



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli, II  
Attorney General

April 27, 2011

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Joseph E. Lynch, Esq.  
King & Spalding, LLP  
1700 Pennsylvania Avenue, NW  
Washington, DC 20006-2706

**RE: Termination of Appointment as Special Counsel**  
**OAG File No.: SCA 2009-31**

Dear Mr. Lynch:

On September 15, 2009, your firm was appointed by this office to serve as Special Counsel. The most recent payment under that appointment was made last month. I write now to terminate that appointment, effective immediately. If any additional work has been done pursuant to such appointment, please so advise my office and advance any appropriate bill so that our relationship may be closed out completely.

The Office of the Attorney General is one of the largest law firms in Virginia. Our clients include, among others, all of our state agencies. It is common for our office to disagree with a policy decision or course of action taken by one of our clients; however, we do the best that we can to protect our clients, to treat them respectfully and to uphold our own ethical and professional obligations as it relates to each of them.

As you know, the Commonwealth of Virginia also hires a wide variety of outside counsel for assistance and/or specialty engagements. In that capacity, my office is in the role of the client.

We seek to do business exclusively with law firms that do more than merely aim to perform the bottom of the barrel ethical obligations and do just enough on behalf of their clients to avoid trouble for themselves. We seek law firms that will actively protect our interests, even when that may be uncomfortable for their firms.

Virginia does not shy away from hiring outside counsel because they may have ongoing professional relationships with people or entities, or on behalf of causes, that I, or my office, or Virginia as a whole, may not support. But, it is crucial for us to be able to trust and rely on the fact that our outside counsel will not desert Virginia due to pressure by an outside group or groups.

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Virginia seeks firms of commitment, courage, strength and toughness, and unfortunately, what the world has learned of King & Spalding, is that your firm utterly lacks those qualities. As the official in Virginia responsible for ensuring that the legal needs of Virginia's agencies are well met, I cannot leave UVAMC in the hands of a law firm of such weakness.

By way of example and explanation, King & Spalding's role in representing terrorists is not objectionable to Virginia, because we understand the value of legal counsel, even for persons who hate this country and desire to do America and Americans harm. However, King & Spalding's willingness to abandon *a client*, the United States House of Representatives, in connection with the lawsuit challenging the Defense of Marriage Act ("DOMA"), was such an obsequious act of weakness, that I feel compelled to end your legal association with Virginia so that there is no chance that one of my legal clients might be put in the embarrassing and difficult situation like the client you walked away from, the House of Representatives.

The failure of King & Spalding to maintain the kinds of minimum standards that Virginia would expect as a client of your firm is perhaps best demonstrated by the stunning dichotomy in the maintenance (or lack thereof) of its clients in my examples: it is acceptable to maintain client relationships with clients associated with terrorism, but not clients associated with marriage. And when it comes to *dropping a client*, it is a dichotomy that should not exist at any quality law firm.

Virginia simply cannot abide placing any reliance whatsoever on a law firm that makes decisions and acts in the manner of King & Spalding, and so we must terminate our relationship at this time. For future reference, your firm is *not* welcome to re-apply for special counsel status at any time as long as I am the Attorney General of Virginia.

Sincerely,



Kenneth T. Cuccinelli, II  
Attorney General