

U.S. ATTORNEY RESIGNATIONS

DISTRICT:	LEADERSHIP ASSESSMENT:	EARS:
<p>Dan Bogden (NV)                      Term expired: Nov. 2, 2005                      Called: Dec. 7, 2006                      Resignation: Feb. 28, 2007</p>	<ul style="list-style-type: none"> <li>• Very important district being underserved (Las Vegas target for terrorism; violent crime; drugs/organized crime).</li> <li>• Resistant to at least one leadership priority (obscenity task force).</li> </ul>	<ul style="list-style-type: none"> <li>• March 3-7, 2003</li> <li>• USA Bogden is highly regarded by the federal judiciary, the law enforcement and civil client agencies, and the staff of the USAO.</li> <li>• AUSAs failed to consistently follow DOJ policies with regard to firearms prosecutions (924(c)), reporting adverse decisions and appellate practice.</li> </ul>
<p>Paul Charlton (AZ)                      Term expired: Nov. 14, 2005                      Called: Dec. 7, 2006                      Resignation: Jan. 30, 2007</p> <p><i>Elec took LWOP in 9/19/02 NTE 11/18/02 Elec returned to work 9/28/02; resigned 9/30/02</i></p>	<ul style="list-style-type: none"> <li>• Repeated instances of insubordination, actions taken contrary to instructions, and actions taken that were clearly unauthorized.</li> <li>• Worked outside of proper channels without regard to the approved process or impact on others (i.e. budget resources).</li> <li>• Ex: multiple failures to follow AG's instruction on death penalty.</li> <li>• Ex: required FBI to videotape interviews despite FBI policy.</li> <li>• Ex: refusal(?) to comply with a leadership priority (obscenity).</li> <li>• Ex: contrary to guidance from Main Justice that it was poor judgment, put an employee on "leave without pay" status so she could become a paid press secretary for the 2002 gubernatorial campaign (supporting the candidate who was challenging Napolitano).</li> </ul>	<ul style="list-style-type: none"> <li>• December 8-12, 2003</li> <li>• USA Charlton is well respected by the USAO staff, investigative and civil client agencies, local law enforcement community, Native American Nations, and judiciary regarding his integrity, professionalism, and competence.</li> <li>• The USA's and FAUSAs adherence to the chain of command in the Organizational Chart has led to a perception by some that he is inaccessible.</li> <li>• Perception among AUSAs that management is not open to suggestions of criticism.</li> <li>• Judges complain about inadequate AUSA of complaints prior to</li> </ul>

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		<p>submission.</p> <ul style="list-style-type: none"> <li>• AUSAs fail to follow DOJ policies regarding charging and pleas; lack knowledge of DOJ prior approval requirements for media and attorney subpoenas.</li> <li>• Corporate fraud not being addressed in Phoenix or Tucson.</li> <li>• Line civil AUSAs compromise bankruptcy claims without authority to do so.</li> <li>• Case management system not used/contains inaccurate information.</li> <li>• On one occasion, office erroneously appointed SAUSA an AUSA and did so without required security papers or drug test.</li> </ul>
<p>(NOT PUBLIC)          Term expired: Nov. 2005          Called: Dec. 7, 2006          Resignation: anticipated Mar. 9, 2007          (NOT PUBLIC)</p>	<ul style="list-style-type: none"> <li>• During USA's tenure, the office has become fractured, morale has fallen, and the USA has lost the confidence of the leadership team and some career prosecutors.</li> <li>• The problems here have required an on-site visit by management experts from our EOUSA to visit and mediate with members of the leadership team.</li> </ul>	<ul style="list-style-type: none"> <li>• July 12-16, 2004</li> <li>• USA is a well regarded, hard-working, and capable leader who has the respect and confidence of the judiciary, the agencies, and USAO personnel. Made significant improvements over prior, dysfunctional leadership.</li> <li>• CRM division (3 managers rather than 1 CRM chief) hampers supervision/management of the division,</li> <li>• Structure prevents management from effectively managing resources in most areas of prosecution; no</li> </ul>

