• **Sentencing and Charging Working Group:** Participating in the discussion were USAs Sarah Saldana (N/TX) and USA Paul Fishman (NJ)

USA Lynch, Chair of the AGAC, advised that both the DAG and AG want the USAs to be looking at what cases are of federal interest and how do we define federal interest. USA Saldana reported that the Sentencing and Charging Working Group is looking at this issue and how we prosecute cases smarter. They are also looking at whether there is a need to change the prosecution thresholds in the USAOs. The impact of sentencing on the Bureau of Prisons is a critical issue. Both the DAG and AG are looking at prison costs. USA Fishman added that this is driven by the need to drive down the prison population by 10%; prosecuting fewer people and shorter sentences. And, he added, we need to look at the issue of fairness in the system. The group discussed the impact of mandatory minimums and 924(c) prosecutions. Diversion of cases was also raised. The Attorney General’s memorandum of May 19, 2010, gives the USAs more prosecutorial discretion in the districts.

• **Juvenile Justice Working Group:**
7. USA Staffing Plans:
(Heaphy/Wilkinson)

8. Immigration Reform Legislation:

(Hartunian/Shappert)

9. Violent and Organized Crime Subcommittee:

(Wigginton/Shappert)

10. Native American Issues:

2)

3)
13. G-Cars: [Redacted] (Ana Indovina/Kathy Gugulis)

14. Reducing the Number of Declination Codes: [Redacted] (Wong)

15. Plea Agreements: [Redacted] (Macklin/Zauzmer)

16. STOCK Act: [Redacted] (Macklin)

17. Civil Rights Update: [Redacted]
18. Office of Enforcement Operations (OEO):

19. Appellate Chiefs Update:
20. Civil Chief's Update:

- Civil Rights Division Delegation (jointly with the Civil Rights Subcommittee):

- Affirmative Civil Enforcement Increased Delegation Efforts:

- Contractor Data Security Clause:
• FOUSA Senior Litigation Counsel for E-Discovery Status During Sequestration:

• Asset Forfeiture USAM on Litigation Holds:

• Success with Preventing Harmful Revision to the Federal Rules of Civil Procedure:

(Bauknight)

21. Criminal Chiefs Update:

• Changes in LIONS declination codes requested by the Native American Issues Subcommittee (NAIS) of the AGAC:
Reaction to U.S. Sentencing Guideline Commission’s vote to amend the Application notes to U.S.S.G. § 3E1.1, to say the government should not withhold filing a motion for a third level of acceptance of responsibility credit solely because the defendant refused to execute an appeal waiver.
Discussion (in progress) of Proposed Changes to USAM Section 9-7.302 Regarding Consensual Monitoring. The proposed changes call for heightened levels of supervisory approval, and expand the section’s coverage to encompass wire communications (telephone calls).

22. **ABA Issues**: USA Lynch advised that USA Paul Fishman would be the USA representative on ABA issues. (Lynch/Fishman)

23. **Director Awards**: [Redacted] (Jarrett)
Attorney General's Advisory Committee
AGENDA

Tuesday, June 11, 2013
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-4370
FAX: (202) 252-4373

1:00 – 1:10 p.m.  Introductory Remarks

USA Loretta Lynch (E/NY), Chair

1:10 – 1:30 p.m.  Detainee Backfills (Update)

H. Marshall Jarrett
Bruce Swartz, Deputy Assistant Attorney General, Criminal Division

1:30 – 2:00 p.m.  Committee Business

2:00 – 2:45 p.m.  Meeting with the Attorney General (5111)

2:45 – 3:00 p.m.  BREAK

3:00 – 4:45 p.m.  Administrative Updates
(Exhibits:  A – Draft OMB Minutes 6/4/13 Meeting, B – Jim Lewis Notes, 6/4/13 Meeting,
C – Reinvestigation Information, D – IT Information)

Budget/APRs/Hiring:  H. Marshall Jarrett, Director
(3:00 – 4:00 p.m.)
Kathy Gugulis, Deputy Director for Administration and Management
Mary Ellen Kline, Assistant Director for Policy and Budget Execution
Jane Reimus, Chief, Policy and Special Programs Division
Marian Nelson (S/GA), Chair, AO Working Group (VTC)

OMB Subcommittee Report:  USA Jim Lewis (C/IL) (by phone)
(4:00 – 4:45 p.m.)  USA Stephanie Finley (W/LA) (VTC)
USA Jim Santelle (E/WT)

4:45 – 5:45 p.m.  Bureau of Justice Assistance
(Exhibit:  E – BJA Director Report Outline)

Denise O’Donnell, Director, BJA

5:45 p.m.  Meeting Adjourns

6:30 p.m.  Group Dinner
Wednesday, June 12, 2013
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-
FAX: (202) 252-

9:00 – 9:45 a.m. Freedom of Information, Privacy, and Security (FOIA/Privacy/Security)
(Exhibit: F - Proposed Revisions of USAM for Firearms Deputation Policy/Process)

USA Jim Santelle (E/WI), Chair

9:45 – 10:00 a.m. Committee Business

10:00 – 10:45 a.m. Former United States Attorneys (NAFUSA)

Jay B. Stephens
G. Douglas Jones
Kenneth L. Wainstein
Donald Stern
Matthew D. Orwig
Richard A. Rossman

10:45 – 11:00 a.m. BREAK

11:00 – 11:30 a.m. Asset Forfeiture and Equitable Sharing Policy
(Exhibits: G - AFMLS Memo on Reduction in Assets Forfeiture Fund; H - Proposed Asset Forfeiture Guidance on Foreign Assets and Settlements and DAG Cover Memo; I - Summary of the FY 2013 Equitable Sharing Adjustment)

Jaikumar Ramaswamy, Chief, AFMLS
Jolene Lauria-Sullens, Deputy Assistant Attorney General, Controller
Candace Olds, Director, Asset Forfeiture Management Staff
Robert Marca, Deputy Director, Asset Forfeiture Management Staff

Asset Forfeiture Guidance on Foreign Assets and Settlement

Jaikumar Ramaswamy

11:30 – 12:00 p.m. Appellate Chiefs Working Group
(Exhibit: J - Appellate Chiefs Working Group Report/Minutes from June 6, 2013)

Bob Zauzmer (E/PA), Chair, Appellate Chiefs Working Group

12:00 – 1:30 p.m. LUNCH
1:30 – 2:00 p.m.  **Border and Immigration Law Enforcement Subcommittee:**
Comprehensive Immigration Reform Legislation

USA Ken Gonzales (NM) (VTC)
USA Rick Hartunian (N/NY)

2:00 – 2:30 p.m.  **Deputy Attorney General’s Surge Working Group**
(Exhibits:  K – Cover Letter for Survey; L – Proposed Survey Questions; M - Proposed Guidelines for Anti-Violence Strategies)

USA Zane Memeger (E/PA) (VTC)
Matt Cohen, Associate Deputy Attorney General, ODAG
Gretchen Shappert, Assistant Director, Indian, Violent & Cyber Crimes Staff, EOUSA

2:30 – 2:45 p.m.  **Update on the Streamlining Project**
(Exhibits:  N – Mandatory Training Comparison; O – POC Comparison; P – Prior Approval Comparison; Q – Reports Comparison)

USA Carter Stewart (S/OH)
Norm Wong, Deputy Director/Counsel to the Director, EOUSA

2:45 - 3:00 p.m.  BREAK

3:00 – 3:30 p.m.  **Federal Priorities Working Group**

USA Paul Fishman (NJ) (VTC)
USA Sarah Saldaña (N/TX) (VTC)
USA Pamela Marsh (N/FL)
USA Wendy Olson (ID)
USA Rick Hartunian (N/NY)
USA Jim Santelle (E/WI)

3:30 – 4:00 p.m.  Committee Business

4:00 – 5:00 p.m.  **Meeting with the Deputy Attorney General**

5:00 – 5:30 p.m.  Committee Business

5:30 p.m.  Meeting Adjourns
Thursday, June 13, 2013
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-\[redacted\]
FAX: (202) 252-\[redacted\]

9:00 – 9:30 a.m.  Criminal Chiefs Working Group
(Exhibit: R – Criminal Chiefs Working Group Report Outline)

Daniel Bella, Criminal Chief (N/IN), Chair, Criminal Chiefs Working Group

9:30 – 10:00 a.m.  Indian Country Investigations and Prosecutions Report
(Exhibit: S – Article on Indian Country Investigations and Prosecutions Report)

USA Brendan Johnson (SD)
USA Sandy Coats (W/OK) (VTC)

10:00 – 10:30 a.m.  Meeting with Acting Associate Attorney General

10:30 – 10:45 a.m.  BREAK

10:45 – 11:15 a.m.  Office of Legislative Affairs

Peter Kadzik, Principal Deputy Assistant Attorney General, OLA

11:15 – 12:00 p.m.  Committee Business

12:00 – 1:30 p.m.  LUNCH

1:30 – 3:00 p.m.  Committee Business

3:00 p.m.  Meeting Adjourns/All USA Call
(Call-in number: 1-877-628-\[redacted\]; passcode \[redacted]\)

Other Exhibits: Provided by the Civil Chiefs Working Group and include:
T – Civil Chiefs Working Group June Report
U – Memo on ACE/HCF Details
V – Asset Forfeiture Litigation Hold Provision of Asset Forfeiture Policy Manual
National Association of Former U.S. Attorneys: Six former U.S. Attorneys met with the Committee to begin a dialogue on how NAFUSA, as an organization, and/or the individuals could support the efforts of the USAOs. The former U.S. Attorneys included: Jay B. Stephens, G. Douglas Jones, Kenneth L. Wainstein, Donald Stern, Matthew D. Orwig, and Richard A. Rossman. Jay Stephens first explained that NAFUSA is a non-partisan organization and, as a result, had constraints on supporting issues/policies deemed political in nature. However, individual former U.S. Attorneys have greater flexibility in the support they can provide, particularly on the local level. Some suggestions were to draft Op-eds (Ken Wainstein recently paired with Former Deputy Attorney General Jamie Gorelick and Former Attorney General William Barr to express support for the leak investigation); to write to Congress or to testify in Congress. One area the Committee agreed that NAFUSA members could assist with messaging was to inform about the effects sequestration is having on the USAOs. AGAC/EOUSA will provide NAFUSA a fact sheet/talking points to ensure they are providing a consistent message and correct information. Additionally, U.S. Attorney Sally Yates (N/ GA) agreed to make introductions of NAFUSA to the new OPA Director who is scheduled to come on board at the end of June. Lastly, NAFUSA will develop a list of former U.S. Attorneys that can be called on when there is a rapid need for messaging in support of the Department. (Jarrett)
Asset Forfeiture/Settlement Guidance:

Immigration Reform Legislation:

DOJ Driven Surge Strategies Working Group:
Lastly, USA Loretta Lynch (E/NY), Chair, AGAC, wanted to ensure that the various working groups were coordinating their messages to the field so that no mixed messages are ultimately sent out. (Merneger/Shappert)

Streamlining Project:
Federal Priorities Working Group: This newly formed working group of U.S. Attorneys includes Paul Fishman (NJ), Sarah Saldaña (N/TX), Pamela Marsh (N/FL), Wendy Olson (ID), Rick Hartunian (N/NY), and Jim Santelle (E/WI) and was formed so that it could offer suggestions to the Attorney General and Deputy Attorney General about what cases are of federal interest and how we define federal interest. Also participating in the discussion was Channing Phillips, Senior Counselor to the Attorney General, and Heather Childs, Counsel to the Deputy Attorney General as they are involved in the DAG’s Sentencing and Charging Working Group.
AGAC Chair Loretta Lynch (E/NY) asked about coordinating the messages from the various working groups and if there was a DOJ plan for messaging the results of the working groups to the USAOs and DOJ components. Ms. Childs indicated that the working groups were meeting the following day to discuss overlap and/or duplication. The DOJ messaging plan is in the developmental stages, but is not yet formalized. The plan will include briefings to Congress on any major changes. AGAC Chair Lynch indicated that the U.S. Attorneys will want to assist with the messaging when the plan is final.

