

Ronald Reagan Presidential Library Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Roberts, John G.: Files
Folder Title: JGR/Burford Legal Fees
Box: 6

To see more digitized collections visit:

<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:

<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: reagan.library@nara.gov

Citation Guidelines: <https://reaganlibrary.gov/citing>

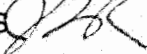
National Archives Catalogue: <https://catalog.archives.gov/>

THE WHITE HOUSE

WASHINGTON

April 26, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Burford Legal Fees

The attached memorandum advises the Attorney General and the EPA Administrator of Mr. Regan's decision concerning the Burford legal fees dispute.

Attachment

THE WHITE HOUSE

WASHINGTON

June 3, 1985

MEMORANDUM FOR EDWIN MEESE III
ATTORNEY GENERAL

LEE THOMAS
ADMINISTRATOR
ENVIRONMENTAL PROTECTION AGENCY

FROM: FRED F. FIELDING *Orig. signed by FFF*
COUNSEL TO THE PRESIDENT

SUBJECT: Burford Legal Fees

As we have discussed previously, the President feels that Anne Burford's claims for reimbursement of attorney's fees should be honored, and done so promptly, to the extent permitted by law. Following your evaluations and advice, and based thereon, Chief of Staff Regan has determined that the following course of action should be followed with respect to these claims.

Mrs. Burford should be reimbursed only for fees incurred in connection with legislative, not executive, proceedings against her, and then only for advice or representation to defend actions arising within the scope of her employment (for example, on orders of the President). She should not be reimbursed for outside legal assistance in responding to charges of alleged criminal actions outside the scope of her employment. Further, with respect to actions within the scope of her employment, she cannot be fully reimbursed for fees incurred in work that was clearly and predictably (or knowingly) duplicative of that done by Government attorneys on her behalf (for example, in purging the contempt citation). This latter item is a matter of discretion, obviously, and fairness and Mrs. Burford's personal reservations about the vigor of such defense should be given due consideration to the extent permitted by law.

Both Department of Justice and Environmental Protection Agency attorneys should promptly undertake to review documentation of billings with Mrs. Burford's attorneys, to determine what portion of the fees may be reimbursable under these guidelines. Once an amount has been determined, the Government attorneys should discuss or negotiate a settlement with Mrs. Burford's counsel of all her outstanding claims.

The details of the billings should also help resolve the dispute over which agency should pay any eventual bill. It is our evaluation that Justice should pay for reimbursable advice and representation on executive privilege issues, and that EPA should pay for reimbursable representation and advice on agency management issues. It is requested that these meetings with Mrs. Burford's attorneys be commenced immediately. You are further requested to report to me by Thursday, June 6, as to such meetings, and to report to me on Monday, June 10, as to the status of the negotiations for payment of the fees.

Your prompt attention to this is greatly appreciated. It is in the best interest of all parties, and the desire of the President, that this matter be resolved as soon as possible, consistent with the law.

Thank you for your prompt attention.

bcc: Richard A. Hauser -- Please monitor this with the highest priority to see it is done promptly.

FFF:JGR:aea 6/3/85
cc: FFFielding
JGRoberts ✓
Subj
Chron

THE WHITE HOUSE

WASHINGTON

June 3, 1985

MEMORANDUM FOR EDWIN MEESE III
ATTORNEY GENERAL

LEE THOMAS
ADMINISTRATOR
ENVIRONMENTAL PROTECTION AGENCY

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Burford Legal Fees

As we have discussed previously, the President feels that Anne Burford's claims for reimbursement of attorney's fees should be honored, and done so promptly, to the extent permitted by law. Following your evaluations and advice, and based thereon, Chief of Staff Regan has determined that the following course of action should be followed with respect to these claims.

Mrs. Burford should be reimbursed only for fees incurred in connection with legislative, not executive, proceedings against her, and then only for advice or representation to defend actions arising within the scope of her employment (for example, on orders of the President). She should not be reimbursed for outside legal assistance in responding to charges of alleged criminal actions outside the scope of her employment. Further, with respect to actions within the scope of her employment, she cannot be fully reimbursed for fees incurred in work that was clearly and predictably (or knowingly) duplicative of that done by Government attorneys on her behalf (for example, in purging the contempt citation). This latter item is a matter of discretion, obviously, and fairness and Mrs. Burford's personal reservations about the vigor of such defense should be given due consideration to the extent permitted by law.

Both Department of Justice and Environmental Protection Agency attorneys should promptly undertake to review documentation of billings with Mrs. Burford's attorneys, to determine what portion of the fees may be reimbursable under these guidelines. Once an amount has been determined, the Government attorneys should discuss or negotiate a settlement with Mrs. Burford's counsel of all her outstanding claims.

The details of the billings should also help resolve the dispute over which agency should pay any eventual bill. It is our evaluation that Justice should pay for reimbursable advice and representation on executive privilege issues, and that EPA should pay for reimbursable representation and advice on agency management issues. It is requested that these meetings with Mrs. Burford's attorneys be commenced immediately. You are further requested to report to me by Thursday, June 6, as to such meetings, and to report to me on Monday, June 10, as to the status of the negotiations for payment of the fees.

Your prompt attention to this is greatly appreciated. It is in the best interest of all parties, and the desire of the President, that this matter be resolved as soon as possible, consistent with the law.

Thank you for your prompt attention.

bcc: Richard A. Hauser -- Please monitor this with the highest priority to see it is done promptly.

FFF:JGR:aea 6/3/85
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

April 26, 1985

MEMORANDUM FOR EDWIN MEESE III
ATTORNEY GENERAL

LEE THOMAS
ADMINISTRATOR
ENVIRONMENTAL PROTECTION AGENCY

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Burford Legal Fees

Chief of Staff Regan has agreed with the following course of action with respect to Anne Burford's claims for reimbursement of attorneys fees. Burford should be reimbursed only for fees incurred in connection with legislative, not executive proceedings against her, and then only for advice or representation to defend actions within the scope of her employment (for example, on orders of the President). She should not be reimbursed for outside legal assistance in responding to charges of illegal actions outside the scope of her employment. Even with respect to actions within the scope of her employment, she should not be reimbursed for fees incurred in work clearly and predictably duplicative of that done by Government attorneys on her behalf (for example, in purging the contempt citation).

Both Department of Justice and Environmental Protection Agency attorneys should promptly undertake to review documentation of billings with Burford's attorneys, to determine what portion of the fees may be reimbursable under these guidelines. Once an amount has been determined, the Government attorneys should approach Burford's counsel to discuss or negotiate a settlement of all her outstanding claims.

The details of the billings should also help resolve the dispute over what agency should foot any eventual bill: Justice should pay for reimbursable advice and representation on executive privilege issues; EPA for reimbursable representation and advice on agency management issues.

cc: Donald T. Regan
Assistant to the President
Chief of Staff

FFF:JGR:aea 4/26/85
bcc: FFFielding
JGRoberts
Subj
Chron

Date 4.23.85

Suspense Date _____

MEMORANDUM FOR: JCH

FROM: **DIANNA G. HOLLAND**

ACTION

- Approved
- Please handle/review
- For your information
- For your recommendation
- For the files
- Please see me
- Please prepare response for _____ signature
- As we discussed
- Return to me for filing

COMMENT

Please direct correspondence
to Meese and Thomas from
FFF in accordance w/ DTR's
agreement. Thank you.