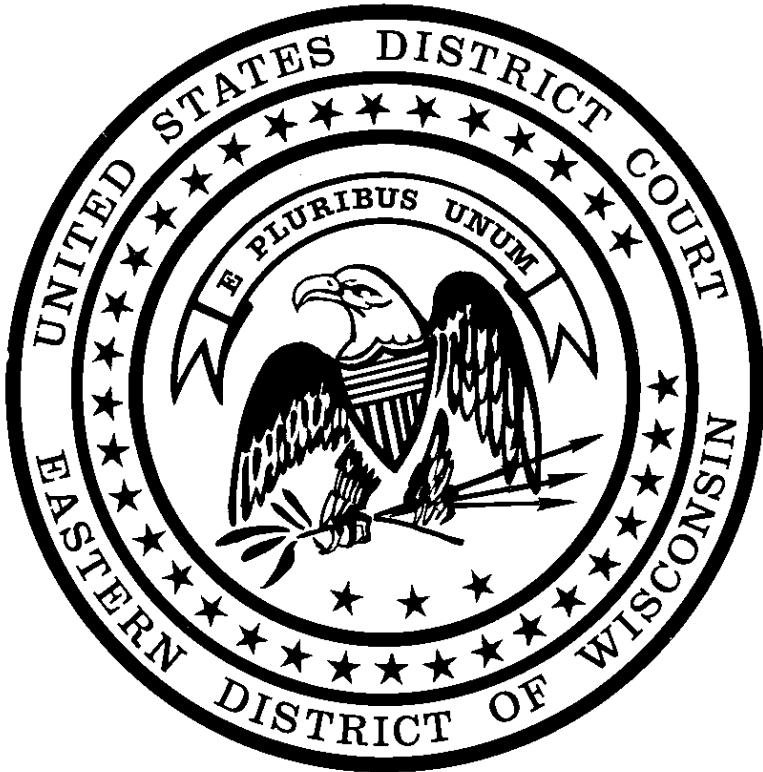


# **PRISONER LITIGATION GUIDE FOR RECRUITED ATTORNEYS: MEDIATION**

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United States District Court for the  
Eastern District of Wisconsin



***Clerk of Court – Milwaukee Division***

*517 E. Wisconsin Ave., Room 362  
Milwaukee, WI 53202  
(414) 297-3372*

***Clerk of Court – Green Bay Division***

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*Last updated July 18, 2016.*

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## **Introduction**

Thank you for your willingness to volunteer to represent this plaintiff throughout the mediation process. 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 facility directly, as their procedures are likely different from the state institution procedures.

Additional resources, including links to guides 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.

## **The Scope of Your Recruitment**

By agreeing to represent an incarcerated plaintiff for the limited purpose of assisting him/her in the mediation process, you have agreed to the following:

- To prepare a settlement demand letter and/or mediation statement in accordance with the Court's requirements.
- To assist your client during the mediation.
- To complete follow-up tasks as specified by the Court.

You have *not* agreed to:

- Fine-tune or amend the complaint.
- Prepare or respond to motions.
- Prepare or respond to discovery.
- Represent the plaintiff beyond the mediation should the mediation be unsuccessful.

The Court will define the scope of your representation in an order and will require the plaintiff to sign an agreement acknowledging the limited scope of your representation. Please do not contact your client until after the plaintiff returns the signed agreement to the Court.

## **Finding Your Client**

You may obtain your client's current institutional address on the docket or, if your client is a state prisoner, 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.

If your client is housed at a state institution, 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 your client files his agreement to the limited scope of your representation. Send a copy of the recruitment order so that your client knows on which case you are representing him/her. Some 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 during the mediation of your lawsuit *Jones v. Doe*. Please note, our representation is limited to the mediation. We will not review, prepare, or respond to any motions or discovery, nor will we assist you beyond the mediation, should the mediation be unsuccessful.”

Clearly mark envelopes containing correspondence you send to your client with “CONFIDENTIAL, ATTORNEY-CLIENT COMMUNICATION” to maintain confidentiality (envelopes appropriately marked will be opened in the presence of the inmate). Include your client’s 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.

## **Contacting Your Client**

Prior to the mediation, you should call or visit your client to discuss the case, your client’s objectives, and any questions he/she has about the scope of your representation.

*By Telephone:* To initiate a call, speak to the institution’s litigation coordinator (or the inmate’s social worker), identify your client (by name *and* inmate number), state that you are an attorney and that you wish to make a call. There may be a waiting period (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-Person Visit:* Start planning a trip to the institution at least ten days in advance. Call the institution and ask to speak to the litigation coordinator. Make sure you have your client's prison inmate number handy. As the attorney, you may not have to be on the inmate's visiting list; however, confirm this with the institution.

Ask about the logistics of the visit, including the best time to visit, how long it will take to get through security, where to park, and what materials and supplies you may bring into the visiting area (most institutions will not allow laptops or cell phones).

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 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 be handcuffed and shackled (legs chained together). Prisoners in disciplinary status (known as segregation) will likely be restrained in this fashion.

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.

## **The Mediation**

The mediation will be either via video-conference or in-person. If your mediation is via video-conference, you and your client will participate from the institution, while the judge and the defendant will participate from the courthouse. Please see the "Contacting Your Client" section of this guide for information about visiting the institution.

If your mediation is in-person, all parties will participate from the courthouse. The institution staff will transport your client from the prison pursuant to a writ of habeas corpus. Please contact the pro se staff attorneys for information about writ procedures, as the institution will require sufficient notice to arrange transportation and security.

You should plan for the mediation to last at least four hours.

### **How to Assist Your Client at the Mediation**

- Explain the process and the objectives to be achieved.
- Provide a realistic assessment of the strengths and weaknesses of the case.
- Provide a realistic assessment of damages should he/she prevail at trial.
- Consider creative means of settling (little things go a long way in prison).

Because you have agreed to represent the plaintiff pro bono, you may not accept a fee or any portion of the settlement as a fee.

**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>	