Knock, Knock: How to Answer if the Government Comes Calling

By Lee M. Whitman and J. Blakely Kiefer

It’s a weekday afternoon. You are diligently working on an issue in your office when your thoughts are interrupted by your assistant who says, “I’ve just been informed that an agent with the Department of Justice is in the lobby and has a warrant to search the premises.” Of course, this scenario could, or may never occur at the corporation where you are employed, but how will you respond if the Government comes calling?

Government investigations can occur in all types of corporate environments, including without limitation health care, financial, environmental, and business environments. Currently, however, the Department of Justice appears to be focused on investigating and prosecuting Medicare and Medicaid fraud within health care entities pursuant to the False Claims Act. Therefore, using health care and the False Claims Act as an analogy, this article will explore the types of investigative tools that the Government may use in investigating corporate misconduct and will provide high-level guidance on the initial steps that a corporation should take in responding to a Government inquiry.

I. Overview of the False Claims Act

A person who knowingly presents a false claim for payment, makes or uses a false record material to a false claim, or conspires to commit a violation involving the presentation of a false claim for payment or the making of a false record material to a false claim is liable for penalties under the False Claims Act. Civil penalties for violating the False Claims Act range from $5,000 to $10,000, plus three times the amount of damages sustained by the Government as a result of the false claim.³

The Government is required to investigate a violation of the False Claims Act.³ It can initiate its own investigation, or often, the information that gives rise to the Government’s investigation is from a private person who, on behalf of the Government, brings a qui tam action against the corporation and/or persons involved. In the latter case, a Relator files a complaint in the name of the Government, which remains sealed for 60 days. The Government must investigate the allegations of the Relator’s complaint within this 60-day period to determine whether it wants to proceed with the action.⁴

II. Types of Investigations

Government investigations, including False Claims Act investigations, can be conducted at a federal or a state level,⁵ and can be civil and/or criminal. Therefore, upon your initial contact with the Government, it is important to identify whether: (1) the agent is acting on behalf of a federal or state agency, and (2) the investigative tool with which the corporation is served is civil or criminal. As a practical matter, however, governmental agents who investigate civil matters have many of the same investigative tools at their disposal as governmental agents who investigate criminal matters.⁶

III. Types of Government Investigative Tools

A governmental agency, such as the Department of Justice, has several investigative tools in its arsenal to gather information to decide whether to proceed with the qui tam action. These investigative tools can range from a less intrusive written request mailed to the corporation to a more intrusive, and more concerning unannounced, in-person visit. Regardless of the type of investigative tool used, it is imperative that the corporation be prepared to respond swiftly, efficiently and accurately to a governmental investigation. To do so, in advance of the start of the investigation, the corporation should designate an individual (hereinafter, “Corporate Representative”) who is capable of: (1) receiving the Government’s demand (whether in person, by telephone, or via written request); (2) coordinating with the corporation’s in-house counsel and/or outside counsel (collectively, “Corporate Counsel”) regarding the Government’s demand; and (3) managing the process for responding to the Government’s investigation.

A. Written Investigative Tools

The Government may use various written investigative tools to obtain documents and gather information during its investigation. Some of these investigative tools are civil (i.e., civil investigative demands and administrative subpoenas) while others are criminal (i.e., grand jury subpoena duces tecum and grand jury subpoena ad testificandum) (hereinafter collectively, “Written Request”). The initial actions set forth below apply to any type of Written Request received by the corporation (unless the Written Request is received in person as discussed in Section III.B.1).

First, the Corporate Representative should contact Corporate Counsel to advise him of the type of Written Request received by the corporation and to provide him with a copy of the Written Request. Often Corporate Counsel can negotiate with the Government attorney conducting the investigation to narrow the scope of and/
or the issue(s) contained in the Written Request, to obtain clarification on the documents and/or information being sought, and/or to extend the deadline for responding. While not likely, the Government attorney may even indicate what instigated the Government’s investigation of the corporation.

