



## OFFICE OF THE GOVERNOR

JRTC, 100 W. RANDOLPH, SUITE 16-100  
CHICAGO, ILLINOIS 60601

**PAT QUINN**  
GOVERNOR

### VIA EMAIL and U.S. MAIL

August 12, 2014

The Honorable Jason Barickman, Co-Chair  
The Honorable Frank J. Mautino, Co-Chair  
c/o Jane Stricklin, Executive Director  
Legislative Audit Commission  
622 Stratton Building  
Springfield, IL 62706

Dear Senator Barickman and Representative Mautino:

This letter is in follow-up to Legislative Audit Commission's (the "Commission") inquiries last Wednesday and Friday on behalf of Senator Barickman. In short, Senator Barickman has requested, (i) a description of what process the Office of the Governor went through in producing more than 2000 emails to the Commission on July 11, 2014 and (ii) to the extent responsive emails were not produced, on what basis such documents were appropriately withheld.

The brief answers to these two questions are that (a) the Office of the Governor specifically detailed what searches were done in its July 11, 2014 letter to the Commission (see Exhibit A, attached) and (b) the documents that were withheld were legally protected attorney-client communications that are protected from production both by Illinois case law and the Illinois Rules of Professional Conduct.

### July 11, 2014 Document Production

As discussed in the July 11, 2014 cover letter, accompanying the Office of the Governor's document production to the Commission, on June 27, 2014, the Commission sent a letter, dated June 25, 2014 (see Exhibit B, attached), requesting:

Any inter-agency and third party communications (including emails, letters, and memoranda) relating to the planning, strategy, development, implantation [*sic.*], management, organization, and operation of the Neighborhood Recovery Initiative (including any predecessor entities relevant to the Audit) that were sent or received by the following persons from March 2010 through September 2012: Jack Lavin, Malcolm Weems, Toni Irving, William (a/k/a "Billy") Ocasio, Reshma Desai, Andy Ross, and Warren Ribley.

As detailed in the Office of the Governor's July 11, 2014 cover letter and in the July 3, 2014 email exchange between Executive Director Stricklin and myself (see Exhibit C, attached), although we received thousands of document hits searching for "NRJ" and "Neighborhood Recovery Initiative," alone, when the Commission asked for the Office of the Governor to undertake additional term searches, it did

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so, only leaving out those terms that were so generic (e.g. “VP” and “Governor’s Initiative”) that they would have resulted in countless documents that had no relation to NRI. As reflected in the attached July 3, 2014 email exchange, the Commission’s July 25, 2014 and succeeding requests did not include “alderman and neighborhoods like Austin and Englewood.”

As a result of the Office of the Governor’s searches, more than 2000 emails, including any and all attachments, were produced.

#### Legally-Protected Attorney-Client Communications

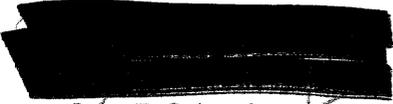
As the Office of the Governor stated in its July 11, 2014 cover letter accompanying its production of more than 2000 emails, it was producing “a disc of responsive, *non-privileged* emails.” (emphasis added). Those privileged emails that were withheld—which are dwarfed by the thousands of emails that were produced—were legally-protected attorney-client communications in which either a client was seeking or an attorney was providing legal advice.

The attorney-client privilege is well known to lawyer and layman, alike and is established in both Illinois Supreme Court case law and in the Illinois Rules of Professional Conduct. “The purpose of the attorney-client privilege is to encourage and promote full and frank consultation between a client and legal advisor by removing the fear of compelled disclosure of information.” *Fischel & Kahn, Ltd. v. van Straaten Gallery, Inc.*, 189 Ill. 2d 579, 585 (2000); Illinois Rule of Professional Conduct, Rule 1.6(a) (“A lawyer shall not reveal information relating to the representation of a client”).

As stated by the Illinois Supreme Court in the Illinois Rules of Professional Conduct, “people are more likely to seek legal advice, and thereby heed their legal obligations, when they know their communications will be private.” See Illinois Rules of Professional Conduct, Preamble, ¶ 8. The concept of protecting attorney-client communication has not only been long-embraced by Illinois’ state courts, but by the United States Supreme Court, as well, stating that the attorney-client privilege is “to encourage full and frank communication between attorneys and their clients and thereby promote broader public interests in the observance of law and administration of justice.” *Upjohn Co. v. United States*, 449 U.S. 383, 389 (1981).

