



Office of Inspector General
United States Department of State

September 2, 2021

Nikhel Sus
Citizens for Ethics in Washington
1101 K St NW STE 201
Washington, DC 20005

SUBJECT: OIG Freedom of Information Act Litigation 1:21-cv-00626
Request No. 2020-F-051
Second Interim Response

Dear Mr. Sus:

On March 3, 2021 Citizens for Ethics in Washington (CREW) filed a complaint in the District Court of the District of Columbia, docket number 1:21-cv-00626. The Complaint identified three Freedom of Information Act (FOIA) requests sent to Department of State (DOS) Office of Inspector General (OIG) and one FOIA request sent to the Department of State (the Department) as subject to the complaint due to constructive denial. Plaintiff identified FOIA Request Number 2020-F-051 in paragraphs 23 of the Complaint and is the sole subject of this Second Interim Response. DOS OIG anticipates making additional interim responses as review of records continues.

FOIA Request No 2020-F-051 (formerly identified as 2020-218) was received and acknowledged by DOS OIG on May 18, 2020. This Request Sought:

1. All records from April 1, 2020 to the date this request is processed concerning any inquiry, review, analysis, or receipt by the State Department's Office of Inspector General ("OIG") of Secretary of State Mike Pompeo's potential misuse of State Department Employees or resources to perform personal tasks on behalf of himself or his family members. This request includes without limitation any responsive communications between the OIG and any other State Department office or component, including the Office of the Secretary.
2. All records from April 1, 2020 to the date this request is processed concerning the potential or actual termination, removal, or replacement of Inspector General Steve Linick

DOS-OIG conducts independent investigations, audits, inspections, and evaluations of DOS personnel, programs, and operations to detect and deter waste, fraud, and abuse, and to promote integrity, economy, and efficiency within the Department. In response to this request, DOS OIG searched the OIG's Office of Investigations, Office of Evaluations and Special Reviews, and Front Office. For this second interim response, DOS OIG identified 40 pages of records responsive to your request that were reviewed under the FOIA to determine whether they may be disclosed to you. Based on that review, this office is providing the following:

35 page(s) are released in full or in part;

5 page(s) are withheld in full;

OIG redacted from the enclosed documents, names and identifying information of third parties to protect the identities of these individuals. Absent a Privacy Act waiver, the release of such information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the Privacy Act. Information is also protected from disclosure pursuant to Exemptions of the FOIA discussed below.

This search also identified one report as responsive to your request. Please be advised that the report is publicly available on the OIG website at: [Review of Allegations of Misuse of Department of State Resources \(stateoig.gov\)](https://www.stateoig.gov/review-of-allegations-of-misuse-of-department-of-state-resources).

Exemption 3, 5 U.S.C. § 552(b)(3)

Exemption 3 protects "information specifically exempted from disclosure by [another] statute." 5 U.S.C. § 552 (b)(3). In this instance 5 U.S.C. § 552 (b)(3)(b). In this instance Section 7 of The Inspector General Act of 1978, as amended and 41 U.S.C. 4712(b)(3) exempt from disclosure identifying information related to complaints without the individual's consent exempts from disclosure. Accordingly, DOS-OIG is withholding information identifying to the complainant(s).

Exemption 5, 5 U.S.C. § 552(b)(5)

Exemption 5 of the FOIA protects "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." 5 U.S.C. § 552(b)(5). DOS-OIG is invoking the deliberative process and/or attorney client privilege of Exemption 5 to protect information that falls within that privilege's domain

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of "personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6)(emphasis added). DOS-OIG is invoking Exemption 6 to protect the names of lower level investigative staff, third parties, subjects and any information that could reasonably be expected to identify such individuals.

Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes . . . [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). DOS-OIG is invoking Exemption 7(C) to protect the names of lower level investigative staff, third parties, subjects and any information contained in these investigative records that could reasonably be expected to identify those individuals.

Exemption 7(D), 5 U.S.C. § 552(b)(7)(D)

Exemption 7(D) protects records or information compiled for law enforcement purposes, the release of which could reasonably be expected to disclose the identities of confidential sources. 5 U.S.C. § 552(b)(7)(D). DOS-OIG is invoking Exemption 7(D) to protect information that could reasonably be expected to identify confidential informants and information furnished by those individuals.

Appeal

Although I am aware that your request is the subject of ongoing litigation and appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal.¹ If you choose to file an administrative appeal it must be received within 90 days of the date of this response. Please address any appeal to:

Appeals Officer
Appeals Review Panel
Office of Information Programs and Services
U.S. Department of State
State Annex 2 (SA-2)
515 22nd Street, NW
Washington, DC 20522-8100
Facsimile: 202-261-8571

Both the envelope and letter of appeal should be clearly marked, “Freedom of Information Act/Privacy Act Appeal.” Your appeal letter should also clearly identify the DOSOIG’s response. Additional information on submitting an appeal is set forth in the DOS regulations at 22 C.F.R. § 171.13.

