

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

ALAN BROWN, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 81-0853-R
	)	
ALLYN R. SIELAFF, et al.,	)	
	)	
Defendants.	)	

PLAINTIFFS' MEMORANDUM IN SUPPORT OF ENTRY
OF MODIFIED CONSENT DECREE

The standards for approval of a stipulated modification of a remedial decree are the same as the standards for approval of a consent decree. See, e.g., Ruiz v. McKaskle, 724 F.2d 1149 (5th Cir. 1984).

When the proposed settlement is one negotiated by competent, experienced counsel in full possession of all discoverable facts, and there is no perceived unfairness or illegality in the manner in which the parties propose to compose their differences, the trial court should approve the settlement. Carson v. American Brands, 606 F.2d 420 at 431 (4th Cir. 1979) (en banc) (Winter, J., dissenting).*

* The Supreme Court reversed the Fourth Circuit in Carson and held that the refusal to enter a consent decree may be immediately challenged on appeal. Carson v. American Brands, Inc., 450 U.S. 79 (1981). On remand, The Fourth Circuit en banc reversed the trial court and directed it to enter, with modifications, the proposed consent decree "for the reasons set forth in the dissenting opinion of Judge Winter." Carson v. American Brands, 654 F.2d 300 (4th Cir. 1981) (en banc) (per curiam). Thus, the language cited above has now received the imprimatur of the full Fourth Circuit.

In this case, the proposed modification of the consent decree is a fair and adequate settlement of the complex issues raised in this litigation and is in the public interest.

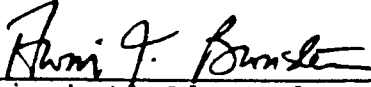
Among other things, the revised settlement agreement completely abolishes the phase system and provides for the development of meaningful programming at the Mecklenburg Correctional Center. These provisions profoundly change the nature of the institution and their implementation should forestall most of the problems that have arisen in the past.

In view of the troubled history of the institution, it is in the interests of the parties and the public for there to be a cooperative agreement ending this litigation. Plaintiffs and defendants are committed to a good faith implementation of the modified decree. Indeed, many of the changes under the modified settlement are already in effect at Mecklenburg, and as a result the living conditions have greatly improved. Much of the long-standing tension at the prison has dissipated.

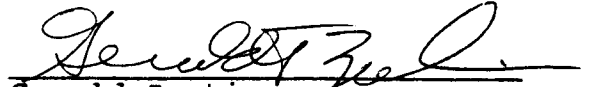
Plaintiffs and defendants believe that the modified settlement agreement is one that comprehensively addresses the problems that formerly plagued Mecklenburg and that this Court should give provisional approval to the parties' efforts.

Furthermore, in light of the proposed modified settlement and with a view towards ending the troubled history of this institution, we believe that it is in the best interest of the parties and the public to withdraw the pending contempt application.

Respectfully submitted,



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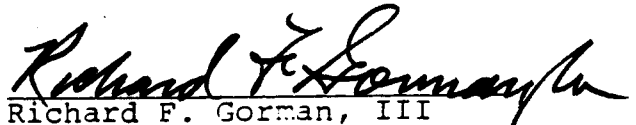
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Dated March 29th, 1985



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