

From: (b)(6); (b)(7)(C) @bop.gov]  
Sent: Tuesday, August 24, 2010 8:56 AM  
To: (b)(6); (b)(7)(C)  
Cc: [REDACTED]  
Subject: Requests for inmate emails

We have been getting more requests for copies of inmate emails from your office now that inmates at MCC Chicago have the capability to email family and friends. Many of the AUSAs are under the impression that they need to subpoena the emails. I have been sending them the memo distributed by OEO, which suggests requesting the emails with a written request vs. subpoena. See attached.

Because some of the AUSAs are not familiar with the memo, you may want to redistribute the memo as a reminder. We do not mind giving it to them but they may have questions regarding the rationale for it. Also, they do not need to submit the written request to the Warden. They may submit it in the form of an email to either myself (b)(6); (b)(7)(C) @bop.gov) or (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) @bop.gov).

In addition, I would like to note that as with telephone recordings, we do not consider communications between the attorney and the inmate to be privileged or confidential since they are both informed ahead of time that their calls/emails are monitored. Therefore, when your staff request telephone recordings or emails, although they ask that we exclude these calls or emails, they may not be excluded from their requests as it is not always clear if the individual being contacted is an attorney. Moreover, when the request asks for any and all phone calls or emails, it is much easier (and faster) for staff to send them all rather than having to go through and attempt to sort out the calls.

**Re: Fwd: Fw: Reminder -- Criminal Justice Advisory Board Meeting -- Tuesday, November 15th at 1:00 pm**

**From** (b)(6); (b)(7)(C)  
**To**  
**Date** 2016/11/15 09:04  
**Subject:** Re: Fwd: Fw: Reminder -- Criminal Justice Advisory Board Meeting - Tuesday, November 15th at 1:00 pm  
**Attachments:** TEXT.htm

(b)(5)

>>> (b)(6); (b)(7)(C) 11/15/2016 8:27 AM >>>

(b)(5)

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

>>> (b)(6); (b)(7)(C) 11/15/2016 8:10 AM >>>

Please see the below, additional concern raised in advance of this afternoon's meeting. The (b)(6); (b)(7)(C) laud MDC's improvement in visiting, but complain of the medical and mental health care.

>>> (b)(6); (b)(7)(C)@nysd.uscourts.gov 11/14/2016 5:24 PM >>>

Hi, (b)(6); (b)(7)(C) I'm forwarding an email I received today from (b)(6); (b)(7)(C) at the (b)(6); (b)(7)(C) The first two paragraphs refer to MCC/MDC issues, and I told (b)(6); (b)(7)(C) I'd be forwarding it to you.

I also wanted to check in to see if there's any progress to report on the attorney-client email issue. Let me know.

See you tomorrow.

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

**Fwd: Re: Attorney Email and MDC Laptop Issue**

**From** (b)(6); (b)(7)(C)  
**To** (b)(6); (b)(7)(C)  
**Date** 2016/11/08 07:31  
**Subject:** Fwd: Re: Attorney Email and MDC Laptop Issue  
**Attachments:** TEXT.htm

>>> (b)(6); (b)(7)(C) 11/7/2016 12:58 PM >>>

Hi Warden,

Per the below, for tomorrow's teleconference, please dial into (b)(6); (b)(7)(C) and put in the access code (b)(6); (b)(7)(C)

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)

>>> (b)(6); (b)(7)(C)@nysd.uscourts.gov> 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)  
<(b)(6); (b)(7)(C)>@bop.g  
ov> To  
<(b)(6); (b)(7)(C)>@nysd.uscourts.gov  
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)

>>> (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:

>>> <(b)(6); (b)(7)(C)>@nysd.uscourts.gov> 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

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United States District Judge  
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"(b)(6); (b)(7)(C)"  
<(b)(6); (b)(7)(C)@bop.gov>  
ov> To  
(b)(6); (b)(7)(C)@nysd.uscourts.gov  
10/20/2016 12:15 PM >  
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(b)(6); (b)(7)(C)  
<(b)(6); (b)(7)(C)@bop.gov>  
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)

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)@nysd.uscourts.gov> 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)(5); (b)(7)(F)

(b)(5); (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) can contact me regarding the second one.

Thanks.

RJS

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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



**Fwd: Re: Attorney Email and MDC Laptop Issue**

**From** (b)(6); (b)(7)(C)  
**To**  
**Date** 2016/11/02 14:09  
**Subject:** Fwd: Re: Attorney Email and MDC Laptop Issue  
**Attachments:** TEXT.htm, LapTop Agreement.pdf

Of course we are getting hit on not allowing paralegals to bring in the laptops. MCC does not even allow laptops... come on.. Always pressing the issue.

>>> (b)(6); (b)(7)(C) 11/2/2016 11:43 AM >>>  
Good morning all,

Please let me know which date and time works best for your schedules next week to have a pre-meeting conference with Judge Sullivan:

Monday 11:30 am  
Tuesday 11:30 am  
Thursday 8:30 am

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)

>>> <(b)(6); (b)(7)(C)>@nysd.uscourts.gov> 11/2/2016 10:24 AM >>>

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10/20/2016 12:15 PM >  
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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).

