



U.S. Department of Justice

United States Attorney
Western District of Washington

Please reply to:

EOUSA b6, b7C

Assistant United States Attorney
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b7C

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March 20, 2020

VIA EMAIL

EOUSA b6, b7C

Office of the Federal Public Defender
Email: EOUSA b6, b7C@fd.org

Dear EOUSA b6, b7C

We understand that the current health crisis has limited the ability of defense attorneys to meet and communicate with inmates at the Federal Detention Center in SeaTac ("FDC SeaTac"). In light of these extraordinary circumstances, our Office agrees to the following procedures, effective immediately:

Our Office will continue to direct requests for inmate email to FDC SeaTac. We understand that FDC SeaTac will send any email content in response to our requests to a single, designated person at our office. That person will not review the material, and instead will send it to EOUSA b6, b7C who has agreed to screen the material for any communications from a list of email addresses that you will provide him for any emails sent on or after March 13, 2020. Those email addresses will be limited to email addresses belonging to Office of Federal Public Defender or Criminal Justice Act panel attorneys. EOUSA b6, b7C will provide our Office a redacted copy of the material that excludes any communications from these attorneys. EOUSA b6, b7C will retain a full copy of the material, including the redacted materials. EOUSA b6, b7C will not dispose of this material in any given case without the concurrence of our Office or pursuant to a Court order. The Department of Justice will not be responsible for any costs or fees incurred by EOUSA b6, b7C for his work associated with the above-described activities.

Our agreement to follow these procedures is temporary, predicated on the existence of the current health crisis. Our Office can terminate this agreement at any time, upon notice to you. Our agreement to follow these procedures in no way limits our ability to argue that any particular communications are outside the scope of the attorney-client privilege, except to the extent that we will not argue that the simple use of the FDC SeaTac email system constitutes a waiver of the privilege.

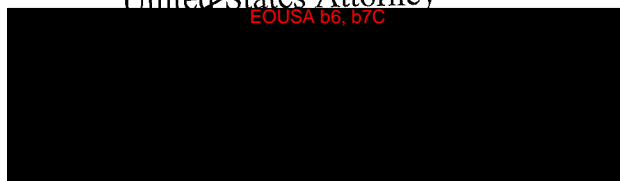
Our Office acknowledges that the screening procedures described above constitute reasonable efforts to prevent disclosure of privileged communications, and that any

privileged material provided to our Office will be deemed to be inadvertently disclosed. Our Office will promptly destroy any copies of privileged communications and notify EOUSA b6, b7C who will prepare a new copy of the communications redacting any privileged material.

Finally, our agreement to follow these procedures is limited to our Office, and does not bind any other United States Attorney's Office, other components of the Department of Justice, or any other federal, state, or local agency. In addition, our agreement is limited to emails exchanged with inmates at FDC SeaTac, as opposed to inmates housed at other correctional institutions.

Yours truly,

BRIAN T. MORAN
United States Attorney



Assistant United States Attorney