

Guild Notes

a publication of the national lawyers guild foundation

volume XLII, no. 4, winter 2016



STANDING WITH STANDING ROCK

- Inaugural NLG Weinglass Fellowship Triples Capacity for Chicago Community Bond Fund (p. 5)
- NLG Legal Teams Respond to Retaliation against Prisoners in the Wake of the 9/9 Strike (p. 7)
- Book Review: Len, A Lawyer in History by Seth Tobocman (p. 9)
- Looking back at #Law4thePeople 2016 p. 13)
...and more!

NATIONAL COMMITTEES, PROJECTS AND TASK FORCES

Amicus Committee

Ashlee Albies
amicus@nlg.org

Animal Rights Activism Committee

Bina Ahmad
Amanda Schemkes
animalrights@nlg.org

Anti-Racism Committee

Meghsha Barner
John Bruning
antiracism@nlg.org

Committee for Democratic Communications

Larry Hildes
Jesse Woo
cdc@nlg.org

Drug Policy Committee

Jesse Stout
Endria Richardson
drugpolicy@nlg.org

Environmental Justice Committee

Joel Kupferman
Tehniat Zaman
environmentaljustice@nlg.org

Housing Committee

Patrick Tyrrell
housing@nlg.org

International Committee

Jeanne Mirer
Suzanne Adely
Jordan Winquist
international@nlg.org

Labor & Employment Committee

Anthony Prince
anthonyd.princelaw@yahoo.com

Legal Worker Caucus

Curtis McGuire
Judith Mirkinson
legalworkervp@nlg.org

Mass Defense Committee

King Downing
massdef@nlg.org

Mass Incarceration Committee

Nora Carroll
massincarceration@nlg.org

Military Law Task Force

Aaron Frishberg
frishberga@aol.com

Next Generation Committee

Priscilla Orta-Werner
nextgen@nlg.org

Political Prisoner Support Committee

Benjamin Evans
politicalprisoners@nlg.org

Queer Caucus

queercaucus@nlg.org

The United People Of Color Caucus (TUPOCC)

Karol Ruiz
Gil Bayonne
tupocc@gmail.com

National Immigration Project

Dan Kesselbrenner
14 Beacon St., Ste. 602
Boston, MA 02108
(617) 227-9727
dan@nationalimmigrationproject.org

National Police Accountability Project

Brigitt Keller
499 7th Ave., Ste. 12 N
New York, NY 10018
(212) 630-9939 phone
npap@nlg.org

NATIONAL OFFICERS AND STAFF

President

Natasha Lycia Ora Bannan
president@nlg.org

Executive Vice Presidents

Ria Thompson-Washington
Elena Cohen

Treasurer

treasurer@nlg.org

National Vice Presidents

Claire White
Ken Montenegro

Legal Worker VP

Curtis McGuire
Judith Mirkinson
legalworkervp@nlg.org

Jailhouse Lawyer VPs

Mumia Abu-Jamal

National Student VPs

Joelle Lingat
Tracey Jackson

Regional VPs

Far West
Colleen Flynn
Anthony Prince
farwestrvp@nlg.org

Mideast

Rachel Rosnick
Sarah Coffey
Robert Burton-Harris
mideastrvp@nlg.org

Mid-Atlantic

Michele Grant
Ann Wilcox
midatlanticrvp@nlg.org

Midwest

Molly Armour
Robin Martinez
midwestrvp@nlg.org

Northeast

Benjamin Evans
Tyler Ingraham
northeastrvp@nlg.org

Northwest

Neil Fox
northwestrvp@nlg.org

South

Miriam Haskell
southernrvp@nlg.org

Southwest

Johanna Hendley
southwestrvp@nlg.org

Tex-Oma

Daphne Silverman
texomarvp@nlg.org

National Office Staff

Executive Director
Pooja Gehi
director@nlg.org

Director of Membership

Lisa Drapkin
membership@nlg.org

Director of Education and Research

Traci Yoder
traci@nlg.org

Director of Communications

Tasha Moro
communications@nlg.org

Director of Mass Defense

King Downing
massdef@nlg.org

NLG Foundation Managing Director

Daniel McGee
nlgfoundation@nlg.org

Guild Notes is published triannually by:

National Lawyers Guild Foundation
132 Nassau Street, Rm. 922
New York, NY 10038

Edited and Designed by: Tasha Moro

Cover: Water Protector at Standing Rock
(Photo: Izak Lederman).

Copy deadline for next issue: Mon.,
February 6, 2017.

To subscribe to *Guild Notes*: Contact Tasha Moro at communications@nlg.org or call 212-679-5100, ext. 15#. One year subscription for non-member individuals: \$50. One year subscription for institutions: \$75.

Previous and current issues of *Guild Notes* are available for download online at nlg.org/resource/guild-notes.

NOTE: The views expressed in *Guild Notes* are those of the authors. They do not necessarily reflect the opinions of the NLG as a whole.

President's Column: Rise Up for Standing Rock

By Natasha Lycia Ora Bannan

Standing firm in their sacred and sovereign land, the ongoing civil disobedience and protests by the Water Protectors of

Oceti Sakowin Oyate (the Great Sioux Nation) in North Dakota are nothing short of inspiring. Standing Rock has been standing for all of us as they protest the construction of the Dakota Access Pipeline (DAPL) that would pump millions of barrels of crude oil across sacred ancestral lands without the consent or consultation of the sovereign nation of the tribe. The pipeline would not only destroy their community, disrupt their sacred ground, risk the extinction of water sources and land cultivation, but also challenges the very essence of life, tradition, ritual and community. This is not an isolated fight. This is a struggle connected

to so many others that we are all involved in, because this is about colonialism, the corporate state, environmental justice and land rights, racial justice and imperialism.

NLG members have been on the ground organizing legal support at Standing Rock since the beginning, helping form the Water Protector Legal Collective (formerly Red

Owl). Representatives from numerous Guild committees have been involved, including Indigenous Peoples' Rights, Environmental Human Rights, Mass Defense, Labor & Employment, and Environmental Justice. Despite being

hours away from any major transportation hub and limited technological and communications access, Guild members have managed to organize ongoing legal support for those who have been arrested and detained, including [helping lift a temporary injunction](#) on protests.

Arrests have exceeded 260, and many more are expected as state and corporate repression continues. Journalists have been targeted, especially those attempting to film police behavior and tactics. Volunteering weeks of their time, Guild lawyers and the Water Protector Legal Collective have been serving in rotating shifts to legal observe and provide criminal defense support to those who are literally putting

their lives on the line to save what is most sacred to life.

If you are able to volunteer or would like to learn more, please contact volunteer4water@gmail.com. It is moments like this that define us, where we rise or fall together. Let's rise up! ■



NLG solidarity at Standing Rock. (Photo: Bruce Nestor)

EDITOR'S NOTE: As this issue was going to print, Donald Trump was elected President of the United States. In response, Natasha Lycia Ora Bannan shared this message:

Familia,

Many of us woke up to a reality different from the one we expected. Many have expressed deep mourning and fear. However, as a progressive legal community, we know that regardless of what the outcome would've been, we would still be standing in solidarity and providing legal support to movements.