Re-Entry Working Group: Crystal Brown, Senior Counsel to the Deputy Attorney General provided additional information and received feedback on a draft memo that was provided regarding re-entry and the USAOs. AGAC Chair, Loretta Lynch (E/NY) provided the following feedback on the draft memo: the idea is a laudable goal; however, many on the AGAC have concerns about adding duties to the USAO staff at the present time given the staffing levels, budget restrictions and hiring freeze. She believes the U.S. Attorneys will meet resistance from their staff and there is not an ideal position to assign these duties to within the USAO staff ranks. Given that the Deputy Attorney General is very supportive of this effort, U.S. Attorney Lynch
suggested the guidance provide each USAO with maximum flexibility in how the re-entry goals are addressed.

Ms. Brown provided the following response: The intention of the guidance is to build on the current Re-Entry Point of Contact role. It’s not intended to be full-time work for anyone in the USAO, but to be a collateral duty where the POC coordinates the efforts of the district in this area. The Deputy Attorney General would like to have the area reviewed during an office evaluation and have time worked in this area reported on the USA5 system. The Coordinator vs. POC is intended to institutionalize the work/role in the USAO. The Deputy Attorney General firmly supports the goal and wants the re-entry work to get done.

Criminal Chief Working Group Report:

- Proposed change to FRE 801(d)(1)(B)

- Proposed amendment to Federal Rule of Bankruptcy Procedure 5005

- Whether there is a need for protocols regarding investigative Facebook activity

Additional discussion items:

- IT roll outs

- OEO review
Office of Legislative Affairs: Peter Kadzik, Principal Deputy Assistant Attorney General, OLA, discussed the following with the AGAC:

- The AGAC was informed about the forthcoming changes to the CaseView file review utility.

- AGAC Chair Loretta Lynch (E/NY) asked what latitude U.S. Attorneys had to get the message to their Congresspersons and others about the effects of sequestration on the USAOs. Generally, communication with members of Congress should be coordinated through OLA. Mr. Kadzik said that informal (by phone or in-person) contact with members of Congress on this topic are sanctioned. Any official communication by Op-ed, etc., should still be vetted through OLA (send directly to Mr. Kadzik for vetting) to ensure a consistent message and that the message is only about the impact of
AGAC Chair Loretta Lynch (E/NY) let Mr. Kadzik know that U.S. Attorneys are available to testify before Congress.

Effects of Sequestration/Messaging:
Attorney General's Advisory Committee
AGENDA

Tuesday, July 30, 2013
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-
FAX: (202) 252-

1:00 – 1:15p.m. Introductory Remarks
USA Loretta Lynch (E/NY), Chair

1:15 – 1:45p.m. Federal Priorities Working Group
Wendy Olson (ID)
USA Pamela Marsh (N/FL)
USA Rick Hartunian (N/NY)
USA Jim Santelle (E/WI)
USA Paul Fishman (NJ) (VTC)
USA Sarah Saldaña (N/TX) (VTC)
USA Tris Coffin (VT)

1:45 – 2:15 p.m. Karol Mason (confirmed)
Assistant Attorney General, OJP

2:15 – 2:30 p.m. BREAK

2:30 – 3:00 p.m. Meeting with the Associate Attorney General (confirmed)
Room 5706

3:00 – 4:00 p.m. Committee Business – HOLD (Planning for meeting with AG)

4:00 - 5:00 p.m. Meeting with the Attorney General (confirmed)

5:00 – 5:15 p.m. Criminal Chiefs Working Group
Daniel Bella, Criminal Chief (N/IN), Chair, Criminal Chiefs Working Group

Exhibit – Tab C

5:15 – 5:30p.m. Appellate Chiefs Working Group
Bob Zauzmer (E/PA), Chair, Appellate Chiefs Working Group

Exhibit – Tab A

6:30 p.m. Group Dinner
9:00 a.m. – 12:00 p.m. **OMB Subcommittee and Administrative Updates**

USA Jim Lewis (C/IL)
USA Stephanie Finley (W/LA) (VTC)
H. Marshall Jarrett, Director
Kathy Gugulis, Deputy Director for Administration and Management
Rachel Delgado, Acting Assistant Director for Policy and Budget Execution
Shawn Flinn, Chief Human Resources Officer
Mark Fleshman, Chief Information Officer
Marian Nelson (S/GA), Chair, AO Working Group (VTC)

Topics: (FY 13, 14 Budgets, IT, VERA/VSIP, APRs, Students, Exemptions, Flexible Staffing, EOUUSA Vacancies and Replacements; Time-off awards; Term Confidential Assistants; Furloughs; Back Up Server Storage in Columbia; Relativity Help Desk; Toner; Printers; Cloud Storage; Guard Service; other items TBD)

Exhibit – Tab D

12:00 – 1:15 p.m. **LUNCH**

1:15 – 1:45 p.m. Committee Business (HOLD)

1:45 – 2:45 p.m. **Meeting with the Deputy Attorney General (confirmed)**

2:45 – 3:00 p.m. **BREAK**

3:00 – 3:30 p.m. **Civil Rights**

Jocelyn Samuels, Acting Assistant Attorney General, Civil Rights Division (confirmed)
USA Steve Detelbach (N/OH)
USA Anne Tompkins (W/NC)
3:30 – 4:15 p.m.  Terrorism/National Security Subcommittee

USA Barbara McQuade (E/MI)
USA Andre Birotte (C/CA) (by phone)
John Carlin, Acting Assistant Attorney General, National Security Division

Topic: Implementing new FISA policy
Exhibit – Tab E

4:15 – 4:30 p.m.  Border and Immigration Law Enforcement Subcommittee

USA Richard Hartunian (N/NY)

Topic: Comprehensive Immigration Reform Legislation Update

4:35 – 4:45 p.m.  Surge Working Group Update

USA Zane Memeger (E/PA) (VTC)

4:45 – 5:30 p.m.  Committee Business

Topics: Position Sharing (USA Tim Heaphy (W/VA))
FBI hair review project (Norm Wong)
Federal Defenders FY14 Budget
Review of EARS Program
Long Range Planning for AGAC
Others TBD

5:30 p.m.  Meeting Adjourns
Thursday, August 1, 2013
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-_____
FAX: (202) 252-_____

9:00 – 10:00 a.m. U.S. Attorney Messaging
(9:00 - 9:30 a.m.) Talking Points on the Effects of Sequestration
USA Brendan Johnson (SD)
USA Barbara McQuade (E/MI)
USA Richard Hartunian (N/NY)

(9:30 – 10:00 a.m.) Brian Fallon, Director, Office of Public Affairs (confirmed)

10:00 – 11:00 a.m. Robert Mueller Farewell
Great Hall

11:00 – 11:15 a.m. BREAK

11:15 – 11:45 a.m. Over-criminalization Task Force
USA Sally Yates (N/GA)
Jonathan Wroblewski, Director, Office of Policy and Legislation, Criminal Division (confirmed)
Norm Wong, Counsel to the Director, EOUSA

11:45 a.m. – 12:15 p.m. Media Subpoena/Search Guidelines/Federal Defenders
USA Loretta Lynch (E/NY)
Jenny Mosier, Deputy Chief of Staff and Counselor to the Attorney General, Office of the Attorney General (confirmed)

Exhibit – Tab G

12:15 – 1:30 p.m. LUNCH

1:30 – 2:00 p.m. Office of Attorney Recruitment and Management
Lou DeFalaise, Director, OARM (confirmed)

Exhibit – Tab F
2:00 – 2:30 p.m.  
**Security Issues**

USA Jim Santelle (E/WI)
Lavern “Skip” Griswold, Chief Physical Security, Security and Emergency Management Staff

2:30 – 3:00 p.m.  
**Civil Chiefs Working Group Report**

Suzanne Bauknight (E/TN), Chair, Civil Chiefs Working Group

Exhibit – Tab B

3:00 p.m.  
**Meeting Adjourns/All USA Call**
(Call-in number: 1-877-628- ; passcode )
Committee Opening/Business: AGAC Chair Loretta Lynch (E/NY), AGAC Chair, opened the meeting to explain the agenda changes as a result of the AG’s schedule and gave an overview of the business to be discussed over the next two days: phone trees, virtual meetings by office size, region, and EOUSA. AGAC Chair Lynch suggested that it would be good if the AGAC meetings could return to two full days and end with a half-day rather than the reverse. AGAC Chair Lynch believes it will give the Committee more time to work as it helps out for the last day as people who need to leave will not miss out on the meeting. The Committee members were unanimous in adopting the 9-5, 9-5, 9-3 schedule for future meetings beginning in September 2013.

AGAC Chair Lynch further explained the agenda to the Committee in that discussions with the Attorney General will focus on racial disparity in sentencing as raised by U.S. Attorney Carter Stewart (S/OH) as a topic and possible creation of a working group. AGAC Chair Lynch met with Channing Phillips, Senior Counsel to the Attorney General, and Margaret Richardson, Counselor to the Attorney General, and they agreed that the AGAC should look at reports issued by the U.S. Sentencing Commission and the Brennan Center for Justice to synthesize the findings and discuss at September’s meeting.

