

## EXCELLENCE IN THE LAW

### 2011 UP & COMING LAWYERS

## Neal E. Minahan Jr.

Neal E. Minahan Jr. didn't plan on making a name for himself as a prisoners' rights lawyer when he showed up at McDermott, Will & Emery in 2004.

More than 2,400 pro bono hours later, however, that's exactly what happened.

**AGE:** 34

**GRADUATED:** Boston University School of Law, 2004

**POSITION:** Associate, McDermott, Will & Emery, Boston

**ONE THING ABOUT HIM THAT MIGHT SURPRISE PEOPLE:**

"Before becoming a lawyer, I was a classically trained actor. I worked professionally in New York. I did all kinds of offbeat theater and a ton of commercials and some film work."

During the litigation associate's first week on the job, he agreed, through the U.S. District Court's pro bono program, to accept the case of two Muslim inmates.

The Massachusetts prisoners had filed suit seeking to compel the Department of Corrections to allow them to receive daily Halal meals and to have access to weekly Jum'ah communal prayer services.

The case, *Hudson, et al. v. Dennehy*, marked one of the first times a court had been asked to interpret the newly enacted Religious Land

Use and Institutionalized Persons Act. The statute was passed in an effort to provide greater religious protections to prisoners.

After five years of legal wrangling, which included a successful bench trial in front of Judge Richard G. Stearns and an appeal to the 1st U.S. Circuit Court of Appeals, Minahan prevailed.

As a result of *Hudson*, the DOC now provides Halal meals to Muslim inmates throughout the state.

"There had been some cases decided under the statute, but this was the first one in the country that required the [DOC] to provide the meals," he says. "You never start out thinking you're going to be part of a case that is going to make any huge gains, but that is exactly what we were able to do."

With *Hudson* wrapped up, the pro se coordinator at the Moakley U.S. Courthouse asked Minahan to take on *Battista v. Clarke, C.A.*, a case involving a civilly committed transgendered inmate diagnosed with gender identity disorder.

"In 2004, the [DOC] doctors finally evaluated her and determined that the proper prescription for her disorder would be hormonal therapy, access to female canteen items within the prison and psychotherapy," he says, noting that the DOC approved a prescription in 2005, but then discontinued it and withheld treatment.

Minahan obtained a preliminary injunction in front of U.S. District



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Court Judge Douglas P. Woodlock. After a trial last summer, Woodlock ordered the DOC to provide the inmate the treatment she had requested.

"At the close of the trial, [Woodlock] found that the [DOC] was deliberately indifferent to our client's serious medical needs," he says. "That determination meant that there had been a violation of her constitutional rights."

The DOC appealed and the issue is now before the 1st Circuit.

At the same time Minahan was handling the DOC cases and tend-

ing to his paying clients, he also successfully represented a gay inmate in a sexual-orientation discrimination suit against the state Parole Board.

"You can't try cases or do this kind of work without putting in a lot of hours, and my firm is very good at putting its money where its mouth is," he says. "They recognize the pro bono hours and understand that one of the valuable things for me is having a lot of trial experience at a point in my career where I might otherwise not have had it."