Second, a corporation that receives a Written Request seeking documents should immediately issue an “investigation hold” on all documents potentially relevant to the issue(s) set forth in the Written Request. To institute an investigation hold, the Corporate Representative must identify all corporate employees who may have documents pertinent to the Written Request. Upon identifying the employees with potentially relevant information, the Corporate Representative must provide to those employees a written memorandum that: (1) explains the reason for the investigation hold; (2) informs the employees why they are being subjected to the investigation hold; (3) requests that the employees preserve in original format any and all electronic and hard copy documents, communications, emails, correspondence, or other similar documents or reports relevant to the issue(s) set forth in the Written Request; and (4) instructs the employees not to delete, destroy, or otherwise alter any documents or communications, electronic or otherwise. In addition, the Corporate Representative should notify those individuals in charge of electronic and/or hard copy destruction policies, including automatic deletion of emails, and request that those policies be suspended until the investigation hold is lifted.8

Third, if it does not already have one in place, the corporation should create an internal policy for responding to Written Requests. This policy should identify, for example, the following:

- The individual(s) in charge of gathering, collecting, and storing information and/or documents potentially responsive to the Written Requests (if not the Corporate Representative);
- The various sources (e.g., persons, computer hard drive, email files, files in storage) from which potentially relevant information and/or documents may be obtained;
- The processes in place for the collection of potentially relevant information and documents from these sources;
- The individual(s) who will review the potentially relevant information and documentation to determine whether it is actually relevant and responsive to the Written Requests and whether any of the information and/or documentation is protected by a privilege or work product;
- The processes in place for an efficient review for responsiveness and privilege to ensure that only responsive, non-privileged information and/or documentation is produced in response to the Written Requests;
- The individual(s) who will oversee the production of information and/or documents in response to the Written Request; and
- The individual(s) who will coordinate with the Government counsel to ensure a timely response.

In addition, and in conjunction with the advice of Corporate Counsel, the Corporate Representative or other designated individual should prepare and distribute to those employees identified as having potentially responsive documents a memorandum outlining the scope of the documents sought by the Written Request; the timeline and deadline for the search and collection of documents potentially responsive to the Written Request; a procedure outlining how the employees’ electronic and hard copy files will be searched to locate potentially responsive documents; and to whom any potentially responsive documents should be returned. Further, the employees or those individuals searching the employees’ files should be instructed to include with any located documents, the source and name of the files from which they collected the documents; the type of documents located; and a brief, high-level description of the contents of the documents. The Corporate Representative should coordinate with Corporate Counsel to ensure that the review of the potentially responsive documents culls out privileged and/or work product documents prior to production so that no privileged and/or work product documents are inadvertently produced.9

1. Civil Investigative Demand

If the Government suspects that the corporation is in possession of information or documents relevant to its False Claims Act investigation, it may serve on the corporation a civil investigative demand (“CID”).10 Similar to litigation tools used during discovery, a CID can take the form of written interrogatories, requests for production of documents, and/or a demand for deposition testimony.11 The Attorney General or its delegates (i.e., the Assistant Attorney General for the Civil Division of the Department of Justice and any of the United States Attorneys) must authorize the issuance of the CID.12

The CID will contain a statement regarding the nature of the alleged violation and the applicable law that is alleged to have been violated.13 If the CID seeks written information, the CID will contain written interrogatories, the date on which the responses to interrogatories are due, and the investigator to whom the responses must be submitted. Each written
interrogatory in a CID must be answered separately, completely, and under oath. Likewise, if the CID is for the production of documents, the CID will describe the class of documents to be produced or made available for inspection and copying\(^4\) (collectively, “produced”), the date by which the documents must be produced, and the investigator to whom the documents must be produced. The corporation has twenty (20) days from the date that the CID containing interrogatories or document requests was served to respond and/or produce documents.\(^5\) The response to a CID containing interrogatories and/or the production of documents must be accompanied by a sworn certificate by the individual, on behalf of the corporation, responsible for answering the interrogatories and/or producing documents. The certificate must state that all information and/or documents required by the CID that are in the possession, custody, control, and/or knowledge of the person to whom the CID is directed is contained in and/or produced in response to the CID.\(^6\) Although the responses to the interrogatories may contain objections and/or substantive responses, the reasons for objection to any specific interrogatory must be included in the sworn certificate rather than in the answer to any objectionable interrogatory. In addition, if information was not provided in response to the interrogatories, the certificate must identify the information that is not included and the reasons why it was not provided.\(^7\)