AGAC Chair Lynch also said that the phone tree discussions are helpful, particularly because they save money and it helps to make our USA colleagues feel connected, especially because there has been no USA conference. AGAC Chair Lynch asked Committee members to come up with more ways to keep all of the USAs involved and connected with the AGAC. Director Marshall Jarrett listed the nine vacant USA positions. (Jarrett/Lynch)

Federal Priorities Working Group: U.S. Attorneys Paul Fishman (NJ), Sarah Saldana (W/TX), and Tristram Coffin (VT) participated via VTC. U.S. Attorney Wendy Olson (ID) gave an overview of identifying federal priorities and provided the Committee with a copy of USAM 9-27.230 titled “Initiating and declining charges - substantial federal interest” along with an update on the draft memos discussed at the previous AGAC meeting. The working group met with Heather Childs, Counsel to the Deputy Attorney General, to get a working draft defining a federal interest and the DAG’s working group is currently reviewing it. United States Attorney Olson has not heard back from Ms. Childs yet on their comments to the working draft. The DAG’s concern was how different is the working draft from the current USAM along with the impact of sequestration. U.S. Attorney Olson pointed out that with civil resources diminishing it means a decrease in the amount of money collected. How will we balance increasing criminal work with less resources resulting from civil work. United States Attorney Fishman stated that the working group memo should address three points: 1) reorder the USAO priorities and get the DAG’s blessing; 2) direct USAOs and FBI SACs to figure out priorities in the districts so they can work together; and 3) a list of criteria to determine what constitutes a federal case. United States Attorney Saldana (W/TX) states that Texas is going to have meetings in the districts with
the SACs regarding this and U.S. Attorney Fishman said that as of last fall all of the FBI SACs are required to establish a strategic plan and if you have not seen one for your district you should. United States Attorney Joyce Vance (N/AL) stated that she spoke to her SAC about this and he said it is not a part of their process to come to the USAO for risk assessment. AGAC Chair Lynch stated that she thinks it is important to discuss with the DAG what is planned in rolling out the series of directive memos to the field regarding federal priorities. United States Attorney Laura Duffy (S/CA) agreed it should be a collaborated effort that comes from leadership so that everyone (within DOJ) will follow. While it should be inclusive and comprehensive however, the DAG does not direct civil priorities. United States Attorney Tristram Coffin (VT) suggests keeping the DAG’s input simple with a directive to look at the USAM, determine what applies in your district, and meet with your SAC. United States Attorney Tim Heaphy (W/VA) added that it should also be driven by system fairness and budgets, and put together in a balanced package. AGAC Chair Lynch suggests discussing the coordination of the memos and potential civil issues with the DAG in order to address all of the AGAC’s concerns, while considering fairness and the budget. (Olson/Lynch)

Office of Justice Programs:

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The AGAC discussed that OJP grants come through the State Attorney General so there is a misconception that it is a state grant. This is a missed DOJ opportunity to show how it contributes to the community. AAG Mason stated that for big initiatives, OJP will let the United States Attorney know in advance about the grant and some grants are more of an opportunity for USAOs to publicize the good work DOJ is doing. AAG Mason indicated that there is a formula press release that the USAOs can use. AGAC Chair Lynch mentions the twitter accounts for the USAs and AAG Mason advises that Mel Haines is the head of OJP’s office communications and Ms. Haines can provide the name of a contact person for press information.
Terrorism/National Security Subcommittee: John Carlin, Acting Assistant Attorney General, National Security Division, and Anita Singh, Acting Chief of Staff, discussed the December 2012 reauthorization of the Foreign Intelligence Surveillance Act (FISA) and implementing new FISA policy. Specifically discussed were the defense counsel legal challenges to § 702 procedures for targeting non-U.S. persons abroad. Mr. Carlin discussed *Clapper v. Amnesty International*, in which the Supreme Court held that the plaintiffs had not suffered a sufficiently concrete injury to have legal standing to challenge Title VII.

AGAC Chair Lynch suggested to the Committee that they should reach out to U.S. Attorney Brotte (C/CA) on this issue quickly and get a group together to gather information as to practical arguments to use in these cases. Acting AAG Carlin agrees with this suggestion and states that the impact from the field on NSD operations has been valuable.

Surge Working Group Update: U.S. Attorney Zane Memeger (E/PA) provided an update on a draft memo that has been sent to the DAG with recommendations to the districts on how to deal with violent crime problems, along with suggestions on how to combine the memo with other directives being issued by the DAG.

AGAC Chair Lynch asked Mr. Memeger if the DAG has said anything about coordinating all of the memos that are coming out, and Mr. Memeger states that the focus has been on policies only. The Committee discusses generally their concerns about the timing of numerous directives being issued by the AG and the DAG, and not wanting the districts to be overwhelmed with too much
information with a lack of resources. The Committee agrees with the idea of asking the AG to have a VTC with the U.S. Attorneys prior to the memos going out in order to provide some interaction and to present a combined message. (Memeger/Lynch)

Border and Immigration Law Enforcement:

(Criminal Chiefs Working Group:

- [Text obscured]
- [Text obscured]
- [Text obscured]

(Bella/Lynch)

Civil Rights: Acting Assistant Attorney General for the Civil Rights Division, Jocelyn Samuels, thanked the AGAC for all of the work they have done and she wants to continue with former AAG Perelli’s path in Civil Rights. Ms. Samuels said she would also like to visit as many districts as she could but with the budget constraints, it will not be possible; rather she may use VTC calls to connect with the districts. U.S. Attorney McQuade (E/MI) stated that she is concerned about the effect of the budget on civil rights initiatives as it can be viewed as “extra” though it is a very real issue. If someone leaves the USAO, resources cannot be reallocated to fill that position. Ms. Samuels said that she would be happy to facilitate helping the districts do more by providing template pleadings and settlement agreements, or provide research. These are issues identified by the AGAC Civil Rights subcommittee and AGAC Chair Lynch asked Ms. Samuels if her office is envisioning a role for USAOs in the voting rights cases? Ms. Samuels
responded affirmatively and that they are meeting on the issue regarding recent state legislation.

(Samuels/Dettelbach)

Civil Rights Subcommittee:

(Dettelbach/Tompkins)

EARS Program:
FBI Hair Review Project: Deputy Director Norm Wong updated the Committee on the ongoing hair fiber analysis program being conducted by the FBI. Essentially, the FBI has been looking at 20,000 convictions where there was testimony regarding hair evidence and are focusing on death penalty cases. The FBI has been contacting state and local prosecutors and the State Governors’ offices to obtain the transcripts of testimony in these cases or they have responded to the FBI that they have no cases that meet the criteria. In some instances, the FBI is not getting a response and it would like to ask for the U.S. Attorneys’ assistance in making a connection with the state authorities. Mr. Wong explained that this would not be handled on a case-by-case basis but essentially an overall request on behalf of the FBI on how to approach each State Governor or Attorney General to ask to review these cases. AGAC Chair Lynch discussed how U.S. Attorney Ronald Machen (DC) has three of these cases in his office and the testimony was found not to be appropriate for hair analysis. Therefore, U.S. Attorney Machen is reviewing these cases on his own because of D.C.’s local authority. The Committee agrees to ask the USAOs to facilitate these requests from the FBI to the state officials where the assistance is needed. (Wong/Lynch)
The current status of the memo is U.S. Attorney Heaphy and Deputy Director Monty Wilkinson need to resolve these two issues and the DAG has not yet opined on this matter. Director Jarrett states that not sweeping the money results in a furlough day for everyone. AGAC Chair Lynch states that she is not comfortable resolving this issue without Monty Wilkinson.

**OMB Subcommittee and Administrative Updates:** U.S. Attorney Jim Lewis (C/IL) reported on a recent subcommittee meeting where a number of issues relating to the budget were covered and recommendations for the AGAC were reached. Acting Chief Financial Officer Kathy Gugulis walked the Committee through the House, Senate, and Continuing Resolution marks for FY 2014. Budget Analyst Rachel Delgado provided the AGAC with a 2013 budget update and reports that adjustments have been made since the last update as attrition levels in the districts have been less than expected. Ms. Gugulis reported that in FY 2014 we will likely not be able to avoid furloughs. AGAC Chair Lynch asked if the sequestration cut will get bigger every year and Ms. Delgado responded that yes it will, and she went over the chart exhibit to explain the calculation and pointed out the increase on the APR line which used the same methodology but was increased for everyone eligible, which will be discussed further under the APR section. Director Jarrett explains that for funded positions such as OCDETF, people will stay in the position in the office but the office will absorb the personnel cost. AGAC Chair Lynch asked whether EOUSA will be $11 million in the hole based on the current assumptions and this was confirmed by Ms. Delgado. AGAC Co-Chair Sally Yates inquired about the OLE budget only being reduced $1 million and Director Jarrett explains that OLE is starting at a reduced base which does not include reprogramming (we would need to go back to Congress to request reprogramming). AGAC Chair Lynch asks if reprogramming has to be done again for FY 2014 can we use the same committee, and Director Jarrett confirmed that this can be done. AGAC Co-Chair Sally Yates asked what would reprogramming again achieve and Ms. Delgado states that it will equal one less furlough day.
U.S. Attorney Jim Lewis explained that he used the scenario of a continuing resolution with sequestration as it is the most likely scenario for at least the beginning of FY 2014 and we will still have a $45 million shortfall (equals nine furlough days). Therefore, the earlier we do the VERA/VSIP the most benefit we will receive. We would need 130 VERA/VSIP positions to get back into the black by 10/1/2013. Mr. Pelletier explains that the VERA/VSIP will not come out of the districts’ budgets and that the average lump sum cost per attorney is $12,500. When the AUSA leaves, the district pays out of pocket and the rest is swept back by EOUSA. Director Jarrett raised the VERA/VSIP issue the DAG, and the DAG is not sure if we should offer this to the USAO community at this point. AGAC Chair Lynch said that the majority view on the tree phones is against VERA/VSIP.

**Time-Off Awards for 2013 and 2014:**

AGAC Chair Lynch took a vote.

- 
- 

APRs for 2013: AGAC Chair Lynch outlines what the AGAC initially wanted to do regarding APRs. U.S. Attorney Jim Lewis explained how the OMB determined that giving out APRs as the AGAC wants will actually cost $9.2 million and not $5.8 million. The additional expense is the result of the passage of time and in order to provide an amount equivalent to three percent raises. AGAC Chair Lynch discussed with the Committee whether the additional $4.4 million expense is something that should be done and opens the floor to opposing arguments. Director Jarrett confirms that the DAG did question this and JMD has approved it, but the DAG has not approved it yet. The Committee voted to keep the original intent of the APRs, absorb the additional cost, and make this recommendation to the DAG.

Exemptions: U.S. Attorney Jim Lewis addressed the process.
Secretaries with Terms:

VERA/VSIP:

AGAC Chair Lynch took a vote.

AGAC Chair Lynch took a second vote.

Civil Chiefs Working Group Report:

AGAC Chair Lynch took a vote.
OMB Subcommittee and Administrative Updates continued: The AGAC resumes with the OMB updates and AGAC Chair Lynch asks that everyone limit the discussion to five minutes in order to get through the lengthy agenda. Budget Analyst Jonathan Pelletier has returned with a new chart reflecting the VERA/VSIP numbers based on a 15 percent vacancy rate. Eleven districts will have no attorneys eligible and 48 districts with no staff eligible.

There is a general Committee discussion about ensuring the districts share equally in the loss of staff. AGAC Chair Lynch took a vote on whether the VERA/VSIP should be a straight 20 percent or apply a second filter, and the Committee voted in favor of recommending a VERA/VSIP using a 20 percent vacancy rate.

