

PERKINS COIE LLP

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September 6, 2002

REDACTED

VIA MESSENGER

Bobby Burchfield
Covington & Burling
1201 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Re: **RNC v. FEC** – ATLA Declaration and Documents

Dear Bobby:

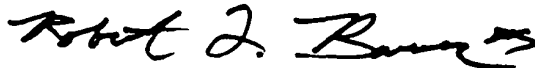
Enclosed please find a declaration executed by Linda Lipsen on behalf of ATLA. It is my understanding, based on our previous conversations and correspondence, that the RNC will now withdraw the subpoena it issued to ATLA.

As previously discussed, we consider these materials to be provided to you under the protective order approved by the Court on August 12, 2002. The following paragraphs are to be considered "Confidential" under the terms of that order: ¶¶ 6, 8, 11, 12, 18, 19, 29 and 34. The following paragraphs are to be considered "Attorneys Only" under the terms of that order: ¶¶ 7, 13, 14, 15, 17, 20, 21, 23, 30 and 31.

With respect to the documents, please note that we have designated some of the documents as "Confidential." Finally, we understand that, under the terms of the protective order, none of the materials may be used in any matter other than the litigation cited above, regardless of their designation.

If you have any questions about the foregoing, please let me know.

Very truly yours,



Robert F. Bauer
Counsel to ATLA

Enclosures

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DECLARATION

1. As Senior Director, Public Affairs, of the Association of Trial Lawyers of America (ATLA), I have substantial responsibility for ATLA programs to provide opportunities for ATLA members to participate in the political process in support of candidates who share ATLA's public policy goals, and to participate in the legislative process.
2. ATLA is a voluntary professional organization governed by its membership of 60,000 and operating as a tax-exempt under 501 (c) (6) of the Internal Revenue Code. It is a broad-based, international coalition of attorneys, judges, law professors, paralegals, and law students, who receive through ATLA the information and professional assistance needed to serve clients successfully and protect the democratic values inherent in the civil justice system. (Attachment "A")
3. ATLA is involved in a wide range of political and public policy debates that affect the trial bar. The organization is active on Capitol Hill and in Executive Branch departments and agencies, seeking to provide members with a line of communication to policymakers at all levels of government.
4. ATLA continuously encourages members to become involved in the political process, and specifically identifies for them the issues on which they and ATLA should become active on behalf of the goals critical to the organization, and also the candidates who merit their support and the support of ATLA.

ATLA PAC

5. ATLA's political programs include the operation of ATLA PAC, a nonpartisan political action committee, that contributes to candidates for federal office who will work to safeguard civil justice and ensure the right of Americans to hold wrongdoers accountable. (Attachment "B") ATLA PAC is organized under 2 U.S.C. Section 432(a) of the Federal Election Code and is duly registered with the Federal Election Commission in conformity with the current provisions of the Federal Election Campaign Act. ATLA PAC is also registered with and reporting to the Internal Revenue Service as a § 527 organization.
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 - a.
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9. ATLA PAC made, with few exceptions as noted below, the overwhelming number of contributions to national, state and local party committees, or to political committees generally, in the calendar years addressed by this Declaration.
10. ATLA PAC maintains no “soft money” account and does not solicit or accept “soft money contributions”. Thus ATLA PAC receipts from contribution income are made up entirely of “hard money” contributions—individual contributions within federal law limits to a federal account-- from members of its restricted class, who are the members of ATLA. ATLA PAC contributions are fully reported to the public through reports filed by law pursuant to the FECA. ATLA does not support state and local candidates, but does support the nonfederal programs of state and local party committees.

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"ATLA'S LIST"

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16. ATLA's List files FEC Form 7 (Report of Communication Costs by Corporations and Membership Organizations) with the Federal Election Commission, as required by law when expenditures by such an organization exceed \$2000 per election. The requested information is reflected in the FEC report, including the date and type of communication, names of candidates included in each communication, and the amount spent per candidate on the communication. (Attachment "E")

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ATLA CONTRIBUTIONS AND PROGRAMS

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22. From time to time, ATLA does public opinion research on issues of importance to its members and to the general public. This would include the identification of attitude tendencies within different demographic groups.

