

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

J.H., by and through his mother and next friend,
N.H.; I.B., by and through his parents and next
friends, A.B. and I.B., on behalf of themselves
and all others similarly situated,

Plaintiffs-Petitioners,

-against-

JOHN BEL EDWARDS, et al.,

Defendants-Respondents.

CIVIL ACTION NO. 3:20-cv-00293-JWD-
EWD

CLASS ACTION

**REPLY MEMORANDUM IN SUPPORT OF PLAINTIFFS'
MOTION PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 23(D)**

Defendants' Opposition¹ completely obfuscates the central issue before this court: While Plaintiffs' counsel have previously been able to utilize Defendants' telephonic visitation procedures with the limited number of children whose full names and facility locations they currently know, they cannot reach out to other putative class members absent direct, Court-ordered assistance from OJJ. By dwelling on a lengthy description of these OJJ procedures and the limited utilization of those procedures by a small fraction of the approximately 213 putative class members housed in OJJ's four secure care facilities, Defendants aim to distract this Court from the question it must resolve. To the extent Plaintiffs' counsel know the names of children housed in these facilities, OJJ has—quite belatedly—provided opportunities for Plaintiffs' counsel to have secure and confidential communications with some of these children but only at OJJ's own, seemingly unfettered, discretion. OJJ's past actions in regard to those few children are not at issue (although Defendants' counsel indicated just hours before this brief's filing deadline that Defendants are no longer willing to continue to schedule those visits without affirmative proof of individual representation of each child, requiring that counsel have engaged in some form of prior communication with the child before requesting the visit).² Plaintiffs' counsel additionally need to be able to obtain similar access to other putative class members whose names *they do not know*—in addition to those children who themselves or whose parents have affirmatively contacted Plaintiffs' counsel in the first instance. And children cannot contact Plaintiffs' counsel in the first instance unless and until they receive contact information and detailed instructions on how to access counsel.

¹ “Mot.” or “Motion” refers to Plaintiffs' Memorandum in Support of its Motion Pursuant to Federal Rule of Civil Procedure 23(d) (Dkt. 85-1). “Opposition” or “Opp.” refers to Defendants Response in Opposition to Plaintiffs' Motion (Dkt. 97).

² Ex. 7, July 17, 2020 Email from K. Miller to N. Kumar, et al.; Ex. 8, July 17, 2020 Email from N. Kumar to K. Miller, et al.

Defendants likewise falsely claim that this Motion is about affording the children “unfettered access to telephones”³ and that such access will create security concerns. This is a straw man argument. Plaintiffs’ counsel simply requests that OJJ be ordered immediately to provide putative class members with reasonable confidential telephonic or video access to Plaintiffs’ counsel, which requires that: 1) Defendants refrain from adding additional burdens on Plaintiffs’ counsel’s ability to request and schedule attorney visits under the current policies; 2) Defendants permit all children to call Plaintiffs’ counsel’s secure phone line through the Securus Technologies phones that they have regular access to, as OJJ has done in past litigation,⁴ and/or that Plaintiffs’ counsel be afforded a reasonable form of outreach—such as a sufficient public notice that is widely displayed—to provide instructions to the incarcerated children on the multiple channels by which they can access counsel if they wish to do so.

The parties previewed this Motion to the Court at the July 2, 2020 conference, and, in accordance with the Court’s instructions, Plaintiffs’ counsel emailed Butler Snow the next day proposing a form of notice that could be displayed in the secure care facilities and/or mailed to putative class members.⁵ The proposed notice provides the children with basic information about this litigation and step-by-step instructions for accessing Plaintiffs’ counsel by phone and by mail in accordance with OJJ’s policies.⁶ Plaintiffs’ counsel offered to schedule a call to discuss the language in the document.⁷ Shortly thereafter and without acknowledging Plaintiffs’ proposal, Defendants filed their Opposition to Plaintiffs’ Motion. Defendants did not substantively respond to Plaintiffs’ counsel’s proposal until the afternoon that this Reply was

³ Opp. at 2.

⁴ United States’ Jena Agreement, *U.S. v. Louisiana*, Civil No. 98-947-B-1 ¶ 9 (M.D. La. Apr. 1, 2000).

⁵ Ex. 3, July 3, 2020 Email from N. Kumar to L. Montgomery & K. Miller.

⁶ *Id.* at 15.

⁷ *Id.* at 1.

due, despite having two weeks to review that information and receiving multiple emails from Plaintiffs' counsel attempting to resolve this issue.⁸

FACTUAL BACKGROUND

OJJ offers two procedures for attorney communications or visits with children in their facilities: (1) children can go through the process of adding the attorney's phone number to their approved call list and (2) counsel can email OJJ's general counsel to request meetings with specific class members subject to OJJ's discretionary approval. While these procedures may be effective when the children's names and locations are known to attorneys or attorneys' information is known to children, they are completely unworkable in the absence of such information, and OJJ knows this. Children cannot add Plaintiffs' counsel to their approved attorney call lists unless and until the children are provided with the information on how to add the phone number in the first instance—an impossibility if the child does not know about the existence of counsel, does not know how to reach counsel, and counsel cannot reach the child.

Defendants' Opposition also mischaracterizes the factual assertions in Plaintiffs' Motion.⁹ *First*, Plaintiffs' counsel freely acknowledge that, after the filing of this motion, OJJ has agreed over a three-week period to schedule attorney telephonic visits at OJJ's discretion with a very small number of children whom Plaintiffs' counsel have been able *to identify by full name and current facility placement*.¹⁰ As of the afternoon of the filing of this Reply, OJJ has now indicated that Plaintiffs' counsel must also provide affirmative proof of individual representation of each child before a visit will be scheduled, even though such proof is not required under OJJ policy and is a complete departure from the position taken in Defendants'

⁸ *Id.* at 1; Ex. 7 at 3, July 17, 2020 Email from N. Kumar to L. Montgomery & K. Miller; *id.* at 4, July 10 Email from N. Kumar to L. Montgomery & K. Miller.

⁹ *See* Opp. 9–10 (“Plaintiffs’ motion is replete with factual allegations that are not supported by the evidence.”).

¹⁰ *See* Exs. 1 & 2.

Opposition briefing.¹¹ *Second*, throughout the course of this litigation, OJJ has stalled and obstructed Plaintiffs’ counsel’s attempts to communicate with putative class members. Abundant evidence supports this. As set forth in detail in Plaintiffs’ Motion, Defendants initially promised that OJJ would allow *all* children to call Plaintiffs’ counsel’s secure phone line¹² and raised no policy reason for not making the requested attorney communication possible until weeks later.¹³ Email correspondence between counsel for the parties appended to Plaintiffs’ Motion reveals Defendants’ delay tactics.¹⁴ Moreover, as detailed in Plaintiffs’ Motion, Plaintiffs’ counsel was prohibited from speaking to one child (H.C.) for any length of time until the day before the hearing on Plaintiffs’ motion for a temporary restraining order, thereby preventing Plaintiffs’ counsel from presenting live testimony from H.C.¹⁵ *Third*, Plaintiffs’ counsel represented to Butler Snow on several occasions—both in writing and in telephonic conferences—that children were reportedly attempting to call Plaintiffs’ counsel’s secure phone line, but the number was blocked.¹⁶ It is unclear what kind of evidentiary support Defendants seek for this proposition besides Plaintiffs’ counsel’s representations. Plaintiffs have been unable to meet with many of the eleven children, let alone obtain a sworn affidavit, perfectly illustrating the very dilemma Plaintiffs’ counsel face. To further corroborate Plaintiffs’ counsels’ representations, Plaintiffs attach supporting declarations from D.M.’s mother, J.P., and a staff member at the Promise of

¹¹ Ex. 7, July 17, 2020 Email from K. Miller to N. Kumar, et al.

¹² Mot. at 2–6. Moreover, Plaintiffs’ counsel understand that OJJ facilities provide the children with similar access to “hotlines” for Investigative Services, Family Liaisons, and agency-authorized youth advocacy organizations, without requiring them to seek permission. Youth can access these lines “at will.” Youth Services Policy B.8.1.VI.5, Telephone Usage by Youth and Monitoring of Calls, available at <https://ojj.la.gov/wp-content/uploads/2020/02/B.8.1.pdf>

¹³ See Ex. 2.

¹⁴ See Exs. 1 & 2.

¹⁵ Mot. at 4. See Exs. 1 & 2. H.C.’s declaration was inadmissible at the hearing. June 3, 2020 TRO Hearing Tr. Part 1 at 100:6-102:2 (sustaining Defendants’ objection to the admissibility of the declaration of H.C. dated June 1, 2020).

¹⁶ See Ex. 2, June 18, 2020 Email from N. Kumar to K. Miller and L. Montgomery.

Justice Initiative, on the hurdles that class members currently face in accessing counsel.¹⁷

Further, Defendants' suggestion that Plaintiffs' counsel's successful phone calls with a handful of the 213 putative class members renders this motion moot again obscures the issue at hand.¹⁸ Plaintiffs' counsel can *only* schedule meetings with those children whose full names and current facility placements are known to them. Pointedly, these telephonic attorney visits are granted at OJJ's discretion, they are often scheduled with substantial delays or on short notice, Defendants have offered no guarantee that these requests will be routinely granted in the future, and, as of the afternoon that this Reply was due, Defendants have stated that they will in fact deny these visits without affirmative proof of individual representation, which requires some form of prior communication.¹⁹ The procedures that are left are wholly inadequate to meet Plaintiffs' counsel's right of access to the remaining incarcerated putative class members. This lack of access is particularly concerning given the fact that another child incarcerated at Swanson Center for Youth at Monroe recently tested positive for COVID-19,²⁰ and at least two dorms at that facility have been quarantined with the children in 23-hour daily lockdown.²¹

Finally, the evidence establishes that Defendants' policies are unreasonable under the circumstances. Of the eleven children who Plaintiffs' counsel know were attempting to call the secure phone line, counsel are aware of just one child, D.M., who has been able to successfully add Plaintiffs' counsel to his approved phone list, and only with his mother's intervention.²² But this one success was not without several hiccups. According to D.M.'s mother, J.P., "[i]t is quite a process for children to get numbers added to their own phone lists and most parents do not

¹⁷ See Ex. 5, Decl. of J.P.; Ex. 6, Decl. of Hunter-Lowery.

¹⁸ Opp. at 6.

¹⁹ Ex. 7, July 17, 2020 Email from K. Miller to N. Kumar, et al.

²⁰ State of Louisiana, Office of Juvenile Justice, *OJJ COVID-19 Information*, <https://ojj.la.gov/ojj-covid-19-information/>.

²¹ Ex. 5, Decl. of J.P. ¶ 9.

²² Opp. at 5.

know how to do this on behalf of their children.”²³ J.P. accordingly spoke with D.M.’s counselor at Swanson Center for Youth at Monroe in order to facilitate the request.²⁴ After J.P.’s intervention, D.M. was finally able to contact Plaintiffs’ counsel via the secure phone line.²⁵ In the process, however, it appears that OJJ *removed* J.P.’s phone number from D.M.’s approved call list, so D.M. was blocked from calling his own mother.²⁶ D.M.’s experience exemplifies the hurdles that the children will encounter in trying to access Plaintiffs’ counsel through OJJ’s restrictive telephone policy, which could be avoided if they are were provided with written instructions on how to do so.

Setting aside these logistical and technical deficiencies, Defendants fail to even address the key issue here, which is the insurmountable obstacle to access putative class members under the current OJJ rules: The children cannot list Plaintiffs’ counsel on their approved attorney call lists unless and until the children are able to contact Plaintiffs’ counsel to engage them and be instructed on how to do so in the first instance, but Plaintiffs’ counsel cannot schedule attorney visits with *unknown and unidentifiable* children, particularly if prior communication and affirmative proof of representation is *also* required per the position OJJ has most recently taken. This is the conundrum Plaintiffs’ counsel ask this court to resolve.

ARGUMENT

Federal Rule of Civil Procedure 23(d) affords district courts broad discretion to fashion appropriate orders governing the conduct of parties in class action litigation. *In re Nissan Motor Corp. Antitrust Litig.*, 552 F.2d 1088, 1102 (5th Cir. 1977); *Johnson v. City of Hobbs*, No. CIV

²³ Ex. 5, Decl. of J.P. ¶ 6.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.* ¶ 8. J.P. was forced to contact the counselor once again, but due to OJJ’s mix-up, D.M. was not able to call her again on that number for approximately a week. *Id.*

99-348 MV/WWD, 1999 WL 35809549, at *4 (D.N.M. June 22, 1999) (“The Court may issue such orders before a class has been certified.”).²⁷ Courts consider “the interests of justice,” including “the unique features of [the] litigation” and “the characteristics of the members of the proposed class.” *Tellis v. LeBlanc*, No. 18-CV-0541, 2019 WL 1103420, at *2 (W.D. La. Mar. 8, 2019). Defendants’ Opposition focuses principally on the undisputed point that “inmates have ‘no right to unlimited telephone use,’”²⁸ but fails to even address the catch-22 their policies create for Plaintiffs’ counsel and the putative class members, which weighs heavily in favor of relief.

First, for children who have knowledge of the litigation, OJJ’s policies have proven unreasonable under the circumstances and in light of the “characteristics of the [] proposed class.” *Tellis*, 2019 WL 1103420, at *2. Plaintiffs’ counsel is aware of *eleven* children who were attempting to call Plaintiffs’ counsel’s secure phone line but have been blocked.²⁹ (There may well be many more.) Just one of these children, D.M., has been able to successfully add Plaintiffs’ counsel’s secure phone line to his approved call list, and the addition required his mother’s intervention.³⁰ Given these facts, Defendants’ policies unreasonably require that

²⁷ Applying Rule 23, the Supreme Court in *Gulf Oil Co. v. Bernard* limited courts’ ability to restrict counsel’s communications with putative class members. 452 U.S. 89, 99–101 (1981). When imposing such a restriction, a court must show “a clear record and specific findings that reflect a weighing of the need for a limitation . . . with the rights of the parties.” *Id.* at 101; *see also Gates v. Cook*, 234 F.3d 221, 227 (5th Cir.2000) (applying *Gulf Oil* analysis to invalidate a no-contact order precluding plaintiffs’ attorneys from contacting members of a class action because the order was not “narrowly drawn to minimize prior restraints on speech, association, and the inmates’ rights to counsel”). In light of this well-established case law, courts have recognized a positive right to contact putative class members under Rule 23. *See Gridley v. State Farm Mut. Auto. Ins. Co.*, No. CV 06-2864, 2007 WL 9810994, at *6 (E.D. La. Apr. 11, 2007) (leaving undisputed plaintiff’s contention that plaintiffs have a right to communicate with putative class members, subject to limitations to be decided by the court using the standard set in *Gulf Oil*); *see also Olson v. Brown*, No. 4:09-CV-6-AS-PRC, 2009 WL 799531, at *1–2 (N.D. Ind. Mar. 23, 2009) (same).

