’s FOIA requests related to the deaths of people in ICE custody. Again, this work involved a lot of research into unfamiliar areas of law. I also got to draft part of a reply brief.

The last major project I worked on was the NPP’s appellate project, which screens district court cases brought by incarcerated pro se plaintiffs for potential appeal. Not only did I screen cases weekly, exposing me to a large number of cases and helping me to understand the current landscape of prisoners’ rights pro se litigation, but I also helped to strategize about current circuit law on the PLRA’s physical injury requirement. The strategy memo I started should help the NPP as they look towards improving this area of law. Through my work on the appellate



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project, I learned how nonprofits screen for potential cases to appeal and how to strategize about areas of law that could be targeted and potentially changed. Finally, I am sure that the professional connections I made with the brilliant and kind lawyers on the NPP team will be invaluable to me throughout my career, whether I continue to pursue prisoners' rights work or another area of public interest advocacy.