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The Honorable Lisa Monaco
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530-0001

Dear Deputy Attorney General Monaco:

On behalf of the National Association of Assistant United States Attorneys (NAAUSA), representing the interests of the over 6,000 Assistant U.S. Attorneys (AUSAs) working in the 94 U.S. Attorney Offices, we write to provide insights and suggestions for telework policy as the Department of Justice considers post-COVID-19 reentry plans. These insights come from survey responses of over 700 AUSAs from across the country we fielded this fall. While the COVID-19 pandemic is an evolving and dynamic situation, the last two years have demonstrated AUSAs capacity to utilize telework to perform their duties and problems that arise from the Department's current approach to telework. It is our hope that NAAUSA can partner with the Department as telework and reentry plans evolve to ensure the continuous, just, and effective administration of justice.

The Department of Justice is at a critical juncture for workplace policy. The COVID-19 pandemic has accelerated the legal community's shift toward telework. At the same time, the Department of Justice has taken a decentralized approach to allow individual Department components and U.S. Attorney Offices (USAOs) to experiment with remote work options that meet their mission needs. Based on feedback from our AUSA members collected this fall, the patchwork of telework flexibility policies results in dramatically different and sometimes arbitrary access to work-life benefits based on individual U.S. Attorney preferences.

While some U.S. Attorney Offices allow significant telework flexibility, some offer none or nearly none. NAAUSA members have raised health and wellbeing concerns at USAOs that revoked telework flexibility as soon as possible without ensuring adequate safety measures were in place to protect employee health. Given the high contagion level of many COVID-19 variants, such as the delta and omicron variants, this is increasingly concerning.

Rather than maintaining the patchwork approach, NAAUSA urges the Department to look to private sector best practices to adopt a uniform, baseline approach to telework. During the pandemic, many Big Law offices saw the benefits of providing workplace flexibility. As a result, 74% of the 100 largest firms in the U.S. by gross revenue plan to allow some form of outside-the-office work in post-pandemic reentry plans.

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A uniform, baseline telework policy not only benefits AUSAs, but the administration of justice generally. As Big Law offices acknowledge, the next generation of attorneys care deeply about workplace flexibility and partial telework policies serve as a valuable recruitment tool in the hottest talent market the legal industry has seen in decades. USAOs are struggling to attract and retain top talent, instead often serving as a training ground for more lucrative private sector careers. Enhancing telework flexibility across USAOs is a simple yet effective way to improve the recruitment and retention of qualified personnel from the incoming generation, as well as retaining experienced prosecutors who can handle increasingly complex cases.

For your reference, we have attached supplemental information regarding AUSA responses from NAAUSA's outreach survey, the approach taken by Big Law offices, research on telework benefits, and recommendations for USAOs. **Ultimately, acknowledging there will be times when in-person work is required, NAAUSA believes every AUSA should have the option to telework at least two days a week when it does not conflict with their job duties.**

NAAUSA would like to work with the Department on ensuring all AUSAs have access to workplace flexibilities that enhance their productivity and encourage them to remain and thrive in their important roles.

To discuss this issue with the NAAUSA team, please contact our Washington Representative Natalia Castro at ncastro@shawbransford.com. Thank you for considering NAAUSA's perspective and we look forward to being your partner on this issue.

Respectfully,



Steven B. Wasserman
President

CC: Monty Wilkinson, Director, Executive Office for U.S. Attorneys (EOUSA)
Catherine Emerson, Deputy Assistant Attorney General for Human Resources and Administration and DOJ Chief Human Capital Officer