As an organization that values human rights over property interests, the National Lawyers Guild's relentless defense of those rights will always be needed. As our nearly 80 years as an organization have shown, we will resist and we will overcome. In response to possible deepening government abuse and repression, peoples' movements will develop creative strategies to resist, organize, and hold corporate and government officials accountable. We will collectively learn new ways of defiance and as we have stood in solidarity with peoples' democratic movements across the world, they will stand now with us. We will openly question the legitimacy of our government when necessary. We will support those who disobey it's institutions when necessary. We will create alternatives to oppressive institutions and structures. We will call out and hold accountable those with tyrannical dispositions. We will organize and educate and teach with a new passion and focus. We will build community in ways perhaps we haven't yet needed to, and it will be transformative for our work. We are not the first nor the last to face the threat of enhanced repressive tactics targeting communities of color, LGBTQTIQ, people with disabilities, women and gender-non conforming individuals, Muslims and immigrants, and we will overcome it together.

In Solidarity,

Natasha Lycia Ora Bannan, President, National Lawyers Guild

Moving Beyond Brock Turner: Focusing on Mass Incarceration

By Audrey Bomse, Sharlyn Grace, and the Mass Incarceration Committee of the NLG

In January 2015, Brock Turner sexually assaulted an unconscious woman behind a dumpster outside a Stanford University frat party. He was convicted of felony sexual assault and received six months in jail—far less than the 14 year maximum. Outrage at Turner’s short sentence, culminating in only three months served, led to the passage of a three-year mandatory minimum sentencing law (A2888) for sexual assault of a drunk or unconscious person in California. It also led to a [petition drive to recall the sentencing judge, who voluntarily stepped back from the criminal docket](#). (Public defenders started a [competing petition](#) in support of judicial discretion.)

California’s A2888 bucks the recent national trend away from mandatory minimums, a shift born out of our country’s [mass incarceration crisis](#). Alarming, this punitive effort came largely from “progressives.” Turner is 2016’s poster child for harsher sentencing: privileged by his race, gender, and class positions—hardly representative of most people we’ve locked away. While Turner’s sentence reflects unequal access to leniency and compassion, mandating more retributive “justice” expands the reach of the same criminal legal system currently causing so much harm in poor communities of color.

A2888 will also not deter sexual harm or fix racial disparities in sentencing. As Michelle Anderson, a leading scholar of rape law, [points out](#): “Mandatory minimums have not worked in response to challenges posed by other kinds of crime. There is no reason that mandatory minimums would work as a response to the real problem of sexual assault.” A coalition of 25 feminist organizations urged Governor Brown not to sign A2888, saying, “[w]hile some support this legislation in hopes that it will address racial biases in sentencing that worked in Turner’s favor, mandatory minimums have in fact exacerbated racial and class disparities in prosecution.”

The simple truth is that prisons do not prevent harm. There is ample reason to think mass incarceration and the resulting destruction of communities [make us less safe](#). Our prison sentences are [harsh global outliers](#), yet we are not safer.

The NLG should oppose new mandatory minimums. In 2015, the NLG passed a [Resolution in Support of Prison Abolition](#), understanding that prisons “are designed to maintain economic and racial inequality, legitimize capitalism, and feed corporate wealth,” and recognizing that far from supporting survivors and victims, prisons legitimize state violence and “detract from grassroots antiviolence strategies, such as community accountability processes, restorative and transformative justice practices, and other survivor centered efforts.”

The [joint statement](#) of Incite! Women of Color against Violence and Critical Resistance challenges us to center the need for safety from violence at the same time as we push back on criminalization and incarceration: “Reliance on the criminal justice system... [leaves victims feeling] disempowered and alienated [and] has also promoted an individualistic approach toward ending violence such that the only way people think they can intervene in stopping violence is to call the police... This reliance has shifted our focus from developing ways communities can collectively respond to violence.” If we want to see less violence, we must consistently refocus our attention from simply punishing individuals who commit harm to preventing harm by addressing its structural causes.

Controversial cases like Turner’s are chances to have necessary conversations about alternatives to punishment and incarceration. As advocates and concerned community members, it is our job to craft social policies and responses to harm that are based on our best impulses and not our worst. Accountability for harm can be meaningful and transformative; punishment and increased incarceration is far from the only response possible. ■



nlg.org/nlg-scholars

NLG Scholars grew out of the NLG Faculty Network, a forum for law professors to collaborate, communicate, and support our student members. Many of our NLG members—both in law schools and beyond—have established themselves as experts in their fields. Guild members write, present, and speak to media on behalf of themselves and the NLG.

With this wealth of expertise among NLG members, we wanted to make it easier for our membership and the public to access their work! Please contact our NLG Scholars directly to inquire about setting up an event, getting a quote for a media story, or learning more about their areas of expertise.

For more information on NLG scholarship and educational endeavors, or to be added to the NLG Faculty email list or the NLG Scholars list, please email Director of Research and Education Traci Yoder at traci@nlg.org.

Inaugural NLG Weinglass Fellowship Triples Capacity for Chicago Community Bond Fund

By Max Suchan, NLG Chicago

From August through October 2016, Chicago NLG member Max Suchan received the first annual NLG Weinglass Fellowship to work full time for the Chicago Community Bond Fund (CCBF). This grant, named after renowned criminal defense attorney and constitutional law advocate Leonard Weinglass and made possible from a generous bequest from his estate, allowed CCBF to triple its volunteer capacity during that period in order to pursue the organization's goal to eliminate monetary bond in Illinois and challenge pretrial detention more broadly. CCBF also maintains a revolving fund to post bond for people locked in Cook County Jail while awaiting trial. To date, the organization has freed 41 people from jail or house arrest, posting more than \$200,000 in funds the group has received almost exclusively from grassroots donors.

Until Max became a Weinglass Fellow, CCBF remained an all-volunteer collective since it was founded in August 2015. The Fellowship enabled Max to spearhead efforts to organize a mass volunteer orientation training in September where 44 people were trained to work in CCBF's post-bond support, fundraising, and education and advocacy committees. This new influx of energy has allowed the organization to triple its capacity at a critical juncture when work to end the use of monetary bond in Chicago is at an all-time high. On October 14, a group of law firms, including Chicago's MacArthur Justice Center, filed a lawsuit against municipal and criminal division judges making local bond decisions as well as the Cook County Sheriff. The lawsuit challenges the detention of people due to their inability to afford bond as a violation of Equal Protection under the US Constitution. CCBF referred plaintiffs to the lawyers and posted bond for one plaintiff this week after the lawsuit was filed. Additionally, CCBF

helped spearhead efforts to bring the lawsuit attorneys, policymakers, and community organizations and activists together in coalition to pursue a myriad of legal, legislative, and grassroots organizing strategies to end money bond and challenge pretrial detention.

Through this coalition work, Max utilized the Weinglass Fellowship to conduct press trainings with people CCBF

bonded out, ensuring that those most directly impacted by pretrial detention are centered whenever possible at a time when local and national media coverage of bond funds has greatly increased. Using his knowledge of criminal law, Max's trainings included information on how to conduct media interviews without compromising legal rights, as

many of the cases against people CCBF has posted bond for are still pending.

