

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

VALERIE WEST, ET AL. :
:
v. : CIVIL NO. 2:83-CV-366 (RNC)
:
:
COMMISSIONER JOHN R. MANSON, :
ET AL. : July 5, 2017
:

ORDER PRELIMINARILY APPROVING STIPULATION
AND ORDER OF NOTICE TO PLAINTIFF CLASSES

WHEREAS, this action was filed in 1983 as a class action pursuant to Fed. R. Civ. P. 23;

WHEREAS, a consent decree was entered on October 13, 1988, which included a provision on page 66, Section IX, paragraph 2 stating in part: "Defendants shall provide for a full-time attorney to represent CCIN inmates in family matters, such as divorces, child custody, DCYS proceedings, and other civil matters. This attorney shall be present at CCIN at least one day or its equivalent per week."

WHEREAS, on March 31, 2017, Defendant Commissioner of Correction filed a Motion to Terminate Prospective Injunctive Relief [Doc. #491], seeking to terminate Section IX, paragraph 2 of the 1988 consent decree in this matter, pursuant to the Prison Litigation Reform Act (PLRA), 18 U.S.C. §3626(b) (2);

WHEREAS, counsel for the Plaintiffs, and counsel for the Defendant Commissioner of Correction have entered into a proposed Stipulation, which, if approved by the Court under Fed. R. Civ. P. 23(e), would resolve this issue by agreement, terminating Section IX, paragraph 2 of the 1988 consent decree; instead the parties submit for final approval after a fairness hearing, a private settlement agreement as set out in the Stipulation;

WHEREAS, counsel for the parties have jointly moved the Court, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, for preliminary approval of the proposed Stipulation, for a hearing thereof, and for authorization of notice of the hearing to be provided to members of the plaintiff class;

NOW, THEREFORE, IT IS ORDERED THAT:

1. The proposed Stipulation is preliminarily approved;
2. A hearing pursuant to Rule 23(e) of the Federal Rules of Civil Procedure for the purpose of determining whether the proposed Stipulation is fair, reasonable, and adequate shall be held before this Court at the United States District Court, 915 Lafayette Boulevard, Bridgeport, CT 06604, Courtroom 4, on **August 2, 2017 at 10:00 AM**;
3. Attached as Exhibit A is the parties' proposed Notice of Proposed Settlement of Class Action Regarding Court

Access in Family Matters. The Class Notice is hereby approved. Plaintiffs' counsel will arrange for the translation of the Class Notice into Spanish; the translated Spanish Notice shall be provided to the defendant by no later than July 7, 2017.

4. Copies of the Class Notice, in English and Spanish, as well as a copy of the Stipulation, will be posted prominently on the Department of Correction (DOC) web site, www.ct.gov/doc, and the web site of Greater Hartford Legal Aid (GHLA), www.ghla.org, at least 15 days prior to the date of the fairness hearing, and will remain on such web sites until the date of the final fairness hearing set by this Court.
5. The Defendant will arrange for the Class Notice in English and Spanish to be copied and posted in common areas at York CI, For a period of no less than 15 days and until the date of the fairness hearing set by this Court, this Notice will be posted in common areas the inmate Housing Units of York Correctional Center (York CC) and in the visiting room of York CC. The Defendant will also provide the Department of Children and Families (DCF) with notices to post at DCF offices.
6. Plaintiffs' counsel will seek to have Families in Crisis, the third party community organization that

provides van service for families visiting York CC, post the notice in a visible location.

7. Any member of the Plaintiff classes may appear at the aforesaid hearing, in person, by video or by counsel, and object to the proposed Stipulation or give reasons why the proposed private settlement agreement should not be approved as fair, reasonable, and adequate.

8. Any member of the Plaintiff classes may also object to or comment on the proposed Stipulation by submitting objections to the Court in writing. Objections or comments must be post-marked by July 26, 2017, and mailed to:

The Honorable Holly B. Fitzsimmons
United States District Court
Brien McMahon Federal Building
915 Lafayette Boulevard
Bridgeport, CT 06604

and include: the case caption West v. Manson, 2:83-CV-366(RNC) (HBF) at the top of the first page; date; and the signature of the class member submitting the objection or comment.

SO ORDERED at Bridgeport, Connecticut this 5th day of July 2017.

