



Office of the Attorney General

Washington, D. C. 20530

June 8, 2021

MEMORANDUM FOR HEADS OF DEPARTMENT COMPONENTS

FROM: Matt Klapper *MK*
Chief of Staff
Office of the Attorney General

SUBJECT: Attorney General Garland Recusals

The purpose of this memorandum is to notify you of matters from which Attorney General Merrick B. Garland is recused and to provide direction on handling such matters within the Department of Justice (Department).

Pursuant to federal ethics rules, Attorney General Garland has recused himself from matters that will have a direct and predictable effect on the following entities or individuals or in which one of these entities or individuals is a party or represents a party¹:

- DaVita, Inc.
- (b) (6)
- Gupta Wessler PLLC
- (b) (6)

In addition, Attorney General Garland has chosen to recuse himself from matters that will have a direct and predictable effect on the following entity or in which it is a party or represents a party:

- Raytheon

Upon consideration of the D.C. and Model Rules of Professional Conduct, Attorney General Garland has chosen to recuse himself from matters in which he participated personally and substantially as a judge—*i.e.*, those in which he sat on a panel that heard an appeal or motion, issued opinions, voted on appeals, issued merits-related orders, or voted on *en banc* petitions. The Department's Professional Responsibility Advisory Office has advised that, as to other cases that are or were pending in the U.S. Court of Appeals for the District of Columbia Circuit, further recusals generally are not required.

¹ Unless authorized by an agency designee described in 5 C.F.R. 2635.102(b), Attorney General Garland will recuse himself in a particular matter when a reasonable person with knowledge of the relevant facts would question his impartiality, given his association with the entities or individuals that follow. Consistent with federal ethics rules, Attorney General Garland will not generally recuse himself from consideration of policy matters of general applicability. If there is any question about the application of the recusal requirement to a particular matter, please consult with Brian Fletcher, Counsel, Office of the Attorney General or Cynthia Shaw, Director, Departmental Ethics Office.

These recusals continue unless modified and include existing and future matters at the Department.

Please do not brief or involve Attorney General Garland concerning such matters. When you or members of your staff brief Attorney General Garland on general topics, please take appropriate steps to ensure that the briefing does not include specific matters from which he is recused.

When you first identify particular matters that could or should come to the attention of Attorney General Garland from which he has recused, please notify Brian Fletcher, Counsel, Office of the Attorney General by email of the matter. The subject line of the email should contain "AG Recusal –" followed by the case caption or other appropriate identifying description. The body of the email should identify the matter and state the basis for the recusal, including the identities of the relevant parties and counsel. This email notification will assist the Office of the Attorney General in keeping track of matters from which Attorney General Garland is recused and in determining whether authorization for Attorney General Garland to participate in the matter might be appropriate under the circumstances.

Finally, in some instances, an agency designee described in 5 C.F.R. 2635.102(b) may authorize Department employees to participate in matters from which they otherwise would be recused upon determining that their impartiality is not likely to be questioned or that the interest of the Government in their participation outweighs the concerns that a reasonable person may question the integrity of the agency's programs and operations. *See* 5 C.F.R. 2635.502(c)–(d). If you believe that Attorney General Garland's involvement in a particular matter would best serve the interests of the United States and might be subject to authorized participation under the applicable rules and regulations, please notify Brian Fletcher.

From: [Shaw, Cynthia K. \(JMD\)](#)
To: [Fletcher, Brian H. \(OAG\)](#); [Ludwig, Stacy \(PRAO\)](#)
Subject: RE: Recusal question for the incoming AG
Date: Wednesday, March 10, 2021 1:40:00 PM

Hi Brian,

From the perspective of the federal ethics rules, I see no prohibition on incoming AG Garland participating in matters that were pending before the D.C. Circuit when he was a judge but in which he had no personal involvement. I base this on the fact that (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

Let me know if I can help more with the recusal doc.

Cindy

From: Fletcher, Brian H. (OAG) <(b) (6)>
Sent: Wednesday, March 10, 2021 10:12 AM
To: Shaw, Cynthia K. (JMD) <(b) (6)>; Ludwig, Stacy (PRAO) <(b) (6)>
Subject: Recusal question for the incoming AG

Cindy and Stacy-

I hope you're both doing well during what I'm sure is a very busy time. With apologies for adding one more thing to your plates, I was hoping that you might be able to help answer a question for the incoming Attorney General. My understanding is that, assuming that he is confirmed and sworn in, the incoming AG plans to recuse from any case in which he was involved while sitting as a judge on the D.C. Circuit (including cases where he was on the panel and cases where he voted on a petition for rehearing en banc). The question is whether DOJ ethics rules or D.C. Bar rules require any broader recusals—say, from cases that were merely pending before the D.C. Circuit while the incoming AG was a judge on the court, but in which he had no personal involvement.