The ability to connect new volunteers to all of these efforts has allowed CCBF to sustain its work and expand its efforts. The Fellowship allowed Max to devote full-time energy to other crucial aspects of CCBF's work-including implementing plans to post bond for individuals in jail and activists arrested at political actions on an almost weekly basis, fundraising, and providing individualized support to people once the organization freed them from jail. CCBF is currently on the brink of organizing a concerted fundraising drive to replenish general funds to post more bond. Since felony charges in Cook County often take at least a year or two to go to trial or otherwise resolve, many of the bonds CCBF has paid out will not return to the organization for some time. Currently six bonds have returned to CCBF over the last year, and no bonds have yet been forfeited. ■



facebook.com/ChicagoCommunityBondFund

Unconventional: The Guild at the 2016 RNC & DNC

By King Downing, NLG Director of Mass Defense

Movement legal work for the conventions was a big success, thanks to hard working chapter coordinators Jocelyn Rosnick and Jacqueline Greene, NLG Ohio, and Mary Catherine Roper and Michelle Grant, NLG Philadelphia. Members and staff from across



Zone team LOs at an RNC event. (Photo: King Downing)

the country also joined the efforts.

Each city was divided into zones: traditional protest areas, locations with permit requests, and government “speech” zones.

In Cleveland, the ACLU handled pre-convention permit/zone litigation; NLG covered legal observing (LO), jail support and legal defense, and guided a Black community group for bail support. In Philadelphia, NLG handled legal observing, while the ACLU dealt with permit litigation. Legal collective Up Against the Law handled defense. In preparation, both chapters held events including know your rights workshops, LO and jail support trainings, and presentations on government plans, surveillance and technology.

Surveillance/militarization were concerns at both conventions, designated “National Special Security Events” (NSSEs) with expenditures of \$50 million each. Earlier, *The Intercept* had revealed that [DHS](#) and the [NYPD](#) were monitoring Black Lives Matter, and FBI and local police were visiting activists at their homes. In Cleveland, activists built encrypted servers and communications; in Philadelphia, encrypted phone/text communications. A chain of custody to the legal team protected LO notes as attorney work product.

RNC: Most striking was the massive police presence: 2,700 officers, many in riot gear. Streets were blocked with high fences guarded by Secret Service. Police far outnumbered protesters. NLG volunteers, community members, and NLG national office staff LO’d, worked jail support, and held legal strategy sessions. 60 LOs operated on foot and in bike teams, covering multiple regions.

LO coordinators monitoring transmissions heard police label groups with Black people “Black Lives Matter,” and people wearing black “anarchists,” sending large groups of police.

The 30-person jail support team fielded calls, logging arrests, and sent jail support teams to await releases. NLG, ACLU and

NAACP lawyers reviewed a [video of the FBI questioning](#) activists on their porch, while police entered the home without consent or warrants, then drafted a [press release](#) condemning this and other raids. Each night there was a debrief where all teams gave updates. Feedback was immediate and constructive.

There were 23 arrests, including two felonies. The cases are ongoing, with NLG and NAACP lawyers representing defendants.

DNC: The 2,000+ police in Philadelphia were not visible as in Cleveland. Convention areas were also fenced and Secret Service guarded.

Unlike Cleveland, LOs in Philadelphia’s protest zones were spread throughout the area: city hall and municipal building plazas close to downtown, with FDR Park and the convention arena three and four miles south. Marches from the plazas routinely went all the way to the arena. LOs faced 90°+ heat and long walks: comfortable shoes, light clothing, water and hydration pills. “Captains, check your teams!”

Few police were seen: several dozen on bicycles would accompany even the large marches, followed by vehicles.

Maina Kiai, the UN Special Rapporteur on the rights to freedom of peaceful assembly, convened a hearing which I moderated. Witnesses included DNC Action Committee and Philadelphia Black Lives Matter. Lawyers testified about disability rights protesters and the city’s history of racial profiling.

I invited the rapporteur to join us at the Black Resistance protest, a march from historically black North Philadelphia, 2.5 miles south to city hall, and then four miles to the convention.

Surprise! Kiai and his team showed up. I introduced him to the LOs and gave him a green hat. We moved with the march.

Later, protesters chased a white male with a videocam out of the march. He ran to a police car where his apparent fellow officers surrounded him, ringed by bicycle police. As LOs moved closer, the rapporteur pulled on his green hat and moved with us to the front line. The world’s top speech monitor was with us.

The DNC had 106 arrests, mostly misdemeanor citations. Eleven



L-R: NLG Summer Intern Marquis Palmer, Director of Mass Defense King Downing, UN Special Rapporteur Maina Kiai, and NLG member Kris Hermes LOing the DNC. (Photo: flickr.com/photos/mainakiai)

arrests were for scaling the convention fence. All defendants are represented by Up Against the Law.

Thanks to all who put in the work and/or made donations. Protests will continue, and the Guild will be there. ■

NLG Legal Teams Respond to Retaliation against Prisoners in the Wake of the 9/9 Strike

Paul Stanley Holdorf, Esq., NLG New Jersey Chapter

In the wake of the September 9th work stoppage, a wide variety of prisoners' rights violations emerged in large numbers across multiple jurisdictions. Prisoners from Washington State to Florida reported being subjected to excessive uses of force, segregation and disciplinary findings without due process, increases in security levels, and facility transfers. Some prisoners suffered punitive action for merely speaking to the media about prison conditions in the aftermath of the strike.

Events at the Kinross Correctional Facility (KCF) in Michigan

illustrate the scale of human degradation perpetrated by prisons following September 9th, where prisoners reported being forced to soil themselves as a result being left in restraints on the ground in the rain for a prolonged period without access to bathroom facilities.

In the days that followed,

approximately 250 prisoners were transferred out of KCF, many of them catapulted from minimum ("Level 1") security levels to maximum ("Level 5").

NLG legal response teams composed of Guild attorneys, legal workers, and organizers have emerged across the country to challenge this widespread repression. The Prisoners Legal Advocacy Network (PLAN), a project of the NLG New Jersey Chapter, has been invited to participate on these teams in several states so that the experiences and lessons learned in the aftermath of the strike can be disseminated seamlessly across jurisdictions. Given the scope of prisoner rights violations being reported and the extensive need for help, it was important to adopt a legal response model that would impart high impact outcomes with limited time investment. Filing notices of claim, often in conjunction with public records requests, has been shown to serve this purpose.