Assistance and Dispute Resolution Services

For further assistance and to discuss any aspect of your request you may contact DOSOIG’s FOIA Public Liaison at:

FOIA Officer
Office of General Counsel
Office of Inspector General
U.S. Department of State
1700 North Moore Street
Suite 1400
Arlington, VA 22209
foia@stateoig.gov

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

/s/ Jillian M. Clouse

Jillian M. Clouse
Assistant Counsel to the Inspector General

Enclosure

OIG Hotline Submission Form

----- CONFIDENTIALITY -----

Submit as anonymous: yes

Willing to waive confidentiality: no

----- COMPLAINT INFORMATION -----

Location of incident: Office of Secretary of State

Dates of incident: Ongoing

Types of waste/fraud/abuse: conflict of interest ethics violations; employee misconduct; other

Summarize incident: Secretary of State Pompeo asked the President of the United States to terminate State OIG Linick because State OIG was conducting multiple investigations into misconduct of the Secretary of State. This firing is retaliatory and unlawful.

Name of company or individual responsible for incident: Pompeo

Title of person responsible: Secretary of State

Do you have further evidence: no

----- DOES ANYONE ELSE KNOW ABOUT THIS INCIDENT? -----

----- ADDITIONAL INFORMATION -----

Any other details: State OIG must remain independent and investigate this and all other cases and now allow the Secretary of State or President to interfere with its independence.

-----Original Message-----

From: (b) (6), (b) (7)(C)
Sent: Tuesday, May 19, 2020 8:58 AM
To: David Holmes <David.E.Holmes@stateoig.gov>
Subject: <DOS>FW: VOA Persian service

Good morning,
Dave, for the VoA Persian Service Hotline File record.

Sincerely,

(b)

-----Original Message-----

From: (b) (6), (b) (7)(C)
Sent: Monday, May 18, 2020 2:34 PM
To: (b) (6), (b) (7)(C)
Subject: VOA Persian service

Thank God that brave President Trump is at the WH to drain the swamp. Due to very corrupt OIG (Steve Linick) all complains regarding VOA Persian service have been brushed under the rug. I am very glad that finally president Trump fired Steve Linick. Very soon corrupt Amanda will be gone too.

(b)

Sent from my iPhone



OFFICE OF INSPECTOR GENERAL

U.S. Department of State

Hotline Actions H20191838: Pompeo, Michael R.

1. Initiate Preliminary Inquiry Opening

Grossman, Brian - 10/16/2019 09:51:20 AM

Converted to P2020010.

2. General Comment

Grossman, Brian - 10/09/2019 09:10:25 AM

(b) (5)

3. General Comment

Grossman, Brian - 10/09/2019 09:08:56 AM

AIGI Ryan and DAIGI Grossman briefed results of interview to IG.

4. General Comment

Grossman, Brian - 10/09/2019 09:08:03 AM

DAIGI Grossman, AIGI Jeff McDermott and AIGI Dave Stewart conducted interview of

(b) (7)(D), (b) (3) (B), (b) (6) in Room 822, SA-39. See MOI for details.

5. General Comment

Grossman, Brian - 10/04/2019 07:55:20 AM

(b) (5)

6. General Comment

Grossman, Brian - 10/04/2019 07:44:18 AM

(b) (3) (B), (b) (6), (b) (7)(D) interview scheduled for Friday, Oct 4, 2019 @ 10:30 at the OIG / 8th floor. Interview to be conducted by DAIGI, Jeff McDermott, and Dave Stewart.

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Hotline Actions H20191838: Pompeo, Michael R.

7. General Comment

Grossman, Brian - 10/04/2019 07:42:22 AM

Sent (b) (7)(D), (b) (3) (B), (b) (6) requesting interview.

8. General Comment

Holmes, David - 09/18/2019 08:46:25 AM

(b) (5)

9. Referred to INV Staff

Holmes, David - 09/10/2019 10:48:04 AM

(b) (6), please ask the (b) (7)(D), (b) (7)(D), (b) (3) (B), (b) (6) to provide specific details (b) (7)(D), (b) (3) (B), (b) (6).
(b) (7)(D), (b) (3) (B), (b) (6).
(b) (7)(D), (b) (3) (B), (b) (6).
Once received, (b) (5)

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OFFICE OF INSPECTOR GENERAL
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Hotline Intake
H20200144

OIG Hotline Submission Form

----- **CONFIDENTIALITY** -----

Submit as anonymous: no

Willing to waive confidentiality: no

----- **YOUR INFORMATION** -----

Name: (b) (6), (b) (7)(D), (b) (3) (B)

E-mail: (b) (6), (b) (7)(D), (b) (3) (B)

Phone number: (b) (6), (b) (7)(D), (b) (3) (B)

----- **COMPLAINT INFORMATION** -----

Location of incident: Harry S. Truman Building, Washington, DC

Dates of incident: October 18, 2019

Types of waste/fraud/abuse: conflict of interest ethics violations; other

Summarize incident: I am a (b) (6), (b) (3) (A), (b) (3) (B), (b) (7)(D)
at the U.S. Department of State.

(b) (6) [redacted] The email was [redacted]
entitled "EB TASKER by noon: TLMs for BG Products fireside chat." (b) (6)
(b) (6) [redacted] (b) (3) (A), (b) (3) (B), (b) (6), (b) (7)(D) [redacted]

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**Hotline Intake
H20200144**

Here is the text of the original email:

--begin text of email--

"Hello EB colleagues, S will be the guest speaker at the fireside chat at BG Products' 48th International Convention next week. Please draft cleared responses to the following questions in the format of cleared TLMs by noon tomorrow. We just received this from the Secretary's team and they want these responses tomorrow. If these questions do not pertain to EB, we appreciate your assistance in forwarding them on the correct offices to seek their responses.

