

COVER SHEET FOR FILING CIVIL ACTIONS

COMMONWEALTH OF VIRGINIA

Case No. CL20-5336
(CLERK'S OFFICE USE ONLY)

ARLINGTON

Circuit Court

RAMIN SEDDIQ

PLAINTIFF(S)

v./In re:

VIRGINIA INDIGENT DEFENSE COMMISSION

DEFENDANT(S)

MARIA JANKOWSKI

I, the undersigned ☒ plaintiff ☐ defendant ☐ attorney for ☐ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- ☐ Claim Impleading Third Party Defendant
☐ Monetary Damages
☐ No Monetary Damages
☐ Counterclaim
☐ Monetary Damages
☐ No Monetary Damages
☐ Cross Claim
☐ Interpleader
☐ Reinstatement (other than divorce or driving privileges)
☐ Removal of Case to Federal Court

Business & Contract

- ☐ Attachment
☐ Confessed Judgment
☐ Contract Action
☐ Contract Specific Performance
☐ Detinue
☐ Garnishment

Property

- ☐ Annexation
☐ Condemnation
☐ Ejectment
☐ Encumber/Sell Real Estate
☐ Enforce Vendor's Lien
☐ Escheatment
☐ Establish Boundaries
☐ Landlord/Tenant
☐ Unlawful Detainer
☐ Mechanics Lien
☐ Partition
☐ Quiet Title
☐ Termination of Mineral Rights

Tort

- ☐ Asbestos Litigation
☐ Compromise Settlement
☐ Intentional Tort
☐ Medical Malpractice
☐ Motor Vehicle Tort
☐ Product Liability
☐ Wrongful Death
☐ Other General Tort Liability

ADMINISTRATIVE LAW

- ☐ Appeal/Judicial Review of Decision of (select one)
☐ ABC Board
☐ Board of Zoning
☐ Compensation Board
☐ DMV License Suspension
☐ Employee Grievance Decision
☐ Employment Commission
☐ Local Government
☐ Marine Resources Commission
☐ School Board
☐ Voter Registration
☐ Other Administrative Appeal

DOMESTIC/FAMILY

- ☐ Adoption
☐ Adoption - Foreign
☐ Adult Protection
☐ Annulment
☐ Annulment - Counterclaim/Responsive Pleading
☐ Child Abuse and Neglect - Unfounded Complaint
☐ Civil Contempt
☐ Divorce (select one)
☐ Complaint - Contested*
☐ Complaint - Uncontested*
☐ Counterclaim/Responsive Pleading
☐ Reinstatement - Custody/Visitation/Support/Equitable Distribution
☐ Separate Maintenance
☐ Separate Maintenance Counterclaim

WRITS

- ☐ Certiorari
☐ Habeas Corpus
☒ Mandamus
☐ Prohibition
☐ Quo Warranto

PROBATE/WILLS AND TRUSTS

- ☐ Accounting
☐ Aid and Guidance
☐ Appointment (select one)
☐ Guardian/Conservator
☐ Standby Guardian/Conservator
☐ Custodian/Successor Custodian (UTMA)
☐ Trust (select one)
☐ Impress/Declare
☐ Reformation
☐ Will (select one)
☐ Construe
☐ Contested

MISCELLANEOUS

- ☐ Appointment (select one)
☐ Church Trustee
☐ Conservator of Peace
☐ Marriage Celebrant
☐ Bond Forfeiture Appeal
☐ Declaratory Judgment
☐ Declare Death
☐ Driving Privileges (select one)
☐ Reinstatement pursuant to § 46.2-427
☐ Restoration - Habitual Offender or 3rd Offense
☐ Expungement
☐ Firearms Rights - Restoration
☐ Forfeiture of U.S. Currency
☒ Freedom of Information
☒ Injunction
☐ Interdiction
☐ Interrogatory
☐ Judgment Lien-Bill to Enforce
☐ Law Enforcement/Public Official Petition
☐ Name Change
☐ Referendum Elections
☐ Sever Order
☐ Taxes (select one)
☐ Correct Erroneous State/Local
☐ Delinquent
☐ Vehicle Confiscation
☐ Voting Rights - Restoration
☐ Other (please specify)

☒ Damages in the amount of \$ 1.00 are claimed.

December 30, 2020

DATE

RAMIN SEDDIQ

PRINT NAME

PO BOX 5533, McLEAN, VA 22103 -- 202.412.8999

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

ramins2536@gmail.com

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

☒ PLAINTIFF☐ DEFENDANT☐ ATTORNEY FOR☐ PLAINTIFF☐ DEFENDANT

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

**Civil Action Type Codes
(Clerk's Office Use Only)**

Accounting	ACCT	Ejectment	EJET
Adoption	ADOP	Encumber/Sell Real Estate	RE
Adoption – Foreign	FORA	Enforce Vendor's Lien	VEND
Adult Protection	PROT	Escheatment	ESC
Aid and Guidance	AID	Establish Boundaries	ESTB
Annexation	ANEX	Expungement	XPUN
Annulment	ANUL	Forfeiture of U.S. Currency	FORF
Annulment – Counterclaim/Responsive Pleading..	ACRP	Freedom of Information	FOI
Appeal/Judicial Review		Garnishment	GARN
ABC Board	ABC	Injunction	INJ
Board of Zoning	ZONE	Intentional Tort	ITOR
Compensation Board	ACOM	Interdiction	INTD
DMV License Suspension	JR	Interpleader	INTP
Employment Commission	EMP	Interrogatory	INTR
Employment Grievance Decision	GRV	Judgment Lien – Bill to Enforce	LIEN
Local Government	GOVT	Landlord/Tenant	LT
Marine Resources	MAR	Law Enforcement/Public Official Petition	LEP
School Board	JR	Mechanics Lien	MECH
Voter Registration	AVOT	Medical Malpractice	MED
Other Administrative Appeal	AAPL	Motor Vehicle Tort	MV
Appointment		Name Change	NC
Conservator of Peace	COP	Other General Tort Liability	GTOR
Church Trustee	AOCT	Partition	PART
Custodian/Successor Custodian (UTMA)	UTMA	Permit, Unconstitutional Grant/Denial by Locality	LUC
Guardian/Conservator	APPT	Petition – (Miscellaneous)	PET
Marriage Celebrant	ROMC	Product Liability	PROD
Standby Guardian/Conservator	STND	Quiet Title	QT
Asbestos Litigation	AL	Referendum Elections	ELEC
Attachment	ATT	Reinstatement (Other than divorce or driving	
Bond Forfeiture Appeal	BFA	privileges)	REIN
Child Abuse and Neglect – Unfounded Complaint ..	CAN	Removal of Case to Federal Court	REM
Civil Contempt	CCON	Restore Firearms Rights – Felony	RFRF
Claim Impleading Third Party Defendant –		Restore Firearms Rights – Review	RFRR
Monetary Damages/No Monetary Damages	CTP	Separate Maintenance	SEP
Complaint – (Miscellaneous)	COM	Separate Maintenance – Counterclaim/Responsive	
Compromise Settlement	COMP	Pleading	SCRP
Condemnation	COND	Sever Order	SEVR
Confessed Judgment	CJ	Taxes	
Contract Action	CNTR	Correct Erroneous State/Local	CTAX
Contract Specific Performance	PERF	Delinquent	DTAX
Counterclaim – Monetary Damages/No Monetary		Termination of Mineral Rights	MIN
Damages	CC	Trust – Impress/Declare	TRST
Cross Claim	CROS	Trust – Reformation	REFT
Declaratory Judgment	DECL	Uniform Foreign Country Money Judgments	RFCJ
Declare Death	DDTH	Unlawful Detainer	UD
Detinue	DET	Vehicle Confiscation	VEH
Divorce		Voting Rights – Restoration	VOTE
Complaint – Contested/Uncontested	DIV	Will Construction	CNST
Counterclaim/Responsive Pleading	DCRP	Will Contested	WILL
Reinstatement – Custody/Visitation/Support/		Writs	
Equitable Distribution	CVS	Certiorari	WC
Driving Privileges		Habeas Corpus	WHC
Reinstatement pursuant to § 46.2-427	DRIV	Mandamus	WM
Restoration – Habitual Offender or		Prohibition	WP
3 rd Offense	REST	Quo Warranto	WQW
		Wrongful Death	WD

VIRGINIA:

IN THE CIRCUIT COURT OF ARLINGTON

RAMIN SEDDIQ

Petitioner,

v.

Case No.: CL20-5336

VIRGINIA INDIGENT DEFENSE
COMMISSION, and
MARIA JANKOWSKI, in her official capacity
as the Deputy Executive Director of Virginia
Indigent Defense Commission

Respondents.

**PETITION FOR INJUNCTION
AND WRIT OF MANDAMUS**

SERVE (2)
Serve:

Attorney General Mark R. Herring
Office of the Attorney General
202 North Ninth Street
Richmond, VA 23219
service@oag.state.va.us

Maria Jankowski
Deputy Executive Director
Virginia Indigent Defense Commission
1604 Santa Rosa Road, Suite 200
Richmond, VA 23229
mjankowski@vadefenders.org

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PAUL FERGUSON, CLERK
ARLINGTON CIRCUIT COURT

PRELIMINARY STATEMENT

1. This is a lawsuit seeking to enforce the right to inspect public records pursuant to the Virginia Freedom of Information Act (hereinafter, "Virginia FOIA"), Va. Code Ann. § 2.2-3700 et seq. As required by Virginia FOIA, Petitioner Ramin Seddiq, a citizen of Virginia, requested public records from Respondents Virginia Indigent Defense Commission and Maria Jankowski,

relevant to concerns about dysfunction and possible disparate treatment and unethical conduct at the Office of the Public Defender for Arlington County and the City of Falls Church. Regrettably, Respondents have met Petitioner's requests for records with obstruction, delay and prevarication. Respondents failed to follow the procedures as set forth in Va. Code Ann. § 2.2-3700 et seq. and continue, without lawful justification, to withhold records that are subject to timely production under Virginia FOIA. As such, Respondents have violated Virginia FOIA and this Court's intervention is required. Because the individual Respondent Maria Jankowski's violations are willful and knowing, the Court should also enter a civil penalty against her.

JURISDICTION AND VENUE

2. This Court has jurisdiction under Va. Code § 17.1-513 and Virginia FOIA, Va. Code § 2.2-3713(A).¹ Pursuant to Va. Code § 2.2-3713(A)(3), venue lies in the Circuit Court of Arlington County because the Virginia Indigent Defense Commission is a commission of the state government and the aggrieved Petitioner is a resident of Arlington County.

PARTIES

3. Ramin Seddiq (hereinafter, "Petitioner" or "Seddiq") is a resident of Arlington, Virginia. Petitioner is entitled to request records pursuant to Va. Code § 2.2-3704(A).

4. The Virginia Indigent Defense Commission (hereinafter, "VIDC") is delegated by law with the authority and responsibility to maintain all public defender and regional capital defender offices established by the General Assembly.² VIDC is also tasked with adopting rules and

¹ Any person ... denied the rights and privileges conferred by this chapter may proceed to enforce such rights and privileges by filing a petition for mandamus or injunction, supported by an affidavit showing good cause. Va. Code Ann. § 2.2-3713(A) (West).

² Va. Code Ann. § 19.2-163.01(A)(7) (West).

procedures for the conduct of its business.³ VIDC has the power and duty to authorize the public defender or capital defender to employ such staff, including secretarial and investigative personnel, as may be necessary to carry out the duties imposed upon the public defender office.⁴ The Office of the Public Defender for Arlington County and the City of Falls Church (hereinafter, “Arlington Public Defender”) operates under the direction and authority of VIDC. VIDC is a “public body” as this term is defined in Va. Code § 2.2-3701. Bradley R. Haywood (hereinafter, “Haywood”) is Chief Public Defender at Arlington Public Defender.

5. Maria Jankowski (hereinafter, “Jankowski”) is the Deputy Executive Director of VIDC.

STATUTORY AND LEGAL FRAMEWORK

Intent of the Law

6. “By enacting [The Virginia Freedom of Information Act], the General Assembly ensures the people of the Commonwealth ready access to public records in the custody of a public body or its officers and employees, and free entry to meetings of public bodies wherein the business of the people is being conducted. The affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government. Unless a public body or its officers or employees specifically elect to exercise an exemption provided by this chapter or any other statute, every meeting shall be open to the public and all public records shall be available for inspection and copying upon request. All public records and meetings shall be presumed open, unless an exemption is properly invoked.”

Va. Code Ann. § 2.2-3700(B) (West).

³ Va. Code Ann. § 19.2-163.01(B) (West).

⁴ Va. Code Ann. § 19.2-163.01(A)(10) (West).

7. “The Virginia FOIA has existed, in one form or another, since 1968 with the primary purpose of facilitating openness in the administration of government. By its own terms, the statute puts the interpretative thumb on the scale in favor of disclosure.” *Fitzgerald v. Loudoun Cty. Sheriff's Office*, 289 Va. 499, 505 (2015) (internal citations and quotations omitted). Section 2.2-3700(B) of Virginia FOIA states: “The provisions of this chapter shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government. Any exemption from public access to records or meetings shall be narrowly construed and no record shall be withheld or meeting closed to the public unless specifically made exempt pursuant to this chapter or other specific provision of law. This chapter shall not be construed to discourage the free discussion by government officials or employees of public matters with the citizens of the Commonwealth.” Va. Code Ann. § 2.2-3700(B) (West).

8. When the language of a statute is unambiguous, a court is bound by the plain meaning of that language and it must give effect to the legislature's intention as expressed by the language used unless a literal interpretation of the language would result in a manifest absurdity. *Virginia Dep't of Corr. v. Surovell*, 290 Va. 255, 268 (2015) (internal citations and quotations omitted). Courts are not permitted to add language to a statute nor are they permitted to accomplish the same result by judicial interpretation. *Virginia Dep't of Corr. v. Surovell*, 290 Va. 255, 269 (2015) (internal citations and quotations omitted).

Scope of the Law

9. “Public records” means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic

recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. Va. Code Ann. § 2.2-3701 (West).

10. Virginia FOIA defines “Public body” as, in relevant part “any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth,” ... “and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds.” “It shall include ... (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members.” Va. Code Ann. § 2.2-3701 (West).

