

# THE RECORDER

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## ATTORNEYS <sup>OF</sup> THE YEAR

### Donald Specter and Michael Bien *Prison rights litigators*



JASON DOIY

Corrections secretaries, lawmakers and even governors have come and gone over the years, but attorneys Michael Bien and Donald Specter have remained fixtures in the legal fight to improve conditions for California prison inmates.

Their decades of work paid off last year when a three-judge panel ordered the state to reduce its inmate population by 40,000 over two years. Bien and Specter, co-lead counsel in the land-

mark case, prevailed in their argument that chronic prison overcrowding has deprived inmates of their constitutional rights to adequate medical and mental health care.

"It's one of the most significant rulings we've ever had," said Specter, director of the Prison Law Office in San Quentin. "Reducing the population of the prisons would be an historical event if it ever happens."

Gov. Arnold Schwarzenegger has promised

an appeal to the U.S. Supreme Court. But the ruling has already forced the governor to draft plans that would change how the state incarcerates, rehabilitates and paroles offenders.

Specter (at left in photo) has been litigating inmates' rights since joining the Prison Law Office in 1980. In 2001 he helped launch one of the class actions, now known as *Plata v. Schwarzenegger*, that led to last year's ruling.

Bien's connection goes back even further. He has been working on the case now called *Coleman v. Schwarzenegger* since 1990, when he was a litigator at Brobeck, Phleger & Harrison. He left Brobeck and teamed up with Sanford Rosen to create the S.F. firm known today as Rosen, Bien & Galvan in part to pursue *Coleman*.

"This is a pro bono case, in a sense," Bien, 54, said in an interview last year. Because of restrictions placed by the Prison Litigation Reform Act, "the most we can get back in attorney time is \$169 per hour. ... That's a contingent rate, paid if you win."

He and Specter have won most of the legal skirmishes. But despite settlement talks, court orders and the appointment of receivers, the serious problems in the prisons haven't been fixed.

"Every secretary of corrections has said, in one form or another, that they were going to put us out of business. It hasn't happened," Specter said. "It is very frustrating because with most lawyers, you get a case, you litigate it and it goes away. Our work doesn't go away."

Lawmakers have criticized the two lawyers and their clients. Bien said their energy would be better directed toward ensuring inmates receive the care and help they need in prison so they don't re-offend.

"These 'others,' these 'strangers' and 'monsters' are coming back to our community," said Bien.

— Cheryl Miller