Chair Lynch then asked if certain positions should be ineligible for the VERA/VSIP. It was decided to include the Intelligence Specialists in the exemption for now until it can be verified whether this position is required in each district. Administrative Officer Marian Nelson (S/GA) expressed concern about the internal control processes required in the districts for certain administrative jobs and that some jobs require more than one person to handle certain duties. Both the AO Working Group and EOUSA are trying to get JMD to change some of the internal controls/separation of duties requirements. The Committee voted in favor of the OMB recommendation to make certain positions exempt from VERA/VSIP to be completed by 10/1/13 for 120/120 (total 240 positions), with the filter that a district’s vacancy rate cannot go below 20 percent and certain critical positions will be exempt.

Students in 2014:

Guards:
(Lewis/Griswold)

USA Staffing:

Back-up IT Server Storage in Columbia:

:  

:  

Help Desk for Relativity and Nine Related Programs:

Toners/Printers: U.S. Attorneys Stephanie Finley (W/LA) and Conner Eldridge (W/AR), and Chief Information Officer Mark Fleshman presented the OMB recommendation to divide the present nation-wide toner budget on the basis of FTE allocated to each district and if a district needs more than this allocation, the district should finance the additional toner. The OMB and EOUSA are also committed to the educational process that will be required by these changes. AGAC Chair Lynch pointed out that a year ago it was discussed to come up with a goal
regarding printers and toner but this had not yet been determined. The AGAC was not receptive to this OMB recommendation regarding the toner budgets. Mr. Fleshman agreed that he did not address the educational issue and stated it was his goal to remedy that situation now. Therefore, Mr. Fleshman offered an alternative recommendation: 1) the toner account will be funded centrally; 2) Mr. Fleshman’s staff will make education a priority; 3) if a district exceeds its toner budget, RMP will fund through non-personnel or other alternative. The Committee agrees to accept Mr. Fleshman’s alternative recommendation.

U.S. Attorney Conner Eldridge and Mr. Fleshman explain the issues with printers: maintenance and directive from OPM/JMD encouraging a lower number of printers/users. The IRB presented four options to OMB, which recommends that EOUSA provide each of the 94 districts an allocation of the printer maintenance budget, and grant them full discretion on selecting which units receive maintenance. This option provides districts with the most flexibility. The Committee voted to accept the OMB’s recommendation with USA Lynch abstaining.

Cloud Storage:

Health Care Units/FLU Shots: AGAC Chair Lynch asks what the cost of the health care units is and Administrative Officer Marian Nelson (S/GA) explains how this service is used in the districts. AGAC Chair Lynch asks the Committee members to check in their districts to see if health care units are being used and what is the cost, and asks Budget Analysis Rachel Delgado to calculate the cost per person and/or per district. Ms. Delgado said she will get the figures and that EOUSA needs to give a 60-day notice to cancel these health care unit contracts. AGAC Chair Lynch asks that this issue be put on the September meeting agenda for possible cost savings.

General Business Wrap up:

U.S. Attorney Tim Heaphy (W/VA) states that he would like to distribute the position sharing memo to the districts as soon as possible. Director Jarrett asks that Deputy Director Monty
Wilkinson take a look at the memo first since there could be a shadow financial issue because it could increase the grade for an employee. AGAC Chair Lynch approves the position sharing memo going out to the districts pending Mr. Wilkinson’s review of the memo.
Attorney General's Advisory Committee
AGENDA

Tuesday, September 10, 2013
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-

9:00 – 9:15 a.m. Introductory Remarks
USA Loretta Lynch (E/NY), Chair

9:15 – 9:45 a.m. Giglio Policy Update
Andrew Goldsmith, National Criminal Discovery Coordinator,
Office of the Deputy Attorney General (confirmed)
USA Nick Klinefeldt (IAS) (VTC)
USA Tris Coffin (VT) (VTC)
USA Joyce Vance (ALN) (VTC)
Exhibit – Tab 11

10:00 – 10:45 a.m. Committee Business: Narcotics Policy Discussion

10:45 – 11:00 a.m. BREAK

11:00 a.m. – 12:00 p.m. EARS Briefing
Dayle Elieson, Assistant Director, EARS (confirmed)

12:00 – 1:30 p.m. LUNCH

1:30 – 2:15 p.m. Office of Attorney Recruitment and Management
Lou DeFalaise, Director, OARM (confirmed)
Exhibit – Tab 4

2:15 – 3:00 p.m. Committee Business: Narcotics Policy Discussion (con’t)

3:00 – 3:30 p.m. Meet with Associate Attorney General (confirmed)

3:30 – 3:45 p.m. BREAK
3:45 p.m. – 4:15 p.m.  Federal Bureau of Prisons

Kathleen A. Kenney, Assistant Director/General Counsel, BOP (confirmed)
Topic:  Handling compassionate release requests
Exhibit:  Tab 6

4:15 – 5:00 p.m.  Committee Business: Narcotics Policy Discussion (con’t)

5:00 – 5:15 p.m.  Appellate Chiefs Working Group

Bob Zauzmer (E/PA), Chair, Appellate Chiefs Working Group
Exhibit – Tab 1

5:15 - 5:30 p.m.  Criminal Chiefs Working Group

Daniel Bella, Criminal Chief (N/IN), Chair, Criminal Chiefs Working Group
Exhibit – Tab 3

6:30 p.m.  Group Dinner
Wednesday, September 11, 2013
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-

9:00 – 10:00 a.m. Committee Business: USA Conference Planning

10:00 – 11:00 a.m. Administrative Updates

H. Marshall Jarrett, Director
Kathy Gugulis, Deputy Director for Administration and Management
Shawn Flinn, Chief Human Resources Officer (by phone)
Jane Reimus, Assistant Director, Policy and Special Programs
USA Stephanie Finley (LAW) (VTC)
USA Conner Eldridge (ARW) (VTC)
Marian Nelson (GAS) (VTC)

Topics: VERA/VSIP, Budget update, OMB/IRB update

11:00 a.m. - 12:00 p.m. Meeting with Attorney General (confirmed)

12:00 – 1:30 p.m. LUNCH

1:30 – 2:00 p.m. FBI Payment of Translation Costs Post-indictment (confirmed)

USA John Walsh (CO) (VTC)

2:00 – 2:30 p.m. Border and Immigration Law Enforcement Subcommittee

USA Richard Hartunian (NYN)
Gretchen Shappert, Assistant Director, Indian, Violent & Cyber Crimes Staff

Topics: Comprehensive Immigration Reform Status, Notario Fraud Public Outreach, and USCIS – ELIS Transformation Project

Exhibit: Tab 10

2:30 – 3:00 p.m. Committee Business: Media Subpoena/Search Guidelines, Risk Assessment (USA Sally Yates)
3:00 – 3:15 p.m.  **NAIS Subcommittee Report**  
USA Tim Purdon (ND)(VTC) (confirmed)  
USA Sandy Coats (OKW) (VTC) (confirmed)  
Topics: Upcoming NAIS Meeting, involvement in upcoming AG speech

Exhibit: Tab 9

3:15 – 3:30 p.m.  **BREAK**

3:30 – 4:00 p.m.  **Domestic Terrorism Executive Committee**  
USA Barbara McQuade (EMI)  
USA Conner Eldridge (ARW) (VTC)

Exhibit – Tab 7

4:00 – 4:30 p.m.  **Civil Chiefs Working Group Report**  
Suzanne Bauknight (E/TN), Chair, Civil Chiefs Working Group

Exhibit – Tab 2

4:30 – 5:30 p.m.  **Committee Business: Racial Disparity Working Group**  
(Exhibit: Tab 8) and **Streamlining Project** (Exhibit: Tab 5)  
(USA Carter Stewart)

5:30 p.m.  Meeting Adjourns
Thursday, September 12, 2013
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-

9:00 – 10:00 a.m.  Implementation of Mandatory Minimum Sentences
(9-9:30 a.m.) Jonathan Wroblewski, Director, Office of Policy and Legislation, Criminal Division (confirmed)
USA Sally Yates (GAN)

10:00 – 10:30 a.m.  Affordable Care Act Fraud Awareness
Matthew Axelrod, Associate Deputy Attorney General, Office of the Deputy Attorney General
Maame Frimpong, Deputy Assistant Attorney General, Consumer Protection Branch, Civil Division
Exhibit – Tab 12

10:30 - 11:00 a.m.  Committee Business:  Best Practices

11:00 a.m. – 12:00 p.m.  Meeting with Deputy Attorney General (confirmed)

12:00 – 1:30 p.m.  LUNCH

1:30 – 1:45 p.m.  INTERPOL
Shawn Bray, Director (confirmed)

1:45 - 3:00 p.m.  Committee Business

3:00 p.m.  Meeting Adjourns/All USA Call
(Call-in number: 1-877-628- ; passcode )
Giglio Policy Update:

1. 
   - 
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   - 
   - 

2. 
   - 
   - 
   - 
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(Working Draft of 9/23/14)
Office of Attorney Recruitment and Management (OARM):

Pay plans for DOJ attorneys vs. AUSAs

Tenure Groups for Attorneys
Documenting Veterans’ Preference in Hiring Attorneys

Meeting with Associate Attorney General:

(Flinn/Macklin)
Administrative Update:

FY 2013 Budget Status:

FY 2014 Operating Plan Updates:

VERA/VSIP:

(Jarrett)
FBI Payment of Translation Costs Post-Indictment:

Report from FBI Criminal Investigative Division:
1) 
2) 
3) 
4) 
5) 
6) 

NAIS Subcommittee Report:
Streamlining Project: (Stewart/Wong)

Racial Disparity Working Group:

•
INTERPOL:

U.S. Attorneys Conference Planning:

Appellate Chiefs Working Group:

Criminal Chiefs Working Group Report:
- Re-authorization of long term ICE umbrella undercover operations –
- Draft Tax Directive 145 –
Attorney General's Advisory Committee
AGENDA

Tuesday, November 5, 2013
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-

9:00 – 9:15 a.m. Introductory Remarks
USA Loretta Lynch (NYE), Chair

9:15 – 10:15 a.m. Committee Business - Implementation of Narcotics Policy
Exhibit – Tab 4

10:15 – 10:30 a.m. BREAK

10:30 – 11:30 a.m. Implementation of Federal Priorities Policy
USA Wendy Olson (ID)
USA Tris Coffin (VT) (VTC)
USA Paul Fishman (NJ) (VTC)
USA Sarah Saldana (TXN) (VTC)

Topics: Update from Federal Priorities WG; Discussion of implementation of federal priorities policy; effect of policy on prosecution guidelines.