Public Bodies to Designate and Publicly Identify FOIA Officer

11. All state public bodies subject to the provisions of this chapter...shall make available to the public upon request and shall post a link on the homepage of their respective official public government websites to the contact information for the FOIA officer designated by the public body pursuant to § 2.2-3704.2 to (i) assist a requester in making a request for records or (ii) respond to requests for public records. Va. Code Ann. § 2.2-3704.1(A)(2) (West).

12. All state public bodies that are subject to the provisions of this chapter...shall designate and publicly identify one or more Freedom of Information Act officers (FOIA officer) ...whose name and contact information shall be made available to the public upon request and be posted on the respective public body's official public government website at the time of designation and maintained thereafter on such website for the duration of the designation. Va. Code Ann. § 2.2-3704.2(B) (West).

13. The name and contact information of a FOIA officer trained by legal counsel of a public body shall be (i) submitted to the Virginia Freedom of Information Advisory Council (the Council) by July 1 of the year a FOIA officer is initially trained on a form developed by the Council for that purpose and (ii) updated in a timely manner in the event of any changes to such information. Va. Code Ann. § 2.2-3704.2(F) (West).

14. Any state public body subject to the provisions of this chapter...shall post a link on its official public government website to the online public comment form on the Freedom of Information Advisory Council's website to enable any requester to comment on the quality of assistance provided to the requester by the public body. Va. Code Ann. § 2.2-3704.1(B) (West).

Requests for Records

15. According to Section 2.2-3704(B), any public body that is subject to this chapter and that is the custodian of the requested records shall promptly, but in all cases within five working days of receiving a request, provide the requested records to the requester or make one of the following responses in writing:

1. The requested records are being entirely withheld. Such response shall identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records. Va. Code Ann. § 2.2-3704(B)(1);

2. The requested records are being provided in part and are being withheld in part. Such response shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records. Va. Code Ann. § 2.2-3704(B)(2);

3. The requested records could not be found or do not exist. However, if the public body that received the request knows that another public body has the requested records, the response shall include contact information for the other public body.

Va. Code Ann. § 2.2-3704(B)(3);

4. It is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. Such response shall specify the conditions that make a response impossible. If the response is made within five working days, the public body shall have an additional seven work days in which to provide one of the four preceding responses.” Va. Code Ann. § 2.2-3704(B)(4).

16. A “search” in the context of Virginia FOIA means: (1) “to look into or over carefully or thoroughly in an effort to find something”; or (2) “to uncover, find, or come to know by inquiry or scrutiny.” *Am. Tradition Inst. v. Rector & Visitors of Univ. of Virginia*, 287 Va. 330, 345 (2014) (citing: Webster's Third New International Dictionary 2048 (1993)).

17. All public bodies and their officers and employees shall make reasonable efforts to reach an agreement with a requester concerning the production of the records requested. Va. Code Ann. § 2.2-3700 (West).

18. Public bodies shall produce nonexempt records maintained in an electronic database in any tangible medium identified by the requester, including, where the public body has the capability, the option of posting the records on a website or delivering the records through an electronic mail address provided by the requester, if that medium is used by the public body in the regular course of business. Va. Code Ann. § 2.2-3704(G) (West).

Exemptions Under Virginia FOIA

19. “The Virginia Freedom of Information Act, Code⁵ §§ 2.1–340 through –346.1 (the Act), provides that certain “official records” in the possession of any employee of a public body are “excluded” from the Act's disclosure requirements. Code § 2.1–342(A) and (B). Among the records excluded are “personnel records containing information concerning identifiable individuals.” Code § 2.1–342(B)(3).” *Moore v. Maroney*, 258 Va. 21, 23 (1999).

20. “The FOI Act does not define the term, personnel record. Nor has a statutory definition been found in the Code of Virginia. The definition of personnel record, however, may be gleaned from the accepted dictionary definition of the two statutory words under consideration: “personnel” and “record.” The term “personnel” refers to persons who are employed in a work, enterprise, service, [etc.].” The term “record” has numerous meanings, but all relate to creating and registering information in a permanent form.” *McChrystal v. Fairfax Cty. Bd. of Supervisors*, 67 Va. Cir. 171 (2005) (internal citations omitted).

21. The public body has a duty to redact and may not withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure. Va. Code Ann. § 2.2-3704.01 (West). A public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure applies to the entire content of the public record. Va. Code Ann. § 2.2-3704.01 (West). Otherwise, only those portions of the public record containing information subject to an exclusion may be withheld, and all portions of the public record that are not so excluded must be disclosed. Va. Code Ann. § 2.2-3704.01 (West). Redaction of information excluded under § 2.2-3705.1⁶ from a public record shall be conducted in accordance with § 2.2-3704.01. Va. Code Ann. § 2.2-3705.1 (West).

⁵ Recodified in 2001 (Enabling Authority: Code of Virginia - § 9-77.10).

⁶ Va. Code Ann. § 2.2-3705.1 (“Exclusions to application of chapter; exclusions of general application to public bodies”) includes the personnel exclusion.

Enforcement and Remedies

22. “The petition shall allege with reasonable specificity the circumstances of the denial of the rights and privileges conferred by this chapter. A single instance of denial of the rights and privileges conferred by this chapter shall be sufficient to invoke the remedies granted herein.” Va. Code Ann. § 2.2-3713(D) (West). A citizen alleging a violation of the rights and privileges afforded by the FOIA and seeking relief by mandamus pursuant to Code § 2.2–3713(A) is not required to prove a lack of an adequate remedy at law, nor can the mandamus proceeding be barred on the ground that there may be some other remedy at law available. *Cartwright v. Commonwealth Transp. Com'r of Virginia*, 270 Va. 58, 66 (2005).

23. “In any action to enforce the provisions of [the Virginia Freedom of Information Act], the public body shall bear the burden of proof to establish an exclusion by a preponderance of the evidence. No court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. Any failure by a public body to follow the procedures established by this chapter shall be presumed to be a violation⁷ of this chapter.” Va. Code Ann. § 2.2-3713(E) (West).

24. In a proceeding commenced against any officer, employee, or member of a public body under § 2.2-3713 for a violation of § 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3706, 2.2-3707, 2.2-3708.2, 2.2-3710, 2.2-3711 or 2.2-3712, the court, if it finds that a violation was willfully and knowingly made, shall impose upon such officer, employee, or member in his individual capacity, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than \$500 nor more than \$2,000, which amount shall be paid into the Literary Fund. Va. Code Ann. § 2.2-3714(A) (West).

⁷ “In addition to issuing a writ of mandamus, a court may also award injunctive relief, reasonable costs, and attorney's fees. Code § 2.1–346.” *Lawrence v. Jenkins*, 258 Va. 598, 603 (1999).

25. If the court finds the denial to be in violation of the provisions of this chapter, the petitioner shall be entitled to recover reasonable costs, including costs and reasonable fees for expert witnesses, and attorney fees from the public body if the petitioner substantially prevails on the merits of the case, unless special circumstances would make an award unjust. Va. Code Ann. § 2.2-3713 (West). If the purpose of the action is merely to force compliance with the FOIA by requiring the public body to produce the requested documents, then a finding by the trial court that some documents were wrongfully withheld may satisfy the statute's requirement that the party “substantially prevails on the merits.” *Hill v. Fairfax Cty. Sch. Bd.*, 284 Va. 306, 314–15 (2012).

FACTUAL BACKGROUND

26. Respondent VIDC is a public body of the Commonwealth of Virginia and is therefore governed by the disclosure requirements of Virginia FOIA, Va. Code. Ann. § 2.2-3700 *et seq.*

27. Petitioner interned at Arlington Public Defender during the fall 2020 semester. Petitioner’s observations of and interactions with Arlington Public Defender – both before and after the inception of the internship – led to concerns about dysfunction and possible disparate treatment and unethical conduct.⁸

28. On October 2, 2020, Petitioner sent a letter to VIDC (see: Exhibit A). The letter conveyed to VIDC the dysfunctional nature of the intern recruitment process at Arlington Public Defender and offered suggestions for improvement. Respondents did not respond to this letter.

29. To the best of Petitioner’s knowledge and based on a thorough search of the VIDC website (see: Exhibit N), VIDC does not post on its official public government website the name and contact information for its FOIA officer as it is required to do so by Va. Code Ann. § 2.2-

⁸ This petition is not intended to litigate the underlying issues that led to the FOIA request. If these issues are alluded to, it is strictly and solely for the purpose of providing some context.

3704.1(A)(2) and Va. Code Ann. § 2.2-3704.2(B). Furthermore, the searchable “FOIA Officers” database on the Virginia Freedom of Information Advisory Council website does not return results when a search for either “Virginia Indigent Defense Commission” or “VIDC” or “Jankowski” is conducted (see: Exhibit N).

30. On October 26, 2020, Petitioner sent a Virginia FOIA request to VIDC (see: Exhibit B). Since, to the best of Petitioner’s knowledge, VIDC does not post on its website the name and contact information for a FOIA officer or a custodian of public records (see: Exhibit N and Exhibit C), the letter was sent to the attention of the “Custodian of Records,” care of Jennifer Gilmore, Esq., Standards of Practice Enforcement Attorney. Petitioner’s Virginia FOIA request identified the requested public records with reasonable specificity, pursuant to Va. Code Ann. § 2.2-3704(B).

31. On October 28, 2020, Jankowski emailed Petitioner stating: “I have received your FOIA request and am working on it. When you do have time to discuss so I am 100% clear on what you want.” [sic]. When Petitioner expressed a preference to handle clarifications in writing, Jankowski responded stating that she preferred to talk on the phone. When Petitioner wrote to Jankowski asking Jankowski to specify the portions of the request for which she sought clarification so that Petitioner can be prepared for the call, Jankowski demurred, citing illness and workload (see: Exhibit D).

32. On October 29, 2020, Jankowski called Petitioner. The call lasted for close to one hour. Despite requesting the call to seek clarification regarding the October 26 Virginia FOIA request, Jankowski spent the vast majority of the call attempting to litigate the internship matter in what appeared to be an effort to convince Petitioner to forgo the Virginia FOIA request. Jankowski repeatedly expressed concern and alarm that Petitioner’s grievances could somehow harm Haywood’s pending high-profile cases and agenda, stating at one point during the call that there

are only about six pending cases that she (Jankowski) is personally familiar with and Haywood's case is one of them. Jankowski seemed more concerned about reputational damage to VIDC and Arlington Public Defender than she was concerned about Petitioner's claims of dysfunction, possible disparate treatment and unethical conduct at Arlington Public Defender. At one point during the call, Jankowski, without an explicit prompt from Petitioner, apprehensively stated to Petitioner "I don't even know your race." At another point during the call, Jankowski scoffed when Petitioner stated that he would like to review and research all the records requested through Virginia FOIA before discussing the underlying issues.

33. On October 30, 2020, Haywood emailed⁹ Petitioner asking to meet for coffee. Petitioner was receptive to this invitation but wrote back stating: "in part because of the power and training disparities that exist between us, please let me know in advance via email if there are any residual questions, issues or concerns so that I may address them thoughtfully." Haywood responded stating in part: "There's no need to prepare anything. Just think a less formal chat might be helpful at this point. I would like to better understand your perspective and would also like to offer mine." Petitioner responded stating: "With COVID things are complicated. Perhaps we can communicate via email and meet for coffee once the pandemic is over."

34. Haywood responded¹⁰ on November 2, 2020 changing his asserted reason for wanting to meet for coffee stating in part: "My intention was basically to tell you about what's in the records, explain the consideration of your application, and the circumstances we're in as an office. It's not something I'd normally do, but obviously this is information you're seeking, and there's a lot that's

⁹ Petitioner is in possession of this email however, this email is part of an October 29, 2020 email chain in which a potential pending case at Arlington Public Defender is mentioned. Petitioner has not included this email as an exhibit to protect the confidentiality this potential pending case.

¹⁰ Petitioner is in possession of this email however, this email is part of an October 29, 2020 email chain in which a potential pending case at Arlington Public Defender is mentioned. Petitioner has not included this email as an exhibit to protect the confidentiality this potential pending case.

not in the records that I can share in order to provide context.” Petitioner declined the offer and stated in a reply to Haywood: “I appreciate the offer. I’ll review the documents once received and I will certainly reach out if I have questions or need clarification.”

35. As a result of Haywood’s November 2, 2020 email, Petitioner was left wondering why it would be the case that at a public office of the Commonwealth, there would be “a lot that’s not in the records” but chose to wait until he received the documents requested pursuant to the Virginia FOIA request. Haywood never communicated to Petitioner in writing what he intended to convey at an off-site coffee shop.

36. Also on November 2, 2020, Jankowski wrote to Petitioner informing Petitioner that she was ill and stating in part: “I am working on a plan to get everything out to you ASAP but as you can see I am hitting a few unexpected obstacles. I will keep you updated.” (See: Exhibit D). November 2nd was the fifth business day following the October 26 Virginia FOIA request. If it is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. The custodian of records must specify the conditions that make a response impossible and if the response is made within five working days, the public body shall have an additional seven workdays in which to respond.¹¹ Although she did not cite to the specific section of the Code, Jankowski timely exercised the seven workday extension permitted by law.

37. On November 9, 2020, Respondents responded¹² to the FOIA request but did not do so fully and completely. The records arrived with a cover letter (see: Exhibit E). Of note in this first

¹¹ See: Va. Code Ann. § 2.2-3704(B)(4) (West).

¹² In the October 26, 2020 Virginia FOIA request, Petitioner had stated in part: “If at all possible, please provide the requested records via electronic mail (email).” The records that VIDC sent to Petitioner were sent in paper form via United States Postal Service.

packet (hereinafter, the “First Packet”), was an August email exchange (see: Exhibit F) between Haywood and Lauren Brice¹³ (hereinafter, “Brice”) which is described below:

38. On August 19, 2020, Brice forwarded Petitioner’s August 18, 2020 email to Haywood and to Allison Carpenter¹⁴ asking: “Did we get any guidance on this?” On August 20, 2020, Haywood responded to Brice stating: “Yes, we’ve been told to lie to him.” On August 21, 2020 at 2:13pm, Brice wrote to Haywood stating “Done.”, indicating to Haywood that she would comply with Haywood’s direction to lie to Petitioner and at 4:29pm on the same day, Brice sent an email containing the lie to Petitioner with a blind carbon copy to Haywood and to Allison Carpenter. (See: Exhibit F). Subsequent to this, Brice and Petitioner exchanged a few additional emails in which Petitioner questioned the process at Arlington Public Defender. Brice forwarded this email exchange to Haywood at 5:24pm (August 21) and to Allison Carpenter at 5:26pm (August 21). (See: Exhibit F).

