

# It's a lousy job but some lawyer has to do it

**Marty Trillhaase/Lewiston Tribune**

It's become so routine you hardly notice when a group of lawyers collects another payday because somebody affiliated with Idaho state government screwed up.

This week's headline involved Idaho's former private prison contractor Corrections Corporation of America.

Under its \$29-million-a-year contract with the state, CCA operated the Idaho Correctional Center near Boise. But it scrimped on staff, leaving inmates so vulnerable to assaults the place acquired a nickname - the "gladiator school."

While Gov. C.L. "Butch" Otter's administration maintained its contract with CCA, the American Civil Liberties Union filed a lawsuit on behalf of battered inmates who couldn't afford the filing fees, let alone to hire attorneys. Eventually, CCA settled, agreeing to hire more staff.

Rather than follow through on that settlement, however, the company concealed its understaffed prison by falsifying time cards. When that came out, U.S. District Judge David Carter found CCA in contempt and imposed higher-than normal attorneys fees of just less than \$350,000.

Only then did the Otter administration drop CCA and transform ICC into a state-run prison - to the benefit of the inmates and possibly to the Idaho taxpayers, who no longer had to cover CCA's profit margin.

Monday, the 9th U.S. Circuit Court of Appeals upheld Carter's decision.

That comes on the heels of U.S. District Court Judge B. Lynn Winmill's ruling last week to award nearly \$250,000 in fees to attorneys representing the ACLU, the Animal Legal Defense Fund, People for the Ethical Treatment of Animals and the Center for Food Safety.

They went to court because Idaho lawmakers and Otter refused to listen to reason about Idaho's "ag-gag" law - a measure that infringed upon the First Amendment rights of whistleblowers who exposed mistreatment of animals at dairy and other agricultural operations.

Unlike the CCA award, these attorneys fees are coming directly out of the pockets of Idaho taxpayers.

As are the dollars being paid to lawyers who successfully argued Idaho's ban on same-sex marriage violated those couples' constitutional rights.

As was the compensation awarded to lawyers who demonstrated the state had imposed draconian cuts in programs meant to enable developmentally disabled citizens to live fuller and more independent lives.

As were the fees provided to lawyers who challenged Idaho's latest anti-labor effort - a law to stop unions from engaging in "market recovery" programs in which union dues are used to subsidize bids.

This is not a case of the occasional anti-abortion rights bill lawmakers believe they must support in spite of its constitutional flaws. Idahoans have seen an expansion of litigation because their political leadership seems intent on passing laws with little regard for what the courts will say.

As The Associated Press reported last year, the cost to Idaho's Constitutional Defense Fund already has exceeded \$2.1 million.

Lest you think civil liberties lawyers have created a cottage industry for themselves, keep this in mind: The risk is all on their side. If the defense prevails in court, the civil liberties lawyers lose the time and effort they've invested in the case.

Even if they win, those lawyers rarely collect all the money they're owed.

If you think they're too expensive, consider the price of brutalized prisoners.

Or the value of free speech.

Or the consequences of living under a political elite that comforts the comfortable and afflicts the afflicted.

Where might you be if these lawyers were unwilling to keep those politicians in check? - M.T.