

Daniel Edward Manville

Michigan State University College of Law
Civil Rights Clinic
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EMPLOYMENT

- June 2011 to **Clinical Professor**, Michigan State University College of Law, Director, Civil Rights Clinic. Supervising students enrolled in the Civil Rights Clinic in developing litigation of prisoners' rights cases in federal courts. The students undertake discovery, take depositions, prepare or respond to motions, argue these motions, and present to juries these cases in federal court under my supervision.
- 2008 to June 2011 **Attorney at Law**, private practice while specializing in the area of rights of prisoners in both federal and state courts (part time).
- 2009 to May 2010 **General Counsel**, Human Rights Defense Center, Florida; providing representation nationally to *Prison Legal News* pertaining to censorship issues and representation to those confined as to violations of their constitutional rights (part time).
- 2007 to 2008 **Visiting Professor**, University of Denver Sturm College of Law, Denver, Colorado. Supervising students enrolled in the Civil Rights Clinic in developing litigation of prisoners' rights cases in federal courts. The students undertook discovery, prepare or respond to motions, and will try these cases in federal court under my supervision. The Clinic litigated cases relating to conditions of confinement issues at the Federal Supermax Prison located in Florence, Colorado.
- 2003 to 2007 **Clinical Staff Attorney**, Wayne State University Law School, Civil Rights Litigation Clinic, Detroit, Michigan. Supervised students in developing litigation of prisoners' rights cases in federal courts. The students undertook discovery, prepared and responded to motions and tried cases in federal court under my supervision.
- 2003 to 2006 **Adjunct Professor**, Henry Ford Community College, taught "Personal Injury and Torts" and "Civil and Appellate Practices" (part time).

- 2001 to 2003 **Research Attorney**, Criminal Defense Resource Center, State Appellate Defender Office, Detroit, MI. Providing legal advice and research to attorneys handling criminal cases. (One to two days a week.)
- 1988 to 2003 **Attorney at Law**, private practice while specializing in the area of rights of prisoners in both federal and state courts.
- 1983 - 1988 **Staff Associate**, National Prison Project of the American Civil Liberties Union Foundation, Washington D.C. Researched and wrote briefs, investigated prison conditions, escorted experts on tours of prisons, prepared reports, provided comments on public issues for the media, and answered inquiries from prisoners, attorneys, and members of the general public.
- 1983 - 1985 **Research Associate**, National Jail Project of the American Civil Liberties Union Foundation, Washington D.C. Established and updated brief bank, indexed reported jail cases, assisted in developing strategies and tactics for jail litigation, provided technical assistance to litigators and jail officials, and assisted in writing a jail litigation manual.
- 1982 - 1983 **Law Clerk**, National Prison Project of the American Civil Liberties Union Foundation, Washington D.C. (part-time).
- 1980- 1982 **Editor**, *Prison Law Monitor*, Washington D.C. Published monthly national publications pertaining to rights of prisoners.
- Spring 1980 **Adjunct Instructor of Evidence**, Legal Technician Program, Antioch School of Law, Washington D.C.
- Spring 1979 **Adjunct Instructor of Evidence for Police**, Washtenaw Community College, Ann Arbor, Michigan.

MILITARY

- 1966 - 69 United States Army. Honorably discharged.

EDUCATION

- 1984 Michigan State University, Michigan, Master of Science, Criminal Justice.
- 12.1981 Antioch School of Law, Washington, D.C. (now University of District of

Columbia Law School), Juris Doctorate.

- 1976 Wayne State University College of Lifelong Learning, Detroit, MI, Bachelor of General Studies, Prelaw (prison program).
- 1974 Central Michigan University, Michigan, Bachelor of Science.
- 1974 Jackson Community College, Jackson Prison Educational Program, Jackson, Michigan, Associate Degree.

