

Legal Expense Fund Regulation: Public Meeting

U.S. Office of Government Ethics

October 17, 2019

Agenda

- I. Introduction
 - a. Roundtable Introductions
 - b. Background / Status of Rulemaking
 - c. Purpose of Meeting
- II. Discussion of issues related to legal expense funds
 - a. Scope of a legal expense fund regulation, including:
 - i. Other possible sources of legal expense payments or legal support (*e.g.*, pro bono assistance, established legal aid providers) outside of a legal expense fund; and
 - ii. The types of legal matters to be covered by a legal expense fund regulation if the employee seeks to raise funds for legal expenses arising from those legal matters.
 - b. Structure of a legal expense fund, including:
 - i. Number of eligible beneficiaries for a legal expense fund;
 - ii. Legal structure used to establish a legal expense fund (*e.g.*, trust, limited liability company, etc.); and
 - iii. The possibility of different rules for different types of employees.
 - c. Other issues
- III. Conclude Meeting
 - a. Reminder: Comment period open until Nov. 5

Attendees

Holman, Craig

Marsco, Delaney

Canter, Virginia

Snellen, Jeremy

Doyle, Ken

Hermanowicz, Rebecca

Cox, Kerri

Lezra, Gabe

Ramseyer, Lily

Lerner, Meredith

Public Citizen

Campaign Legal Center

Citizens for Responsibility and Ethics in Washington (CREW)

Department of the Navy

Bloomberg Government

Department of Commerce

Office of the Director of National Intelligence

CREW

CREW

CREW

Topics Discussed

- I. Scope
 - a. Other possible sources of legal expense payments or legal support outside of a legal expense fund
 - i. Pro bono services
 - ii. Discounted legal services
 - iii. Crowdsourcing
 - iv. Personal relationship gift exception
 - v. Organizations that provide legal services or funding unrelated to status as a federal employee
 - vi. Employee organizations and unions
 - vii. Former employers
 - viii. Employee insurance
 - b. The types of legal matters to be covered by a legal expense fund regulation if the employee seeks to raise funds for legal expenses arising from those legal matters.
 - i. Arising from official position
 - ii. Differentiating between personal matters and official matters
 - iii. Arising from candidacy or election
 - iv. Arising from service on a transition team
- II. Structure of a legal expense fund
 - a. Number of eligible beneficiaries for a legal expense fund
 - i. Sole beneficiary versus multiple beneficiaries
 - ii. The possibility of different rules for different types of employees
 - b. Legal structure used to establish a legal expense fund
 - i. Trust versus other forms (LLC, crowdsourcing)
 - c. Cost for employees to establish a trust
- III. Limitations on the types of donors and amount of donations to legal expense funds
 - a. Use of “prohibited source” definition versus list of types of prohibited donors
 - b. Organizations versus individual donors
 - c. Contribution limits
- IV. Agency oversight roles related to an employee’s legal expense fund