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**From:** jeffrey E. <jeevacation@gmail.com>  
**Sent:** Tuesday, November 18, 2014 7:51 PM  
**To:** Kathy Ruemmler  
**Subject:** Re:

I would be happy to sit with him,

On Tue, Nov 18, 2014 at 3:50 PM, Kathy Ruemmler <[REDACTED]<[REDACTED]>> wrote=

### DOJ Watchdog Wants Greater Attorney Ethics Oversight

Zoe Tillman,=Legal Times

November 18, 2014

Investigating allegations of attorney misconduct—and giving transparency to the process—continue to pose challenges for the U.S. Department of Justice, according to a new report <<http://www.justice.gov/oig/challenges/2014.htm>> by the department's independent inspector general.

Inspector General Michael Horowitz urged Congress to adopt legislation that would give his office more authority to investigate alleged misconduct by DOJ lawyers. That function is primarily carried out by the department's Office of Professional Responsibility.

"The OIG has long questioned the carrying out of this exclusive role for [the Office of Professional Responsibility] as it is managed as a component of the department, has no institutional independence, and lacks transparency in that it does not regularly release its reports and conclusions to the public," Horowitz wrote in the inspector general's annual report to Congress, which the office announced on Monday.

The Justice Department has long faced criticism for the lack of transparency when it comes to how officials handle complaints of attorney misconduct. The Office of Professional Responsibility in most cases keeps information about its investigations secret. It has occasionally releases public reports on high-profile matters, such as the firing of six U.S. attorneys in 2006 and the botched prosecution of Ted Stevens in 2008.

The office's most recent annual report said that in 2013 the office determined that 93 of the 819 complaints it received were worth additional review, and launched full investigations into 33 of those matters.

Under federal regulations, the inspector general's office can ask the deputy attorney general for permission to open an ethics investigation. That process "leaves the decision entirely to the department leadership and, in any event, requiring the OIG to seek the department's permission before undertaking an investigation compromises our independence," Horowitz wrote.

Sens. Mike Lee, R-Utah, and Jon Tester, D-Mont., introduced legislation in March <<http://www.lee.senate.gov/public/index.cfm/2014/3/lee-tester-introduce-bill-to-ensure-proper-investigations-at-doj>>

to remove the referral requirement, giving the inspector general's office full authority to initiate attorney misconduct investigation. The Senate Judiciary Committee has yet to act on the bill.

Lawmakers and the inspector general's office have credited the recent push on ethics and transparency to a report published earlier this year (<http://www.pogo.org/our-work/reports/2014/hundreds-of-justice-attorneys-violated-standards.html>) by the Project on Government Oversight. The study identified hundreds of ethics violations by DOJ attorneys and was critical of the lack of transparency surrounding the Office of Professional Responsibility's investigations.

A Justice Department representative could not immediately be reached for comment.

The inspector general's report identified seven overarching challenges facing the department: upholding public integrity, which included the issues with misconduct investigations; the state of the federal prison system; the balancing of civil liberties with national security concerns; enhancing cybersecurity; using a performance-based management system; oversight of law enforcement programs; and protecting taxpayer money.

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