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Thank you,

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New York, New York 10007

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f:

>>> <(b)(6); (b)(7)(C)>@nysd.uscourts.gov> 10/20/2016 11:48 AM >>>

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Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov

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

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

To  
"Hon. Richard J. Sullivan"  
10/20/2016 11:33 AM <(b)(6); (b)(7)(C)@nysd.uscourts.gov>  
>  
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:

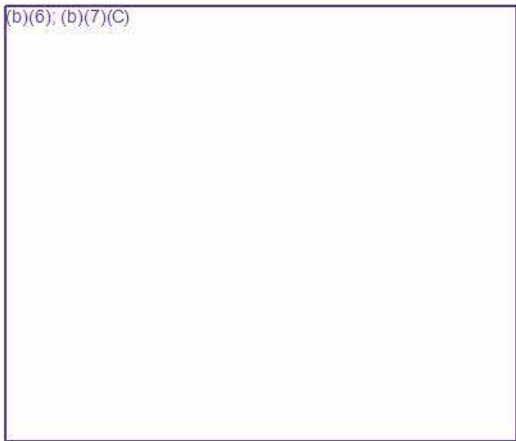
Thank you for your email.



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 lap tops. 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)

(b)(5); (b)(6); (b)(7)(C)

**From**

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

**To**

**Date**

2018/10/02 10:26

**Subject:**

(b)(5); (b)(6); (b)(7)(C)

**Attachments:**

During the training last month (b)(6); (b)(7)(C) mentioned that (b)(6); (b)(7)(C) sends out emails but I had not been receiving them... So I asked (b)(6); (b)(7)(C) apparently sends it to OGC all staff. It only goes to Central Office staff, I believe. But who am I to tell (b)(6); (b)(7)(C) otherwise. Anyway, (b)(6); (b)(7)(C) added me to OGC all staff. Did you guys get this?

Long story short, I will forward you what I get in the OGC all staff.

>>> (b)(6); (b)(7)(C) 10/2/2018 7:42 AM >>>

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

I sent this one to OGC All Staff. To add yourself to the list, send an email to (b)(6); (b)(7)(C) I think (b)(6); (b)(7)(C) can arrange that.

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

Federal Bureau of Prisons  
Office of General Counsel  
Litigation Branch  
Office (b)(6); (b)(7)(C)

Cell:

*I telework each Tuesday and Thursday. On those days I can be reached by email or by phone at*

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

(b)(5); (b)(6); (b)(7)(C)

Page 13 of 17

Withheld pursuant to exemption

(b)(5); (b)(6); (b)(7)(C)

of the Freedom of Information and Privacy Act



(b)(5); (b)(6); (b)(7)(C)

**From**

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

**To**

**Date**

2018/10/02 07:48

**Subject:**

(b)(5); (b)(6); (b)(7)(C)

**Attachments:** TEXT.htm

UGGHH...

>>> (b)(6); (b)(7)(C) 10/2/2018 7:48 AM >>>

nepotism forms and then (b)(6); (b)(7)(C) has to call the people who didn't get it. HR signs off on the nepotism forms so I assume we are waiting on that. it's not official yet.

>>> (b)(6); (b)(7)(C) 10/2/2018 7:46 AM >>>

Why hasn't it been announced? I think we are all waiting for the announcement. We assumed it was not official yet!

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

>>> (b)(6); (b)(7)(C) 10/2/2018 7:45 AM >>>

I don't know if I can, let me check. what's your bopID?

Good, are you glad decision has been made? I wonder when (b)(6); (b)(7)(C) will start?

>>> (b)(6); (b)(7)(C) 10/2/2018 7:43 AM >>>

? Can you add me? PS How are you?

>>> (b)(6); (b)(7)(C) 10/2/2018 7:42 AM >>>

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

I sent this one to OGC All Staff. To add yourself to the list, send an email to (b)(6); (b)(7)(C) I think she can arrange that.

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

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Page 15 of 17

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(b)(5) ; (b)(6) ; (b)(7)(C)

of the Freedom of Information and Privacy Act

**Re: Training**

**From**

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

**To**

**Date** 2018/10/02 07:40

**Subject:** Re: Training

**Attachments:** TEXT.htm

I send them to OGC All Staff and to the Regional Counsel. I ask the Regional Counsel to distribute to their staff because some people are not on the OGC All Staff list.

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

Federal Bureau of Prisons  
Office of General Counsel  
Litigation Branch

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

Cell

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(b)(5); (b)(6); (b)(7)(C)



(b)(5); (b)(6); (b)(7)(C)

**From**

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

**To**

**Date**

2018/09/12 11:26

**Subject:**

(b)(5); (b)(6); (b)(7)(C)

**Attachments:** text.htm

I am out of the office, returning Monday, October 1, 2018.

If you need assistance on an ELB matter, please call

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

If you've emailed regarding an MDC Brooklyn matter, please be advised that I no longer work at MDC Brooklyn. For assistance, please call (b)(6); (b)(7)(C) and ask to speak to the Legal Department or Duty Officer.

(b)(5); (b)(6); (b)(7)(C)