

# Legal Times

LAW AND LOBBYING IN THE NATION'S CAPITAL

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## Business From Behind Bars

Lawyers Make a Living From Prisoner Cases

By TOM SCHOENBERG

Convicted armed robber Grady Howie was about 12 months into his six- to 18-year sentence at Lorton Correctional Complex in August 2000 when he was stabbed in the back by another inmate.

Howie sued the District for \$1 million, claiming negligence on the part of corrections officers. Last November, the city quickly settled and paid Howie \$16,000, in part because D.C. government lawyers noted that Howie's lawyer, Douglas Sparks, was prepared to show prospective jurors a photo of the 12-inch knife jutting from his client's back.

Howie's case was one of 45 the city settled last year with inmates at the D.C. Jail and Lorton for injuries suffered at the hands of other inmates. Sparks is one of a handful of local lawyers that have made a living representing prisoners. His firm, Allen &

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**TAKING ON D.C.:** Geoffrey Allen (left) and Douglas Sparks have represented thousands of inmates who have sued the District.

Sparks of the District, won roughly \$500,000 for inmates in a range of personal injury or civil rights cases against the District in 2001.

And Sparks says last year was a slow year for the two-lawyer firm. "We've already received about \$400,000 in settle-

### Suing the District

When the D.C. government is the defendant. An occasional series.

ments provided by the Office of Corporation Counsel, the District spent a total of nearly \$2.5 million in 2001 to settle all kinds of prison-related cases. About \$500,000 went to inmates who were stabbed. Another \$260,000 went to inmates who claimed they were beaten by prison guards. Another \$1 million was used to settle 68 personal injury and civil rights cases lodged against the District's correctional system. And \$693,000 went to close out a range of administrative and employee cases.

Some of the suits by inmates are about seemingly minor matters, such as the one who claimed he got food poisoning from a dirty tray. Most involve violence, usually stabbings with prison-made knives known as shivs or shanks. The District's settlement reports show that, quite often, the city would rather settle, sometimes for relatively tiny amounts, than take the more expensive and riskier route of going to trial.

But the documents also give a glimpse into how costly violence behind bars is to the District and how a group of lawyers have made a living suing the city on behalf of inmates.

The most prolific firm in 2001 was Allen & Sparks. Sparks and Geoffrey Allen won't say how much of the \$500,000 in settlements they negotiated on behalf of inmate clients went to pay their fees. The typical contingent fee for plaintiffs lawyers, however, is 40 percent, meaning the two lawyers could have pulled in a total of \$200,000.

Sparks says before the city's closing of Lorton in 2000, stabbing cases—and other personal injury prison actions—were streaming in the door.

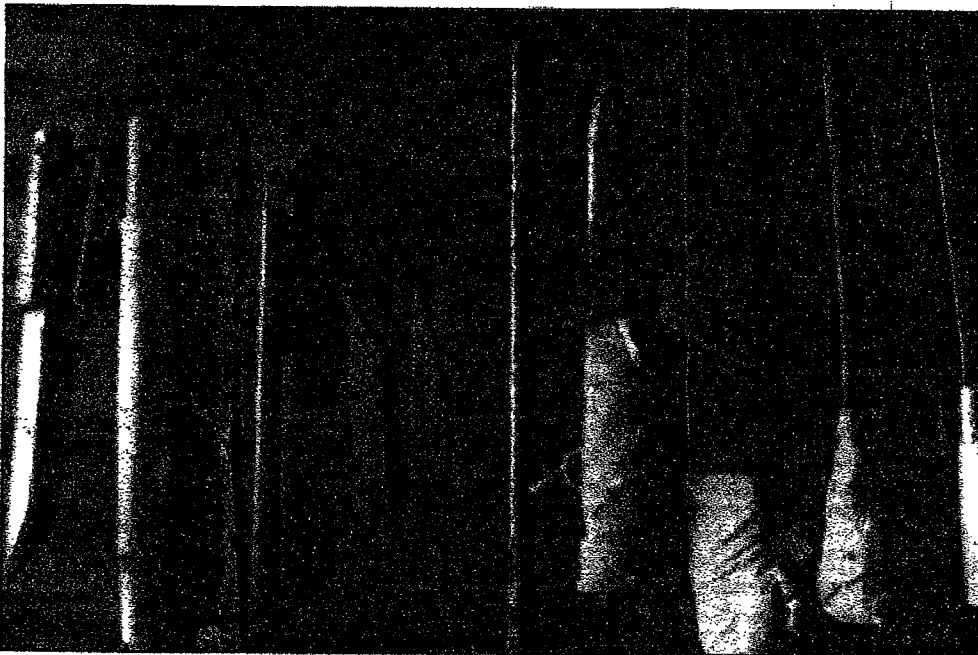
"There were so many of them, we were constantly having to reject certain ones," Sparks says. "We could have done nothing but prison cases and stayed that way."

