

Winston Pro Bono Attorneys Clarify Rules for Prison Inmates Filing Lawsuits

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Former Gov. James Thompson was quoted in the *Chicago Daily Law Bulletin's* article titled "7th Circuit decision lets more inmates file lawsuits." Gov. Thompson led a team of Winston attorneys, including Matthew Carter, in a pro bono matter that has resulted in the clarification of a rule, making it easier for prison inmates to file lawsuits.

Winston represented Menard Correctional Center inmate Gregory Turley in his appeal. After Turley filed repeated lawsuits while in prison, in October 2009 he filed a federal suit claiming the warden of Menard, along with guards and other employees, retaliated against him because of the lawsuits he previously filed and grievances about the conditions of his confinement. The district court ruled that Turley was prohibited from proceeding as a pauper, which provides inmates with a special payment plan for filing fees, because prisoners may not proceed as pauper if, as a prisoner, on three or more occasions the actions brought were dismissed "on the grounds that it is frivolous, malicious or fails to state a claim."

Winston argued that the dismissal of various claims in Turley's prior lawsuits should not count against him because the three strikes rule in the Prison Litigation Reform Act applied only to entire actions that were dismissed as frivolous, malicious or for failure to state a claim. Turley's previous lawsuits included claims that did proceed to a decision on the merits.

As Alan Mills, staff attorney of the Uptown People's Law Center, estimates, approximately 1,000 inmates in Illinois prisons who were previously prohibited from proceeding as paupers, will now be able to do so.

When asked by the *Chicago Daily Law Bulletin* why Winston took on such a case, Thompson said: "under our Constitution, everybody is entitled to legal representation [and] the ethics of our profession require that you accept these kinds of cases."

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