If the CID is for oral testimony, the CID will identify generally the nature of the testimony and the main areas of inquiry; the date, time, and place at which the testimony shall be given (which date shall not be less than seven (7) days after the CID is received); and the investigator who will conduct the oral examination.\(^8\) The oral examination pursuant to a CID is similar to a deposition in civil litigation. The oral examination shall be conducted under oath with the testimony taken stenographically and transcribed.\(^9\) Only the following individuals can be present during the examination: the investigator, the deponent, the attorney for and other representatives of the deponent, the attorney for the Government, any other person who the Government and the deponent agree may be present, and the officer and/or stenographer before whom the testimony is taken - all other individuals will be excluded.\(^10\) Note that a CID for an oral examination does not preclude the same individual from being deposed in discovery if an action is commenced.\(^11\)

If an individual fails to comply with a CID, the Government may obtain an order from the court to enforce the CID. The recipient of the CID is not without options, however. Upon receipt of the CID, the recipient may file with the appropriate court a petition for an order modifying or setting aside the CID. A copy of the petition must be served on the Government on the same date that the petition was filed with the court.\(^12\)

2. **Administrative Subpoena Duces Tecum**

An administrative subpoena *duces tecum* is similar to a CID, but is only for a request for documents.\(^13\) Upon receiving an administrative subpoena *duces tecum*, the Corporate Representative should turn the subpoena over to Corporate Counsel as discussed in Section III.A above, who can contact the Government attorney overseeing the investigation to negotiate the scope of the subpoena and/or time for response.\(^14\) Instead of producing documents within the allotted time for response, the corporation may make a motion to quash the subpoena. However, the subpoena ordinarily will be upheld if it is within the authority of the issuing agency to issue it and it is reasonable in scope.\(^15\)

3. **Grand Jury Subpoena Duces Tecum**

A grand jury subpoena *duces tecum* is similar to an administrative subpoena *duces tecum*, but is criminal. A grand jury subpoena *duces tecum* must describe the documents, data, or other objects sought by the subpoena with such sufficiency to allow for compliance, but without being so overbroad as to be burdensome.\(^16\) Upon receiving a grand jury subpoena *duces tecum*, the Corporate Representative should again contact Corporate Counsel to determine the class of documents sought by the subpoena and whether the subpoena is reasonable in scope. Corporate counsel may then contact the Government attorney overseeing the investigation in an effort to narrow the scope of the subpoena and/or to extend the time for response.\(^17\) If the subpoena is too broad in scope, Corporate Counsel may move to quash the subpoena.\(^18\)

4. **Grand Jury Subpoena Ad Testificandum**

A grand jury subpoena *ad testificandum* is different from the aforementioned Written Requests since it is a subpoena seeking testimony, not documents. It, too, is criminal. Upon being served with a grand jury subpoena *ad testificandum*, the witness designated in the subpoena must appear and testify at the scheduled time and place set forth in the subpoena. A witness who fails to assert legitimate grounds for refusing to testify in response to a grand jury subpoena *ad testificandum* (i.e. a privilege) may be held in contempt of court. While an individual may assert a Fifth Amendment privilege against self-incrimination as grounds for
refuse to testify, this privilege does not apply to the corporation itself.\textsuperscript{29} In contrast, both an individual and the corporation may assert the attorney-client privilege as a defense to testifying in response to the grand jury subpoena \textit{ad testificandum}, but the privilege is the Company’s privilege—not the employee’s privilege—to waive. If the Government demonstrates \textit{a prima facie} case that the attorney-client privileged relationship has been used to further fraudulent or criminal activity, then the privileged information is no longer protected and is discoverable.\textsuperscript{30}

B. Other Types of Investigative Tools

1. In-Person Visit

In contrast to a Written Request, it is possible that a Government agent may appear at the corporation’s headquarters unannounced—with or without a search warrant. Under both circumstances, the initial actions that the corporation should take are identical.\textsuperscript{31}