/s/

 HOLLY B. FITZSIMMONS
 UNITED STATES MAGISTRATE JUDGE

Notice of Proposed Change to Consent Decree

Are you incarcerated at York Correctional Institution, or a child or youth whose mother is or may be incarcerated at York Correctional Institution? If so, you should read this notice. It gives you information about a change to conditions at York Correctional Institution, regarding family law assistance.

Background

In 1983, a lawsuit called West v. Manson was filed in federal court on behalf of women held at CCI Niantic (CCIN) and their children. It claimed that the conditions at CCIN violated the rights of the women and their children. In 1988, the lawsuit was settled. The Department of Correction (DOC) agreed to give York inmates a lawyer to help them with civil family matters. Recently, a male inmate challenged DOC's policy of not giving similar legal help to male inmates. DOC decided it must treat men and women equally, but could not afford to provide legal help to all inmates. So, DOC asked the court to stop making it give lawyers to women at York.

The law on Consent Judgments has changed a lot since the court first approved West v. Manson. In the 1990's, Congress passed a law making it easier for the state to end court orders affecting prison life. That is the law that the DOC is using to stop giving lawyers to York inmates. The lawyers representing York inmates and their kids have bargained with DOC to keep some legal assistance in place. Those lawyers, and the DOC, now recommend approval of a separate agreement to maintain some access to legal information. The agreement will not provide a lawyer to represent individual inmates in court in civil legal matters. Instead, if the agreement is approved, attorneys will provide workshops and training on family law matters. Without this Agreement, there is a risk that the West v. Manson consent decree requiring provision of a family law attorney at York could be terminated, without any replacement legal information regarding family law matters.

Proposed Changes

You can see the entire changes ("Settlement") at the office of Greater Hartford Legal Aid, 999 Asylum Ave., 3rd Floor, Hartford. It will also be posted on the website for Greater Hartford Legal Aid (www.ghla.org) and on the web site of the Department of Correction (www.ct.gov/doc). You can also call or write the lawyers who represent the Plaintiffs if you would like a copy of the settlement. Their contact information is at the bottom. These things would happen as part of the settlement:

- 1. Family law seminars:** DOC will arrange for an attorney or paralegal to teach seminars to increase inmates' knowledge of legal proceedings. These seminars will teach about things such as child custody and visitation, and divorce when child custody is contested. Each facility will get at least one seminar a year.

2. **Self-help information:** CTLawHelp will give DOC a digital copy of its legal self-help pamphlets and forms. DOC will make this material available by loading it onto inmate computers in DOC facilities. These materials cover subjects including family matters, such as divorce, custody, and visitation.
3. **Copies of self-help pamphlets:** Inmates may write DOC's contract attorneys for paper copies of CTLawHelp's self-help pamphlets regarding family matters, such as divorce, custody, and visitation.
4. **How Long the Agreement Lasts:** The parts of the Settlement Agreement regarding the family law seminars and provision of paper copies of the self-help pamphlets will be in effect as long as DOC contracts for legal services to inmates. If DOC does not have the budget for legal services, it will notify the attorneys for the inmate mothers and children and we will try to work out a solution. The part of the Settlement Agreement about the electronic copies of CTLawHelp materials will last as long as DOC has inmate computers or comparable technology.

Right to Object

Any person at York, or her child, has the right to let the Court, the attorneys, and/or DOC know if they object to the proposed settlement agreement. The Court has set a hearing on **August 2, 2017, at 10:00 AM** at the federal courthouse in Bridgeport at the address below. Incarcerated members of the plaintiff class can participate in the hearing by video if they write to the court by **July 26, 2017**, at the address below.

You may also object to the settlement by writing a letter which must be postmarked by **July 26, 2017**, to the Court at this address:

The Honorable Holly B. Fitzsimmons
United States District Court
Brien McMahon Federal Building
915 Lafayette Blvd.,
Bridgeport, CT 06604

Please send a copy to the Plaintiffs' counsel (addresses below).

You may also call or write the following attorneys, who have represented the Plaintiffs in this lawsuit, if you have any questions:

Dan Barrett
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860-471-8471

Lynn Cochrane
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860-541-5045

Giovanna Shay
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Linda Allard
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American Civil Liberties Union of Connecticut
765 Asylum Ave.
Hartford, CT 06105

Greater Hartford Legal Aid
999 Asylum Ave., 3rd Floor
Hartford, CT 06105