

Ohio Justice and Policy Center

Criminal Justice Issues and Prisoners' Rights

<https://ohiojpc.org/2020/04/14/mark-vander-laan-prison-litigation/>

Public Facing Advocacy Writing

by [Marais Jacon-Duffy](#) | Apr 14, 2020 | [Blog](#)

Written by OJPC Volunteer Lily Meyer

The attorney Mark Vander Laan, who serves as the Ohio Justice & Policy Centers Litigation Director, is not the firebrand I expected to meet. His demeanor is calm and thoughtful; he is a considered talker, given to weighing and contextualizing each idea as he shapes it. Listening to him describe his five-decade career in commercial litigation he began working at the Cincinnati-based law firm Dinsmore & Shohl in 1972, and remained there until becoming a retired partner at the end of 2018 is at once an education in recent legal history and in the personal equanimity that now serves him well as an advocate for incarcerated Ohioans, and for criminal legal reform.

Take Vander Laan's description of helping to prosecute those responsible for the collapse of Home State Savings Bank, whose 1985 failure precipitated Ohio's savings and loan crisis. Vander Laan was the state's lead courtroom prosecutor, and, in a rare flicker of pride, describes successfully representing the state of Ohio as the case of a lifetime. But asked about the victory, he's quick to downplay the triumph. What he learned, he says, shrugging, was now to not get too ecstatic [after] a really good day in the courtroom. In other words, he learned not to celebrate himself, which might explain his strong preference for talking about his OJPC colleagues' work, not his own.

To be fair, Vander Laan has only worked at OJPC since June 2019. But in that time, he's taken on a now-expanding pro bono program; launched an innovative, medical malpractice-focused approach to protecting prisoners' human rights; begun work on parole-hearing representation for OJPC clients; and taken a major role in Beyond Guilt, a year-old program seeking to fight over-incarceration.

Thus far, Beyond Guilt has freed 14 Ohioans from prison. All admit to the crimes for which they were convicted, have served significant portions of their sentences, and, as Vander Laan puts it, changed so much in prison that they need to have a second chance.

Vander Laan believes strongly in second chances. He believes, too, that true justice should incentivize change. Long prison terms, to his mind, do the opposite. In the United States, he argues, we over-incarcerate in two respects: we impose [unreasonable] sentences, and the avenues to shorten those sentences are so long and unavailable that we discourage those who have been convicted from [seeking new] lives. Beyond Guilt aims to help prisoners shorten their sentences, and to argue for systemic change.

When Vander Laan joined OJPC, director David Singleton had recently launched Beyond Guilt with an effort to free Angelo Robinson, who was convicted of murder in 1997 after mistakenly shooting his friend, Veronica Jackson, through a closed door. Robinson was 20 years old when he went to prison. While incarcerated, he got his GED, learned to drive a forklift, and avoided gang involvement—a risky choice, Vander Laan stresses, and an impressive one. Robinson's evasion of conflict reflected his commitment to a future that seemed far from reach. It reflected, too, the fact that he was not a dangerous individual, though the prison system treated him as if he were. When Vander Laan came to OJPC, he was jarred by the horrendous little holding cells in which he and Singleton met Robinson. Those cells were a far cry from the corporate board rooms of his past but in them, he developed a bond with Robinson. OJPC developed a strategy that allowed Robinson to finally go home.

Robinson found OJPC's lawyers wildly different from his prior representatives. Over email, he told me that his previous attorneys visited rarely, and seemed unconcerned with his welfare.

It was them and me separate, he wrote, not a team. I felt so alone and distant from them. With OJPC, in contrast, he felt immediately connected and like a priority. Singleton and Vander Laan's support helped him believe, as he put it, that he might have a chance at a life.

Robinson ended his email with an appeal to other defense lawyers to adopt the OJPC model: Treat [your] clients like individuals, not just a case number. Care about the person, ask what they need besides legal representation. Give the client hope for the future by giving the client books, asking about family. Let the client know that you are going to do your best, [your] absolute best, to represent them, understand them, and follow up with them.

It might not be in character for Vander Laan to suggest that other attorneys follow his lead. Instead, he wants Cincinnati lawyers to join him in defending incarcerated clients, who he considers the most marginalized people in all of society. He casts a wide net in his recruitment, though he may have a special desire to bring fellow ex-corporate lawyers on board. A senior partner's courtroom experience could easily be game-changing for a plaintiff unable to afford such a defense otherwise, just as a medical malpractice lawyer's expertise could be vital for a prisoner seeking Hepatitis C treatment.

To OJPC volunteer Lynne Miller, working with Vander Laan is both emotionally and intellectually rewarding. Miller, a recently retired Procter & Gamble attorney, offered her pro bono services out of a desire to give back to the legal community, and quickly found herself hooked.

As a volunteer attorney at OJPC, Miller works with victims, perpetrators, families, judges, prosecutors—all these personal interests,

[which], coming from the corporate world, gets you quickly into personal stories. She helps Vander Laan review potential Beyond Guilt and medical cases, and considers both projects fascinating attempt[s] at criminal justice reform which is OJPC's mission, of course.

There aren't many lawyers who set out to change systemic inequality in what otherwise would have been their retirement. But to Vander Laan, this second act seems natural to the point of inevitability.

He won't accept praise for it. Instead, he shrugs. I knew there had to be something out there, he says. There had to be some way to contribute. Now, he's creating opportunities for many more Cincinnati lawyers to contribute, too.

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