
Hughes Hubbard & Reed

Hughes Hubbard Achieves Blind Justice for Visually Impaired Ex-Convict

News & Events | Pro Bono

Hughes Hubbard & Reed LLP • A New York Limited Liability Partnership
One Battery Park Plaza • New York, New York 10004-1482 • +1 (212) 837-6000

Attorney advertising. Readers are advised that prior results do not guarantee a similar outcome. No aspect of this advertisement has been approved by the Supreme Court of New Jersey. For information regarding the selection process of awards, please visit <https://www.hugheshubbard.com/legal-notices-methodologies>.

Hughes Hubbard & Reed obtained a favorable settlement for a former inmate of the Arthur Kill Correctional Facility in a federal civil rights action under Section 1983.

Frank Madera had entered the now-shuttered Arthur Kill on Staten Island, after conviction for burglary, with relatively unimpaired vision in 2008. Over the course of his incarceration, Madera's vision began to deteriorate and he repeatedly sought, but failed to receive, timely treatment from the prison physicians, including laser surgery recommended by an outside specialist. By the time he was released from prison in September 2011, he was nearly blind.

In September 2010, Madera filed a pro se complaint in the Eastern District of New York against the physicians and prison officials, asserting that the denials and delays in medical treatment violated the Eighth Amendment. At the request of Magistrate Judge Lois Bloom, Madera's case was referred for pro bono counsel and Hughes Hubbard accepted the case in July 2011.

After an amended complaint and document and deposition discovery, the defendants, represented by the New York Attorney General's office, filed an extensive summary judgment motion, arguing that the defendants were entitled to qualified immunity, that the conduct did not demonstrate deliberate indifference to Madera's medical needs and that the delays in medical treatment did not involve a sufficiently serious medical need.

In December 2013, after briefing and a hearing before Judge Raymond Dearie, the court, while finding it a "close call," denied summary judgment as to Madera's two primary treating physicians.

On March 12, with the prospect of trial, Magistrate Judge Bloom convened a settlement conference at which defendants ultimately agreed to settle the case for \$50,000.

Rob Funkhouser and Greg Farrell, who argued the summary judgment motion, principally represented Madera, with assistance from Erik Huestis and Debbie Placid. Vilia Hayes and Sarah Cave provided supervision and advice. George Davidson also contributed to crafting the successful summary judgment arguments.

Related People



Gregory Farrell



Debbie Placid



Vilia B. Hayes



George Davidson