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		<p>assurance that DOJ priorities/policies being carried out.</p> <ul style="list-style-type: none"> <li>• AUSAs with 5 yrs experience exempt from most review (e.g., intake decisions, plea agreements) and thus no idea whether those line AUSAs follow DOJ policies.</li> <li>• Noticeable differences in workload/productivity contribute to discontent in CRM division.</li> </ul>
<p>David Iglesias (NM) Term expired: Oct. 17, 2005 Called: Dec. 7, 2006 Resignation: Feb. 28, 2007</p>	<ul style="list-style-type: none"> <li>• Critically-important border district being underserved.</li> <li>• Perceived to be an “absentee landlord” who relies on the FAUSA to run the office.</li> </ul>	<ul style="list-style-type: none"> <li>• November 14-18, 2006</li> <li>• USA Iglesias is experienced in legal, management, and community relations work and is respected by the judiciary, agencies, and staff.</li> <li>• (Report does note heavy reliance on FAUSA to manage operations.)</li> <li>• Poor morale exists in Las Cruces due to appointment of inexperienced supervisor (and growing immigration caseload).</li> <li>• Insufficient resources assigned to growing criminal caseload.</li> </ul>
<p>Carol Lam (SDCA) Term expired: Nov. 18, 2006 Called: Dec. 7, 2006 Resignation: Feb. 15, 2007</p>	<ul style="list-style-type: none"> <li>• Despite the significant management challenges and needs of an extra-large border district with complex litigation, she has focused too much attention and time on personally trying cases than managing the USAO.</li> <li>• Failure to perform in relation to significant leadership priorities (i.e. immigration and gun</li> </ul>	<ul style="list-style-type: none"> <li>• February 7-11, 2005</li> <li>• USA Lam is an effective manager of the USAO and a respected leader for the District. She is active in Department activities and is respected by the judiciary, law enforcement agencies, and the USAO staff.</li> </ul>

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	<p>crime).</p> <ul style="list-style-type: none"> <li>• Ex: The President has made clear that he expects strong immigration enforcement efforts, but SDCA has only brought a fraction of the cases that other significant border districts are doing. While some good numbers on alien smuggling:             <ul style="list-style-type: none"> <li>- Only 422 illegal re-entry cases in 2005 where AZ did 1,491 and NM did 1,607;</li> <li>- Only 470 illegal entry cases in 2005 where AZ did 3,409 and NM did 1,194;</li> <li>- In June 2006, Sen. Feinstein wrote a letter to the AG complaining about the high prosecution guidelines which kept these numbers low.</li> </ul> </li> <li>• Ex: The President has made clear he expects gun crime prosecution to be a significant effort, but SDCA has only brought a fraction of the cases of other extra-large districts. Despite its size and population, it ranks 91 out of 93 districts in terms of average numbers of firearms cases since FY 2000 (doing only an average of 18 cases).</li> </ul>	<ul style="list-style-type: none"> <li>• While quality of cases is high, the number of immigration cases per AUSA work year statistically lower than other border USAOs; quantity of some proactive investigative matters/cases is modest and not consistent with Department priorities (e.g., crimes against children).</li> <li>• Morale issues noted in general crimes section.</li> <li>• Problems with intake of firearms referrals – ATF complains that it takes too long to get a prosecution decision.</li> <li>• Indictment review too time consuming, esp. in routine cases.</li> <li>• AUSAs unfamiliar with DOJ policy requiring presentation of exculpatory evidence to grand juries.</li> <li>• Information security issues (improper transportation and disposal of computer media).</li> </ul>
<p>John McKay (WDWA) Term expired: Oct. 30, 2005 Called: Dec. 7, 2006 Resignation: Jan. 31, 2007</p>	<ul style="list-style-type: none"> <li>• Pattern of insubordination, poor judgment, and demonstration of temperament issues in seeking policy changes without regard to appropriate methods or tactics.</li> <li>• Extensive focus and travel outside of district to advocate policy changes, rather than proper focus on running the office.</li> </ul>	<ul style="list-style-type: none"> <li>• March 13-17, 2006</li> <li>• USA McKay is an effective, well-regarded, and capable leader of the USAO and the District's law enforcement community.</li> <li>• Some personnel not handling grand jury material appropriately; other information security issues.</li> </ul>

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		<ul style="list-style-type: none"> <li>• Noncompliance with Ashcroft memo noted.</li> <li>• Downward departures for substantial assistance not documented as required by DOJ policy.</li> </ul>
<p>Kevin Ryan (NDCA)            Term expired: Aug. 2, 2006            Called: Dec. 7, 2006            Resignation: Feb. 16, 2007</p>	<ul style="list-style-type: none"> <li>• During his tenure, the office has become the most fractured office in the Nation, morale has fallen to the point that it is harming our prosecutorial efforts, and the USA has lost the confidence of many of the career prosecutors who are leaving the office.</li> <li>• The problems here have required multiple on-site visits by management and personnel experts from EOUSA.</li> </ul>	<ul style="list-style-type: none"> <li>• Special: March 27-31, 2006</li> <li>• Overall, USA Ryan effectively manages relations with the outside agencies, the local community, and the judiciary, although some judges expressed concern that he does not adequately communicate with them.</li> <li>• Although, under USA Ryan's leadership, the USAO effectively manages its substantive work, his management style and practices have contributed, at least in part, to low morale among a number of the line AUSAs in the Criminal Division in the San Francisco office.</li> </ul>
<p>Bud Cummins (EDAR)            Term expired: Jan. 9, 2006  <i>(In April 2006, Cummins repeated previous statements that he would not stay for the whole second term and that he was leaving for private sector later that year)</i>            Called: June 2006            Resigned: December 2006</p>	<ul style="list-style-type: none"> <li>• He had completed his four-year term and indicated he would not stay for the entire second term, so we worked on developing a replacement plan.</li> </ul>	[Requested]