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24. Since January, 1995, ATLA, most often as a partner in coalitions with other consumer advocacy groups, environmental organizations, organized labor, organizations of seniors, victim rights groups, and health care advocates and others, has occasionally engaged in targeted issue advertising.

25. Broadcast issue ads have included television and radio in 1995 and 1996 in opposition to the legislation then under consideration in the U.S. Congress that would have restricted the liability of product manufacturers. These ads were aired largely by individual law firms throughout the country, supplemented by limited buys by ATLA and its coalition partners in markets in Arkansas, Illinois, Mississippi, Maryland, Maine, South Dakota, North Dakota, West Virginia, and Tennessee.

26. Television issue ads produced in 2000 in opposition to the asbestos bail-out legislation then under consideration in the U.S. Congress were aired, with ATLA's support, by ATLA's coalition allies in Montana, Minnesota, and the Washington, D.C., area. Likewise, in 2001, television spots in support of a patients' bill of rights were aired, with ATLA's support, by ATLA's coalition allies in the Washington, D.C. area.

27. Individually and/or as a participant in coalition efforts, ATLA has produced in-house print ads since January, 1995, that have been published in Roll Call and/or The Hill newspapers in opposition to tobacco and asbestos industry bailouts, liability protection for the cruise line industry, limitations on Y2K related liability, and the elimination of punitive damages in the terrorism insurance legislation, as well as in support of the rights of those injured by medical malpractice and in support of a patients' bill of rights.

28. ATLA produces talking points and fact sheets on issues of concern to its members and to consumers in general. These talking points and fact sheets are distributed to office holders and candidates for state and federal office, as well as to members of the Association, the media, other organizations, and consumers.

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32. Except for express advocacy to our restricted class (“ATLA’s List”), ATLA does not have an endorsement process for federal candidates, although ATLA PAC contributions may be viewed by campaigns and the public as an endorsement. ATLA does not engage in voter-identification programs or candidate opposition research.

ATLA LOBBYING AND CONTACTS WITH MEMBERS OF CONGRESS

33. ATLA’s registered lobbyists communicate with Members of Congress and their staffs on a daily basis to advocate ATLA’s positions on legislation affecting the civil justice system. Those contacts are constant.

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35. ATLA members, particularly its leadership, also communicate with Members of Congress to discuss policy issues of importance to the association or to them personally. ATLA is not always aware that such meetings have taken place and therefore could not reliably document or estimate the number of such member contacts. ATLA has more than 60,000 members, who tend to be civic minded and issue oriented, are leaders in their communities and often personally know their Members of Congress.

36. ATLA presently reports its federal lobbying activity and expenses to the Clerk of the House of Representatives, and to the Secretary of the Senate, pursuant to the Lobbying Disclosure Act of 1995. Prior to the effective date of that Act, ATLA reported similar information under the Federal Regulation of Lobbying Act (1946).

37. ATLA’s two most recently submitted Lobbying Disclosure reports reported \$1,100,000 and \$1,280,000, respectively, of organizational expenses related to lobbying activities (when rounded to the nearest \$20,000, as required under the Act). Also, as fully and more specifically disclosed in the reports, ATLA reported lobby contacts in ten separate General

Lobbying Issue Areas in each of these reports.

38. The source of ATLA's expenditures for lobbying consist of membership dues, registration fees, subscription income and royalties.
39. ATLA communicates with its members regarding public affairs and legal issues and news in:
- a. occasional broadcast e-mails,
 - b. a regular weekly members-only e-mail news summary,
 - c. four monthly publications—Trial Magazine, the Advocate, the Law Reporter, the Professional Negligence Law Report, and the Product Liability Law Reporter.
 - d. a website for use by the general public and the news media, which contains a members-only section that is used to further communicate with members on issues of concern.

ATLA's practice sections, divisions and caucuses also publish regular newsletters for their members.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 3, 2002.



Linda Lipsen