

## Chicago lawyers barred from visiting Ind. inmates

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The prison locks at the Maximum Control Complex in Westville, Ind., aren't designed just to keep convicts inside. They also keep lawyers out, say two Chicago attorneys who were barred from the prison last week.

Erica Thompson and Mariel Nanasi say they arranged last month to visit eight prisoners at the so-called "Supermax" facility at Westville Correctional Center. They called prison officials to ask about the visit procedure and followed it exactly, phoning ahead with their potential clients' prisoner numbers, they say. And about three days beforehand, they called again to confirm the visit.

But after they drove to the remote Indiana town, they were told they couldn't see the prisoners because they were not members of the Indiana bar.

"The superintendent told us we had no entitlement to visit prisoners in the Maximum Control Complex because we were not Indiana

attorneys. We tried to explain that we were within the 7th Circuit, and we could perfectly well take this case, but he said no," recounts Thompson.

She plans to notify the Illinois State Bar Association that its attorneys are being shut out of the prison. If the superintendent does not relent and let the two into Supermax, Thompson said she will ask a federal judge to arm her with a restraining order to get in.

But an Indiana Department of Corrections official dismissed the dispute, saying it stemmed from "initial miscommunication." An inexperienced prison official talked to Thompson over the phone and didn't fully explain the prison policy, according to Kevin Moore, executive assistant to the DOC commissioner.

"The fact they were from out of state is not the reason they were denied access to offenders . . . we do not tell the offenders who they can or cannot have as attorneys. That's their decision," he said. He acknowledged that the superinten-

dent may have initially flagged the lawyers because they were not from Indiana.

Moore said offenders have to fill out an application to get a lawyer listed as their attorney of record, send the application to the lawyer, and have a staffer review the completed form before a lawyer will be listed as the offender's attorney of record.

But Thompson and Nanasi say they were never given a form to complete. They call the superintendent's decision "absurd."

Benjamin Wolfe of the ACLU's Institutionalized Persons Project in Chicago says he knows of no law barring out-of-state lawyers from prisons.

"And my strong instinct is that that would be struck down. It strikes me as irrational and unsupportable. You have a right to consult an attorney from another state just as you do from your own state, if that is the only reason they were barred."

"I think that's shocking," agreed

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John Thies, chair of the Illinois State Bar Association Criminal Justice Section. "The particular action the client might have wanted to confer with the attorney on might not have had anything to do with Indiana law. . . . It's really not the institution's decision to make."

Moore stressed that "we have offenders throughout the system with out-of-state attorneys."

The prisoners' potential lawsuit is exactly the reason Superintendent Charles Wright is keeping her out, Thompson suggested. They are considering a charge against Supermax and its officers for brutalizing the inmate population.

"They've had forced cell changes, beatings, shacklings, and lights are on 24 hours a day there," says Thompson, a lawyer with the People's Law Center and a member of the Committee to End the Marion [Federal Prison] Lockdown.

According to Thompson, the prisoners wanted to consult with her and Nanasi about filing a suit, after they were denied access, they

asked a lawyer at the Department of Corrections to intervene. Legal analyst Susan Connor urged officials to let the two in, but was overruled.

Connor stressed she did no research on the constitutionality of denying prison access to out-of-state lawyers, but relied instead on common sense. "I couldn't see any harm in them getting into the prison. But I admit I have no experience in the operation of the system. There could possibly be all kinds of reasons they couldn't get in."

"[He] denied us entry to further punish the prisoners and because [he] fears a lawsuit and public exposure of the horrors at the MCC," alleged Nanasi and Thompson.

Controversy is apparently nothing new for the Supermax. The inmates have reached out to other lawyers, and in less orthodox ways.

One inmate severed part of his finger and tried to mail it to Mark Lopez of the American Civil Liberties Union. Another unsuccessfully tried the same self-surgery; the intended recipient was Indiana Gov. Evan Bayh.