11:30 a.m. – 12:00 p.m. Committee Business – Follow-up EARS discussion; feedback on DOJ/EOUSA handling of government shutdown

12:00 – 1:30 p.m. LUNCH

1:30 – 2:00 p.m. Committee Business – Discussion on upcoming DOJ policies

2:00 – 2:15 p.m. Border and Immigration Law Enforcement Subcommittee
USA Rick Hartunian (NYN)
USA Ken Magidson (TXS) (VTC)

2:15 – 3:00 p.m. Risk Assessment Memo
Matt Axelrod, Associate Deputy Attorney General, Office of the Deputy Attorney General
USA Sally Yates (GAN)

Exhibit – Tab 5
3:00 – 3:30 p.m.  Proposed E-Discovery Working Group
Andrew Goldsmith, National Criminal Discovery Coordinator
Office of the Deputy Attorney General
Tammy Reno, Assistant Director, White Collar and Civil Litigation, EOUSA
John Haried, Criminal Discovery Coordinator, EOUSA (VTC)

Exhibit – Tab 6

3:30 – 3:45 p.m.  BREAK

3:45 p.m. – 4:15 p.m.  Asset Forfeiture Contractor Resource Allocation
Norm Wong, Deputy Director, EOUSA
Dan Villegas, Counsel, Legal and Victim Programs, EOUSA
Mark Redmiles, Assistant Director, Asset Recovery, EOUSA

Exhibit – Tab 7

4:15 – 4:45 p.m.  Appellate Chiefs Working Group Report
Bob Zauzmer (PAE), Chair, Appellate Chiefs Working Group

Exhibit – Tab 1

4:45 – 5:00 p.m.  Criminal Chiefs Working Group Report
Daniel Bella, Criminal Chief (INN), Chair, Criminal Chiefs Working Group

Exhibit – Tab 3

5:00 - 5:30 p.m.  Civil Chiefs Working Group Report
Suzanne Bauknight (TNE), Chair, Civil Chiefs Working Group

Exhibit – Tab 2

6:30 p.m.  Group Dinner
(Del Frisco’s Grille, 1201 Pennsylvania Ave, NW under Winzenburg)
Wednesday, November 6, 2013
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-

9:00 – 11:00 a.m.  Administrative Updates

H. Marshall Jarrett, Director
Shawn Flinn, Chief Human Resources Officer
Paul Suddes, Acting CFO
Marian Nelson (GAS) (VTC)

Topics:  VERA/VSIP update; Budget update; discussion of transfers among USAO (support staff); Exemption Committee update, DAG spending restriction memo; additional cut to non-payroll funds

Exhibit – Tab 12

11:00 – 11:15 a.m.  BREAK

11:15 a.m. – 12:00 p.m.  FBI Taping Policy Update

USA Joyce Vance (ALN) (VTC)
USA Tris Coffin (VT) (VTC)
USA Sandy Coats (OKW) (VTC)
USA Steve Dettelbach (OHN) (VTC)
USA Paul Fishman (NJ) (VTC)

Exhibit – Tab 8

12:00 – 1:30 p.m.  LUNCH

1:30 – 1:45 p.m.  USPIS National Interdiction Plan

USA Carter Stewart (OHS)
USA Amanda Marshall (OR) (VTC)
USA John Walsh (CO) (VTC)

Exhibit – Tab 9

1:45 – 2:00 p.m.  Update on FBI Translation Services

USA Anne Tompkins (NCW) (VTC)
USA John Walsh (CO) (VTC)
2:00 – 2:30 p.m.  Committee Business – U.S. Attorneys’ Conference Planning

2:30 – 3:15 p.m.  OCDETF De-Allocation Proposal

James Dinan, Associate Deputy Attorney General and Director, OCDETF
Thomas Padden, Deputy Director, OCDETF
Peter Maxey, Executive Officer, OCDETF

3:15 - 4:00 p.m.  Committee Business - U.S. Attorneys’ Conference Planning

4:00 – 4:30 p.m.  Committee Business - HOLD

4:30 – 5:30 p.m.  Meeting with Deputy Attorney General

5:30 p.m.  Meeting Adjourns
Thursday, November 7, 2013
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-9

9:00 – 10:30 a.m. Committee Business – USAM Changes (Exhibit – Tab 10), CEOS WG, Circuit Reports

10:30 – 11:00 a.m. Committee Business – HOLD

11:00 a.m. – 12:00 p.m. Meeting with Attorney General

12:00 – 1:30 p.m. LUNCH

1:30 – 2:00 p.m. Committee Business – Circuit Reports

2:00 – 2:30 p.m. Meeting with Associate Attorney General

2:30 – 3:00 p.m. Committee Business – Circuit Reports

3:00 p.m. Meeting Adjourns/All USA Call
(Call-in number: 1-877-628-; passcode )
Attorney General’s Advisory Committee
November 5-7, 2013
Summary

(Working Draft of 11/25/13)

Implementation of Narcotics Policy:

(Lynch/Zauzmer/Bella)

Federal Priorities Working Group Update:

(Olson/Bauknight)
Follow-up EARS Discussion:

(Jarrett/Wong)

Feedback on DOJ/EOUSA Handling of Government Shutdown:

Jarrett

Border and Immigration Subcommittee Update:

(Hartumian/Shappert)

Risk AssessmentMemo:
(Jarrett/Yates)

E-discovery Working Group Proposal:

(Villegas/Reno)

Asset Forfeiture Contractor Allocation Process:
(Stewart)

FBI Payment of Translation Costs Post-Indictment:

(Tompkins/Walsh)

Peter Kadzik, Principal Deputy Assistant Attorney General, Office of Legislative Affairs:

OCDETF De-Allocation Proposal:
Proposed Changes to the USAM:

(Smith)

U.S. Attorneys’ Conference Planning:

(Lynch/Jarrett)

Appellate Chiefs Working Group:
Civil Rights Delegation: ____________________________

(Edelman/Bauknight)
Attorney General's Advisory Committee
AGENDA

Tuesday, December 10, 2013
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-

9:00 – 9:15 a.m.  Introductory Remarks
USA Loretta Lynch (NYE), Chair

9:15 – 10:00 a.m.  Committee Business – Planning for 2014

10:00 – 11:00 a.m.  Federal Priorities Working Group Update
USA Wendy Olson (ID)
USA Pam Marsh (FLN)
USA Jim Santelle (EWI)
USA Rick Hartunian (NYN)
USA Tris Coffin (VT) (VTC)
USA Paul Fishman (NJ) (VTC)
USA Sarah Saldana (TXN) (VTC)
Suzanne Bauknight (TNE), Chair, Civil Chiefs Working Group

Exhibit – Tab 4

11:00 – 11:15 a.m.  BREAK

11:15 a.m. – 12:00 p.m.  Committee Business - discussion of district policies on filing 851s (Tab 9)

12:00 – 1:30 p.m.  LUNCH

1:30 – 2:00 p.m.  Committee Business – update on Streamlining Project

2:00 – 2:30 p.m.  Update on Congressional Budget Report
Lee Lofthus, Assistant Attorney General for Administration
Peter Kadzik, Principal Deputy Assistant Attorney General, Office of Legislative Affairs
2:30 – 3:00 p.m.  Expanded Guidance Regarding the Use of Race by Federal Law Enforcement Agencies

Elana Tyrangiel, Principal Deputy Assistant Attorney General, Office of Legal Policy
Steve Siger, Chief of Staff, Office of Legal Policy

Exhibit – Tab 10

3:00 – 3:30 p.m.  Sentencing Guideline Change Proposal

USA Steve Wigginton (ILS), Chair, Violent and Organized Crime Subcommittee (VTC)

Exhibit – Tab 5

3:30 – 3:45 p.m.  BREAK

3:45 p.m. – 4:30 p.m.  Michael Dreeben, Deputy Solicitor General

Topics:  Drug conspiracy charging issue & plea agreement ineffective assistance of counsel waiver

Exhibit – Tab 8

4:30 – 5:00 p.m.  Appellate Chiefs Working Group Report

Bob Zauzmer (PAE), Chair, Appellate Chiefs Working Group

Exhibit – Tab 1

5:00 – 5:20 p.m.  Civil Chiefs Working Group Report

Suzanne Bauknight (TNE), Chair, Civil Chiefs Working Group

Exhibit – Tab 2

5:30 p.m.  Meeting Adjourns

6:30 p.m.  Group Dinner
McCormick and Schmick’s, 901 F Street, NW
Wednesday, December 11, 2013
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-

9:00 – 10:00 a.m.  Administrative Updates

H. Marshall Jarrett, Director
Monty Wilkinson, Principal Deputy Director and Chief of Staff
Norm Wong, Deputy Director and Counsel to the Director
Shawn Flinn, Chief Human Resources Officer
Paul Suddes, Acting CFO
Marian Nelson (GAS) (VTC)

Topics: Term Administrative Assistants, LIONS and pre-trial diversion; discussion of prohibition of transferring of AUSAs between offices

10:00 – 10:30 a.m.  Committee Business – HOLD

10:30 – 11:30 a.m.  Meeting with Deputy Attorney General

11:30 – 11:45 a.m.  BREAK

11:45 - 12:15 p.m.  Update on FBI Translation Services

USA Anne Tompkins (NCW)
USA John Walsh (CO) (VTC)

Exhibit – Tab 6

12:15 – 1:30 p.m.  LUNCH

1:45 – 2:15 p.m.  Meeting with Associate Attorney General

2:15 – 2:30 p.m.  BREAK

2:30 – 3:00 p.m.  Committee Business – Discussion on effects of VERA/VSIP, establishing a limited hiring authority

3:00 – 3:30 p.m.  FBI’s Cyber Threat Center

Cristina Posa, Deputy Chief, National Security & Cybercrime, NYE

Exhibit - Tab 9
4:00 – 5:30 p.m.  Committee Business - U.S. Attorneys’ Conference Planning, Prep for meeting with ATF Director

5:30 p.m.  Meeting Adjourns
Thursday, December 12, 2013
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-1

9:00 – 9:45 a.m.  Bureau of Alcohol, Tobacco, Firearms and Explosives
B. Todd Jones, Director
Exhibit – Tab 7

9:45 – 10:00 a.m.  Committee Business

10:00 a.m. – 10:15 a.m.  Border and Immigration Law Enforcement Subcommittee
USA Rick Hartunian (NYN)
USA Ken Magidson (TXS) (VTC)

10:15- 10:30 a.m.  BREAK

10:30 – 11:00 a.m.  Committee Business – HOLD

11:00 a.m. – 12:00 p.m.  Meeting with Attorney General
12:00 – 1:30 p.m.  LUNCH

1:30 – 2:00 p.m.  Office of Community Oriented Policing Services (COPS)
(tentative)
Ronald L. Davis, Director

2:00 – 3:00 p.m.  Committee Business

3:00 p.m.  Meeting Adjourns/All USA Call
(Call-in number: 1-877-628- ; passcode )
U.S. Attorney Loretta Lynch (NYE), Chair, asked that Committee members obtain feedback from their phone trees for the next meeting on 851 filing practices that includes:

- USAO policy overall, including an mechanism in place for implementing
- Does the USAO always file?
- Does the USAO always dismiss or not file in return for a plea?
- Is the policy used for plea negotiations?
• Any cases that could be used as examples for messaging purposes. (Lynch/Yates)

Federal Priorities Working Group Update:

(Olson/Baeknight)

Planning for 2014: U.S. Attorney Loretta Lynch (NYE), Chair, asked for suggestions from the Committee on topics or potential policy areas that the AGAC and Subcommittees should consider focusing on during the next year. The following topics were provided during the discussion:

• Civil workload
• Retention of staff
• Supervisory positions – training younger AUSAs on information they should know to become a supervisor
• Long term hiring, progression of staff
• Long term effects of the hiring freeze
• Prevention and reentry as a legacy topic
- Develop ways to measure success in “alternatives to prison.” LIONS is not fully capable of capturing this information.
- How are USAOs supporting this part of the mission?
- Share successful USAO programs (at USA conference within the “managing in lean times” block of topics)
- Furthering the DOJ mission in ensuring fair administration of justice
- Improving eyewitness identification practices
- Relations with non-government organizations (e.g. civil rights and environmental, as examples) – the trend is that DOJ is moving away from these organizations due to our shrinking resources
- White House and National Security Staff are engaging U.S. Attorneys on their ideas for combating violent extremism in the United States. U.S. Attorneys are providing feedback on what efforts are underway in their districts, what’s working, how the community is being engaged, and what outreach efforts are underway.

