



PRISON LAW OFFICE

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CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

MEMORANDUM

To: Mule Creek Men's Advisory Committee members

From: Steven Fama *Steven Fama*

Date: September 14, 2011

I write to follow-up on certain matters we discussed or which you asked about during our September 13, 2011 meeting at Mule Creek. Thank you again for taking the time to talk, and for your care, concern and work regarding medical care at Mule Creek. I am sending a copy of this memo to all MAC members who were at the meeting. However, the postage pre-paid envelopes mentioned below are only sent one person on each yard, as we discussed at the meeting.

Healthcare Appeals written rules

After our meeting I again informed the Receiver's Office that it is essential to promptly finalize and provide to prisoners written rules for healthcare appeals. It was explained to me that a part of the delay has involved needing to include processes regarding 1824 (ADA) appeals, which requires review and input from lawyers who represent the prisoners in the separate class action case (known as Armstrong). Nevertheless, Prison Law Office agrees that final written rules must be quickly finalized. If necessary, we will consider raising the issue with the Court Advisory Committee in the Plata case (which meets two or three times a year), and also consider other action.

Concerns about deaths of Mule Creek prisoners

MAC members yesterday raised concerns about three or four recent deaths. Every death at Mule Creek, and in every prison, is reviewed by Sacramento-based doctors working for the Receiver. For each death, those doctors write a report that addresses what happened and sometimes identifies either individual or system problems which either contributed to the death or (even if the problem didn't have anything to do with the death) are serious enough to be corrected. These reviews by court orders in the Plata case are provided to Prison Law Office but are confidential. Court orders in Plata also allow Prison Law Office to review medical records of prisoners, including those who have died, but again require that the information remain confidential. The confidentiality requirements are necessary to protect the privacy of individual prisoners.

[memo continues on other side of page]

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Concerns about deaths of Mule Creek prisoners (continued)

Although I cannot share details about any individual death, the information I reviewed yesterday at Mule Creek about the recently deceased prisoners mentioned during our meeting was not consistent with the belief expressed by some that two or three prisoners this year had died of a "burst appendix." However, regardless of the cause of death, I have asked or will ask the Receiver's Office to particularly review and provide information based on concerns about whether there was compliance with certain policy requirements. Also, as indicated above the Receiver's Office has begun its own review of these deaths.

Adequate reviews of all deaths and appropriate follow-up action when problems are identified are among the most important quality improvement efforts that prison officials must undertake. We always want to hear from prisoners who have concerns or information about a death, even though as explained above we cannot share specific information. Thank you and all other prisoners in advance for writing about anything that comes to your attention regarding a death.

As I briefly discussed at our meeting, we also have asked the Receiver to improve the reviews and follow-up process to ensure that all problems are identified and corrective actions taken.

Office of Inspector General (OIG) medical inspection of Mule Creek

The OIG medical care inspectors were at Mule Creek the week of August 29, 2011. The OIG report regarding its inspections should be issued in January or February 2012.

Mule Creek self-audits of medical care requirements

Mule Creek conducts a monthly self-audit of certain medical care policy requirements, using information in randomly selected individual prisoner medical records. This same monthly audit is done by every prison. A report summarizing the self-audit results is prepared each month. Prison Law Office cannot provide copies of these reports. However, the most recent example received for Mule Creek is enclosed. We suggest that you ask medical managers to present and discuss the most recent results during each monthly MAC-Healthcare meeting.

[memo continues on next page]

ROSEN, BIEN & GALVAN, LLP

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September 28, 2011

CONFIDENTIAL – LEGAL MAIL

Michael Singh T22165
Mule Creek State Prison
P.O. Box 409000
Ione, CA 95640-9000

Re: *Coleman v. Brown*
Our File No. 489-3

Dear Mr. Singh:

This is in response to your letter postmarked September 26, 2011, which we received on September 27, 2011. We are returning any original documents you may have sent to our office.

You wrote to our office about mental health care in the California Department of Corrections and Rehabilitation (CDCR). We are one of the law firms that represent the plaintiffs in the class action lawsuit *Coleman v. Brown*. The *Coleman* case was brought on behalf of prisoners with serious mental illness. The court ordered the defendant, CDCR, to make certain changes in the delivery of their mental health services. The court also appointed a special master to help develop plans to provide adequate mental health care and to monitor the defendant's compliance with those plans. In order to track prisoner correspondence and compliance issues more effectively, we have divided up correspondence between this office and our co-counsel, the Prison Law Office (PLO). That office is responsible for handling prisoner correspondence about *Coleman* issues from your institution.

In the future, you should write to the Prison Law Office directly about these issues. Please be sure to write "LEGAL MAIL" on the outside of the envelope. The address is:

**Prison Law Office
General Delivery
San Quentin, CA 94964**

I have forwarded a copy of your letter to their office.