²⁸ *See Opp.* at 7–8 (citing *Waganfeald v. Gusman*, 674 F.3d 475, 485 (5th Cir. 2012)).

²⁹ Ex. 6, Decl. of Hunter-Lowrey ¶ 8.

³⁰ Ex. 5, Decl. of J.P.

children understand not only OJJ's policies but also that they have a right to contact Plaintiffs' counsel and that they will not be punished for doing so.³¹

Second, OJJ's policies ignore the challenges the putative class members face who are not aware of this litigation or do not have Plaintiffs' counsel's names or contact information. *See Tellis*, 2019 WL 1103420, at *2 ("Because the members of the prospective class are all incarcerated, Plaintiffs' counsel has no means of accessing them except with Defendants' cooperation."). The putative class members in this litigation are *children* who are entirely at the mercy of OJJ and who rely on OJJ to convey information. Unlike in the context of adults in jails and prisons, the children's identities and locations are not publicly available, so Plaintiffs' counsel cannot send them mailings without OJJ's cooperation. The children's only knowledge of this litigation originates from either their parents or other second-hand information circulating within the facilities, among children or staff. With information so one-sided, there is a serious risk of error and abuse. *Gulf Oil Co.*, 452 U.S. at 100; *Olson*, 2009 WL 799531, at *2–3 (permitting plaintiffs' counsel to contact prisoner putative class members). The COVID-19 pandemic has exacerbated the access issue as the children have been isolated even further from each other and from the outside world.³²

³¹ It is clear that the right of putative class members under eighteen to contact plaintiffs' counsel is similar to that of adults. *J.D. v. Nagin*, No. 07-9755, 2009 WL 363456, at *6 (E.D. La. Feb. 11, 2009) (holding plaintiffs' counsel had a right to access minor putative class members); *see also Soto v. Brock*, 795 F. App'x 246, 248 (5th Cir. 2019) (recognizing that incarcerated youth are "afforded constitutional protections applicable to [incarcerated adults]."); *John L. v. Adams*, 969 F.2d 228, 233–34 (6th Cir. 1992) (finding incarcerated juvenile plaintiffs have rights similar to that of adults and therefore "they must be afforded access to an attorney."); "Janet R. Fink, *Who Decides: The Role of Parent or Guardian in Juvenile Delinquency Representation*, in *ETHICAL PROBLEMS FACING THE CRIMINAL DEFENSE LAWYER* 119, 119 (Rodney J. Uphoff ed., 1995) (noting that "constitutional due process strictures, ethical mandates, and juvenile justice standards all underscore the fact that it is the child, not the parent, who is the client and decision maker").

³² State of Louisiana, Office of Juvenile Justice, *OJJ COVID-19 Information*, <https://ojj.la.gov/ojj-covid-19-information/>; Ex. 5, Decl. of J.P. ¶ 9 (explaining that at least two dorms at Swanson Monroe were back on quarantine lockdown as of July 8, 2020).

Plaintiffs request that Defendants either (1) coordinate with Securus Technologies to add Plaintiffs' counsel's secure phone line to the call list of each child, or (2) display a sufficient notice of this litigation and instructions on the multiple channels for accessing Plaintiffs' counsel throughout the facilities, as OJJ did in past litigation.³³ In the alternative, or simultaneously, Defendants can provide Plaintiffs' counsel the JETS number for each incarcerated child (an anonymized inmate number) so that Plaintiffs' counsel can mail the notice. These remedies impose little burden on Defendants, and Defendants cannot in good faith suggest that such proposals create a "risk" of the children "orchestrat[ing] an escape, bring[ing] contraband into an OJJ facility, or engag[ing] in other dangerous behavior."³⁴

Defendants had two weeks to review Plaintiffs' proposed notice but failed to substantively respond until the afternoon that this Reply was due, despite repeated attempts by Plaintiffs to schedule a call to discuss. While Defendants have now agreed to post some form of notice in each dorm, the edits they suggest significantly impact putative class members' ability to access counsel, and vice versa.³⁵ First, Defendants removed the ability for class members to access counsel by sending a letter to Plaintiffs' counsel requesting an attorney visit (presumably because OJJ no longer agrees to schedule attorney visits without affirmative proof of representation).³⁶ Second, Defendants now take the position that parental or guardian permission is required for minors to request an attorney phone call or add a number to their master phone lists.³⁷ Under OJJ's existing phone policy, parental or guardian permission or approval is not

³³ United States' Jena Agreement, *U.S. v. Louisiana*, Civil No. 98-947-B-1 ¶ 9 (M.D. La. Apr. 1, 2000).

³⁴ Opp. at 4.

³⁵ Compare Ex. 3, July 3, 2020 Email from N. Kumar to K. Miller and L. Montgomery (attachment) with Ex. 7, July 17, 2020 Email from K. Miller to N. Kumar, et al. (attachment) (removing the mailing address for Plaintiff's counsel, removing information that a lawsuit was filed *on behalf of* putative class members, and adding a requirement that putative class members secure parents' permission to add Plaintiffs' counsel to phone list).

³⁶ *Id.*

³⁷ *Id.*

required for addition of approved phone numbers or to place any phone calls—with attorneys or otherwise.³⁸ Requiring parental or guardian approval for all communication with counsel unduly chills putative class members’ First Amendment right to access class counsel, which applies equally to minor and adult class members.³⁹ Third, in light of Defendants’ track record on this issue, Plaintiffs believe a Court order is the only way to ensure Defendants’ compliance in granting access to putative class members. The interests of justice, including “the unique features of [the] litigation” and the “[c]haracteristics of the members of the proposed class,” accordingly weigh in favor of immediate relief. *See, e.g., Tellis*, 2019 WL 1103420, at *1–2 (“[T]he interests of justice are best served by allowing Plaintiffs’ counsel reasonable access for in-person confidential interviews with *members of the proposed class*.”) (emphasis added).

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that this Court order Defendants to provide all putative class members with immediate and ongoing access to communicate confidentially with Plaintiffs’ counsel, which requires that Defendants permit all children to call Plaintiffs’ counsel’s secure phone line or that Plaintiffs’ counsel be afforded a reasonable form of outreach to provide instructions for such access to the incarcerated children. Furthermore, Plaintiffs respectfully request that this Court order Defendants to continue to schedule attorney visits by telephone per OJJ’s existing policies and procedures, which Plaintiffs have been able to utilize successfully since the filing of this motion.

Respectfully submitted this 17th day of July, 2020.

/s/ Mercedes Montagnes
Mercedes Montagnes, La. Bar No. 33287

Marsha Levick, *pro hac vice*
Jessica Feerman, *pro hac vice*

³⁸ See Youth Services Policy B.8.1, Telephone Usage by Youth and Monitoring of Calls, *available at* <https://ojj.la.gov/wp-content/uploads/2020/02/B.8.1.pdf>

³⁹ See *supra* n.31.

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Rebecca Ramaswamy, *pro hac vice*
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Aronsson, Laura S.

From: Nishi Kumar <NKumar@defendla.org>
Sent: Friday, June 19, 2020 6:23 PM
To: Kyle Miller
Cc: Aronsson, Laura S.; Lem Montgomery; Sarnoff, Stuart M.; mlevick@jlc.org; jnadcock@gmail.com
Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

[EXTERNAL MESSAGE]

Thank you, Kyle. We appreciate that update.

My question below was not in reference to the previous request regarding the 11 children trying to add us to their attorney call lists.

Did OJJ indicate whether they will stop blocking the 200-plus children in the facilities from calling PJI through the Securus system - the "paid call system" as you referred to it earlier today?

Thank you,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
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nkumar@defendla.org
[504.529.5955](tel:504.529.5955)

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On Jun 19, 2020, at 5:14 PM, Kyle Miller <Kyle.Miller@butlersnow.com> wrote:

We had a call with the client this afternoon. They are checking with the facilities to ascertain whether the Youth you have identified have requested to have the phone number added and, if so, the status of same. I'll let you know what I hear.

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010

Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

<image001.png>

Twitter | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Nishi Kumar <NKumar@defendla.org>
Sent: Friday, June 19, 2020 4:52 PM
To: laronsson@omm.com
Cc: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>; ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com
Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

Hope you are well. Do you have a response from your client to our request that they stop blocking all of the kids in the facilities from calling PJI through the securus phone system, as discussed on our call this morning?

Thank you,

Nishi Kumar
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On Jun 18, 2020, at 3:24 PM, Aronsson, Laura S. <laronsson@omm.com> wrote:

Thanks, Kyle. Let's please speak at 11am CT tomorrow.

Laura S. Aronsson
O: +1-212-728-5841
M: +1-802-578-3431

laronsson@omm.com

From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Thursday, June 18, 2020 2:55 PM
To: 'Nishi Kumar' <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: Sarnoff, Stuart M. <ssarnoff@omm.com>; mlevick@jlc.org; jnadcock@gmail.com; Aronsson, Laura S. <laronsson@omm.com>
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

[EXTERNAL MESSAGE]

Sorry. I'm not available this afternoon. But can generally be available after 10:30 a.m. tomorrow. Just let me know what works for you.

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

[<image001.png>](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Nishi Kumar <NKumar@defendla.org>
Sent: Thursday, June 18, 2020 11:54 AM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle,

Can we get on a call today to discuss the Securus line? We are available any time after 3 pm CST.

The children we know have tried or are trying to add 908-283-1525 to their attorney call list are:

[REDACTED]
[REDACTED]. There may be others that we do not know about yet because of the obstacles to access.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
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504.529.5955

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From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Thursday, June 18, 2020 9:38 AM
To: Nishi Kumar <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcok@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Why don't you provide me with the names of your clients, and I'll work to confirm that your name and number have been added to the phone list.

I'm not sure what the standard policy is for Youth to schedule calls with their attorneys, but when I ask to confirm the addition of your name and number, I'll also ask about the scheduling protocol.

Kyle V. Miller
Butler Snow LLP

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From: Nishi Kumar <NKumar@defendla.org>
Sent: Wednesday, June 17, 2020 10:36 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery

<Lem.Montgomery@butlersnow.com>

Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com

Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle,

Thanks for your response. Our most updated information is that our clients have tried or are trying to add PJI's number to their attorney phone lists. We have not yet received any calls so I don't yet have the answers to either of your two questions. Is OJJ putting it on the children to seek out and ask staff members if they can call PJI once the numbers are added to the lists? Or can we instead put in and schedule calls for them?

You again have not responded to my question on the Securus line, which not only would allow for our retained clients to access us during their normal phone time without having to seek out staff members, but also allows for putative class members to seek legal representation, which they have an affirmative right to do. Please set up a call as soon as possible with your client to discuss what process is necessary for OJJ to unblock and allow calls to PJI at 908-283-1525 using the Securus system. Per our June 1st email on this topic, we plan to petition the Court if this issue is not resolved this week.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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<[image002.jpg](#)>

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From: Kyle Miller <Kyle.Miller@butlersnow.com>

Sent: Tuesday, June 16, 2020 6:42 PM

To: Nishi Kumar <NKumar@defendla.org>; Lem Montgomery
<Lem.Montgomery@butlersnow.com>

Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com

Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Please see my prior email below on this request. Any Youth who you represent should complete the required form to have you added to their contact list as their attorney. After this process is completed, the Youth will be able to contact you directly on the

number that the Youth provides. Has any Youth attempted to do add you (or any member of your team) and either (1) not been allowed to have you added or (2) been unable to contact you after being added?

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

[<image001.png>](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Nishi Kumar <NKumar@defendla.org>
Sent: Tuesday, June 16, 2020 6:37 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

I hope this email finds you both well. I am raising to your attention yet again our ongoing issues accessing the children in the OJJ facilities. Aside from the calls with H.C. and D.M. that were set up through the alternative means in the few days before the June 3 TRO hearing, we have not been able to reach the children or have them reach us through the Securus phone system, despite us repeatedly asking you to bring this to your client's attention. This has been a concern we raised on multiple calls and in emails dating back to mid-May. In the weeks that followed, children in all four facilities have repeatedly tried to reach us using Securus and have been prevented from doing so. We again request that you set up a time for us to meet with your client and figure out what the problem is or we will have to bring this issue to the Court's attention. We understand your position that the children should seek to have us added to an approved contact list for attorneys, and some of them have attempted to go through that process, but what we are separately requesting is that the Securus phone line be accessible for all children who are seeking to reach us, as previously requested. As I stated before, I have never encountered an issue with someone trying to contact anyone at my office on a Securus phone line from any other prison or jail that uses that system.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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From: Nishi Kumar

Sent: Thursday, June 4, 2020 7:57 PM

To: Kyle Miller <Kyle.Miller@butlersnow.com>; laronsson@omm.com; Lem Montgomery <Lem.Montgomery@butlersnow.com>

Cc: ssarnoff@omm.com; mlevick@jlc.org; inadcock@gmail.com

Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

Hope you are well. Can we get on a call tomorrow with whatever OJJ staff you think is necessary after we are done with Court to figure out the phone line issue? I need to know if there is anything they could possibly need from our end to get the 908 number approved so we can ensure we have access to our clients. At least one child tried calling again today and wasn't able to get through for the same blocking issues we flagged weeks ago.

Could you also send me the email addresses for the ARP coordinators at Swanson Monroe and Swanson Columbia? If you would prefer for me to reach out directly to your clients for this information, I am happy to do so.

