

April 16, 2025

The Honorable James Comer
Chair, U.S. House Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

The Honorable Gerald E. Connolly
Ranking Member, U.S. House Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Chair Comer and Ranking Member Connolly:

On behalf of the American Tort Reform Association, Foundation for American Innovation, and Manhattan Institute for Policy Research, we are writing to express our deep concern regarding the actions of District of Columbia Attorney General Brian Schwalb and to urge Congress to examine his office's practices as you consider the future of the District's autonomy.

Attorney General Schwalb has established a troubling pattern of awarding lucrative contracts to outside contingency fee counsel who are both political allies and former employees of his office. This practice raises serious questions about the independence and integrity of the District's legal system.

Questionable Contracts

Among the numerous contingency fee contracts entered into by AG Schwalb, some notable examples dating back to 2019 include:

- Edelson PC, which employs former District of Columbia assistant attorney general Jimmy Rock, has received:
 - \$55 million contract for a consumer protection case against Google (January 2023)ⁱ;
 - \$55 million contract for a consumer protection case against Meta (November 2023)ⁱⁱ;
 - \$85 million retention for litigation over lead water pipes (March 2025)ⁱⁱⁱ; and,
 - Unspecified amount for unspecified legal services, pending mayoral approval (March 2025)^{iv}.
- Tycko Zavareei received an additional contract in April 2024 for an undisclosed amount and undisclosed litigation^v.
- Sher Edling and Tycko Zavareei were awarded a \$70 million contract in November 2019 to target the oil and gas industry regarding environmental claims and climate change litigation^{vi}.

Special Assistant Attorney General Program

Furthermore, the AG's office has embedded a current fellow from the New York University School of Law State Energy and Environmental Impact Center as a Special Assistant Attorney General (SAAG)^{vii}. This program, funded by a \$5.6 million grant^{viii} from Michael Bloomberg's philanthropic organization, raises additional concerns:

- SAAGs' salaries and benefits are covered by the Environmental Impact Center. Thus, they are private attorneys placed in public positions to exercise governmental authority.
- They are required to pursue litigation against corporations involving climate change and environmental matters.
- The Environmental Impact Center's website states that SAAGs must "demonstrate a need and commitment to advancing clean energy, climate, and environmental matters of regional and national importance."^{ix}
- This set-up allows individuals and organizations to commandeer state and local police powers to target opponents with whom they disagree.

For example, an Environmental Impact Center fellow^x placed as a Special Assistant Attorney General with the District of Columbia Attorney General's Office drafted a comment letter, cosigned by 10 state Attorneys General, that pushed the Consumer Product Safety Commission "to address the public health and safety dangers of gas stoves."^{xi}

This arrangement raises serious questions about government independence and due process rights, as it appears to target specific industries in an effort to further a political agenda.

Misplaced Priorities

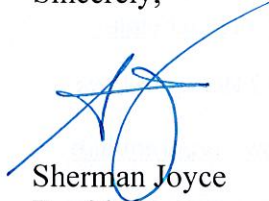
It is clear that Attorney General Schwalb has prioritized suing large businesses for various societal harms. While this may serve his political interests and allies^{xixiii}, it does not necessarily serve the interests of District residents. Many constituents have expressed frustration that the AG isn't doing enough to address crime and improve public safety^{xiv}.

Call for Congressional Oversight

We urge Congress to examine the District of Columbia Attorney General's use of outside counsel as it considers the autonomy and future of the District. Government litigation should serve the best interests of constituents, not the profit-seeking motives of the trial bar or the political aspirations of a select few. Congress could consider implementing a ban on engaging with outside counsel, similar to the one currently in place for federal agencies. Alternatively, they could follow the lead of several states by implementing measures to ensure maximum transparency and accountability in contracting.

Thank you for your attention to this critical matter. We stand ready to provide any additional information or assistance you may require.