- BG Products along with other manufacturers that export their American-made products outside the United States are significantly affected by tariffs or Value Added Taxes, VAT, either themselves or by their distributors in country. These additional costs put the manufacturers and their networks at a significant disadvantage. The China tariff issue has highlighted the United States pushing back. How do you see this playing out long term?

- o Do you think the United States will go after other countries for fair trade in the same fashion?

- As you know, the BG business is heavily based on combustion engines and related products. Many think these engines are linked to climate change and this has become a huge talking point as of late and likely in the 2020 elections. What do you think about the race to eliminate fossil fuels, coal power plants, and cattle?

- One of the largest industries in Kansas is oil drilling and production. In the past, drilling has been stifled both on and offshore in the United States. The current administration has reversed many of the regulations and made us self-sustainable. What do we need to do in years to come to be less reliant on foreign oil?"

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**Hotline Intake
H20200144**

--end text of email--

The questions in the tasker seemed strange to me. They did not seem like questions a State Department official would write. To better understand the tasker, I called the person who sent the original email, but she did not have additional information.

I did some online research and found very little information about the event (except an EventBrite page to register for the event: <https://www.eventbrite.com/e/bg-convention-48-registration-63970119349>). I called BG Products (1-800-961-6228) to try to get a sense for what kind of event this would be. On the call, the BG Products rep said she could not share details of the event with me; she encouraged me to contact the local BG Products distributor. I tried to reach the local distributor, but no one picked up at the number she gave me (301-423-5888).

(b) (3) (B), (b) (6), (b) (7)(D)

(b) (5)

(b) (5)

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**Hotline Intake
H20200144**

(b) (6) I contacted suggested I could reach out to the OIG to voice my concerns appropriately.

How do you know this incident occurred: Email and phone calls

Do you have further evidence: no

----- **DOES ANYONE ELSE KNOW ABOUT THIS INCIDENT?** -----

----- **ADDITIONAL INFORMATION** -----

Any other details: Several people were tasked with the same assignment.

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OFFICE OF INSPECTOR GENERAL
U.S. Department of State

**Hotline Intake
H20191838**

OIG Hotline Submission Form

----- CONFIDENTIALITY -----

Submit as anonymous: no

Willing to waive confidentiality: no

----- YOUR INFORMATION -----

Name: (b) (6), (b) (7)(D), (b) (3) (B)

E-mail

Phone number: (b) (6), (b) (7)(D), (b) (3) (B)

----- COMPLAINT INFORMATION -----

Location of incident: Washington, DC, other locations in the U.S. including New York and Florida, and overseas during official travel by the Secretary

Dates of incident: January-August 2019; ongoing

Types of waste/fraud/abuse: false statements claims; conflict of interest ethics violations; employee misconduct; other

Summarize incident: (b) (3) (B), (b) (6), (b) (7)(D)

directly witnessed and/or heard numerous firsthand accounts from those I supervised of the

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OFFICE OF INSPECTOR GENERAL

U.S. Department of State

Hotline Intake
H20191838

following behavior by the Secretary of State and his senior (career) staff:

- Potential unauthorized use of government funds and resources, including hundreds or thousands of USDH personnel hours, to staff and support travel by the spouse of the Secretary of State (and on one occasion) the spouse of the Counselor), including travel that appeared to be primarily for personal rather than official events;

- False or misleading statements, including to the Office of the Legal Advisor, about the role and work requirements of a Schedule C official who is described as a senior advisor to the Secretary but whose full-time job is to support his spouse;

- Potential misuse of government funds and orders to USDH personnel to staff and support meetings and events by the Secretary of State that may have been prohibited under the Hatch Act, including meetings with political consultants, strategists, and donors;

- Direction by senior career officials to their subordinates, including junior career foreign and civil service staff, not to use email, discuss with Department lawyers, or otherwise communicate about these matters in writing to avoid potential associated FOIA requests or litigation;

- Verbally abusive and unprofessional behavior by the Secretary and his spouse that created a climate of fear within his office and the broader Executive Secretariat, which likely contributed to a number of these issues going unaddressed.

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U.S. Department of State

**Hotline Intake
H20191838**

Name of company or individual responsible for incident: Secretary Pompeo and his senior staff in the Executive Secretariat (S/ES)

Title of person responsible: Office of the Secretary

How do you know this incident occurred: (b) (3) (B), (b) (6), (b) (7)(D)

[Redacted]

Do you have further evidence: yes

----- DOES ANYONE ELSE KNOW ABOUT THIS INCIDENT? -----

Does anyone else know about this incident: (b) (6)

[Redacted]

Title of other person: (b) (6)

[Redacted]

How other person knows of incident: These individuals traveled with the Secretary and witnessed these issues firsthand. Some of them also traveled with his spouse.

----- ADDITIONAL INFORMATION -----

Any other details: Several senior career Foreign Service officials who held positions of responsibility within the Executive Secretariat were made aware of these concerns on repeated occasions between December 2018 and July 2019. To my knowledge, none of them ever took action to resolve the issues, and several of them specifically directed subordinate staff to continue

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**Hotline Intake
H20191838**

facilitating questionable activities after the concerns were raised. Working-level officials in the Office of the Legal Advisor were also made aware of the issues; they expressed concern that some of these activities may have violated Hatch Act or other regulations. I am unaware that any resolution was reached, potentially because senior officials in the Executive Secretariat repeatedly declined to seek clarification or guidance from L despite requests from subordinates to do so.

