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## Spotlight on Pro Bono: Wiggin and Dana LLP

In 2015, more than one hundred Wiggin and Dana lawyers and professional staff dedicated time and effort to 108 pro bono matters. The firm's longstanding commitment to pro bono work has been honored by various organizations, including the Connecticut Bar Association, Connecticut Legal Services and the Anti-Defamation League. The firm's pro bono clients include The Ronald McDonald House, the Center for Children's Advocacy, the Connecticut Veteran's Legal Center, New Haven Legal Assistance, the Connecticut Food Bank, the NAACP, and many others. The firm also frequently volunteers to serve as pro bono counsel to indigent persons in civil cases pending in the U.S. District Court for the District of Connecticut. One representative case was handled by Wiggin and Dana's **Joseph C. Merschman**, a cochair of this committee's securities litigation subcommittee and an editor of this newsletter.

Mr. Merschman and his colleague, **Tadhg A.J. Dooley**, were appointed by the district court to represent the plaintiff in a prisoner civil rights case, *Thomas v. Butkiewicz*, et al., 13-cv-747 (JCH) (D.Conn.). The plaintiff, a prisoner in the custody of Connecticut's Department of Corrections, alleged that certain corrections officials had been deliberately indifferent to threats to his safety, failed to protect him from assault by other inmates, and, in the case of one official, facilitated an attack on the plaintiff by five other inmates, all in violation of his constitutional rights. Before trial, Wiggin and Dana moved for sanctions against the defendants for failing to preserve electronic evidence, namely videotapes of two assaults and officials searching and handcuffing the assailants prior to the assaults. In a 41-page ruling, the court held that two officials had a duty to preserve the evidence under both the common law and the department's own policies, and that those officials had spoliated evidence with the required culpable state of mind. The court imposed a mandatory adverse inference instruction with respect to the spoliation of certain evidence and a permissive instruction as to other evidence. The ruling, issued days before trial, enabled Wiggin and Dana to secure a favorable settlement for its client.

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