

MDRL
✓LAWL 96/050
ORDER

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JAMES BENJAMIN, et al.,

Plaintiffs,

ORDER

75 Civ. 3073 (HB)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.

and related cases.
-----X

Based on the Order and Opinion of April 15, 1996, it is hereby temporarily

ORDERED:

1. Law library services in the Centralized Punitive Segregation Unit ("CPSU") may be provided to all CPSU inmates in their cells until further order of the Court, subject to provisions of this Order. Except as stated in or inconsistent with this Order, law library services shall be provided in accordance with the Stipulation For Entry of Modification of Partial Final Judgments by Consent dated September 24, 1985 ("Stipulation").

IN-CELL LAW LIBRARY SERVICE

2. All inmates in the CPSU will be given the opportunity to sign up for law library services the day before they wish to receive services. Each day that the Law Library is in session, staff will ensure that all sign up sheets are collected and brought to the Law Library area.

(Dates Tuesday through Saturday)

3. Each day that the Law Library is in operation, each inmate who has signed up for law library services will be given access to the Legal Coordinator via the telephone or other point-to-point communication, or by written request. If access is oral, the CPSU inmate

will be permitted to speak with the Legal Coordinator via telephone or other point-to-point communication as long as necessary for him to convey his request.

4. After the CPSU inmate informs the Legal Coordinator of the materials or assistance he needs, copies will be made of all materials requested within reasonable limits, placed into a sealed envelope with any further instructions from the Legal Coordinator, and delivered to the inmate in his cell by the Law Library Officer later that day or the next day, as set forth in Paragraph 6 hereof.

5. If an inmate needs to provide the Legal Coordinator with documents for review, typing, copying, or clarification of a request for assistance, he will be provided an envelope by staff. The CPSU inmate will place his name, commitment number and cell location on the outside of the envelope. The materials will be placed inside the envelope and the sealed envelope will be given to staff to be given, still sealed, to the Legal Coordinator.

6. The Legal Coordinator will ensure that all inmates requesting service will receive service the day of their request except that (a) an inmate who requests service during the last law library session may be provided with materials the following day by 11 a.m.; and (b) service interruptions or delays are excused where caused by institutional security operations, such as tactical search operations or emergency mobilization plans. If the inmate's request requires extensive research, he will at least be given, within the same time frames set forth in the preceding sentence, copies of the materials obtained by the Legal Coordinator upon the initial research of the issue. After the Legal Coordinator has researched the issue more extensively the inmate will be provided (not more than five business days later) with the copies of any additional materials obtained by the Legal Coordinator.

7. The Law Library Officer shall notarize legal documents on request. If the officer is unable to provide this service, the inmate shall be escorted to the Law Library where the Legal Coordinator will provide this service on the same day of the request.

8. When the Legal Coordinator determines that he or she is unable to completely assist an inmate via telephone or written request, the Legal Coordinator will arrange to have the inmate escorted to the Law Library later that same day or, for inmates serviced during the last law library session, the following day.

9. An inmate who requests the opportunity to type shall be escorted either to a typing room in or near his housing area or to the library for typing on a first-come, first-served basis.

10. If an inmate is discovered to be using the typewriter to type non-legal documents, the session will be ended immediately, the inmate returned to his housing area and a warning issued that all such future violations may result in a 15-day exclusion from access to typewriters. *All such warnings & exclusions shall be recorded in H.B. the Law Library logbook.*

11. The Law Library officer will provide a second phone call or other oral interaction or written request to the Legal Coordinator on the same day, if requested, after requested materials have been delivered and the inmate has had an opportunity to review the materials. During a second phone call or other oral interaction, the inmate may discuss legal issues with the Legal Coordinator or request additional materials; in a second written request, the inmate may request additional materials. Requests for additional materials shall be completed on the same day or the first law library day thereafter.

DOCUMENTATION

12. The inmate sign-up sheets shall be used by the Law Library officer to document services to the CPSU inmates. Inmates who have signed up for law library shall be requested to sign the sheet again after they receive their initial phone call, after they receive the materials they requested, and after their second phone call if any. At the end of the day the Legal Coordinator will review all sign up sheets and sign in a space provided. The completed forms shall be kept on file in the CPSU Law Library.

13. The Legal Coordinator shall maintain a logbook of the names of all inmates receiving service. The logbook shall contain all of the following information: date of request, date of service, name of inmate receiving service, commitment number, housing location, time of initial service, time of second call and any special remarks, including whether the inmate was escorted to the law library.

14. The Law Library officer shall maintain a logbook which records legal coordinators and clerks on duty, times each housing area is provided service, the time and name of inmates provided physical access to law library, and any unusual incidents affecting law library service. *del Removals & exclusions* *AKH*

15. The Legal Coordinator shall complete a Law Library Service Request Form for each inmate requesting materials and/or assistance of law library staff (including typing, notarial services, etc.). The information shall include the date and time of the request, a description of the initial request, a description of the material provided in response to the request, the date the material was provided, and any follow-up requests and responses which occur on that date. Completed service request forms shall be maintained in chronological order in the Legal Coordinator's office for a minimum of one year. For reasons of confidentiality,

completed forms shall be kept in a locked cabinet, accessible only to the Legal Coordinator and the appropriate monitoring agencies (Office of Compliance Consultants and the Board of

Correction.) *16 The OCC may inspect documentation & the denial of any request will be taken up with the Court.*

16. This order terminates upon the Court's granting of defendants' pending motion to vacate the Stipulation and Paragraph U of the Consent Decrees (referred to as the "CPSU law library provision").

Dated: New York, New York
April *22* 1996

By: 

HAROLD BAER, JR.

UNITED STATES DISTRICT JUDGE