Whether filed with the courts or departments of correction, notices of claim serve several important

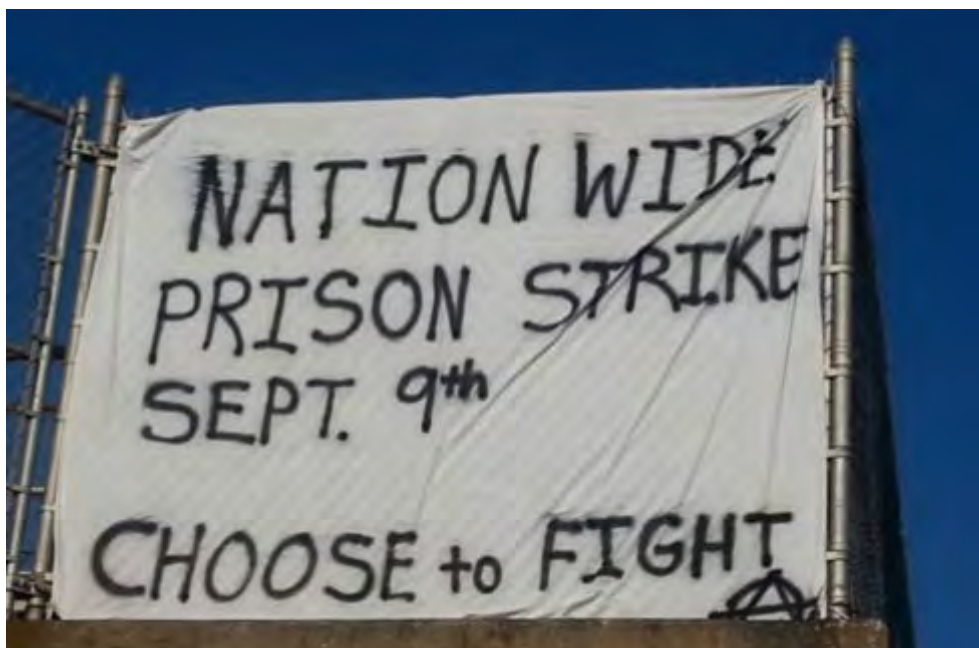
functions. They voice prisoners' allegations in a manner that cannot be ignored by senior prison officials as internal grievances sometimes are (although, of course, legal response teams always encourage prisoners' exhaustion of remedies in parallel with these efforts). They demonstrate to prison systems the concern and involvement of legal professionals from the outside community in a manner that has consistently been shown to insulate prisoners from further abuse and retaliation. Notices trigger preservation obligations, which protects evidence from destruction. This is particularly important in the case of digital evidence, such as staff emails and surveillance video, which is often

overwritten as a matter of standard procedure after only a few short weeks. And, whether or not an incident ultimately proceeds to court action, notices of claim create a public record that can help other litigants establish a pattern and practice of staff misconduct and prisoner abuse in a given prison system in the future.

The efforts of Guild legal response teams

to the strike are actively underway in Colorado, Michigan, Ohio, Texas, Washington, Wisconsin, and beyond. That the Department of Justice (DOJ) has initiated an investigation into prison conditions in Alabama as a direct result of the strike demonstrates that the message of this effort is being heard.

It has become clear that prisoners mobilizing on the inside, the NLG legal response teams challenging their repression, and the organizers who are mobilizing media and activism in the wider community share a heartfelt commitment to 9/9 as the onset of a sustainable movement, as opposed to a one-day event. Prisoner activism inside is ongoing, and acts of prison retaliation are increasing over time. Our goal is to support the sustenance and expansion of this important movement of legal responses to prisoners' rights violations, bolstering in particular collaboration between people inside and organizers and legal response teams in the outside community. ■



In August, this banner appeared above the Lloyd Expressway in Evansville, IN. (Twitter: @wheretheriverfrowns)

Portland City Council Adopts Police Union Contract over Strong Community Objections; Arrests Demonstrators

By Ashlee Albies & Kristen Chambers, NLG-PDX

Portland, OR police accountability advocates have worked for years to change terms embedded in the City's collective bargaining agreement (CBA) with the police union, arguing they impede oversight and accountability. On October 12, 2016, the Portland City Council adopted a CBA over strenuous community objections, surrounded City Hall with riot cops, and arrested 10 objectors.

In 2010, the US Department of Justice (DOJ) launched an investigation into the Portland Police Bureau's (PPB) use-of-force practices at the request of the Albina Ministerial Alliance Coalition for Justice and Police Reform (AMAC), a local organization. The DOJ found a pattern of excessive force by the PPB against people experiencing mental health crises, and filed suit alleging the same. The day the suit was filed, the DOJ and the City jointly filed a proposed Settlement Agreement, purporting to resolve those legal claims. The AMAC, represented by Portland NLG members Ashlee Albies and Shauna Curphey (and now Kristen Chambers) filed a motion to intervene and were granted "enhanced amicus status," allowing participation in the case.

Several terms of the Agreement pertain to the City's independent police oversight authority (IPR) and community engagement. In particular, the Agreement calls for the elimination of the 48-hour rule, which allows officers involved in deadly force cases 48 hours before submitting to an interview. The Agreement also requires the City to rework its "byzantine" accountability system to be more efficient and effective.

The AMAC, NLG, NAACP, ACLU, Portland Copwatch, Don't Shoot PDX and other community groups opposed the City Council's approval of a CBA, bargained for mid-contract by Mayor Charlie Hales, with an estimated \$6.8 million price tag. The changes removed the 48-hour rule, but failed to address aspects of the CBA prohibiting the IPR from conducting investigations into deadly force cases and compelling officer testimony. Moreover, the proposal included a concession that the City was required to bargain

with the PPA over body-cams policies. The NLG previously provided a legal opinion to the City, pointing out that aspects of the body cam policy—specifically whether officers should be able to review footage before writing reports or submitting to investigatory interviews—was more likely subject to permissive rather than mandatory bargaining under state law, and that the proposed changes failed to address requirements of the Agreement. Mayor Hales acknowledged he did not raise issues related to IPR during bargaining.

The day before the second reading of the ordinance to adopt the CBA, Don't Shoot PDX demonstrators camped out at City Hall, blanketing the building with a "Black Lives Matter" banner. Mayor Hales banned the general public from giving testimony or attending the hearing, allowing only journalists and people who had previously signed up to testify to enter.

The morning of the council hearing to vote on the new CBA, objectors filled council chambers. Mayor Hales moved up the time to consider the CBA on the agenda, recessed council after demonstrators made noise, and reconvened council on the floor above at City Hall, where he had arranged for a live feed of the council meeting, now taking place behind closed doors. Police officers stationed themselves in City Hall, blocking protesters from the small room where council reconvened to approve the CBA. Shortly after adopting the CBA, police forced demonstrators out of City Hall, pushing, pepper-spraying and using batons. Ten demonstrators were arrested, and NLG Legal Observer Sara Phillips—who has been providing a heroic amount of legal support—was thrown down the stairs by an officer.

The Portland NLG and Lewis and Clark Law School NLG chapters continue to provide legal support to demonstrators and those arrestees. ■

EDITOR'S NOTE: Check out Ashlee Albies' interview with Jo Ann Hardesty about this topic on KBOO Community Radio: kboo.fm/media/8616-special-police-brutality-ashlee-albies

**Build the Movement.
Build the Guild.**

nlg.org/donate



BOOK REVIEW: *Len, A Lawyer in History* by Seth Tobocman



Seth Tobocman with his book at the 2016 #Law4thePeople Convention in New York City. (Photo: Shanna Merola)

Len, A Lawyer in History: A Graphic Biography of Radical Attorney Leonard Weinglass by Seth Tobocman, Edited by Paul Buhle & Michael Steven Smith (AK Press, 2016)

**Reviewed by Jim Lafferty,
NLG-Los Angeles
President Emeritus**

I never cared for graphic books—then I read Seth Tobocman's fine graphic biography of the great American lawyer, Leonard Weinglass. In the future I certainly won't dismiss graphic books before at least taking a peek.

A piece of advice: before jumping into the book's graphics, be sure to read Michael Steven Smith's brilliant, moving and all-inclusive introduction to Weinglass' life and work. Smith was a close and dear friend of Weinglass, and reading his introduction prepares the reader to better understand all that follows.