Streamlining Project Update:

DOJ Budget Update:
Collections Press Release:

Proposed “Body Armor” Amendment to USSG 2K2.1:

Solicitor General’s Office:
Transfer of AUSAs between USAOs: U. S. Attorney Loretta Lynch (NYE), Chair, requested feedback from Committee members and phone trees over whether to lift the ban on transfers of AUSAs between districts. Most reported that there was no strong opposition from them or their phone trees for lifting the ban. They don’t want to deny opportunities to AUSAs. There have been approximately 15 hardship transfers that have taken place since the ban was put in place. These were situations where both U.S. Attorneys agreed to the transfer. It was suggested that the ban remain in place until there is more budget clarity, which is expected in mid-January. The full AGAC agreed that this was the best option for now. This is issue will be revisited during the January meeting.
Expanded Guidance Regarding the Use of Race by Federal Law Enforcement Agencies:

- [Redacted]
- [Redacted]
Criminal Chiefs Working Group Report:

(Bella)

Civil Chiefs Working Group Report

- Annual Report Spotlight on Civil Defensive Medical Malpractice Cases:

- United States Attorney on Tax Division Pleadings:
• Update Concerning Contractor Data Security Clause:

• IRS SAUSA Program Transition:

• Civil Rights Delegation:

(Bauknight)
Attorney General's Advisory Committee
AGENDA

Tuesday, January 28, 2014
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-

9:00 – 9:15 a.m. Introductory Remarks
USA Loretta Lynch (NYE), Chair

9:15 – 10:15 a.m. Committee Business – proposed sentencing guidelines amendment reducing the drug guidelines (Tabs 11 & 12)
USA Tris Coffin (VT) (VTC)

10:15 – 10:30 a.m. BREAK

10:30 – 11:15 a.m. Principles of Federal Prosecution – Proposed Changes
Norm Wong, Counsel to the Director and Deputy Director
USA Tris Coffin (VT) (VTC)
USA Joyce Vance (ALN)

Exhibit – Tab 4

11:15 – 11:30 a.m. Federal Priorities Working Group Update
USA Wendy Olson (ID)
USA Pam Marsh (FLN)
USA Jim Santelle (EWI)
USA Rick Hartunian (NYN)
USA Sarah Saldana (TXN)
USA Tris Coffin (VT) (VTC)
USA Paul Fishman (NJ)
USA Joyce Vance (ALN)
Suzanne Bauknight (TNE), Chair, Civil Chiefs Working Group

Exhibit – Tab 5

11:30 - 12:00 p.m. Committee Business – AG/DAG outreach plan for 2014

12:00 – 1:30 p.m. LUNCH

1:30 – 2:15 p.m. Meeting with FBI Director (confirmed)

2:15 – 2:30 p.m. BREAK
2:30 – 3:00 p.m. **Death Penalty Protocol (confirmed)**

Channing Philips, Senior Counselor to the Attorney General  
James Dinan, Associate Deputy Attorney General & Director, OCDETF  
Kevin Carwile, Chief, Capitol Case Unit, Criminal Division

Exhibit – Tab 6

3:00 – 3:30 p.m. **Committee Business** - Feedback from phone trees on handling of 851s and DOJ priorities for 2014; Outreach to NAAUSA

3:30 – 4:00 p.m. **Committee Business - HOLD**

4:00 – 5:00 p.m. **Meeting with Attorney General (confirmed)**  
Room 5111

5:00 – 5:30 p.m. **Civil Chiefs Working Group Report**

Suzanne Bauknight (TNE), Chair, Civil Chiefs Working Group

Exhibit – Tab 2

5:30 p.m. **Meeting Adjourns**

6:30 p.m. **Group Dinner**  
Chef Geoff’s – Downtown @ 13th Street between E & F
Wednesday, January 29, 2014
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252- 

9:00 – 9:30 a.m.  
Office of Community Oriented Policing Services (COPS)  
(confirmed)  
Ronald L. Davis, Director

9:30 – 10:00 a.m.  
AD vs. GS pay scales for AUSAs  
Shawn Flinn, Chief Human Resources Officer  
Marian Nelson (GAS) (VTC)  
Exhibit – Tab 8

10:00 – 11:00 a.m.  
Budget Update  
H. Marshall Jarrett, Director  
Monty Wilkinson, Principal Deputy Director and Chief of Staff  
Paul Suddes, Chief Financial Officer  
Marian Nelson (GAS) (VTC)  
Exhibit – Tab 9

11:00 – 11:30 a.m.  
Committee Business

11:30 – 12:00 p.m.  
Plea Agreement Waivers of Claims of Ineffective Assistance of Counsel  
Bob Zauzmer (PAE), Chair, Appellate Chiefs Working Group  
Exhibit – Tab 1

12:00 – 1:30 p.m.  
LUNCH

1:30 – 2:00 p.m.  
Human Rights and Special Prosecution Section Overview  
(confirmed)  
Teresa McHenry, Chief  
Exhibit – Tab 10
2:00 – 2:30 p.m.  Appellate Chiefs Working Group Report

Bob Zauzmer (PAE), Chair, Appellate Chiefs Working Group

Exhibit – Tab 1

2:30 - 3:00 p.m.  Committee Business – Prep for Associate

3:00 – 3:30 p.m.  Meeting with the Associate Attorney General (confirmed)
Room 5706

3:30 – 4:30 p.m.  Committee Business – HOLD – Prep for DAG; other topics TBD

4:30 – 5:30 p.m.  Meeting with Deputy Attorney General (confirmed)
Room 4111

5:30 p.m.  Meeting Adjourns
Thursday, January 30, 2014
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-

9:00 – 9:30 a.m.  Criminal Chiefs Working Group Report
Dan Bella (INN), Chair, Criminal Chiefs Working Group
Exhibit – Tab 3

9:30 – 10:00 a.m.  Tax Directive 145 (confirmed)
Kathleen Keneally, Assistant Attorney General, Tax Division
Exhibit – Tab 7

10:00 – 10:15 a.m.  BREAK

10:15 – 11:00 a.m.  Committee Business – U.S. Attorneys’ Conference Planning and Update

11:00 – 11:30 a.m.  Update on FBI Cyber Operations (confirmed)
Joseph M. Demarest
Assistant Director for Cyber, Federal Bureau of Investigation

11:30 a.m. - 12:00 p.m.  Committee Business – Giglio Policy Update (Tab 13)

12:00 – 1:30 p.m.  LUNCH

1:30 – 3:00 p.m.  Committee Business - TBD

3:00 p.m.  Meeting Adjourns/All USA Call
(Call-in number: 1-877-628-； passcode ）
Attorney General’s Advisory Committee
January 28-30, 2014

Summary

(Working Draft of 2/5/14)

Proposed Reduction in Narcotics Sentencing Guidelines:

1. Lowering the sentence range for possession of certain quantities of drugs.
2. Increasing the range of sentences for trafficking certain quantities of drugs.
3. Implementing mandatory minimum sentences for repeat offenders.
4. Introducing rehabilitation programs for non-violent drug offenders.

The committee will hold a public hearing on these proposals on March 10, 2014.
Proposed Changes to Principles of Federal Prosecution:

[Lynch/Vance/Coffin]
primary reliance on 3553 factors instead of Guideline calculations. For this reason, the

(Wong/Vance)

Federal Priorities Working Group Update:

(Olson)

AG/DAG Messaging: The Attorney General has stated that he supports Congress reviewing
sentencing reduction legislation for narcotics offenders. The overall goals are to let the field staff hear from the AG his views on this and other topics and to increase the internal messaging. These include:

1. 

2. A webinar in February that includes Criminal Chiefs and drug prosecutors. This will allow the AG to reach many of AUSAs at one time. Questions can be asked in real time by typing them in during the session. It was suggested that since the AGAC is aware of
some of the concerns, that he speak to those without being directly asked. Channing Phillips of the AG’s staff is working with Loretta Lynch on possible dates.

(Lynch/Jarrett)

Federal Bureau Of Investigation Director:

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Proposed Revisions to Death Penalty Protocol:

(Lynch)
Office of Community Oriented Policing Services (COPS):

Budget Update/Hiring Plan:
Transfer of AUSAs between USAOs: U.S. Attorney Loretta Lynch (NYE), Chair, asked the Committee if it was now time to lift the moratorium on the open transfers of AUSAs between UASOs. The Committee decided to delay lifting the ban until the hiring process can begin.

U.S. Attorneys’ Conference Planning:

FBI’s Cyber Threat Center:
Giglio Policy Update: (Vance0)

Appellate Chiefs Working Group: 

Plea Agreement Waivers of Ineffective Assistance of Counsel: (Lynch/Durkin)
Attorney General's Advisory Committee
AGENDA

Monday, March 17, 2014
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-

9:00 – 9:15 a.m.  Discussion on Smart on Crime Symposium
USA Loretta Lynch (NYE), Chair

9:15 – 9:30 a.m.  Update from Forensic Science Working Group
USA John Kacavas (NH)

9:30 – 10:00 a.m.  Committee Business

10:00 – 10:30 a.m.  Plea Agreement Waivers of Claims of Ineffective Assistance of Counsel
Bob Zauzmer (PAE), Chair, Appellate Chiefs Working Group
Exhibit – Tab 1

10:30 – 11:00 a.m.  Smart on Crime Implementation
Norm Wong, Deputy Director and Counsel to the Director, EOUSA
Dave Smith, Counsel for Legal Initiatives, EOUSA
Exhibit – Tab 2

11:00 – 12:00 p.m.  FY 14 and FY15 Budget/APRs
H. Marshall Jarrett, Director, EOUSA
Monty Wilkinson, Chief of Staff, EOUSA
Paul Suddes, Chief Financial Officer, EOUSA
Shawn Flinn, Chief Human Resource Officer, EOUSA
Exhibit – Tab 3

12:00 p.m.  Adjourn
(Working Draft of 3/21/14)

**Smart on Crime Symposium:**
[Redacted text]

**Messaging Smart on Crime by the Deputy Attorney General:** U.S. Attorney Loretta Lynch (NYE) indicated that she would try to schedule a VTC between the DAG and narcotics prosecutors and OCDETF Chiefs during the first two weeks in April to discuss the Smart on Crime Initiative. (Lynch)

