

1-1-1991

Students Teach Prisoners to Help Themselves

UB Law Forum

Follow this and additional works at: https://digitalcommons.law.buffalo.edu/ub_law_forum

Recommended Citation

UB Law Forum (1991) "Students Teach Prisoners to Help Themselves," *UB Law Forum*: Vol. 5 : No. 2 , Article 8.
Available at: https://digitalcommons.law.buffalo.edu/ub_law_forum/vol5/iss2/8

This Article is brought to you for free and open access by the Alumni Publications at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in UB Law Forum by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.

which was designed to mitigate the perception of "difference" or to "normalize" their social identity.

The diffidence of most students with disabilities about their own needs and entitlements is a reality with which law schools must contend. The appropriate response is not a paternalistic or overbearing administrative approach that imposes accommodations upon students who do not want them. But it would be equally inappropriate to adopt a passive administrative approach that ignores the serious costs associated with providing inadequate classroom support, unfair exam conditions and painful or degrading physical surroundings for students with disabilities. Such circumstances must be remedied not simply as a response to student requests, which may or may not be presented, but because they are educationally and, in some instances, legally unacceptable.

Perhaps, as students with special needs see that law schools are determined to rectify these situations, they will increasingly view appropriate accommodations as reasonable and routine matters to request and will not shy away from doing so. Different modes of learning or expression will not suggest inferiority but diversity, and fair accommodations will not suggest "pampering" but inclusion in the community. Affirmative policies on the part of law schools may encourage students and faculty members without disabilities to incorporate the perspective of persons with disabilities into their ordinary perceptions and to view it as entirely "normal" and appropriate to take the steps necessary to integrate all such students into the academy and the profession on the basis of their actual abilities. ■

J. Thomas M. is a fictitious name. His portrait — and the portraits of students in the original Law Review piece — are composites based on the experiences of several real persons. No single portrait is meant to describe any one identifiable individual.

Reprinted with permission of the Buffalo Law Review.

Students Teach Prisoners to Help Themselves

It's a long way, both in miles and in ambiance, from UB Law School to some of Western New York's toughest state prisons. But a dedicated group of UB Law students has overcome that distance with an innovative program in which they become the teachers.

Each semester, students in the Prison Task Force enter a concrete-and-steel world most have never seen. Their goal: to teach basic legal research and writing skills to small classes of inmates.

The eight-week course qualifies the inmates to take the law clerk examination of the state's Department of Correctional Services. Those who pass the exam can work in the institutions' law libraries — which state prisons are required to maintain.

We empower them with the ability to use those books so they can use their legal rights," says Timothy E. Jennings '90, a former co-director of the task force. "We're attempting to fulfill our ethical responsibilities as professionals, which are to assist in making the legal system available to everyone."

Founded more than a decade ago in response to the Attica prison riots, the task force — a joint effort of the National Lawyers Guild and the Association of Women Law Students — has undergone tremendous growth in the past three years.

Now, its efforts have been recognized with the 1990 Ethics Award from the New York State Bar Association — an award that honors "a substantial action or activity in furtherance of legal professional responsibility or legal ethics."

In addition, numerous law schools

throughout the nation, including Harvard, have inquired about the prison program in hopes of starting their own. Members of the UB task force are revising their teaching manual and will make it available to these other schools.

And they're teaching the course at two facilities in fall 1990: the Wyoming Correctional Facility, in Attica, and the Albion Correctional Facility for Women.

Altruism aside, teaching legal research to inmates has its benefits for the law students as well.

"Law students don't know how much they know until they start teaching," Jennings says.

Says Janet Zwick, a second-year student and a co-director of the task force: "This seems like it's the only opportunity to talk about the law in very understandable, everyday language. You have to really understand it to be able to teach it.

"It's definitely a reciprocal kind of relationship. I learned a lot about research and writing from the (inmates') questions."

Law students who participate have the option of completing a related research project in order to receive independent-study credit. In addition, the visitors from Amherst get a firsthand look at New York's correctional system and the human face of imprisonment.

"A lot of people have big misconceptions about prison," Jennings says. "What they run into very often are people who are quite similar to their neighbors or themselves."

Jokes former co-director Martin Sanchez-Rojas '90: "Not all of them have big muscles and scars."

As the Prison Task Force has grown, it has addressed a wider range of inmate needs. For example, to serve the prisons' large Hispanic population, the task force tries to include one or two Hispanic or Spanish-speaking students among its teams. This is crucial to making the prison law libraries accessible to Hispanics; there is no Spanish-language edition of the New York or federal legal materials.

The task force also helps inmates know where to go with administrative grievances — problems with the conditions of prison life, as opposed to pro se appeals procedures. Issues of proper medical care, parole eligibility, family visitation, child custody — all are addressed.

Jennings stresses, however, that the law students are present only as instruc-

tors, not as advocates for individuals' cases. "That would amount to practicing law without a license," he says. "We're very careful to draw that boundary, and the inmates respect that."

The program's success — it has been taught in five prisons so far — can be measured by the high passing rate of its graduates who take the state's law clerk exam. At the maximum-security Wende Correctional Facility, in Alden, last year, three-quarters of the inmates passed — well above the statewide rate of 50 percent.

"The fellows are pretty serious-minded about it," says Carl Berg, Wende's deputy superintendent for program services. "I must have had 60 or 70 inquiries for the 17 or 18 places in the course."

Berg says the program has an

ancillary benefit for prison morale: "As the superintendent has said, if they're writin', they're not fightin'."

Several inmates have gone on to take paralegal courses upon their release, Jennings said. One inmate at Collins Correctional Facility, in North Collins, went so far as to take the LSAT while still incarcerated. He is currently enrolled in law school.

"It surprised me how well-educated a lot of them are," says Susan Sturman '90, another former co-director of the Prison Task Force. "Many have earned their master's degrees in prison."

"One of the inmates said to me, 'We're put in prison *as* punishment, not *for* punishment.' I thought that was very telling."

"Once they're in prison, a lot of these people are just forgotten." ■



Nathaniel Charny '91, left, of the Prison Task Force, confers with a prison inmate.