

# Wiley Rein Reaches Landmark Settlement in Lawsuit Against Virginia Women's Prison

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Wiley Rein negotiated a favorable settlement last week in a pro bono case brought on behalf of nearly 1,200 prisoners at the Fluvanna Correctional Center for Women (FCCW). The lawsuit alleged that the Virginia Department of Corrections (VDOC) and its private, for-profit medical care contractors violated the female inmates' constitutional rights by failing to provide adequate medical care in contravention of the Eighth Amendment prohibition against "cruel and unusual punishment."

Wiley Rein, along with the Legal Aid Justice Center of Charlottesville and the Washington Lawyers' Committee for Civil Rights and Urban Affairs, filed the class action lawsuit in 2012. The complaint describes substandard health care conditions that have led to numerous life-threatening complications for the clients, significant pain and suffering, and premature deaths.

"We are very pleased with this highly successful result after several years of contentious litigation," said Wiley Rein Pro Bono Partner and plaintiffs' lead counsel Theodore A. Howard. "Our goal has been to make a real difference in the lives of the women that we took on the responsibility to represent, and we believe the settlement will do just that. We hope that the VDOC and other correctional authorities around the country will take seriously their role and responsibility in providing adequate health care for the prisoners subject to their custody. State and local governments may believe that they can obtain substantial cost savings by contracting out their medical care obligations to for-profit vendors, but absent responsible and vigilant oversight of contractor performance, whatever cost savings they hoped to achieve will almost inevitably end up being paid out as litigation costs, judgments, settlements, and attorneys' fees."

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## Practice Areas

Litigation

The settlement, covered by media outlets including the *Associated Press* and *Virginia Lawyers Weekly*, provides a framework for significant reforms of the medical care at FCCW. It also outlines a process by which the parties will jointly review and revise VDOC policies regarding health care that are applicable in all of its prisons, and directs the parties to nominate a court-appointed monitor who will oversee the medical care provided at FCCW going forward. The settlement came in the wake of the court's recent order granting the plaintiffs class certification, and a separate order granting the plaintiffs summary judgment on two issues critical to their case and denying the State's motion for summary judgment in its entirety.

Mr. Howard led the Wiley Rein team that helped secure the favorable court rulings and negotiate the settlement. Other Wiley Rein attorneys who have played key roles in the case include Rachel A. Alexander, Laura El-Sabaawi, Michael J. Gridley, Rachel K. Hunnicutt, Mary Catherine Martin, Brandon J. Moss, Lori Scheetz, and Laura E. Sherman. Legal assistants Garrett Fitzgerald and Robert Shields were also integral members of the firm's litigation team.