

“The Commission’s response to the Department’s July 11 letter to the Interim Committee underscores the Department’s longstanding concern that a public back and forth characterizing previous discussions benefits no one, and in fact damages the Department and the Commission. The Commission’s response, which includes a timeline of events and discussions, omits many relevant statements, ignores important context, in some instances misstates discussions, misquotes language from the Department’s written communications, modifies quotes to imply something other than what was stated (in some cases not indicating the quote has been modified), and falsely attributes ill-intent to many members of Department leadership. The Commission’s communication is disheartening. Obviously, we disagree with the Commission’s characterization of events.

Additionally, the Commission again asserts that the Judicial Department is withholding documents and information from the Commission related to its investigations. That is not true. The Judicial Department is cooperating with all document requests from the Commission. On July 12 – three weeks prior to the recent allegation from the Commission – attorneys for the Department notified the Commission’s counsel that it had fully complied with the Commission’s subpoena, including production of privileged and confidential information. The Department recently received five broad new requests for documents that require the collection, labeling, and production of what will likely comprise nearly 30,000 documents. Department attorneys and the Attorney General’s Office are working as quickly as possible to provide these documents to the Commission in the manner agreed to with the Commission’s Special Counsel. Thus, it is entirely inaccurate for the Commission to state that the Department is “withholding” documents when in fact the Department is working feverishly to comply with these requests in a timely manner.

Despite the course of communications over the past few months, the Department has been and continues to be willing to engage with the Commission, identify issues, and propose solutions.”