

## CASE OF THE YEAR

# Inmate Abuse Only ‘Tip Of The Iceberg’

By **Doug Chartier**  
LAW WEEK COLORADO

WHEN THEY FIRST took on Jamal Hunter’s case, Rathod Mohamedbhai’s attorneys knew what happened to him; they just didn’t know why. In discovering why, a single allegation of inmate abuse unfurled into a sweeping reform of discipline and accountability within the Denver Sheriffs Department.

Rathod Mohamedbhai is a finalist for the Colorado Trial Lawyers Association’s Case of the Year Award for the high-profile inmate abuse case that resulted in a \$3.25 million settlement by the City of Denver last August.

At the time, it was the largest civil rights-related settlement the city ever approved. It would be surpassed four months later by the \$6 million settlement in the death of Marvin Booker, another case dealing with excessive force in a Denver jail.

But the settlement’s influence went far beyond its payout. Denver agreed to a number of reforms in the settlement terms including an external review of the DSD regarding screening processes for hired deputies, discipline and internal affairs practices as well as an external review of the City Attorney’s Office and its discovery processes.

Qusair Mohamedbhai, Siddhartha



Rathod Mohamedbhai received its second nomination for a Case of the Year Award; the group was nominated for working on the Jamal Hunter case. | LAW WEEK PHOTO HANNAH GARCIA

Rathod, Arash Jahanian and Matthew Cron litigated against 23 defense lawyers from the City Attorney’s Office and six private law firms.

According to the lawsuit, sheriff’s deputies looked the other way while inmates attacked Hunter, and surveillance footage showed deputies choking and

tasing him when he sought additional medical attention for his injuries after the attack.

One of the legal team’s first steps was obtaining the roster of inmates who were in Hunter’s pod when the attack occurred, and it tracked those inmates’ updated whereabouts within the state

prison system. To interview the numerous witnesses, the team collectively drove the distance between Denver and the Panama Canal and back again to Arizona, according to Rathod.

“Jamal only knew the tip of the iceberg in terms of what happened to him,” Jahanian said. “It was in talking to all of the inmates who were in the pod with him that day that we discovered ... the disorder and mayhem that was going on in that pod that allowed this attack to occur.”

Inmates testified that the circumstances that led to the attack on Hunter — officers’ failure to make rounds or respond to inmate fights, and even officers encouraging those fights — were ongoing problems in Hunter’s pod.

“It evolved into a huge litigation because we were uncovering issues not just with our client but with Denver as a whole, and taking on the systematic issues is a whole other animal,” Cron said. “We certainly never lost focus of who our client was, but to vindicate his rights and to implement the change that he wanted, we had to attack the system as a whole.”

Spreading thousands of hours of work among four attorneys, the team members had to be flexible in their roles

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## RATHOD MOHAMEDBHAI CONTINUED FROM PAGE 13...

— nobody had the monopoly on interviewing witnesses, taking depositions or filing motions.

For example, Rathod Mohamedbhai had to respond immediately when it discovered the Denver Police Department Internal Affairs Bureau's misconduct in its interview of Amos Page, a key witness for the plaintiff, and the firm filed

“

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— Matthew Cron

an emergency motion. When the hearing was scheduled for that motion, Mohamedbhai was out of town, Rathod was out of state, and each was taking depositions on another case. Rathod recalled he was editing on the plane, Mohamedbhai was editing on his phone, and “Matt and Arash basically lived (in the office) for three days.”

Such all-hands-on-deck situations come up in every case, Cron said, but in the Hunter case they emerged to an “unusual” degree in discovery based on the level of institutional misconduct being unearthed.

Rathod Mohamedbhai's accomplishments in the Hunter case could make the firm a repeat victor for Case of the Year. Sharing a three-way tie, the firm won 2013 Case of the Year with Ortega, et al. v. The City and County of Denver, et al. — better known as the “Denver Diner case” — another police brutality lawsuit that Denver settled.

Mohamedbhai said the firm is building upon its civil rights practice with each success. Because the Denver Diner case established municipal liability in excessive force incidents, it turned out to serve in some ways as a precursor to the firm's work for Hunter. The firm plans to continue in that vein with its efforts in the Jessica Hernandez case. Hernandez, 17, was shot and killed by Denver police on Jan. 26 when police say she drove a stolen car at an officer.

When a civil rights case draws as much public attention as the Jamal Hunter case, its cultural impact can transcend even the remedies dictated by the settlement.

“It's on Denver to right its own ship to an extent,” Rathod said. “But the community is watching closely, and they know that.” •

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## MARRIAGE CASES CONTINUED FROM PAGE 14...

heard the case.

With a string of victories, including 17th District Court Judge Scott Crabtree's ruling to strike down Colorado's same-sex marriage ban and the U.S. Supreme Court's decision not to weigh in on the 10th Circuit's Kitchen decision, the attorneys and plaintiffs involved were able to share their overall victory, despite tensions along the way.

“We were all working for the same goal whether we were working from the same place or not,” Newman said.

She said the case her firm filed in federal court was personal for her because she represented friends and sought to gain the same recognition for them as any other family. In the months since same-sex marriage was made legal in Colorado, she said it has been satisfying to see families of her clients get the recognition they sought.

“One of the most satisfying things about the case has been talking to not just the plaintiffs but the families of (the plaintiffs) in these cases about how important the change has been for them,” Newman said. “How they walk taller and they hold their heads higher because of the acknowledgement of their families as being equal to everybody else's. ... It's shocking that we have to fight so hard to get what everybody else has got.” •

— Tony Flesor, [TFlesor@circuitmedia.com](mailto:TFlesor@circuitmedia.com)

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