ADMITTED TO PRACTICE LAW

- 1987 State of Michigan
- 1987-1998 District of Columbia, Washington, D.C. (inactive status)
- 1988 Federal District Court for the Eastern District of Michigan
- 1988 Federal District Court for the Western District of Michigan
- 1989 United States Court of Appeals for the Second Circuit
- 1988 United States Court of Appeals for the Sixth Circuit
- 1990 United States Court of Appeals for the Seventh Circuit
- 1991 United States Supreme Court
- 2007 United States District Court for Colorado
- 2009 United States District Court for the Western District of Virginia, admitted *Pro Hac Vice, Prison Legal News v. Johnson, et al.*, No. 3:09-cv-00068
- 2009 United States District Court for the Southern District of Texas, Corpus Christi Division, admitted *Pro Hac Vice, Prison Legal News v. Livingston, et al.*, Case No. C-09-296
- 2010 United States District Court for the Eastern District of Louisiana (New Orleans), admitted *Pro Hac Vice, Prison Legal News v. Stephens, et al.*, Case No. 09-7515
- 2010 United States Court of Appeals for the Tenth Circuit

CONFERENCES AND SPEAKING EVENTS (limited listing)

- 2.2020 **Presenter**, National Police Accountability Project, Tactics of Prison Litigation.
- 5.12.2017 **Presenter**, Michigan Association for Justice, Prison Issues
- 10.2013 **Presenter and Moderator**, United States District Court for the Eastern District of Michigan, “Pro Bono Training Seminar: The Prisoner Civil Rights Case.”

- 10.2012 **Presenter**, Michigan Assigned Appellate Counsel System. Presented at three different sites in October of 2012.
- 10.2011 **Presenter and Moderator**, United States District Court for the Eastern District of Michigan, “Pro Bono Training Seminar: The Prisoner Civil Rights Case.”
- 3.2010 **Panelist**, University of Arkansas, Little Rock Law Review Ben J. Altheimer Symposium, “Domestic Prisoner Rights”
- 4.2008 **Presenter and Moderator**, United States District Court for the Eastern District of Michigan, “Pro Bono Training Seminar: The Prisoner Civil Rights Case.”
- 11.2005 **Speaker**, United States District Court for the Eastern District of Michigan, Federal Pro Bono Seminar, “Litigating a Prisoner’s Rights Case.”
- 10.2005 “Prisoners’ Rights Litigation: A Workshop for Experienced Plaintiff Attorneys,” UCLA
- 9.2005 **Advocate in Residence**, University of Washburn Law School.
- 7.2004 **Speaker**, Grand Rapids Federal Pro Bono Luncheon, “Rights of Prisoners.”
- 5.2004 “Prisoners Rights Litigations: A Workshop for Experienced Plaintiff Attorneys,” Yale Law School
- 10.2003 “Prison Reform Revisited: The Unfinished Agency,” Pace University School of Law
- 2002 **Speaker**, “Once Sentenced - Prison Life and Parole,” Macomb County Bar Association, Macomb, Michigan.
- 2000 **Speaker**, Federal Pro Bono Seminars, Rights of Prisoners, Federal District Court for the Eastern District of Michigan, Detroit, Michigan.
- 1998 **Panelist**, “Rights of Prisoners,” National Lawyers Guild Conference, Detroit.
- 1994 **Speaker**, Federal Pro Bono Seminars, “Rights of Prisoners,” Federal District Court for the Eastern District of Michigan, Detroit, Michigan.
- 1989 **Speaker**, Federal Pro Bono Seminars, “Rights of Prisoners,” Federal

- District Court for the Eastern District of Michigan, Detroit, Michigan.
- 9.1987 **Panelist**, “*Constitutional Rights in the 80's*,” National Lawyers Guild Regional Conference, Philadelphia.
- 4.1987 **Workshop Participant**, “*New Technologies for Criminal Justice, Constitutional Implications*,” Office of Technology Assessment for the Congress of the United States, Washington, D.C.
- 5.1986 **Plenary speaker**, “*Strategies for Change in Jail*,” Women in Crisis Conference, New York.
- 12.1985 **Key- Note Speaker**, Minnesota Civil Liberties Union’s Annual Banquet and its Breakfast.
- 11.1985 Testified before the Corrections Committee of the Michigan House of Representatives concerning overcrowding in their state prisons and possible solutions.
- 1985 Member of committee formed by Chief Judge Robinson, United States District Court for the District of Columbia. Reviewed and provided comments to the Department of Corrections for the District of Columbia regarding its proposal to obtain certification pursuant to the Civil Rights of Institutionalized Persons Act of its prison grievance procedures.
- 10.1984 **Speaker**, *Federal Immunity*, Michigan Trial Lawyers Association, “Seminar on Government Liability Skills Workshop and Update,” Detroit.
- 10.1984 **Speaker**, “*The Attorney and Client- Working Together to Prepare the Case*,” Detroit/ Wayne Criminal Advocacy Program.
- 1979 - Present **Speaker**, for different Law Schools and Colleges in the areas of rights of prisoners and corrections: *E.g.*, University of Michigan and its Law School; Wayne State University; Michigan State University; Lansing Community College; Detroit College of Law; American University, Washington, D.C.; Norte Dame School of Law; Harvard School of Law