Thank you,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
[504.529.5955](tel:504.529.5955)

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On Jun 2, 2020, at 12:21 AM, Nishi Kumar
<NKumar@defendla.org> wrote:

Hi Kyle and Lem,

Hope you all are healthy, safe, and well. I just wanted to provide some clarity on the facts surrounding this situation. As I explained on previous calls, I have years of experience using the Securus system in jails and prisons across the state and have never encountered these types of access issues. Parents have been trying for weeks to have their children in the secure care facilities call us. Usually, once a Securus account is active and funded (and PJI consistently maintains an account that we get dozens of phone calls on each day) and a receiving phone number is on the account, anyone in any facility contracting through Securus should be able to call that receiving number through the Securus system as a sort of “collect call” mechanism. I have received hundreds calls from jails and prisons throughout the state over the years using this system and nobody has ever mentioned paperwork that needs to be sent from Securus to the facilities. We originally tried to open a line of communication with a 504 google voice number that was tied to one of my colleague’s cellphones and that the kids were trying to call us on. When that didn’t work, we flagged for you all and also added my colleague’s actual cellphone number (the 908-283-1525 number below), in case it was the google voice number that was the problem. Kids were also not able to use the 908 number and when we brought it up, you all mentioned that LCCR’s Securus “hotline” was still open and working according to OJJ. PJI office staff then got permission from LCCR to access that Securus account, which LCCR has not been actively using and which no longer had an active phone number listed, and added the 908 number there as well. Kids were still not able to get through, which we flagged for you all again. At that point, Securus confirmed that the block on kids calling the numbers was completely on OJJ’s end. I offered to get on the phone with you and your client and you indicated you would check with OJJ to see what the hold up was. We did not repeatedly reject an opportunity to straighten this out, but rather made sure to clear up any possible issues that could be preventing access on our end or on Securus’ end through multiple avenues. This is the first time you are telling us that the children need to be filling out some sort of form, which would normally be a process for adding relatives or friends to

their call lists, and that we believe only goes through the approval process on a quarterly basis, with the potential exception of expedited requests for parents or attorneys of record. With in-person visitation suspended indefinitely, the only access we have to our clients and class members is over the phone, and with the 908 number not being accessible to children, we have had to resort to scheduling calls through individual case managers that are not guaranteed to happen within any specific time frame or guaranteed to be private. We should be able to speak with children trying to call us through the regular Securus system and on an unmonitored line without any impediment to access, particularly given the tight time frame on the TRO hearing. If this isn't resolved, we intend to advise the court that – despite what seemed to be good faith efforts by you all as defense counsel – that OJJ failed to provide adequate access. If there is something we are missing in this back-and-forth, please let me know and I will make every effort to resolve it.

We appreciate your cooperation in scheduling calls with J.H., D.M., H.C., and I.B. through alternative means while your clients resolve the access issues, hopefully on an expedited basis. We have calls with H.C. and D.M. scheduled through the facilities, per your permission, but if you can set up calls with I.B. and J.H. for today at the 908-283-1525 number between 11 am and 6 pm CST, that would be much appreciated. Please let us any know potential timings for those calls as soon as possible.

We are happy to discuss this issue more at any time.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Monday, June 1, 2020 2:56 PM
To: laronsson@omm.com; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; Nishi Kumar <NKumar@defendla.org>
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

First, no one is “blocking” you from speaking with the Youth. OJJ has, frankly, gone above and beyond to provide you access.

Regarding the “hotline,” we do not know what is going on or what conversations you have had with Securus. There are certain hotlines that OJJ has established for the Youth (e.g., a hotline to report allegations of abuse). Securus does not have the authority to establish hotlines. Regardless, no request has been sent from Securus to OJJ to have a hotline established. We offered weeks ago to (and then again multiple times after) to set up a call among you, Securus, and OJJ. That offer was repeatedly rejected.

The Youth, of course, can request to have their attorneys added to their approved contact list, which as I understand it allows the Youth to contact their attorneys free of charge on an unmonitored line. This is typically done by the Youth filing out a form and requesting to have their attorney added. OJJ has agreed to add you for I.B. and J.H. because those are the two named plaintiffs. Let us know the name and phone number of the person(s) you would like added. Any other Youth that wants to contact you should complete the form and have you added to their contact list.

Kyle V. Miller
Butler Snow LLP

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1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

<image003.png>

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Aronsson, Laura S. <laronsson@omm.com>
Sent: Monday, June 01, 2020 10:17 AM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: Sarnoff, Stuart M. <ssarnoff@omm.com>; Marsha Levick <mlevick@jlc.org>; John Adcock <jnadcock@gmail.com>; Nishi Kumar

<NKumar@defendla.org>

Subject: J.H. v. Edwards -- Phone Lines

Kyle and Lem,

I am following up on access to putative class members. As you know, the children have been unable to reach us over the phone (at 908-283-1525 and other numbers). OJJ implemented a "workaround," and yesterday, we did speak to [REDACTED] at Bridge City, but for only fifteen minutes and without confirmation of privacy. We were not able to connect with [REDACTED] at Swanson Monroe until this morning. With the hearing less than 48 hours away, we cannot be blocked from speaking with the children. Can you please let us know immediately if OJJ will (1) immediately open the 908-283-1525 line for children to call, (2) provide us at least one hour today with both [REDACTED] and [REDACTED], and (3) confirm that these phone calls are not recorded or monitored.

We do not want to be forced to petition the Court this evening. We are available to discuss.

Thanks,
Laura

O'Melveny

Laura S. Aronsson

laronsson@omm.com

O: +1-212-728-5841

M: +1-802-578-3431

O'Melveny & Myers LLP
Times Square Tower
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New York, NY 10036
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From: [Nishi Kumar](#)
To: [Kyle Miller](#); [Lem Montgomery](#)
Cc: [jnadcock@gmail.com](#); [mlevick@jlc.org](#); [laronsson@omm.com](#)
Subject: RE: Stip Facts, Witness Lists, and Phone Calls with Kids [IWOV-ButlerSnow.FID8497864]
Date: Saturday, May 30, 2020 4:03:00 PM
Attachments: [image003.png](#)

Thank you, Kyle. 11 am CST works for me if it works for others. We look forward to reviewing a redline and discussing the witness lists and exhibits.

In addition to checking on the phone number, could you also try to set up those two calls with [REDACTED] at Bridge City and [REDACTED] at Swanson Monroe? OJJ should be able to set up a time for those kids to privately call either the hotline number or my cell phone (404-617-1467) through their case manager's phone.

Thank you! Hope you all are well.

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Saturday, May 30, 2020 3:59 PM
To: Nishi Kumar <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: [jnadcock@gmail.com](#); [mlevick@jlc.org](#); [laronsson@omm.com](#)
Subject: RE: Stip Facts, Witness Lists, and Phone Calls with Kids [IWOV-ButlerSnow.FID8497864]

Nishi,

Sorry, just now seeing this. Let's plan to talk tomorrow morning. How does 11:00 a.m. central work? We'll get you back a redline of the stipulation with our changes and additions.

I'll follow-up with my folks re: the phone number to see if there is any news.

Kyle V. Miller

Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

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From: Nishi Kumar <NKumar@defendla.org>
Sent: Saturday, May 30, 2020 1:21 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: jnadcok@gmail.com; mlevick@jlc.org; laronsson@omm.com
Subject: Stip Facts, Witness Lists, and Phone Calls with Kids

Hi Kyle and Lem,

Hope you are both well. Thanks so much for sending over those exhibits last night. We will let you know any additional objections once we have a chance to review.

We think it makes sense for us to hop on a call this afternoon or tomorrow morning to discuss the stipulated facts and revising of the exhibit and witness lists per the judge's order today. Would 4 pm EST work for you all?

Do you have any updates on kids being able to call us at the 908-283-1525 number? They have continually reported being unable to reach us over the phone for the past few weeks (at this number and other numbers) and securus does not seem to be the issue. In the meantime, would you be able to have your client set up a call for us with [REDACTED] at Bridge City and [REDACTED] at Swanson Monroe? It would be great if you could set up those calls for today or tomorrow, if possible.

Thank you!

Nishi Kumar
Director of Civil Litigation
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504.529.5955

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EXHIBIT 3

From: Nishi Kumar <NKumar@defendla.org>
Sent: Friday, July 3, 2020 1:10 PM
To: Kyle Miller; 'Lem Montgomery'
Cc: Aronsson, Laura S.; Sarnoff, Stuart M.; Marsha Levick; jnadcock@gmail.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]
Attachments: 2020.07.03 CLASS MEMBER NOTICE.docx

[EXTERNAL MESSAGE]

Hi Kyle and Lem,

We hope you are both well. Per Judge Wilder-Doomes' directions at yesterday's status conference, we drafted the attached notice informing the putative class members on the procedures that they need to go through under the current OJJ policies if they would like to access class counsel, and also informing them that they don't have to speak to us if they don't want to.

We would request that your clients agree to display, immediately and throughout the pendency of the litigation, the notice at all four facilities in each of the dorms, classrooms, computer labs, dining halls, gyms, individual case manager offices, on any message boards, and next to each of the Securus phone banks. We would also request that your clients provide us with a list of the JETS number and current facility placement for each child in secure care so we can send them this information directly by way of legal mail. We are happy to jump on a call to discuss the specific language in the flyer.

Best,

Nishi Kumar
Pronouns: she/her/hers
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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From: Nishi Kumar
Sent: Friday, June 19, 2020 5:23 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>
Cc: laronsson@omm.com; Lem Montgomery <Lem.Montgomery@butlersnow.com>; ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com
Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Thank you, Kyle. We appreciate that update.

My question below was not in reference to the previous request regarding the 11 children trying to add us to their attorney call lists.

Did OJJ indicate whether they will stop blocking the 200-plus children in the facilities from calling PJI through the Securus system - the "paid call system" as you referred to it earlier today?

Thank you,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
[504.529.5955](tel:504.529.5955)

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On Jun 19, 2020, at 5:14 PM, Kyle Miller <Kyle.Miller@butlersnow.com> wrote:

We had a call with the client this afternoon. They are checking with the facilities to ascertain whether the Youth you have identified have requested to have the phone number added and, if so, the status of same. I'll let you know what I hear.

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

<image001.png>

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From: Nishi Kumar <NKumar@defendla.org>

Sent: Friday, June 19, 2020 4:52 PM

To: laronsson@omm.com

Cc: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>; ssarnoff@omm.com; mlevick@jlc.org; inadcock@gmail.com

Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

Hope you are well. Do you have a response from your client to our request that they stop blocking all of the kids in the facilities from calling PJI through the securus phone system, as discussed on our call this morning?

Thank you,

Nishi Kumar

Director of Civil Litigation

The Promise of Justice Initiative

www.justicespromise.org

nkumar@defendla.org

[504.529.5955](tel:504.529.5955)

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On Jun 18, 2020, at 3:24 PM, Aronsson, Laura S. <laronsson@omm.com> wrote:

Thanks, Kyle. Let's please speak at 11am CT tomorrow.

Laura S. Aronsson

O: +1-212-728-5841

M: +1-802-578-3431

laronsson@omm.com

From: Kyle Miller <Kyle.Miller@butlersnow.com>

Sent: Thursday, June 18, 2020 2:55 PM

To: 'Nishi Kumar' <NKumar@defendla.org>; Lem Montgomery

<Lem.Montgomery@butlersnow.com>

Cc: Sarnoff, Stuart M. <ssarnoff@omm.com>; mlevick@jlc.org; jnadcock@gmail.com;

Aronsson, Laura S. <laronsson@omm.com>

Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

[EXTERNAL MESSAGE]

Sorry. I'm not available this afternoon. But can generally be available after 10:30 a.m. tomorrow. Just let me know what works for you.

Kyle V. Miller

Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500

1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157

P.O. Box 6010, Ridgeland, MS 39158-6010

Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

<[image001.png](#)>

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Nishi Kumar <NKumar@defendla.org>

Sent: Thursday, June 18, 2020 11:54 AM

To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery

<Lem.Montgomery@butlersnow.com>

Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com

Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle,

Can we get on a call today to discuss the Securus line? We are available any time after 3 pm CST.

The children we know have tried or are trying to add 908-283-1525 to their attorney call list are:

[REDACTED]

[REDACTED] There may be others that we do not know about yet because of the obstacles to access.

Best,

Nishi Kumar

Director of Civil Litigation

The Promise of Justice Initiative

www.justicespromise.org

nkumar@defendla.org
504.529.5955

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[<image002.jpg>](#)

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From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Thursday, June 18, 2020 9:38 AM
To: Nishi Kumar <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Why don't you provide me with the names of your clients, and I'll work to confirm that your name and number have been added to the phone list.

I'm not sure what the standard policy is for Youth to schedule calls with their attorneys, but when I ask to confirm the addition of your name and number, I'll also ask about the scheduling protocol.

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

[<image001.png>](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Nishi Kumar <NKumar@defendla.org>
Sent: Wednesday, June 17, 2020 10:36 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle,

Thanks for your response. Our most updated information is that our clients have tried or are trying to add PJI's number to their attorney phone lists. We have not yet received any calls so I don't yet have the answers to either of your two questions. Is OJJ putting it on the children to seek out and ask staff members if they can call PJI once the numbers are added to the lists? Or can we instead put in and schedule calls for them?

You again have not responded to my question on the Securus line, which not only would allow for our retained clients to access us during their normal phone time without having to seek out staff members, but also allows for putative class members to seek legal representation, which they have an affirmative right to do. Please set up a call as soon as possible with your client to discuss what process is necessary for OJJ to unblock and allow calls to PJI at 908-283-1525 using the Securus system. Per our June 1st email on this topic, we plan to petition the Court if this issue is not resolved this week.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Tuesday, June 16, 2020 6:42 PM
To: Nishi Kumar <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Please see my prior email below on this request. Any Youth who you represent should complete the required form to have you added to their contact list as their attorney. After this process is completed, the Youth will be able to contact you directly on the number that the Youth provides. Has any Youth attempted to do add you (or any member of your team) and either (1) not been allowed to have you added or (2) been unable to contact you after being added?

Kyle V. Miller

Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

[<image001.png>](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Nishi Kumar <NKumar@defendla.org>
Sent: Tuesday, June 16, 2020 6:37 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

I hope this email finds you both well. I am raising to your attention yet again our ongoing issues accessing the children in the OJJ facilities. Aside from the calls with H.C. and D.M. that were set up through the alternative means in the few days before the June 3 TRO hearing, we have not been able to reach the children or have them reach us through the Securus phone system, despite us repeatedly asking you to bring this to your client's attention. This has been a concern we raised on multiple calls and in emails dating back to mid-May. In the weeks that followed, children in all four facilities have repeatedly tried to reach us using Securus and have been prevented from doing so. We again request that you set up a time for us to meet with your client and figure out what the problem is or we will have to bring this issue to the Court's attention. We understand your position that the children should seek to have us added to an approved contact list for attorneys, and some of them have attempted to go through that process, but what we are separately requesting is that the Securus phone line be accessible for all children who are seeking to reach us, as previously requested. As I stated before, I have never encountered an issue with someone trying to contact anyone at my office on a Securus phone line from any other prison or jail that uses that system.

Best,

Nishi Kumar
Director of Civil Litigation
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nkumar@defendla.org
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From: Nishi Kumar
Sent: Thursday, June 4, 2020 7:57 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; laronsson@omm.com; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com
Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

Hope you are well. Can we get on a call tomorrow with whatever OJJ staff you think is necessary after we are done with Court to figure out the phone line issue? I need to know if there is anything they could possibly need from our end to get the 908 number approved so we can ensure we have access to our clients. At least one child tried calling again today and wasn't able to get through for the same blocking issues we flagged weeks ago.

Could you also send me the email addresses for the ARP coordinators at Swanson Monroe and Swanson Columbia? If you would prefer for me to reach out directly to your clients for this information, I am happy to do so.

