

Wiley Rein Holds Successful Panel Discussion on "The Office of Congressional Ethics: Practice and Process"

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On June 29, 2011, Wiley Rein's Election Law & Government Ethics Practice Group hosted a panel discussion on "The Office of Congressional Ethics: Practice and Process." The panel participants included Omar Ashmawy, chief counsel and staff director of the Office of Congressional Ethics (OCE); R. Blake Chisam, recent former chief counsel and staff director of the House Ethics Committee, and now a partner with Fragomen, Del Rey, Bernsen and Loewy LLP; and Wiley Rein's Robert L. Walker, former chief counsel and staff director of both the House and Senate Ethics Committees.

In his presentation on "The OCE: Lessons Learned and Looking Forward," Omar Ashmawy addressed what he described as misperceptions about how the OCE operates, including claims that the OCE launches ethics inquiries based on anonymous complaints and that in its actions to date, the OCE has displayed a racial bias. Ashmawy also discussed and analyzed data on the OCE's caseload. Although he suggested that some "tweaks" to the OCE's method of operation may be possible, Ashmawy concluded that, so far, the OCE has succeeded in bringing greater transparency to the ethics enforcement framework of the House of Representatives.

Blake Chisam, addressing "The OCE and the House Ethics Committee," acknowledged that the OCE has facilitated "getting to go" in the ethics process; that is, the OCE has made it easier to overcome institutional inertia in commencing an ethics inquiry in the House. But Chisam also candidly discussed his views that the OCE is an unnecessary innovation in the ethics enforcement process and that—given the inherently political nature of this process—the House could better handle ethics investigations and enforcement through the duly elected members on the House Ethics Committee itself.

Wiley Rein's Robert Walker moderated the discussion and provided practical guidance for both potential subjects and potential witnesses (including individuals, corporations, associations and other organizations) on "Responding to an OCE Inquiry." Among the practice points made by Walker in his presentation, and in an accompanying PowerPoint handout provided to attendees at the discussion, was that—to clarify and, if possible, narrow the scope of the OCE's typically very broad and inclusive Requests for Information—early dialog with the OCE staff is essential whenever a subject or witness receives an investigative request for

information and documents from the OCE.

This OCE panel event drew a cross-section of the Washington, DC political community, including congressional staff and counsel, government relations personnel and other staff from corporations, trade associations, nonprofits and political organizations.

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