PUBLICATIONS

Prison Disciplinary Manual: A Self-Help Approach (2d ed) (December 2014), publisher Human Rights Defense Center.

Prisoners’ Self-Help Litigation Manual (co-author John Boston) (4th edition) (August 2010),

publisher Oxford University Press.

Protecting Your Health & Safety, A Litigation Guide for Inmates, Southern Poverty Law Center (2008).

Annual Survey of Michigan Law - Prisoners' Rights, Wayne Law Review, 2004-2005.

Pro Se Tips and Tactics, Prison Legal News, Quarterly Column, started 9/2004 - 12/2007.

Prison Disciplinary Manual: A Self-Help Approach (1st ed) (February 2004). Supplement July 2004 (2nd edition in 2011), publisher Oxford University Press.

Practice Note: Appeals from Parole Denials, Criminal Defense Newsletter, a publication of Michigan's State Appellate Defender Office, Vol. 26, No. 8 (May 2003).

Statute Affecting Prisoners with Disabilities, Prisons and Corrections Forum, Prisons and Corrections Section of the Michigan State Bar, Vol. VII. No. 1 (Spring 2003).

Federal Legal Standards for Prison Medical Care, Prison Legal News, Vol. 14, No. 5 (May 2003).

Statutes Affecting Disabled Prisoners, Prison Legal News, Vol. 14, No. 4 (April 2003).

Statutes Affecting Prisoners with Disabilities, Prisons and Corrections Forum, Prisons and Corrections Section of the Michigan State Bar, Vol. VI, No. 1 (Spring 2003).

Does a Politically Appointed Parole Board Cost Michigan Citizens Hundreds of Millions of Dollars?, Michigan Criminal Law Annual Journal, Vol. 1, No. 1 (2002).

Federal Legal Standard for Medical Care in Michigan Prisons, Prisons and Corrections Forum, Prisons and Corrections Section of the Michigan State Bar Vol. V, No. 1 (Winter 2002).

Michigan's Parole Process: It Takes but Does Not Give, Criminal Defense Newsletter, a publication of Michigan's State Appellate Defender Office, Vol. 25, No. 5 (February 2002).

Parole Eligibility Based on Cooperation with Law Enforcement, Criminal Defense Newsletter, a publication of Michigan's State Appellate Defender Office, Vol. 25, No. 4 (January 2002).

Post Conviction Remedies Self- Help Manual, Oceana Publications (1988) (co-author George Brezna).

Jail Litigation Status Report, National Jail Project of the American Civil Liberties Union Foundation (1985) (co-authors Ed Koren and Valerie Valid).

A Primer for Jail Litigators: Some Practical Suggestions for Surviving and Prevailing in Your Lawsuit, National Jail Project of the American Civil Liberties Union Foundation (1984) (co-authors Ed Koren, John Boston and Elizabeth Alexander).

Pro se Attorneys' Fees, 2 Prison Law Monitor 267 (April 1980).

Freedom of Information Act, 2 Prison Law Monitor 181 (January 1980).

SELECTED CASES

Perotti v. Quinones, No. 14-1229, 790 F.3d 712 (7th Cir. 2015). Seventh Circuit affirmed lower court denial of writ of habeas corpus ad testificandum and having prisoner testify by video conferencing. Law Student Anna Stephens argued the case.

Norton v. Stille, No. 12-1778 (6th Cir. Jun. 15, 2013). Sixth Circuit affirmed lower court denial of qualified immunity to the defendant and that the *Heck*'s doctrine did not apply. Law Student Leah Stirling argued the case. The case is on remand and will be tried in 2014.