39. Bradley Haywood, the Chief Public Defender for Arlington County and the City of Falls Church instructed a staff attorney (Brice) to lie to Petitioner in the course of conducting official state business. (See: Exhibit F). Nothing in the First Packet provided information on the nature or source of the “guidance” which led Haywood to inform a staff attorney to lie.

40. The documents provided by VIDC as a result of the October 26, 2020 Virginia FOIA request were incomplete. On November 17, 2020, Petitioner wrote to Jankowski via email¹⁵ requesting that Arlington Public Defender comply fully and completely with the Virginia FOIA

¹³ Lauren Brice is Senior Assistant Public Defender at Arlington Public Defender.

¹⁴ Allison H. Carpenter is the Deputy Public Defender for Arlington County and the City of Falls Church.

¹⁵ The November 17, 2020 email to Jankowski provided a number of examples intended to clarify and address any potential miscommunication regarding Section Four of the Virginia FOIA request dated October 26, 2020. Based on her letter of November 18, 2020, which accompanied the Second Packet, it appears that Jankowski chose to treat these examples as though they were sole and specific requests and not examples intended to clarify the breadth of Section Four of the Virginia FOIA request dated October 26, 2020. Petitioner’s November 17, 2020 email to Jankowski stated in part: “Some examples of records that would be covered by Section Four include, without limitation...” (See: Exhibit G).

request. (See: Exhibit G). In the same email, Petitioner also asked Jankowski that “for any records withheld, please notify me of the appeal procedures available to me under the law and provide the name and address of the person or body to whom an appeal should be directed.”

41. On November 18, 2020, Jankowski wrote to Petitioner via email (see: Exhibit G) stating in part: “I will be sending a follow-up packet tomorrow.” Jankowski never addressed Petitioner’s inquiry regarding appeal procedures for documents withheld.

42. During the week of November 23, 2020, Petitioner received¹⁶ a “follow-up” FOIA packet (hereinafter, the “Second Packet”) from Jankowski.

43. The Second Packet arrived with a cover letter (see: Exhibit H). The Second Packet did not contain a significant number of new records and it contained some records that were repetitive from the First Packet. Since the new records¹⁷ contained in the Second Packet had been described in the October 26, 2020 Virginia FOIA request, they were not timely sent, in violation of Va. Code Ann. § 2.2-3704(B) and § 2.2-3713(E).

44. According to the cover letter that arrived with the Second Packet (see: Exhibit H), in response to the request¹⁸ for “communication and information on which other interns had their offers rescinded,” Respondents answered that “there is no information that meets this request.” This is not one of the responses permitted by Va. Code Ann. § 2.2-3704(B). The absence of such records leaves Petitioner unable to decipher whether Petitioner was the only intern who had his offer rescinded.

¹⁶ In the October 26, 2020 Virginia FOIA request, Petitioner had stated in part: “If at all possible, please provide the requested records via electronic mail (email).” The records that VIDC sent to Petitioner in the Second Packet were also sent in paper form via United States Postal Service.

¹⁷ E.g., the form welcome email, the redacted court laptop permission letter, the Intern Information Sheet and the Confidentiality Agreement that Petitioner completed for the internship.

¹⁸ Provided by Petitioner in a November 17 email as an example for clarification (see: Exhibit G).

45. According to the cover letter that arrived with the Second Packet (see: Exhibit H), in response to the request¹⁹ for “communication and information on the criteria used to determine which of the fall interns were to remain and which interns were to be eliminated,” Respondents responded that “there is no information that meets this request.” This is not one of the responses permitted by Va. Code Ann. § 2.2-3704(B). Furthermore, Petitioner is aware that a decision was made to rescind at least one internship offer as this decision was communicated to Petitioner in writing on August 21, 2020.²⁰ Respondents’ refusal to provide such records (or the absence of such records) leaves Petitioner unable to determine whether the decision to withdraw Petitioner’s offer was arbitrary, discriminatory, or based on lawful criteria.

46. According to the cover letter that arrived with the Second Packet (see: Exhibit H), in response to the request²¹ for “communications indicating the factors that were considered in the decisions to extend internships,” Respondents responded that “there is no information that meets this request.” First, this is not one of the responses permitted by Va. Code Ann. § 2.2-3704(B). Secondly, a redacted list provided in the First Packet shows that at least ten summer 2020 interns stayed on for fall 2020 (see: Exhibit I). The absence of any records leaves one unable to ascertain how important staffing decisions are made in a public office of the Commonwealth and suggests either an entirely arbitrary process, devoid of any consideration, professionalism, recordkeeping, thought or management or, it suggests an unwillingness or refusal to comply with Virginia FOIA.

47. Despite specifically referencing it as an example (see: Exhibit G), the Second Packet response does not contain any communications regarding intern access to the office apart from the

¹⁹ Provided by Petitioner in a November 17 email as an example for clarification (see: Exhibit G).

²⁰ Arlington Public Defender subsequently reversed course on its decision to rescind after Petitioner started to ask questions about process.

²¹ Provided by Petitioner in a November 17 email as an example for clarification (see: Exhibit G).

“Fall 2020 Intern Policies and Procedures” (see: Exhibit J)²² which had been supplied in the First Packet and which provides COVID-specific rules allowing for intern access to and use of the office.²³ In the cover letter accompanying the Second Packet (see: Exhibit H) Jankowski states in part that “this is not something that exist” [sic] and goes on to state “...our offices have been instructed to keep in person numbers at the office at an absolute minimum due to COVID.” Neither the First Packet nor the Second Packet contains a record of the “instructions” referenced in Jankowski’s aforementioned statement. Respondents’ refusal to provide such records (or the absence of such records) makes it impossible for Petitioner to know if intern access to the office was limited in a discriminatory, unlawful or unethical manner.

48. In the cover letter accompanying the Second Packet (see: Exhibit H), in response to the request²⁴ for “communications related to intern performance” Jankowski states that that she does not “believe there is anything that meets this request.” Jankowski states further that even if there was performance communication related to other interns “that would be protected under the personnel exception.” Setting aside the implausible premise that no communication related to intern performance exists for a time period spanning from January 1, 2020 through October 26, 2020 and involving 24 interns, the law does not permit the wholesale exclusion of documents where redaction of the excluded portions is possible (See: Va. Code Ann. § 2.2-3704.01 (West)). Furthermore, Jankowski’s phrasing (e.g. “I do not believe there is anything that meets this request”) does not suggest a thorough and good faith search for records as envisioned by Va. Code § 2.2-3704 and *Am. Tradition Inst. v. Rector & Visitors of Univ. of Virginia*, 287 Va. 330, 345 (2014).

²² The first time that Petitioner had seen or had access to the “Fall 2020 Intern Policies and Procedures” was as a result of the October 26 Virginia FOIA request and not during the internship.

²³ Throughout the duration of the internship, Petitioner was neither offered nor permitted access to the office.

²⁴ Provided by Petitioner in a November 17 email as an example for clarification (see: Exhibit G).

49. In both the First Packet and Second Packet combined, there are only three records²⁵ that could even remotely shed light on the intern management and staffing practices at Arlington Public Defender: 1.) The form welcome email (see: Exhibit K); 2.) The “Fall 2020 Intern Policies and Procedures” (see: Exhibit J); and 3.) The redacted court laptop permission letter (see: Exhibit L). None of these documents contributes significantly – if at all – to the public’s understanding of intern management and staffing practices at Arlington Public Defender nor do they help to illuminate potential disparate treatment, discriminatory or unethical conduct at Arlington Public Defender. In fact, despite requesting it, neither the First Packet nor the Second Packet contain any communications about, concerning, related to, or pertaining to interns or intern management²⁶ that could shed light on how other interns were treated at Arlington Public Defender.²⁷ The paucity of records provided in response to the Virginia FOIA request is particularly concerning when taking into consideration the large number of interns affiliated with Arlington Public Defender during the time frame covered by the October 26, 2020 Virginia FOIA request. The smidgen of records presented as being the entirety of records, particularly (but not solely) regarding records of communications, defies reason, logic and statistics.²⁸

²⁵ The first time that Petitioner had seen or had access to these three records was as a result of the October 26 Virginia FOIA request.

²⁶ Except for the one Google Docs message that is part of Exhibit K, VIDC has not provided a single communication that would shed light on intern management or on how other interns were treated at Arlington Public Defender. This is the case despite the fact that there appears to have been 24 interns who worked at Arlington Public Defender at some point during the time period (January 1, 2020 to October 26, 2020) covered by Section Four of the October 26, 2020 Virginia FOIA request.

²⁷ The records provided under Virginia FOIA also include some intern training materials akin to academic exercises which shed no light on intern administration or intern management.

²⁸ According to research from The Radicati Group, Inc., a technology market research firm, in 2019, the number of business emails sent and received per user per day was estimated to total 126 emails per day. Of this number, the average number of emails received was 96, with 77 of these 96 emails being legitimate and the average number of business emails sent per day was 30 (see: Exhibit M).

50. Even after sending a Second Packet, Respondents have not provided all the records associated with the Virginia FOIA request dated October 26, 2020. Text messages²⁹ between Petitioner and Haywood, which Petitioner knows to exist³⁰ are not included in the records provided. Furthermore, to the extent that developing “guidance” that instructs the Chief Public Defender (Brad Haywood) to lie in the course of conducting official state business (see: Exhibit F) is a serious matter that would entail a meeting,³¹ neither the First Packet nor the Second Packet contains any minutes³² of such a meeting or of any meeting for that matter.

51. To the best of Petitioner’s knowledge and based on a thorough search of the VIDC website (see: Exhibit N), VIDC does not post on its official public government website a link to the online public comment form on the Freedom of Information Advisory Council's website to enable any requester to comment on the quality of assistance provided to the requester by VIDC as it is required to do by Va. Code Ann. § 2.2-3704.1(B).

52. In the November 18, 2020 cover letter (see: Exhibit H) that accompanied the Second Packet, Jankowski states in part: “You assume a level of sophistication and organization that simply doesn’t exist.” Petitioner is not assuming a particular “level of sophistication and organization.” Rather, Petitioner is expecting transparency,³³ a modicum of recordkeeping³⁴ and

²⁹ In the course of their conversations, Haywood stated to Petitioner that text messaging is a preferred method of communication. Furthermore, Petitioner frequently observed staff attorneys from Arlington Public Defender communicating via text message while waiting in court.

³⁰ It is worth noting that records requested pursuant to a Virginia FOIA request are not limited to just those specific records that the requester both knows with certainty to exist and can specifically identify.

³¹ Under Virginia FOIA, a “meeting” is any gathering of three or more members of a public body (or a quorum, if a quorum is less than three) to discuss or transact business of the public body. (See: Va. Code Ann. § 2.2-3701 (West)).

³² Virginia FOIA requires public bodies, with a few exceptions, to record minutes of their meetings and to make them available to the public for inspection and copying. (See: Va. Code Ann. § 2.2-3707 (West)).

³³ “The liberties of a people never were, nor ever will be, secure when the transactions of their rulers may be concealed from them.” – Patrick Henry, First and Sixth Governor of Virginia.

³⁴ Virginia FOIA requires that custodians of public records “take all necessary precautions for their preservation and safekeeping.” Va. Code Ann. § 2.2-3704(A) (West). Furthermore, the Virginia Public Records Act states in part that “[e]ach agency shall establish and maintain an active, continuing program for the economical and efficient

compliance with the law. Respondents feigned cooperation but in actuality delivered savvy evasiveness and crafty intransigence.

53. In general, Respondents failed to follow the procedures of Virginia FOIA and failed to make reasonable efforts, as required by Va. Code Ann. § 2.2-3700(B), to reach an agreement with Petitioner concerning the production of the records requested.

54. The above-alleged facts are supported by the attached affidavit³⁵ of Petitioner, showing good cause for this Petition as required by Va. Code Ann. § 2.2-3713(A).

COUNT I

Violation of Va. Code Ann. § 2.2-3704 and § 2.2-3714 in Regard to Records Known by Petitioner to Exist

55. Petitioner incorporates paragraphs 1–54 herein by reference.

56. Respondent violated Virginia FOIA by refusing to search for and provide requested records which were described with reasonable specificity (as required by Va. Code Ann. § 2.2-3704(B)) in Petitioner’s October 26, 2020 Virginia FOIA request (see: Exhibit B) and which Petitioner knows to exist³⁶ despite the records not being subject to any statutory exclusions or exemptions,³⁷ in violation of Va. Code Ann. § 2.2-3714.

COUNT II

Respondents’ Failure to Conduct an Adequate Search

management of the records of such agency. The agency shall be responsible for ensuring that its public records are preserved, maintained, and accessible throughout their lifecycle...” Va. Code Ann. § 42.1-85(B) (West).

³⁵ For a case interpreting the sufficiency of an affidavit filed with a FOIA petition, see *Bragg v. Board of Supervisors*, 295 Va. 416 (2018).

³⁶ Text messages between Petitioner and Haywood.

³⁷ The exclusions and exemptions at §§ 2.2-3703, 2.2-3704(B)(1)-(3), and 2.2-3705.1 to 3705.7 are inapplicable to the facts here.

57. Petitioner incorporates paragraphs 1–56 herein by reference.

58. Upon information and belief, Respondents did not conduct an adequate and lawful search for records as contemplated by Virginia FOIA and as defined in *Am. Tradition Inst. v. Rector & Visitors of Univ. of Virginia*, 287 Va. 330 (2014). This is evidenced in part by Respondents’ equivocal language in the cover letter accompanying the Second Packet (see: Exhibit H).

