

# Fighting for Prisoners' Rights in New Hampshire

BY AMY CHRISTENSEN '09

If you have seen *The Shawshank Redemption*, you already have an idea of what it is like inside an old New England prison. If you are not familiar with the film, imagine high ancient brick walls and barbed wire coiling around metal fences. Imagine heavy doors slamming throughout cold dark hallways. If you listen closely from outside, you can hear men shouting. This image of a prison will frighten some and intrigue others. Until about a year ago, I never really thought about prisons, and I certainly had never contemplated stepping inside of one. However, when the opportunity to tour the New Hampshire State Prison arose in the fall of my first year of law school, I jumped on it. I toured the prison with Megan De Vorsey, director of Pierce Law's Social Justice Institute, and several of my classmates.

The prison tour sparked my interest in learning more about the prison system and the inmates. We saw a great deal of the inner workings of the prison and learned a lot about the every-day-life of the prisoners. I became concerned about the conditions of the prison and the treatment of the inmates.

After the tour, I began researching ways I could help and how I could be involved. I was directed to Alan Linder, an experienced attorney with New Hampshire Legal Assistance (NHCLA). Attorney Linder represents prison inmates and won an important class action lawsuit pertaining to mental health programs and treatment in the prison system. I expressed my interest in the subject to Attorney Linder and others at NHCLA, and we discussed the possibility of working at NHCLA for the summer. I was fortunate to receive a PIC Fellowship and the opportunity to work at NHCLA.

Working with Attorney Linder opened my eyes to the world inside the prison and the everyday struggles of inmates who suffer from mental illness in addition to being incarcerated. The focus of my work was to assist NHCLA attorneys in monitoring a court order that was the result of a lawsuit, which set certain standards that the prison must meet with regards to mental healthcare for the inmates.

I began by compiling a final tally of the class of prisoners that Attorney Linder represented. I determined whether inmates were receiving mental health counseling, psychotropic medications, both, or neither. This helped us to determine which inmates would need to be interviewed, as well as the next steps necessary in monitoring the court order. I also attended meetings with administrators from the prison and the New Hampshire Department of Corrections. During those meetings we discussed, as a team, how to improve the conditions and treatment plans for the inmates. Additionally, I served on a legislative subcommittee that focused on improving mental health care in the corrections system.

The most interesting experience of my summer fellowship was the opportunity to interview inmates with Attorney Linder. While each meeting was unique, every trip to the prison began in the same way. We searched for a shady place to park the car before we walked into the "lobby" of the prison. Upon our arrival, we introduced ourselves to the corrections officer and stated the purpose of our visit to the prison that day. Each time, we provided identification and knew that our drivers' licenses would be waiting for us when we were ready to leave. Although these frequent "checks" were intimidating, we were always aware that they served a very important purpose.

After the screening process, the corrections officer led us to the location where we would meet "our" inmate. The meeting place varied. Sometimes we would meet inmates in the common visitors' room; sometimes, we would meet prisoners in a small room in the Special Housing Unit or the Secure Psychiatric Unit.

We met with several inmates and asked them questions about their mental health treatment at the prison and their personal experiences. Often prior to meeting with the inmates, we reviewed their medical records so that we could address specific issues during the interviews. We asked about the medications they were taking and for



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# There's No Place Like Home

BY MEGAN YAPLE '09



A person's home is sometimes everything he or she has, and if taken away or lost, it can mean the end of the world. Because I do not own a home, nor have I ever had a problem paying rent or finding housing, it was not until this past summer that I truly realized how important an issue housing can be.

Working as a Public Interest Coalition Fellow at New Hampshire Legal Assistance (NHCLA) in Manchester, NH, during the summer of 2007, opened my eyes to the legal issues that arise on a daily basis for low-income individuals and families with regard to their housing situations. Although I conducted legal research on a daily basis on a variety of topics, I spent much of my time on landlord/tenant, bankruptcy and home foreclosure cases. After taking a semester of Property Law, I felt I understood the general principles; however, for some odd reason, I never believed that I would encounter any real property issues. I thought to myself, how often do adverse possession and rule against perpetuities issues really arise? Little did I know that by August, I would be eating my words. This was not because I had dealt with an adverse possession issue, but because the basic principles of property, including the rights and duties of landlords and tenants, turned out to be the focus of my summer fellowship.

From bed bugs to lead paint, NHCLA deals with all types of housing issues. I was fortunate to be able to sit down with the attorneys there and discuss housing cases on a weekly basis. At NHCLA, the lawyers discuss the cases and then divide and conquer. They have a deep commitment to solving their clients' problems, big or small. The issue could be as big as someone's apartment building being uninhabitable, with the town administrator having to condemn the building, and the Health Department having to bring suit against the landlord to the daily struggle of finding the homeless a place to sleep at night. Issues of a person's right to a fair administrative hearing to defend a Section 8 voucher are as important as an immigrant's desire to mediate with a landlord regarding his/her belief that he/she was discriminated against in a rent increase because of ethnicity. No case is beyond their scope.

