



Office of the Attorney General
Washington, D. C. 20530

August 24, 1994

MEMORANDUM FOR ALL ASSISTANT ATTORNEYS GENERAL
AND UNITED STATES ATTORNEYS

FROM:

THE ATTORNEY GENERAL *[Signature]*

SUBJECT:

Professional Responsibility Advisory Board and
Professional Responsibility Officers

I am very pleased to announce an important new initiative to provide our attorneys with consistent training and guidance about professional responsibility issues. This initiative involves the formation of a Professional Responsibility Advisory Board in Washington, and the designation of at least one Professional Responsibility Officer in every District and litigating Division. To start this program on the right foot, I am asking you to designate some of your most talented attorneys to serve as Professional Responsibility Officers ("PROs") and attend the First Annual Conference of Professional Responsibility Officers in Washington on October 18 and 19, 1994.

As a result of the outstanding caliber of the Department's attorneys, most professional misconduct allegations prove to be unfounded. However, many Department attorneys have expressed concern about the absence of any central, organized process to provide advice and guidance about professional responsibility issues. While experienced attorneys in your offices often provide informal advice and many districts provide regular ethical training, the Department has not offered enough in the way of centralized training and guidance. In addition, the Department has suffered in its relationships with some bar associations because we have not given anyone official responsibility to deal with these issues on a continuing basis.

To address these problems, I am creating a Professional Responsibility Advisory Board to develop a formal training curriculum, review Department policies and revise them as appropriate, coordinate the Department's relationships with bar associations and ethics boards, and ensure that Department attorneys receive advice and, when necessary, representation.

Associate Deputy Attorney General David Margolis will serve as the initial chairperson of the Advisory Board. The Board will include the Assistant Attorneys General for the Criminal and Civil Divisions and the Office of Legal Counsel, a representative

of the Attorney General's Advisory Committee of U.S. Attorneys, the Inspector General, the Counsel for the Office of Professional Responsibility, the Director of the Executive Office for U.S. Attorneys, and the Department's Designated Agency Ethics Officer.

The Office of Legal Counsel and the Civil and Criminal Divisions will provide career staff for the Advisory Board. The staff will research controversial ethical issues, review and recommend revisions to Department policies, and work with PROs and state and local ethics boards to explain, promote, and defend the Department's policies. The staff also will review proposed Bar Association ethical rules, to provide the Department's perspective. Finally, the staff will answer ethical questions from PROs throughout the country and assist attorneys who are targets of unjustified charges of ethical misconduct.

Each U.S. Attorney should designate at least one Assistant U.S. Attorney to serve as the District's Professional Responsibility Officer. Those with more than 30 Assistants should designate two PROs -- one for criminal and one for civil matters. In addition, each litigating Division of Main Justice should designate two PROs. The PROs will provide training and advice about professional ethics to their colleagues and serve as liaisons with the Board in Washington as well as with state and local ethics officials.

Your PROs should be experienced attorneys with a great deal of energy and enthusiasm, and an interest in and deep commitment to professional ethics. Ideally, they will be active litigators who already have expressed an interest in ethics, for example, by teaching legal ethics or serving on an ethics board. The advice-giving function of PROs is not intended to supplant your ultimate responsibility for determining what conduct is appropriate for your attorneys. Thus, your PROs need not be supervisors; indeed, designating a PRO who is free of other administrative responsibilities may have distinct advantages.

The PROs will be expected to keep up with developments in ethical rules of their districts and be available for consultation in fast-breaking situations. The responsibilities of the PROs will differ from those of the existing Deputy Designated Agency Ethics Officials ("DAEOs"), who provide advice about government-wide standards of conduct. While it may make sense in many districts to combine the PRO and DAEO functions, I urge you to choose as your PROs litigators without significant supervisory duties.

Each year, the Board and the PROs will meet with the Attorney General to discuss Department policies and ethical issues. Our first such conference will occur this fall, on October 18 and 19, in Washington, DC.

The agenda for the first PRO Conference includes sessions on substantive ethical issues and explanations of the Department's professional responsibility process. These sessions will be led by Department attorneys from across the country. We will also hear from federal judges and private defense attorneys. In addition, Deputy Attorney General Jamie Gorelick and I will meet with the PROs. This will be a hard-working meeting; it will begin at 8:00 a.m. on October 18 and end, after a closing reception, at 7:00 p.m. on October 19.

When the PROs return to your offices, they will conduct training sessions for their colleagues, using the materials they receive at the Conference and drawing upon the additional expertise of their colleagues. Videotapes of select lectures will also be made available.

I am personally committed to this program, and I am counting on your full support in implementing it.

Please select the appropriate number of PROs for your office, and submit the names via fax by September 6, 1994 to Amy Lederer, Assistant Director, Office of Legal Education, Room 7600, Bicentennial Building, 600 E Street NW, Washington, DC 20530. (Tel: 202/616-6700; Fax: 202/616-6476). The attached designation form should be used.

I look forward to meeting your Professional Responsibility Officers on October 18.

Attachment