**Forensic Science Working Group:**
[Redacted text]

**Plea Agreement Waivers of Ineffective Assistance of Counsel:**
[Redacted text]
Attorney General's Advisory Committee
AGENDA

Tuesday, April 29, 2014
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-

9:00 – 9:15 a.m. Introductory Remarks
USA Loretta Lynch (NYE), Chair

9:15 – 10:00 a.m. Committee Business – Follow-up to issues from the U.S. Attorneys’ Conference

10:00 – 10:30 a.m. Campaign for the Fair Sentencing of Youth
Jody Kent Lavy, Director & National Coordinator
Miriam Aroni Krinsky, Policy Consultant, The California Endowment
Exhibit – Tab D

10:30 – 10:45 a.m. BREAK

10:45 a.m. – 11:15 a.m. Federal Priorities Working Group Update
USA Wendy Olson (ID)
USA Rick Hartunian (NYN)
USA Sarah Saldana (TXN)
USA Jim Santelle (WIE) (VTC)
USA Paul Fishman (NJ) (VTC)
Suzanne Bauknight (TNE), Chair, Civil Chiefs Working Group
Exhibit – Tab E

11:15 – 11:45 a.m. Civil Chiefs Working Group Report
Suzanne Bauknight (TNE), Chair, Civil Chiefs Working Group
Exhibit – Tab B

11:45 – 12:00 p.m. Committee Business

12:00 – 1:30 p.m. LUNCH
1:30 – 2:00 p.m.  Proposed USAM Changes

USA Deb Gilg (NE), Chair, CEOS Working Group (VTC)

Exhibits – Tab F

2:00 – 3:00 p.m.  Clemency Initiative

Heather Childs, Senior Counsel, Office of the Deputy Attorney General
Julie Zubrak, Deputy Chief of Staff, Office of the Attorney General

Exhibit – Tab L

3:00 – 3:30 p.m.  Committee Business – HOLD (prep for ASG)

3:30 – 4:00 p.m.  Meeting with the Associate Attorney General
Room 5706

4:00 – 4:30 p.m.  Committee Business

4:30 - 5:00 p.m.  Taping Policy Update

USA Tris Coffin (VT) (VTC)
USA Joyce Vance (ALN) (VTC)
Andrew Goldsmith, National Criminal Discovery Coordinator, Office of the Deputy Attorney General
Dave Smith, Counsel for Legal Initiatives, EOUSA

Exhibit – Tab G

5:00 – 5:30 p.m.  Giglio Policy Update

USA Tris Coffin (VT) (VTC)
USA Joyce Vance (ALN) (VTC)
Andrew Goldsmith, National Criminal Discovery Coordinator, Office of the Deputy Attorney General
Dave Smith, Counsel for Legal Initiatives, EOUSA

Exhibit – Tab H

5:30 p.m.  Meeting Adjourns

6:30 p.m.  Group Dinner
The Hamilton, 600 14th Street, N.W.
9:00 – 9:30 a.m.  
**Disciplinary Process and Procedure/OIG Report on EOUSA/USAO Disciplinary Process**

Suzanne Bell, Deputy Director, EOUSA  
Jay Macklin, General Counsel, EOUSA

9:30 – 10:00 a.m.  
**Smart on Crime**

**Update on Conference**
USA Sally Yates (GAN)

**Update on Performance Measure Development**
Norm Wong, Counsel to the Director and Deputy Director, EOUSA  
Dave Smith – Counsel for Legal Initiatives, EOUSA

Exhibit – Tab I

10:00 – 10:15 a.m.  
**BREAK**

10:15 – 11:45 a.m.  
**Subcommittee Reports**

10:15 – 10:30 a.m.  
**NAIS**
USA Tim Purdon (ND)

Exhibit – Tab K

10:30 – 10:45 a.m.  
**Health Care Fraud**
USA Zane Memeger (PAE)

10:45 – 11:00 a.m.  
**Border and Immigration**
USA Rick Hartunian (NYN)

11:00 a.m. – 12:00 p.m.  
**More Subcommittee Reports TBD**

12:00 – 1:30 p.m.  
**LUNCH**

1:30 – 2:00 p.m.  
**Criminal Chiefs Working Group Report**

Dan Bella (INN), Chair, Criminal Chiefs Working Group

Exhibit – Tab C
2:00 - 2:30 p.m.  Appellate Chiefs Working Group Report and Plea Agreement Waivers

Bob Zauzmer (PAE), Chair, Appellate Chiefs Working Group

Exhibit – Tab A

2:30 – 2:45 p.m.  BREAK

2:45 – 3:30 p.m.  Committee Business

3:30 – 4:00 p.m.  Committee Business – HOLD – Prep for DAG

4:00 – 5:00 p.m.  Meeting with Deputy Attorney General (confirmed)

Room 4111

5:00 - 5:30 p.m.  Committee Business

5:30 p.m.  Meeting Adjourns
Thursday, May 1, 2014
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-

9:00 – 10:00 a.m.  Committee Business

10:00 – 10:15 a.m.  BREAK

10:15 – 10:45 a.m.  Internal Revenue Service

Commissioner John Koskinen

10:45 – 12:15 p.m.  Administrative Issues

Monty Wilkinson, Director, EOUSA
Paul Suddes, Chief Financial Officer, EOUSA
Mark Fleshman, Chief Information Officer, EOUSA
Jane Reimus, Assistant Director, Policy, Personnel Staff, EOUSA
Valarie Mulcahy, Assistant Director, Operations, Personnel Staff, EOUSA
USA Stephanie Finley (LAW) (VTC)
USA Conner Eldridge (ARW) (VTC)
Marian Nelson (GAS) (VTC)

Possible topics:  IT topics (BYOD & GJ tracking solution briefing, IRB Projects), budget update, hiring update, AD/GS Working Group, others TBD

Exhibits – Tab J

12:15 – 1:30 p.m.  LUNCH

1:30 – 3:00 p.m.  Committee Business

3:00 p.m.  Meeting Adjourns/All USA Call
(Call-in number: 1-877-628-; passcode #)
Discussion on U.S. Attorneys’ Conference Follow-up:
Campaign for Fair Sentencing of Youth:
Federal Priorities Working Group:

[Text obscured]
Discussion on Retroactivity of Sentencing Guideline Reductions:

[Text continues here]
To close out the discussion on retroactivity, the Committee decided to wait to hold further discussions on their position until the numbers were released in early May. A working group to closely review was suggested. The volunteers include USA Sarah Saldana, Bob Zauzmer, and Dan Bella. Others who are interested should let Loretta Lynch know of their interest. The Committee would also like to reconvene by conference call after members have conferred with their phone trees.

Taping and Giglio Policy Updates:

Disciplinary Procedures/OIG Report:
Smart on Crime Update:

Norm Wong, Counsel to the Director and Deputy Director, and Dave Smith, Counsel for Legal

1) 

2)
Update on AD vs. GS pay plan for attorneys:

Appellate Chiefs Working Group:

1) [Redacted]

2) [Redacted]

3) The AGAC approved the final memo that states the AGAC’s position regarding plea agreement waivers of claims of ineffective assistance of counsel. The memo will now be sent by Loretta Lynch to the DAG’s office.

4) [Redacted]
Civil Chiefs Working Group Report:

Suzanne Bauknight, Civil Chief (TNE) and Chair of the Civil Chiefs Working Group, discussed

1) Contractor Data Security Clause –

2) Affirmative Delegation –

3) IRS Cases –
Attorney General's Advisory Committee

AGENDA

Tuesday, June 10, 2014
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-

9:00 – 9:15 a.m. Introductory Remarks
USA Loretta Lynch (NYE), Chair

9:15 – 10:45 a.m. Committee Business - planning for next two years

10:45 – 11:00 a.m. BREAK

11:00 a.m. – 12:00 p.m. LGBT Pride Month Observance Program
Great Hall

12:00 – 1:30 p.m. LUNCH

1:30 – 2:45 p.m. Committee Business – Prep for Criminal Division; other topics TBD

2:45 - 3:00 p.m. BREAK

3:00 – 3:15 p.m. Appellate Chiefs Working Group Report
Bob Zauzmer (PAE), Chair, Appellate Chiefs Working Group
Exhibit – Tab A

3:15 – 3:30 p.m. Criminal Chiefs Working Group Report
Dan Bella (INN), Chair, Criminal Chiefs Working Group
Exhibit – Tab C

3:30 – 4:15 p.m. Criminal Division Assistant Attorney General
Leslie R. Caldwell, Assistant Attorney General

4:15 – 5:00 p.m. Committee Business – Smart on Crime Conference Debrief and related topics, Prep for DAG
5:00 – 5:30 p.m. Policy Statement Regarding Marijuana Issues in Indian County

USA Tim Purdon (ND)
USA Amanda Marshall (OR)
USA Michael Ormsby (WAE) (VTC)

Exhibit – Tab D

5:30 p.m. Meeting Adjourns

6:30 p.m. Group Dinner
nopa Kitchen + Bar
800 F St. NW (Corner of 8th & F, next to the Spy Museum)
9:00 – 9:30 a.m.  
Office of Legal Education  
Monty Wilkinson, Director  
Suzanne Bell, Deputy Director  

9:30 – 10:00 a.m.  
Proposed Changes to Financial Litigation USAM  
Laurie Levin, Attorney Advisor, Asset Recovery Staff, OLVP  
Mark Redmiles, Assistant Director, Asset Recovery Staff, OLVP  
Exhibit – Tab E  

10:00 – 10:15 a.m.  
BREAK  

10:15 – 10:45 a.m.  
Courtroom Closures & Victim Privacy  
USA Tim Heaphy (VAW) (VTC)  
USA David Hale (KYW) (VTC)  
Kate Manning, Attorney Advisor, Victim Witness Staff, OLVP  
Exhibit – Tab F  

10:45 – 11:00 a.m.  
BREAK  

11:00 a.m. – 12:00 p.m.  
Meeting with Deputy Attorney General  
Room 4111  

12:00 – 1:30 p.m.  
LUNCH  

1:30 – 2:00 p.m.  
Racial Disparities Working Group Update  
USA Carter Stewart (OHS) (VTC)  
Exhibit – Tab H  

2:00 – 3:00 p.m.  
Committee Business - Update on Streamlining Project, other topics  

3:00 – 3:30 p.m.  
Civil Chiefs Working Group Report  
Suzanne Bauknight (TNE), Chair, Civil Chiefs Working Group
Exhibit – Tab B

3:30 – 4:15 p.m.  Clemency Initiative Update

Deborah Leff, Acting Pardon Attorney
Julie Zebrak, Deputy Chief of Staff, Office of the Deputy Attorney General
Miriam Vogel, Senior Counsel to the Deputy Attorney General
Will Taylor, Acting Administrative Officer, Office of the Pardon Attorney

4:15 – 5:30 p.m.  Committee Business

5:30 p.m.  Meeting Adjourns
Thursday, June 12, 2014
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-9

9:00 – 10:30 a.m. **Administrative Issues**
Monty Wilkinson, Director, EOUSA
Paul Suddes, Chief Financial Officer, EOUSA
Shawn Flinn, Chief Human Resources Officer, EOUSA
USA Stephanie Finley (LAW) (VTC)
USA Conner Eldridge (ARW) (VTC)
Marian Nelson (GAS) (VTC)
Topics: FY2016 Spring Call Requests, Budget Update, Hiring Update & AD/GS Pay Disparity Update
Exhibits – Tab G

10:30 – 11:00 a.m. **Committee Business – HOLD (Prep for AG)**

11:00 a.m. – 12:00 p.m. **Meeting with the Attorney General**
Room 5111

12:00 – 1:30 p.m. LUNCH

1:30 – 3:00 p.m. **Committee Business**

3:00 p.m. **Meeting Adjourns/All USA Call**
(Call-in number: 1-877-628- ; passcode #)
Summary

(Working Draft of 6/20/14)

Retroactivity:

Communication/Coordination with Main Justice: U.S. Attorney Loretta Lynch (NYE) encouraged DOJ leadership to inform the U.S. Attorneys about the decision regarding their position on retroactivity on Friday, June 6, rather than Monday, June 9. The U.S. Attorneys were informed on June 6 by the Attorney General.