One of the cases I worked on involved a Somali family that had been served with an eviction notice for non-payment of rent. The family spoke only a few words of English and relied on their thirteen-year-old daughter to give their bi-monthly rental payments in cash to the landlord. Unfortunately, there was not a signed lease, and after almost three years of paying twice a month to make the monthly rent, the landlord decided this course of conduct was no longer adequate. He served them with an eviction notice when they did not pay the full amount on the first of the month. The attorney I worked for was able to prove to the judge that this course of payment had, in fact, formed a contract between the two parties, and that without proper notice there was no legal way the tenants could be evicted. As I sat in on the bench trial for this case, I realized there was so much more I had to learn; and I knew that what we were arguing for was right and just.

Over the summer, I was also able to participate in and research cases involving the recent housing crisis and the boom in home foreclosures. The burst of the housing bubble has forced many people throughout the country to foreclose on their homes. Often individuals, who have owned their homes for over thirty years and who would usually not require the assistance of agencies such as NHCLA, have come forward with legal problems because they have gotten behind in their mortgage payments. Once they receive notice of a foreclosure and learn that their homes will be put up for auction, these people are desperate.

They are often approached by scammers who convey a message that they can help save the family and their home. What they don't understand—while they are signing lengthy contracts under possible duress, with little information and without a lawyer—is that they are surrendering the title of their home over to these companies. They believe that after they become a renter, they will then be able to buy their home back after a few years. These companies then turn around and charge the original homeowners a rent that is often much higher than their original mortgage payments. Now,

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what purpose. We also asked if they were involved in any counseling or programming in the prison. As in any situation, we received both good news and bad news from the inmates we interviewed. The outcomes of the interviews varied. Sometimes we were satisfied, and other times we thought that additional steps needed to be taken.

Personally, many of the interviews left me feeling sad and helpless. But, at the same time it was very rewarding to be able to meet with clients so early in my law career. I feel that this experience has inspired me to continue working hard so that I can help make a difference like Attorney Linder and his fellow attorneys have done.

My summer experience provided me with a great deal of satisfaction. I am pleased to have gained experience in the legal field by assisting on such a project and happy to think that my hard work may have helped an inmate receive prescribed medication.

*Christensen is working this summer for the Colorado Public Defender in the Grand Junction regional office.*

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as tenants, the original homeowners have to pay this amount of money over a period of time before they can "buy" their homes back.

Unfortunately, many of these families are losing their homes because they are unable to pay the rent and the scam artists walk away with all the equity. I witnessed multiple cases of this type during the summer. However, there is some hope for the future. Governor John Lynch signed a bill, written with the help of multiple NHLA attorneys, implementing harsher penalties for foreclosure rescue scammers, including a limit on how much equity they receive.

A home can be one person's entire world. If that world is lost or taken away because the individual is not knowledgeable of the laws, organizations like NHLA are there to help. Although at times daunting, working with NHLA had its rewards—I felt as though I was making a difference in the lives of everyday people.

*Yaple is working this summer at the Hillsborough County Attorney's Office.*

## PIERCE LAW AWARDS TEN PUBLIC INTEREST COALITION FELLOWSHIPS

Pierce Law recently awarded fellowships to ten students to perform pro bono legal work for nonprofit organizations in New Hampshire and throughout the United States. The fellowships were made possible through the generous support of sponsors, endowments and the school's Sixteenth Annual PIC Auction, which raised over \$36,000 this year.

"The fellowships provide students with summer internships at nonprofit law firms and public sector offices that improve access to justice for individuals and organizations," according to Social Justice Institute Interim Director Megan DeVorse.

Four of the 2008 Public Interest Fellows were awarded "named" scholarships, sponsored by law firms, organizations, or individual donors. Students selected to receive this year's fellowships were:

### First year students:

Mitchell Bragg, Arcade, NY  
(Cindy Lonergan Fellow)  
New Hampshire Legal Assistance

Elizabeth Lahey, Laconia, NH  
(Orr & Reno Fellow)  
Civil Division of the New Hampshire Attorney  
General's Office;

James O'Shaughnessy, Manchester, NH  
New Hampshire National Education Association

Hanna Wason, Hampton, NH  
(New Hampshire Bar Foundation Fellow)  
New Hampshire Legal Assistance.

### Second-year students:

Megan Douglass, Ardmore, PA  
Hillsborough County Prosecutor's Office

Andrea Lamy, Manchester, NH  
Eviction Defense Collaborative, San Francisco, CA

Tyler Obenauf, Fairport, NY,  
Georgia Capital Defender, Atlanta, GA

Jessica Roche, Chevy Chase, MD  
(Johnson Fellow)  
Monroe County Legal Assistance, Rochester, NY

Kiera Slye, Fairport, NY  
Public Defender Services, Washington, DC

Alex Witteveld, Indianapolis, IN,  
Colorado Legal Services.