



U.S. Department of Justice

Office of Professional Responsibility

Washington, D.C. 20530

MAY - 6 2011

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MAY 9 - 2011

Stanley M. Brand, Esq.
Brand Law Group
923 Fifteenth Street, N.W.
Washington, D.C. 20005

Dear Mr. Brand:

This letter responds to your correspondence to Assistant Attorney General (AAG) Lanny A. Breuer dated June 8, September 10, and December 10, 2010, which was referred to the Office of Professional Responsibility (OPR). In your letters to AAG Breuer, you alleged prosecutorial misconduct by the United States Attorney's Office for the Northern District of Illinois and the Federal Bureau of Investigation (FBI) in the handling of your client's case, *United States v. Segal and Near North Insurance Brokerage, Inc.*, 02 CR 112 (N.D. Ill.). Your allegations are that the government: 1) improperly prevented your client from learning the extent to which documents and electronic communications were obtained from former employees of Near North, one of whom illegally hacked into Near North's computer system; 2) vindictively filed RICO charges against your client in retaliation for his filing an amended complaint in a civil suit against government cooperating witnesses; and 3) failed to follow Department regulations designed to protect attorney-client privileged information and violated your client's due process rights by its improper review of computer records.

OPR has jurisdiction to investigate allegations of misconduct involving Department of Justice (DOJ) attorneys or law enforcement personnel that relate to the exercise of an attorney's authority to investigate, litigate or provide legal advice. It is, however, the policy of this Office to refrain from investigating issues or allegations that were addressed or that could have been addressed in the course of litigation, unless a court has made a specific finding of misconduct by a DOJ attorney or law enforcement personnel or there are present other extraordinary circumstances. Based on our review of your correspondence, and the pleadings filed in *United States v. Segal and Near North Insurance Brokerage, Inc.*, we have determined that your allegations fall into this category.

The court denied your client's challenge to the government's conduct with respect to the hacked computer information in Orders dated August 8, 2003, January 20, 2004, February 17, 2004 and December 13, 2004. The court also denied your client's motion to dismiss for prosecutorial vindictiveness in a Memorandum and Order dated January 12, 2004. The United States Court of Appeals for the Seventh Circuit affirmed the denial of the motion to dismiss for vindictiveness. *United States v. Segal, et al.*, 495 F.3d 826 (7th Cir. 2007). In addition, the court denied your client's motion to suppress computer records due to the government's inadequate handling of attorney-client

information in a Memorandum and Order dated March 31, 2004. Finally, the court did not make any findings of misconduct against the government, and there are no other extraordinary circumstances present. Accordingly, we concluded that no action by this Office is warranted.

We regret that we can be of no further assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin C. Ashton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robin C. Ashton
Counsel