

# MASSACHUSETTS LAWYERS WEEKLY

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## Letters

### The Top 10 'Non-Frivolous' Inmate Lawsuits

To the Editor:

I am writing in response to the article on prisoner litigation ("The Behind-Bars Bar," Feb. 17). The portrayal of frivolous cases presented in the article, complete with humorous illustrations and catchy titles, glosses over the need to take most prisoners' concerns seriously. An analysis of the small number of truly frivolous cases would reveal that many are the result of misunderstandings of law by uneducated persons, and of the high concentration in our prisons of persons with untreated mental health issues, circumstances which will not be remedied by punitive legislation. More importantly, it would be an easy

matter for the author to extend the "analysis" to suits filed by non-prisoner citizens generally who cannot afford lawyers.

#### ADVERTISEMENT

A system of legal advocates to assist inmates as soon as they file, as suggested in the article by both Superior Court Judge Patrick J. King and the Department of Corrections, would be a meaningful approach to ensure that legitimate claims by prisoners receive appropriate attention by the courts. It is important to keep in mind that the vast majority of prisoner litigation addresses

very serious, often life-threatening deprivations that occur in prison, such as inadequate medical care and dangerously overcrowded conditions of confinement.

The experience of Massachusetts Correctional Legal Services is that 99.9 percent of the approximately 3,500 problems brought to our attention each year can be resolved without litigation.

Listed below are examples of non-frivolous inmate lawsuits that have been filed in Massachusetts that paint a different picture of the deprivations and injuries for which prisoners seek redress from the courts.

*Ahearn v. Vose*, Suffolk 90-04619. Lack of any toilets at Southeastern Correctional Center. On appeal, the court ordered the parties to negotiate a resolution. Modifications are presently underway to install toilets.

*Aquino v. DuBois*, Suffolk 95-06175. Female prisoners were dragged out of bed in the middle of the night and strip-searched by unidentifiable male and female officers dressed in black ninja style outfits, including black ski masks. Many female prisoners had previously suffered sexual abuse by masked assailants. The operation was essentially a drill. Defendants have agreed not to repeat such exercises.