Thank you,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
[504.529.5955](tel:504.529.5955)

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On Jun 2, 2020, at 12:21 AM, Nishi Kumar
<NKumar@defendla.org> wrote:

Hi Kyle and Lem,

Hope you all are healthy, safe, and well. I just wanted to provide some clarity on the facts surrounding this situation. As I explained on previous calls, I have years of experience using the Securus system in jails and prisons across the state and have never encountered these types of access issues. Parents have been trying for weeks to have their children in the secure care facilities call us. Usually, once a Securus account is active and funded (and PJI consistently maintains an account that we get dozens of phone calls on each day) and a receiving phone number is on the account, anyone in any facility contracting through Securus should be able to call that receiving number through the Securus system as a sort of "collect call" mechanism. I have received hundreds calls from jails and prisons throughout the state over the years using this system and nobody has ever mentioned paperwork that needs to be sent from Securus to the facilities. We originally tried to open a line of communication with a 504 google voice number that was tied to one of my colleague's cellphones and that the kids were trying to call us on. When that didn't work, we flagged for you all and also added my colleague's actual cellphone number (the 908-283-1525 number below), in case it was the google voice number that was the problem. Kids were also not able to use the 908 number and when we brought it up, you all mentioned that LCCR's Securus "hotline" was still open and working according to OJJ. PJI office staff then got permission from LCCR to access that Securus account, which LCCR has not been actively using and which no longer had an active phone number listed, and added the 908 number there as well. Kids were still not able to get through, which we flagged for you all again. At that point, Securus confirmed that the block on kids calling the numbers was completely on OJJ's end. I offered to get on the phone with you and your client and you indicated you would check with OJJ to see what the hold up was. We did not repeatedly reject an opportunity to straighten this out, but rather made sure to clear up any possible issues that could be preventing access on our end or on Securus' end through multiple avenues. This is the first time you are telling us that the children need to be filling out some sort of form, which would normally be a process for adding relatives or friends to their call lists, and that we believe only goes through the approval process on a quarterly basis, with the potential exception of expedited requests for parents or attorneys of record. With in-person visitation suspended indefinitely, the only access we have to our clients and class members is over the phone, and with the 908 number not being

accessible to children, we have had to resort to scheduling calls through individual case managers that are not guaranteed to happen within any specific time frame or guaranteed to be private. We should be able to speak with children trying to call us through the regular Securus system and on an unmonitored line without any impediment to access, particularly given the tight time frame on the TRO hearing. If this isn't resolved, we intend to advise the court that – despite what seemed to be good faith efforts by you all as defense counsel – that OJJ failed to provide adequate access. If there is something we are missing in this back-and-forth, please let me know and I will make every effort to resolve it.

We appreciate your cooperation in scheduling calls with J.H., D.M., H.C., and I.B. through alternative means while your clients resolve the access issues, hopefully on an expedited basis. We have calls with H.C. and D.M. scheduled through the facilities, per your permission, but if you can set up calls with I.B. and J.H. for today at the 908-283-1525 number between 11 am and 6 pm CST, that would be much appreciated. Please let us any know potential timings for those calls as soon as possible.

We are happy to discuss this issue more at any time.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Monday, June 1, 2020 2:56 PM
To: laronsson@omm.com; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; Nishi Kumar <NKumar@defendla.org>

Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

First, no one is “blocking” you from speaking with the Youth. OJJ has, frankly, gone above and beyond to provide you access.

Regarding the “hotline,” we do not know what is going on or what conversations you have had with Securus. There are certain hotlines that OJJ has established for the Youth (e.g., a hotline to report allegations of abuse). Securus does not have the authority to establish hotlines. Regardless, no request has been sent from Securus to OJJ to have a hotline established. We offered weeks ago to (and then again multiple times after) to set up a call among you, Securus, and OJJ. That offer was repeatedly rejected.

The Youth, of course, can request to have their attorneys added to their approved contact list, which as I understand it allows the Youth to contact their attorneys free of charge on an unmonitored line. This is typically done by the Youth filing out a form and requesting to have their attorney added. OJJ has agreed to add you for I.B. and J.H. because those are the two named plaintiffs. Let us know the name and phone number of the person(s) you would like added. Any other Youth that wants to contact you should complete the form and have you added to their contact list.

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

<image003.png>

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Aronsson, Laura S. <laronsson@omm.com>
Sent: Monday, June 01, 2020 10:17 AM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: Sarnoff, Stuart M. <ssarnoff@omm.com>; Marsha Levick <mlevick@jlc.org>; John Adcock <jnadcock@gmail.com>; Nishi Kumar <NKumar@defendla.org>
Subject: J.H. v. Edwards -- Phone Lines

Kyle and Lem,

I am following up on access to putative class members. As you know, the children have been unable to reach us over the phone (at 908-283-1525 and other numbers). OJJ implemented a

“workaround,” and yesterday, we did speak to [REDACTED] at Bridge City, but for only fifteen minutes and without confirmation of privacy. We were not able to connect with [REDACTED] at Swanson Monroe until this morning. With the hearing less than 48 hours away, we cannot be blocked from speaking with the children. Can you please let us know immediately if OJJ will (1) immediately open the 908-283-1525 line for children to call, (2) provide us at least one hour today with both [REDACTED] and [REDACTED], and (3) confirm that these phone calls are not recorded or monitored.

We do not want to be forced to petition the Court this evening. We are available to discuss.

Thanks,
Laura

O'Melveny

Laura S. Aronsson

laronsson@omm.com

O: +1-212-728-5841

M: +1-802-578-3431

O'Melveny & Myers LLP

Times Square Tower

7 Times Square

New York, NY 10036

[Website](#) | [LinkedIn](#) | [Twitter](#)

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ATTACHMENT



NOTICE: A LAWSUIT HAS BEEN FILED ON BEHALF OF ALL YOUNG PEOPLE IN BRIDGE CITY, SWANSON MONROE, SWANSON COLUMBIA, AND ACADIANA DURING COVID-19.

YOU HAVE A RIGHT TO TALK TO THE LAWYERS WHO BROUGHT THE CASE ABOUT YOUR EXPERIENCES AND CONCERNS. THESE CONVERSATIONS WILL BE CONFIDENTIAL, WHICH MEANS THEY ARE PRIVATE.

YOU DO NOT HAVE TO SPEAK TO THE LAWYERS WORKING ON THE CASE IF YOU DO NOT WANT TO.

IF YOU WANT TO SPEAK TO THE LAYWERS WORKING ON THE CASE, YOU CAN:

1. Add the Promise of Justice Initiative, Phone Number: 908-283-1525 to your Master Phone List and call the lawyers once the number is added. You will not have to pay for that call.
2. Write a letter to the Promise of Justice Initiative at 1024 Elysian Fields Avenue, New Orleans, LA 70119 to request a lawyer visit. Once they get your letter, a lawyer will schedule a time to talk with you confidentially.
3. Ask your case manager to schedule a lawyer phone call with the Promise of Justice Initiative.
4. Ask a family member to call the Promise of Justice Initiative at 908-283-1525 and tell the lawyers that you want to speak with them.

YOU HAVE THE RIGHT TO SPEAK WITH THE LAWYERS AND NO ACTION CAN BE TAKEN AGAINST YOU FOR DOING SO.

EXHIBIT 4

From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Monday, July 6, 2020 10:30 AM
To: 'Nishi Kumar'; Lem Montgomery
Cc: Aronsson, Laura S.; Sarnoff, Stuart M.; Marsha Levick; jnadcock@gmail.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

[EXTERNAL MESSAGE]

We will discuss with our client and get back with you.

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

FOR BUTLER SNOW'S COVID-19 RESOURCE HUB, [CLICK HERE](#)

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From: Nishi Kumar <NKumar@defendla.org>
Sent: Friday, July 03, 2020 12:10 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: laronsson@omm.com; ssarnoff@omm.com; Marsha Levick <mlevick@jlc.org>; jnadcock@gmail.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

We hope you are both well. Per Judge Wilder-Doomes' directions at yesterday's status conference, we drafted the attached notice informing the putative class members on the procedures that they need to go through under the current OJJ policies if they would like to access class counsel, and also informing them that they don't have to speak to us if they don't want to.

We would request that your clients agree to display, immediately and throughout the pendency of the litigation, the notice at all four facilities in each of the dorms, classrooms, computer labs, dining halls, gyms, individual case manager offices, on any message boards, and next to each of the Securus phone banks. We would also request that your clients provide us with a list of the JETS number and current facility placement for each child in secure care so we can send them this information directly by way of legal mail. We are happy to jump on a call to discuss the specific language in the flyer.

Best,

Nishi Kumar
Pronouns: she/her/hers

The Promise of Justice Initiative

www.justicespromise.org

nkumar@defendla.org

504.529.5955

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From: Nishi Kumar

Sent: Friday, June 19, 2020 5:23 PM

To: Kyle Miller <Kyle.Miller@butlersnow.com>

Cc: laronsson@omm.com; Lem Montgomery <Lem.Montgomery@butlersnow.com>; ssarnoff@omm.com; mlevick@jlc.org; inadcock@gmail.com

Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Thank you, Kyle. We appreciate that update.

My question below was not in reference to the previous request regarding the 11 children trying to add us to their attorney call lists.

Did OJJ indicate whether they will stop blocking the 200-plus children in the facilities from calling PJI through the Securus system - the "paid call system" as you referred to it earlier today?

Thank you,

Nishi Kumar

Director of Civil Litigation

The Promise of Justice Initiative

www.justicespromise.org

nkumar@defendla.org

[504.529.5955](tel:504.529.5955)

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On Jun 19, 2020, at 5:14 PM, Kyle Miller <Kyle.Miller@butlersnow.com> wrote:

We had a call with the client this afternoon. They are checking with the facilities to ascertain whether the Youth you have identified have requested to have the phone number added and, if so, the status of same. I'll let you know what I hear.

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

<image001.png>

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Nishi Kumar <NKumar@defendla.org>
Sent: Friday, June 19, 2020 4:52 PM
To: laronsson@omm.com
Cc: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>; ssarnoff@omm.com; mlevick@jlc.org; jnadcok@gmail.com
Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

Hope you are well. Do you have a response from your client to our request that they stop blocking all of the kids in the facilities from calling PJI through the securus phone system, as discussed on our call this morning?

Thank you,

Nishi Kumar
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nkumar@defendla.org
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On Jun 18, 2020, at 3:24 PM, Aronsson, Laura S. <laronsson@omm.com> wrote:

Thanks, Kyle. Let's please speak at 11am CT tomorrow.

Laura S. Aronsson
O: +1-212-728-5841
M: +1-802-578-3431
laronsson@omm.com

From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Thursday, June 18, 2020 2:55 PM
To: 'Nishi Kumar' <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: Sarnoff, Stuart M. <ssarnoff@omm.com>; mlevick@jlc.org; jnadcock@gmail.com; Aronsson, Laura S. <laronsson@omm.com>
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

[EXTERNAL MESSAGE]

Sorry. I'm not available this afternoon. But can generally be available after 10:30 a.m. tomorrow. Just let me know what works for you.

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

<[image001.png](#)>

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Nishi Kumar <NKumar@defendla.org>
Sent: Thursday, June 18, 2020 11:54 AM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle,

Can we get on a call today to discuss the Securus line? We are available any time after 3 pm CST.

The children we know have tried or are trying to add 908-283-1525 to their attorney call list are:

[REDACTED]

[REDACTED] There may be others that we do not know about yet because of the obstacles to access.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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Sent: Thursday, June 18, 2020 9:38 AM
To: Nishi Kumar <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Why don't you provide me with the names of your clients, and I'll work to confirm that your name and number have been added to the phone list.

I'm not sure what the standard policy is for Youth to schedule calls with their attorneys, but when I ask to confirm the addition of your name and number, I'll also ask about the scheduling protocol.

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157

P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

[<image001.png>](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Nishi Kumar <NKumar@defendla.org>
Sent: Wednesday, June 17, 2020 10:36 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle,

Thanks for your response. Our most updated information is that our clients have tried or are trying to add PJI's number to their attorney phone lists. We have not yet received any calls so I don't yet have the answers to either of your two questions. Is OJJ putting it on the children to seek out and ask staff members if they can call PJI once the numbers are added to the lists? Or can we instead put in and schedule calls for them?

You again have not responded to my question on the Securus line, which not only would allow for our retained clients to access us during their normal phone time without having to seek out staff members, but also allows for putative class members to seek legal representation, which they have an affirmative right to do. Please set up a call as soon as possible with your client to discuss what process is necessary for OJJ to unblock and allow calls to PJI at 908-283-1525 using the Securus system. Per our June 1st email on this topic, we plan to petition the Court if this issue is not resolved this week.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

Follow us on [Instagram](#), [Twitter](#), & [Facebook](#)!

[<image002.jpg>](#)

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From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Tuesday, June 16, 2020 6:42 PM
To: Nishi Kumar <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Please see my prior email below on this request. Any Youth who you represent should complete the required form to have you added to their contact list as their attorney. After this process is completed, the Youth will be able to contact you directly on the number that the Youth provides. Has any Youth attempted to do add you (or any member of your team) and either (1) not been allowed to have you added or (2) been unable to contact you after being added?

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

[<image001.png>](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Nishi Kumar <NKumar@defendla.org>
Sent: Tuesday, June 16, 2020 6:37 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

I hope this email finds you both well. I am raising to your attention yet again our ongoing issues accessing the children in the OJJ facilities. Aside from the calls with H.C. and D.M. that were set up through the alternative means in the few days before the June 3 TRO hearing, we have not been able to reach the children or have them reach us through the Securus phone system, despite us repeatedly asking you to bring this to your client's attention. This has been a concern we raised on multiple calls and in emails dating back to mid-May. In the weeks that followed, children in all four facilities have repeatedly tried to reach us using Securus and have been prevented from doing so. We again request that you set up a time for us to meet with your client and figure out what the problem is or we will have to bring this issue to the Court's attention. We understand your position that the children should seek to have us added to an approved contact list for attorneys, and some of them have attempted to go through that process, but what we are separately requesting is that the Securus phone line be accessible for all children who are seeking to reach us, as previously requested. As I stated before, I

have never encountered an issue with someone trying to contact anyone at my office on a Securus phone line from any other prison or jail that uses that system.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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[<image002.jpg>](#)

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From: Nishi Kumar
Sent: Thursday, June 4, 2020 7:57 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; laronsson@omm.com; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com
Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

Hope you are well. Can we get on a call tomorrow with whatever OJJ staff you think is necessary after we are done with Court to figure out the phone line issue? I need to know if there is anything they could possibly need from our end to get the 908 number approved so we can ensure we have access to our clients. At least one child tried calling again today and wasn't able to get through for the same blocking issues we flagged weeks ago.

