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Subject: Notes from 11/25/20 Call with GM Counsel

Date: Wed, 25 Nov 2020 18:05:21 +0000

11/25/20 Call with Chris Everdell and Bobbi Sternheim

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- Have call scheduled with MDC legal counsel; hope we can raise with them whatever issues come out of conversation
- Most productive to understand what specific asks you have of the Warden so we can convey them and see what can be done

Sternheim

- Think you know how much appreciate you intervening; don't think it necessarily is your job or our job, that's why helpful to hear from warden himself
- If warden is one making decision, better if he reports to the court
- Would rather at least try to come up with particular list

Sternheim

- In history of dealing with MDC/MCC, only time progress made when court makes someone from MDC/MCC go to court
- Hope that you made request and judge issued order to meet and confer immediately will be enough to get things done

Sternheim

- Clear that they cannot put her in general population; that is not an unwise decision; will be a problem for her personally for a variety of reasons, and I don't just mean physically
- Gap between not being in general population (GP) and being in the situation that she is in; certain things that GP inmate is allowed that she is not
 - GP: Lights out at 9:30; GM is locked in at 8 pm
 - GP: not continually searched when moved; GM: searched to the point of invasion; understand she is searched every time she goes from one space to another; variety of searches, seems excessive - including strip searches after visits, open mouth, fingers through hair, touching her body
- Understand that stopped putting fingers in her mouth
- Routine to do strip search after visit

Sternheim

- Know they did COVID test and required that move mask to look in her mouth
- Redundancy to over management of GM
- Now she has her cup in her room, successful in getting a toothbrush (before your help she had for one day)
- Entitled to every opportunity barring congregation with other inmates that is afforded to inmates in GP
- b/c of COVID – allowed outside of cell only for 3 hours a day (to shower in shared shower, shared call, computer, television)

- GM has shower to herself, phone to herself, computer, laptop, TV to herself; in MDC view, client is getting more than every other inmate during COVID; she is out of her cell for 13 hours

Sternheim

- Difficulty with that statement is that flags how deficient treatment of inmates is
- Equal treatment is create situation where put her in a general population
- Given amount of discovery in this case if she had to share computer, would go to trial in 2023

- Got her accommodation b/c she has significant amount of discovery to review

Sternheim

- Not going to deny that given more time to review than other inmates are
- Understand I can't just say give her everything, make exactly same as GP, but there are clients in GP that have own computer, tablets, and allowed to review discovery endless hours a day

- Don't think that's right; understand that
- If 13 hours not enough, then let us know what will be

Everdell

- Constant surveillance; camera on her all times; woken up every 15 minutes to make sure breathing; treated as if on suicide watch; disruptive to her health and to her ability to concentrate on preparing a defense

- Going forward, things to address sounds like normalizing amount of searches to be consistent with what other inmates experience and minimizing amount of disruption, particularly to her sleep at night, consistent with what other inmates experience
- Surveillance – understanding is that second camera is meant to capture the same area in case there is a malfunction in BOP camera system; camera in area outside in wall or ceiling that already captures and records same area

Sternheim

- Why is camera facing me and my client in a visiting room?

- Understand that there are no cameras inside the room, but cameras outside the room showing who goes in and out

Sternheim

- That is a distinction; camera pointed into the room

- Pass up the ask that camera not be pointed anywhere that cameras not already pointed

Everdell

- Other inmates have handheld camera following them around 24 hours a day? Includes lawyers/legal visits;
- Understanding that there is not another inmate with backup camera system; reason for backup is that sometimes BOP camera fails and decision made to have backup camera that covers same area covered by normal area
- Happy to go back to MDC and say should not record anything not recorded by normal cameras

Sternheim

- 3 officers watching 2 people in room where no one else, and camera pointed on us

Everdell

- Already in a cage, not particularly pleasant; add stress of having handheld camera pointed directly at you; someone has camera up in your face, all the time; very invasive
- If cameras already recording, then why is it needed if just redundant; causes real disruption and distress in some ways

Sternheim

- Invasive, maybe they will read lips; going far in my example; BOP overusing their authority

- What I'm taking away from this is that unless MDC stops entirely with second camera, that want warden brought before Judge Nathan

Sternheim

- Want explanation directly from Warden why this is being done and why being done to GM; why degree of surveillance and searches on GM
- Any searching and surveillance beyond what is done to other inmates
- Why locked in at 8 pm?

Sternheim

- Not saying GP is good for her; not using day room which would eliminate a lot of these issues; but have elected not to do that
- Let warden explain why

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- From MDC perspective, client gets more benefits than many inmates, gets special treatment given all access she has

Sternheim

- Given other treatment, where she is virtually in solitary confinement; don't view giving her more time to review discovery that ameliorates fact that she is being treated differently

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- Client is first held where did not go to SHU, but went to own wing of jail where has access to computer, TV, etc., that would have in GP; treated differently than someone who would ordinarily go to protective custody

Everdell

- Feel like there has to be some recognition from the Government that GM finds herself in position she is in b/c of who she is;
- To hear that getting perks, from defense side, starts b/c she is put in solitary
- Not fair to say she is better off than other inmates
- In solitary, recorded 24 hours a day – b/c of who she is
- Want to make sure she is in her chair at trial b/c of what happened with Epstein

Sternheim

- Advocates of our client; putting you in role for being lawyer for BOP which is not correct
- Let warden say what he needs to say before the judge
- To recap, areas would like to see improved, surveillance – asking that second camera be removed entirely? Or is there any modification that would be acceptable to you?

Sternheim

- don't have firm answer; don't think when meeting with her or every step of the way

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- Will convey to BOP reducing use of camera and certainly not pointing into room where attorney meetings take place
- Other issue is amount of searching – reduced to amount of searching that other inmates experience
- Waking her up at night – ask that do nothing differently than what do to check on other inmates at night

Everdell

- One other point on searches; when moves from isolation cell to day room to do discovery review, etc., that involves a bunch of searches too; our understanding was plan was for her to be housed in day room

● No

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11.00-12.00 *Introduction to the study of the history of the book*

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— Think some for customers that don't make back

- How much time she needs to review discovery? We understand a lot of discovery; have been over-inclusive in what we have given you; we have given you material that we don't anticipate using at trial, that doesn't relate to your client; 1.2 million documents is searchable to help expedite review
- If think client needs more than 13 hours a day, please let me know; when pushed MDC to allow for time to review discovery, have been responsive

Everdell

- Only get extension cord after laptop dies; don't know if has gotten better

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