

# **PRISONER LITIGATION GUIDE FOR RECRUITED ATTORNEYS: FULL REPRESENTATION**

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UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF WISCONSIN



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## **Introduction**

Thank you for your willingness to volunteer to represent a plaintiff who cannot afford to hire counsel. Understanding that many lawyers have not represented an incarcerated person before, the Court has compiled basic information that may prove helpful as you seek to meet the needs of your client.

While much of this information will apply to all inmates, it is tailored to the institutions in the Wisconsin Department of Corrections, where the majority of plaintiffs are housed. If your client is located in a county jail, you should contact that institution directly, as their procedures are likely different from the state institution procedures.

Additional information, including links to resources with substantive law, can be found on the Court's website on the Pro Bono Program page (<http://www.wied.uscourts.gov/pro-bono-program>). If you would like additional assistance, you may contact the pro se staff attorneys for the Eastern District of Wisconsin, and they will put you in contact with someone who has previously represented incarcerated plaintiffs and who has volunteered to informally consult with attorneys looking for guidance.

Once again, thank you for your service.

## **Finding Your Client**

You may obtain your client's current institutional address on the docket or at the Wisconsin Department of Corrections Offender Locator website, located at <http://offender.doc.state.wi.us/lop/>. You will need your client's first and last name.

Once you identify which institution your client is housed at, you can find general information about that particular institution on the Wisconsin Department of Corrections website (<http://doc.wi.gov>).

## **Introducing Yourself to Your Client**

You may wish to write a letter of introduction to your client shortly after you are recruited. Send a copy of the recruitment order so that your client knows on which case you are representing him/her. Many prisoners have multiple cases (civil and criminal) pending at once, so it is important that you clarify which case you are handling.

This is also a good time to reinforce the scope of your representation. For example, you may want to include a paragraph along the lines of, "My firm will represent you up through and including the trial of your currently pending lawsuit, *Jones v. Doe*. Please note, this does not include any resulting appeals or post-trial proceedings."

Clearly mark envelopes containing correspondence to your client with "CONFIDENTIAL, ATTORNEY-CLIENT COMMUNICATION" to ensure confidentiality. Include the inmate number in the address; otherwise, the letter may be returned to you. Instruct your client that his/her envelopes containing correspondence to you must be marked in the same way.

## **Scheduling a Visit with Your Client**

It is important that you visit—or at least call—your client early on to discuss the case and any questions he or she may have about the scope of your representation. A visit will also go a long way to building trust.

Start planning your visit at least ten days in advance. Call your client's institution and ask to speak to the person who arranges attorney visits (this may be a litigation coordinator or the inmate's counselor/social worker). As the attorney, you may not have to be on the inmate's visiting list; however, this is not true for all institutions or for all populations at each institution, so be sure to ask. Make sure you have your client's prison inmate number handy. This is the first information the coordinator will ask for.

In addition to department-wide policies, each institution has its own specific visiting rules and procedures. These rules and procedures can be found on the Wisconsin Department of Corrections website (<http://doc.wi.gov>).

Confirm where your client is located in the institution, such as in segregation, protective custody, or the hospital. This knowledge will be helpful in those institutions that have different buildings and visiting areas. Ask for your client's housing unit and for directions to the appropriate visiting area.

Ask about the logistics of the visit. Depending on your client's classification and the particular institution, it may take time to arrange the client's movement to the visiting area when you arrive. Ask about the best times to avoid long visitor lines (generally avoid late morning and early afternoon), prisoner counts (during which no movement is allowed), and meals (may occur at an atypical time).

Ask where the visit will be held. If permitted, it may be more comfortable in the visiting room for general visitors. Privacy can be maintained if there aren't many other visitors and the atmosphere is often not as stifling and claustrophobic as many attorney visiting rooms.

Also ask what materials and supplies you may bring to the visit: most institutions will not allow laptops or cell phones. Some institutions may provide video conferencing visits based on their available resources. Refer to the visiting information for each institution.

Always inform your client of the likely date you will call, televisit, or visit. Giving your client advance notice of a visit/call will give him/her adequate time to prepare and gather appropriate materials. It is also important your client knows you are coming

because sometimes a prisoner who does not recognize a visitor's name will decline the visit.

### **Visiting Your Client – What to Expect**

Do not arrive more than fifteen minutes prior to visiting hours. No loitering is permitted in the parking lot area. Vehicles must be secured (windows rolled up, doors locked). If your vehicle is found unsecured, your visit may be terminated.

