



Preserving the integrity of competition. Inspiring true sport. Protecting the rights of athletes.

VIA ELECTRONIC MAIL TO [REDACTED]

July 25, 2012

Robert D. Luskin
PATTON BOGGS, LLP
2550 M. Street, NW
Washington, DC 20037

Re: *Violations of Conflict of Interest Rule by Patton Boggs*

Dear Mr. Luskin:

As you know, your law firm Patton Boggs recently filed suit in federal district court in the Western District of Texas on behalf of Lance Armstrong and against the United States Anti-Doping Agency (USADA). This lawsuit is captioned *Armstrong v. United States Anti-Doping Agency, et al.*, Civ. Action No. 1:12-cv-00606-SS (hereafter, the “Lawsuit”). The summons in the Lawsuit was served upon USADA on Friday, July 13, 2012.

During the past week it was reported in the Washington D.C. news media that your firm Patton Boggs has engaged in lobbying on behalf of Mr. Armstrong, or an entity with which he is affiliated, in which one or more Members of Congress may have been asked to take action adverse to USADA (hereafter, the “Lobbying”).

In addition, over the past several weeks you have publicly and repeatedly characterized USADA’s actions using intentionally derogatory terms such as “toxic” and engaging in a “process where the truth is not a priority.” These comments and many others like them are untrue and were made to the media in a concerted and intentional effort to harm and undermine the reputation of USADA.

Your false and intentionally inflammatory statements to the press were made in a manner clearly calculated to attempt to harm USADA, to embarrass USADA and to sway public and private opinion. You have been quoted making statements directly adverse to USADA in articles by the *Washington Post*, *New York Times*, *Wall Street Journal*, *Associated Press*, *ESPN* and many other national and international news sources. USADA is currently compiling a list of your statements and the media outlets which republished those statements.

Indeed, the manner in which the initial complaint in the Lawsuit was drafted was so inappropriate, inflammatory and overreaching that the judge dismissed the complaint *sua sponte*. The judge himself observed that your complaint was filled with irrelevant matter “included solely to increase media coverage of this case, and to incite public opinion against Defendants.”

As I assume you are aware, Patton Boggs initiated the Lawsuit and engaged in the Lobbying without notice to USADA and without USADA’s consent. Both the Lawsuit and the Lobbying, as well as your personal media campaign, constitute activities adverse to USADA within the meaning of Rule 1.7(b)(1) of the Rules of Professional Conduct of the District of Columbia Bar (the “Conflict of Interest Rule”).

United States Anti-Doping Agency

5555 Tech Center Drive, Suite 200, Colorado Springs, CO 80919 ■ Tel: 719.785.2000 ■ Fax: 719.785.2001
usada@usada.org ■ www.usada.org



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Pursuant to the Conflict of Interest Rule, you and all members and representatives of Patton Boggs were ethically barred from filing the Lawsuit, engaging in the Lobbying or otherwise acting in a matter adverse to USADA because USADA is a client of Patton Boggs. The Denver office of Patton Boggs has acted as legal counsel for USADA under a written engagement letter for several years and has regularly represented USADA on employment matters and is currently representing USADA on a case before the Colorado Department of Labor & Employment. Yet, despite USADA being a regular and current client you and/or Patton Boggs filed the Lawsuit and engaged in the Lobbying and the other detrimental conduct described above without in any way providing notice to USADA of your conflict of interest and without ever requesting that USADA consent to you taking positions adverse to USADA and/or engaging in conduct adverse to USADA.

USADA has been materially harmed by Patton Boggs' violation of the Rules of Professional Conduct and engaging in unethical conduct towards USADA its current client.

As a consequence, USADA demands that you immediately take the following conduct to address the harm to USADA caused by the violation of the Rules of Professional Conduct engaged in by you and the members of Patton Boggs:

1. Send an immediate written retraction, approved by USADA, of all statements to the media and Members of Congress concerning USADA that you and any member of Patton Boggs has made in the last sixty (60) days.
2. Advise USADA within three (3) days of all steps which you propose to take to address the monetary and reputational damage to USADA caused by Patton Boggs violations of the Conflict of Interest Rule in relation to USADA and to prevent further violations.

On behalf of USADA, I must insist that you immediately retract your statements concerning USADA and respond to this letter with appropriate remedial measures, including those outlined above, as a matter of urgency and without delay.

I trust that you will convey this letter to Mr. Edward J. Newberry, the managing partner of your Patton Boggs' Washington, D.C. office, and such other members of the Patton Boggs' Management Committee as have been tasked with reviewing issues arising under the Rules of Professional Conduct.

Sincerely,

UNITED STATES ANTI-DOPING AGENCY

A handwritten signature in blue ink, appearing to read "William Bock, III", is positioned below the typed name.

William Bock, III
General Counsel

WB:ljm