I'd be very grateful for any guidance that you can provide. We're anticipating/hoping that the incoming AG could be sworn in as early as tomorrow morning, so if it's possible to get an answer today that would be great—but obviously the priority is getting the answer right, and if that takes longer we understand.

If it would be helpful, I'd be happy to chat with you either separately or together, and my schedule today is pretty flexible—feel free to just call me at the number listed below.

Thanks again for your help,
Brian

Brian Fletcher
Counsel to the Attorney General

(b) (6)

From: [Fletcher, Brian H. \(OAG\)](#)
To: [Shaw, Cynthia K. \(JMD\)](#)
Subject: RE: AG recusal
Date: Wednesday, March 31, 2021 12:04:22 PM

Thanks, Cindy. That all makes sense to me. As always, I really appreciate the quick and thoughtful advice.

-Brian

From: Shaw, Cynthia K. (JMD) <(b) (6)>
Sent: Wednesday, March 31, 2021 11:32 AM
To: Fletcher, Brian H. (OAG) <(b) (6)>
Subject: AG recusal

Hi Brian,

I've think I've got the answer to this morning's question. (b) (5)

[REDACTED]

[REDACTED] Because I conclude that a reasonable person in possession of the relevant facts would not question the AG's impartiality in Department matters before the Court, I conclude that no recusal is necessary for him in this situation.

Let me know if this doesn't seem right to you or I've missed something and we can discuss further.

Cindy

Cynthia K. Shaw
Director
Departmental Ethics Office
U.S. Department of Justice
(b) (6)

NOTIFICATION OF POST-GOVERNMENT EMPLOYMENT OR COMPENSATION NEGOTIATION OR AGREEMENT AND RECUSAL STATEMENT

Section 17 of the Stop Trading on Congressional Knowledge Act of 2012 (STOCK Act) requires certain employees to file a statement notifying their agency ethics official of any negotiation for, or agreement of, future employment or compensation with a non-federal entity within three business days after commencement of the negotiation or agreement. An employee who files a notification statement also must file with the agency's ethics official a recusal statement whenever there is a conflict of interest or appearance of a conflict of interest with the entity, unless the employee obtains a written waiver as discussed in 5 C.F.R. § 2635.402(d), obtains an authorization as discussed in 5 C.F.R. § 2635.502(d), or qualifies for a regulatory exemption pursuant to 18 U.S.C. § 208(b)(2).

NOTIFICATION OF POST-GOVERNMENT EMPLOYMENT OR COMPENSATION NEGOTIATION OR AGREEMENT

Name of Employee	Arjun Ramamurti
Agency/Office	OAG
Date Negotiation or Agreement Commenced	1/5/2023
Name(s) of Non-Federal Entity or Entities Disclose each non-federal entity with which you are negotiating for, or have an agreement of, future employment or compensation.	(b) (6)

RECUSAL STATEMENT

For as long as I am negotiating for, or have an agreement of, employment or compensation with any entity listed above, I will comply with all applicable recusal obligations under 5 C.F.R. part 2635 and, where applicable, 18 U.S.C. § 208. I understand that it is my responsibility to consult an agency ethics official if I have questions regarding these recusal obligations.

Employee Signature	Date Submitted
ARJUN RAMAMURTI <small>Digitally signed by ARJUN RAMAMURTI Date: 2023.01.06 12:27:42 -05'00'</small>	01/06/2023
Agency Ethics Official Signature	Date Received



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

August 16, 2021

MEMORANDUM FOR HEADS OF DEPARTMENT COMPONENTS

FROM: Anita M. Singh *AS*
Chief of Staff
Office of the Deputy Attorney General

SUBJECT: Deputy Attorney General Monaco Recusals

The purpose of this memorandum is to notify you of matters from which Deputy Attorney General (DAG) Lisa Monaco is recused and to provide direction on handling such matters within the Department of Justice (Department). This memorandum updates the memorandum issued on June 16, 2021 and provides the controlling list of entities for which DAG Monaco is now recused.

Pursuant to federal ethics rules, DAG Monaco has recused herself from any Department matter in which the law firm of O'Melveny & Myers represents a party or is itself a party, as well as from matters that will have a direct and predictable effect on the entities or individuals in Attachment A¹, or in which one of these entities or individuals is a party or represents a party in the matter.² These recusals continue unless modified and include existing and future matters at the Department.

