



EQUAL JUSTICE AMERICA

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EJA FELLOWSHIP RECIPIENT



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Update 1: In my first week at the Legal Aid Society's Prisoners' Rights Project (PRP), I attended trainings on public defense, the New York state prison system and city jail system, and the team's active docket. I quickly saw how PRP's docket is unique from many others; the majority of active cases are post-judgment, with the team focusing on enforcing prior judicial orders and rulings, some of which happened decades ago. I'm eager to help tackle this widespread lack of compliance this summer.

In my second week, I began working on substantive projects. One is a research memorandum for a client incarcerated in state prison who had his good time credits revoked for failing to complete a program, even though said program has not been offered due to staffing insufficiencies. The goal of my memo is to determine the best way to challenge this and get the client's good time restored. I also spent a day at Riker's Island helping people register to vote and apply for an absentee ballot for the upcoming elections. I got to see inside the housing units and talk to people incarcerated, many of whom greatly appreciated learning about the voting process and the upcoming election.

Update 2: My past few weeks at the Legal Aid Society have ramped up in terms of work and projects. In addition to the memo, I was working on about good time credits being revoked, I have started working on a memo related to the Prison Litigation Reform Act (PLRA). In one of the Prisoners' Rights Project's cases, the Court recently appointed a Remediation Manager to ensure compliance with a long-standing court order. Under the PLRA, courts have discretion to set aside state and local laws if doing so is necessary to correct the violation of a federal right. The goal of my memo is to determine whether, under this provision, the Remediation Manager can recommend union agreements be set aside in order to facilitate quick and efficient hiring of



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more jail staff. This memo will potentially inform future enforcement measures that will improve conditions of confinement within a jail and remedy long-standing constitutional violations.

In addition to research and writing memos, I have also begun representing incarcerated individuals in their disciplinary hearings. Such individuals have the right to representation under the HALT Act, and having representation help protect their due process rights. After my first hearing, my client was given 365 days in solitary confinement, which was unexpectedly punitive considering the offense. Despite this, the client was very grateful for my representation and to have someone willing to listen to and fight for him. I am now helping that client appeal the decision.

Update 3: These last two weeks, I have continued work on my memo regarding the Prison Litigation Reform Act (PLRA). This project has been challenging due to limited case law, but the challenge has been valuable in forcing me to get creative in my legal research. I have also dove into the facts and filings of the few cases available, and it has been interesting to learn about these prison litigation cases across the country. Notably, it has stood out to me how, across the country, prisons are failing to comply with court orders and consent decrees, with noncompliance spanning for decades. This pattern mimics what I have seen so far in New York and highlights the importance of prison litigation to ensure people's rights are being protected.

Next week, I will attend a Board of Corrections public meeting. The Board serves as an oversight entity for the Department of Corrections, who runs Rikers Island. At the meeting, I will give public comment about heat mitigation within the jail. Many units within the jail are not air conditioned, which can prove dangerous during the summer. In light of the heat wave we had recently in the city, I will discuss what the DOC has done well and what still needs to be done to ensure people are safe despite the heat. This public comment will help the Board determine what aspects of the jail need more investigation and, hopefully, ensure the Board continues to pay attention to the dangerous heat within many units.

Update 4: Last week, I attended a Board of Corrections public meeting, where I gave public comment about heat mitigation on Rikers Island. My comment focused on steps the Department of Corrections should take to improve the safety of their facilities during heatwaves, such as ensuring there are operable windows in all units to facilitate a cross-breeze. The meeting was a good experience in oral advocacy and a chance to advocate for people in custody.

After that meeting, I began working on a memo about requirements under the Americans with Disabilities Act. The Prisoners' Rights Project has been receiving numerous complaints that a unit at Rikers Island, which houses several people with mobility-related disabilities, is not ADA compliant and key aspects of the unit are not accessible to people with wheelchairs, including



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the showers. My memo focused on the design requirements applicable to jails and the necessary elements on an ADA claim. From this research, I drafted questions to ask clients who have reported accessibility issues to help strengthen our potential claim. Next week, I will visit Rikers Island to interview these clients.

Final Reflection: I went into my internship with the Prisoners' Rights Project (PRP) hoping to gain experience in impact litigation, particularly with regard to prisoners' rights. From the very beginning, I was struck by PRP's docket; the majority of the cases were focused on enforcing judicial orders and consent decrees, some of which were decades old. This stood out to me because it is not something that is often taught or even thought about. To many people, the idea that a government agency could fail to comply with a court order is incomprehensible, but that is exactly the issue PRP deals with regularly. This was an interesting thing to experience because, unlike other stages of litigation, there are few clear rules governing post-judgment enforcement. Thus, through my internship, I got to see the creative ways these cases were being handled and conducted research on one potential avenue for such relief. I found this aspect of the internship to be very unique and am grateful to have this knowledge going forward.

Even though PRP largely focuses on impact and class action litigation, I also got the opportunity to work with and talk to individual clients. For two clients, another intern and myself represented them telephonically in their prison disciplinary hearings. Even though these hearings are largely referred to as "kangaroo court," I found it rewarding to be involved as the clients were very appreciative to have someone listen to their story and fight for their rights. After I conducted one of the hearings, I spoke to my client who expressed his thanks and said, "Shorty [me] really stood on business," which is a quote that I think will stick with me for a while. In addition to these hearings, I also met with people at Rikers Island. We met people in a particular restricted housing unit to determine whether the Department of Corrections (DOC) is adhering to their own rules and standards regarding the unit. We interviewed three individuals and learned a lot about how the unit is run, which provided information for the team to then contact DOC about violations.

These client contact experiences were the highlight of my summer, which surprised me. Before the summer, I thought my goal was impact litigation and that client contact was not as important to me. However, when working on the long-standing class actions that did not have involved clients, I felt detached from the actual issues and found myself missing the client contact aspect, even though the research and issues were very interesting. This realization has been helpful in my search for post-graduation jobs, and I am glad I had this experience.