GPM December Pro Bono Spotlight

December 8, 2016

Gray Plant Mooty attorney Neil Goldsmith recently helped an inmate enforce his constitutional and statutory rights to practice his religion and receive adequate nutrition while civilly committed at the Minnesota Sex Offender Program (MSOP) at Moose Lake, Minnesota.

The client, M.B., is Jewish and keeps kosher, following strict religious dietary laws that include requirements for types of food eaten and how the food is prepared. M. first requested kosher meals from MSOP in 2013. Initially, some of the meals were foul-smelling, foul-tasting, or expired—in short, inedible.

MSOP changed kosher food vendors and the quality of the meals improved, but there were still serious problems. First, MSOP's handling of the meals, using non-kosher utensils and equipment to prepare them, made them non-kosher. Second, MSOP often included meat and milk items in the same meal, also rendering them non-kosher. Third, M. was provided with only 1,200 calories per day, and those calories came from pre-packaged meals high in fat and sodium. M., who is diabetic, suffered serious complications from these deficiencies—losing 85 pounds and experiencing fatigue, sleeplessness, and low blood sugar (sometimes requiring food or glucose packs in the middle of the night to control his blood sugar). After M.'s complaints failed to address the issues, he was forced to temporarily suspend his practice of keeping kosher, a central tenet of his faith, to preserve his own health.

In 2014, M. filed a lawsuit against MSOP for violations of the state and federal constitutions, the Religious Land Use and Institutionalized Persons Act, and other laws and regulations. He survived a motion to stay and motion to dismiss before Neil took on his case in June 2016. Ultimately, Neil was able to help M. reach a settlement with MSOP that achieved all of his nonmonetary goals—ensuring that (1) kitchen staff will be trained in a new protocol for kosher meal preparation and service, (2) kosher meal service will meet nutritional and caloric requirements, (3) a rabbi is allowed to train staff and regularly inspect the kosher meal preparation area, (4) M. is allowed to identify kosher meals that he prefers, and (5) M. has an identified contact person with whom he can discuss questions or concerns about the kosher meal service.

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