

Frequently Asked Questions about  
the February 20<sup>th</sup> decision in *Walton v. NYSDOCS and MCI*

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**What is *Walton v. NYSDOCS* and MCI?**

*Walton v. NYSDOCS* is a class-action lawsuit which was filed by the Center for Constitutional Rights on February 25, 2004. The suit challenges the New York State Department of Correctional Services (NYSDOCS) monopoly telephone contract with MCI/Verizon, which forces family members to pay exorbitant collect calling rates to speak with their loved ones in prison. The contract also includes provisions that require MCI/Verizon to pay 57.5% of its profits from the contract to New York State. This is an unlegislated backdoor tax on prison families.

For the current status of the legal case go to  
<http://www.ccr-ny.org/v2/legal/justice/justiceArticle.asp?ObjID=pJCQ7otMZ0&Content=360>

**What is the current status of the case?**

On January 9, 2007, Rachel Meeropol, CCR Staff Attorney on the case, argued before the court that the lower courts applied the wrong statute of limitations and incorrectly determined when that statute began to run.

On February 20<sup>th</sup>, 2007, the New York State Court of Appeals agreed to allow the Center for Constitutional Rights (CCR) to move forward with its case *Walton v. NYSDOCS* and reinstated all of the plaintiffs' constitutional claims. *Walton v. NYSDOCS* is a potential "class action" suit and challenges the constitutionality of the NYSDOCS' prison telephone contract, specifically its unjust high rates and its illegal backdoor tax on prison families.

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**What did the opinion issued on Tuesday, February 20<sup>th</sup>, 2007 mean for the case?**

The case, which had been dismissed by the two lower courts, will now return to the New York State Supreme Court. CCR will proceed with the suit, seeking a declaration that the prison telephone system violated people's constitutional rights and also seeking refunds for prison families who have unjustly paid 630% more for a collect call from a NY State prison than a normal collect call consumer.

**What is a "class action" lawsuit?**

A "class action" is a civil suit brought by a group of people on behalf of themselves and other individuals who are facing similar circumstances. If we succeed in getting class

status in Walton, then we may be able to get refunds for everyone who is a class member, instead of just our named plaintiffs.

To become a class action lawsuit, the Court has to rule that it is appropriate for the case. Plaintiffs need to file a motion for “class certification,” which asks the Court to allow the case to move forward as a class action.

### **Who can join the class action lawsuit?**

In the case of *Walton v. NYSDOCS*, the “class” of people is all individuals residing in New York State who accepted a collect call from a New York State prisoner between October 2003 and March 2007.

Now that *Walton v. NYSDOCS* is proceeding through the New York State Supreme Court, CCR will be filing a motion for “class certification” soon. We don’t know exactly when this will happen, but it will probably be within the next year.

### **How do I join the “class” for *Walton v. NYSDOCS*?**

At this point, you do not have to do anything to become part of the “class.” If the class action is certified by the courts, you will be contacted about your rights, and you will have a chance to say whether you want to be a class member.

Given the fact that we do not know when “class certification” will occur and how the case will proceed, we strongly urge you to become a member of the New York Campaign for Telephone Justice (NYCTJ). NYCTJ holds monthly meetings by phone and at our office in NYC, sends out regular updates by email and by mail about the prison telephone contract, and works collectively and collaboratively to empower families and allies concerned about the prison telephone contract to raise their voices and take action to **permanently** stop the contract. By joining the NYCTJ, you will be guaranteed to receive news and updates on *Walton v. NYSDOCS* and class certification.

### **How do I get a refund from NY State for my phone bills?**

We do not know whether the judge will grant “class certification” (see above) for *Walton v. NYSDOCS* or how the case will proceed. Please see above for how to receive updates by joining the New York Campaign for Telephone Justice (NYCTJ).

If we win class certification and win our constitutional challenge, we may be able to get refunds for all class members. Unfortunately, there is no guarantee. If you would like to move forward with your own lawsuit rather than waiting for the class action, we recommend that you contact a lawyer to discuss your rights. Unfortunately, CCR cannot currently represent any other individuals or begin litigation in any other states.

**Do I have to submit phone records to receive reimbursements from MCI/Verizon?**

We do not know what the courts will require as the case moves forward. Considering this, it would be in your best interest to save phone bills and records in case they are needed.

**How does Governor Spitzer's January 8, 2007 decision to eliminate the state commission portion of the contract affect *Walton v. NYSDOCS*?**

On January 8, 2007, Governor Spitzer announced that he would eliminate the provision in the prison telephone contract that requires MCI/Verizon to pay 57.5% of its profits to New York State. This decision will go into affect on April 1, 2007 – on that date, the rates paid by families receiving collect calls from NY State prisons will immediately go down by *at least 50%*. We are thrilled by Gov. Spitzer's announcement.

His announcement, however, does not affect the validity of the case. Despite the promised change, the Walton plaintiffs are still entitled to have a court rule on whether their rights were violated and to seek money damages and refunds of the unlawful charges.