



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

THE INSPECTOR GENERAL

OCT 3 2006

MEMORANDUM

SUBJECT: Attorney Licensing

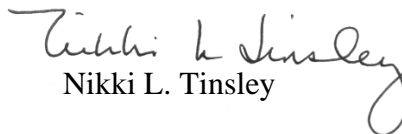
TO: Marcus Peacock
Deputy Administrator

I am writing to recommend that the Agency establish a process to ensure that each Agency attorney, including those attorneys in the Office of General Counsel, Offices of Region Counsels, and in Office of Enforcement and Compliance Assurance (OECA), maintain an "active" membership status in the bar of at least one State, territory of the United States, or the District of Columbia.

My office recently investigated a case concerning a now former Agency attorney in Region 6. He had not maintained an active bar membership for over a decade, having failed to pay bar dues over that period. This attorney had handled employment law matters for the Agency and had represented the Agency before administrative tribunals such as the Equal Employment Opportunity Commission (EEOC), as well as assisted the U.S. Attorney's Office in Federal District Court litigation. Although this may have been an isolated case, it would be prudent for the Agency to implement a system or process to ensure that each Agency attorney is duly licensed and authorized to practice as an attorney under the law of at least one State, territory, or the District of Columbia, as required by their position description. This would ultimately protect the Agency from serious problems arising from cases litigated or settled by unlicensed Agency attorneys.

The Department of Justice (DOJ) utilizes an annual certification process. Each attorney is required to certify annually that he or she is an active member of a bar. Attached is a copy of DOJ's Attorney's Bar Re-certification form. I recommend that the Agency consider adopting a similar certification process.

Feel free to contact me if you have any questions or would like additional information.


Nikki L. Tinsley

Attachment