Allen and Sparks say they first got into the business by representing inmates whom they had defended first in criminal matters in D.C. Superior Court. Since 1984, Sparks estimates that the two have handled thousands of prison cases, many through word of mouth in the prison population.

As Rockville, Md., lawyer Samuel Shapiro can attest, representing convicts can be lucrative. "It has produced a practice that sent my children to school and one to

# Lawyers Turn Prisoner

## Suits Into Livelihood



**JAILHOUSE WEAPONS:** The prison-made knives known as shivs or shanks (shown above) were used in acts of violence at D.C. correctional institutions. Many of the prisoner suits against the District involve inmate stabbings.

law school," says Shapiro, who has been handling such cases since 1968 and is known as the grandfather of prison litigators.

Marie-Ann Sennett, executive director of the D.C. Prisoners' Legal Services Project, says it's the fault of the D.C. Department of Corrections for making it easy for attorneys to make money on inmate claims.

"The problems became so complicated and so ignored that it became profitable as a lawyer to do nothing but prison cases," Sennett says. "It's not that inmates were being taken advantage of, it's that [the problems] were that bad."

Most of the cases settled last year stemmed from incidents that took place between 1996 and 2000. Plaintiffs lawyers note that the District relieved itself of an enormous amount of liability when it transferred a majority of its prison population to federal institutions and privately run state systems two years ago.

Principal Deputy Corporation Counsel Arabella Teal says her office, which defends the city in lawsuits, is doing a good job dealing with problems created by an underfunded D.C. Department of Corrections and an overpopulated prison system.

"Disinvestment in certain areas of the city have a ripple effect," Teal says. Peter Lavalley, spokesman for Corporation Counsel Robert Rigsby, says the Office of Corporation Counsel has had to deal with its own limited resources and thus did not have the time, staff, and money to try each case.

A majority of the prison cases settled by the city in 2001 were personal injury matters. They include:

- A \$25,000 payment to Ricardo Jones, who was stabbed four times—twice in the chest and twice in the left arm—by another inmate while being

housed at Youth Center One in Lorton in November 1999. One of the wounds partially severed his radial nerve causing permanent injuries to his hand. No officer witnessed the event or knew of it until Jones tried to get help.

- A \$20,000 settlement with Edward Maddox for injuries he received when corrections officers searched his cell in February 1999. Maddox alleges that several officers dragged him from his bunk bed, beat him with a flashlight, and kicked him repeatedly. Maddox suffered permanent hearing loss in one ear. The report states that the officers said they had "no memory" of the incident.

- A payment of \$20,000 to Kelvin Moore, who claimed he was falsely imprisoned in the D.C. Jail for nearly a month at the end of 1999. The report states that Moore claimed it took the filing of a habeas corpus petition to get processed and released on bond.

- A \$25,000 settlement with Francis Janad Saleh because corrections officials refused to purchase orthopedic shoes for him and then would not let him wear a pair sent by his mother. The report states Saleh, who has a club foot, is "a sympathetic figure who appears harmless and pathetic."

- A \$300,000 payment to Phillip Robinson because the corrections department failed to give the Lorton inmate access to proper medical treatment. Robinson, described by city attorneys as an "overweight, diabetic, habitual heroin user," claimed he became paralyzed from the waist down because doctors at D.C. General Hospital did not properly test him after complaints of chronic back pain. Robinson died earlier this year.

Shapiro, who represented Robinson, says

the city was never interested in solving the problems at Lorton.

"At one point, I had a Polyanna view—thinking that someone would decide to fix the wheel instead of paying me," Shapiro says. "I eventually realized I was foolish and just decided to make a living out of it."

Initially, Shapiro says, the District refused to settle prison stabbing cases. But as problems at Lorton became more prevalent and the plaintiffs bar began winning cases at trial and developing a public record of negligence and abuse, fewer cases made it to a jury. Plaintiffs lawyers say the typical legal argument was that the city was negligent for creating a dangerous situation because guards did not properly monitor inmates and that contraband—weapons and drugs—were easy to obtain.