

Brooks Pierce Partners Successful in Pro Bono Taser Case

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Brooks Pierce partners Mark Prak, Charles Coble, and Charles Marshall recently partnered with the ACLU of North Carolina to represent an Elon man who was tased twice in an encounter with police.

The pro bono work provided in this civil rights suit resulted in a settlement that could encourage law enforcement officials statewide to review and revise their Taser-use policies.

The defendants agreed to pay the plaintiff \$50,000 as well as to adopt policies to curb excessive and unnecessary use of Tasers, including a prohibition against using the device against individuals who are not actively resisting arrest.

"Our theory of the case was that this officer felt slighted by what happened, and he was going to teach the plaintiff a lesson or exact some retribution," Coble said. "Also, that the Elon police had not adequately trained officers in how to use Tasers. There was a pattern of them using Tasers that raised questions."

Brooks Pierce became strongly interested in the case after a few lawyers discussed it with the ACLU-NCLF's legal director Katherine Lewis Parker during a meeting of the N.C. Bar Association's Constitutional Rights section.

"Usually, the damages would be so small in a case like this, maybe \$2,500 or \$3,500," Prak said. "So, this isn't a \$1 million settlement, but it's a big deal to us. It's a serious amount."

Thirteen counties have revised their taser safety policies since 2008, and this case will hopefully increase that number.

"One of the reasons we took this on was that it was a way to tell this story to other law enforcement agencies that there is a risk of applying these weapons in a way that constitutes excessive force," Parker said.

The pro bono work on this case earned Mark Prak, Charles Coble and Charles Marshall the Brooks Pierce Pro Bono Award for 2009.