Could you also send me the email addresses for the ARP coordinators at Swanson Monroe and Swanson Columbia? If you would prefer for me to reach out directly to your clients for this information, I am happy to do so.

Thank you,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
[504.529.5955](tel:504.529.5955)

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On Jun 2, 2020, at 12:21 AM, Nishi Kumar
<NKumar@defendla.org> wrote:

Hi Kyle and Lem,

Hope you all are healthy, safe, and well. I just wanted to provide some clarity on the facts surrounding this situation. As I explained on previous calls, I have years of experience using the Securus system in jails and prisons across the state and have never encountered these types of access issues. Parents have been trying for weeks to have their children in the secure care facilities call us. Usually, once a Securus account is active and funded (and PJI consistently maintains an account that we get dozens of phone calls on each day) and a receiving phone number is on the account, anyone in any facility contracting through Securus should be able to call that receiving number through the Securus system as a sort of "collect call" mechanism. I have received hundreds calls from jails and prisons throughout the state over the years using this system and nobody has ever mentioned paperwork that needs to be sent from Securus to the facilities. We originally tried to open a line of communication with a 504 google voice number that was tied to one of my colleague's cellphones and that the kids were trying to call us on. When that didn't work, we flagged for you all and also added my colleague's actual cellphone number (the 908-283-1525 number below), in case it was the google voice number that was the problem. Kids were also not able to use the 908 number and when we brought it up, you all mentioned that LCCR's Securus "hotline" was still open and working according to OJJ. PJI office staff then got permission from LCCR to access that Securus account, which LCCR has not been actively using and which

no longer had an active phone number listed, and added the 908 number there as well. Kids were still not able to get through, which we flagged for you all again. At that point, Securus confirmed that the block on kids calling the numbers was completely on OJJ's end. I offered to get on the phone with you and your client and you indicated you would check with OJJ to see what the hold up was. We did not repeatedly reject an opportunity to straighten this out, but rather made sure to clear up any possible issues that could be preventing access on our end or on Securus' end through multiple avenues. This is the first time you are telling us that the children need to be filling out some sort of form, which would normally be a process for adding relatives or friends to their call lists, and that we believe only goes through the approval process on a quarterly basis, with the potential exception of expedited requests for parents or attorneys of record. With in-person visitation suspended indefinitely, the only access we have to our clients and class members is over the phone, and with the 908 number not being accessible to children, we have had to resort to scheduling calls through individual case managers that are not guaranteed to happen within any specific time frame or guaranteed to be private. We should be able to speak with children trying to call us through the regular Securus system and on an unmonitored line without any impediment to access, particularly given the tight time frame on the TRO hearing. If this isn't resolved, we intend to advise the court that – despite what seemed to be good faith efforts by you all as defense counsel – that OJJ failed to provide adequate access. If there is something we are missing in this back-and-forth, please let me know and I will make every effort to resolve it.

We appreciate your cooperation in scheduling calls with J.H., D.M., H.C., and I.B. through alternative means while your clients resolve the access issues, hopefully on an expedited basis. We have calls with H.C. and D.M. scheduled through the facilities, per your permission, but if you can set up calls with I.B. and J.H. for today at the 908-283-1525 number between 11 am and 6 pm CST, that would be much appreciated. Please let us any know potential timings for those calls as soon as possible.

We are happy to discuss this issue more at any time.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Monday, June 1, 2020 2:56 PM
To: laronsson@omm.com; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnaddock@gmail.com; Nishi Kumar <NKumar@defendla.org>
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

First, no one is “blocking” you from speaking with the Youth. OJJ has, frankly, gone above and beyond to provide you access.

Regarding the “hotline,” we do not know what is going on or what conversations you have had with Securus. There are certain hotlines that OJJ has established for the Youth (e.g., a hotline to report allegations of abuse). Securus does not have the authority to establish hotlines. Regardless, no request has been sent from Securus to OJJ to have a hotline established. We offered weeks ago to (and then again multiple times after) to set up a call among you, Securus, and OJJ. That offer was repeatedly rejected.

The Youth, of course, can request to have their attorneys added to their approved contact list, which as I understand it allows the Youth to contact their attorneys free of charge on an unmonitored line. This is typically done by the Youth filing out a form and requesting to have their attorney added. OJJ has agreed to add you for I.B. and J.H. because those are the two named plaintiffs. Let us know the name and phone number of the person(s) you would like added. Any other Youth that wants to contact you should complete the form and have you added to their contact list.

Kyle V. Miller
Butler Snow LLP

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P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

<image003.png>

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Aronsson, Laura S. <laronsson@omm.com>
Sent: Monday, June 01, 2020 10:17 AM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: Sarnoff, Stuart M. <ssarnoff@omm.com>; Marsha Levick <mlevick@jlc.org>; John Adcock <jnadcock@gmail.com>; Nishi Kumar <NKumar@defendla.org>
Subject: J.H. v. Edwards -- Phone Lines

Kyle and Lem,

I am following up on access to putative class members. As you know, the children have been unable to reach us over the phone (at 908-283-1525 and other numbers). OJJ implemented a "workaround," and yesterday, we did speak to [REDACTED] at Bridge City, but for only fifteen minutes and without confirmation of privacy. We were not able to connect with [REDACTED] at Swanson Monroe until this morning. With the hearing less than 48 hours away, we cannot be blocked from speaking with the children. Can you please let us know immediately if OJJ will (1) immediately open the 908-283-1525 line for children to call, (2) provide us at least one hour today with both [REDACTED] and [REDACTED], and (3) confirm that these phone calls are not recorded or monitored.

We do not want to be forced to petition the Court this evening. We are available to discuss.

Thanks,
Laura

O'Melveny

Laura S. Aronsson

laronsson@omm.com

O: +1-212-728-5841

M: +1-802-578-3431

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DECLARATION OF J.P.

I, J.P., declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. My initials are J.P.
2. I am at least eighteen years of age and am competent to make this declaration.
3. My child, D.M., is being held at the Swanson Center for Youth at Monroe, LA and has been there since March 2017. His release date is October 14, 2020.
4. D.M. informed me in May and early June that he attempted to contact Plaintiffs' attorneys at 908-283-1525 using the Securus Technologies system, but the number was blocked. He told me that other children also had the number and were trying to get in touch with Plaintiffs' attorneys.
5. After speaking with Katie Hunter-Lowrey at the Promise of Justice Initiative, I attempted to have D.M. add Plaintiffs' counsel's phone number to his master phone list, but he was unable to do so because he did not feel comfortable asking his counselor to add Plaintiffs' counsel's number. That is the only way he knows of how to add a phone number or access the form to add a number to his master phone list. He also did not have all of the information that he would have needed to add the phone number, including the last name of the person who the phone number is registered to. Because of these obstacles, I undertook adding the number for him.
6. On or about June 15, 2020, I spoke with D.M.'s counselor at Swanson-Monroe during our weekly meeting about this issue. His counselor informed me that OJJ would add Plaintiffs' attorneys' phone number to D.M.'s approved telephone list since I requested it through the counselor and that it would take a few days. Because of my long-standing relationship with staff at Swanson-Monroe and my involvement in D.M.'s rehabilitation, they accommodate my requests and concerns more seriously than they might otherwise. It is quite a process for

children to get numbers added to their own phone lists and most parents do not know how to do this on behalf of their children.

7. After the attorneys' number was successfully added, nobody told me or D.M that it had been done. Within a couple days, D.M. attempted to call me on the number that he usually uses to call me, but my number had been taken off his telephone list. Neither I nor D.M. intended for my number to be removed from telephone list. We usually talk on an average twice a day on that number.
8. I immediately called D.M.'s counselor at Swanson-Monroe and advised her that my number had been taken off the list. It became apparent that in adding Plaintiffs' attorneys' phone number to D.M.'s approved contact list, my number was removed. It took approximately a week to get my number added back on to his list.
9. As of July 8, 2020, D.M. has told me that both the Willow and Redbud dorms at Swanson Monroe are in quarantine because staff members working in those dorms have tested positive, including a dorm leader. I know that a child at Swanson Monroe also tested positive in early July, but D.M. has not been provided that information by OJJ staff and does not know who that child is or what dorm he was in.
10. I have authorized my attorney to sign on my behalf given the difficulty of arranging visitation and travel due to the current COVID-19 pandemic. If required to do so, I will provide a signature when I am able to do so.
11. This declaration was read to me in English and I was able to make changes and corrections.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge.

Signature:

/s/ Nishi Kumar

Nishi Kumar on behalf of J.P.

July 8, 2020

I, Nishi Kumar, declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a licensed attorney in good standing in Louisiana.
2. I represent the declarant J.P. Out of necessity in light of the COVID-19 pandemic, I signed the attached declaration on her behalf with her express consent.
3. I spoke with J.P. over the phone. She has confirmed that I can sign on her behalf as reflected in her declaration.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and that this declaration was executed on July 8, 2020 in New Orleans, Louisiana.

Signature:

/s/ Nishi Kumar

Nishi Kumar

July 8, 2020

DECLARATION OF KATIE HUNTER-LOWREY

I, J.P., declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. My name is Katie Hunter-Lowrey.
2. I am at least eighteen years of age and am competent to make this declaration.
3. I am a staff member at the Promise of Justice Initiative (“PJI”), which is based in New Orleans and is one of the organizations representing the putative class in *J.H. v. Edwards*, 20-cv-293, pending in the Middle District of Louisiana. I have been on staff at PJI since January 2020.
4. I have been the initial and on-going point of contact for family members and friends of children who are confined in the Office of Juvenile Justice (“OJJ”) Secure Care facilities dating back to at least May 1, 2020.
5. I have been asking family members to have the children confined in the facilities call me through the Securus Technologist phone system since at least May 1, 2020. I was initially using a Google Voice number (504-535-4912) that was forwarded to my cell phone. That number has been active and funded through the Securus system since April 29, 2020 so that I could accept collect calls, but the family members reported that children were being blocked from calling the number through the Securus phones. PJI uses Securus to accept collect calls from jails and prisons throughout the state and has never had an issue or had to do any additional paperwork to accept calls for a phone number once it is connected to an active and funded account.
6. Because OJJ had told Plaintiffs’ counsel that there was an active and open “hotline” through Securus that all children were able to use to call the Louisiana Center for Children’s Rights (“LCCR”), we reached out to LCCR to ask them if PJI could add my number to their Securus account. LCCR had not used that Securus account since at least 2018. LCCR reached out to Securus to add my Google Voice number and were told on May 27, 2020, that Google Voice

numbers are commonly blocked. On that same day, May 27, 2020, my cell phone number (908-283-1525) was successfully added to LCCR's Securus account and PJI administrative staff ensured that the LCCR account had sufficient funds to accept collect calls. I reached out to family members of children in secure care facilities and gave them my cell phone number to provide to their children. On May 28, 2020, a child tried to call my cell phone number and was still blocked from doing so.

7. On that same day, May 28, 2020, PJI administrative staff spoke to a Securus representative who reported that 1) there was no issue on Securus' end or any blocks on my cell phone number, and 2) the OJJ facilities were restricting the children's access to my cell phone number through Securus. This information was conveyed to me by PJI's administrative staff via internal email.
8. In mid-June, counsel for Defendants raised for the first time that the children in the facilities would need to go through the additional step of adding my cell phone number to their approved contacts list. Between approximately June 15 and June 18, 2020, I contacted the mothers or guardians of 11 putative class members with whom I had been in on-going communication. I told them how to have their children add my phone number to their approved contacts list. I confirmed by phone call or text message that all of those mothers subsequently explained to their children how to add my number to their approved contacts list and asked their children to call me once my number had been added.
9. As of July 14, 2020, only D.M., and only with his mother's help, has managed to successfully go through that process and call me through the Securus phone. In going through that process, his mother's number was somehow dropped from his phone list. None of the other putative class members have been able to call through the OJJ Securus phone system.
10. This declaration was read to me in English and I was able to make changes and corrections.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge.

Signature:

A handwritten signature in black ink, appearing to read "Kati H. Lee", followed by a long horizontal flourish.

June 15, 2020

EXHIBIT 7

Aronsson, Laura S.

From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Friday, July 17, 2020 4:04 PM
To: Aronsson, Laura S.; 'Nishi Kumar'; Lem Montgomery
Cc: Sarnoff, Stuart M.; Marsha Levick; jnadcock@gmail.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]
Attachments: (REDLINE DRAFT 2020.07.17) CLASS MEMBER NOTICE_53805435_1.DOCX

[EXTERNAL MESSAGE]

Nishi,

Over the past several weeks OJJ has been scheduling phone calls between you and certain Youth housed in the secure facilities pursuant to OJJ's Attorney Visits Policy C.1.4. In all but one case ([REDACTED]), the request for the phone call has been initiated by your office, as opposed to a request from the Youths.

We had been under the impression that the Youths with whom you were requesting phone calls had indicated a desire to speak with you about this matter. We have recently come to understand that is not the case and that many (and perhaps most) of these phone calls are essentially "cold calls" being initiated by your office without a request from the Youths or their parents/guardians. This came to our attention when two of the Youths with whom you requested phone calls refused to participate in the calls.

The Attorney Visits Policy provides a mechanism whereby attorneys can schedule calls with their clients. See Attorney Visits Policy C.1.4. at 2 ("Requests from attorneys for visits (face-to-face, teleconference or telephone) **with clients** shall be faxed or emailed to the General Counsel/designee and the appropriate Facility Director simultaneously, and must be approved in advance by the General Counsel/designee."). This new information has lead to understand that, not only is there no attorney-client relationship between you and the Youths with whom you are requesting phone calls, but there may be no relation whatsoever.

It has also come to our attention that during these calls your office has been soliciting from the Youth participant on the call the names of other Youth offenders. This presents a significant concern for us given the confidential nature of the juvenile adjudications.

Based on this new information, OJJ cannot continue to schedule telephone calls under the Attorney Visits Policy as it had been doing. Going forward, teleconferences between your office and the Youths must occur in the following manner:

- (1) Your office may request pursuant to the Attorney Visits Policy to schedule a teleconference with Youths with whom you have an attorney-client relationship (OJJ will need written verification from you that you have been retained to represent the Youth);
- (2) The Youths may request pursuant to the Attorney Visits Policy to Schedule a teleconference with your office (for Youth under the ae of 18, OJJ will need to confirm the request with the Youth's parent/guardian); and
- (3) The Youths may contact you pursuant to the Telephone Usage by Youth Policy B.8.1 by adding your telephone number to their master call list.

As you have previously noted, for the Youth to request a call with your office or to add your number to their master call list, the Youth would need to have some information regarding the existence of the suit and your contact information. OJJ maintains its position that there is no affirmative obligation on the part of OJJ to provide notice to the Youth (or their parents/guardians) prior to class certification.