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Office of Inspector General
United States Department of State

Sensitive but Unclassified

Case Closing Memorandum

To: INV FILE

From: Brian Grossman, Deputy Assistant Inspector General for Investigations

Thru: Michael T. Ryan, Assistant Inspector General for Investigations

Subject: Closing Memorandum for C2020029

SUBJECT

Name: POMPEO, Michael E.

Associated Entity: US Department of State

Grade/Position: Secretary of State

Address: 2201 C Street, NW; Washington, D.C 20520

Statutes, Regulations, Policies:

5 CFR § 2635.705(b) - Use of a subordinate's time

BASIS FOR INVESTIGATION

OIG initiated this investigation based upon information received that reported various allegations of misconduct by Secretary of State Michael E. Pompeo. The allegations reported to OIG included the following:

- Potential unauthorized use of government funds and resources, including hundreds or thousands of USDH personnel hours, to staff and support travel by the spouse of the Secretary of State (and on one occasion the spouse of the Counselor), including travel that appeared to be primarily for personal rather than official events;

Page 1 of 2

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- False or misleading statements, including to the Office of the Legal Advisor, about the role and work requirements of a Schedule C official who is described as a senior advisor to the Secretary but whose full-time job is to support his spouse;
- Potential misuse of government funds and orders to USDH personnel to staff and support meetings and events by the Secretary of State that may have been prohibited under the Hatch Act, including meetings with political consultants, strategists, and donors;
- Direction by senior career officials to their subordinates, including junior career foreign and civil service staff, not to use email, discuss with Department lawyers, or otherwise communicate about these matters in writing to avoid potential associated FOIA requests or litigation;
- Verbally abusive and unprofessional behavior by the Secretary and his spouse that created a climate of fear within his office and the broader Executive Secretariat, which likely contributed to a number of these issues going unaddressed.

DETAILS OF THE INVESTIGATION

OIG’s Office of Investigations (INV) provided assistance to the Office of Evaluations & Special Projects (ESP) to include participating in two Department employee interviews and conducting a review of official Department emails from a Department employee.

DISPOSITION

On or about July 15, 2020, a decision was made that ESP would continue this administrative investigation without the need for further support from INV.

This matter is closed to file.

Prepared By:

BRIAN
GROSSMAN

Brian Grossman
Deputy Assistant Inspector General
for Investigations

(b) (6), (b) (7)(C)
[Redacted signature]

Approved By:

MICHAEL
RYAN

Michael T. Ryan
Assistant Inspector General for
Investigations

(b) (6), (b) (7)(C)
[Redacted signature]

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(b) (6)

From: (b) (6)
Sent: Thursday, May 21, 2020 7:14 AM
To: Kevin Donohue
Subject: RE: <EXT>Watchdog Probes Threatened In Face Of Firings
Attachments: Watchdog Probes Threatened In Face Of Firings - Law360.pdf

From: Kevin Donohue (b) (6)
Sent: Thursday, May 21, 2020 7:09 AM
To: (b) (6)
Subject: FW: <EXT>Watchdog Probes Threatened In Face Of Firings

(b) (6)

Ack!!!! I need this first article!!
Thanks 😊
Kevin

From: Government Contracts Law360 <news@law360.com>
Sent: Thursday, May 21, 2020 4:47 AM
To: Kevin Donohue (b) (6)
Subject: <EXT>Watchdog Probes Threatened In Face Of Firings



GOVERNMENT CONTRACTS

Thursday, May 21, 2020



TOP NEWS

Analysis

Watchdog Probes Threatened In Face Of Firings

President Donald Trump's recent firings of inspectors general won't directly stop any investigations by their offices, but may have a chilling effect on watchdogs' most contentious work down the line.

[Read full article »](#)

DOD Tech Unit Signs Cloud Cybersecurity Deal With Google

The U.S. Department of Defense's technology outreach unit has signed a deal to use a Google cloud management system to respond to cybersecurity threats, Google announced Wednesday, as the DOD increasingly moves its information technology platforms to the cloud.

[Read full article »](#)

House Homeland Security Chair Slams \$1.3B Border Wall Deal



LAW FIRMS

Akerman LLP
Arnold & Porter
Baker Botts
BakerHostetler
Boies Schiller

The Trump administration faced more heat Wednesday for awarding a \$1.3 billion contract for border wall construction to Fisher Sand & Gravel, President Donald Trump's preferred construction company that is currently under government investigation.

[Read full article »](#)

POLICY & REGULATION

Advocacy Groups Decry New Trump Deregulatory Move

Environmental and other advocacy groups say more harm than good will come from President Donald Trump's executive order that instructs agencies to work faster to reduce regulations and cut more red tape to help the economy rebound.

 [Order attached](#) | [Read full article »](#)

LITIGATION

3rd Circ. Says Ex-Engineer Too Late On Defamation Claims

The Third Circuit on Wednesday upheld a ruling tossing out a \$3.5 million verdict against a defense contractor for allegedly defaming a former engineer who was accused of threatening her supervisors, finding that the ex-employee's defamation claims were filed too late.

 [Opinion attached](#) | [Read full article »](#)

Shell, Exxon Units Want Amici Bids Nixed In \$2.7B Award Spat

Units of ExxonMobil Corp. and Royal Dutch Shell PLC are urging the Second Circuit not to allow Nigerian government entities to weigh in on their bid to enforce an annulled \$2.7 billion arbitral award against Nigeria's state-owned oil company, which they won following a dispute over a deepwater drilling deal.

