

Prison Law & Advocacy Conference 2022

Session Descriptions

Friday May 20, 2022

10:50am – 12:00pm | Concurrent Panels Session I

Advocating for LGBTQ+ People in Custody: Current Issues, Strategies, and Approaches

- Individuals that identify as LGBTQ+ are among the most vulnerable and marginalized persons in custody. This panel will explore the current issues faced by incarcerated LGBTQ+ people, including issues of discrimination, safety, and denial of access to health care. Panelists will discuss the fight to secure gender affirming care and appropriate housing for transgender persons in prisons across the country through litigation and policy reform.

Accountability & Oversight: Lessons Learned from Police and Prison Oversight

- Across the country, police departments have responded to demands for greater accountability with body cameras and promises to increase independent oversight. Similarly, class action prison litigation often results in additional internal monitoring (e.g., cameras on living units and discipline for staff) and external monitoring (e.g., independent monitors and community oversight). Panelists will discuss various approaches to accountability and oversight and will highlight what the movement for police accountability can teach advocates for people behind bars. Attendees will learn about accountability-related demands, challenges to implementation, and strategies for long term, sustainable, community-driven accountability.

Medical Legal Partnerships for People in Prison

- Responding to the COVID-19 pandemic in prisons has required the legal and medical communities to form powerful collaborations—sometimes through informal channels and personal networks. Given that estimates suggest that over 50% of people in prison live with chronic health conditions, legal advocates for people in custody often must rely on medical expertise. Panelists will discuss best practices for collaborating with medical professionals in their advocacy efforts—including individual advocacy to secure medical care, legislative testimony, clemency petitions, and expert litigation testimony. Attendees will learn about successful approaches to medical legal partnerships, strategies for incorporating medical expertise in legal advocacy, and strategies for recruitment of medical professionals to assist with legal advocacy for people in custody.

Prison Litigation with an Abolitionist Ethic

According to Ruby C. Tapia “reforming the prison entails changing its existing practices to make the system a better one. Abolishing the prison entails dismantling it wholesale. Reformers object to how the prison is administered. Abolitionists object to the prison’s very existence.” Does prison litigation expand the carceral system? Or is it a tool for liberation? The answer is likely “it depends.” During this panel, abolitionist lawyers and organizers will discuss how to square the harm reduction functions of prison litigation with an abolitionist ethic. Attendees will learn strategies for using an abolitionist framework in legal pleadings and for collaborating with grassroots organizers, and will learn how to use the law to improve conditions for people living behind bars while working towards the long-term goal of abolition.

1:00pm – 2:30pm | Plenary Session

Race, Identity, Privilege, and Power

- Panelists will discuss strategies for ensuring that our work as litigators and advocates helps to build the power and agency of those we represent. Panelists will also discuss how to acknowledge and mitigate the power differentials between attorneys and their clients. Attendees will learn strategies for addressing issues of race, disability, and gender identity in our litigation/advocacy, and reflect on how advocates’ personal identities and privileges affect their work with and for people in custody.

2:50pm – 4:00pm | Concurrent Panels Session II

Sexual Violence in Custody: PREA, Litigation, and Trauma-Informed Advocacy

- **Session Description:** This panel will address how to represent and litigate cases involving sexual assault against incarcerated people. Attendees will learn how to investigate these claims pre-filing; how to coordinate with the USDOJ and other agencies before filing; how to conduct discovery to prove your case; and how PREA intersects with Section 1983 claims.

Litigating for Medication-Assisted Treatment behind Bars: Securing Medical Care for Substance-Use Disorder

- **Session Description:** This panel will explore access to medication-assisted treatment for opioid-use disorder in prisons and jails. As the need for these life-saving treatments grows ever more dire, we will discuss legal strategies for ensuring access to medication-assisted treatments, recent victories and losses, practical challenges to bringing these cases, and opportunities for future litigation.

A Disability Rights/Justice Lens on Incarceration

- This session will discuss how disability rights laws can be used to advance the rights of people with disabilities who are incarcerated or facing incarceration. Strategies include seeking accommodations, decarceration, challenging certain conditions that disproportionately affect people with disabilities, and ensuring that people are served in integrated settings. Panelists will also discuss the limitations of a solely disability rights approach in addressing mass criminalization and incarceration and the necessity of approaching these issues from a disability justice perspective.

Movement and Medicine for Advocates

- **Session Description:** This workshop will combine movement, sound, and healing. It is open for both seasoned practitioners and those new to Yoga, movement, somatic, and meditation practice. Participants can expect to be affirmed, challenged, encouraged, and relaxed. Mats will be provided and participants are encouraged to wear clothing that feels comfortable to move in.

4:10pm – 5:30pm | Plenary Session III

Reflections from the Field

- Think Ted-Talk meets drink, talk, learn party meets the three minute thesis meets an attorney/advocate talent show. Presenters will share information about their greatest wins, lessons learned and moments of inspiration. Advocates and practitioners who have signed up for a slot will share 5-10 reflections touching on a variety of themes and issues including stories of compassionate release, prison use of force policies, organizing inside of prisons, pro se litigation strategies and more.
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Saturday May 21, 2022

9:00am – 10:30am | Plenary Session IV

Strategies for Decarceration

- This plenary panel will discuss how prison conditions litigation can contribute to broader decarceration strategies. Prison conditions litigation recognizes that carceral spaces—by their very nature and structure—are incapable of providing safe and humane treatment for clients. At the same time, there are numerous obstacles, including the PLRA, to decarceration as a remedy for unconstitutional conditions. Attendees will learn about new and evolving legal approaches to addressing conditions through decarceration, including medical releases, parole reforms, retroactive application of “new” rules, over-detention litigation, and COVID litigation.