In a good faith effort to resolve this dispute, however, OJJ will agree to post a copy of the attached revised notice flier in each of the dorms at OJJ's secure care facilities.

Please let us know if this resolution is acceptable.

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
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P.O. Box 6010, Ridgeland, MS 39158-6010
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From: Aronsson, Laura S. <laronsson@omm.com>
Sent: Friday, July 17, 2020 10:49 AM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; 'Nishi Kumar' <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: Sarnoff, Stuart M. <ssarnoff@omm.com>; Marsha Levick <mlevick@jlc.org>; jnadcock@gmail.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Kyle,

Thank you for your response. In accordance with the Court's clear instructions at the July 2 conference, we offered proposed language for the notice on July 3, but have yet to receive any substantive response. Our proposed language is based on the notice in *Trellis*, and the case law makes clear that minors have at least the same rights as adults in these circumstances.

As you know, our reply is due today. You have had two weeks to consider our proposed language. If we do not hear from you by 4pm CT, we intend to file our reply.

Thanks,
Laura

Laura S. Aronsson
O: +1-212-728-5841
M: +1-802-578-3431
laronsson@omm.com

From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Friday, July 17, 2020 10:01 AM
To: 'Nishi Kumar' <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: Aronsson, Laura S. <laronsson@omm.com>; Sarnoff, Stuart M. <ssarnoff@omm.com>; Marsha Levick <mlevick@jlc.org>; jnadcock@gmail.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

[EXTERNAL MESSAGE]

Nishi,

We're not available this morning for a call. We're booked up on conference calls in another matter.

We have been discussing this issue with our client, and I hope to have a proposal to you this afternoon.

We haven't received any examples from notices given to Youth in similar contexts. Is it fair to assume that you have been unable to locate any such notices?

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

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[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Nishi Kumar <NKumar@defendla.org>
Sent: Friday, July 17, 2020 6:23 AM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: laronsson@omm.com; ssarnoff@omm.com; Marsha Levick <mlevick@jlc.org>; inadcock@gmail.com
Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

We hope you are well. We just wanted to offer again to get on a call to discuss the proposed notice language and other logistics. Does either 9:30 or 10:30 am CST today work for you all?

Best,

Nishi Kumar
Pronouns: she/her/hers
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
[504.529.5955](tel:504.529.5955)

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On Jul 10, 2020, at 11:21 AM, Nishi Kumar <NKumar@defendla.org> wrote:

Hi Kyle and Lem,

We hope you are well. While we disagree that there is any impediment to any young person contacting us directly as putative class members, if your concern is that the notice should be directed to the person (parent or child) with the legal authority to sue, we are amenable to an agreement that the notice need not be displayed in the dorms that house only minor children if OJJ is able to provide us with sufficient contact information so that that we can send the notice to the parents of minors in lieu of their children.

Per Judge Wilder Doomes' directions at the telephone conference as reflected in the minute entry, we suggest getting on a call to discuss these logistical concerns, as well as to discuss the specific language in the proposed notice. We can also send over any examples of notices in similar contexts that we find so that you can share with your clients.

Additionally and particularly in light of the fact that a young person at Swanson Monroe and at least one staff member have tested positive for COVID-19 in the past week, we urge you to share the updated CDC guidance on testing in correctional facilities with your clients as soon as possible and encourage your clients to follow their robust testing recommendations for people who have been exposed to COVID. (<https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/testing.html>)

Best,

Nishi Kumar
Pronouns: she/her/hers
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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From: Kyle Miller <Kyle.Miller@butlersnow.com>

Sent: Thursday, July 9, 2020 1:54 PM

To: Nishi Kumar <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>

Cc: laronsson@omm.com; ssarnoff@omm.com; Marsha Levick <mlevick@jlc.org>; inadcock@gmail.com

Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Nishi,

We're working to get you a response on plaintiffs' request to advertise to the Youth. In discussing the request with our clients, one additional issue came up with regard to plaintiffs' request. Somewhere in the neighborhood of 65% of the Youth in the secure care facilities are under the age of 18. Obviously, minors in Louisiana lack the legal standing to sue and must act through their parent or legal guardian. We are questioning whether it is appropriate to be providing notice to the under 18 y.o. Youth in the first instance as opposed to providing it to their parents/legal guardians.

We are looking at this issue ourselves, but would welcome you and your teams' thoughts. And, specifically, if you have an example where pre-certification, direct notice to minors was provided or ordered, we would appreciate your sharing same.

Thanks.

Kyle V. Miller
Butler Snow LLP

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P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

[<image003.png>](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Nishi Kumar <NKumar@defendla.org>

Sent: Friday, July 03, 2020 12:10 PM

To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery
<Lem.Montgomery@butlersnow.com>

Cc: laronsson@omm.com; ssarnoff@omm.com; Marsha Levick <mlevick@jlc.org>; inadcock@gmail.com

Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

We hope you are both well. Per Judge Wilder-Doomes' directions at yesterday's status conference, we drafted the attached notice informing the putative class members on the procedures that they need to go through under the current OJJ policies if they would like to access class counsel, and also informing them that they don't have to speak to us if they don't want to.

We would request that your clients agree to display, immediately and throughout the pendency of the litigation, the notice at all four facilities in each of the dorms, classrooms, computer labs, dining halls, gyms, individual case manager offices, on any message boards, and next to each of the Securus phone banks. We would also request that your clients provide us with a list of the JETS number and current facility placement for each child in secure care so we can send them this information directly by way of legal mail. We are happy to jump on a call to discuss the specific language in the flyer.

Best,

Nishi Kumar
Pronouns: she/her/hers
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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From: Nishi Kumar
Sent: Friday, June 19, 2020 5:23 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>
Cc: laronsson@omm.com; Lem Montgomery <Lem.Montgomery@butlersnow.com>;
ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com
Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Thank you, Kyle. We appreciate that update.

My question below was not in reference to the previous request regarding the 11 children trying to add us to their attorney call lists.

Did OJJ indicate whether they will stop blocking the 200-plus children in the facilities from calling PJI through the Securus system - the "paid call system" as you referred to it earlier today?

Thank you,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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On Jun 19, 2020, at 5:14 PM, Kyle Miller <Kyle.Miller@butlersnow.com> wrote:

We had a call with the client this afternoon. They are checking with the facilities to ascertain whether the Youth you have identified have requested to have the phone number added and, if so, the status of same. I'll let you know what I hear.

Kyle V. Miller
Butler Snow LLP

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1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

<image001.png>

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From: Nishi Kumar <NKumar@defendla.org>
Sent: Friday, June 19, 2020 4:52 PM
To: laronsson@omm.com
Cc: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>; ssarnoff@omm.com; mlevick@jlc.org; jnadcok@gmail.com
Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

Hope you are well. Do you have a response from your client to our request that they stop blocking all of the kids in the facilities from calling PJI through the securus phone system, as discussed on our call this morning?

Thank you,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
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On Jun 18, 2020, at 3:24 PM, Aronsson, Laura S.
<laronsson@omm.com> wrote:

Thanks, Kyle. Let's please speak at 11am CT tomorrow.

Laura S. Aronsson
O: +1-212-728-5841
M: +1-802-578-3431
laronsson@omm.com

From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Thursday, June 18, 2020 2:55 PM
To: 'Nishi Kumar' <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: Sarnoff, Stuart M. <ssarnoff@omm.com>; mlevick@jlc.org; jnadcocock@gmail.com; Aronsson, Laura S. <laronsson@omm.com>
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

[EXTERNAL MESSAGE]

Sorry. I'm not available this afternoon. But can generally be available after 10:30 a.m. tomorrow. Just let me know what works for you.

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
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P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

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From: Nishi Kumar <NKumar@defendla.org>
Sent: Thursday, June 18, 2020 11:54 AM

To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle,

Can we get on a call today to discuss the Securus line? We are available any time after 3 pm CST.

The children we know have tried or are trying to add 908-283-1525 to their attorney call list are:

[REDACTED]

There may be others that we do not know about yet because of the obstacles to access.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
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nkumar@defendla.org
504.529.5955

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From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Thursday, June 18, 2020 9:38 AM
To: Nishi Kumar <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Why don't you provide me with the names of your clients, and I'll work to confirm that your name and number have been added to the phone list.

I'm not sure what the standard policy is for Youth to schedule calls with their attorneys, but when I ask to confirm the addition of your name and number, I'll also ask about the scheduling protocol.

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
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P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

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[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Nishi Kumar <NKumar@defendla.org>
Sent: Wednesday, June 17, 2020 10:36 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle,

Thanks for your response. Our most updated information is that our clients have tried or are trying to add PJI's number to their attorney phone lists. We have not yet received any calls so I don't yet have the answers to either of your two questions. Is OJJ putting it on the children to seek out and ask staff members if they can call PJI once the numbers are added to the lists? Or can we instead put in and schedule calls for them?

You again have not responded to my question on the Securus line, which not only would allow for our retained clients to access us during their normal phone time without having to seek out staff members, but also allows for putative class members to seek legal representation, which they have an affirmative right to do. Please set up a call as soon as possible with your client to discuss what process is necessary for OJJ to unblock and allow calls to PJI at 908-283-1525 using the Securus system. Per our June 1st email on this topic, we plan to petition the Court if this issue is not resolved this week.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
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nkumar@defendla.org
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From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Tuesday, June 16, 2020 6:42 PM
To: Nishi Kumar <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Please see my prior email below on this request. Any Youth who you represent should complete the required form to have you added to their contact list as their attorney. After this process is completed, the Youth will be able to contact you directly on the number that the Youth provides. Has any Youth attempted to do add you (or any member of your team) and either (1) not been allowed to have you added or (2) been unable to contact you after being added?

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

[<image001.png>](#)

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From: Nishi Kumar <NKumar@defendla.org>
Sent: Tuesday, June 16, 2020 6:37 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

I hope this email finds you both well. I am raising to your attention yet again our ongoing issues accessing the children in the OJJ facilities. Aside from the calls with H.C. and D.M. that were set up through the alternative means in the few days before the June 3 TRO hearing, we have not been able to reach the children or have them reach us through the Securus phone system, despite us repeatedly asking you to bring this to your client's attention. This has been a concern we raised on multiple calls and in emails dating back to mid-May. In the weeks that followed, children in all four facilities have repeatedly tried to reach us using Securus and have been prevented from doing so. We again request that you set up a time for us to meet with your client and figure out what the problem is or we will have to bring this issue to the Court's attention. We understand your position that the children should seek to have us added to an approved contact list for attorneys, and some of them have attempted to go through that process, but what we are separately requesting is that the Securus phone line be accessible for all children who are seeking to reach us, as previously requested. As I stated before, I have never encountered an issue with someone trying to contact anyone at my office on a Securus phone line from any other prison or jail that uses that system.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
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nkumar@defendla.org
504.529.5955

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From: Nishi Kumar
Sent: Thursday, June 4, 2020 7:57 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; laronsson@omm.com;
Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com
Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

Hope you are well. Can we get on a call tomorrow with whatever OJJ staff you think is necessary after we are done with Court to figure out the phone line issue? I need to know if there is anything they could possibly need from our end to get the 908 number approved so we can ensure we have access to our clients. At least one child tried calling again today and wasn't able to get through for the same blocking issues we flagged weeks ago.

Could you also send me the email addresses for the ARP coordinators at Swanson Monroe and Swanson Columbia? If you would prefer for me to reach out directly to your clients for this information, I am happy to do so.

Thank you,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
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nkumar@defendla.org
[504.529.5955](tel:504.529.5955)

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On Jun 2, 2020, at 12:21 AM, Nishi Kumar
<NKumar@defendla.org> wrote:

Hi Kyle and Lem,

Hope you all are healthy, safe, and well. I just wanted to provide some clarity on the facts surrounding this situation. As I explained on previous calls, I have years of experience using the Securus system in jails and prisons across the state and have never encountered these types of access issues. Parents have been trying for weeks to have their children in the secure care facilities call us. Usually, once a Securus account is active and funded (and PJI consistently maintains an account that we get dozens of phone calls on each day) and a receiving phone number is on the account, anyone in any facility contracting through Securus should be able to call that receiving number through the Securus system as a sort of "collect call" mechanism. I have received hundreds calls from jails and prisons throughout the state over the years using this system and nobody has ever mentioned paperwork that needs to be sent from Securus to the facilities. We originally tried to open a line of communication with a 504 google voice number that was tied to one of my colleague's cellphones and that the kids were trying to call us on. When that didn't work, we flagged for you all and also added my colleague's actual cellphone number (the 908-283-1525 number below), in case it was the google voice number that was the problem. Kids were also not able to use the 908 number and when we brought it up, you all mentioned that LCCR's Securus "hotline" was still open and working according to OJJ. PJI office staff then got permission from LCCR to access that Securus account, which LCCR has not been actively using and which no longer had an active phone number listed, and added the 908 number there as well. Kids were still not able to get through, which we flagged for you all again. At that point, Securus confirmed that the block on kids calling the numbers was completely on OJJ's end. I offered to get on the phone with you and your client and you indicated you would check with OJJ to see what the hold up was. We did not repeatedly reject an opportunity to straighten this out, but rather made sure to clear up any possible issues that could be

preventing access on our end or on Securus' end through multiple avenues. This is the first time you are telling us that the children need to be filling out some sort of form, which would normally be a process for adding relatives or friends to their call lists, and that we believe only goes through the approval process on a quarterly basis, with the potential exception of expedited requests for parents or attorneys of record. With in-person visitation suspended indefinitely, the only access we have to our clients and class members is over the phone, and with the 908 number not being accessible to children, we have had to resort to scheduling calls through individual case managers that are not guaranteed to happen within any specific time frame or guaranteed to be private. We should be able to speak with children trying to call us through the regular Securus system and on an unmonitored line without any impediment to access, particularly given the tight time frame on the TRO hearing. If this isn't resolved, we intend to advise the court that – despite what seemed to be good faith efforts by you all as defense counsel – that OJJ failed to provide adequate access. If there is something we are missing in this back-and-forth, please let me know and I will make every effort to resolve it.

We appreciate your cooperation in scheduling calls with J.H., D.M., H.C., and I.B. through alternative means while your clients resolve the access issues, hopefully on an expedited basis. We have calls with H.C. and D.M. scheduled through the facilities, per your permission, but if you can set up calls with I.B. and J.H. for today at the 908-283-1525 number between 11 am and 6 pm CST, that would be much appreciated. Please let us know potential timings for those calls as soon as possible.

We are happy to discuss this issue more at any time.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Monday, June 1, 2020 2:56 PM
To: laronsson@omm.com; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnaddock@gmail.com; Nishi Kumar <NKumar@defendla.org>
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

First, no one is “blocking” you from speaking with the Youth. OJJ has, frankly, gone above and beyond to provide you access.