A Lawyer in History is less than 200 pages, and all but a few are filled with illustrations. Tobocman didn't just rely on his considerable artistic skills to tell the story; he spoke with those who knew Weinglass well and studied the cases and political times of his heroic legal practice. As a result, Tobocman's highly expressive drawings and writing successfully capture the essence of who Weinglass was as a man—why he became so radical, what motivated him to take on the cases he did, and what the political movements he represented were all about. Tobocman includes excerpts of conversations to capture the political context and insight into Weinglass' strategy as he tackled one seemingly impossible case after another.

Right from the start we learn, through Tobocman's straightforward storytelling, how the stock market crash of the Great Depression drove his grandfather to suicide and the effect this had on young Leonard; how his over-worked father in the family drug

store left Leonard without his attention much of the time; how Weinglass refused to change his Jewish name in order to get into law school (but got in anyway). And how after he graduated and knowing he did not want a soldier's life, nevertheless signed up as a military lawyer to avoid the draft; and how hard he fought the court martial of a Black soldier despite the disapproval of his commanding officer.

His work as a military lawyer foreshadowed how he would view the practice of law once he was back in civilian life and, finally finished with an unsatisfying straight law job, found his way back to what he was passionate about: defending those fighting for radical social and economic justice, and against governmental political repression.

All of the major beats of Leonard Weinglass' life and legal work are presented here, wisely, truthfully, and movingly, which is no small feat. His clients and cases read like a who's-who of the radical movement for social and economic justice in our lifetime.

In the late '60s and early '70s, Weinglass was all that stood between people caught up in the racism-fueled Newark uprisings and long, unjust jail sentences. He was an attorney in the iconic case of the *Chicago 7*, who were arrested in connection with the brutal police assault on thousands of people near the 1968 Democratic National Convention. The coverage of that case in

A Lawyer in History is alone worth the price of the book, featuring some of Tobocman's best drawings and writings. The telling of how Weinglass bravely stood up for his clients in that case, how he fought back against an over-the-top, prejudiced judge and, as a result of an historically brilliant appeal, finally freed the *Chicago 7*, is the story of one of the great legal battles and victories in American jurisprudence.

There is so much more in this grand biography. The story and graphics detailing the passage of the *Patriot Act* following the attacks of 9/11 is adroitly and colorfully handled. Some of the most haunting and convincing commentary concerns Weinglass' defense of Daniel Ellsberg following his release of the Pentagon Papers, which

bolstered the steadily growing anti-Vietnam War movement. There's more to these stories than one book can relate, but if this is all you ever read about the famous cases described in the book, you will have learned more than you could ever have imagined about this period of U.S. history, and about the life and legal career of Leonard Weinglass, one of America's greatest peoples' lawyers. ■



THE SITUATION IN NEWARK AND THE ONGOING VIETNAM WAR RADICALIZED MANY PEOPLE AND LEONARD HAD FOUND HIS CALLING IN LIFE, REPRESENTING THE RADICALS!

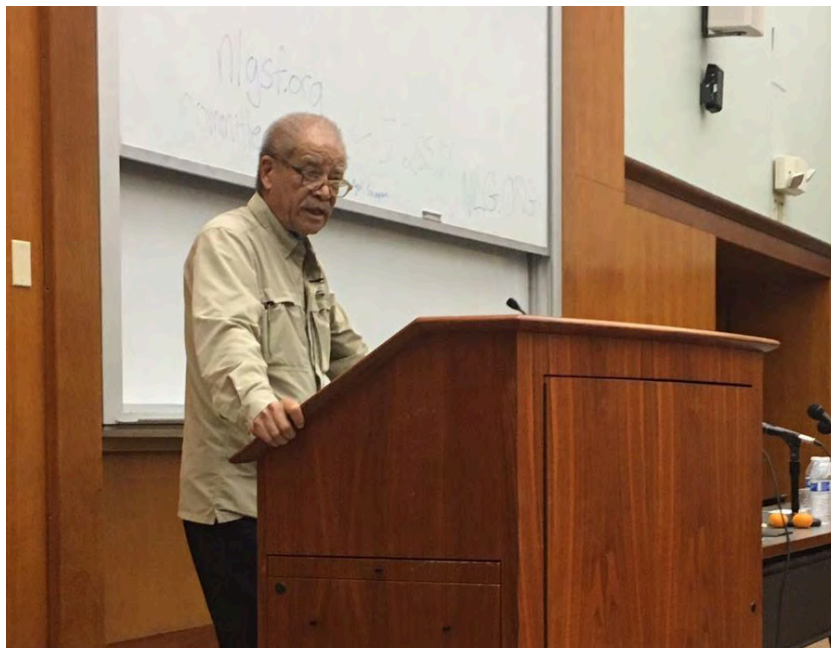
NLG STUDENTS IN ACTION!

NLG Students have been busy legal observing, recruiting, and organizing Disorientation events since law school picked back up in September. Check out these photos to see our student members in action!

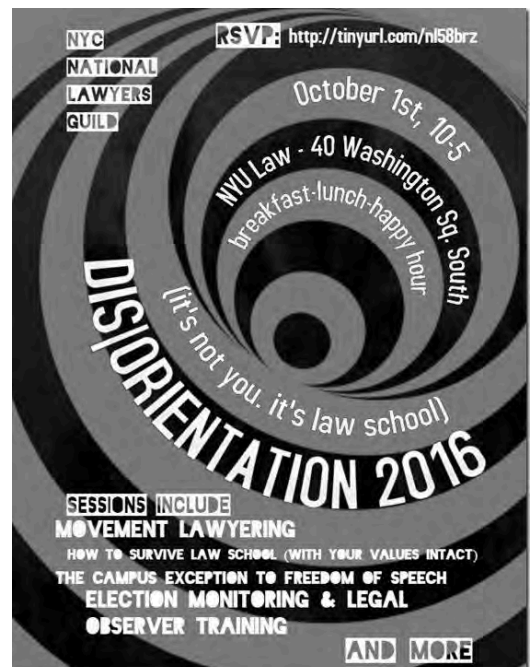
Be sure to follow @NLGstudents on Facebook for updates from NLG law school chapters nationwide!



Wayne State Law NLG students Marie Reimer and Matt Larson legal observing at a Solidarity with Standing Rock Rally at the Marathon Refinery in Detroit. Photo by Shanna Merola.



NLG member and 2015 Law for the People awardee Walter Riley addressing NLG students at the 2016 NLG Bay Area Progressive Law Day held at UC Berkeley School of Law in October.



Flyer for the annual NLG NYC Disorientation held at NYU Law School in October.



For the first time, progressive and radical law students from all five law schools in Georgia (Emory, Georgia State, John Marshall, University of Georgia, and Mercer Law) came together to learn more about the NLG and the role of lawyers in social justice movements. Hopefully, DisOrientation 2016 will mark the beginning of a strong network of Southern law students working together to fight the traditional norms of legal education and toward the liberation of all. #OrganizeTheSouth!

APPLY TO BE A 2017 NLG HAYWOOD BURNS FELLOW!

The application period for the NLG's Haywood Burns Memorial Fellowship for Social and Economic Justice for Summer 2017 is now open! The Burns Fellowship is open to students and legal workers working on projects that find creative ways to use the law to advance justice.

