

To: Gary Cobb, Chris Duggan, Rosemary Lehmborg, Mindy Montford,  
Rick Reed  
From: Ronnie Earle  
Date: January 25, 2008  
Re: Standards of Conduct

Last week I issued a memo to all employees of the District Attorney's Office who are currently running for election to public office. The memo addressed conduct relating to political activities and professional conduct specifically restricted by policies of this office, the Texas Disciplinary Rules of Professional Conduct and various relevant statutes.

After reviewing recent press comments, campaign materials and other information that has been brought to my attention, it is now necessary for me to instruct specific actions on the part of anyone to whom they may apply.

Because of the requirements of Rule 3.07 and Rule 3.09 of the Texas Disciplinary Rules and other regulations relating to conduct of employees of this office and because of the sensitivity of many matters pending in this office I am formally instructing each of you, as employees of this office, to carry out the following tasks immediately:

- 1) Remove all references of any kind, including statements, images, photographs, opinions, or other information about any pending case (s) or defendant(s) in any pending case(s) from any and all of your campaign materials, advertisements, websites or any other medium of communication in which they appear, and refrain from making any public comments about any pending case(s) or defendant(s).
- 2) Refrain from using any images or references of any type that could be prejudicial or interfere in any way with any defendant's right to a fair trial. They have no place in campaign literature and are especially counterproductive for campaigns that seek to further justice and the rule of law.
- 3) Review the memo to all staff issued January 25, 2008, concerning restrictions on political activities of any kind on office time or in county buildings. Conversations about political or campaign activities

are not allowed on work time or in county buildings, including courtrooms, workspaces or hallways of and not limited to those within our own office building. Refrain from engaging in any prohibited activities concerning any and all matters covered by today's memorandum to all staff, and refrain from contact with other office employees during work hours that may cause them to engage in prohibited activities. Be sure you are in full compliance at all times with requirements for documenting your work and leave time.

- 4) Do not use references to me, including any photographic image, in any of your campaign materials without my permission.

Thank you for your cooperation. I will be happy to discuss with you any concerns or questions you may have.

I have included some reminders of specific provisions of our policy manual below.

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The policy manual of the Travis County District Attorney's Office contains a number of provisions that relate to the public disclosure of certain types of information. Some of those were included in the previous memo to all staff and some are included *infra*:

### **"Confidentiality**

Personnel will discuss investigative matters only with those persons appropriate in conducting the business of the District Attorney's Office."

### **"Media Contact**

Comments to the press will be made only by the District Attorney, First Assistant District Attorney or the division directors, or under their direction; except that any attorney may answer a question from the press if the answer is only a statement of what has occurred in open court or appears as a matter of public record."

Excerpt from "**Special Prosecution Division Contacts/Cases**

Due to the sensitive nature of many of the cases handled by the Special

Prosecution Division, confidentiality is of utmost importance. Disclosure of case file contents or information will only be made to those staff members assigned to the case or those who have a legitimate need to know.”

These policies exist, in part, to ensure that all persons subject to the jurisdiction of this office are treated fairly. These policies are also meant to prohibit employees from engaging in actions that could harm the public’s trust in the District Attorney’s Office, have a negative impact on our ability to prosecute pending cases, or prevent us from being able to accomplish our mission of seeing that justice is done in all cases.