 [Memorandum attached](#) | [Read full article »](#)

Blackwater Founder Targets Intercept With Defamation Suit

Blackwater Founder Erik Prince has sued The Intercept for defamation over an article the publication ran alleging Prince offered military services to a Russian mercenary outfit that's under U.S. sanctions, according to documents filed Tuesday in Wyoming federal court.

 [Complaint attached](#) | [Read full article »](#)

Sierra Club Tells 9th Circ. Ruling Dooms Border Wall Funds

The Sierra Club has told the Ninth Circuit that a recent ruling blocking the federal government from pushing its immigration policies on sanctuary cities through a grant program supports the group's position that the Trump administration can't unilaterally transfer money for southern border wall construction.

 [Letter attached](#) | [Read full article »](#)

Submarine Co. Waited Too Long To File Claims Against Navy

A company contracted to make nuclear submarines for the U.S. Navy can't request payment for extra costs incurred as a result of new fire safety regulations because it was too late in filing its claim for a price adjustment, the Federal Circuit ruled.

 [Opinion attached](#) | [Read full article »](#)

EXPERT ANALYSIS

Bradley Arant
Chaffetz Lindsey
Cohen Placitella
Compass Rose Legal Group
Cooley
Corrs Chambers
Crowell & Moring
DLA Piper
Damian & Valori
Davis Goldberg
Dorsey & Whitney
Fish & Richardson
Foley Hoag
Freshfields
Gibbons PC
Gibson Dunn
Hall Estill
Jenner & Block
Jomarron Lopez
King & Spalding
Kirkland & Ellis
Kramer Levin
Leon Cosgrove
Levine Kellogg
Littler Mendelson
Marshall Dennehey
Mitchell Silberberg
Monico & Spevack
Motley Rice
One Essex Court
Pence MacMillan
Quinn Emanuel
Rajah & Tann
Skiermont Derby
Slaughter and May
Squire Patton Boggs
Stradley Ronon
Tribler Orpett
Tully Rinckey
Wagstaffe von Loewenfeldt
Willkie Farr
Womble Bond Dickinson

COMPANIES

ASRC Federal Holding Co.
Amazon.com Inc.

Contingent Fees A Great Option For Cos. During Downturn

In-house counsel may assume that "elite" law firms will turn up their noses at the idea of contingent fees, but such arrangements, whether pure or hybrid, are offered by many firms — even to defendants — and may be the answer to tight litigation budgets, say attorneys at Fish & Richardson.

[Read full article »](#)

The Role Of Remote Mediation After The Crisis Is Over

When the dark cloud of COVID-19 has passed and resolution centers are once again peopled with warring parties and aspiring peacemakers, remote mediations will likely still be common, but they are not going to be a panacea for all that ails the dispute resolution industry, says Mitch Orpett at Tribler Orpett.

[Read full article »](#)

LEXIS PRACTICE ADVISOR

7 Steps To Romancing The Virtual Classroom

For professors, trainers, lawyers, students and businesses grappling with the unexpected challenges of distance learning, trial attorney and teacher James Wagstaffe offers best practices for real-time online instruction.

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LEGAL INDUSTRY

Dorsey & Whitney Lays Off Attorneys And Staff, Reduces Pay

Dorsey & Whitney LLP is laying off a "limited number" of staff and attorneys across its U.S. and international offices and temporarily reducing pay for others by as much as 20% in an effort to address the impacts of the coronavirus pandemic, the firm announced late Tuesday.

[Read full article »](#)

BakerHostetler, Kramer Levin Shorten Summer Programs

BakerHostetler and Kramer Levin Naftalis & Frankel LLP are among the latest law firms to adjust their summer associate programs due to the COVID-19 pandemic, on Wednesday confirming they had reduced this year's programs to four weeks and five weeks, respectively.

[Read full article »](#)

Women Justices Cut Off More, Spoke Less In Phone Hearings

Women justices participating in the U.S. Supreme Court's first-ever teleconference hearings were interrupted significantly more often than their male colleagues and were given less overall speaking time, according to a report published Tuesday.

[Read full article »](#)

Michael Cohen Gets Home Confinement Amid Pandemic Fears

The U.S. Bureau of Prisons has decided that President Donald Trump's former lawyer Michael Cohen won't have to serve the rest of his three-year prison sentence behind bars due to concerns related to COVID-19, according to multiple media reports Wednesday.

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NY Courts To Allow New Lawsuits Next Week

New York will allow new lawsuits to be electronically filed statewide starting Monday, reopening the high-traffic courts of New York City and surrounding counties to new "nonessential" matters for the first time since the COVID-19 pandemic shut them down.

[Read full article »](#)

NY Judge Won't Require In-Person Testimony In IP Bench Trial

A New York federal judge said Wednesday she won't require witnesses to testify in person in an upcoming July bench trial over a patent dispute between two drugmakers involving the nighttime urination medication Nocturna, noting that many witnesses in the case are older people who are skittish about traveling.

[Read full article »](#)

The New Normal In SDNY Will Include 'Lots Of Plexiglass'

As the COVID-19-stricken greater New York City area inches toward reopening for business, a platoon of workers at the Southern District's federal courthouses is readying a transformation that will include enhanced social distancing for jurors, controlled access and clear barriers to shield workers and trial witnesses.

[Read full article »](#)

Judges Prefer Zoom And WebEx As Courtrooms Go Virtual

Zoom and WebEx are the online platforms of choice for judges throughout the country in the midst of the COVID-19 pandemic, according to the National Judicial College's polling of hundreds of judges.