COUNT III

Respondents’ Failure³⁸ to Produce All the Requested Records in Their Custody in

Violation of Va. Code Ann. § 2.2-3700 et seq.

59. Petitioner incorporates paragraphs 1–58 herein by reference.

60. Upon information and belief, regardless of whether Respondents conducted an adequate and lawful search, Respondents improperly claimed that no records exist and have produced only a subset of the requested records. By its production of only a subset of the requested records in its custody, Respondents have violated the Virginia Freedom of Information Act, Va. Code Ann. § 2.2-3700 et seq.

COUNT IV

Respondents’ Failure to Produce the Requested Records in a Timely Manner in Violation of Va. Code Ann. § 2.2- 3704(B) and § 2.2- 3704(E)

61. Petitioner incorporates paragraphs 1–60 herein by reference.

³⁸ Upon information and belief.

62. Respondents did not timely produce the requested records, with the Second Packet dated 23 days from the date of Petitioner's request and arriving more than 28 days after Petitioner's request. As such, Respondents violated Va. Code Ann. § 2.2- 3704(B) and (E).

COUNT V

Respondents' Failure to Provide Valid Responses in Violation of Virginia Code § 2.2-3704(B)

63. Petitioner incorporates paragraphs 1–62 herein by reference.

64. By failing to provide responses that are valid under Virginia Code § 2.2- 3704(B) to Petitioner's October 26, 2020 Virginia FOI request, and instead responding with statements such as "there is no information that meets this request" and "I do not believe there is anything that meets this request," Respondents denied Petitioner his rights under Virginia FOIA and waived any statutory exemption to discretionary disclosure of the records described in the request.

COUNT VI

Respondents' Failure to Follow the Procedures Set Forth in Va. Code Ann. § 2.2-3704.2(A) and § 2.2-3704.2(B) Regarding FOIA Officer

65. Petitioner incorporates paragraphs 1–64 herein by reference.

66. Respondents' failure to designate and publicly identify one or more Freedom of Information Act officers (FOIA officer) whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of Virginia FOIA constitutes a violation of Va. Code Ann. § 2.2-3704.2(A) and Respondents' failure to post on its official public government website the name and contact

information of Respondents' FOIA officer to whom members of the public may direct requests for public records and who will oversee the public body's compliance with the provisions of Virginia FOIA constitutes a violation of Va. Code Ann. § 2.2-3704.2(B). Respondents' failure to follow the procedures established by Chapter 37 (Virginia FOIA) is presumed to be a violation of Virginia FOIA. Va. Code Ann. § 2.2-3713(E) (West).

COUNT VII

Respondents' Failure to Follow the Procedures Set Forth in Va. Code Ann. § 2.2-3704.1(A)

(Posting of Notice of Rights and Responsibilities)

67. Petitioner incorporates paragraphs 1–66 herein by reference.

68. Respondents' failure to post a link on its official public government website to the contact information for the FOIA officer designated by the public body pursuant to § 2.2-3704.2 and its failure to follow any and all of the procedures³⁹ for the posting of notice of rights and responsibilities articulated in Va. Code Ann. § 2.2-3704.1(A) constitutes a failure to follow the procedures established by Virginia FOIA, is a violation of Va. Code Ann. § 2.2-3704.1(A) and is presumed to be a violation of Virginia FOIA. Va. Code Ann. § 2.2-3713(E).

COUNT VIII

Respondents' Failure to Follow the Procedures Set Forth in Va. Code Ann. § 2.2-3704.1(B)

(Assistance by the Freedom of Information Advisory Council)

69. Petitioner incorporates paragraphs 1–68 herein by reference.

³⁹ Va. Code Ann. § 2.2-3704.1(A)(1-6) (West).

70. Respondents' failure to post a link on its official public government website to the online public comment form on the Freedom of Information Advisory Council's website to enable any requester to comment on the quality of assistance provided to the requester by the public body constitutes a failure to follow the procedures established by Virginia FOIA, is a violation of Va. Code Ann. § 2.2-3704.1(B) and is presumed to be a violation of Virginia FOIA. Va. Code Ann. § 2.2-3713(E).

COUNT IX

Violations of Va. Code Ann. § 2.2-3704.01 (Duty to Redact) and § 2.2-3704(B)(1)

(Procedure for Responding to Records Requests)

71. Petitioner incorporates paragraphs 1–70 herein by reference.

72. To the extent that Respondents have invoked⁴⁰ their discretionary authority⁴¹ to withhold public records in their entirety on the grounds that some portion of the public records are excluded from disclosure on the basis of the personnel exclusion, Respondents are in violation of Va. Code Ann. § 2.2-3704.01 which does not authorize the withholding of a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by Virginia FOIA and states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under Virginia FOIA applies to the entire content of the public record. Va. Code Ann. § 2.2-3704.01 (West). Respondents had a duty to redact and provide the non-excluded portions of the records and Respondents failed to exercise this duty.

⁴⁰ See, for example, the cover letter (see: Exhibit H) accompanying the Second Packet where Jankowski states in part that even if there was performance communication related to other interns “that would be protected under the personnel exception” and, in the third paragraph of the same letter where she states: “There is an email that announces summer interns to the Office.” ... “I did not provide this pursuant to our conversation as it only contains personal information.”

⁴¹ See: Va. Code Ann. § 2.2-3705.1 (West).

73. Furthermore, when the response is that the requested records are being entirely withheld, Virginia FOIA requires such response to identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records. Va. Code Ann. § 2.2-3704(B)(1) (West). Respondents did not do this and are therefore in violation of Va. Code Ann. § 2.2-3704(B)(1).

COUNT X

Violations of Va. Code Ann. § 2.2-3704(G) and § 2.2-3713(E) (Production of Records in the Medium Identified by the Requestor)

74. Petitioner incorporates paragraphs 1–73 herein by reference.

75. Upon information and belief, Respondents have the capability of communicating via electronic mail (email) and email is a medium used by Respondents in the regular course of business. This is evidenced by the fact that every record of communication provided by Respondents in both the First Packet and the Second Packet was a record of an email. Despite this and despite the fact that in his October 26, 2020 Virginia FOIA request (see: Exhibit B) Petitioner specifically indicated a preference⁴² for receiving the records via email, Respondents chose to mail hard copies to Petitioner via United States Postal Service. Respondents violated Va. Code Ann. § 2.2-3704(G) when Respondents produced nonexempt records maintained in an electronic database in a tangible medium other than that identified by Petitioner. Furthermore, Respondents' failure to

⁴² Records that are produced in hard copy format, take longer to receive, are more difficult to search, increase the potential for disagreement over what was actually sent and during COVID, can increase the risk of COVID-19 transmission, which is known to survive on paper for up to 28 days (see: <https://www.cnbc.com/2020/10/12/virus-that-causes-covid-19-can-survive-for-28-days-on-surfaces-research-says.html>).

follow these procedures is be presumed to be a violation of Virginia FOIA. Va. Code Ann. § 2.2-3713(E).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this action;
2. Hold a hearing on all claims in this suit which are brought pursuant to Virginia FOIA expeditiously in the spirit⁴³ of Va. Code Ann. § 2.2-3713(C);
3. Enter an injunction directing Respondents to comply fully and without further delay with Virginia FOIA and to furnish Petitioner all non-exempt public records meeting the description in his request;
4. Enter an injunction directing Respondents to designate parties without any conflict of interest to conduct a good faith search of all records within Respondents' possession, including all records within the possession of Arlington Public Defender, for any and all records responsive to Petitioner's request;
5. Enter an injunction directing that, because Respondents' delay in complying with their obligations under the Virginia FOIA was without substantial justification, Respondents must waive all fees associated with Petitioner's request;
6. Issue a writ of mandamus to compel Respondents to perform the ministerial duty imposed upon them by Virginia FOIA to produce the requested records;
7. Enter judgment in Petitioner's favor for nominal damages;

⁴³ The parties against whom this petition is brought have not received a copy of the petition at least three working days prior to filing therefore, Petitioner is not invoking the letter of Va. Code Ann. § 2.2-3713(C).

8. Award Petitioner reasonable costs and attorneys' fees (if applicable), as authorized by Va.

Code Ann. § 2.2-3713(D);

9. Enter a civil penalty against the individual Respondent Jankowski for willfully and knowingly violating Virginia FOIA, pursuant to Va. Code Ann. § 2.2-3714; and

10. Order such additional relief as the Court may deem just and proper.

Respectfully submitted this 30th day of December, 2020,

RAMIN SEDDIQ

Ramin Seddiq, pro se
PO Box 5533
McLean, VA 22103
202.412.8999
ramins2536@gmail.com

AFFIDAVIT SHOWING GOOD CAUSE

THIS DAY personally appeared before me, the undersigned Notary Public, Ramin Seddiq (Petitioner), who, upon being duly sworn by me, stated under oath that:

1. I make this affidavit to show good cause pursuant to Va. Code Ann. § 2.2-3713(A);
2. I have read the attached Petition and know its contents; and
3. The statements in the Petition are true to my own knowledge, or upon information and belief. As to those statements that are based upon information and belief, I believe those statements to be true.

RAMIN SEDDIQ

Commonwealth of Virginia

County of Arlington

The foregoing instrument was acknowledged before me this 30th day of December, 2020, by
_____ (name of person acknowledged).

Signature of Notarial Officer

Notary Registration Number: _____

My Commission Expires: _____

(Seal)

EXHIBIT LIST

- **Exhibit A** – Petitioner letter to VIDC dated October 2, 2020.
- **Exhibit B** – Petitioner’s Virginia FOIA request dated October 26, 2020.
- **Exhibit C** – Email exchange titled “Virginia FOIA - Custodian of Records,” between Petitioner and Jennifer Gilmore (VIDC) dated October 20, 2020 to October 21, 2020.
- **Exhibit D** – Email exchange titled “FOIA request,” between Petitioner and Jankowski dated October 28, 2020 to November 2, 2020.
- **Exhibit E** – VIDC cover letter dated November 9, 2020, accompanying the First Packet.
- **Exhibit F** – Email exchange titled “Third-Year Practice Certificate” between Petitioner and Arlington Public Defender, dated August 18, 2020 to August 21, 2020.
- **Exhibit G** – Email exchange titled “Virginia FOIA Request” between Petitioner and Jankowski dated November 17, 2020 to November 18, 2020.
- **Exhibit H** – VIDC cover letter dated November 18, 2020, accompanying the Second Packet.
- **Exhibit I** – VIDC redacted intern list provided in the First Packet.
- **Exhibit J** – Arlington Public Defender “Fall 2020 Intern Policies and Procedures.”
- **Exhibit K** – Arlington Public Defender template welcome email for interns and Brice Google Docs message dated August 4, 2020.
- **Exhibit L** – Arlington Public Defender redacted court laptop permission letter dated November 18, 2020.
- **Exhibit M** – The Radicati Group, Inc.: Email Statistics Report, 2015-2019.
- **Exhibit N** – Screenshots of VIDC website (search page) and Virginia FOIA Council website (search page).

EXHIBIT A

October 2, 2020

Donna Moore
Human Resources Director
Virginia Indigent Defense Commission (VIDC)
1604 Santa Rosa Road, Suite 200
Richmond, VA 23229

Via email: hr@vadefenders.org; mjankowski@vadefenders.org (cc)

Dear Ms. Moore:

I hope this letter finds you well and healthy. I am a law student and a legal intern at VIDC. Based on my experience, the VIDC intern recruitment process is discombobulated and dysfunctional. I write to suggest the following changes and policies to make the process more transparent, fair, and organized.

1. Create a uniform internship application process across all VIDC offices and require that all prospects apply first through Human Resources, where they would undergo an initial screening. Those applications that meet the core requirements would then be sent to the prospects' preferred VIDC Public Defender offices for local interviews. Human Resources would follow up with the VIDC Public Defender office to ensure timely progress.
2. To prevent ambiguity, uncertainty and confusion, offer letters should be sent to selected candidates. The offer letter should contain the contact information of a reliable person who can answer questions and provide occasional updates.
3. During emergencies such as COVID-19, an effort should be made to adjust and preserve the internship program. Cancellations should be implemented fairly, on an articulable basis and should be communicated to the interns as soon as possible.
4. Interns serving from prior semesters should not be permitted to stay on when such continuation would cause the elimination or dislocation of an incoming intern who has been offered an internship and who has accepted the offer.
5. Published VIDC operating procedures should provide guidance to VIDC Public Defender offices on intern orientation and on methods designed to create a cohesive, team-oriented environment, including, at a minimum, an opportunity for the intern to meet the staff attorneys and the other interns. Such meetings can take place virtually and remotely if necessary.

If any of these suggestions are not feasible or possible, please write back and let me know the reason(s). I am willing to work with you and contribute in any way possible toward the betterment of this process.

For many of us, the internship program is our first exposure to VIDC. Signaling to us that we are inconsequential and disposable undermines VIDC's investment in interns and subverts the mission of zealous advocacy, which requires internal organization and cohesion.

I look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink that reads "Ramin Seddiq". The script is fluid and cursive, with the first name "Ramin" and last name "Seddiq" clearly distinguishable.

Ramin Seddiq
ramins2536@gmail.com
202.505.4333

cc: Maria Jankowski, Deputy Executive Director

EXHIBIT B

October 26, 2020

Attn.: Custodian of Records
c/o Jennifer Gilmore, Esq.
Virginia Indigent Defense Commission
1604 Santa Rosa Road, Suite 200
Richmond, Virginia 23229

Via email: jgilmore@vadefenders.org

Re: Virginia Freedom of Information Act Request

Dear Sir/Madam:

Under the Virginia Freedom of Information Act, §2.2-3704 et seq., I am requesting from the Virginia Indigent Defense Commission and the Office of the Public Defender for Arlington County and the City of Falls Church, copies of the following public records:

1. A list of all the interns who have worked/interned at the Office of the Public Defender for Arlington County and the City of Falls Church (hereinafter the “Arlington Public Defender”) between August 1, 2019 and October 26, 2020 (hereinafter the “Intern List”).
2. The internship interview date, the date that an offer letter/email was sent, the internship start date, the internship end date (if applicable) and the law school attended for all the interns on the Intern List.
3. Any and all policies, procedures, selection criteria and guidelines (including effective dates) about, concerning, related to or pertaining to interns, intern recruitment, intern orientation, intern training, intern administration or intern management at the Arlington Public Defender.
4. Any and all records, including, without limitation, files, emails, text messages, voice messages, handwritten notes, correspondence, office memoranda and other communications¹ about, concerning, related to or pertaining to interns, intern recruitment, intern orientation, intern training, intern administration or intern management at the Arlington Public Defender from January 1, 2020 through October 26, 2020.
5. Any and all records, including, without limitation, files, emails, text messages, voice messages, handwritten notes, correspondence, office memoranda and other communications² about, concerning, related to or pertaining to employment discrimination, workplace bias, workplace intimidation or hostile work environment at the Arlington Public Defender from October 26, 2017 through October 26, 2020.
6. Any and all records, including, without limitation, files, emails, text messages, voice messages, handwritten notes, correspondence, office memoranda and other communications³ about, concerning, related to or pertaining to Ramin Seddiq from January 1, 2020 through October 26, 2020.