Visit nlg.org/fellowships to download the application, where you'll also find information on previous Fellows, who spent their summers doing amazing work! Please also take a look at the history of the Fellowships and the bio of Haywood Burns, which all applicants (and really, everyone) should read.

Students and legal workers actively involved in NLG activities are given preference for the Fellowships, so please apply! If you have any questions, please don't hesitate to email NLG Director of Education and Research Traci Yoder at traci@nlg.org.

Completed applications are due by **Monday January 9, 2017**.



NLG students at the 2016 City-wide Chicago Disorientation held at Northwestern Law School in September.



University of Virginia Law NLG welcomed Dr. Jill Humphries, an analyst and activist scholar who has developed curriculum aimed at improving cultural competency in interactions between demonstrators, communities of color, and law enforcement to conduct a legal observer training.



NLG students Nana Yankah, Naji Mujahid, and Marquel Ramirez at the 2016 Washington DC City-wide Disorientation held at the UDC David A. Clarke School of Law in September.



Intro to the NLG event at Yale Law School, where 20 1Ls came out to learn about the history of the NLG, what it does now, and information about the YLS Chapter. Jerry the Bearrister, the Yale NLG mascot, was there to legal observe!

2016 NLG #LAW4THEPEOPLE CONVENTION

From August 3-7, 2016, the NLG held its annual #Law4thePeople Convention in New York City, co-sponsored by the NYU Public Interest Law Center and held at NYU Law. With nearly 600 attendees, it was a rousing success! Take a look back at some of the highlights from the 5-day event, and be sure to join us next year in Washington, DC, August 2-6, 2017 for our 80th Anniversary Convention! More details to come in early 2017!



Melinda Power of the NLG Political Prisoner Support Committee presents Albert Woodfox with the Arthur Kinoy Award. "If the cause is noble, you can carry the weight of the world on your shoulders," he said. (Photo: Shanna Merola)



Elle Hearn, trans activist and organizer for the Black Lives Matter network, delivers the Keynote Address. (Photo: Lisa Borge, NYU Law Public Interest Law Center)



R-L: Dan Kesselbrenner and Paromita Shah of the National Immigration Project present the Daniel Levy Award to the Georgia Latino Alliance for Human Rights. (Photo: Curtis McGuire)



Vince Warren of the Center for Constitutional Rights chats with members of the NLG-Michigan and Detroit Chapter before their panel on emergency management and Flint water crisis. (Photo: Lisa Borge, NYU Public Interest Law Center)

Elections and Voting Results



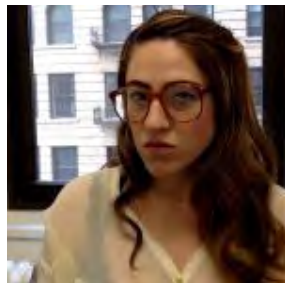
NLG members vote on resolutions and amendments at the Convention's first Plenary session. (Photo: Shanna Merola)

Below are the results of 2016 national officer elections: Thank you to the 300+ NLG members who voted!

Executive Vice Presidents



Ria Thompson-Washington

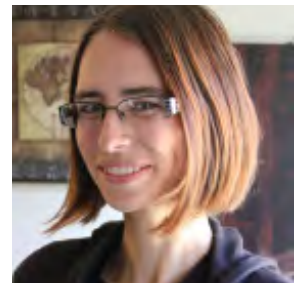


Elena Cohen

National Vice Presidents



Ken Montenegro



Claire White

Below are the results of the vote on the 2016 proposed amendments and resolutions (counted and verified by the Resolutions Committee and National Office). This year, we had a record 152 jailhouse lawyer members participate! To view the full text of all resolutions and amendments that were passed this year, visit nlg.org/member/bylaws-and-resolutions

Amendment Results

- Add Bylaws 7.5: Officer Job Descriptions (Vol 1 - President & Treasurer) - PASS (82% to 18%)
- Add Bylaws Section 7.5: Officer Job Descriptions – (Vol 2: EVP & NVP) - PASS (79% to 21%)
- Add Bylaws Section 7.5: Officer Job Descriptions (Vol 3: Legal Worker and Student VP) - PASS (82% to 18%)
- Add Bylaws Section 7.5: Officer Job Descriptions (Vol 4: JHL and RVP) - FAIL (48% to 52%)
- Add Bylaws Section 7.5: Officer Job Descriptions (Vol 5: Committee/Caucus) - PASS (73% to 27%)
- Proposed Bylaw Amendment, Section 8: Voting Procedures - PASS (87% to 13%)
- Proposed Bylaw Amendment, Section 13: Convention Evaluations and Survey - PASS (85% to 15%)
- Proposed Bylaw Amendment, Section 11: Create NEC Standing Committees - PASS (70% to 30%)

Resolutions Results

- Resolution: Proposed Resolution to Boycott Airbnb - PASS (67% to 33%)
- Resolution: Require Independent, Impartial Investigation/Prosecution of Police Killings - PASS (61% to 29%)
- Resolution: Resolution Regarding National Election Conducted by Mail/Email - PASS (91% to 9%)
- Resolution Requesting National NLG and the NLG Foundation to Resume Banking with Union-Owned Amalgamated Bank - FAIL (48% to 52%)



Michael Deutsch receives the Ernie Goodman Award, recognizing the important work of activists such as client Rasmea Odeh. (Photo: Curtis McGuire)



Director of Prison Radio Noelle Hanrahan receives the 2016 Legal Worker Award. (Photo: Curtis McGuire)



Emily Bock of Temple Law NLG receives the 2016 CB King Award. (Photo: Curtis McGuire)



Franklin Siegel of NLG-NYC had a huge hand in helping plan the 2016 Convention. Thanks, Franklin! (Photo: Lisa Borge, NYU Law Public Interest Law Center)



Audrey Bomse received the 2016 Debra Evenson "Venceremos" Award for her global social justice work, notably as Chair of the Palestine Subcommittee.



L-R: NLG students Tracey Jackson and Ria Thompson-Washington of NLG UDC David A Clarke School of Law and Quadraex White of SULC Law chat outside the Convention. (Photo: Lisa Borge, NYU Public Interest Law Center)



The NLG International Committee poses for a group photo after their major panel. (Photo: nlinternational.org)



The Guild's legendary Ann Fagan Ginger with her book, "Nuclear Weapons Are Illegal: The Historic Opinion of the World Court and How It Will Be Enforced" and a photo of the NLG and Southern Christian Leadership Conference in 1968, the "first integrated conference of lawyers on civil rights litigation in the South." (Photo: Shanna Merola)



Soffiyah Elijah of the Correctional Association receives the 2016 Law for the People Award at the Friday Awards Banquet. (Photo: Curtis McGuire)



NLG Political Prisoner Support Committee poses for a photo following their panel. (Photo: Shanna Merola)



Javier Maldonado receives the Carol Weiss King Award presented by fellow National Immigration Project member Barbara Hines. (Photo: Curtis McGuire)



Chicago's People's Law Office poses with Guild comrades at the Awards Banquet. (Photo: Curtis McGuire)

BEYOND BARS

Voices of NLG Jailhouse Lawyers

"Beyond Bars" is a collection of articles, poetry and artwork now appearing in each issue of *Guild Notes* by people in prison. "Beyond Bars" aims to provide people in prison with an outlet for political and artistic expression while shedding light on the country's broken, inhumane, and racist criminal (in)justice system.

