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CoreCivic Inks \$3.7M Deal To End Attys' Prison Wiretap Claims

By **Hannah Albarazi**

Law360 (August 3, 2020, 10:35 PM EDT) -- Private prison company CoreCivic and communications company Securus Technologies agreed Friday to pay a class of attorneys \$3.7 million in Missouri federal court to end claims it violated wiretapping laws by improperly recording client-attorney conversations and then disseminating the information to law enforcement officials and other third parties.

The proposed \$3.7 million settlement, if approved by the judge, will resolve claims brought on behalf of a class of roughly 750 attorneys against CoreCivic, formerly known as Corrections Corporation of America and one of the largest U.S. private prison companies, and its telephone services provider Securus, a subsidiary of Aventiv Technologies run by the investment firm Platinum Equity LLC.

Inmates whose conversations were recorded and disseminated, however, are not a party to the suit.

The case stems from an August 2016 order issued by U.S. District Judge Stephen Rogers Bough, finding that detention facilities, including CoreCivic's Leavenworth Detention Center in Kansas installed devices capable of recording communications between attorneys and detained clients, according to the plaintiffs' third amended complaint.

The court issued a cease and desist order, requiring detention facilities to stop recording face-to-face meetings, telephone calls and videoconference calls between a detainee and their counsel, the suit says.

Kansas attorney Adam M. Crane and Missouri attorney David Johnson filed suit against CoreCivic and Securus shortly thereafter, alleging the companies recorded and disseminated calls and in-person privileged conversations at the Leavenworth Detention Center in violation of federal, Missouri and Kansas wiretap statutes.

In September 2018, the court certified a class of attorneys who represented detained clients dating back to August 31, 2013 and whose communication with their clients were — or continue to be — intercepted, disclosed or used by Securus, CoreCivic or their affiliates.

The Eighth Circuit denied the companies' request for appeal of class certification.

The proposed deal includes nearly \$1.3 million in attorney fees and costs, as well as service awards for Johnson and Crane in the amount of \$25,000 each, stating that they "have risked reputation damage from third parties, including law enforcement agencies" by bringing their suit.

"These individuals should be rewarded to encourage them and others who would be subject to future violations to assert their clients' rights to privileged communications under state and federal law," according to the proposed deal.

The deal "benefits the entire class and the public," the proposed settlement states.

"We've worked hard with all parties to resolve this issue in a professional and courteous manner and maintain there was no wrongdoing on the part of our company or our professionals," CoreCivic's

director of public affairs, Amanda Gilchrist, told Law360 via email Tuesday.

Gilchrist said the company is "deeply committed to being a valued part of the Leavenworth community."

Both companies' business practices have been the target of recent criticism and litigation.

In May, two former U.S. Immigration and Customs Enforcement detention center officers **accused CoreCivic of putting profits over the safety of its staff and detainees** by failing to take adequate measures to combat COVID-19. In 2018, immigrant detainees sued CoreCivic, **alleging it operated forced labor camps in violation of their human rights**, while reaping profits of more than \$1.5 billion annually.

Securus **agreed in May to revamp its privacy protocols** and submit compliance reports as part of a deal brokered to end a class action in California by former prisoners and criminal defense attorneys alleging the firm illegally tapped private prison calls there.

In June, Securus was hit with a class action for **allegedly price-fixing inmate calls for a decade**.

Neither representatives for Securus nor the plaintiffs immediately responded to Law360's requests for comment.

Plaintiffs are represented by Michael A Hodgson of The Hodgson Law Firm LLC, Lance D. Sandage of Sandage Law LLC and Joseph K. Eischens of the Law Office of Joseph K. Eischens.

Corrections Corporation of America is represented by Michael P. Cutler and Amy D. Fitts of Polsinelli PC.

Securus Technologies, Inc. is represented by Husch Blackwell LLP.

The case is Crane v. Corrections Corporation of America et al., case number 4:16-CV-00947, in the U.S. District Court for the Western District of Missouri.

--Editing by Gemma Horowitz.

Update: This article has been updated to include a comment from CoreCivic.