



OFFICE OF
INSPECTOR GENERAL

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

MEMORANDUM

September 9, 2008

TO: Jeffrey Risinger
Associate Executive Director for Human Resources

FROM: H. David Kotz 
Inspector General

SUBJECT: Attorney Annual Certification of Bar Membership (No. 455)

A recent investigation by the Office of Inspector General (OIG) found evidence that an attorney employed by the Commission failed to maintain an active membership in any bar for numerous years, while continuing to represent himself to be a Commission attorney. A previous OIG investigation found that a Commission supervisory attorney had never been admitted to any bar. The Commission's Office of Ethics Counsel recently reminded all Commission attorneys that active bar membership is a condition of their employment and that they must take the necessary steps to keep their membership active.

We are recommending that to ensure Commission attorneys comply with the requirement of maintaining active bar membership, all Commission attorneys should be required to certify on an annual basis that they are an active member of the bar of at least one State, territory, the District of Columbia, or the Commonwealth of Puerto Rico. The annual certification should also require Commission attorneys to acknowledge that the failure on their part to maintain active bar membership at any time during their employment as an attorney with the Commission will result in a referral to the appropriate authorities and may result in their pay being withheld and/or disciplinary action against them.

Recommendation 1

The Office of the Human Resources, in consultation with the Office of the General Counsel, should require all Commission attorneys to certify on an annual basis that they are active bar members and to acknowledge that the failure to maintain active bar membership will result in a referral to the appropriate authorities and may result in their pay being withheld and/or disciplinary action against them.

cc: Peter Uhlmann, Chief of Staff
Diego Ruiz, Executive Director
Brian Cartwright, General Counsel
William Lenox, Ethics Counsel
Darlene Pryor, Management Analyst, Office of Executive Director