

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

OCT - 4 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

Stephan Harris, Clerk
Cheyenne

STEPHEN L. PEVAR and RYAN)
 FORNEY, on Mr. Forney's own behalf)
 and on behalf of all other persons)
 similarly situated,)
)
 Plaintiffs,)
)
 vs.)
)
 ROBERT LAMPERT and MICHAEL)
 MURPHY, in their official capacities,)
)
 Defendants.)
 _____)

Civ. No. 07-CV-193-B

ORDER ADOPTING POLICY

AND

DISMISSING CASE AS MOOT

The Court has been advised that the Wyoming Department of Corrections has issued a written policy that generally prohibits WDOC employees from questioning prisoners regarding communications with their counsel. Plaintiffs in this action have informed the Court that this policy, once fully implemented, will resolve the controversy that spawned this litigation and render this matter moot.

Accordingly, the Court hereby approves the policy, a copy of which is attached as "Exhibit 1," and adopts that policy. The Court presumes that employees will be adequately trained in applying this policy, and that this policy will be enforced by WDOC. Therefore, the matter is deemed moot, and the case is hereby dismissed as moot

Dated this 4th day of October, 2007.


United States District Court

Exhibit 1

*Policy #1.017
Attorney-Client Communications*

*Pevar, et al., v. Lampert, et al., Civil Action No. 07-CV-193 B
Order Adopting Policy and Dismissing Case as Moot*



WYOMING DEPARTMENT OF CORRECTIONS

**Policy and Procedure #1.017
Attorney-Client Communications**

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Authority: Wyoming Statute(s): 25-1-104; 25-1-105 ACA Standard(s): 4-4275		Effective Date: October 2, 2007 Revision/Review History:
		Summary of Revision/Review: Establishes a new uniform WDOC policy and procedure pertaining to attorney-client communications.
Cross Reference of Policy:		Supersedes Existing Policy :
Approved:		
<i>Steve Lindy Per</i> Robert O. Lampert, Director		10-2-07 Date

REFERENCE

1. ATTACHMENTS – None Noted
2. CASE LAW – None Noted



WYOMING
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Policy and Procedure
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Attorney-Client
Communication

I. PURPOSE

- A. **Protection of Confidential Communication.** The purpose of this policy is to establish uniform policy and procedures governing the protection and confidential nature of attorney-client communications for inmates housed in Wyoming Department of Corrections (WDOC) correctional facilities.

II. POLICY

- A. **General Policy.** It is the policy of the WDOC to respect the confidentiality of attorney-client communications as prescribed by law.

III. DEFINITIONS

- A. **Attorney:** A member of a state bar association who is licensed to practice law in Wyoming or another state.
- B. **Attorney-Client Communication:** (*For this policy only.*) A communication between an attorney and his/her inmate client that is protected by law from forced disclosure due to the confidential nature of the relationship of the parties.
- C. **Inmate:** A person who is incarcerated in any Wyoming Department of Corrections correctional facility, county jail, municipal jail or in-state/out-of-state contract facilities, to include adult community corrections centers, who is committed to the custody or supervision of the Wyoming Department of Corrections.
- D. **Investigation:** A thorough and systematic examination of all information obtained through interviews, interrogations, research, and analysis/examination of evidence.

IV. PROCEDURE

- A. **General Provisions.**
1. In the course of any investigation, staff and investigators are not authorized to ask detailed questions concerning the contents of written or verbal communications between an inmate and his/her attorney.



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2. Information provided by an inmate concerning the content of specific communications between the attorney and client will not be included in an investigation report unless that information is not solicited by the investigator or staff, the information is provided voluntarily by the inmate, and the information received directly impacts upon the matter under investigation.

V. TRAINING POINTS

- A. TRUE OR FALSE. Staff or investigators are not authorized to ask detailed questions concerning the contents of written or verbal communications between an inmate and his/her attorney.
- B. When may information provided by an inmate concerning the content of specific communications between the attorney and client be included in an investigation report?