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Legal Service Firm Drops COVID-19 Loss Suit Against Insurer

Magna Legal Services LLC said it will drop a suit against Hartford Fire Insurance Co. alleging it wrongfully denied coverage for business losses because of state-mandated closures amid the COVID-19 pandemic.

[Read full article »](#)

Dems Denounce 5th Circ. Pick Over ACA, Citing Pandemic

Democratic senators on Wednesday assailed a former Mississippi Republican lawmaker tapped for the Fifth Circuit over his strident attacks on the Affordable Care Act, arguing that the coronavirus pandemic made his nomination inappropriate, as the chamber also confirmed district court picks for Alabama and Oklahoma.

[Read full article »](#)

Trump Taps Kirkland Alum For Alabama Trial Court

President Donald Trump on Wednesday announced his selection for an Alabama federal court, tapping a 35-year-old former Kirkland & Ellis LLP partner who currently serves as the state's solicitor general to replace another Trump pick who was elevated to the Eleventh Circuit.

[Read full article »](#)

Firms Ask 11th Circ. To Lift Block On Fee Claim In Fraud Case

Law firms Leon Cosgrove LLP and Mitchell Silberberg & Knupp LLP told the Eleventh Circuit on Wednesday that a lower court erred by approving a prohibition against their pursuing payment from an insurance company when it signed off on a settlement agreement in an SEC fraud suit against their former client.

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Freshfields Forms German Ethics Panel After Tax Scandal

The German practice of Freshfields Bruckhaus Deringer has said it is forming an ethics committee and will create a formal code of ethics in a push to rebuild the company's reputation after it came under scrutiny during a tax evasion scandal.

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FirstEnergy Names New Chief Legal Officer

FirstEnergy Corp. announced Tuesday that it is promoting general counsel Robert Reffner to the role of senior chief legal officer and is moving two other top members of its in-house legal team into new positions.

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Law Firm Leaders: Marshall Dennehey's G. Mark Thompson

G. Mark Thompson has served as president and CEO of Marshall Dennehey Warner Coleman & Goggin PC for just over two years and has spent the last two decades of his career at the law firm. Here, Thompson chats with Law360 about how he has approached handling the coronavirus crisis at Marshall Dennehey, which is beginning to reopen in several states, as well as his goals for the firm's future.

[Read full article »](#)

Legal Tech Download: Layoffs, Litigation And New Funding

The world of legal technology is evolving quickly, with new products coming to market in rapid succession. Here, Law360 takes a look at six recent developments.

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Analysis

Watchdog Probes Threatened In Face Of Firings

By [Daniel Wilson](#)

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Law360 (May 20, 2020, 7:42 PM EDT) -- President Donald Trump's recent firings of inspectors general won't directly stop any investigations by their offices, but may have a chilling effect on watchdogs' most contentious work down the line.

Trump has recently fired several inspectors general for reasons related to their job performance or policy concerns. But the president's May 15 ouster of watchdogs at the U.S. Departments of State and Transportation have been more explicitly linked to specific probes, prompting concern from Democrats, among others, that the firings may be intended to protect the subjects of those investigations .

But removing those IGs won't by itself halt the contentious probes. Although there is a broad public perception that the inspector general plays a big role in the most high-profile or sensitive investigations conducted by their offices, they do not have a significant hand in actual investigations, said [Compass Rose Legal Group PLLC](#) partner Chuck McCullough, an inspector general of the intelligence community during the Obama administration.

"The investigations that were ongoing aren't going to stop," he said. "There are several layers between the IG and those who decide what gets investigated — you have senior executives that manage that for you."

Instead, the removal of IGs is more likely to create a chilling effect for potential future probes touching on politically contentious issues.

State Department Inspector General Steve Linick's removal, according to congressional Democrats, came as his office is investigating Secretary of State Mike Pompeo's alleged use of staff for personal errands, as well as the administration's [use of emergency authority to sell arms](#) to Saudi Arabia .

And former acting Transportation Department Inspector General's Mitch Behm's office is pursuing an investigation launched by his predecessor into whether Transportation Secretary Elaine Chao had given preferential treatment to Kentucky, the home state of her husband Senate Majority Leader Mitch McConnell.

"I think most [IGs and their staff] thought that as long as they did their jobs capably, and were independent and objective ... as long as they did their job responsibly, they would keep their jobs," said Michael Bromwich, founder of crisis management and strategic advisory firm The Bromwich Group and a former [U.S. Department of Justice](#) inspector general during the Clinton administration. "I think that is now very much in question ... [for] anything that may have political sensitivities associated with it."

IGs could ask staff to "round the language" of investigative or audit reports — taking off sharp edges — or give agencies a chance to fix issues ahead of a report being released, or may even go even further, said Dan Meyer, managing partner at [Tully Rinckey PLLC](#), who worked in various OIGs during the Obama and George W. Bush administrations.

"Taken to an extreme [there is] reverse-engineering, where you start with a conclusion already in mind that an agency's going to pass that audit, and then reverse engineer your audit or investigation to get to the answer you want," he said. "That's where the chief evil comes, and the president probably has no idea that that's what he's unleashing, because he's not deep in the nuances of federal oversight, but that's where the dangers come."

More contentious investigations may also be blunted by replacing Senate-appointed IGs with acting IGs, simply because of the natural caution that many acting officials exercise, former officials said.

