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## Judge orders release of inmate settlement details

By Journal and Wire Report

Thursday, August 18th, 2016 at 12:02am

SANTA FE – A New Mexico district judge this week ordered Corizon Health to release settlement agreements it made with inmates who have filed lawsuits against the company, ruling that they are public records subject to the Inspection of Public Records Act.

On Tuesday, Judge Raymond Ortiz sided with the **Albuquerque Journal**, the Santa Fe New Mexican and the New Mexico Foundation for Open Government in ruling that the for-profit provider of inmate medical services was not protected by confidential agreements made with the prisoners.

After a two-hour hearing in Santa Fe, Ortiz ruled that because Corizon performed a government function in providing medical care to the prisoners, the settlement documents were public records.

Until recently, Corizon held a \$37.5 million-a-year contract with the Department of Corrections to provide medical services at 10 New Mexico prisons.

In June, Corizon settled claims filed by 59 inmates at two of the prisons for nearly \$4.6 million.

The two newspapers and FOG filed a writ of mandamus against Corizon in which they sought release of the agreements.

Santa Fe attorneys Daniel Yohalem and Katherine Murray represented FOG and the newspapers.

According to a FOG news release, Yohalem argued: “Corizon had no greater right to withhold records than the Department of Corrections would have had under IPRA.”

Because of the sensitive nature of many of the claims, Ortiz ordered limited redactions. Plaintiffs did not object to the redaction of the names of the settling plaintiffs who sued using pseudonyms.

“This ruling was a victory for open government,” said Susan Boe, executive director of FOG. “The public has a strong interest in the adequacy of medical care provided to the state’s prisoners. The fact the care was provided by a third party under contract to the state does not change the analysis.”