

Lawyers Apply Unlikely Strategy to Clinch \$20.8M Settlement in Edna Mahan Case

By Charles Toutant

The New Jersey Department of Corrections has agreed to a \$20.8 million settlement in a class action suit over sexual abuse and harassment of inmates in a state prison for women.

The case was patterned after the hostile work environment claims commonly seen in workplace sexual harassment suits but is believed to be the first in the state to obtain relief for a hostile living environment in a corrections facility.

The settlement allocates \$9.9 million to victims of sexual assault at the Edna Mahan Correctional Center for Women who previously filed claims and another \$8 million to women incarcerated at the prison from 2014 to the present who were subject to the environment of abuse or suffered

direct harassment or assault. The settlement also calls for corrections officers who regularly interact with inmates to begin wearing body cameras within one year of the settlement.

The plaintiffs' recovery could prompt litigators to imagine other novel ways that the legal framework for hostile work environment claims under New Jersey's Law Against Discrimination could be adapted to other non-employment contexts.

Detailed terms of the settlement were made public Thursday. The settlement was reached March 29 during a mediation session with Diane Welsh of JAMS in Philadelphia, a former U.S. magistrate judge. The settlement is subject to approval by a Superior Court judge.

The suit, which was filed in 2018, claimed that past and present



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inmates at the facility had claims under the LAD because they were exposed to “a systematic and severe culture of discrimination that any reasonable woman would perceive to be hostile and abusive.” They cite numerous incidents in which guards groped inmates, made inappropriate sexual innuendos to inmates, and coerced or traded sexual favors with inmates for contraband.

“The economic and noneconomic provisions are significant and will have, with the unequivocal support of the Department of Corrections, the governor and the attorney general, immediate positive impacts on improving conditions, eliminating the abusive culture throughout the institution, and to the lives of historically abused women within the Edna Mahan facility,” said Martin Schrama of Stark & Stark in Lawrenceville, representing the plaintiffs and the class.

The settlement comes less than eight months after a trial judge granted class certification to the plaintiffs. And in April 2020, the U.S. Department of Justice issued a scathing report alleging that the administration failed to address sexual abuse at the prison.

Matthew Beck of Chiesa Shaninian & Giantomasi in West Orange represented the state. Plaintiffs and the class were represented by Oliver Barry and Frank Corrado of Barry Corrado & Grassi in Wildwood; Mark Frost of Mark B. Frost & Associates in Philadelphia;

Schrama and Stefanie Colella-Walsh of Stark & Stark; and Gerald Williams and Shauna Friedman of Williams Cedar in Haddonfield.

New Jersey Department of Corrections Commissioner Marcus Hicks said that the settlement marks a reaffirmation of the agency’s commitment to running safe and humane facilities. “My administration is ushering in a new era in corrections, with safety and rehabilitation at its core. We’ve put in place various safety reforms to address concerns that have been ongoing and long before our administration, including the recent body-worn camera project increasing oversight and accountability while reducing allegations to maintain safety within our facilities,” Hicks said in a statement.

The novel theory behind the suit got a green light in July 2018, when a Mercer County judge ruled that a prison is a place of public accommodation and subject to the LAD, allowing claims to proceed for “people exposed to a sexually toxic environment, even if they were not themselves

physically sexually assaulted,” Corrado said.

The Justice Department is expected to sign a final consent decree with the state soon over problems at Edna Mahan, Corrado said.

But Corrado added that the case won’t provide major impetus for application of the hostile work environment framework to other settings because it was settled before any court ruled on whether the claims in the case were viable.

Previously, in April 2020, the DOJ had issued an investigation report that found that sexual abuse had been a long-standing problem at the prison that had failed to be addressed. The DOJ cited multiple examples of investigations, convictions and guilty pleas that are corroborative of the allegations supporting that overriding claim. ■