Planning for Next Two Years: The Committee is interested in working on some initiatives for the next two years that will be meaningful to the Department and this Administration’s legacy. They discussed various ways to participate and determined that one of the best ways would be to be proactive. It was suggested that the subcommittees provide one or two initiatives that they would like to see pursued. The AGAC will then review and vet those so as to provide a final list to the AG and DAG. This plan was discussed at the meetings with the AG and DAG and both were supportive of the idea. The AG asked that the ideas be forwarded to him within a few weeks. AGAC Chair Loretta Lynch will be reaching out to the subcommittee chairs in the near future for their input.

Phone Tree Reports:
Smart on Crime Conference Debrief:

Criminal Division Assistant Attorney General:

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- 
- 
-
U.S. Attorney Loretta Lynch (NYE) also informed AAG Caldwell that the AGAC is a resource to her and the Division via either the full AGAC or the subcommittees. USA Lynch also indicated that the USAs are willing to be involved when the Criminal Division is thinking about new policy. USA Lunch encouraged continued joint participation in major case announcements.

Policy Statement on Marijuana Issues in Indian Country:
Clemency Initiative Update:
Update on Sentencing Bills:

Administrative Update:
Attorney General's Advisory Committee

AGENDA

Tuesday, July 22, 2014
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-

9:00 – 9:15 a.m. Introductory Remarks
USA Loretta Lynch (NYE), Chair

9:15 – 10:15 a.m. Committee Business – Threat Banding discussion on concerns and/or issues; discussion on DOJ initiatives for next two years and 851 implementation (Exhibits - Tabs D, E & F)

10:15 – 10:45 a.m. Update on the Countering Violent Extremism (CVE) Pilot Project
Brette Steele, Senior Counsel, Office of the Deputy Attorney General
Adrian Brown, National Civil Rights Coordinator, EOUSA
Exhibit – Tab G

10:45 – 11:00 a.m. BREAK

11:00 – 12:00 p.m. Naturalization Ceremony
Great Hall

12:00 – 1:30 p.m. LUNCH

1:30 – 2:00 p.m. Criminal Chiefs Working Group Report
Dan Bella (INN), Chair, Criminal Chiefs Working Group
Exhibit – Tab C

2:00 – 2:45 p.m. NAFUSA
Richard A. Rossman
G. Douglas Jones
Kenneth L. Wainstein
Donald Stern
Matthew D. Orwig
Kevin O’Connor
2:45 - 3:00 p.m.  BREAK

3:00 – 3:45 p.m.  Committee Business

3:45 - 4:15 p.m.  Meeting with the Associate Attorney General
Room 5706

4:15 – 5:00 p.m.  Committee Business - discussion on DOJ initiatives for next two years and 851 implementation (Exhibits - Tabs D, E & F)

5:00 - 5:30 p.m.  FBI Cyber Threat Team Model

John Carlin, Assistant Attorney General, NSD
Joseph M. Demarest, Assistant Director for Cyber, FBI
USA Jenny Durkan (WAW), Chair, Cyber/Intellectual Property Subcommittee (VTC)

5:30 p.m.  Meeting Adjourns

6:30 p.m.  Group Dinner
Oya - 777 9th St NW (Corner of 9th & H)
Wednesday, July 23, 2014
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252- 

9:00 – 9:30 a.m. Civil Chiefs Working Group Report

Thomas Walsh (ILN), Chair, Civil Chiefs Working Group
Suzanne Bauknight (TNE), Civil Chief

Exhibit – Tab B

9:30 – 10:15 a.m. My Brother’s Keeper

Karol Mason, Assistant Attorney General, OJP
Edward Chung, Senior Policy Advisor, OJP

Exhibit – Tab H

10:15 - 10:30 a.m. BREAK

10:30 – 11:15 a.m. Administrative Issues

Monty Wilkinson, Director, EOUSA
Paul Suddes, Chief Financial Officer, EOUSA
Shawn Flinn, Chief Human Resources Officer, EOUSA
USA Stephanie Finley (LAW), Chair, OMB Subcommitee (VTC)
Marian Nelson, Chair, AOWG (GAS) (VTC)

Topics: Budget and Hiring Updates

Exhibits – Tab J

11:15 – 12:00 p.m. Subcommittee Reports: Civil Rights, Border and Immigration, and HCF

USA Anne Tompkins (NCW)
USA Rick Hartunian (NYN)
USA Zane Memeger (PAE)

12:00 – 1:30 p.m. LUNCH

1:30 – 2:00 p.m. Committee Business – discussion on DOJ initiatives for next two years and 851 implementation (Exhibits - Tabs D, E & F)
2:00 – 2:45 p.m.  Office of Urban Affairs, Justice and Opportunity
Roy Austin, Jr., Deputy Assistant to the President

2:45 – 3:45 p.m.  FBI Threat Banding Process
Eric Velez-Villar, Assistant Director for the Directorate of Intelligence, FBI
Dave Schlendorf, Assistant Director for the Resource Planning Office, FBI

3:45 - 4:30 p.m.  Committee Business – HOLD (Prep for DAG)

4:30 – 5:30 p.m.  Meeting with Deputy Attorney General
Room 4111

5:30 p.m.  Meeting Adjourns
Thursday, July 24, 2014
AGAC CONFERENCE ROOM – 2266, Main Justice
Phone: (202) 252-

9:00 – 10:00 a.m.  Retroactivity Decision and Charles Colson Task Force Update
Jonathan Wroblewski, Director, Office of Policy and Legislation, Criminal Division

10:00 - 10:30 a.m.  Appellate Chiefs Working Group Report
Sandra Glover (CT), Chair, Appellate Chiefs Working Group
Robert Zauzmer (PAE), Appellate Chief
Exhibit – Tab A

10:30 – 11:00 a.m.  Committee Business – HOLD (Prep for AG)

11:00 a.m. – 12:00 p.m.  Meeting with the Attorney General
Room 5111

12:00 – 1:30 p.m.  LUNCH

1:30 – 3:00 p.m.  Committee Business

3:00 p.m.  Meeting Adjourns/All USA Call
(Call-in number: 1-877-628-; passcode #)
(Working Draft of 7/28/14)

New Members of AGAC:

Discussion on FBI’s Threat Banding Process:

Priorities/Initiatives for Next Two Years:

1. 
2. 
3.
Countering Violent Extremism (CVE) Pilot Project:

1. 
2. 
3. 

1. 

2. 

...
National Association of Former U.S. Attorneys (NAFUSA): Representatives from NAFUSA met with the Committee. They included: Richard A. Rossman (Executive Director), Donald Stern (President), G. Douglas Jones, Kenneth L. Wainstein, Matthew D. Orwig, and Kevin O’Connor. Mr. Stern provided an overview of NAFUSA and its purpose. The organization serves as an opportunity for former U.S. Attorneys to get together to socialize and network for business purposes. There is an annual conference that the EOUSA Director is typically invited to attend and speak. NAFUSA is non-partisan so it cannot take positions for or against any issues; however, they can offer support for the Department and the position of the U.S. Attorney (more on this later). NAFUSA administers the Wales Fund, which is a fundraising foundation that is attempting to collect donations to match the DOJ reward of $1 million for information on the death of AUSA Thomas Wales, an AUSA in Seattle, WA, who was killed one evening in his home.

NAFUSA also bestows the J. Michael Bradford Memorial Award each year to an AUSA. This award is for exceptional work on a particular case. The recipient is nominated by his/her U.S. Attorney, attends the annual conference and presents an overview of the case to the entire conference. Mr. Stern encouraged the Committee to submit more nominations. Typically, only 20-24 are received each year. Nominations are solicited in February/March and due in early April. After a screening process and vetting, the top nominations are voted on by the NAFUSA Board and the recipient is selected.

Kenneth Wainstein discussed how NAFUSA could support the AGAC by being a surrogate on issues. This means that NAFUSA could serve as a conduit to former U.S. Attorneys who hold a similar position who may be willing to advocate for that position publically with the press or Congress, for example. NAFUSA would like to establish a process to channel these requests to the correct member(s) of NAFUSA. At a minimum, U.S. Attorneys could contact Mr. Stern or Rossman with the issue. One Committee member expressed concern about reaching out for this kind of assistance. NAFUSA insisted they would be discreet with all requests of this nature.
NAFUSA can also informally help with the transition out of office. Membership fees are waived the first year out of office. The current membership is approximately 300 people. Information and updates are at www.nafusa.org.

Mr. Rossman reported that one way EOUSA currently supports NAFUSA is to fly a flag over the RFK Main Justice Building then present it to the family of a deceased former U.S. Attorney. He appreciates this support.

Discussion of Use of 851s and 924 (c)s: USA Loretta Lynch (NYE) and Chair, AGAC, asked the Committee to again consider whether any national policies are needed for the use of these tools. The primary concern expressed was whether the practice of stacking 924 (c)s when there is a multiple count indictment, which if a defendant is convicted on all counts, leads to what could be considered an excessive amount of prison time (120 years) and is essentially a life sentence. Because of the uncertainty of what a jury will do, some offices still charge multiple 924 (c) counts, so as to ensure an adequate sentence. However, if the defendant is convicted on all counts, then the sentence is too high. Are there post-conviction remedies for this situation? Appellate Chief Bob Zauzmer (PAE) (recent former Chair, Appellate Chiefs Working Group) indicated that there are mechanisms in place that allow for discretion in sentencing. Another concern was the disparity across the country in use of these tools and sentencing. Some opined that disparity is expected because of the discretion allowed, which was set out in AG Holder’s 2010 memo.

Meeting with the Associate Attorney General:
FBI Cyber Threat Team Model:

1. 
2. 
3. 