Because the governmental agent conducting an investigation in person usually arrives unannounced, it is important that the corporation have internal procedures in place so that the receptionist and all other corporate employees who have initial contact with visitors are aware of how to handle encounters with Government agents. Therefore, the corporation should first identify a Corporate Representative (and if possible, an individual to serve as a back-up to the Corporate Representative) who is the person designated to respond to Government agents who appear in person and/or make telephonic inquiries.\textsuperscript{32} The corporation should also inform the receptionist and other employees who have initial contact with visitors that they are to direct any Government inquiries to the Corporate Representative.

Second, upon a Government agent’s arrival at the reception of corporate headquarters, the receptionist should obtain as much information from the agent as possible, including the agent’s name, the governmental agency that the agent represents, and the purpose of the agent’s visit. The receptionist should then inform the agent of the identity of the Corporate Representative who can assist the agent with his request, and politely ask the agent(s) to wait while the receptionist contacts the Corporate Representative to escort the Government agent to conduct his search.\textsuperscript{33} Once informed of the Government agent’s presence, the Corporate Representative should immediately go to greet the agent since any significant delay could be interpreted as an opportunity to destroy electronic files or hard copy documents.\textsuperscript{34}

Third, if the agent presents a search warrant upon introduction, the Corporate Representative should accept a copy of the warrant and review it carefully to determine which Government agency is conducting the investigation (if not already known) and to ensure that the Corporate Representative understands the scope of the locations to be searched and the documents to be seized.\textsuperscript{35} The Corporate Representative should inform the agent that s/he would like Corporate Counsel to review the warrant before the search begins and ask if the agent would be willing to wait in reception (or in another room where the agent will not have access to documents sought by the search warrant) while the Corporate Representative contacts Corporate Counsel. Regardless of whether the agent agrees, the Corporate Representative should immediately email or fax to Corporate Counsel a copy of the warrant and should advise Corporate Counsel of the agency(ies) present that will be conducting a search of the corporation’s records.\textsuperscript{36} If the Government agent does not present a warrant, the Corporate Representative should still request that the agent wait to conduct his search until Corporate Counsel arrives and is present for the search.

If the agent proceeds with the search without Corporate Counsel present, the Corporate Representative should advise the agent that the search could include documents that contain information protected by the attorney-client privilege, the work-product doctrine, HIPAA, or any other applicable privilege. Despite Corporate Counsel not being present, the Corporate Representative should allow the search to proceed as authorized by the warrant and should instruct employees not to interfere with the agent conducting the search, or to discard or hide any documents.\textsuperscript{37} The Corporate Representative, however, should not consent to the agent’s search of documents except as explicitly authorized by the search warrant.\textsuperscript{38} If documents are searched and seized that the Corporate Representative deems to be outside the scope of the search warrant and therefore objectionable, the Corporate Representative should make a list of the documents s/he contends were wrongfully seized so that Corporate Counsel may later file a motion to suppress those documents.\textsuperscript{39}

Fourth, the Corporate Representative should ask the agent questions to determine the nature of the investigation and whether the corporation is a Target (a putative defendant linked to a crime) or a Subject (whose conduct is being investigated by the grand jury) of the investigation.\textsuperscript{40} If the corporation is a Target, the Government has evidence linking the corporation to
the commission of a crime. If, on the other hand, the corporation is a Subject, the Government believes that the corporation has information and/or documents relevant to the investigation. The agent likely will not share whether the corporation is a Target or a Subject of the investigation, but it is worth asking in the event the Corporate Representative is able to gain some insight. Additionally, the Corporate Representative should take detailed notes regarding any information the agent provides, including the nature of the investigation; whether the company is a Target or Subject; the name of the agent(s) conducting the search; the contact information of the agent(s) conducting the search; the name and contact information of the Government attorney who Corporate Counsel may contact about the Government's investigation; the location of the documents searched and/or seized; and the nature and content of any documents seized.41