¹ Including, without limitation, communications between or among attorneys, employees, staff and/or interns.

² Including, without limitation, communications between or among attorneys, employees, staff and/or interns.

³ Including, without limitation, communications between or among attorneys, employees, staff and/or interns.

A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body.⁴

If there are any fees for searching or copying these records, please inform me if the cost will exceed two hundred dollars (\$200.00). However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and may contribute significantly to the public's understanding of the recruitment and hiring process of a public office and more generally, to the prevention of possible discriminatory practices and the promotion of ethical conduct in the public offices of the Commonwealth. This information is not being sought for commercial purposes.

I wish to make it clear that I am requesting all records identifiable with this request, even though reports on those records or copies of the records have been sent to other offices and even though there may be apparent duplication between the records in more than one office. If at all possible, please provide the requested records via electronic mail⁵ (email). If electronic mail is not possible, please send the requested records via postal service to the address noted in the signature section of this request.

If documents are denied in part, please specify in writing the exemptions claimed for each page or passage, notify me of the appeal procedures available to me under the law and provide the name and address of the person or body to whom an appeal should be directed. For documents withheld in their entirety please state, in addition, the date of and the number of pages in each document.

Please advise me of any destruction of records and include the date of and authority for such destruction. I am requesting complete sets of records, but if complete sets of records are not extant, then I wish to see any portion of the requested records that exist.

The Virginia Freedom of Information Act requires a response to this request be made within five (5) business days. If access to the records I am requesting will take longer than this amount of time, please contact me with specific information about when I might expect copies of the requested records.

Thank you in advance for your cooperation and prompt attention to this matter. I look forward to hearing from you shortly.

Very truly yours,



Ramin Seddiq
PO Box 5533
McLean, VA 22103
ramins2536@gmail.com
202.505.4333

⁴ See: Va. Code Ann. § 2.2-3704(F).

⁵ Please send to the email address noted in the signature section of this request.

EXHIBIT C



Ramin Seddiq <ramins2536@gmail.com>

Virginia FOIA - Custodian of Records

3 messages

Ramin Seddiq <ramins2536@gmail.com>
To: Jennifer Gilmore <jgilmore@vadefenders.org>

Tue, Oct 20, 2020 at 6:40 PM

Dear Ms. Gilmore:

Can you provide me with the name and contact information for the Custodian of Records for Virginia Indigent Defense Commission and for the Office of the Public Defender for Arlington County?

Thank you

Ramin Seddiq
ramins2536@gmail.com
202.505.4333

Jennifer Gilmore <jgilmore@vadefenders.org>
To: Ramin Seddiq <ramins2536@gmail.com>

Wed, Oct 21, 2020 at 9:31 AM

Good morning, Ramin,

That depends on what records you mean and from what year. Are you a client or former client? If you're looking for a copy of your file, there is no need for a FOIA request. You are entitled to a copy of the file.

Kind Regards,

Jennifer Rutherford Gilmore
Certification and Enforcement Attorney
[1604 Santa Rosa Road, Suite 200](#)
[Richmond, Virginia 23229](#)
Phone: 804-662-7249 x. 134
Fax: 804-662-7359



Please note my NEW EMAIL ADDRESS: jgilmore@vadefenders.org

Disclaimer: The information in this email and any attachments may be confidential and privileged. Access to this email by anyone other than the intended addressee is unauthorized. If you are not the intended recipient or the employee or agent responsible for delivering this information to the intended recipient, please notify the sender by reply email and immediately delete this email and any copies from your computer and/or storage system. The sender does not authorize the use, distribution, disclosure or reproduction of this email or any part of its contents by anyone other than the intended recipient(s). No representation is made that this email and any attachments are free of viruses. Virus scanning is recommended and is the responsibility of the recipient.

[Quoted text hidden]

Ramin Seddiq <ramins2536@gmail.com>
To: Jennifer Gilmore <jgilmore@vadefenders.org>

Wed, Oct 21, 2020 at 2:07 PM

Dear Ms. Gilmore,

Thanks for your reply. I am not a client or former client. I will send the FOIA request to you and you can forward it as you deem appropriate.

Best regards,

12/28/2020

Gmail - Virginia FOIA - Custodian of Records

Ramin Seddiq

ramins2536@gmail.com

202.505.4333

[Quoted text hidden]

EXHIBIT D



Ramin Seddiq <ramins2536@gmail.com>

FOIA request

9 messages

Maria Jankowski <mjankowski@vadefenders.org>
To: ramins2536@gmail.com

Wed, Oct 28, 2020 at 9:57 AM

Good Morning,
I have received your FOIA request and am working on it. When you do have time to discuss so I am 100% clear on what you want.

--

Maria Jankowski
Deputy Director



1604 Santa Rosa Road, Suite 200
(804)662-7249
www.vadefenders.org

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No representation is made that this email and any attachments are free of viruses, Virus scanning is recommended and is the responsibility of the recipient.

Ramin Seddiq <ramins2536@gmail.com>
To: Maria Jankowski <mjankowski@vadefenders.org>

Wed, Oct 28, 2020 at 12:46 PM

Dear Ms. Jankowski,

It may be more helpful to address questions and provide clarifications via email but if you prefer to talk, I am available tomorrow (Thursday) anytime from 11:30am to 4:30pm.

Best regards,

Ramin Seddiq
ramins2536@gmail.com
202.505.4333
[Quoted text hidden]

Maria Jankowski <mjankowski@vadefenders.org>
To: Ramin Seddiq <ramins2536@gmail.com>

Wed, Oct 28, 2020 at 1:09 PM

I always prefer to talk. Here is my personal cell. (804) 615-1976 Can we pick a time?
[Quoted text hidden]

Ramin Seddiq <ramins2536@gmail.com>
To: Maria Jankowski <mjankowski@vadefenders.org>

Wed, Oct 28, 2020 at 1:37 PM

Anytime within that range is fine with me.
[Quoted text hidden]

Maria Jankowski <mjankowski@vadefenders.org>

Wed, Oct 28, 2020 at 2:02 PM

To: Ramin Seddiq <ramins2536@gmail.com>

Lets talk at 12:00.

[Quoted text hidden]

Ramin Seddiq <ramins2536@gmail.com>

Thu, Oct 29, 2020 at 7:37 AM

To: Maria Jankowski <mjankowski@vodefenders.org>

Dear Ms. Jankowski,

Please specify the portions of the request for which you seek clarification so that I can be prepared for our call.

Thank you

Ramin Seddiq
ramins2536@gmail.com
202.505.4333

[Quoted text hidden]

Maria Jankowski <mjankowski@vodefenders.org>

Thu, Oct 29, 2020 at 8:07 AM

To: Ramin Seddiq <ramins2536@gmail.com>

I am working from home this week because I have been sick. I will need to pull it all up again as I don't have it in front of me. I am in a training all morning but will try to look at it if I have time.

Maria Jankowski
(804)615-1976

[Quoted text hidden]

Maria Jankowski <mjankowski@vodefenders.org>

Mon, Nov 2, 2020 at 9:02 AM

To: Ramin Seddiq <ramins2536@gmail.com>

Mr. Seddiq,

I wanted to circle back and let you know that I do have COVID. I tested positive so I am unable to go into the office until next week. We have kept all our folks out today through Wednesday out of an abundance of caution. I am working on a plan to get everything out to you ASAP but as you can see I am hitting a few unexpected obstacles. I will keep you updated.

[Quoted text hidden]

Ramin Seddiq <ramins2536@gmail.com>

Mon, Nov 2, 2020 at 9:49 AM

To: Maria Jankowski <mjankowski@vodefenders.org>

Ms. Jankowski, I wish you a speedy recovery.

[Quoted text hidden]

EXHIBIT E



November 9, 2020

Ramin Seddiq
PO Box 5533
McLean, VA 22103

Dear Mr. Saddiq:

Please find enclosed my response to your request under the Virginia Freedom of Information Act, §2.2-3704 et seq.

1. A list of all the interns who have worked/interned at the Office of the Public Defender for Arlington County and the City of Falls Church (hereinafter the "Arlington Public Defender") between August 1, 2019 and October 26, 2020 (hereinafter the "Intern List").

Per our phone call I have deleted the name of the interns under the personnel exception

2. The internship interview date, the date that an offer letter/email was sent, the internship start date, the internship end date (if applicable) and the law school attended for all the interns on the Intern List.

Please see attached

3. Any and all policies, procedures, selection criteria and guidelines (including effective dates) about, concerning, related to or pertaining to interns, intern recruitment, intern orientation, intern training, intern administration or intern management at the Arlington Public Defender.

Please see attached. Anything not included does not exist. Please note that most of the documents provided are for the Summer program and not the Fall or Spring.

4. Any and all records, including, without limitation, files, emails, text messages, voice messages, handwritten notes, correspondence, office memoranda and other communications about, concerning, related to or pertaining to interns, intern recruitment, intern orientation, intern training, intern administration or intern management at the Arlington Public Defender from January 1, 2020 through October 26, 2020.

Please see attached

5. Any and all records, including, without limitation, files, emails, text messages, voice messages, handwritten notes, correspondence, office memoranda and other communications² about, concerning, related to or pertaining to employment discrimination, workplace bias, workplace intimidation or hostile work environment at the Arlington Public Defender from October 26, 2017 through October 26, 2020.

I have never been made aware of any of the above. Further we have not received any such complaints concerning the Arlington office.



VIRGINIA DEFENDERS

INDIGENT DEFENSE COMMISSION

6. Any and all records, including, without limitation, files, emails, text messages, voice messages, handwritten notes, correspondence, office memoranda and other communications³ about, concerning, related to or pertaining to Ramin Seddiq from January 1, 2020 through October 26, 2020.

Please see attached

Sincerely,

Maria Jankowski

EXHIBIT F



Lauren Brice <lbrice@vadefenders.org>

Third-Year Practice Certificate

10 messages

Ramin Seddiq <ramins2536@gmail.com>
To: Lauren Brice <lbrice@vadefenders.org>

Tue, Aug 18, 2020 at 11:02 PM

Hi Lauren,

I hope you're well and enjoying the summer.

Should we start the process for obtaining a Third-Year Practice Certificate now so that I have it available when I start?

Best,

Ramin Seddiq
ramins2536@gmail.com
202.505.4333

Lauren Brice <lbrice@vadefenders.org>
To: Brad Haywood <bhaywood@vadefenders.org>, Allison Carpenter <acarpenter@vadefenders.org>

Wed, Aug 19, 2020 at 12:59 PM

Did we get any guidance on this?

[Quoted text hidden]

--

****Please Note the New Email Address: lbrice@vadefenders.org****

Lauren E. Brice
Senior Assistant Public Defender
Pronouns: She/Her/Hers



VIRGINIA DEFENDERS
INDIGENT DEFENSE COMMISSION

Office of the Public Defender for Arlington County
and the City of Falls Church
2200 Wilson Boulevard, Suite 510
Arlington, VA 22201
703-875-1111, x 104 (tel)
703-875-0174 (fax)

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Bradley Haywood <bhaywood@vadefenders.org>
To: Lauren Brice <lbrice@vadefenders.org>

Thu, Aug 20, 2020 at 5:37 PM

Yes, we've been told to lie to him.

[Quoted text hidden]

--

10/26/2020

Virginia Indigent Defense Commission Mail - Third-Year Practice Certificate

Bradley R. Haywood, Public Defender
Office of the Public Defender for Arlington County
and the City of Falls Church
2200 Wilson Boulevard, Suite 510
Arlington, Virginia 22201
703.875.1111 (o)
703.875.0174 (f)

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Lauren Brice <lbrice@vadefenders.org>
To: Bradley Haywood <bhaywood@vadefenders.org>

Fri, Aug 21, 2020 at 2:13 PM

Done.
[Quoted text hidden]

Lauren Brice <lbrice@vadefenders.org>
To: Ramin Seddiq <ramins2536@gmail.com>
Bcc: Allison Carpenter <acarpenter@vadefenders.org>, Brad Haywood <bhaywood@vadefenders.org>

Fri, Aug 21, 2020 at 4:29 PM

Ramin,

Thanks for the email - I wanted to shoot you an email to update you on our fall internship process. With the ever-developing pandemic situation, we are constantly working to ensure that we are able to accomplish our mission of zealous representation of our clients and provide a safe and comprehensive learning opportunity for our interns. Unfortunately, due to social distancing requirements in the office and workload, we aren't going to be able to support your internship this semester. We don't have the office space to have more in-person interns, and we don't have enough work to make a remote internship useful. I'm really sorry about the delay in letting you know - I was hopeful we could make it work, but we can't bring people into the office if it isn't safe or don't have meaningful work for them to do.

Thank you again for your interest in our office, and let me know if you have any questions.

Best,

Lauren
[Quoted text hidden]
[Quoted text hidden]

Ramin Seddiq <ramins2536@gmail.com>
To: Lauren Brice <lbrice@vadefenders.org>

Fri, Aug 21, 2020 at 4:40 PM

Lauren,

Are you eliminating all intern positions at your office for this fall or only certain positions?