Upon arrival, you may be asked to present a photo ID. Lockers are generally provided at no cost for prohibited items. Your hand may be stamped and checked by security staff when entering and leaving. You may be denied entry to the visiting room if you are unable to successfully pass through the metal detector after three attempts. In order to expedite the entrance process, avoid wearing clothing with metal attached, such as buckles, snaps, excess jewelry, underwire bras, etc.

Your client may come to the interview handcuffed and shackled (legs chained together). Prisoners in disciplinary status (known as segregation) will likely be restrained in this fashion, other prisoners may not.

There may be vending machines available to purchase snacks and/or drinks. Come prepared with change (no paper money) so that, if you'd like, you can provide refreshments for your client. To many indigent prisoners, such a simple treat may be a luxury.

You should plan on at least one hour for the initial visit. Many institutions may allow as much time as you need, barring an institutional emergency, but ask the institution when you arrange your visit if there are time limits. Your client may want to tell you about other institutional or family problems with which you may not be able to assist. Be clear with your client what you can and cannot assist with.

## **Visiting Your Client – What to Cover**

Explain to your client your need to investigate the case pursuant to Fed. R. Civ. P. 11 and ask for his/her ideas about documents and people with information about the case. Explain that you will consult with him/her about legal matters, but that you must make the ultimate legal decisions in accordance with the requirements of Rule 11.

Explain your respective roles. For example, inform your client that you will file documents in the case and respond to motions and that he/she should no longer file documents on his/her own. It is also helpful to set your client's expectations with regard to the contact you will have with him/her. Be sensitive to the fact that your client is in a closed institution and has limited access to you and to the outside world. Make sure your client understands how you will proceed with the case, when and about what you will consult with him/her, and how frequently you will send status reports. Many prisoners are unfamiliar with the pace of civil litigation, so tell him/her not to worry if he/she does not hear from you for a period of time. Assure your client that you will always update him/her with important dates and deadlines.

Find out if your client is about to be released, and if so, get an address and telephone number. Because inmates are frequently transferred to other prisons without notice, tell your client to inform you as soon as a transfer occurs. Also, ask your client the name of his/her counselor/social worker to speed up the process of arranging future calls and/or visits.

## **Keeping in Contact with Your Client**

*By Letter:* Ask your client to communicate with you in writing. It is generally more effective, less time consuming, and certainly less expensive. To encourage contact by letter, respond to your client's letters promptly. Mark envelopes appropriately to preserve attorney-client privilege (envelopes appropriately marked will be opened in the presence of the inmate).

*By Telephone:* To initiate a call, the same general procedure is followed as for a visit. Speak to the institution's litigation coordinator (or the inmate's social worker), identify your client, state that you are an attorney and that you wish to make a call.

There may be a waiting time (a day or more) between the time you speak to the institution and the time the call is scheduled.

The call will likely be at a designated time. Be in your office ready to accept the call. If you do not have a direct extension, advise the office operator that the call is coming so that he/she can accept it. The call may be automated and won't wait for you to be put on the line.

*In Emergencies:* If you need to speak to your client immediately, you may call the institution and ask to speak to his/her counselor/social worker (ask your client for the counselor's/social worker's name at the beginning of your representation). The counselor/social worker can usually arrange to have your client call you, depending on the institution.

Be careful what you put in writing or say over the telephone. Lines may not be "secure" and calls are subject to sudden searches where the observation of attorney-client privilege may not always be possible.

### **Obtaining Records from the Institution**

To obtain documents from a prisoner's institution files, prepare an authorization for the release of your client's information and take it with you to the client interview for your client to sign. Ask the litigation coordinator/social worker if there is a standard form that you should use. If so, they will likely fax or email the form to you. Follow the directions carefully. Find out which department of the prison has the particular files you desire, the name and extension of the person in charge, and try to deal with that person directly. Expect delays. A gentle "nudge" by telephone will often help.

Alternatively, ask the litigation coordinator/social worker if you may copy the documents after your visit. You will need to pay for the copies, so come prepared with adequate funds.

Most inmate information is usually kept in each prisoner's master record file. However, records may also be kept in clinical records files, medical records files, etc. Discovery requests should be broad enough to include records kept in any file.



