

Good evening, I am Nicole Gagnon, an attorney for the Inmate Legal Aid Program (ILAP) run by Bansley Law firm.

We are a third-party independent law firm contracted by the Department of Corrections to fulfil the constitutional requirement to allow meaningful access to the courts and upholding the 8th and 14 amendments to the constitution outlined in the case of Lewis v. Casey.

We are independent attorneys, and as officers of the court and under the same ethical rules as all private attorneys. I'd like to make three points.

First, Attorney Ward has misrepresented our services in his 2025 report on conditions of confinement. He has misrepresented our effectiveness by only using initiation of court cases as a measure of success. Our office has secured settlements for inmates for constitutional rights violations, but also assisted without litigation getting well fitted dentures, walkers, wheelchairs, shower chairs, cpap machines, and other medical assisted devices just as an example. Our current model gives all 11,000 inmates access to 5 attorneys and two paralegals, to explain the requirements of a federal civil rights lawsuit or a habeas, or the claims commissioner process, or how to navigate the administrative grievance process, and interpretations of the administrative directives of the DOC, or simply how to fill out the forms required to submit claims. To explain the court decisions that have been overruled and what stands as precedent.

Second, in reviewing the testimony offered at the December meeting of this committee, Attorney Ward has not done his due diligence in evaluating the services ILAP offers.

Attorney Ward testified that he had a law clerk evaluate the reports submitted by ILAP regarding the complaints from inmates, and all the other metrics we can provide with the reports and case management system we have in place at our firm.

Attorney Ward testified that he hopes his office can hire someone who speaks fluent Spanish, and ILAP has an attorney that has been doing this for over 7 years.

He also testified that he hopes to fill one of his office positions with a formerly incarcerated individual, which is something we also have in our office as part of our team to give insight into the lives of inmates.

We are an independent law firm and provide confidentiality of these complaints and issues because we use private legal calls and legal mail, therefore we assert attorney client-privilege for all communications.

The Office of the Ombudsman has begun creating an office with so much overlapping information, technology, and staffing metrics, all while criticizing the services ILAP has been providing to inmates for the last ten years.

Third and last, my recommendation is that the legal services section of the Conditions of Confinement correctional department report be evaluated by someone other than the Ombudsman. He has already gone to the press to disparage our program, prematurely determined we are ineffective, and asked for our contract to be revoked, all while not doing the bare minimum due diligence and that is speaking to the 8 people who already do this job.

Someone who has actually made an effort to review our monthly reports, understand our contract, and understand our budgetary constraints. His motivations regarding assisting inmates with access to the courts should be evaluated in that he seems to

want to either absorb our contract into his budget and reinvent a program similar to ILAP, or simply does not want his authority to be questioned with the challenge of subpoena power that is the subject of litigation between our firm and himself. Considering the Ombudsman cannot handle the complaints coming from inmates and has admitted to abandoning answering complaints until his office is "up and running", this leaves the current needs of inmates unmanaged. Furthermore, this proves that Attorney Ward does not understand the nuances of assisting inmates if he recommends leaving inmates to fend for themselves in law libraries without explanation or assistance as many cannot read, fill out forms offered, or speak English. Similarly, the offering of the public defender's office to take over what our firm has been doing, as if there is no difference between criminal defense advocates and civil rights advocates. A political appointee and attorney that does not perform due diligence before submitting a report with recommendations for firing an entire law firm should himself be evaluated for fitness for this position.

Thank you