



**U.S. Department of Justice**

**Office of Professional Responsibility**

*950 Pennsylvania Avenue, N.W., Room 3525  
Washington, D.C. 20530*

---

**JUL 24 2008**

**CONFIDENTIAL: TO BE OPENED BY ADDRESSEE ONLY**

James McDevitt  
United States Attorney  
Eastern District of Washington  
P.O. Box 1494  
Spokane, WA 99210-1494

Dear Mr. McDevitt:

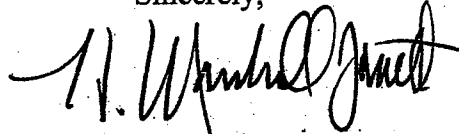
The Office of Professional Responsibility has completed its inquiry into allegations made by Timothy Connor and Cherie Rodgers that, when you were being considered for appointment as U.S. Attorney for the Eastern District of Washington, you failed to disclose pending civil litigation against your law firm relating to the River Park Square (RPS) development, and subsequently delayed, interfered with, and obstructed the United States Attorney's Office (USAO) from conducting an investigation into possible criminal activity associated with the RPS development by failing to recuse yourself in a timely manner.

Based upon the results of our inquiry, we concluded that you properly disclosed the relevant information regarding the RPS litigation, the fact that the Preston Gates Ellis LLP (PG&E) law firm was a defendant in that litigation and that you were a partner in PG&E at that time. In addition, there is no evidence that you delayed, interfered with, or obstructed the USAO from conducting any investigation into possible criminal activity associated with the RPS development or failed to recuse yourself in a timely manner.

Prior to your August 2007 request for recusal, there is no indication that any allegations of criminal activity were made to any law enforcement agency, that any criminal investigation was undertaken, or that any referral was made to the USAO necessitating your recusal. Therefore, we concluded that these allegations did not warrant further investigation by this Office. Accordingly, we consider this matter to be closed.

Thank you for your cooperation in this matter.

Sincerely;

A handwritten signature in black ink, appearing to read "H. Marshall Jarrett". The signature is written in a cursive style with a large, prominent initial "H" and a long, sweeping underline.

H. Marshall Jarrett  
Counsel