

Re: Attorney Email and MDC Laptop Issue

From

To (b)(6); (b)(7)(C)

Date 2017/04/18 14:20

Subject: Re: Attorney Email and MDC Laptop Issue

Attachments: pic03902.jpg, Mime.822

You bet. The dial-in number is (b)(6); (b)(7)(C) and the access code is

(b)(6); (b)(7)(C)

I look forward to chatting with both of you on Thursday, April 20th at 8:00 am.

Thanks again.

RJS

(Embedded image Richard J. Sullivan moved to file: United States District Judge pic03902.jpg) United States District Court Southern District of New York 40 Foley Square New York, NY 10007 Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov Chambers: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

v> >

04/18/2017 01:27 cc

PM (b)(6); (b)(7)(C)

Subject

Re: Attorney Email and MDC Laptop Issue

The Conference call number sounds like a better idea - please send us the dial-in number.

(b)(6);
(b)(7)(C)

>>> 4/18/2017 12:23 PM >>>

Great. That will work. Alternatively, I have a conference call number that everyone can dial in to. Let me know which you prefer; if the latter, I can send you the dial-in number.

RJS

(Embedded image Richard J. Sullivan moved to file: United States District Judge pic08723.jpg) United States District Court Southern District of New York
40 Foley Square
New York, NY 10007
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov
Chambers: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

v> >

04/18/2017 12:15 cc

PM (b)(6); (b)(7)(C)

Subject

Re: Attorney Email and MDC Laptop Issue

I have conferred with (b)(6); (b)(7)(C) and we are both available at that time. Unless I hear otherwise - I will get (b)(6); (b)(7)(C) on the phone and call you at the chambers number listed below.

(b)(6);
(b)(7)(C)

>>> 4/18/2017 10:47 AM >>>

Thanks very much. How about a conference call with the three of us on Thursday, April 20th at 8:00 am?

RJS

(Embedded image Richard J. Sullivan moved to file: United States District Judge pic32391.jpg) United States District Court Southern District of New York 40 Foley Square New York, NY 10007
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov
Chambers: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

v> >

04/18/2017 08:23 cc

AM (b)(6); (b)(7)(C)

Subject

Re: Attorney Email and MDC Laptop Issue

Good morning Your Honor -

Per my voice message just now, I am in the office most of the week and available to discuss the issue with you at a convenient time. I can be reached at (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Northeast Region - Federal Bureau of Prisons

Phone (b)(6); (b)(7)(C)

Fax #

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>>> 4/17/2017 8:43 PM >>>

I was hoping to get this project back on the front burner, since it seems to me to be readily achievable. Is there a time this week or next when we can chat, either in person or via telephone? Let me know. Thanks.

RJS

(Embedded image Richard J. Sullivan moved to file: United States District Judge pic03548.jpg) United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov
Chambers: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

,
03/21/2017 07:53 AM >

cc

Subject

Re: Attorney Email and MDC Laptop
Issue

Good morning Your Honor -

At this time, I do not have any current plans to be in New York in the near future. I will review my schedule, as well as communicate with (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) and propose a few dates that may be available. Is there a particular day of the week that is generally better or worse for Your Honor?

(b)(6); (b)(7)(C)

Northeast Region - Federal Bureau of Prisons

Phone (b)(6); (b)(7)(C)

Fax #

SENSITIVE/PRIVILEGED COMMUNICATION

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>>> 3/20/2017 2:36 PM >>>

Thanks, (b)(6); (b)(7)(C) I'd like to have a meeting on this if possible. This is a proposal that we've been talking about for quite some time, and it could have a significant impact on the use of scarce government resources, since

email correspondence would likely reduce the number of attorney visits and the time spent getting lawyers in and out of pre-trial detention facilities.

(b)(6); (b)(7)(C) is there a day in the next few weeks when you'll be up in New York and available for a visit?

Thanks.

RJS

(Embedded image Richard J. Sullivan moved to file: United States District Judge pic03548.jpg) United States District Court Southern District of New York 40 Foley Square New York, NY 10007
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov
Chambers: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)
ov> To
03/20/2017 02:13 >
PM cc
(b)(6); (b)(7)(C)

Subject
Re: Attorney Email and MDC Laptop Issue

Hi Judge Sullivan,

I am told that the filter is still not yet in place. (b)(6); (b)(7)(C)

Regional Counsel, is following up and has stated you can reach out to [redacted] with further inquiries. I have cc'ed him above for your convenience.