Please do not brief or involve DAG Monaco concerning such matters. When you or members of your staff brief DAG Monaco on general topics, please take appropriate steps to ensure that the briefing does not include specific matters from which she has recused herself.

When you first identify particular matters that could or should come to the attention of DAG Monaco from which she has recused herself, please notify the Office of the Deputy

¹ This Attachment replaces Attachments A and B from the June 16, 2021 recusal memorandum and provides an updated and comprehensive list of all the entities for which DAG Monaco is now recused.

² Unless authorized by an agency designee described in 5 C.F.R. 2635.102(b), DAG Monaco will recuse herself in a particular matter when a reasonable person with knowledge of the relevant facts would question DAG Monaco's impartiality, given her prior representation of or association with the entities listed in Attachment A. Consistent with federal ethics regulations, DAG Monaco will not generally recuse herself from consideration of policy matters of general applicability. If there is any question about the application of the recusal requirement to a particular matter, please consult with Associate Deputy Attorney General Bradley Weinsheimer or Departmental Ethics Director Cindy Shaw.

Attorney General (ODAG) by email of the matter.³ The subject line of the email should contain “DAG Recusal –” followed by the case caption or other appropriate identifying description. The body of the email should identify the matter and state the basis for the recusal, including the identities of the relevant parties and counsel. This email notification will assist ODAG in keeping track of matters from which DAG Monaco has recused herself and in determining whether authorization for DAG Monaco to participate in the matter might be appropriate under the circumstances.

Finally, in some instances, an agency designee described in 5 C.F.R. 2635.102(b) may authorize a Department employee’s participation in a matter in which she otherwise would be recused upon determining that her impartiality is not likely to be questioned or that the interest of the Government in her participation outweighs the concerns that a reasonable person may question the integrity of the agency’s programs and operations. *See* 5 C.F.R. 2635.502(c)–(d). Recusals required pursuant to the Biden Ethics Pledge may be waivable by the Office of Management and Budget if a waiver would further the best interests of the United States. If you believe that DAG Monaco’s involvement in a particular matter would best serve the interests of the United States and might be subject to authorized participation under the applicable rules, regulations, and Ethics Pledge, please notify ODAG.

Attachment A

³ When notifying ODAG of recusal issues, include Chief of Staff Anita Singh, Principal Associate Deputy Attorney General John Carlin, and Associate Deputy Attorney General Bradley Weinsheimer.

ATTACHMENT A

- Accenture Federal Services
- Alclear LLC
- Apple, Inc.
- Aspen Institute
- Belfer Center for Science and International Affairs
- Bipartisan Commission on Biodefense – Hudson Institute
- Boeing, Co.
- Café Media
- CNN (Turner Broadcasting/CNN)
- Cognosante LLC
- ExxonMobil Corp.
- Harvard University
- Hostage U.S.
- Humana, Inc.
- Kia Motors
- LOM Strategies, LLC
- Lyft, Inc.
- Microsoft Corp.
- New York University School of Law
- O'Melveny & Myers
- PT Fund, Inc.
- Raptor Group
- SecurityPoint
- Softbank Group Corp.
- Turner Broadcasting/CNN
- Vox Media
- Watson Institute for International Public Affairs
- WestExec Advisors, LLC

MEMORANDUM

TO: Cynthia K. Shaw
Director, Departmental Ethics Office

FROM: Matthew Colangelo
Principal Deputy Associate Attorney General

SUBJECT: Associate Attorney General recusals

DATE: September 2, 2022

This memorandum supplements the prior memorandum from Deputy Associate Attorney General Sparkle Sooknanan dated January 7, 2022, identifying matters from which Associate Attorney General Vanita Gupta is recused. In addition to the matters identified in that memorandum, ASG Gupta has also been recused since April 2022 from *Pettibone v. Biden*, No. 20-1464 (D. Ore.) & No. 22-35183 (9th Cir.); and from (b) (6), (b) (7)(A), (b) (7)(C)

The reasons for these additional recusals follow.


(b) (5), (b) (6), (b) (7)(A), (b) (7)(C), (b) (7)(E)

(b) (5), (b) (6), (b) (7)(A), (b) (7)(C), (b) (7)(E)


(b) (5), (b) (6), (b) (7)(A), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(A), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(A), (b) (7)(C)



(b) (5), (b) (6), (b) (7)(A), (b) (7)(C), (b) (7)(E)



This memorandum is to memorialize that after further consultation and consideration of the possibility that her participation in the *Pettibone* litigation or (b) (5), (b) (6), (b) (7)(A), (b) (7)(C) may raise questions about the Department's impartiality in both matters, ASG Gupta has determined that she should continue the recusal she instituted on or around April 27, 2022. She will not participate in either the *Pettibone* litigation or (b) (5), (b) (6), (b) (7)(A), (b) (7)(C) in any capacity.



