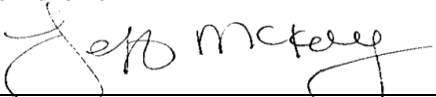
 Corrections and Community Supervision REVISION NOTICE	TITLE		NO. 4423
	Inmate Telephone Calls		
REVISES DIR #4423 Dtd. 1/15/2014	DISTRIBUTION A B	PAGES PAGE 1 OF 2	DATE 5/21/2015
REFERENCES (Include but are not limited to)	APPROVING AUTHORITY 		

Added new material double underlined. Delete material ~~lined out.~~

- Add new Section IX, "Attorney Legal Calls," and renumber the subsequent sections X through XIII.

IX. ATTORNEY LEGAL CALLS

- A. Generally, attorneys are expected to communicate with their inmate clients through privileged correspondence in accordance with Part 721 of Title 22 NYCRR or during legal visits (see Directive #4404, "Inmate Legal Visits"). There may, however, be certain circumstances where an attorney will need to communicate confidentially with his or her inmate client by telephone.
- B. In the absence of specific court order or written direction from the Department's Office of Counsel to the contrary, the following protocols shall apply to confidential attorney legal calls:
1. The call must be requested in writing or over the telephone by an attorney who is admitted to practice law in the State of New York, currently in good standing, and registered with the Office of Court Administration in accordance with Section 468-a of the Judiciary Law. The Office of Court Administration provides an on-line attorney search function at <http://iapps.courts.state.ny.us/attorney/AttorneySearch>;
 2. Requests must be directed to a Supervising Offender Rehabilitation Coordinator or designee. If the request is made by telephone, it must be followed by a written request sent to the e-mail address or fax number designated by the facility at the time of the call;
 3. The attorney must state that the legal matter cannot be adequately addressed through privileged correspondence, a legal visit would be unduly burdensome under the circumstances, and a confidential telephone communication between the attorney and his or her inmate client is necessary;

4. The attorney's office address, as listed on the attorney registration statement filed with the Office of Court Administration in accordance with Section 118.1 of Title 22 NYCRR, must be located more than 45 miles (or 30 miles, if the attorney's office address is located in New York City) from the inmate's current facility location;
 5. The attorney must not have had a legal call with the inmate in the last 30 days;
 6. The attorney must provide at least three suggested dates and times (excluding weekends, evenings, and holidays) when he or she will be available to call into the facility to speak with his or her inmate client;
 7. The attorney must initiate the call using the business telephone number listed on the attorney registration statement filed with the Office of Court Administration; and
 8. The call must not exceed 30 minutes in duration.
- C. An inmate shall receive the attorney call at one of the following locations as determined by the correctional facility:
1. An inmate phone booth that was constructed at the facility for the purpose of accommodating legal calls;
 2. An inmate disciplinary hearing room, when not reserved for a hearing or other purpose; or
 3. Any other location where the telephone is not (absent a court order or the written consent of a party to the call) monitored or recorded and where there exists auditory confidentiality.
- D. In response to the attorney's request made in accordance with this subdivision, the correctional facility shall within five business days of the request, contact the attorney by telephone, e-mail or fax and inform the attorney of the date and time of the call, as well as the name and telephone number of the facility staff member the attorney is to ask for when initiating the call;
- E. If the correctional facility denies an attorney's request for a legal call, the attorney can call or write to the Office of Counsel using Office of Counsel contact information provided by the correctional facility;
- F. For an inmate on restricted telephone privileges, a legal call shall be in lieu of any other call to which the inmate may otherwise be entitled during the same time period;
- G. A record of the legal call shall be noted in the Guidance folder.