Gavins v. Hofbauer, et al., No. 2:09-cv-48, 2012 WL 1578919 (W.D.Mich. 5.4.2012), Bell, J. District Court held that Plaintiff's counsel had properly served the subpoena directed to the non-party Director, Michigan Department of Corrections, by hand-delivering it to the Litigation Coordinator for the MDOC.

Sallier v. Ramsey, 2005 WL 1869703 (6th Cir. 2005). Law student argued case in appellate court. Court held that Prison Litigation Reform Act limited attorneys' fees to 150% of trial court monetary judgment even if prison officials.

Jones Bey v. Johnson, 407 F.3d 801, 806 (6th Cir.2005), *rev'd and remanded*, *Bey v. Johnson*, 549 U.S. 1190 (2007). In a *pro se* appeal, the Sixth Court held that total exhaustion of prison administrative remedy is required under the Prison Litigation Reform Act when a complaint contains both exhausted and unexhausted claims. The district court must dismiss the complaint without prejudice. The Clinic filed a motion for appointment as counsel, which was granted. The Clinic then filed a motion for rehearing and rehearing en ban, which was denied. The Supreme Court case was not handled by the Clinic but reversed the Sixth Circuit.

Sallier v. Brooks, 343 F.3d 868 (6th Cir. 2003). Court held that mail from a court was to be treated as legal mail and opened in front of the prisoner.

Reilly v. Grayson, 310 F.3d 519 (6th Cir. 2002), *affirming* 157 F.Supp.2d 762 (E.D. Mich. 2001). Court affirmed award of \$36,500 in compensatory and \$18,250 in punitive damages for being subjected to Environmental Tobacco Smoke in violation of the Eighth Amendment.

Reynolds v. Green, 184 F.3d 589 (6th Cir. 1999). Court held that it was plain error for trial court

not to correct verdict form which improperly asked jurors to determine whether threat by inmate's mother to report officer to his superiors was "the" motivating factor behind the filing of false misconduct charges. The word "a" was to be substitute for "the."

Key v. Grayson, 179 F.3d 996 (6th Cir. 1999). Court held that application of American with Disabilities Act and Federal Rehabilitation Act to state prisoners was not clearly established prior to 1996 in the granting of qualified immunity to a damage claim. After remand, the case settled on second day of trial.

Howard v. Grinage, 82 F.3d 1343 (6th Cir. 1996). Court held that prison officials would be liable to inmate if they acted intentionally or with deliberate indifference to his liberty interests in deciding to place him in protective segregation, which resulted in an increase security confinement, and their motivation in denying due process for failure to hold a hearing was not relevant to establishing liability.

Taylor v. Michigan Dept. of Corrections, 69 F.3d 76 (6th Cir. 1995). Court held that summary judgment improperly granted on issue of whether warden failed to take reasonable steps to ensure that vulnerable inmates would not be transferred to facility where substantial risk of serious harm existed. On remand, the case was settled.

Muhammad v. Pitcher, 35 F.3d 1081 (6th Cir. 1994). Court held unconstitutional prison policy of opening mail from State Attorney General's Office outside the presence of the inmate.

Glaspy v. Malicoat, 134 F.Supp.2d 890 (W.D. Mich. 2001). Court held prison staff liable for not allowing the visitor to use bathroom, which resulted in his urinating on himself. Court awarded \$5,000 in compensatory and \$5,000 in punitive damages.

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

- 2013 - Pro Bono Council, Training and Resource Subcommittee, of the United States District Court for the Eastern District of Michigan Pro Bono Committee.
- 2008 - American Constitutional Society.
- 2007-08 Faculty for Federal Advocates, United States District Court for Colorado.
- 2005-07 Member of United States District Court for the Eastern District of Michigan Pro Bono Committee.
- 2004 - Federal Bar Association for the Eastern District of Michigan
 - 9.2006 - 07 Member, Executive Board
 - 7.2005 - 07 Co-Chair, Pro Bono Committee

1987- Michigan State Bar
2000 Prisons and Corrections Section, Member
2004-06 Chairperson
2002-04 Chair-elect
1989-93 Prisons and Corrections Committee
1991-93 Chairperson

2005 - American Bar Association

References:

Provided on request.