



December 26, 2024

Correspondence From Attorneys

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Reference Number: CTAS-1410

Correspondence from an attorney cannot be opened outside the presence of a prisoner who has specifically requested otherwise. *Sallier*, 343 F.3d at 877-878 (“We find that the prisoner’s interest in unimpaired, confidential communication with an attorney is an integral component of the judicial process and, therefore, that as a matter of law, mail from an attorney implicates a prisoner’s protect legal mail rights. There is no penological interest or security concern that justifies opening such mail outside of the prisoner’s presence when the prisoner has specifically requested otherwise.”) (citation omitted). See also *Knop v. Johnson*, 977 F.2d 996, 1012 (6th Cir. 1992) (holding that a prisoner may not be required to designate ahead of time the name of the attorney who will be sending the prisoner confidential legal mail).

Correspondence from the attorney general’s office requires similar protection because of the potentially confidential nature of such correspondence. *Muhammad v. Pitcher*, 35 F.3d 1081, 1083 (6th Cir. 1994) (“The conclusion that mail from an attorney general to an inmate may be confidential should not be surprising, for courts have consistently recognized that ‘legal mail’ includes correspondence from elected officials and government agencies, including the offices of prosecuting officials such as state attorneys general.”) (citations omitted).

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