There is Hope

By **Robert L. Brown**
San Luis, AZ

There exists so much frustration, as to a loss of light, with a sense of darkness trying to engulf one's light, being an individual in prison means living daily on a treacherous, at times torturous terrain between doubt and faith, despair and hope.

Merely, this is a mild depiction of what one feels in dealing with the enormous lack of legal resources within the Arizona prison system, unable literally to do any type of legal research, in hopes of any opportunity, big or small, for whatever case, civil or criminal, prayerfully hoping to prevail on any level.

The paralegals venomously refuse to provide anyone with case laws or any type of meaningful legal research, on anything relative and/or relevant to one's case, no matter how colorful one's claim may be, leading to a possible exoneration or just a conviction being overturned, due to a mere technicality.

This dark bleakness embedded in the paralegal service provided by the Arizona prison system, makes one wonder who is actually benefitting from this, the individual who does not stand a chance with this enormous disparity, removing any chance of light to shine

in this dark, negative environment of prison, which gets to profit now enormously from one, laborious existence and of course I cannot forget, the money one may have to spend for new clothes, your owning leasing and/or renting because you can't take it home, their logo on it (ADC) marked up 300%, plus boxers, socks, pants, t-shirts, etc. on which they make pennies on the dollar selling it to Keete Commissary, then to us, unless one wants to wear used, dingy, stained, sometimes torn clothing.

One may have a better chance of hope with the jailhouse lawyer, who is for the most part going to help with confidence, getting you back in the courtroom, even if he must do some creative writing in your legal brief, because of the empathy he has for one, knowing all too well how unbalanced the scales of justice can be.

This jailhouse lawyer knows the unfairness of how the police sometimes circumvent laws in one's arrest, the underhanded tactics used in your prosecution at times, again, the empathy comes into play since he has failed in getting himself out, he will now try to do with diligence, give a chance in hopes to be free of this prison, a possible blessing for this jailhouse lawyer somewhere in life's journey.

There is still hope. ■

Pattern of Discrimination Against Disabled Individuals

Hunter Lee Weeks, Paralegal
Sterling, CO

In an attempt by several incarcerated individuals to regain rights they have lost, a pattern of discrimination has emerged, perpetrated by the Colorado Department of Corrections (DOC) at Sterling Correctional Facility (SCF). Several inmates have filed a Title II complaint with the Department of Justice (DOJ) alleging various instances of discriminatory conduct. The ADA specifically prohibits discrimination, stating "No qualified individual with a disability shall, on the basis of disability, be excluded from participation in, or denied the benefits of the services, programs or activities of a public entity" (28 C.F.R. § 35.130 [a]). However, even with this provision in place, the Therapeutic Community (TC) at SCF has made it a common practice to remove individuals with a disability, classify them as "non-program-compliant," and then refuse them earned time (the benefit) because of that "non-compliance." This is not a new

issue; it is, however, a growing issue. "In a unanimous decision, the Supreme Court... stated explicitly that the ADA covers the operations of State prisons" (*Pennsylvania DOC v. Yeskey*, 524 US 206 [1998]).

At SCF, disabilities ranging from PTSD to schizoaffective disorder, their side-effects and treatments, have been used as reasons to remove several qualifying individuals from TC. Calls for action and responsibility have led nowhere, as even the Director of TC, Dave Boothe, refuses to remedy this glaring issue within his program. Administrators such as Major Wilson, Mr. Blakely, and Warden Chapdelaine state they acknowledge the problem, but that they are incapable of intervening because, "Drug and Alcohol is a separate entity." How true that is remains questionable, as Colorado DOC retains the ultimate control over all its contracted operations in that it can dismiss anyone (individual, corporate, or otherwise) that fails to follow, and even breaks, the law (U-tab contract through Union Supply canceled in 2015).

Guild Notes • Summer/Fall 2016

This problem cannot continue unabated; its growth is an abuse by the very system set in place to ensure rehabilitation and successful re-integration into the community, a system that must follow the law like everyone else. That law says, in no uncertain terms, discrimination will not be tolerated.

Important to note is that when I attempted to get a copy of the accreditation audit for 2015, utilizing the State's Freedom of Information laws (Color, Rev. Stat. Ann §§24-72-201 to 41-72-206 [West 2013], *JHLM*, 10th Ed. [Rep., Ch. 7, Winter 2015]), I was denied entirely, with the statutory excuse that the Executive Director may decide what documents inmates can

receive. No signature from Executive Director Rick Raemisch was attached. Finally, the lawsuits I mentioned previously in "Prisoner Paralegals: Is the ADA Enforceable?" (*Guild Notes*, Vol. XLII 2/3, Summer/Fall 2016) are inclusive of retaliation for helping disabled individuals enforce their rights. This pattern of discrimination, then, clearly extends to anyone even assisting others in utilizing their Federal statutory rights ([15 CV 02551-CMA-KMT D. Colo. 2015] *Weeks v. Claussen, et. al.*)

Beyond These Walls

By Bernard McKinley
Joliet, IL

Greetings to all members of the National Lawyers Guild. My name is Bernard McKinley and I am proud to be a member of such a positive organization that for years has helped in the fight for prisoner human rights, as well as supported others outside these who truly needed it.

I am currently incarcerated at Stateville Correctional Center. Prior to that I was at Menard Correctional Center, both in Illinois. I obtained my paralegal diploma in 2011, and prior to that read and studied different case laws extensively. As well as filing different petitions on my behalf and helping others understand the cases they were reading. Given the fact that I'm presently incarcerated I gladly accept the honor of being called a "jailhouse lawyer." I know with such a label comes with the responsibility to help all those in situations that may need my assistance, which I have done and continue to do gladly.

In 2012, I was put in Menard Correctional Center administrative detention long-term extreme isolation segregation. I remained in such a status for over three years. My initial placement was in retaliation for my refusal to be their confidential informant. I have witnessed first-hand the effects of such extreme isolation, and continue to support the ending of it. I presently have two 1983 civil rights complaints (*McKinley v. Schoenbeck, et. Al. 14-1137*, and *McKinley v. Atchinson, et. Al. 16-661*) pending in the United States District Court. In those lawsuits I challenge not only the methods and procedures correctional officers use to justify their reasons for placing an inmate in administrative detention, which are methods and procedures off the books and contrary to their own rules and regulations, but also the physical and mental effects it has on those inmates who are subjected to those conditions of confinement. I know they are not class action civil suits, but I believe that my efforts in challenging these

unconstitutional acts within these walls will also help others either in the same situation as me or hinder other officers from committing such acts in the future. Either way, I believe in playing my part to better human rights within these walls and plan to continue this work upon release.

Presently, I am under the juvenile resentencing process. In January 2016, the Seventh Circuit Federal Appeals Court held in *McKinley v. Butler 809 f. 3D 908* (7th Cir. 2016) that I was given a de facto life sentence, but that the sentencing judge failed to take into account how children are constitutionally different than adults when it comes to sentencing. I am also happy that the ruling in my case has also allowed others who were charged and convicted as juveniles to have a substantial chance to have their sentence reduced.