Attorney-client communications are not only protected as a matter of law, but also as a matter of practice. The Office of the Attorney General routinely asserts attorney-client privilege on behalf of both the executive and legislative branches in civil litigation. Likewise, the executive branch (and I would certainly assume the same for the legislative branch) routinely asserts attorney-client privilege not only in regulatory contexts, such as these, but in investigatory contexts as well.

Sincerely,



John F. Schomberg  
General Counsel

Enclosure

# Exhibit A



## OFFICE OF THE GOVERNOR

JRTC, 100 W. RANDOLPH, SUITE 16-100  
CHICAGO, ILLINOIS 60601

**PAT QUINN**  
GOVERNOR

### VIA HAND DELIVERY

July 11, 2014

The Honorable Jason Barickman, Co-Chair  
The Honorable Frank J. Mautino, Co-Chair  
c/o Jane Stricklin, Executive Director  
Legislative Audit Commission  
622 Stratton Building  
Springfield, IL 62706

Dear Senator Barickman and Representative Mautino:

On June 27, 2014, you sent a June 25, 2014 letter request to the Office of the Governor for:

Any inter-agency and third party communications (including emails, letters, and memoranda) relating to the planning, strategy, development, implantation [*sic*], management, organization, and operation of the Neighborhood Recovery Initiative (including any predecessor entities relevant to the Audit) that were sent or received by the following persons from March 2010 through September 2012: Jack Lavin, Malcolm Weems, Toni Irving, William (a/k/a "Billy") Ocasio, Reshma Desai, Andy Ross, and Warren Ribley.

Enclosed is a disc of responsive, non-privileged emails (including attachments and calendar invites) from Office of the Governor emails. More specifically, this production reflects the responsive, non-privileged emails from the following searches:

- (1) All Governor's Office emails (including attachments and calendar invites):
  - (a) to, from, or copying Jack Lavin, Malcolm Weems, Toni Irving, William (a/k/a "Billy") Ocasio, Reshma Desai, Andy Ross, and Warren Ribley,
  - (b) dating from March 1, 2010 through September 30, 2012, and
  - (c) containing any of the following terms: "NRI" or "Neighborhood Recovery Initiative"

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(2) All Office of the Governor emails (including attachments, and calendar invites):

(a) to, from, or copying Jack Lavin, Malcolm Weems, Toni Irving, William (a/k/a "Billy") Ocasio, Reshma Desai, Andy Ross, and Warren Ribley,

(b) dating from March 1, 2010 through October 5, 2010, and

(c) containing any of the following terms: "Violence Prevention Initiative," "VP initiative," "Save Our Youth," "Neighborhood Recovery Plan," "Safe Communities Initiative," "Mentoring Jobs Plus," and "Mentoring Plus Jobs."

We based the second search, above, regarding pre-Neighborhood Recovery Initiative terms, on communications we had with Legislative Audit Commission Executive Director Jane Stricklin.

In all, there are more than 2000 emails and calendar invites included in this production. This number does not include the numerous attachments that are also being produced.

If you have any questions, please feel free to contact me at 312-814-2121.

Sincerely,



John F. Schomberg  
General Counsel

Enclosure

# Exhibit B



# Legislative Audit Commission

622 WILLIAM G. STRATTON BUILDING • SPRINGFIELD, ILLINOIS 62706 • 217/782-7097 • FAX 217/524-9030

June 25, 2014

Ryan Croke, Chief of Staff  
Office of the Governor  
207 State House  
Springfield, IL 62706

*Via email at [Maria.Oldani@illinois.gov](mailto:Maria.Oldani@illinois.gov)*

Dear Mr. Croke:

As you know, the Legislative Audit Commission has issued seven subpoenas related to the Performance Audit of State Moneys Provided to the Illinois Violence Prevention Authority for the Neighborhood Recovery Initiative.

