

**From:** lauraminor@verizon.net  
**Sent:** Wednesday, August 22, 2018 8:57 AM  
**To:** Caryn Devins  
**Subject:** Re: Confidential

Caryn,

First, thank goodness the AO got it straight and realizes Nancy's office is there to advise management and employees.

Second, I like the strategy you have outlined. Go forth and do good and know that I am always here to listen. :)

Laura

Sent from my iPhone

On Aug 22, 2018, at 8:51 AM, Caryn Devins <[caryn.devins@hotmail.com](mailto:caryn.devins@hotmail.com)> wrote:

Laura,

Good news!! See below.

I am going to talk with Nancy and the lawyer in her office today, and use that discussion to formulate my strategy further. That discussion may make me think differently, but as of right now I am tentatively thinking about doing the following:

Holding off the complaint and cooperating with the investigation into wrongful conduct - as long as Tony is kept completely out of it. The strategy for doing this is as follows: 1. It shows that I am being reasonable and cooperative and that I still want to try to resolve this informally through the channels they have provided (e.g., not escalating the situation beyond what Tony has already done); 2. It makes Tony and JP think they are still in control and gives them the opportunity to make further mistakes; 3. It gives me the opportunity to make a clear record at the earliest possible opportunity and provides the opportunity for Nancy to advise Heather and James regarding the appropriate process under the civil rights laws. The way I read the EDR process, it doesn't even sound like the counseling process necessarily requires a full investigation. This way, I can put out my side early on and give Heather the evidence supporting my claims as soon as possible; and 4. It simply buys me more time.

Simultaneously, filing a motion with Chief Judge Gregory to (1) disqualify the Federal Defender under the provisions of the EDR process; and (2) move to extend the time to file a complaint for 180 days after the wrongful conduct investigation has concluded. The motion would be very short and will say that the basis for disqualifying the Federal Defender is that he is a subject of the wrongful conduct investigation and will be named in any formal complaint. The basis for extending the time to 180 days is that it will allow me to evaluate my options and to have time adequately to prepare a formal complaint, if needed. I will cite the Working Group Report recommending that the deadline for filing the complaint be extended to 180 days, not 30 days. At a minimum, this will buy me enough time to get admitted to the North Carolina Bar and to look for another job if I need to. It will also ensure I do not forfeit any of my rights on timeliness grounds.

3. My immediate next steps would be to respond to Tony's email and simply say, I am acknowledging receipt of your email and I look forward to meeting with Ms. Beam. Then, I would send James and Heather the longer version of the reply email you and I worked on, cc'ing Cait Clarke and Nancy Dunham. I would send it from my personal email account and ask that all further correspondence be through my personal email account to protect my confidentiality. Once I have done this, I will file the motion to disqualify and to extend time with Chief Judge Gregory. I would include my email to James and Heather as an exhibit to the motion.

What do you think?

Caryn

What do you think?

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**From:** Nancy Dunham <[Nancy\\_Dunham@ao.uscourts.gov](mailto:Nancy_Dunham@ao.uscourts.gov)>

**Sent:** Tuesday, August 21, 2018 7:53 PM

**To:** Caryn Devins

**Subject:** Confidential

Caryn,

All went extremely well today. I and my office will continue in the role of neutral advisor on the civil rights laws, informing you as a judicial employee as needed as well as advising AO and court management on the rights and responsibilities of employees and managers under our applicable judicial policy and laws. I will be in touch tomorrow to schedule time to talk and provide you with the applicable EDR plan as well as an opportunity to ask questions about wrongful conduct and EDR claims with the senior lawyer in my office.

Best,  
Nancy

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