



The in-house bar association.<sup>SM</sup> 25TH ANNIVERSARY

1025 Connecticut Avenue, NW, Suite 200  
Washington, DC 20036-5425

tel 202.293.4103  
fax 202.293.4701

www.ACC.COM

June 22, 2007

The Honorable Lamar Smith  
Ranking Member, Committee on the Judiciary  
United States House of Representatives

Delivered by Hand

Re: Your Support for The Attorney-Client Protection Act of 2007

Dear Ranking Member Smith:

The undersigned representatives of the in-house corporate legal community in your district and the South/Central Texas region are united in their enthusiastic support for the introduction and passage of The Attorney-Client Privilege Protection Act of 2007. We understand that this bill is strongly supported by quite a number of members of the House and Senate Judiciary Committees, and by the leadership on the Hill in general. This legislation is endorsed by organizations as diverse as the US Chamber of Commerce and the ACLU, as well as by the American Bar Association and our professional association, The Association of Corporate Counsel (ACC)<sup>1</sup>.

The Attorney-Client Privilege Protection Act is vitally important to the legal profession, but even more importantly, it is crucial to protecting our client companies' ability to get the legal advice they need to be in compliance with the law and ensure they are performing responsibly and to the benefit of our shareholders and the local public. This bill is not designed to change the law; it is designed to ensure that the current court doctrines protecting the privilege are enforceable against inappropriate intrusions by the Justice Department. This bill prohibits prosecutors from engaging in abuses of their powers when they decide to investigate a company, by forbidding them from demanding blanket waivers of the attorney-client privilege waivers as a condition of cooperation. It also protects employees who are targeted by the Justice Department, by forbidding prosecutors from using coercive tactics to force them to abandon their rights to defend themselves.

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<sup>1</sup> The Association of Corporate Counsel is "the in-house bar association"<sup>SM</sup> serving the professional needs of attorneys who practice in the legal departments of corporations and other private-sector organizations worldwide. The association promotes the common interests of its members, contributes to their continuing education, seeks to improve public understanding of the role of in-house attorneys, and encourages advancements in standards of corporate legal practice. Since its founding in 1982, the association has grown to more than 21,000 members representing more than 9,000 corporations in more than 70 countries. ACC has members in all of the Fortune 500 companies in the United States.

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We urge you to sign on as a co-sponsor to this legislation as it nears introduction in the House; we and our corporate clients are counting on your support.

Sincerely,

Kim Bowers  
Senior Vice President & General Counsel  
Valero Energy Corporation

Brad Barron  
Senior Vice President and General Counsel  
NuStar Energy, L.P.

Lee Cusenbary  
General Counsel  
Mission Pharmacal Company

Ingrid Etienne (in-house counsel for a national organization, signing individually)  
Vice President, South Central Texas ACC Chapter

Kay Grimes  
Corporate Attorney  
Lone Star Bakery

Andrew Levin  
Executive Vice President and Chief Legal Officer  
Clear Channel Communications

Victor Pascucci  
General Counsel  
USAA

Alan Schoenbaum  
Senior Vice President & General Counsel  
Rackspace Managed Hosting

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