

From: Gonzalez, Gregory (OPR)
To: Moore, Keisha (OPR)
Subject: FW: Ex Parte Contact by District Judge
Date: Friday, October 25, 2019 10:03:43 AM
Attachments: Judge Schwab - Memo re ex parte contact 10-24-19.docx

Keisha,

Please open as a non DOJ.

Greg Gonzalez
Counsel
U.S. Department of Justice
Office of Professional Responsibility
950 Pennsylvania Ave. NW,
Washington, D.C. 20530

(b) (6) ; (b) (7) (C)

202-514-5050 fax

From: Ragsdale, Jeffrey (OPR) (b) (6) ; (b) (7) (C)
Sent: Friday, October 25, 2019 9:56 AM
To: Gonzalez, Gregory (OPR) (b) (6) ; (b) (7) (C)
Subject: FW: Ex Parte Contact by District Judge

Fyi—let's talk after we both look at this. It might be Monday.

From: Kaufman, Steve (USAPAW) (b) (6) ; (b) (7) (C)
Sent: Friday, October 25, 2019 9:49 AM
To: Ragsdale, Jeffrey (OPR) (b) (6) ; (b) (7) (C)
Subject: Ex Parte Contact by District Judge

Jeffrey – I originally referred this matter to GCO and they informed me that it should go to OPR, and gave me your name as the contact. Attached is a Memorandum from AUSA (b) (6) ; (b) (7) (C) to AUSA (b) (6) ; (b) (7) (C) explaining a telephone call she received from a (b) (6) ; (b) (7) (C) for Judge Arthur J. Schwab. AUSA (b) (6) ; (b) (7) (C) is co-counsel on the (b) (6) case. AUSA (b) (6) ; (b) (7) (C) is her direct supervisor and also our Office's Professional Responsibility Officer. AUSA (b) (6) ; (b) (7) (C) explained the incident to PRAO and PRAO provided the opinion that the defense attorney should be informed of the ex parte contact. The defense attorney has been called and the nature of the contact has been disclosed to him.

We now seek your opinion as to whether a Complaint should be filed regarding the conduct of the U.S. District Judge. We refer specifically to the Rules for Judicial Conduct set forth in the Guide to Judiciary Policy, Chapter 3, Section 320, Article II, Rule 4(a)(1)(C) related to ex parte contacts from a judge to a party or counsel for a party. Thank you for your assistance and we would be glad to discuss any aspect of this matter further.

Memorandum



Subject	Date
Call from Barbara Marzina, Law Clerk to the Hon. Arthur Schwab, United States District Judge	October 24, 2019
To	From
(b) (6) ; (b) (7) (C) Assistant United States Attorney	(b) (6) ; (b) (7) (C) Assistant U.S. Attorney

Re: United States v. George Retos, Jr.

George Retos, Jr. (George Retos) pled guilty on November 16, 2018 to two counts of the thirteen count Indictment at Criminal No. 18-69. The sentencing has been scheduled for October 30, 2019.

On October 23, 2019, I received a call from Barbara Marzina, the law clerk to the Hon. Arthur Schwab, United States District Judge, concerning George Retos. Ms. Marzina advised that Judge Schwab had authorized her to tell me and co-counsel, Assistant U.S. Attorney (b) (6) ; (b) (7) (C) that Judge Schwab was thinking about sentencing George Retos to probation of two years with one year of home detention at the sentencing scheduled for October 30, 2019. Ms. Marzina also asked whether the United States intended to file a supplemental sentencing memorandum in light of the defendant's health condition. I advised Ms. Marzina that AUSA (b) (6) ; (b) (7) (C) had just told me that he was unable to attend the sentencing on October 30, 2019 and that I would be handling the sentencing on behalf of the United States. I told Ms. Marzina that I had to review the file and ended the call.

On October 11, 2019, George Retos filed documents from two medical doctors indicating that George Retos was post radical prostatectomy to high-grade prostatic carcinoma with a high risk of recurrence and may require potential radiation therapy, and that he also suffered from heart problems.

Steve

Stephen R. Kaufman
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(b) (6) ; (b) (7) (C)