Sincerely,



Sherman Joyce
President
American Tort Reform Association

Luke Hogg
Director of Technology Policy
Foundation for American Innovation

James R. Copland
Senior Fellow & Director, Legal Policy
Manhattan Institute for Policy Research

Note: A copy of this letter is also being submitted electronically to the committee via email.

ⁱ District of Columbia Contract No. DCCB-2023-F-0002 with Edelson PC, *Approval and Payment Authorization Emergency Act of 2023*, <https://www.atra.org/wp-content/uploads/2025/03/Edelson-Google-CPA-litigation.pdf>.

ⁱⁱ District of Columbia Contract No. DCCB-2023-F-0043 with Edelson PC, *Emergency Declaration Resolution of 2023*, <https://legiscan.com/DC/text/PR25-0514/id/2848317>.

ⁱⁱⁱ Proposed Contract No. DCCB-2025-F-0003 with Edelson PC Approval and Payment Authorization Emergency Act of 2025, B26-0122, 26th Council (D.C. 2025).

^{iv} Proposed Contract with Edelson PC for Contract DCCB-2025-F-0003 Approval and Payment Authorization Emergency Declaration Resolution of 2025, PR26-0063, 26th Council (D.C. 2025).

^v D.C. Act 25-477, Contract No. DCCB-2024-F-0010 with Tycko & Zavareei LLP Approval and Payment Authorization Emergency Declaration Resolution of 2024 (Apr. 2, 2024).

^{vi} D.C. Act 23-149, Contract No. DCCB-2019-C-0011 Approval and Payment Authorization Emergency Amendment Act of 2019 (Nov. 26, 2019).

^{vii} N.Y.U. Sch. of Law State Energy & Env't Impact Ctr., Fellows Program, AG Fellowships, Lauren Cullum, <https://www.atra.org/wp-content/uploads/2025/03/D.C.-OAG-SAAG.pdf> (last visited Mar. 19, 2025).

^{viii} American Tort Reform Association, *Attorneys General for Hire: A Disturbing Usurpation of Traditional State Police Powers by Private Political Activists* (June 15, 2022),

https://www.atra.org/white_paper/attorneys-general-for-hire-a-disturbing-usurpation-of-traditional-state-police-powers-by-private-political-activists/.

^{ix} New York University School of Law State Energy and Environmental Impact Center, *AG Work, Fellows Program, How to Hire an NYU Law Fellow*, <https://web.archive.org/web/20221209163733/https://stateimpactcenter.org/ag-work/fellows-program/hire> (archived Dec. 9, 2022).

^x N.Y.U. Sch. of Law State Energy & Env't Impact Ctr., *Fellows Program, AG Fellowships*, Lauren Cullum, <https://www.atra.org/wp-content/uploads/2025/03/D.C.-OAG-SAAG.pdf> (last visited Mar. 19, 2025).

^{xi} *AG Schwalb Leads 11 Attorneys General Urging Federal Action to Address Health and Safety Risks of Gas Stoves*, Office of the Attorney General for D.C., <https://perma.cc/Z7F7-Z8CD> (last visited Mar. 19, 2025).

^{xii} Federal Election Commission, *Edelson PC Individual Contributions, 2023-2024* (<https://www.atra.org/wp-content/uploads/2025/03/Edelson-PC-FEC-Campaign-Contributions-2023-2024.pdf>)

^{xiii} Federal Election Commission, *Edelson PC Individual Contributions, 2021-2022*, <https://www.atra.org/wp-content/uploads/2025/03/Edelson-PC-FEC-Campaign-Contributions-2021-2022.pdf> (last visited Mar. 19, 2025).

^{xiv} Fox News, "DC AG Infuriates Residents after Saying City 'Cannot Prosecute and Arrest' out of Crime Crisis: 'Madness,'" (Feb. 1, 2024), <https://www.atra.org/wp-content/uploads/2025/03/DC-AG-infuriates-residents-after-saying-city-cannot-prosecute-and-arrest-out-of-crime-crisis-Madness.pdf> (last visited Mar. 19, 2025).