

No. 19-72670

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

IN RE: PUBLIC WATCHDOGS

PUBLIC WATCHDOGS
Petitioner,

v.

UNITED STATES NUCLEAR REGULATORY COMMISSION and UNITED
STATES OF AMERICA,
Respondents.

NOTICE REGARDING BAR STATUS OF JEFFREY BOSSERT CLARK

The undersigned respectfully submits the attached letter regarding the bar status of Jeffrey Bossert Clark, Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, during the period of October 1, 2019, through December 10, 2019.

Respectfully submitted,

/s/ Justin D. Heminger
JUSTIN D. HEMINGER
Attorney
Environment and Natural Resources
Division
U.S. Department of Justice
Justin.heminger@usdoj.gov
(202) 514-5442

/s/ Andrew P. Averbach
ANDREW P. AVERBACH
Solicitor
Office of the General Counsel
U.S. Nuclear Regulatory Commission
andrew.averbach@nrc.gov
(301) 415-1956

January 28, 2020



U.S. Department of Justice

Environment and Natural Resources Division

950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Telephone (202) 514-2701
Facsimile (202) 514-0557

Clerk
U.S. Court of Appeals for the 9th Circuit
The James R. Browning Courthouse
95 7th Street
San Francisco, CA 94103

Re: In re: Public Watchdogs, Case No. 19-72670

I write to notify you that at the time one or more filings were made in this case in the span of time from October 1, 2019 through December 9, 2019, my name appeared on the federal government's filing in the above case. The names of other lawyer(s) also appeared on such a filing. During this period, my District of Columbia bar license was administratively suspended.

Unbeknownst to me, on or about October 1, 2019, my DC bar license had been administratively suspended for inadvertent non-payment of that year's dues. <https://www.dcbbar.org/membership/frequent-questions/index.cfm#dues>. To my knowledge, I had not missed a dues payment deadline in any prior year.

I discovered this one-time lapse on December 9, 2019, paid the necessary dues and the \$280 penalty fee, and took immediate steps to correct the problem, such that it was fixed the next day on December 10, 2019, according to the DC Bar's website. The DC Bar did not have my correct address and I received no mail forwarded to me from my prior private law firm (which I left on October 31, 2018 to join the Justice Department the following day). That firm had handled paying my bar dues from 2006-2018; the firm also moved to a different address circa March 2019. I also reported the dues issue to Justice Department authorities.

Upon further consultation with the relevant Department office, I determined to bring the matter to the Court's attention and I followed its advice on the form of this letter: Specifically, I recognize that my name appearing on a filing or my entry of appearance implicitly represented that my DC Bar license was active and that I was authorized to represent the United States at that time (Department attorneys must maintain an active state-bar license). I wish to correct this implicit misrepresentation and extend my sincere apology. I was not aware of the lapse due to nonpayment of dues and did not intend to mislead the Court.

Please contact me should you wish to discuss the matter further or need to seek any further information.

Yours truly,

s/ Jeffrey Bossert Clark

Jeffrey Bossert Clark

cc: Counsel of Record