Ramin Seddiq
ramins2536@gmail.com
202.505.4333
[Quoted text hidden]

Lauren Brice <lbrice@vadefenders.org>
To: Ramin Seddiq <ramins2536@gmail.com>

Fri, Aug 21, 2020 at 5:08 PM

10/26/2020

Virginia Indigent Defense Commission Mail - Third-Year Practice Certificate

Some of our summer interns stayed which is why we had to cut down on the number of fall interns. Again, sorry for the late notice and sorry to pull the rug out - it's totally unprofessional and not at all the way we/I like to operate. COVID has thrown us all for a loop and we are just trying to adjust.

[Quoted text hidden]

Ramin Seddiq <ramins2536@gmail.com>
To: Lauren Brice <lbrice@vadefenders.org>

Fri, Aug 21, 2020 at 5:10 PM

What criteria did you use to determine which of your fall interns are to remain and which interns are to be eliminated?

[Quoted text hidden]

Lauren Brice <lbrice@vadefenders.org>
To: Brad Haywood <bhaywood@vadefenders.org>

Fri, Aug 21, 2020 at 5:24 PM

----- Forwarded message -----

From: **Ramin Seddiq** <ramins2536@gmail.com>
Date: Fri, Aug 21, 2020 at 5:11 PM
Subject: Re: Third-Year Practice Certificate
To: Lauren Brice <lbrice@vadefenders.org>

[Quoted text hidden]

[Quoted text hidden]

Lauren Brice <lbrice@vadefenders.org>
To: Allison Carpenter <acarpenter@vadefenders.org>

Fri, Aug 21, 2020 at 5:26 PM

----- Forwarded message -----

From: **Ramin Seddiq** <ramins2536@gmail.com>
Date: Fri, Aug 21, 2020 at 5:11 PM
Subject: Re: Third-Year Practice Certificate
To: Lauren Brice <lbrice@vadefenders.org>

[Quoted text hidden]

[Quoted text hidden]

EXHIBIT G



Ramin Seddiq <ramins2536@gmail.com>

Virginia FOIA Request

4 messages

Ramin Seddiq <ramins2536@gmail.com>

Tue, Nov 17, 2020 at 7:17 AM

To: Maria Jankowski <mjankowski@vadefenders.org>

Cc: djohnson@vadefenders.org

Ms. Jankowski:

I hope you are feeling better and well on your way to a full recovery.

On October 26, I sent the attached Virginia FOIA Request to your office. I received back from your office a set of documents via USPS. The set of documents that I received contain almost none of the records described in section four of the FOIA request. Furthermore, some of the records described in section six of the FOIA request are also missing.

When we spoke on October 29, you stated that you may exercise your discretionary authority under Va. Code § 2.2-3705.1. We discussed redaction and anonymizing as ways to facilitate the process. The paucity of records from section four cannot be explained by the authority granted under Va. Code § 2.2-3705.1 and given the number of interns associated with the Arlington Public Defender, it is inconceivable that such records do not exist.

In your letter of November 9, 2020, your comments below sections four and six state "please see attached." If these records were inadvertently left out of the packet of documents, kindly send them to me as soon as possible. Otherwise, please respond in accordance with Va. Code § 2.2-3704.

Finally, for any records withheld, please notify me of the appeal procedures available to me under the law and provide the name and address of the person or body to whom an appeal should be directed.

Thank you in advance for your prompt attention to this matter.

Ramin Seddiq
ramins2536@gmail.com
202.505.4333

**VIDC - VA-FOIA Request - 10-26-2020.pdf**

112K

Maria Jankowski <mjankowski@vadefenders.org>

Tue, Nov 17, 2020 at 9:05 AM

To: Ramin Seddiq <ramins2536@gmail.com>

Cc: David Johnson <djohnson@vadefenders.org>

Dear Mr. Seddiq,

Thank you for your email.

The only thing that was withheld is the personal identifying information about the other interns (name, email address, phone number, and school). This was discussed on our call and I thought we were in agreement. If I am incorrect my apologies. Lauren Brince created the chart that was enclosed which listed the interview and hire dates of all interns. I sent that with the intern names removed. I can resend it and include the names. This was a chart created solely to respond to your FOIA request. As I am sure you are aware FOIA does not require creating records that did not exist prior to the request, however, this was done in an attempt to streamline our answer. With this exception (personal information) I have given you everything I have. If there is something specific you think is missing I can look again but I have had all parties check their emails and those have been sent. (again with the exception of the personal information of the other interns)

Similarly, I have given you everything related to you.

I must infer you think there is something specific missing. If so please let me know what it is and I can search again.

Perhaps there is a difference of definition.

I remain very interested in addressing any concerns you have about your experience with the Arlington Public Defender Office.

Thank you,

[Quoted text hidden]

--

Maria Jankowski
Deputy Director



1604 Santa Rosa Road, Suite 200
(804)662-7249
www.vadefenders.org

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No representation is made that this email and any attachments are free of viruses, Virus scanning is recommended and is the responsibility of the recipient.

Ramin Seddiq <ramins2536@gmail.com>
To: Maria Jankowski <mjankowski@vadefenders.org>
Cc: David Johnson <djohnson@vadefenders.org>

Tue, Nov 17, 2020 at 3:28 PM

Dear Ms. Jankowski:

Thanks for your email. I do not expect Arlington Public Defender to create new records if records do not already exist. Furthermore, there is no need to send me Ms. Brice's list with the names included.

It is possible that there is a miscommunication regarding Section Four of the Virginia FOIA request dated October 26, 2020. If this is the case, please allow me to clarify by way of examples. Some examples of records that would be covered by Section Four include, without limitation, intern offer letters, communications related to intern scheduling, communication related to intern court visits and court access, communications regarding intern access to the office, communication and information on which other interns had their offers rescinded, communication and information on the criteria used to determine which of the fall interns were to remain and which interns were to be eliminated, communications indicating the factors that were considered in the decisions to extend internships, communications related to intern group activity, communications related to intern performance and so on and so forth. I am not interested in intern names. You are welcome to redact intern names. The packet you sent to me contains none of the aforementioned information. Is it conceivable to you that no such information exists at Arlington Public Defender and no such information ever existed at Arlington Public Defender?

Regarding Section Six of the FOIA request, the documents that I sent to Ms. Villegas are missing from the FOIA packet. Moreover, although most of my emails are included in the FOIA packet, there is a dearth if not an absence of documentation revealing internal communications within Arlington Public Defender regarding me. Considering the escalations associated with this matter, the absence of such communications is remarkable.

I urge Arlington Public Defender to comply fully and completely with the Virginia FOIA request.

Regards,

Ramin Seddiq
ramins2536@gmail.com
202.505.4333

[Quoted text hidden]

Maria Jankowski <mjankowski@vadefenders.org>
To: Ramin Seddiq <ramins2536@gmail.com>
Cc: David Johnson <djohnson@vadefenders.org>

Wed, Nov 18, 2020 at 3:03 PM

Thank you for your response. I will be sending a followup packet tomorrow. Hope this clears everything up.

[Quoted text hidden]

EXHIBIT H



November 18, 2020

Ramin Seddiq
PO Box 5533
McLean, VA 22103

Dear Mr. Seddiq:

I have reached out to the Arlington Office and here is my response to your follow up request.

Intern offer letters: The office does not have a formal offer letter there is a welcome email. I have attached the form welcome email. My apologies if this was left out of the initial response.

Communications related to intern scheduling. There is an email that announces the Summer interns to the Office. It just lists the names and the personal information (name, email, phone number, and school) there is no scheduling information. I did not provide this pursuant to our conversation as it only contains the personal information. The Summer intern training program schedule and related materials were all included in the earlier mailing.

Communication related to intern court visits and court access. The only thing that might meet this request is the form for the detention facility which was included in the materials I sent you. Also, there is a letter that goes to the court requesting permission to have a laptop in court. I have included a redacted version of that letter.

Communications regarding intern access to the office. This is not something that exist but, out of an abundance of caution, I will resend the policy document that was in included in my earlier mailing. I will advise, all our offices have been instructed to keep in person numbers at the office at an absolute minimum due to COVID.

Communication and information on which other interns had their offers rescinded. There is no information that meets this request.

Communication and information on the criteria used to determine which of the fall interns were to remain and which interns were to be eliminated. There is no information that meets this request.

Communications indicating the factors that were considered in the decisions to extend internships. There is no information that meets this request.



VIRGINIA DEFENDERS

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Communications related to intern group activity. This was included in the policy pervious provided. Group activities are only held in the Summer program and were suspended this Summer due to COVID.

Communications related to intern performance. I do not believe there is anything that meets this request. That said, if there was any performance communication related to other interns, that would be protected under the personnel exception.

You asked "Is it conceivable to you that no such information exists at Arlington Public Defender and no such information ever existed at Arlington Public Defender?" Yes, is it very conceivable that this information does not exist. You assume a level of sophistication and organization that simply does not exist.

As for communications specifically concerning you, I have attached the communication you referenced and another that I think was included in the original mailing. There are simply no other communications. You assume a depth and breadth of thought and consideration that simply does not exist.

Sincerely,

Maria Jankowski

CC: Brad Haywood

EXHIBIT I

Interview Date	Offer Date	Start Date	End Date	Law School	Position	Notes
4/15/19	4/17/19	9/2/19	11/22/19	American	Part time Intern	Prior Summer 2018 Intern, asked Brad to come back as Fall Intern
/A	~ July 2019	8/30/19	4/15/20	George Mason	Part time Intern	Placed via GMUSL Externship Program
/A	8/2/19	9/4/19	11/21/19	George Mason	Part time Intern	
3/13/19	3/13/19	9/5/19	~Nov 2019	George Washington	Part time Intern	
4/22/19	4/25/19	8/19/19	6/18/20	Duke Law	Full time Fellow	already had JD
	~ July 2019	8/30/19	4/15/20	George Mason	Part time Intern	Prior Summer 2018 Intern
	4/25/19	8/19/19	6/18/20	Duke Law	Full time Fellow	already had JD
2/10/20	2/10/20	5/26/20	8/4/20	American	Full time Intern	
March 2020	~March 2020	5/26/20	7/31/20	George Mason	Full time Intern	
1/30/20	1/31/20	5/26/20	8/4/20	Loyola	Full time Intern	
October 2019	~Jan 2020	5/26/20	Present	Michigan	Full time Intern	Summer Intern, stayed on for Fall 2020
1/31/20	~Feb 2020	6/1/20	9/4/20	American	Full time Intern	
Oct 2019	~Oct 2019	5/26/20	Present	American	Full time Intern	Summer Intern, stayed on for Fall 2020
1/17/20	1/17/20	5/15/20	Present	George Washington	Full time Intern	Summer Intern, stayed on for Fall 2020
1/17/20	1/17/20	5/26/20	8/4/20	Georgetown	Full time Intern	
May 2020	~May 2020	5/18/20	Present	Georgetown	Part time Intern	
1/31/20	~Feb 2020	5/18/20	Present	American	Full time Intern	Summer Intern, stayed on for Fall 2020
Jan 2020	~Jan 2020	5/26/20	Present	UVA	Full time Intern	
1/17/20	1/17/20	5/26/20	8/10/20	Georgetown	Full time Intern	Summer Intern, stayed on for Fall 2020
1/17/20	1/17/20	5/26/20	8/10/20	Georgetown	Full time Intern	
/a	n/a	~8/24/20	9/4/20	GMUSL	Fellow	Had JD; has interned on and off since Summer 2018
Jan 2020	~Jan 2020	8/17/20	Present	American	Part time Intern	
/A	N/A	5/26/20	Present	Michigan	Part time Intern	Summer Intern, stayed on for Fall 2020
/A	N/A	5/26/20	Present	American	Part time Intern	Summer Intern, stayed on for Fall 2020
/A	N/A	5/15/20	Present	George Washington	Part time Intern	Summer Intern, stayed on for Fall 2020
/A	N/A	5/18/20	Present	American	Part time Intern	Summer Intern, stayed on for Fall 2020
/A	N/A	5/26/20	Present	Georgetown	Part time Intern	Summer Intern, stayed on for Fall 2020
3/26/20	3/26/20	8/24/20	8/24/20	CUNY	Part time Intern	
Jan 2020	~Jan 2020	8/25/20	Present	GMUSL	Part time Intern	
~May 2020	~June 2020	8/31/20	Present	Georgetown	Part time Intern	

Placed for our talk
 note: For the names.
 If moved

EXHIBIT J

Fall 2020 Intern Policies and Procedures

Welcome to your summer internship with the Office of the Public Defender for Arlington County and the City of Falls Church! We are so excited you are joining us this summer, and we hope that your internship will be a fun and meaningful learning experience.

While we are thankful for the help you will give us, this summer is really for you -- this is your opportunity to learn what real courtroom litigators do. As a member of the PD Team, you will be with us on the front lines of the fight to protect our clients from the all-powerful criminal justice system. We are not a cog in the machine -- we are the wrench thrown to break and dismantle. We are disruptors; we are agitators; we are advocates. We aren't afraid to speak truth to power, and we won't sit by as the powerless are taken advantage of by the powerful.

We are Public Defenders. Welcome to our Tribe.



Expectations

Interns will:

- Work at least 16 hours per week, ideally two full days.
- Maintain confidentiality with regards to our clients, our office, and our cases;
- Attend any training sessions, actively participate in activities, listen respectfully to lectures, and complete assignments timely;
- Attend weekly meetings with assigned supervisor; and
- Ask questions! You can't learn or provide us with the help we need if you don't ask for clarification or help or feedback when you need it.

Supervisors will:

- Check in regularly with their interns to make sure they have enough work, answer questions, and generally make sure things are going well;
- Provide intern with meaningful, well thought out projects, at least one of which will result in a writing sample for the intern;
 - It is highly recommended that Supervisors use the Intern Project Form when developing projects;
- Provide clear directions, expectations, and timelines/deadlines with projects;
- Encourage your intern to reach out to other attorneys if there are specific cases/projects of interest; and
- Provide meaningful, constructive feedback on research, writing, court appearances (for Third Year Practice Interns), and other work product.

Intern/Supervisor Assignments

Your assigned attorney is not the sole person you can work with or get assignments from -- we encourage all our interns to work with any and all people in the office they can/want to in order to get a diverse experience.