Regarding the “hotline,” we do not know what is going on or what conversations you have had with Securus. There are certain hotlines that OJJ has established for the Youth (e.g., a hotline to report allegations of abuse). Securus does not have the authority to establish hotlines. Regardless, no request has been sent from Securus to OJJ to have a hotline established. We offered weeks ago to (and then again multiple times after) to set up a call among you, Securus, and OJJ. That offer was repeatedly rejected.

The Youth, of course, can request to have their attorneys added to their approved contact list, which as I understand it allows the Youth to contact their attorneys free of charge on an unmonitored line. This is typically done by the Youth filing out a form and requesting to have their attorney added. OJJ has agreed to add you for I.B. and J.H. because those are the two named plaintiffs. Let us know the name and phone number of the person(s) you would like added. Any other Youth that wants to contact you should complete the form and have you added to their contact list.

Kyle V. Miller

Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS
39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

<image003.png>

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Aronsson, Laura S. <laronsson@omm.com>
Sent: Monday, June 01, 2020 10:17 AM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem
Montgomery <Lem.Montgomery@butlersnow.com>
Cc: Sarnoff, Stuart M. <ssarnoff@omm.com>; Marsha
Levick <mlevick@jlc.org>; John Adcock
<jnadcock@gmail.com>; Nishi Kumar
<NKumar@defendla.org>
Subject: J.H. v. Edwards -- Phone Lines

Kyle and Lem,

I am following up on access to putative class members. As you know, the children have been unable to reach us over the phone (at 908-283-1525 and other numbers). OJJ implemented a "workaround," and yesterday, we did speak to [REDACTED] at Bridge City, but for only fifteen minutes and without confirmation of privacy. We were not able to connect with [REDACTED] at Swanson Monroe until this morning. With the hearing less than 48 hours away, we cannot be blocked from speaking with the children. Can you please let us know immediately if OJJ will (1) immediately open the 908-283-1525 line for children to call, (2) provide us at least one hour today with both [REDACTED] and [REDACTED], and (3) confirm that these phone calls are not recorded or monitored.

We do not want to be forced to petition the Court this evening. We are available to discuss.

Thanks,
Laura

O'Melveny

Laura S. Aronsson
laronsson@omm.com

O: +1-212-728-5841
M: +1-802-578-3431

O'Melveny & Myers LLP
Times Square Tower
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ATTACHMENT



NOTICE: A LAWSUIT HAS BEEN FILED SEEKING TO REPRESENT ON BEHALF OF ALL YOUNG PEOPLE IN BRIDGE CITY, SWANSON MONROE, SWANSON COLUMBIA, AND ACADIANA DURING COVID-19 REGARDING THE SUFFICIENCY OF THE LOUISIANA OFFICE OF JUVENILE JUSTICE'S RESPONSE TO THE COVID-19 PANDEMIC.

YOU HAVE A RIGHT TO TALK TO THE LAWYERS WHO BROUGHT THE CASE ABOUT YOUR EXPERIENCES AND CONCERNS. THESE CONVERSATIONS WILL BE CONFIDENTIAL, WHICH MEANS THEY ARE PRIVATE.

YOU DO NOT HAVE TO SPEAK TO THE LAWYERS WORKING ON THE CASE IF YOU DO NOT WANT TO.

IF YOU WANT TO SPEAK TO THE LAWYERS WORKING ON THE CASE, YOU CAN:

1. Add the Promise of Justice Initiative, Phone Number: 908-283-1525 to your Master Phone List and call the lawyers once the number is added. You will not have to pay for that call.

~~2. Write a letter to the Promise of Justice Initiative at 1024 Elysian Fields Avenue, New Orleans, LA 70119 to request a lawyer visit. Once they get your letter, a lawyer will schedule a time to talk with you confidentially.~~

~~3.2.~~ Ask your case manager to schedule a lawyer phone call with the Promise of Justice Initiative.

~~4.3.~~ Ask a family member to call the Promise of Justice Initiative at 908-283-1525 and tell the lawyers that you want to speak with them.

IF YOU ARE UNDER 18 YEARS OF AGE, OJJ WILL CONFIRM WITH YOUR PARENT(S)/GUARDIAN(S) THAT YOU HAVE THEIR PERMISSION TO SPEAK WITH THE LAWYERS WORKING ON THE CASE BEFORE ARRANGING THE CALL OR ADDING THE PHONE NUMBER TO YOUR MASTER PHONE LIST

YOU HAVE THE RIGHT TO SPEAK WITH THE LAWYERS AND NO ACTION CAN BE TAKEN AGAINST YOU FOR DOING SO.

EXHIBIT 8

Aronsson, Laura S.

From: Nishi Kumar <NKumar@defendla.org>
Sent: Friday, July 17, 2020 7:17 PM
To: Kyle Miller; Lem Montgomery
Cc: Sarnoff, Stuart M.; Marsha Levick; jnadcock@gmail.com; Aronsson, Laura S.
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]
Attachments: 2020.07.17 Class Member Notice UPDATED.DOCX

[EXTERNAL MESSAGE]

Hi Kyle,

Out of the seventeen calls that we have requested between June 23 and July 14, twelve of those requests have been with children with whom we have communicated with before and/or have spoken with their parents or family members. Those children gave us the names of five additional children in their dorms that they believed would want to speak with us. All putative class members have the right to access class counsel, and in requesting attorney visitation through OJJ general counsel – emails which you were cc-ed on – we never represented to have individually retained each of the children with whom we were requesting a visit. The attorney visitation policy only requires that those requests be sent to General Counsel or a designee for approval, and that verification of attorney credentials was provided. We have done our utmost to comply with both the visitation policy and with OJJ's preferences. In fact, three of the children who I had requested visits with at Swanson Monroe tried to schedule calls directly through their case manager, who called me this week, and I flagged for Ms. Cobb at OJJ instead of scheduling the calls because I did not yet have her confirmation that the visits had been approved. As for the two children who you say do not want to speak with us, it is always the case that children can refuse to participate in an attorney visit, including with their criminal attorneys.

Contrary to what you represented in your opposition brief to the Court, your new position requires that attorneys have had a prior conversation with each child before requesting a visit, which is unacceptable and is not required by OJJ's existing policies. And although you have agreed to hang the notice in each dorm, you have deleted the information on how children can send letters to PJI requesting an attorney visit, so we can then schedule those visits through OJJ using the visitation request mechanism that we have been using for the past three weeks. We would need that information to be added back into the notice before we could agree on it, and we would also request that your client agree to hang the notice not only in the dorms, but in common spaces such as the dining hall, gym, any notice boards, the infirmary, and in the classrooms.

Finally, you are now taking the position that you need to have parental permission from children under 18 before adding our number to their phone lists or scheduling a teleconference with us at their request. Parental permission is not required before a number can be added to a phone list under the existing OJJ telephone policy. And the First Amendment right of putative class members to access class counsel applies equally to minors and to adults.

We appreciate your clients agreeing to post the flyer and hope we can come to a resolution on the language. I have attached a revised version of the flyer that we could agree on using. Please also have your clients remind their staff that they are not permitted to speak with the children about the conversations that they have with counsel.

Best,

Nishi Kumar
Pronouns: she/her/hers
The Promise of Justice Initiative
www.justicespromise.org

nkumar@defendla.org

504.529.5955

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From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Friday, July 17, 2020 3:04 PM
To: laronsson@omm.com; Nishi Kumar <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; Marsha Levick <mlevick@jlc.org>; jnadcock@gmail.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Nishi,

Over the past several weeks OJJ has been scheduling phone calls between you and certain Youth housed in the secure facilities pursuant to OJJ's Attorney Visits Policy C.1.4. In all but one case ([REDACTED]), the request for the phone call has been initiated by your office, as opposed to a request from the Youths.

We had been under the impression that the Youths with whom you were requesting phone calls had indicated a desire to speak with you about this matter. We have recently come to understand that is not the case and that many (and perhaps most) of these phone calls are essentially "cold calls" being initiated by your office without a request from the Youths or their parents/guardians. This came to our attention when two of the Youths with whom you requested phone calls refused to participate in the calls.

The Attorney Visits Policy provides a mechanism whereby attorneys can schedule calls with their clients. See Attorney Visits Policy C.1.4. at 2 ("Requests from attorneys for visits (face-to-face, teleconference or telephone) **with clients** shall be faxed or emailed to the General Counsel/designee and the appropriate Facility Director simultaneously, and must be approved in advance by the General Counsel/designee."). This new information has lead to understand that, not only is there no attorney-client relationship between you and the Youths with whom you are requesting phone calls, but there may be no relation whatsoever.

It has also come to our attention that during these calls your office has been soliciting from the Youth participant on the call the names of other Youth offenders. This presents a significant concern for us given the confidential nature of the juvenile adjudications.

Based on this new information, OJJ cannot continue to schedule telephone calls under the Attorney Visits Policy as it had been doing. Going forward, teleconferences between your office and the Youths must occur in the following manner:

- (1) Your office may request pursuant to the Attorney Visits Policy to schedule a teleconference with Youths with whom you have an attorney-client relationship (OJJ will need written verification from you that you have been retained to represent the Youth);
- (2) The Youths may request pursuant to the Attorney Visits Policy to Schedule a teleconference with your office (for Youth under the age of 18, OJJ will need to confirm the request with the Youth's parent/guardian); and
- (3) The Youths may contact you pursuant to the Telephone Usage by Youth Policy B.8.1 by adding your telephone number to their master call list.

As you have previously noted, for the Youth to request a call with your office or to add your number to their master call list, the Youth would need to have some information regarding the existence of the suit and your contact information. OJJ maintains its position that there is no affirmative obligation on the part of OJJ to provide notice to the Youth (or their parents/guardians) prior to class certification.

In a good faith effort to resolve this dispute, however, OJJ will agree to post a copy of the attached revised notice flier in each of the dorms at OJJ's secure care facilities.

Please let us know if this resolution is acceptable.

Kyle V. Miller
Butler Snow LLP

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P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

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From: Aronsson, Laura S. <laronsson@omm.com>
Sent: Friday, July 17, 2020 10:49 AM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; 'Nishi Kumar' <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: Sarnoff, Stuart M. <ssarnoff@omm.com>; Marsha Levick <mlevick@jlc.org>; jnadcock@gmail.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Kyle,

Thank you for your response. In accordance with the Court's clear instructions at the July 2 conference, we offered proposed language for the notice on July 3, but have yet to receive any substantive response. Our proposed language is based on the notice in *Trellis*, and the case law makes clear that minors have at least the same rights as adults in these circumstances.

As you know, our reply is due today. You have had two weeks to consider our proposed language. If we do not hear from you by 4pm CT, we intend to file our reply.

Thanks,
Laura

Laura S. Aronsson
O: +1-212-728-5841
M: +1-802-578-3431
laronsson@omm.com

From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Friday, July 17, 2020 10:01 AM
To: 'Nishi Kumar' <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: Aronsson, Laura S. <laronsson@omm.com>; Sarnoff, Stuart M. <ssarnoff@omm.com>; Marsha Levick <mlevick@jlc.org>; jnadcock@gmail.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

[EXTERNAL MESSAGE]

Nishi,

We're not available this morning for a call. We're booked up on conference calls in another matter.

We have been discussing this issue with our client, and I hope to have a proposal to you this afternoon.

We haven't received any examples from notices given to Youth in similar contexts. Is it fair to assume that you have been unable to locate any such notices?

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

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From: Nishi Kumar <NKumar@defendla.org>
Sent: Friday, July 17, 2020 6:23 AM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: laronsson@omm.com; ssarnoff@omm.com; Marsha Levick <mlevick@jlc.org>; jnadcock@gmail.com
Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

We hope you are well. We just wanted to offer again to get on a call to discuss the proposed notice language and other logistics. Does either 9:30 or 10:30 am CST today work for you all?

Best,

Nishi Kumar
Pronouns: she/her/hers
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
[504.529.5955](tel:504.529.5955)

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On Jul 10, 2020, at 11:21 AM, Nishi Kumar <NKumar@defendla.org> wrote:

Hi Kyle and Lem,

We hope you are well. While we disagree that there is any impediment to any young person contacting us directly as putative class members, if your concern is that the notice should be directed to the person (parent or child) with the legal authority to sue, we are amenable to an agreement that the notice need not be displayed in the dorms that house only minor children if OJJ is able to provide us with sufficient contact information so that that we can send the notice to the parents of minors in lieu of their children.

Per Judge Wilder Doomes' directions at the telephone conference as reflected in the minute entry, we suggest getting on a call to discuss these logistical concerns, as well as to discuss the specific language in the proposed notice. We can also send over any examples of notices in similar contexts that we find so that you can share with your clients.

Additionally and particularly in light of the fact that a young person at Swanson Monroe and at least one staff member have tested positive for COVID-19 in the past week, we urge you to share the updated CDC guidance on testing in correctional facilities with your clients as soon as possible and encourage your clients to follow their robust testing recommendations for people who have been exposed to COVID. (<https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/testing.html>)

Best,

Nishi Kumar
Pronouns: she/her/hers
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
[504.529.5955](tel:504.529.5955)

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From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Thursday, July 9, 2020 1:54 PM
To: Nishi Kumar <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: laronsson@omm.com; ssarnoff@omm.com; Marsha Levick <mlevick@jlc.org>; jnadcock@gmail.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Nishi,

We're working to get you a response on plaintiffs' request to advertise to the Youth. In discussing the request with our clients, one additional issue came up with regard to plaintiffs' request. Somewhere in the neighborhood of 65% of the Youth in the secure care facilities are under the age of 18. Obviously, minors in Louisiana lack the legal standing to sue and must act through their parent or legal guardian. We are questioning whether it is appropriate to be providing notice to the under 18 y.o. Youth in the first instance as opposed to providing it to their parents/legal guardians.

We are looking at this issue ourselves, but would welcome you and your teams' thoughts. And, specifically, if you have an example where pre-certification, direct notice to minors was provided or ordered, we would appreciate your sharing same.

Thanks.

Kyle V. Miller
Butler Snow LLP

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1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

[<image003.png>](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Nishi Kumar <NKumar@defendla.org>
Sent: Friday, July 03, 2020 12:10 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: laronsson@omm.com; ssarnoff@omm.com; Marsha Levick <mlevick@jlc.org>; jnadcock@gmail.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

We hope you are both well. Per Judge Wilder-Doomes' directions at yesterday's status conference, we drafted the attached notice informing the putative class members on the procedures that they need to go through under the current OJJ policies if they would like to access class counsel, and also informing them that they don't have to speak to us if they don't want to.