**Wisconsin DOC Institution Contact Information**

**Wisconsin Department of Corrections**

3099 E. Washington Ave.  
P.O. Box 7925  
Madison, WI 53707-7925  
Phone: 608-240-5000  
www.doc.wi.gov  
docweb@wi.gov

**Columbia Correctional Institution**

2925 Columbia Drive  
P.O. Box 950  
Portage, WI 53901-0950

Inmate Mail - P.O. Box 900

Phone: 608-742-9100  
Fax: 608-742-9111

**Green Bay Correctional Institution**

2833 Riverside Drive  
P.O. Box 19033  
Green Bay, WI 54307-9033

Phone: 920-432-4877  
Fax: 920-432-5388

**Dodge Correctional Institution**

1 W. Lincoln St.  
P.O. Box 661  
Waupun, WI 53963-0661

Inmate Mail - P.O. Box 700,  
53963-0700

Phone: (920) 324-5577  
Fax: (920) 324-6354  
A&E Fax: (920) 324-6281

**Jackson Correctional Institution**

N6500 Haipek Road  
P.O. Box 232  
Black River Falls, WI 54615-0232

Phone: 715-284-4550  
Fax: 715-284-7335

**Fox Lake Correctional Institution**

W10237 Lake Emily Road  
P.O. Box 147  
Fox Lake, WI 53933-0147

Phone: 920-928-3151  
Fax: 920-928-6929

**Kettle Moraine Correctional Institution**

W9071 Forest Drive  
P.O. Box 31  
Plymouth, WI 53073

Phone: 920-526-3244  
Fax: 920-526-9320

<p><b>Milwaukee Secure Detention Facility</b>  1015 N. 10th St.  P.O. Box 05740  Milwaukee, WI 53205-0740</p> <p>Phone: 414-212-3535  Fax: 414-212-6811</p>	<p><b>Racine Correctional Institution</b>  2019 Wisconsin St.  Sturtevant, WI 53177-1829</p> <p>Phone: 262-886-3214  Fax: 262-886-3514</p>
<p><b>Oshkosh Correctional Institution</b>  1730 W. Snell Road  P.O. Box 3530  Oshkosh, WI 54903-3530</p> <p>Inmate mail: P.O. Box 3310,  54903-3310</p> <p>Phone: 920-231-4010  Fax: 920-236-2615/2626</p>	<p><b>Redgranite Correctional Institution</b>  1006 County Road EE  P.O. Box 900  Redgranite, WI 54970</p> <p>Phone: 920-566-2600  Fax: 920-566-2610</p>
<p><b>Prairie du Chien Correctional Institution</b>  500 E. Parrish St.  P.O. Box 6000  Prairie du Chien, WI 53821-6000</p> <p>Inmate mail: P.O. Box 9900  Money Orders: P.O. Box 6000</p> <p>Phone: 608-326-7828  Fax: 608-326-5969</p>	<p><b>Stanley Correctional Institution</b>  100 Corrections Drive  Stanley, WI 54768-6500</p> <p>Phone: (715) 644-2960  Fax: (715) 644-2966</p>

<p><b>Sturtevant Transitional Facility</b>  9351 Rayne Road  Sturtevant, WI 53177</p> <p>Phone: 262-884-2410  Fax: 262-886-6069</p>	<p><b>Waupun Correctional Institution</b>  200 S. Madison St.  P.O. Box 351  Waupun, WI 53963-0351</p> <p>Phone: 920-324-5571  Fax: 920-324-7250</p>
<p><b>Taycheedah Correctional Institution</b>  751 County Road K  Fond du Lac, WI 54936-1947</p> <p>Phone: 920-929-3800  Fax: 920-929-2946</p>	<p><b>Wisconsin Secure Program Facility</b>  1101 Morrison Drive  P.O. Box 1000  Boscobel, WI 53805-0900</p> <p>Inmate Mail - P.O. Box 9900,  53805-9900</p> <p>Phone: 608-375-5656  Fax: 608-375-5595</p>

<p align="center"><b>County Jails Contact Information</b></p>	
<p><b>Brown County Jail</b>  3030 Curry Lane  Green Bay, WI 54311</p> <p>Phone: 920-448-4250  Fax: 920-391-6802</p>	<p><b>Milwaukee County House of Correction</b>  8885 South 68th Street  Franklin, WI 53132</p> <p>Phone: 414-427-4700</p>
<p><b>Kenosha County Detention Center</b>  4777 88th Avenue  Kenosha, WI 53144</p> <p>Phone: 262-605-5800</p>	<p><b>Racine County Jail</b>  717 Wisconsin Avenue  Racine, WI 53403</p> <p>Phone: 262-636-3929</p>
<p><b>Milwaukee County Jail</b>  949 North 9th Street  Milwaukee, WI 53233</p> <p>Schedule visits on-line at:  <a href="http://county.milwaukee.gov/Visiting15657.htm">http://county.milwaukee.gov/Visiting15657.htm</a></p>	