



1140 Connecticut Avenue NW, Suite 900
Washington, DC 20036
T: 202.452.0620
F: 202.872.1031
www.nlada.org

February 24, 2009

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW –TW–A325
Washington, DC 20554

Re: *Ex Parte* Presentation (via Electronic Filing)
CC Docket No. 96-128; DA 03-4027

Dear Secretary Dortch:

I am writing on behalf of the National Legal Aid and Defender Association (NLADA) that is dedicated to equal justice for people of insufficient means in civil and criminal proceedings. We strongly urge that the Federal Communications Commission (“FCC”) take remedial action to reduce the excessive rates associated with local and long-distance collect phone calls in jails and prisons, and we endorse the comments of Michael S. Hamden’s *Ex Parte* Presentation submitted October 29, 2008 in that:

The FCC must establish a comprehensive, fair rate for all intra-state and interstate prisoner telephone calls that allows the broadest possible range of calling options, covers legitimate costs, provides a reasonable rate of return to prisoner phone providers, eliminates "commissions," forecloses alternative means to unjustifiably inflate the cost of prisoner phone calls, and defers to state public service commissions to address requested cost adjustments all toward the end of providing fair and reasonable rates on the widest possible range of prisoner-initiated telephone calls.

NLADA, founded in 1911, is the oldest and largest national, nonprofit membership organization that works to support indigent defender services and civil legal assistance to those who cannot afford lawyers. NLADA has approximately 700 program members, representing 12,000 lawyers, including nonprofit organizations, government agencies, legal aid organizations, and law firms.

The client community, which includes individuals who are income eligible to receive legal services and indigent defense services, is at the center of NLADA’s work. The NLADA Client Policy Group provides a mechanism for client inclusiveness and client

involvement within the organization. This group, consisting of five client members, a legal aid lawyer and a public defender, is responsible for formulating policy recommendations on civil legal services and indigent defense issues to the NLADA Board of Directors.

We believe the members of the Client Policy Group represent a unique voice on this issue. The following testimonials from this group demonstrate how clients rely on phone services to maintain contact with friends and relatives while incarcerated and with friends and relatives who are in jail or incarcerated.

- 1) *A formerly incarcerated man, who spent 18 years in prison for a crime that he later was exonerated by DNA evidence, relied on his wife's phone calls who lifted his spirits and offered her love and support. Prior to his release, his telephone bill was upwards of \$1,300 dollars. He stated that the high cost of the phone bill served as an additional punishment to individuals who are incarcerated and to loved ones who struggled to pay high telephone rates in order to keep in touch.*
- 2) *A 33-year-old man who served 15 years in prison explained that the cost of a 15 minute collect phone call was approximately \$8 to \$10 dollars. And if an inmate made a pre-paid call, the call was approximately \$3 to \$4 dollars. He indicated that a 15 minute phone call was actually more like a 12 minute call because the operator would explain the rules and interrupt the conversation by stating how much time was left. The price to use the phone hindered this individual from being in touch with his loved ones, friends and lawyers because they could not afford to regularly accept these collect calls. As a result, this young man lost contact with his support group and experienced a tougher time reconnecting with his family and friends once released.*
- 3) *A mother shared that the phone was a lifeline to her son who was serving time in prison. She was somewhat reassured that he was just a phone call away given that he was incarcerated out of state. However, because of the excessive rates on out of state calls, she had to pay even higher phone bills which created a significant burden on a single mom raising two other sons on her own.*
- 4) *A chief public defender noted that his female clients who are in prison and have children are more likely to be disproportionately disadvantaged over males regarding this issue of excessive fees. He explained that a number of women that he has represented over the years are embarrassed about being in prison and less inclined to have in-person visits with their children while serving time. To this end, the phone becomes the primary source of communication. A higher phone bill creates additional financial stresses for these families who are already living on a fixed income.*

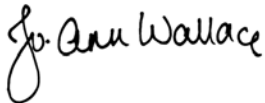
These testimonials show how excessive rates on local and long-distance phone calls place a limitation on telephone access, particularly for low-income individuals. This limitation on telephone access results in negative consequences such as breaking down the support system that an individual needs to survive once released from prison. If an individual re-entering society does not have a support system (i.e., support from family and friends), evidence shows that they are more likely to recidivate. And this outcome has a broader effect on the sustainability of communities for everyone.

Another example of the limitation on telephone access is evident in public defender offices that have made and are continuing to make significant budget cuts. And these budget cuts have been exacerbated in light of the economic downturn. As a result of tightening budgets, public defender offices are limiting the number of collect calls made to clients in jails and prisons because of the higher fees associated with these calls. In some cases, particularly if a client is serving time out of state, the phone may be the most viable means of communicating between an attorney and his client. A public defender who is unable to remain in communication with her client cannot provide zealous representation which hinders justice from being served.

Therefore, we respectfully request the FCC to regulate these telephone fees and provide a comprehensive solution to adjust these rates to reasonable levels and provide more options (e.g., pre-paid and debit telephone calls) allowing greater telephone access in jails and prisons.

We appreciate your consideration of our request to provide relief from the excessive fees on local and long-distance collect calls from jails and prisons. Please let me know if I can provide further information.

Sincerely,

A handwritten signature in black ink that reads "Jo-Ann Wallace". The signature is written in a cursive, flowing style.

Jo-Ann Wallace
President and CEO