Although some acting IGs stay in the role for a long time — like Glenn Fine, the [recently ousted acting U.S. Department of Defense IG](#) who had been in the role since 2016 after a previous decade-long stint as DOJ IG — and can grow more confident and assertive over time, others see their role largely as keeping the seat warm for a few months.

They can be leery of complicating matters for a new permanent IG that they may have to work alongside as a deputy in future, or of potentially losing that permanent job.

"An acting IG, regardless of how good the person is, is going to be somewhat hesitant to do [certain things] because their position is precarious and they don't have the protections, as we just found out with the acting IG at HHS," said Eric Feldman, a senior vice president at independent monitoring firm Affiliated Monitors Inc. who served as [National Reconnaissance Office](#) inspector general during the George W. Bush administration.

Feldman was referring to [U.S. Department of Health and Human Services](#) acting IG Christi Grimm, who was removed from her role and sent back to her position as principal deputy IG on May 2 after issuing a report on shortages of medical supplies at hospitals during the COVID-19 pandemic. Trump had called the report "wrong" and suggested it was politically motivated.

There is also a perceived moral authority or legitimacy that comes along with Senate confirmation that affects how an acting IG is viewed and may feel, even though they have the same legal authority as a permanent IG.

"It's a matter of psychology and it varies from person to person ... but generally speaking acting inspectors general feel less empowered to take on the most hot button issues precisely because that — they're in an acting capacity and they know full well that they can well be removed if they displease those that are ultimately in a position to remove them," said [Squire Patton Boggs](#) partner Clark Ervin, an inspector general for three agencies during the George W. Bush administration.

Permanent IGs can be removed by the president with 30 days' notice to Congress and a related explanation; acting IGs can be immediately removed.

Feldman said he was fearful that the apparent willingness of the Trump administration to dismiss IGs for political reasons may "permanently damage the whole concept of having an independent inspector general."

While the protections for permanent IGs are thin — removal by the president does not have to be for cause — they previously worked under an implicit understanding that lawmakers or public uproar would protect them from an "unjustified or retaliatory" firing, which is no longer the case, he said.

What is unlikely to be affected by the removal of any IG, however, is the more mundane or routine parts of the work of their offices, which include a pile of statutorily mandated or congressionally directed reports and which account for about 80% to 90% of OIGs' mandated work of rooting out "fraud, waste and abuse," such as wasteful agency spending.

"The work will go on because of the vast number of dedicated career employees in the IG's office," said Mary Schiavo, a member of [Motley Rice LLP](#) and a Transportation Department inspector general during the George H.W. Bush and Clinton administrations. "There are always some who like to stir the pot among even the career employees ... so there will be a bit of disruption, but the lion's share of work will go on, just as it always has, whether or not the IG got fired."

--Editing by Adam LoBelia.

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(b) (6)

From: (b) (6)
Sent: Monday, May 18, 2020 4:13 PM
To: (b) (6)
Cc:
Subject: <EXT>RE: BREAKING NEWS: State Department inspector general fired

How interesting. I have no idea if USAGM ever pushed for its own IG. I would think that would be something more in the realm of Congress than the agency.

I have only been at VOA since September 2016. I was the chief, public affairs at DoD OIG January 2012-September 2016 – and didn't even remember USAGM (then BBG) was under State until Doug reminded me when I was interviewing for the USAGM/VOA job – and I was in the OIG community and DoD, State and USAID worked together closely on the various OCO missions.

Did not know about the USIB&WC either. Fascinating.

(b) (6)

From: (b) (6)
Sent: Monday, May 18, 2020 4:09 PM
To: (b) (6)
Cc: (b) (6)
Subject: Re: BREAKING NEWS: State Department inspector general fired

I never understood the reasoning behind it, and guess what I'm going to be looking up tomorrow? Has USAGM pushed for their own IG? I'm sure they have, just asking the question.

I completely understand your concern as it's confusing to a lot of us as well. We also oversee the US International Boundary & Water Commission. I had to actually cut and paste that because I couldn't remember the name.

Anyway, I just heard Trump say we needed to get rid of the "Attorney Generals" as a whole...

Oh dear.

On Mon, May 18, 2020 at 3:52 PM (b) (6) wrote:

I think USAGM is the largest federal agency without its own IG. I know it's a result of the old the/USIA relationship, but once we became BBG, I was always curious as to why USAGM didn't get its own IG – if for nothing else to cement the divide between State and USAGM.

We get so so so many people who think that USAGM is under or part of State – largely because of the history and past connections – and being under the same appropriations committee.

I wish USAGM would at least be in the State IG seal. You have to really dig down into the statoig.gov website to figure out that the office is over two separate and independent agencies – on Cabinet-level and one not.

EPA IG is also over CSB (but only 40 people) and the Board of Governors of the Federal Reserve System which also has purview over the Bureau of Consumer Financial Protection (which I think is a good bit smaller than USAGM – especially taking in the five networks and all of our stringers and contractors in addition to the FTEs).

Even tiny Denali Commission has its own IG.

Just very interesting.

(b) (6)

From: (b) (6)

Sent: Monday, May 18, 2020 3:47 PM

To: (b) (6)

Cc: (b) (6)

(b) (6)

Subject: Re: BREAKING NEWS: State Department inspector general fired

Very interesting. You're right, (b) (6)

And this is all so surreal three days later. I'm nervous about the future.

(b) (6)

On Mon, May 18, 2020 at 3:40 PM (b) (6) wrote:

Here's another one: <https://m.lasvegassun.com/news/2020/may/17/accommodating-gop-trump-are-transforming-america-i/>

And no one mentions that it is the State AND USAGM IG...

