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## **Jailhouse lawyer put in solitary confinement for contraband — toy phone placed on his desk by staffer, suit alleges**

*By Maxine Bernstein | The Oregonian/OregonLive*

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Mark Wilson, a convicted murderer who has served as a jailhouse lawyer for inmates for nine years, found a plastic toy telephone left on his desk in the law library of the Oregon State Correctional Institution one day.

The prison's library coordinator said she put it on the desk where Wilson frequently works as a joke because he fields so many calls from outside attorneys.

A short time later, the prison blocked Wilson from serving as a legal assistant for other inmates and months later found he had violated prison rules by compromising a prison employee and having contraband — the toy phone, according to court records.

His punishment? One hundred twenty days in solitary confinement, where he remains.

The prison library coordinator said she was forced to resign.

Now lawyers who Wilson had been helping at the nonprofit Oregon

Justice Resource Center have filed a federal civil rights lawsuit against Oregon Department of Corrections officials, alleging they violated Wilson's free speech and due process rights under the First and Fourteenth amendments.

They allege the corrections officials retaliated against Wilson for his legal advocacy on behalf of other prisoners — particularly his work helping lawyers who sued the corrections department, contending it failed to take adequate safety precautions for inmates during the COVID-19 pandemic. [A judge in February ordered the state prison system](#) to offer all inmates a vaccine as a result of the legal action.

The suit on behalf of Wilson alleges he was disciplined on a trumped-up misconduct case because of his help with litigation against correction officials, chilling his ability to advocate for other prisoners and himself.

“They did not like that he was a positive force for prisoner rights. They did not like that he was effective as a legal library assistant,” attorneys Juan C. Chavez and Franz H. Bruggemeier wrote in the suit. “They did not like that other prisoners respected him and sought his advice.”

Wilson's lawyers also have filed a temporary restraining order, seeking a judge's ruling that would force the corrections department to erase the disciplinary findings against their client, release him from segregation and put him back into regular housing.

“I was assisting people in suing the Department of Corrections, and somebody is mad about that,” Wilson said, speaking by phone Tuesday from the Salem prison on his 85th day of solitary

confinement.

Jennifer Black, an Oregon Department of Corrections spokesperson, said she could not comment on the details of the pending litigation.

But she said the department “takes all allegations of adults in custody compromising employees extremely seriously. When an employee is compromised, their actions will impact the safety and security of all who live and work in Oregon’s prisons and hinder the agency’s ability to meet its mission. The importance of these boundaries cannot be overstated, and DOC works tirelessly to ensure adherence by all employees, contractors, and volunteers.”

The corrections department misconduct report found Wilson possessed contraband, including an “unauthorized plastic child’s toy phone” and thumb drives with legal material in his work area. The items weren’t authorized and “created a threat to the safety, security, or orderly operations of the facility,” according to the report.

Wilson said he was appointed in 2012 to work five days a week as a legal assistant in the prison. He’d help other inmates on their cases or help schedule calls with their lawyers. Any calls from outside lawyers would first go to the library coordinator Pam McKinney, his boss in the library, Wilson’s lawyers said.

McKinney, who resigned in April after working for the state corrections department since 1996 and as the library coordinator in the Oregon State Correctional Institution’s law library since 2017, said she was shocked that prison inspectors considered the plastic toy phone to be contraband.

“The phone was mine - it was not given to (adult in custody)

Wilson as his own,” she wrote in a sworn declaration.

She said she placed it on Wilson’s desk “as a kind of joke because he would get so many calls from lawyers.”

“I pointed out that the phone was a ‘baby phone,’ the kind that has eyes, wheels, and can be pulled as a pull toy,” McKinney wrote in her statement.

McKinney said she brought in the toy as way to create a more relaxed, welcoming culture behind bars, a practice the corrections department emphasized with staff just before the pandemic and referred to as “the Oregon Way,” according to her statement. She said she also put up seasonal holiday decorations and posters in the library, dressed up in a reindeer costume one time and even brought in fake reindeer antlers for inmates.

She had placed a two-gallon fishbowl with fish in the prison law library but was asked to remove it after about six months when another employee asked to bring their “emotional support animal” to work. McKinney said her supervisor as consolation then gave her a “fake plastic tank” with plastic fish, which she kept in the library.

The suit names as a defendant the lead prison investigator Jerry Plante, who wrote in Wilson’s misconduct report that he had reviewed hundreds of emails that the prison law library coordinator had sent and received from “individuals at an outside justice resource firm,” associated in some way with Wilson, between January 2020 and January of this year.

The library coordinator’s emailing of attached legal documents to lawyers saved Wilson \$387.40 in copy costs, which the prison found to be a violation, according to Wilson’s misconduct report.

McKinney said she helped send legal documents to attorneys for Wilson because the prison was on a modified lockdown due to the pandemic and was experiencing significant mail delays. She said Plante later criticized her for not reading the legal documents, though she informed him that staff aren't supposed to be reading inmates' legal mail.

McKinney said she received minimal training on how to run the law library and had little supervision. She said her supervisor approved her sending legal documents for an inmate by email to the state Department of Administrative Services after the documents hadn't arrived by usual postal mail. For that reason, she said she allowed Wilson to give her documents to send to attorneys that she'd scan and email to lawyers after she'd "fan through" them to make sure they were, in fact, legal material. She'd also set up calls between attorneys and inmates, she said.

"There was no special treatment in this regard," she wrote in her declaration, noting what she did was "a matter of practicality and getting things done."

The library coordinator said Wilson never behaved inappropriately in the legal library.

"I strongly believe that DOC disapproves of ... Wilson's lawsuits and legal actions, and that I am collateral damage," McKinney said.

McKinney resigned after what she described as a four-hour grilling by corrections employees and given the choice to "[e]ither resign or lose the [retirement] money match," according to Wilson's suit.

Wilson, now 52, was convicted in the notorious double murder of a Terrebonne couple during a home robbery in 1987. He was 18

when he shot Rod Houser 20 times with a .22-caliber rifle on the front porch of the couple's house in the middle of the night. A co-defendant killed Houser's wife. Wilson confessed soon afterward and pleaded guilty to aggravated murder and felony murder. He was sentenced in 1988 to two consecutive life terms with the possibility of parole. He has [a tentative release date](#) in January 2025.

Wilson said he taught himself law when he first arrived in prison.

Bobbin Singh, executive director of the Oregon Justice Resource Center, said Wilson has become a "voice for people inside" prison to advocate for better conditions and treatment of inmates and is considered a special adviser to the center. He's the first inmate to serve on a legislative prison education work group. He [graduated from the University of Oregon in June 2019](#), having taken college courses in prison, and served as a teaching assistant for the program.

Singh said he's disturbed that the corrections investigator closely reviewed the legal documents seized from Wilson despite the "expectation of privacy" regarding legal material shared between lawyers and their clients.

Wilson and his lawyers also criticized Wilson's punishment, noting that 120 days in solitary confinement is considered the harshest punishment usually reserved for inmates who commit violent assaults behind bars.

"Other legal assistants are afraid to do the kind of work I was doing now because they're afraid they'll face what happened to me," Wilson said.

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