Thank you,

[redacted]

CLC New York
Metropolitan Correctional Center
150 Park Row
New York, New York 10007

p: [redacted]
f: [redacted]

>>> 3/20/2017 12:50 PM >>>

[redacted] I wanted to follow up with you on the attorney email situation. Has anything happened since our last correspondence?

RJS

(Embedded image Richard J. Sullivan moved to file: United States District Judge pic07548.jpg) United States District Court Southern District of New York
40 Foley Square
New York, NY 10007
Email: [redacted]@nysd.uscourts.gov
Chambers: [redacted]

[redacted]

ov> To
11/04/2016 07:32 >
AM cc

Subject
Re: Attorney Email and MDC Laptop Issue

Thanks Judge. We will all be here since DOJ did not give us Tuesday as a holiday. I look forward to speaking with you Tuesday. I will continue to press for answers on the email front.

Thanks,

(b)(6); (b)(7)(C)

>>> 11/3/2016 8:58 PM >>>

That works for me. But just a reminder that that's Election Day and therefore a federal holiday. Assuming everyone knows that and is still okay with it, let's plan on a conference call at 11:30. Everyone can dial in to (b)(6); (b)(7)(C) and put in the access code (b)(6); (b)(7)(C)

And please keep pressing for answers on the attorney-client email solution, because I really wanted to announce that at the meeting on the 15th.

Thanks, (b)(6); (b)(7)(C)

R

Richard J. Sullivan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007-1312
Tel: (b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov

(b)(6); (b)(7)(C)

ov> To
11/03/2016 03:48 >
PM cc

Subject
Re: Attorney Email and MDC Laptop
Issue

Hi Judge Sullivan,

Tuesday, November 8, at 11:30 am works best for the Wardens, (b)(6); (b)(7)(C) and me, if it still works with your schedule.

Thank you,

(b)(6); (b)(7)(C)

CLC New York
Metropolitan Correctional Center
150 Park Row
New York, New York 10007

p: (b)(6); (b)(7)(C)

f:

>>> (b)(6); (b)(7)(C) 11/2/2016 11:49 AM >>>

Good morning Your Honor,

I am reaching out to find out which date/time works for everyone to chat with you next week, and will let you know as soon as possible. I am also working with the MCC New York Captain to find a more permanent solution to the visiting issue at MCC. Unfortunately, I still have no definitive answer to the filter issue. There seems to have been some snag in DC and I am following up. I can address the other digital discovery issues and our actively working towards mutually beneficial solutions, as well as our videoconferencing capabilities.

Thank you,

(b)(6); (b)(7)(C)

CLC New York
Metropolitan Correctional Center
150 Park Row

New York, New York 10007

p: (b)(6); (b)(7)(C)
f: [redacted]

>>> 11/2/2016 10:24 AM >>>

(b)(6); (b)(7)(C) I was hoping we could arrange a date and time for a conference call with the Wardens for later this week or next week to discuss the topics likely to come up at the Criminal Justice Advisory Board meeting on the 15th. Can you coordinate with the Wardens and (b)(6); (b)(7)(C) and get back to me with some dates? Looking at my schedule, I could manage Friday, November 4th at 10:00; Monday, November 7th at 11:30 or 3:30; Tuesday, November 8th at 11:30; or Thursday, November 10th at 8:30 or 4:00. Let me know if any of those work for you folks.

Also, is there any reason why the MDC laptop policy excludes paralegals? Sometimes, that's the most efficient and cost effective way to review discovery with detained defendants, particularly those who are Spanish-speakers. I've received several emails to that effect, and I think this is likely to be an issue that comes up at the CJAB meeting.

Let me know if there are any other topics you'd like to see discussed at the meeting. Do you have any more information on the filter for the attorney-client email issue?

RJS

Richard J. Sullivan
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Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007-1312
Tel: (b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov

(b)(6); (b)(7)(C)

ov> To
10/20/2016 12:15 >
PM cc

(b)(6); (b)(7)(C)

Subject
Re: Attorney Email and MDC Laptop

Issue

Hi Judge,

I am following up on the status of the filter. While the Legal side of the house has issued guidance, we have not yet heard back as to implementation. I hope to have more to share with you prior to the meeting.