10:50am – 12:00pm | *Concurrent Panels III*

Litigating Damages Claims against Prisons and Jails

- In this panel, we will discuss the benefits and challenges of pursuing claims for monetary damages. Panelists will discuss strategies around bringing damages cases, common legal issues like *Monell* liability and qualified immunity, and engage with how these cases fit into larger decarceration and reform strategies.

Legal Strategies for Representing People Who Are Aging Behind Bars

- This panel will address the specific needs of older adults (age 55+) in prisons, jails, and immigration detention facilities. Especially in the era of COVID-19, and otherwise, older adults often have particular needs and circumstances that make them especially vulnerable while they are incarcerated. Attendees will learn how litigation and advocacy in recent years have highlighted the concerns incarcerated older adults face, the types of relief sought and obtained, obstacles advocates and litigators have faced in this work, and key areas where this work can move forward.

New Directions in Solitary Confinement

- In 2015, Justice Kennedy issued a powerful concurrence writing that “years on end of near-total isolation exacts a terrible price.” Panelists leading efforts to abolish solitary through litigation, policy, organizing, and legal scholarship will reflect on how the movement to abolish solitary has evolved since 2015 and will discuss their various approaches to advocating for people living in solitary. Attendees will learn about new legal theories related to advocacy, approaches to appellate advocacy, policy advances related to the movement to abolish solitary confinement, and how to more effectively represent clients living in solitary confinement.

The Power of Somatics for Advocates

- InterPlay is an active and creative approach to unlocking the wisdom of the body. The stress of prison advocacy and the stress of law can be taxing. InterPlay uses the birthright practice of movement, storytelling, and voice to tap into our inner resilience in order to incrementally find what we need to thrive. Join a community of advocates in this “playshop” where you will be offered tools to resource yourself by releasing stress, connecting inward, as well as connecting with peers in your field. We will practice building cultures of affirmation, mindfulness, and embodiment. You are invited to join this informal and active gathering to bring ease and joy to your own work through these InterPlay tools. Come share your stories and connect with what inspires you about being a prison law advocate.

1:00pm – 2:10pm | Concurrent Panels Session IV

Best Practices for Managing a Prison Law Practice

- We all receive dozens (hundreds, maybe thousands?) of letters from people behind bars. These letters provide an invaluable insight into what is happening in our prisons. But what do you do with this flood of mail? This panel will discuss how three different organizations process their prisoner mail, how they respond, and how they effectively capture the information contained in this flood for use in their litigation and other work.

Beyond Federal Constitutional Claims: Innovative Legal Approaches to Advocating for People in Custody

- Given the state of the law on federal constitutional challenges to prison conditions, advocates are always searching for different types of legal claims—and different forums to bring those claims—to try to achieve change. Attendees will learn about the opportunities and risks presented by the use of state constitutional claims in state courts; the environmental investigation into Clean Water Act and Safe Drinking Water Act violations at Mississippi State Penitentiary (Parchman); and the use of the National Environmental Policy Act to stop the construction of a federal prison in Kentucky.

Voting Rights for People in Custody and Others Involved with the Criminal System

- This panel will explore the right (or lack thereof) to vote by people in jail, prison, on parole, or on probation. Attendees will learn about the origins of the denial of this right, efforts that have succeeded in restoring the right to vote, and some of the hurdles to actually exercising the right, even where it is established.

Kundalini Yoga for Advocates On The Go

- Kundalini is a powerful technology that combines posture, breathing, chanting, and meditation to uplift and empower. Every Kundalini class will provide you with a different experience. Classes are sometimes vigorous and energetic, other times more meditative, but always an adventure. The goal is not perfection, but rather to allow yourself to experience this powerful healing practice.

2:30pm – 3:40pm | Concurrent Panels Session V

Securing Mental Health Treatment for People in Custody

- Panelists will begin with an overview of the elements a prison mental health system should contain and will discuss how one goes about building a case to show that a system fails to meet the minimum constitutional requirements. Attendees will learn about successful legal claims, challenges to systematic mental health cases, and strategies for implementing sustainable change to correctional mental health systems.

Challenging Conditions in Immigration Detention

- People in immigration detention, advocates, and government oversight agencies alike have described inhumane, punitive, and unconstitutional conditions of confinement in this sprawling system. Attendees will learn about current challenges to conditions of confinement and fights by litigators and organizers across the country to reverse the expansion of the immigration detention system.

COVID 19 Litigation Strategies

- This panel will explore the successes and failures of lawsuits and other legal strategies in the wake of the COVID-19 pandemic. Panelists will discuss what legal strategies were successful, what legal strategies were not successful, and how things changed as the pandemic wore on. The group will also explore what lessons these cases and legal strategies can teach us outside of the pandemic context.

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