Cassady Cohick - Allison (Aly)
Caitlin Hatakeyama - Brad
Caroline Koch - Helen
Kendall Lawrenz - Elsa
Jacob Levy - Susannah

Madelyn Malcolm - Marissa
Ramin Seddiq - Kevin
Allison Thibault - Rachel
Tory Valenti - Lauren

General Information

Office Information

Office Address: 2200 Wilson Blvd, Suite 510, Arlington, VA 22201

Phone number: 703-875-1111

Fax: 705-875-1074

Generic email: arlpd@vadefenders.org

Dress Code

Interns should wear business attire in courtrooms (i.e., suit, blazer, and skirt/pants) if appearing before a Court (standing at counsel table).

Business casual is acceptable for client meetings, jail visits, and when in the courthouse but not appearing before a Court (e.g., when obtaining discovery, filing documents, working in the law library, etc.).

Lawyers are permitted to dress casually in other circumstances, but since it is difficult for interns to predict their duties on any particular day, it is a good idea to either dress in business/business casual attire or keep a change of clothes in the office.

Office Hours

Doors should be unlocked by 8:30am and will be locked at 5:00pm. If you get locked out, text or call your supervisor to help troubleshoot the issue.

Bathrooms

The bathrooms are located outside the front (men's) and back (women's) entrances to the office and require an ID/access card to enter. The access cards are located by the front desk, to the left of the receptionist's station. PLEASE RETURN THE ACCESS CARD AFTER USE.

Leave Policy

Interns are permitted to take planned leave as long as their time with the office is 10 weeks or longer, excluding leave. Leave must be approved in advance by individual supervisors. This does not include absence due to illness.

Computers & Internet Access

We only have a few intern computers, so please bring your own laptop when you come to the office. WiFi network and password information will be provided in the office.

Intern Work Space

Here are the dedicated intern work spaces in the office:

- Intern Offices - there are two dedicated offices that interns can use; due to COVID-19, however, only one intern per office is allowed at this time
 - The office directly behind the receptionist's desk has three workstations (one has a desktop computer with access to the network drives).
 - The interior office adjacent to the file room has three workstations.
 - To decrease the risk of spreading germs, interns will wipe down/disinfect their work space at the end of the day.
 -
- Shared Spaces - interns can work in any of the shared/common areas, however they must maintain an appropriate distance from others working in the same area
 - Conference room - a lot of our former interns have liked working in the conference room; you may use this space unless the attorneys/investigators need to for a meeting or other activity.
 - Front/Reception Area - a second person may be able to sit at the front desk counter, six feet away from the reception computer. Someone may be able to sit in the file room as well.
 - Lunch room - interns are free to work in the lunchroom at any time
 - NOTE - Please remember to keep the noise down when working together in shared spaces.
- Outside of the office - You may also work remotely (either from your home or from any other appropriate location) if approved by your supervisor
 - If working outside the office, please make sure you are accessible by phone/text/email.

General Courthouse Info

Arlington County Courthouse
1425 N Courthouse Rd
Arlington, VA 22201

Where can I find...

- Ground Floor (accessible via elevator): Police Property; vending machine
- 1st Floor (main entrance): Law Library; Police Department Information booth
- 2nd Floor: General District Court Clerk's Office
- 3rd Floor: General District Court courtrooms

- 4th Floor: Juvenile & Domestic Relations courtrooms, clerk's office, chambers; Adult JDR probation services; Juvenile Intake
- 5th Floor: Commonwealth Attorney's Office; Alcohol Safety Action Program (ASAP); Juvenile probation services
- 6th Floor: Circuit Court Clerk's Office; Spanish Interpreter's Office
- 10th Floor: Circuit Court courtrooms
- 11th Floor: Circuit Court ceremonial courtroom; Drug Court team offices
- 12th Floor: Circuit Court and General District Court chambers

Docket Information

- Office docket: Our admins produce a daily "docket" that lists all public defender cases scheduled for court that day and the attorneys assigned
- Court dockets: The Circuit Court emails a daily docket to the office no later than the day before listing all cases scheduled to be heard. Same-day docket information is available on monitors outside of all GDC, JDR, and Circuit Courtrooms

Court Schedule

****NOTE:** This is based on the "normal" schedule - things will be different due to COVID-19 accommodations

Arlington General District Court (criminal—courtroom 3B)

- 9:00am: Bond motions
- 9:30am: In-custody arraignments/advisements (initial appearance)
- 9:30am: Misdemeanor trials
- 10:00am: Motions
- 10:30am: Misdemeanor trials
- 11:30am: Preliminary hearings
- 2:00pm (Tuesday only): Sentencing/probation violations
- 2:00pm (Mon, Wed-Fri): Out-of-custody arraignments/advisements, trials/hearings taking more than 1 hour, protective orders

Arlington General District Court (non-DUI traffic cases—courtroom 3C)

- 9:00am: Arlington Police traffic cases
- 10:00am: Va. State Police cases ("trooper cases")
- 10:30am: Motions, Airport Authority police cases

Falls Church General District Court (criminal & traffic—3A or Falls Church courthouse)

- 9:30am (Wednesdays-only): Misdemeanor trials & traffic
- 10:30am (Wednesdays-only): Preliminary hearings

Juvenile and Domestic Relations Court

- 9:00am: In-custody arraignments/advisements
- 9:30am: Bond motions/detention hearings
- 9:30am+ (staggered times): Adjudicatory hearings, preliminary hearings, trials
- 2:00pm: Out-of-custody arraignments/advisements
- 2:30pm: Dispositional hearings, violation/revocation hearings, reviews

Circuit Court

- 9:30am (Mon-Thurs): trials, motions, pleas misdemeanor appeals
- 9:30am (Fridays-only): Felony sentencings, probation revocations and reviews
 - 1st/3rd Fridays - Judge Newman and Judge Fiore
 - 2nd/4th Fridays - Judge DiMatteo and Judge Wheat
 - Judge Fiore also has a 2:00pm docket on 2nd/4th Fridays
 - 5th Fridays - Any judge can add a docket

Jail:

Arlington County Detention Facility

1435 N. Courthouse Rd.

Arlington, VA 22201

*Main entrance is in the courtyard across from the courthouse entrance

*Magistrate's Office entrance is on 15th Street side of the building (where clients are released from custody)

Attorney phone line: 703-228-7286 or 7287

Professionalism in Court and the Office

While we are a generally casual office with an open door policy, we are also a professional office (think law firm), and we expect our interns to act accordingly.

- When in Court:
 - Don't talk, giggle, laugh, whisper, gossip - If you need to talk, leave the courtroom; if you have questions, write them down.
 - Always bring a notepad and pen with you to court - allows you to take notes, jot down questions, or get info from clients to help attorneys.
 - Phones aren't allowed unless you have a VA Bar Card; you may bring

your laptop once the Court has approved our laptop letter.

- In the Office:
 - Don't Gossip - it's just not professional. If you have an issue, go to your supervisor or a manager (Brad, Aly, or Lauren).

Attending Court

Due to the COVID-19 pandemic, the office is currently limiting the number of staff members that are in the office at one time through the use of a staffing rotation. Please coordinate with your supervisor to determine if he/she will be in the office on a particular day.

Unless otherwise instructed by your supervising attorney, Interns should arrive at the office by 8:45am to meet with their attorney and head over to court. Interns cannot bring cell phones, laptops, Smart watches with cell phone capabilities, or other electronic devices into the courthouse without prior authorization.

Interns should bring their Intern Folder with them everyday when they go to court. The Folder contains a notepad and pen/pencil to take notes; new client info forms; various releases of information; and other materials that may be needed. If the Folder is out of a certain document, please notify one of the support staff so they can make copies.

Supervisors should ensure your intern has a copy of the daily office docket and Circuit Court Docket before they head to court.

Individual Meetings

Intern Supervisors will meet face-to-face at least once a week with their intern to discuss project status, work load, etc. These meetings can be in person or via Zoom/Skype/Facetime/etc.

This meeting will be in addition to any in office interactions/meetings that occur as a result of the in office rotation.

G Drive Access

As an office, we utilize a shared drive on our server (the "J Drive") as well as a shared Google Drive (the "G Drive"). Interns won't usually have access to the J Drive outside

the office, so documents, case info, and other important materials will be shared with Interns via the G Drive. If you have a Gmail or Google account you would like to use instead of your provided email address, please let your supervisor know.

Any documents shared with you as part of your internship should not be shared with anyone outside our office without express permission from your supervising attorney.

Confidentiality & Unauthorized practice

We'll discuss a bunch of ethical issues in detail when you start, but two are especially important and worth highlighting:

Confidentiality

Our work is very, very sensitive. As a general rule, we can't discuss any information we learned about a client or the client's case—even matters of public record—outside of the office. Similarly, we can't provide information about a case to anyone unless our clients give us permission. This includes family or friends who call to inquire about the status of a case, whether the client is detained, and even extends to the simple matter of whether we represent a particular person. Yes, there are exceptions to rules of confidentiality, but they are nuanced. A good rule of thumb for you is when in doubt, say nothing.

Unauthorized practice of law

You will be lawyers someday, but you aren't lawyers yet. For that reason, you are prohibited from holding yourself out as lawyers or giving legal advice. Legal advice can be something as simple as speculating about what a sentence might be, opining as to whether a judge is likely to grant bond, or weighing in on the merits of a particular pretrial motion. The phrase "I'm not a lawyer and this is not legal advice" comes in handy, but the better rule when you're being asked questions about what a client should do, what's likely to happen in a case, or whether legal claims have merit, is to tell the person to speak with the attorney who's working on the case.

Third-Year-Practice Certificate Protocol

In accordance with Va. Code § 54.1-3900 and Rule 15 of the Virginia State Bar Professional Guidelines, Interns who have completed the required coursework and obtained their Third-Year-Practice Certificate may represent clients before the Court during their internship subject to the following conditions:

1. The Intern must be "in the presence of a supervising lawyer" at all times when appearing before the Court -- this means the attorney must be with you at counsel table. The attorney cannot just be in the courtroom or in the hallway or in the building.
2. The Intern must obtain written consent from the client prior to appearing with the client before the Court (3 copies - one for Court; one for Client; one for file).
3. The Intern must submit the written consent form regarding his/her representation of the client to the Court prior to the proceeding.

Types of Cases for Third Year Practice Interns

Bond Motions

Traffic cases

Simple Misdemeanors (No DUIs)

2nd Chair on simple misdemeanor jury trials (with Brad's approval)

Contact Information

Legal Fellow

Name	Email	Cell Phone
Kyle Barnes	kyleebarnes@gmail.com	908-433-0558

Legal Interns

Name	Email	Cell Phone
Cassady Cohick	cc5411a@student.american.edu	703-966-7903
Caitlin Hatakeyama	hatake@umich.edu	808-352-1911
Caroline Koch	caroline.koch@student.american.edu	813-943-4454
Kendall Lawrenz	klawrenz@law.gwu.edu	505-629-6827
Jacob Levy	jml437@georgetown.edu	757-477-2212
Madelyn Malcolm	madelyn.malcolm@gmail.com	412-760-6526
Ramin Seddiq	ramins2536@gmail.com	202-505-4333
Allison Thibault	thibaultallisonf@gmail.com	540-446-4401
Tory Valenti	trv3@georgetown.edu	313-433-4406

Mitigation Interns

Name	Email	Cell Phone
Yasmine Bouachri	ylb5@georgetown.edu	845-662-6439
Natalie Fortune	nataliefortune1118@gmail.com	434-249-4503
Katie Heller	kmheller01@email.wm.edu	703-888-6107
Jamie Tell	jt9764a@student.american.edu	716-725-8785

Attorneys

Name	Email	Office Ext.	Cell Phone
Brad Haywood	bhaywood@vadefenders.org	101	
Aly Carpenter	acarpenter@vadefenders.org	113	614-893-6252
Lauren Brice	lbrice@vadefenders.org	104	434-210-0759
Rachel Collins	rcollins@vadefenders.org	108	
Susannah Loumiet	sloumiet@vadefenders.org	132	
Elsa Ohman	ehoman@vadefenders.org	120	
Helen Randolph	hrandolph@vadefenders.org	112	703-798-8067
Kevin Tamul	ktamul@vadefenders.org	122	
Marissa Ulman	mulman@vadefenders.org	102	

Support Staff

Name	Email	Office Ext.	Cell Phone
Fellman Cabero (Investigator)	FCabero@vadefenders.org	124	
Tameka Parker-Fernandez (Mitigation Specialist)	TParker@vadefenders.org	114	
Dina Radtke (Mitigation Investigator)	dradtke@vadefenders.org	115	

Office Specialists

Name	Email	Office Ext.	Cell Phone
Rosa Villegas	rvillegas@vadefenders.org	110	
Shanise Mallard	SMallard@vadefenders.org	105	
Jakelin Molina	Jbmolina@vadefenders.org	103	
Vilma Amaya-Lino	vamaya-lino@vadefenders.org	100	

EXHIBIT K



Lauren Brice <lbrice@vadefenders.org>

Fall 2020 Interns (Staff Only)

Lauren Brice (via Google Docs) <drive-shares-noreply@google.com>

Tue, Aug 4, 2020 at 1:28 PM

Reply-To: Lauren Brice <lbrice@vadefenders.org>

To: rcollins@vadefenders.org

Cc: acarpen@vadefenders.org, bhaywood@vadefenders.org, dradtke@vadefenders.org, eohman@vadefenders.org, fcabero@vadefenders.org, hrandolph@vadefenders.org, jbmolina@vadefenders.org, ktamul@vadefenders.org, mulman@vadefenders.org, rvillegas@vadefenders.org, smallard@vadefenders.org, sloumiet@vadefenders.org, tparker@vadefenders.org, vamaya-lino@vadefenders.org

lbrice@vadefenders.org has sent a message regarding the following document:

**Fall 2020 Interns (Staff Only)**

I'm going to be sending out emails to the new Fall Interns soon - I will cc each of you on your assigned intern's welcome email. Please review this document and update it with start date and schedule when you receive it from your intern. Let me know if you have any questions or concerns.

https://docs.google.com/document/d/1ne9IP3Sr4CHAtajuNhRL8xm0Rn9_wWCWgQXcnmNwqCY/edit?usp=sharing

Google Docs: Create and edit documents online.

