

## MEMORANDUM

To: Dennis J. Quinn  
cc: David G. Marwell  
From: T. Jeremy Gunn  
Date: June 30, 1995  
Re: Your Legal Opinion on Pro Bono Work dated June 26, 1995

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This morning I read your June 26, 1995, opinion regarding my providing pro bono work for National PEARL. In response to your memo, I have written today to the Executive Director, National PEARL, informing her that my official relationship with PEARL should be terminated, effective immediately. (Copy attached).

There are, however, a few points that I would like to have clarified.

First, there appears to be a significant misunderstanding with respect to your concern about my name being used by a "firm, partnership, association, corporation or other entity *which provides professional services involving a fiduciary relationship.*" (emphasis added). As you state, the regulation, 5 CFR § 2636.305(a)(2), was designed to preclude government lawyers from having their names used by private law firms on letterheads, etc. PEARL is *not* a law firm (or other professional association) and *it does not provide professional services* involving a fiduciary relationship. Rather, PEARL is a non-profit, public interest organization that *receives* pro bono assistance *from* law firms. Thus PEARL does not engage in activities providing fiduciary services, but is the recipient of such services. I do not read the regulation as, in any way, prohibiting an organization (with whom a government attorney is affiliated) from *receiving* fiduciary services from another.<sup>1</sup>

Second, you state that this regulation "has been interpreted rather broadly in recent years to include situations analogous to your own." It was not clear from your memo whether you had actually reviewed the interpretations to which you were referring. Would you please identify them for me?

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<sup>1</sup>Such a reading would preclude such organizations from receiving legal advice, income tax advice, or accounting advice.

Third, your memo does not refer to the proposed guidelines of the Attorney General regarding pro bono services by government attorneys. I am aware that the Attorney General is intending to release new guidelines on pro bono activities, but I do not know whether the proposed guidelines cover this situation.

Fourth, I would like to accept your offer to request an Informal Advisory Letter from the Office of Government Ethics. Please let me know whether I should make the request myself or whether you should be the person to make the request.