U.S. Department of Justice

Office of the Associate Attorney General

Washington, D.C. 20530

July 19, 2021

MEMORANDUM FOR THE ATTORNEY GENERAL, THE DEPUTY ATTORNEY GENERAL, AND HEADS OF COMPONENTS

FROM: Peter Hyun
Chief of Staff
Office of the Associate Attorney General

SUBJECT: Associate Attorney General recusals

The purpose of this memorandum is to notify you of matters from which Associate Attorney General Vanita Gupta is recused and to provide direction on handling such matters within the Department of Justice (Department).

Pursuant to the federal ethics rules, the Associate Attorney General is recused from matters that will have a direct and predictable effect on the following entities or in which one of these entities is a party or represents a party:

Leadership Conference Education Fund
Leadership Conference on Civil and Human Rights
Council on Criminal Justice
National Task Force on Election Crises
New York University School of Law
Equal Justice Works
StoryCorps
International Association of Chiefs of Police
Avantor Inc.
Aptiv PLC
DuPont
Aceto
GEP
Legal Aid Society of the District of Columbia
Paramount Pictures
Reel-Scout
GMT New Mexico Royalty
GMT Exploration

In some instances, the agency designee may authorize a Department employee's participation in a matter in which she otherwise would be recused upon determining that her impartiality is not likely to be questioned or that the interest of the Government in her participation outweighs the concerns that a reasonable person may question the integrity of the agency's programs and operations. *See* 5 C.F.R. 2635.502(c)–(d). If you believe that Associate

Attorney General's involvement in a particular matter would best serve the interests of the United States and might be subject to authorized participation under the applicable rules and regulations, please notify me.

The above list of recusals will be updated on an as-needed basis.

Pursuant to applicable rules of professional conduct, the Associate Attorney General is recused from participating in the following matters:

- *Department of Homeland Sec. v. Regents of The Univ. of California* (Nos. 18-587, 18-588, 18-589), 140 S.Ct. 1891 (2020)
 - N.D. Cal. Nos. 3:17-cv-05235-WHA, 3:17-cv-05380-WHA, 3:17-cv-05813-WHA, 3:17-cv-05329-WHA
 - D.D.C. No. 1:17-cv-1907
 - E.D.N.Y. Nos. 16-cv-4756-NGG, 17-cv-5228-NGG
- *State of Texas v. United States of Am.*, No. B-14-254, (S.D. Texas)
- *Department of Commerce v. New York* (No. 18-966), 139 S. Ct. 2551 (2019)
 - S.D.N.Y. Nos. 18-cv-2921-JMF, 18-cv-5025-JMF
- *Trump v. New York* (No. 20-366), 141 S. Ct. 530 (2020)
 - S.D.N.Y. Nos. 20-cv-5770-JMF, 20-cv-5781-JMF
- *R.G. & G.R. Harris Funeral Homes, Inc. v. EEOC* (No. 18-107)
 - E.D. Mich. No. 2:15-cv-3710
- *Bostock v. Clayton County* (Nos. 17-1618, 17-1623, 18-107), 140 S. Ct. 1731 (2020)
 - E.D.N.Y. No. 10-cv-4334
 - N.D.Ga. No. 1:16-cv-01460

All of the recusals set forth above continue unless modified and include existing and future matters at the Department.

Please do not brief or involve the Associate Attorney General concerning such matters. When you or members of your staff brief the Associate Attorney General on general topics, please take appropriate steps to ensure that the briefing does not include specific matters from which she is recused.

When you first identify particular matters that could or should come to the attention of the Associate Attorney General from which she has recused, please notify me by email of the matter. The subject line of the email should contain "ASG Recusal –" followed by the case caption or other appropriate identifying description. The body of the email should identify the matter and state the basis for the recusal, including the identities of the relevant parties and counsel. This email notification will assist the Office of the Associate Attorney General in keeping track of matters from which the Associate Attorney General is recused and in determining whether authorization for the Associate Attorney General to participate in the matter might be appropriate under the circumstances.

If you have questions about whether a matter falls within the scope of this recusal memo or a related question, please consult me, Departmental Ethics Office Director Cynthia Shaw, or Professional Responsibility Advisory Office Director Stacy Ludwig.