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

You have received this email because lbrice@vadefenders.org shared a document with you from

Google Docs.

Arlington Public Defender's Office Fall 2020 Internship Info

Hi [Name],

We are looking forward to having you as an intern this coming fall semester! The purpose of this email is to provide you with a bit of information about the semester as well as introduce you to your assigned supervisor.

Supervising Attorney

You will be supervised by [ATTORNEY] (cc'ed here). Please feel free to reply to this message to introduce yourself to [him/her] and ask any questions you may have. Also, while you have been assigned a supervising attorney, this is not the sole person you can work with or get assignments from - we encourage all our interns to work with any and all people in the office they can/want to in order to get a diverse experience. We assign a supervisor so you have at least one consistent person to go to with questions and/or to get assignments.

Administrative Paperwork

As previously discussed, our school year internships are unpaid (unless funded by an outside source/fellowship). Additionally, for school year interns, we require interns to commit at least 16 hours a week toward the internship; we also recommend interns complete these hours through two complete days in the office – we have found that this allows the intern to get experience attending court and working up cases in the office.

Given the nature of the work and an intern's access to confidential information, there are a number of documents we need you to review and fill out/sign. I have attached those documents as well as the Intern Policies and Procedures Manual here. To ensure that you are ready to go on your first day, please return the completed forms **on or before August 14, 2020**.

If you have any questions about the forms or need any assistance, please contact our office manager Rosa Villegas via phone at (703) 875-1111 or email at rvillegas@vadefenders.org.

Schedule

Please respond to this email with your estimated start and end dates as well as your weekly schedule.

The office is open from 8:30am to 5pm; interns are expected to be available between the hours of 9am to 5pm unless otherwise arranged with an attorney.

COVID-19 Considerations

Like most things in the present times, our office is operating a bit differently due to the global pandemic of COVID-19. We have implemented a number of internal office policies as well (social distancing, mandatory sanitization, reduced numbers in the office, no shared workspaces, etc.). If you have any specific concerns regarding safety or transportation for the fall, please feel free to let me know, and we can work together to figure out a solution.

Office Location, Parking/Transportation

Our office is located at 2200 Wilson Blvd, Suite 510, Arlington, VA 22201. Public transportation is the best way to get to the office - We are right off the Orange Line (at the Courthouse Metro Stop) if you are taking Metro. There is not a lot of parking around the office; there are metered spots directly surrounding our building, and there are some 2 hours spots in the neighborhoods around the office. Additionally, there is garage parking available in the garage beneath our building for \$135/month.

Dress Code

If you are appearing in Court on behalf of a client (i.e., having a trial, arguing a motion, etc.), dress is business, meaning a suit or blazer and dress pants/skirt/dress.

If you are not appearing before the Court (i.e., watching cases, attending arraignments, etc.), dress is business casual.

Misc.

Please plan to bring a laptop or tablet with internet capabilities with you each day - we don't have computers for interns, but we do have WiFi!

Additionally, please send us the email and phone number you want us to use for your contact information - this information will be shared with all office staff as well as the other interns. Attorneys regularly use text messages to coordinate with interns, so please let us know if you can't/don't want to receive texts from anyone.

Finally, please let us know if you will have/will be applying for your Third Year Practice Certificate. We have a number of opportunities for certified interns to get in front of the court and want to make sure you have that opportunity.

Please let me know if you have any questions or concerns. We look forward to having you with us this semester!

Best,

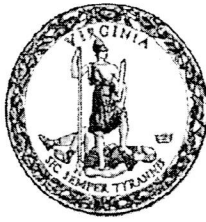
Lauren

EXHIBIT L

Bradley R. Haywood
Public Defender

Allison H. Carpenter
Deputy Public Defender

Shalev Ben-Avraham
Lauren E. Brice
Rachel C. Collins
Susannah C. Loumiet
Elsa B. Ohman
Helen Randolph
Kevin M. Tamul
Marissa Ulman
Assistant Public Defenders



COMMONWEALTH OF VIRGINIA
Office of the Public Defender
Arlington County & the City of Falls Church
2200 Wilson Blvd., Suite 510, Arlington, VA 22201
(703) 875-1111 Tel (703) 875-0174 Fax

11/18/2020

Rosa Villegas
Office Manager

Fellman Cabero
Investigator

Tameka Parker
Mitigation Specialist

Dina Radtke
Mitigation Investigator

To Whom This May Concern:

Per Chief Judge Newman, as of June 25, 2015, our office's interns have been approved to bring their laptops in the courthouse when supervised by an attorney. Please find below the list of our Summer interns for our office. Thank you.

Name	Date of Birth
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A handwritten signature in black ink, appearing to be "Brad Haywood".

Brad Haywood
Public Defender

EXHIBIT M



THE RADICATI GROUP, INC.

A TECHNOLOGY MARKET RESEARCH FIRM

PALO ALTO, CA, USA

TEL. 650 322-8059

Email Statistics Report, 2015-2019

SCOPE

This report brings together statistics and forecasts for Email and Mobile Email use from 2015 to 2019. It includes data on both business and consumer adoption of email.

All figures in this report represent a ‘snap shot’ of key statistics in 2015. If a discrepancy occurs between numbers in this report and any numbers in our annual market research studies, the annual report should be considered the final authoritative source. For a full list of our annual reports which contain in-depth quantitative and qualitative analysis of each industry segment we cover, please refer to our list of publications at <http://www.radicati.com>.

All of the numbers in this study represent worldwide figures, unless otherwise indicated. All financial data is expressed in \$USD.

Regional breakouts are provided for: North America, Europe, Asia Pacific, and Rest of World. This report does not contain country breakouts but these may be obtained from The Radicati Group at an extra charge.

Installed base numbers throughout this report represent *active* accounts, which have been actually installed (vs. shipped) and accessed at least once within the last 3 months.

EUROPE: LONDON, UK • TEL. +44 (0)20 7794 4298

Email: admin@radicati.com

<http://www.radicati.com>

METHODOLOGY

The information and analysis in this report is based on primary research conducted by The Radicati Group, Inc. Our proprietary methodology combines information derived from three principal sources:

- a. Our Worldwide Database which tracks user population, seat count, enterprise adoption and IT use from 1993 onwards.
- b. Surveys conducted on an on-going basis in all market areas which we cover.
- c. Market share, revenue, sales and customer demand information derived from vendor briefings.

Forecasts are based on historical information as well as our in-depth knowledge of market conditions and how we believe markets will evolve over time.

Finally, secondary research sources have also been used, where appropriate, to cross-check all the information we collect. These include company annual reports and other financial disclosures, industry trade association material, published government statistics and other published sources.

Our research processes and methodologies are proprietary and confidential.

EXECUTIVE SUMMARY

- Worldwide email use continues to grow at a healthy pace. In 2015, the number of worldwide email users will be nearly 2.6 billion. By the end of 2019, the number of worldwide email users will increase to over 2.9 billion. Over one-third of the worldwide population will be using email by year-end 2019.
- Over the next four years, the average number of email accounts per user ratio will grow from an average of 1.7 accounts per user to an average of 1.9 accounts per user. Though there is increased use of IM, social networking, and other forms of communication, email continues to show steady growth, as all IM, social

networks and other services require users to have an email address to access their services. In addition, all online transactions (i.e. shopping, banking, etc.) require a valid email address.

- The number of worldwide email accounts is expected to continue to grow at a slightly faster pace than the number of worldwide email users, particularly Consumer email accounts, since many consumers tend to have multiple email accounts.

	2015	2016	2017	2018	2019
Worldwide Email Accounts (M)	4,353	4,626	4,920	5,243	5,594
<i>%Growth</i>		6%	6%	7%	7%
Worldwide Email Users* (M)	2,586	2,672	2,760	2,849	2,943
<i>% Growth</i>		3%	3%	3%	3%
Average Accounts Per User	1.7	1.7	1.8	1.8	1.9

Table 1: Worldwide Email Accounts and User Forecast (M), 2015–2019

(*) Note: Includes both Business and Consumer Email users.

- In 2015, the number of emails sent and received per day total over 205 billion. This figure is expected to grow at an average annual rate of 3% over the next four years, reaching over 246 billion by the end of 2019.
 - Email use continues to see strong use in the business world, as well as among consumers. The amount of consumer email continues to grow mainly due to its use for notifications (e.g. for online sales) rather than simply as an interpersonal communication tool.

Daily Email Traffic	2015	2016	2017	2018	2019
Total Worldwide Emails Sent/Received Per Day (B)	205.6	215.3	225.3	235.6	246.5
<i>% Growth</i>		5%	5%	5%	5%
Business Emails Sent/Received Per Day (B)	112.5	116.4	120.4	124.5	128.8
<i>% Growth</i>		3%	3%	3%	3%
Consumer Emails Sent/Received Per Day (B)	93.1	98.9	104.9	111.1	117.7
<i>% Growth</i>		6%	6%	6%	6%

Table 2: Worldwide Daily Email Traffic (B), 2015-2019

- In 2015, the number of business emails sent and received per user per day totals 122 emails per day. This figure continues to show growth and is expected to average 126 messages sent and received per business user by the end of 2019.
 - The figures for the amount of spam received, below, reflect only spam that is delivered to the mailbox after bypassing all spam/security filters. These figures include actual spam, as well as what is referred to as “graymail” (i.e. newsletters or notifications that an email user may have signed up for at one point, but no longer wish to receive).

Business Email	2015	2016	2017	2018	2019
Average Number of Emails Sent/Received per	122	123	124	125	126
Average Number of Emails Received	88	90	92	94	96
<i>Average Number of Legitimate Emails</i>	76	76	76	76	77
<i>Average Number of Spam Emails</i>	12	14	16	18	19
Average Number of Emails Sent	34	33	32	31	30

Table 3: Business Emails Sent/Received Per User/Day, 2015 - 2019

**To view the complete Table of Contents for this report,
visit our website at www.radicati.com.**

EXHIBIT N

Public Entity	First Name	Last Name	Email	Telephone
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Public Entity	First Name	Last Name	Email	Telephone
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Commonwealth of Virginia
Virginia Freedom of Information Advisory Council

FOIA Officers

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FOIA

Virginia Indigent Defense Commission

1604 Santa Rosa Road, Suite 200 Richmond, Virginia 23229 | Phone: 804-662-7249 | Fax: 804-662-7359 | [Webmaster](#) | [Questions](#) | [Web Policy](#)

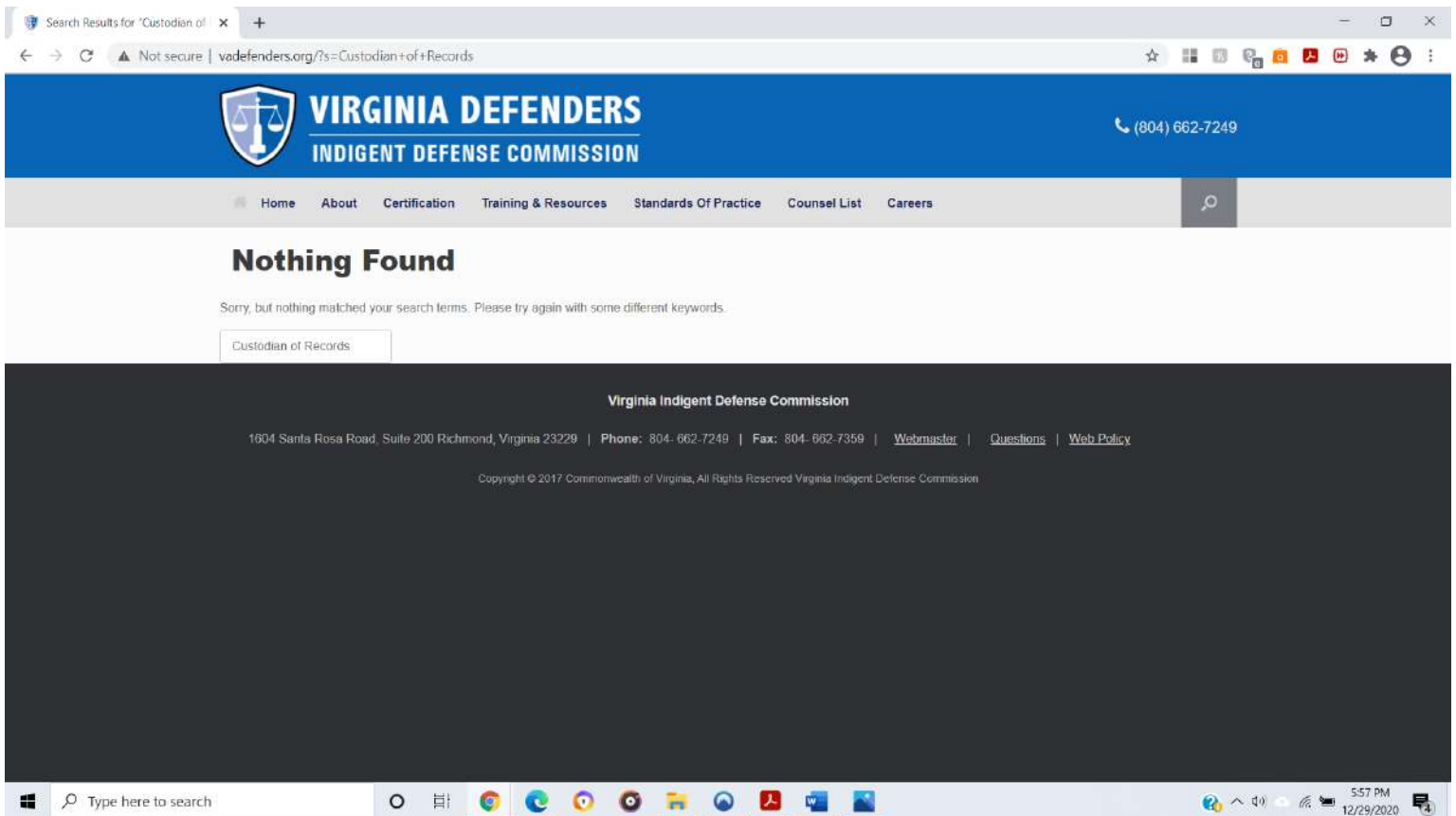
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12/29/2020





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