Upon my release I look forward to continued participation in the National Lawyers Guild. But until that comes, I would like all members beyond these walls to know I and other jailhouse lawyers work and continue to put forth the necessary efforts to help better the human rights within these walls, in which all help beyond these walls and not taken for granted. For with your help, it allows us within these walls to brighten the light on the unconstitutional conditions of confinement, inadequate medical care, and all other unconstitutional actions within these walls that take place almost, if not, on a daily basis.

I have devoted myself to bettering human rights within these walls and look forward to the day I am able to help you members on the outside as well. It is an honor to be a member of something larger than myself. If for any reason members beyond these walls have any questions, ideas, advice, or guidance, you are welcome to enlighten me. I wish nothing but success to everyone in whatever they do to better human rights around the world. Peace! ■

"Beyond Bars" Submission Guidelines & Instructions: Submissions must relate to the issue of prison, prisoners' rights, or mass incarceration in some way. While we will not publish writing detailing the writer's own legal case, drawing upon personal experience as an illustration of a broader topic is encouraged. Hand-written submissions must be printed clearly and sent to: Guild Notes Submissions, 132 Nassau St. Rm 922, New York, NY 10038. Writings submitted via email may be sent to communications@nlg.org with the subject line: "Guild Notes Submission." Articles have a limit of 500 words. Always include a suggested title for your writing or artwork. Submissions may be written anonymously, or under a pseudonym. In addition to publication in *Guild Notes*, submissions may be considered for online publication (e.g. NLG blog, social media). While all submissions will be considered for publication, there is no guarantee of publication. Articles may be edited for grammatical accuracy and readability, but no substantive changes to content will be made. Anyone in prison, regardless of NLG membership status, may submit writing and/or artwork for publication consideration.

Responses to "Mississippi DOC Manipulates Grievance Procedures to Avoid Conditions of Confinement Suits"

By Gerard Niles
Monticello, FL

I am writing in response to "Mississippi DOC Manipulates Grievance Procedures to Avoid Conditions of Confinement Suits," by Charles Owens, II in the Summer/Fall 2016 issue of *Guild Notes*.

If a state prison grievance procedure is meaningful and not futile, it will contain a section of time frames, with a provision that expiration at any level entitles the complainant to proceed

By JD Merrick
Tucson, AZ

Inside the Summer/Fall 2016 issue of *Guild Notes* (Vol., XLII, No. 2/3), "Beyond Bars," there was an article entitled: "Mississippi DOC Manipulates Grievance Procedures to Avoid Conditions of Confinement Suits." The author came across understandably frustrated. He's not alone. Inmates in virtually every state are frustrated by officials who don't want them to expose their illegal practices and abuses in courtrooms. The court is the inmates' only recourse for redress of grievances, an unbiased forum where relief from unconstitutional conditions can and have been issued.

I'm a jailhouse lawyer, a lifer with 25 years of civil rights litigation experience. I am well-known by prison officials and the lawyers who defend them. Though I am not their favorite inmate, we have for the most part established a professional respect for one another. This is not to say officials do not continue to abuse inmates (i.e. violate their constitutional rights). They have, for the most part, learned to respect prison grievance policies. But, it always wasn't so.

Courts from every circuit around the nation have issued binding rulings that prevent prison officials from frustrating attempts by inmates to exhaust their administrative remedies (I'll discuss a few of those rulings below). There are at least two extraordinary, easy-to-read books available as well that provide detailed information about your right to file grievances and how to protect yourself: the *Prisoners' Self-Help Litigation Manual*, 4th Ed. and the *Jailhouse Lawyer Handbook*.*

A frequent complaint by inmates is that prison officials take months to address their grievances or fail answer them at all. Some states have a policy provision stating that prison officials have a certain amount of time to respond to an inmate's grievance (usually between 15-30 days). Some policies go a step further and say that an inmate may proceed to the next level if staff have not responded within their allotted timeframe. However, there are some prisons and jails that do not have this provision. This does not mean that an inmate's claim for redress in a court of law is dependent upon prison officials responding to their grievance

There are a number of courts that have ruled that if prisoners don't receive a response within a reasonable timeframe, then that satisfies the exhaustion requirement of the Prison Litigation

to the next level. In this way, litigation will proceed in a timely manner. Therefore, the solution to the problem is to ensure there are timeframes laid out in the procedure.

As for limiting inmates to online one active grievance at a time, that is an obvious impingement on the right to sue, and an unconstitutional denial of access to the courts; the right to petition the government for redress of grievances, First Amendment to the United States Constitution.

If a state prison grievance procedure is futile, exhaustion requirements of 42 USC Sc. 1997e(a) may be waived.

Reform Act (PRLA). See 42 U.S.C. 1997 e. Also see *Brengettey v. Horton*, 423 F. 3d 674, 682 (7th Cir. 2005); *Brookins v. Vogel*, 2006 WL 3437482, *3 (E.D. Cal. Nov. 28, 2006); *Hambrick v. Morton*, 2009 WL 1759564 *1, 3 (S.D. Ga June 19, 2009). A reasonable time to wait for a response, if policy does not indicate a timeframe, is 30-45 days. Courts recommend that even if the prison does not respond you should attempt to appeal nonetheless; though it is not required.

The Ninth Circuit Court of Appeals seems to have some of the best decisions with regard to protecting inmates and their grievances (e.g. *Brown v. Valoff*, 422 F. 3d 926, 935 [9th Circuit 2005]: "...a prisoner need not press on to exhaust further levels of review once he has either received all 'available' remedies at an intermediate level of review or been reliably informed by an administrator that no remedies are available.") If you receive no response to your grievance, and if policy does not require that you appeal a 'no-response,' then you have exhausted all viable remedies and may go straight to court, e.g. *Lane v. Doan*, 207 F. Supp. 2d 212 (W.D. N.Y. 2003) *Martin v. Snyder*, 2002 WL 484911, *3 (N.D. Ill, Mar 28, 2002). *Lewis v. Washington*, 200 F. 3d 829, 833 (7th Cir. 2003).

In closing, I'd like to impart unto you all what I believe to be sound and effective advice: so long as your grievances are not of an emergent nature and you do not exceed your state of limitations I would try to elicit a response to your grievance(s), even if it means following up with an appeal when officials don't respond. The reason for this is if you can get a response you can use it in court against prison officials; it is on the record. They can't then tell a judge or jury a different story because if they do then you have proven they're not being honest. What's more, if you do follow up on a non-response you've shown that officials did not think your grievance was important enough to answer. Either way, you will benefit.

Remember, the grievance process belongs to us. Don't let jail or prison officials hold it hostage. There is nothing they can do to stop you from enforcing your rights. ■

*EDITOR'S NOTE: The *Jailhouse Lawyer's Handbook* is available for download at jailhouselaw.org. Print copies are provided to people in prison at no cost upon request. To request a copy, please write to: NLG-Prison Law Project / 132 Nassau St, Rm 922 / New York, NY 10038

national lawyers guild foundation



/NLGnational



@NLGnews



@national_lawyers_guild

132 Nassau Street, Rm. 922

New York, NY 10038

www.nlg.org

SAVE THE DATE!



#Law4thePeople

80th Anniversary Convention

Washington, D.C. August 2-6, 2017