We would request that your clients agree to display, immediately and throughout the pendency of the litigation, the notice at all four facilities in each of the dorms, classrooms, computer labs, dining halls, gyms, individual case manager offices, on any message boards, and next to each of the Securus phone banks. We would also request that your clients provide us with a list of the JETS number and current facility placement for each child in secure care so we can send them this information directly by way of legal mail. We are happy to jump on a call to discuss the specific language in the flyer.

Best,

Nishi Kumar
Pronouns: she/her/hers
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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From: Nishi Kumar
Sent: Friday, June 19, 2020 5:23 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>
Cc: laronsson@omm.com; Lem Montgomery <Lem.Montgomery@butlersnow.com>; ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com
Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Thank you, Kyle. We appreciate that update.

My question below was not in reference to the previous request regarding the 11 children trying to add us to their attorney call lists.

Did OJJ indicate whether they will stop blocking the 200-plus children in the facilities from calling PJI through the Securus system - the "paid call system" as you referred to it earlier today?

Thank you,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
[504.529.5955](tel:504.529.5955)

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On Jun 19, 2020, at 5:14 PM, Kyle Miller <Kyle.Miller@butlersnow.com> wrote:

We had a call with the client this afternoon. They are checking with the facilities to ascertain whether the Youth you have identified have requested to have the phone number added and, if so, the status of same. I'll let you know what I hear.

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

<image001.png>

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From: Nishi Kumar <NKumar@defendla.org>
Sent: Friday, June 19, 2020 4:52 PM
To: laronsson@omm.com
Cc: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>; ssarnoff@omm.com; mlevick@jlc.org; jnaddock@gmail.com
Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

Hope you are well. Do you have a response from your client to our request that they stop blocking all of the kids in the facilities from calling PJI through the securus phone system, as discussed on our call this morning?

Thank you,

Nishi Kumar
Director of Civil Litigation
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On Jun 18, 2020, at 3:24 PM, Aronsson, Laura S.
<laronsson@omm.com> wrote:

Thanks, Kyle. Let's please speak at 11am CT tomorrow.

Laura S. Aronsson
O: +1-212-728-5841
M: +1-802-578-3431
laronsson@omm.com

From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Thursday, June 18, 2020 2:55 PM
To: 'Nishi Kumar' <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: Sarnoff, Stuart M. <ssarnoff@omm.com>; mlevick@jlc.org; jnadcok@gmail.com; Aronsson, Laura S. <laronsson@omm.com>
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

[EXTERNAL MESSAGE]

Sorry. I'm not available this afternoon. But can generally be available after 10:30 a.m. tomorrow. Just let me know what works for you.

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

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From: Nishi Kumar <NKumar@defendla.org>
Sent: Thursday, June 18, 2020 11:54 AM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle,

Can we get on a call today to discuss the Securus line? We are available any time after 3 pm CST.

The children we know have tried or are trying to add 908-283-1525 to their attorney call list are:

[REDACTED]

There may be others that we do not know about yet because of the obstacles to access.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Thursday, June 18, 2020 9:38 AM
To: Nishi Kumar <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Why don't you provide me with the names of your clients, and I'll work to confirm that your name and number have been added to the phone list.

I'm not sure what the standard policy is for Youth to schedule calls with their attorneys, but when I ask to confirm the addition of your name and number, I'll also ask about the scheduling protocol.

Kyle V. Miller
Butler Snow LLP

D: (601) 985-4514 | F: (601) 985-4500
1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

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From: Nishi Kumar <NKumar@defendla.org>
Sent: Wednesday, June 17, 2020 10:36 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle,

Thanks for your response. Our most updated information is that our clients have tried or are trying to add PJI's number to their attorney phone lists. We have not yet received any calls so I don't yet have the answers to either of your two questions. Is OJJ putting it on the children to seek out and ask staff members if they can call PJI once the numbers are added to the lists? Or can we instead put in and schedule calls for them?

You again have not responded to my question on the Securus line, which not only would allow for our retained clients to access us during their normal phone time without having to seek out staff members, but also allows for putative class members to seek legal representation, which they have an affirmative right to do. Please set up a call as soon as possible with your client to discuss what process is necessary for OJJ to unblock and allow calls to PJI at 908-283-1525 using the Securus system. Per our June 1st email on this topic, we plan to petition the Court if this issue is not resolved this week.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Tuesday, June 16, 2020 6:42 PM
To: Nishi Kumar <NKumar@defendla.org>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Please see my prior email below on this request. Any Youth who you represent should complete the required form to have you added to their contact list as their attorney. After this process is completed, the Youth will be able to contact you directly on the number that the Youth provides. Has any Youth attempted to do add you (or any member of your team) and either (1) not been allowed to have you added or (2) been unable to contact you after being added?

Kyle V. Miller

Butler Snow LLP

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1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157
P.O. Box 6010, Ridgeland, MS 39158-6010
Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

[<image001.png>](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Nishi Kumar <NKumar@defendla.org>
Sent: Tuesday, June 16, 2020 6:37 PM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnadcock@gmail.com; laronsson@omm.com
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

I hope this email finds you both well. I am raising to your attention yet again our ongoing issues accessing the children in the OJJ facilities. Aside from the calls with H.C. and D.M. that were set up through the alternative means in the few days before the June 3 TRO hearing, we have not been able to reach the children or have them reach us through the Securus phone system, despite us repeatedly asking you to bring this to your client's attention. This has been a concern we raised on multiple calls and in emails dating back to mid-May. In the weeks that followed, children in all four facilities have repeatedly tried to reach us using Securus and have been prevented from doing so. We again request that you set up a time for us to meet with your client and figure out what the problem is or we will have to bring this issue to the Court's attention. We understand your position that the children should seek to have us added to an approved contact list for attorneys, and some of them have attempted to go through that process, but what we are separately requesting is that the Securus phone line be accessible for all children who are seeking to reach us, as previously requested. As I stated before, I have never encountered an issue with someone trying to contact anyone at my office on a Securus phone line from any other prison or jail that uses that system.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
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nkumar@defendla.org
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From: Nishi Kumar

Sent: Thursday, June 4, 2020 7:57 PM

To: Kyle Miller <Kyle.Miller@butlersnow.com>; laronsson@omm.com;
Lem Montgomery <Lem.Montgomery@butlersnow.com>

Cc: ssarnoff@omm.com; mlevick@jlc.org; jnaddock@gmail.com

Subject: Re: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

Hi Kyle and Lem,

Hope you are well. Can we get on a call tomorrow with whatever OJJ staff you think is necessary after we are done with Court to figure out the phone line issue? I need to know if there is anything they could possibly need from our end to get the 908 number approved so we can ensure we have access to our clients. At least one child tried calling again today and wasn't able to get through for the same blocking issues we flagged weeks ago.

Could you also send me the email addresses for the ARP coordinators at Swanson Monroe and Swanson Columbia? If you would prefer for me to reach out directly to your clients for this information, I am happy to do so.

Thank you,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org

nkumar@defendla.org
[504.529.5955](tel:504.529.5955)

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On Jun 2, 2020, at 12:21 AM, Nishi Kumar
<NKumar@defendla.org> wrote:

Hi Kyle and Lem,

Hope you all are healthy, safe, and well. I just wanted to provide some clarity on the facts surrounding this situation. As I explained on previous calls, I have years of experience using the Securus system in jails and prisons across the state and have never encountered these types of access issues. Parents have been trying for weeks to have their children in the secure care facilities call us. Usually, once a Securus account is active and funded (and PJI consistently maintains an account that we get dozens of phone calls on each day) and a receiving phone number is on the account, anyone in any facility contracting through Securus should be able to call that receiving number through the Securus system as a sort of "collect call" mechanism. I have received hundreds calls from jails and prisons throughout the state over the years using this system and nobody has ever mentioned paperwork that needs to be sent from Securus to the facilities. We originally tried to open a line of communication with a 504 google voice number that was tied to one of my colleague's cellphones and that the kids were trying to call us on. When that didn't work, we flagged for you all and also added my colleague's actual cellphone number (the 908-283-1525 number below), in case it was the google voice number that was the problem. Kids were also not able to use the 908 number and when we brought it up, you all mentioned that LCCR's Securus "hotline" was still open and working according to OJJ.

PJI office staff then got permission from LCCR to access that Securus account, which LCCR has not been actively using and which no longer had an active phone number listed, and added the 908 number there as well. Kids were still not able to get through, which we flagged for you all again. At that point, Securus confirmed that the block on kids calling the numbers was completely on OJJ's end. I offered to get on the phone with you and your client and you indicated you would check with OJJ to see what the hold up was. We did not repeatedly reject an opportunity to straighten this out, but rather made sure to clear up any possible issues that could be preventing access on our end or on Securus' end through multiple avenues. This is the first time you are telling us that the children need to be filling out some sort of form, which would normally be a process for adding relatives or friends to their call lists, and that we believe only goes through the approval process on a quarterly basis, with the potential exception of expedited requests for parents or attorneys of record. With in-person visitation suspended indefinitely, the only access we have to our clients and class members is over the phone, and with the 908 number not being accessible to children, we have had to resort to scheduling calls through individual case managers that are not guaranteed to happen within any specific time frame or guaranteed to be private. We should be able to speak with children trying to call us through the regular Securus system and on an unmonitored line without any impediment to access, particularly given the tight time frame on the TRO hearing. If this isn't resolved, we intend to advise the court that – despite what seemed to be good faith efforts by you all as defense counsel – that OJJ failed to provide adequate access. If there is something we are missing in this back-and-forth, please let me know and I will make every effort to resolve it.

We appreciate your cooperation in scheduling calls with J.H., D.M., H.C., and I.B. through alternative means while your clients resolve the access issues, hopefully on an expedited basis. We have calls with H.C. and D.M. scheduled through the facilities, per your permission, but if you can set up calls with I.B. and J.H. for today at the 908-283-1525 number between 11 am and 6 pm CST, that would be much appreciated. Please let us know potential timings for those calls as soon as possible.

We are happy to discuss this issue more at any time.

Best,

Nishi Kumar
Director of Civil Litigation
The Promise of Justice Initiative
www.justicespromise.org
nkumar@defendla.org
504.529.5955

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From: Kyle Miller <Kyle.Miller@butlersnow.com>
Sent: Monday, June 1, 2020 2:56 PM
To: laronsson@omm.com; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: ssarnoff@omm.com; mlevick@jlc.org; jnaddock@gmail.com; Nishi Kumar <NKumar@defendla.org>
Subject: RE: J.H. v. Edwards -- Phone Lines [IWOV-ButlerSnow.FID8497864]

First, no one is “blocking” you from speaking with the Youth. OJJ has, frankly, gone above and beyond to provide you access.

Regarding the “hotline,” we do not know what is going on or what conversations you have had with Securus. There are certain hotlines that OJJ has established for the Youth (e.g., a hotline to report allegations of abuse). Securus does not have the authority to establish hotlines. Regardless, no request has been sent from Securus to OJJ to have a hotline established. We offered weeks ago to (and then again multiple times after) to set up a call among you, Securus, and OJJ. That offer was repeatedly rejected.

The Youth, of course, can request to have their attorneys added to their approved contact list, which as I understand it allows the Youth to contact their attorneys free of charge on an unmonitored line. This is typically done by the Youth filing out a form and requesting to have their attorney added. OJJ has agreed to add you for I.B. and J.H. because those are the two named plaintiffs. Let us know the name and phone number of the person(s) you would like added. Any other Youth that wants to contact you should complete the form and have you added to their contact list.

Kyle V. Miller
Butler Snow LLP

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Kyle.Miller@butlersnow.com | [vCard](#) | [Bio](#)

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From: Aronsson, Laura S. <aronsson@omm.com>
Sent: Monday, June 01, 2020 10:17 AM
To: Kyle Miller <Kyle.Miller@butlersnow.com>; Lem Montgomery <Lem.Montgomery@butlersnow.com>
Cc: Sarnoff, Stuart M. <ssarnoff@omm.com>; Marsha Levick <mlevick@jlc.org>; John Adcock <jnadcock@gmail.com>; Nishi Kumar <NKumar@defendla.org>
Subject: J.H. v. Edwards -- Phone Lines

Kyle and Lem,

I am following up on access to putative class members. As you know, the children have been unable to reach us over the phone (at 908-283-1525 and other numbers). OJJ implemented a "workaround," and yesterday, we did speak to [REDACTED] at Bridge City, but for only fifteen minutes and without confirmation of privacy. We were not able to connect with [REDACTED] at Swanson Monroe until this morning. With the hearing less than 48 hours away, we cannot be blocked from speaking with the children. Can you please let us know immediately if OJJ will (1) immediately open the 908-283-1525 line for children to call, (2) provide us at least one hour today with both [REDACTED] and [REDACTED]

and (3) confirm that these phone calls are not recorded or monitored.

We do not want to be forced to petition the Court this evening. We are available to discuss.

Thanks,
Laura

O'Melveny

Laura S. Aronsson

laronsson@omm.com

O: +1-212-728-5841

M: +1-802-578-3431

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ATTACHMENT



NOTICE: A LAWSUIT HAS BEEN FILED SEEKING TO REPRESENT ALL YOUNG PEOPLE IN BRIDGE CITY, SWANSON MONROE, SWANSON COLUMBIA, AND ACADIANA DURING COVID-19 REGARDING THE SUFFICIENCY OF THE LOUISIANA OFFICE OF JUVENILE JUSTICE'S RESPONSE TO THE COVID-19 PANDEMIC.

YOU HAVE A RIGHT TO TALK TO THE LAWYERS WHO BROUGHT THE CASE ABOUT YOUR EXPERIENCES AND CONCERNS. THESE CONVERSATIONS WILL BE CONFIDENTIAL, WHICH MEANS THEY ARE PRIVATE.

YOU DO NOT HAVE TO SPEAK TO THE LAWYERS WORKING ON THE CASE IF YOU DO NOT WANT TO.

IF YOU WANT TO SPEAK TO THE LAWYERS WORKING ON THE CASE, YOU CAN:

1. Add the Promise of Justice Initiative, Phone Number: 908-283-1525 to your Master Phone List and call the lawyers once the number is added. You will not have to pay for that call.
2. Write a letter to the Promise of Justice Initiative at 1024 Elysian Fields Avenue, New Orleans, LA 70119 to request a lawyer visit. Once they get your letter, a lawyer will schedule a time to talk with you confidentially.
3. Ask your case manager to schedule a lawyer phone call with the Promise of Justice Initiative.
4. Ask a family member to call the Promise of Justice Initiative at 908-283-1525 and tell the lawyers that you want to speak with them.

YOU HAVE THE RIGHT TO SPEAK WITH THE LAWYERS AND NO ACTION CAN BE TAKEN AGAINST YOU FOR DOING SO.