(b) (6)

(b) (6)

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From: (b) (6)

Sent: Sunday, May 17, 2020 9:16 AM

To: (b) (6)

(b) (6)

Cc: (b) (6)

Subject: Re: BREAKING NEWS: State Department inspector general fired

Mike Pompeo recommended Trump firing of State Department inspector general, White House says

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Congressional Democrats launch investigation into Trump's firing of State Department IG

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The dangerous consequences of Trump's oversight purge

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Watchdog's dismissal puts Pompeo on the hot seat

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Trump's slow-motion Friday night massacre of inspectors general

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On Sun, May 17, 2020 at 9:07 AM (b) (6) > wrote:

Neither (b) (6) nor (b) (6) had heard the news (too late on Friday for them) and were stunned - but they both are still researching..,

On Sat, May 16, 2020 at 6:29 PM (b) (6) wrote:

Crazy timing. And a new DOT IG named too...

(b) (6)

Voice of America

US Agency for Global Media

From: (b) (6)
Sent: Saturday, May 16, 2020 10:24:49 AM
To: (b) (6)
Subject: Re: BREAKING NEWS: State Department inspector general fired

I heard - I'm writing to (b) (6) now (the only ones I know who are still at OIG - my boss, EM the deputy IG, left reportedly in a huff several months back).

"Wow" is right (he and Em were both Trump/Republican supporters).

On Sat, May 16, 2020 at 12:10 AM (b) (6) > wrote:

Wow!!

(b) (6)

Voice of America

US Agency for Global Media

From: POLITICO <email@politicoemail.com>

Sent: Friday, May 15, 2020 10:00:44 PM

To: (b) (6)

Subject: BREAKING NEWS: State Department inspector general fired

State Department Inspector General Steve Linick has been fired, according to a senior administration official and a congressional aide.

Linick, a Justice Department veteran appointed to the role in 2013 by then President Barack Obama, is the latest of a [slew](#) of inspectors general to be ousted in recent months.

He played a minor role in the House of Representatives' impeachment proceedings against President Donald Trump, ferrying a trove of documents to lawmakers that had been provided to the State Department by Rudy Giuliani, the president's personal lawyer.

The State Department did not immediately respond to a request to explain why Linick had been fired.

Read more: <https://www.politico.com/news/2020/05/15/state-department-inspector-general-fired-261536>

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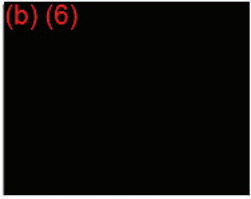
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(b) (6)



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[REDACTED]

From: Kevin Donohue
Sent: Wednesday, May 27, 2020 10:02 AM
To: FO-OGC
Subject: FW: <DOS>OFM director inquiries.

From: (b) (6)
Sent: Friday, May 22, 2020 5:02 PM
To: (b) (6)
Subject: RE: <DOS>OFM director inquiries.

Hi (b) (6)

We appreciate the update and thank you for sharing the information. However, because we are statutorily independent, we do not clear or coordinate with the Department on responses to media or external inquiries.

Thanks again,
(b) (6)

From: (b) (6)
Sent: Friday, May 22, 2020 3:51 PM
To: (b) (6)
(b) (6)
Cc: (b) (6)
Subject: <DOS>OFM director inquiries.

If asked by foreign mission:

(b) (5)

[REDACTED]

(b) (5)

[REDACTED]

Thanks

(b) (6)

Office of the Legal Adviser
U.S. Department of State

(b) (6)

SENSITIVE BUT UNCLASSIFIED

(b) (6)

From: (b) (6)
Sent: Wednesday, May 20, 2020 2:11 PM
To: (b) (6)
Subject: FW: <EXT>Breaking News: Pompeo on IG firing: 'Frankly should have done it some time ago'

FYI assignment

UNCLASSIFIED

From: Kevin Donohue <Kevin.S.Donohue@stateoig.gov>
Sent: Wednesday, May 20, 2020 12:29 PM
To: (b) (6)
Cc: (b) (6)
Subject: RE: <EXT>Breaking News: Pompeo on IG firing: 'Frankly should have done it some time ago'

(b) (6) can I assign to the new IG to you for conflict Review—in depth?

From: (b) (6)
Sent: Wednesday, May 20, 2020 11:48 AM
To: Kevin Donohue (b) (6)
Subject: FW: <EXT>Breaking News: Pompeo on IG firing: 'Frankly should have done it some time ago'

One more...

From: The Hill <thehill@email.thehill.com>
Sent: Wednesday, May 20, 2020 11:32 AM
To: (b) (6)
Subject: <EXT>Breaking News: Pompeo on IG firing: 'Frankly should have done it some time ago'

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Pompeo on IG firing: 'Frankly should have done it some time ago'

Secretary of State Mike Pompeo on Wednesday doubled down on his request to fire the State Department's internal watchdog, while also refusing to detail his reason for recommending the move.

"Frankly should have done it some time ago," Pompeo said during a combative briefing with reporters at the State Department, referring to his request.

[Read the developing report here](#)

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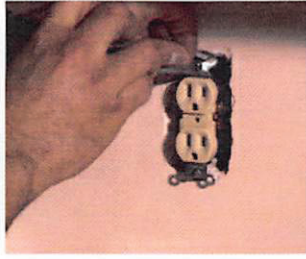
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