

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

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District of Rhode Island

INMATES OF THE RHODE ISLAND
TRAINING SCHOOL,

Plaintiffs,

v.

PATRICIA MARTINEZ, ET AL.,

Defendants.

C.A. No. 71-4529-L

ORDER

This matter arose upon the motions of Plaintiffs and their counsel from the American Civil Liberties Union Foundation and the American Civil Liberties Union Foundation Rhode Island (collectively, the "ACLU"), seeking to intervene and seeking approval of the disbursement of attorneys' fees and costs in the amount of \$201,578.89. Defendants objected to both motions, and all parties appeared before this Court for oral argument on April 26, 2006. This Court subsequently rendered a Decision dated December 5, 2006, and held, *inter alia*, that "R.I. Gen. Laws §§ 11-27-3 and 11-27-6 are preempted by 42 U.S.C. § 1988, to the extent that the state statute[s] prohibit[] the payment of legal fees to the ACLU plaintiffs in the present case," and that "the disciplinary rules, Rhode Island Rule of Professional Conduct 5.4(a) and 7.2(c) . . . , do not impede the payment of legal fees to the ACLU. . . ." See Inmates of the Rhode Island Training School v. Martinez, C.A. No. 71-4529-L, 2006 WL 3505847, at * 9-10 (D.R.I. Dec. 5, 2006).

Accordingly, for reasons set forth in this Court's Decision dated December 5, 2006, which is incorporated by reference herein, it is hereby

ORDERED

that:

1. ACLU's motion to intervene is GRANTED.
2. ACLU's motion for approval of the disbursement of attorneys' fees and costs is GRANTED as follows:
 - (a) Fees and costs totaling \$143,246.07, which were placed in escrow by the ACLU pending resolution of the issues in this case, shall be disbursed to the ACLU.
 - (b) Unpaid fees and costs withheld by Defendants pending resolution of the issues in this case, totaling \$58,332.82 as of September 30, 2005, shall be paid to the ACLU.
 - (c) All future applications for fees and costs made by the ACLU in this action pursuant to 42 U.S.C. §§ 1983 and 1988, shall be promptly disbursed to the ACLU by Defendants, unless Defendants file an objection with this Court.

ENTER:

ORDER:

Ronald R. Saguena
Sr. USBJ 1/10/07

B. Leib

Presented by:
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Dated: _____