

IN THE CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 2011-10638

DIVISION: "L"

SECTION: 6

ORLEANS PUBLIC DEFENDERS

VERSUS

MARLIN N. GUSMAN,

IN HIS OFFICIAL CAPACITY AS SHERIFF FOR THE PARISH OF ORLEANS

consolidated with

NUMBER: 2012-3188

DIVISION: "L"

SECTION: 6

**R. JUDSON MITCHELL, WILLIAM P. QUIGLEY, STEPHEN I. SINGER, D.
MAJEEDA SNEAD**

VERSUS

**MARLIN GUSMAN,
IN HIS OFFICIAL CAPACITY AS SHERIFF FOR THE PARISH OF ORLEANS.**

FILED: _____

DEPUTY CLERK

STIPULATED PRELIMINARY INJUNCTION

Petitioners, Orleans Public Defenders, R. Judson Mitchell, William P. Quigley, Stephen I. Singer, D. Majeeda Snead ("Petitioners") and defendant, Marlin Gusman, in his official capacity as Sheriff for the Parish of Orleans ("Orleans Parish Sheriff"), hereby stipulate in this court order that the Orleans Parish Sheriff and his wardens, deputies, officers, agents, servants, employees, representatives, and successors and all those persons acting in concert or participation shall implement the following the policies and procedures with respect to visitations between attorneys, legal professionals, and prisoners at all prison facilities in Orleans Parish. "Attorneys" and "legal professionals" constitute members of the bar, agents of attorneys, including investigators and paralegals, and student practitioners under Louisiana Supreme Court Rule XX. This order is being entered as a compromise between the

parties and does not constitute an admission of wrongdoing by Sheriff Gusman, the Orleans Parish Sheriff's Office, or any other party hereto. The order shall remain in place for a period of 30 days or until the Court holds a status conference with the parties to discuss the entry of a permanent injunction, whichever is longer.

(a) The Orleans Parish Sheriff shall maintain or modify fixed visitation hours to allow attorneys to meet with prisoners on all weekdays, except court holidays, for a minimum of 3 hours in the mornings, 4 hours in the afternoons, and 3 hours in the evenings per day. An attorney shall produce identification prior to visitation;

(b) The Orleans Parish Sheriff shall establish fixed visitation hours for attorneys to meet with prisoners on Saturdays, Sundays, and court holidays for a minimum of 4 hours per day;

(c) The Orleans Parish Sheriff shall post the visitation hours established herein for attorneys to meet with prisoners on weekdays, weekends, and court holidays on www.opso.us;

(d) The Orleans Parish Sheriff will produce a prisoner in the visitation area within 30 minutes of a request by an attorney to meet with the prisoner and will permit the attorney to meet with the prisoner for an unlimited duration during visitation hours. The attorney may request to meet with no more than three prisoners per visit. If the attorney requests to see two or more prisoners, the Orleans Parish Sheriff's Office will produce the first prisoner within 30 minutes and the remaining prisoner(s) within an hour of the initial request;

(e) The Orleans Parish Sheriff will permit, upon the request of an attorney, contact visits between attorneys and prisoners housed at all jails and prison facilities. Attorneys requesting contacting visits with prisoners housed at facilities where accommodations for contact visits do not exist must provide at least 4 hours of advance notice to the facility Watch Commander, to permit the prisoner to be transported to a facility which can accommodate contact visits. A contact visit is defined as a meeting between an attorney and prisoner in the same room unobstructed by partitions, bars, or other barriers. The Orleans Parish Sheriff may provide non-contact visit areas to avoid

undue burden on the Orleans Parish Sheriff's Office or excessive wait times by other attorneys, but shall not deny contact visits in the event an attorney states that a contact visit is necessary. The Orleans Parish Sheriff may conduct an appropriate wand search of attorneys before any contact visit and may search prisoners before and after any contact visit, but in no event shall review or retain any legal papers or documents or take punitive action against an inmate based solely on their participation in a contact visit;

(f) Without any admission on his part, the Orleans Parish Sheriff will not monitor, record, or obstruct meetings or communications between attorneys and prisoners, or permit others to do so, and will permit attorneys and prisoners to exchange documents between themselves directly without inspection;

(g) Without any admission on his part, the Orleans Parish Sheriff will establish conditions in the visitation areas in each jail and prison facility, which will permit attorneys to meet with prisoners confidentially, without their communications being overheard or monitored by third parties;

(h) The Orleans Parish Sheriff will in good faith take steps to install fans and maintain suitable meeting conditions in the visitation areas;

(i) The Orleans Parish Sheriff will disseminate an executed copy of this Stipulated Preliminary Injunction to all his employees who are involved, directly or indirectly, in the attorney-prisoner visitation process;

(j) The Orleans Parish Sheriff will construct all future facilities in such a manner that will comply with the provisions set forth in this Stipulated Preliminary Injunction and shall submit to the Court and permit counsel for petitioners to review architectural plans for the construction or renovation of any visitation areas at least 30 days before any such plans are finalized; and

(k) Should an issue arise, the parties at their option may either provide written notice to the other party and meet and confer, or bring the issue to the attention of the court.

IT IS SO STIPULATED:



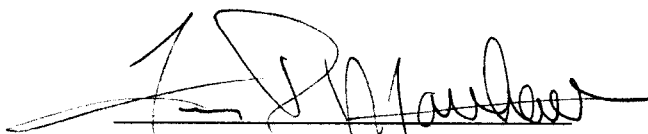
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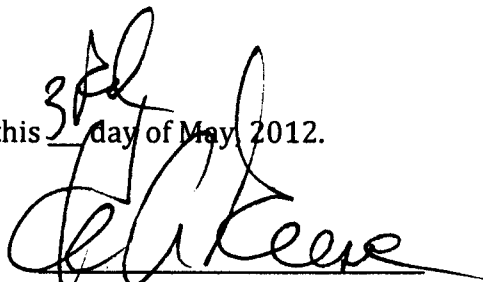


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Attorneys for Sheriff Marlin Gusman

IT IS SO ORDERED:

New Orleans, Louisiana, this 30th day of May, 2012.



Kern Reese
Civil District Court Judge
Orleans Parish

A TRUE COPY

DEPUTY CLERK, CIVIL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LA.