

May 17, 2015

The Honorable John Kline
Chairman, Committee on Education and the Workforce
U.S. House of Representatives
Washington, DC 20515

The Honorable Robert C. "Bobby" Scott
Ranking Member
Committee on Education and the Workforce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Lamar Alexander
Chairman, Committee on Health, Education, Labor and Pensions
U.S. Senate
Washington, D.C. 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education, Labor and Pensions
U.S. Senate
Washington, D.C. 20510

Dear Representatives Kline and Scott and Senators Alexander and Murray:

We are attorneys who represent working people and unions. We are writing in support of the Department of Labor's rules requiring greater reporting and transparency by employers and the outside consultants they hire to develop and run anti-union campaigns. 81 Fed. Reg. 15923 (March 24, 2016).

DOL's rules are reasonable and necessary. They close a giant loophole in reporting that employers and firms have been able to hide behind for decades to avoid reporting on activities aimed at dissuading employees who are seeking to form a union with their co-workers. The transparency brought about by the new rules will provide working people with important information about their employer's activities and spending regarding their employees' decision about forming a union.

The American Bar Association (ABA) filed comments with the Department of Labor opposing the new rules, and joined the U.S. Chamber of Commerce and management-side law firm Littler Mendelson to lobby the Obama Administration against the rules, alleging that the rules will interfere with the attorney-client privilege and violate state ethical rules of confidentiality. On April 27, 2016, the President of the ABA submitted testimony to the House Committee on Education and the Workforce opposing the rules on these grounds.

We disagree with the ABA on this issue and object to the ABA taking management's side on this labor-management issue contrary to the views of its members who represent workers and

unions. DOL's rules explicitly state that nothing in the rules requires the reporting of privileged information or legal advice. We disagree with the ABA's claims to the contrary. The ABA does not speak for us on this issue.

We are signing this letter in our individual capacities and not in any official ABA capacity.

cc: Paulette Brown, President, American Bar Association
Wayne Outten, Chair, Labor and Employment Section, ABA

Hope Singer, Los Angeles, California, ABA Member

Eileen Goldsmith, San Francisco, California

Josh Adams, Glendale, California, ABA Member

Anthony Alfano, Gary, Indiana, ABA Member

Pamela Allen, Oakland, California

Thomas Allison, Chicago, Illinois, ABA Member

James Allmendinger, Durham, New Hampshire, ABA Member

Joe Allotta, Placitas, New Mexico, ABA Member

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Laura Anderson, Seattle, Washington

Margaret A Angelucci, Chicago, Illinois, ABA Member

Bryan Arnault, Syracuse, New York, ABA Member

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Librado Arreola, Chicago, Illinois

Eyad Asad, New York, New York

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Gary Bailey, Western Springs, Illinois, ABA Member

James Balanoff, Oak Park, Illinois

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Barry M Bennett, Chicago, Illinois
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Micah Berul, Oakland, California
Laureve Blackstone, Brooklyn, New York, ABA Member
Christopher Blado, Seattle, Washington
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Robert Bonsall, Sacramento, California, ABA Member
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Robert Boreanaz, Getzville, New York
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Judith Broach, New York, New York, ABA Member
Kevin C. Brodar, North Olmsted, Ohio, ABA Member
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Briana Cartwright, West Bloomfield, Michigan, ABA Member
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Kathleen Coughlin, Cincinnati, Ohio

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Catherine Creighton, Buffalo, New York

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Bryan Decker, Somerville, Massachusetts

Vincent DeLaurentis, Fairfax Station, Virginia

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Margo Feinberg, Albany, California

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Ada Roca, Medford, New Jersey
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Larry Samuel, New Orleans, Louisiana
Kimberly Sanchez Ocasio, Arlington, Virginia, ABA Member

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Mel Schwarzwald, Cleveland, Ohio
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Carla Siegel, North Potomac, Maryland, ABA Member

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Ellen Silver, Rockville, Maryland, ABA Member
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Jules Smith, Rochester, New York, ABA Member
Lisa M. Smith, Southfield, Michigan, ABA Member
Martha Smith, New York, New York
Sean Smoot, Springfield, Illinois, ABA Member
Laura Snazelle, Woodhaven, New York
Jess Speaker, Springfield, Virginia
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Marc A. Stefan, Salem, Oregon
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Robert Stropp, Jr., Washington, District of Columbia, ABA Member
David W Stuckel, Peoria, Illinois, ABA Member
Kory Stuer, Washington, Massachusetts
Stefan Sutich, Washington, District of Columbia, ABA Member
Peter Swanson, Minneapolis, Minnesota
Richard Swanson, Indianapolis, Indiana, ABA Member
Mark Sweet, Sweet, Wisconsin
Katelyn Sypher, Seattle, Washington, ABA Member

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Sarah Tarlow, Chicago, Illinois
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Nicole Teixeira, San Francisco, California, ABA Member
Adam Thomas, Los Angeles, California, ABA Member
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Kristin Watson, Columbus, Ohio, ABA Member
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Colleen A. Youngdahl, Little Rock, Arkansas, ABA Member

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Bennet Zurofsky, Maplewood, New Jersey, ABA Member

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