As for the pilot program at MDC, it is my understanding that the program permitting defense counsel to bring in laptops and/or hard drives is currently operational. Attached is a copy of the agreement counsel must sign in order to bring those items in (with advance notice). I am also advised that currently only attorneys are permitted to bring these electronic devices, not legal support staff (e.g paralegals/investigators).

MCC New York, on the other hand, currently asks defense counsel for 24 hours notice so that our Education Department can bring the hard drives provided by the USAO for the inmates to the attorney conference area to review on the computers there.

In other news, MCC has also recently successfully tested our videoconferencing capability with the EDNY on a high profile case. I am looking to test our connection with the SDNY court soon.

Thank you,

(b)(6); (b)(7)(C)

[Redacted signature box]

CLC New York
Metropolitan Correctional Center
150 Park Row
New York, New York 10007

p: (b)(6); (b)(7)(C)

f: [Redacted contact information]

>>> 10/20/2016 11:48 AM >>>

Hi, (b)(6); (b)(7)(C) I just wanted to follow up with you to get an update on the attorney-client email project. Is the email "filter" up and running? I'm anxious to hear how it's going, and I'd love to be able to discuss it as a success at our next Criminal Justice Advisory Board Meeting in November.

I also wanted to alert you (and (b)(6); (b)(7)(C) and Warden Quay) to the complaint I received below about the MDC's new policy that prohibits defense counsel from bringing laptops or hard drives to review crucial discovery with their clients. (b)(6); (b)(7)(C); (b)(7)(F)

(b)(6); (b)(7)(C); (b)(7)(F) The government produced the discovery on hard drives -- not discs -- which make the new MDC policy particularly problematic.

Give me a call or shoot me an email to discuss the first issue, and you and/or (b)(6); (b)(7)(C); (b)(7)(F) can contact me regarding the second one.

Thanks.

RJS

Richard J. Sullivan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007-1312
Tel: (b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov

----- Forwarded by Richard Sullivan/NYSD/02/USCOURTS on 10/20/2016 11:39 AM

(b)(6); (b)(7)(C)

com> To
"Hon. Richard J. Sullivan"
10/20/2016 11:33 AM >
cc

Subject

As always, I send out an invitation to the CJA Panel for comments in anticipation of the Criminal Advisory Meeting. I immediately received an email laying out an issue.

Apparently, there is some pilot program at the MDC which prohibits lawyers from bringing in laptops or hard drives to review discovery with their clients. This becomes particularly onerous in cases with high volumes of discovery because it would have to be placed on multiple CDs, which is why it is produced to the defense on a hard drive to begin with. The normal procedure requires counsel to apply to bring in the hard drive, but the MDC is not permitting that now. Here is their response to a recent request:

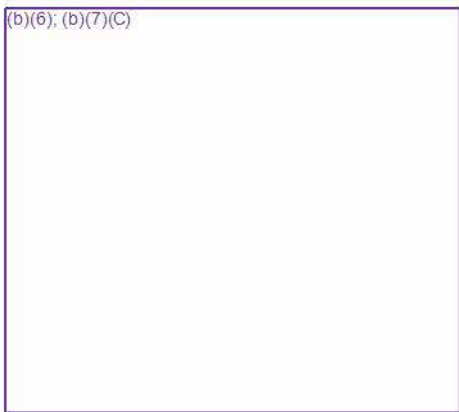
Thank you for your email.

I'm sorry, we are still in the beginning stages of this pilot program, and as such, are not able to give you access to review the materials with your client on hard drives or laptops. I apologize for any inconvenience this may cause, but you can enter the facility with material on CDs to review on the computers in the visiting rooms.

In this case, counsel is assigned to a large OC case with a huge volume of information and the solution proposed by the MDC, that counsel burn the files to CDs is simply not practical. Perhaps you can get an update on the program. As usual, it makes no sense.

--

(b)(6); (b)(7)(C)



This message and any attached documents contain information from the (b)(6); (b)(7)(C) that may be confidential and/or privileged. If you are not the intended recipient, you may not read, copy,

distribute, or use this information. If you have received this transmission in error, please notify the sender immediately by reply e-mail and then

delete
this message.

(See attached file: LapTop Agreement.pdf)