To assist the members with preparing for the hearings, we request that your office provide any inter-agency and third party communications (including emails, letters, and memoranda) relating to the planning, strategy, development, implantation, management, organization, and operation of the Neighborhood Recovery Initiative (including any predecessor entities relevant to the Audit) that were sent or received by the following persons from March 2010 through September 2012: Jack Lavin, Malcolm Weems, Toni Irving, William (a/k/a "Billy") Ocasio, Reshma Desai, Andy Ross, and Warren Ribley.

We request that these documents be provided electronically, if possible, no later than Thursday, July 3.

If you have questions, please feel free to contact Jane Stricklin, Executive Director of the Legislative Audit Commission, at [REDACTED]

Sincerely,

[REDACTED]

Representative Frank J. Mautino  
Co-Chair, Legislative Audit Commission

[REDACTED]

Senator Jason Barickman  
Co-Chair, Legislative Audit Commission

# Exhibit C

## Schomberg, John

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**From:** Stricklin, Jane [strickln@ilga.gov]  
**Sent:** Thursday, July 03, 2014 7:04 PM  
**To:** Schomberg, John  
**Subject:** RE: Legislative Audit Commission Document Request

John:

I agree on VP, so don't search for that.

Jane Stricklin  
[REDACTED] cell

**From:** Schomberg, John [mailto:John.Schomberg@Illinois.gov]  
**Sent:** Thursday, July 03, 2014 6:51 PM  
**To:** Stricklin, Jane  
**Subject:** RE: Legislative Audit Commission Document Request

Jane,

We will take a look at the terms you listed below and get back to you. As a point of reference, our search, to date, has included both "NRI" and "Neighborhood Recovery Initiative" and we have gotten thousands of hits. As discussed below, many of those may not end up being responsive and just contain words with "nri" in them. The same issue, only greatly magnified, would likely occur with a search for "VP."

All of that being said, we will take a look and get back to you.

Thanks,  
John

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**From:** Stricklin, Jane [mailto:strickln@ilga.gov]  
**Sent:** Thursday, July 03, 2014 6:43 PM  
**To:** Schomberg, John  
**Subject:** RE: Legislative Audit Commission Document Request

John:  
Thanks for your summation. I believe there may be a problem. The request from the Audit Commission's co-chairs states, "emails ... relating to ... the Neighborhood Recovery Initiative (including predecessor entities relevant to the Audit)."

Before the NRI moniker was settled on, on or after October 4, the program was referred to by other names such as Neighborhood Recovery Initiative, Violence Prevention Initiative, VP, VP Initiative, Save Our Youth, Neighborhood Recovery Plan, Gov's Initiative, Governor's Initiative, Safe Communities Initiative, or Mentoring Jobs Plus. I think the email search should include those phrases too. That time frame would be from March 2010 through October 5, 2010.

E. Jane Stricklin, Executive Director  
Legislative Audit Commission  
622 Stratton Building  
Springfield, IL 62706  
217/782-7097 voice  
217/524-9030 fax

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**From:** Schomberg, John [<mailto:John.Schomberg@Illinois.gov>]  
**Sent:** Thursday, July 03, 2014 6:09 PM  
**To:** Stricklin, Jane  
**Subject:** Legislative Audit Commission Document Request

Jane,

This is in follow-up to your email from last Friday, June 27 to Chief of Staff Ryan Croke's assistant, Maria Oldani, which contained a document request from the Legislative Audit Commission (LAC). This also follows-up on our phone conversations from today and yesterday.

Since receiving the request last Friday, the Governor's Office has been working diligently to respond. This week, through the Department of Central Management Services, we have completed the time-intensive IT task of searching all Governor's Office emails and exporting and de-duplicating the same. While we got numerous emails back for the broad time period (March 2010 to September 2012) that the LAC is requesting, we will be reviewing the same for privilege and responsiveness (e.g. the search for "NRI," also produces non-responsive documents containing words and proper names with "nri" in them). We will work to get the responsive, non-privileged emails back to the LAC as soon as possible. As we discussed, per your request, we will first prioritize reviewing and producing the emails for March 2010 through December 2010.

Please let me know if you have any questions or would like to discuss further.

Thank you,  
John

John F. Schomberg  
General Counsel  
Office of Governor Pat Quinn  
312-814-1687 (Chicago)  
217-558-1022 (Springfield)

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