Fifth, the Corporate Representative should prepare a list identifying the documents seized,42 and ask the agent if s/he can make copies of any documents seized so that (1) the Corporate Representative has an identical physical record of the documents seized and (2) the agent may take a copy of the documents with him/her rather than the original documents. If the agent seizes the original documents, the Corporate Representative should request s/he be allowed to copy all documents seized for the Company’s records (especially since the agent is taking the originals of those documents). If any of the documents that the agent seeks to seize are subject to a privilege, the Corporate Representative should inform the agent that s/he objects to the seizure of those documents due to the applicable privilege(s), but that s/he will keep those documents in a separate file and preserve them until Corporate Counsel is able to discuss those documents with the Government's attorney.43 If the agent proceeds with seizing the privileged documents over the Corporate Representative’s objection, the Corporate Representative should request that the agent keep the privileged documents in a sealed file separate from the other documents seized until Corporate Counsel and the Government's attorney can resolve the issue between themselves or pursuant to a court order.44

The Corporate Representative should not agree to sign any document that is presented to him by the agent and that has not been reviewed by Corporate Counsel. Such documents might include an inventory of the documents or items seized and/or an affidavit. If the agent asks the Corporate Representative to sign an inventory, affidavit, or other document, the Corporate Representative should inform the agent that s/he is not authorized to sign any document that has not been reviewed by Corporate Counsel.45 The Corporate Representative should ask the agent if s/he may keep a copy of the document that the agent wants the Corporate Representative to sign to give to Corporate Counsel for review.

During the search, Government agents may attempt to interview one or more of the corporation's employees. It is important for the Corporate Representative to inform the governmental agent that Corporate Counsel desires to be present during any employee interview.46 It is equally important that the Corporate Representative inform the corporation's employees that they have a Fifth Amendment right to refuse to speak with Government agents. However, the Corporate Representative should be careful not to discourage employees from answering questions since doing so may be considered an obstruction of justice.47 Rather, the Corporate Representative should merely inform the employee that: (1) it is the employee's choice to answer the agent's questions; (2) if the employee answers the agent's questions, s/he should answer all questions truthfully; and (3) the employee has the right to have counsel present during the interview.48

Once the Government agent leaves the office, the corporation should consider conducting its own internal investigation to determine whether corporate misconduct has occurred. In addition, if any employees were interviewed during the course of the Government's search, Corporate Counsel should interview those individuals as soon as possible to determine the questions posed during the interviews and the information provided in response to those interviews.49

1. Telephone Inquiry

Instead of appearing at the corporation's office, an agent may contact the corporation via telephone. Similar to an in-person visit, the individual who receives the call should obtain the name and contact information of the agent, the name of the government agency that the agent represents, and the name and contact information of the governmental attorney overseeing the investigation.50 The individual with whom the agent has initial contact should request a telephone number where the agent can be contacted, explain that this request is to verify that the call is an official law enforcement inquiry, and inform the agent that a Corporate Representative will immediately return his call.51 The Corporate Representative should then be advised of the telephone call and request from the agent, and immediately return the agent's call - preferably with Corporate Counsel present or after having spoken with Corporate Counsel. If the Corporate Representative has not been able to reach

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Corporate Counsel, the Corporate Representative should still return the agent's call immediately, and respectfully ask the agent to speak with Corporate Counsel about the matter and provide the agent with Corporate Counsel's contact information. In addition, the Corporate Representative should inquire about the nature of the investigation and whether the corporation is a Target or Subject of the investigation.

I. Additional Considerations

A. Privacy Concerns
It is important to understand what types of documents the agent is seeking and whether the corporation has a privacy policy in place. If the corporation has a written privacy policy, the corporation must comply with it and should not turn over documents absent a warrant or grand jury subpoena unless the privacy policy provides for other circumstances under which the documents or information may be disclosed. For example, in a regulated industry such as health care, a company cannot disclose information unless pursuant to a search warrant or court order. Patient records are protected health information subject to HIPAA. If the corporation is a health care company that turns over patient records to the agent upon request without an appropriate court order, the corporation could be subject to a civil lawsuit for violating patients' rights.

In contrast, if the corporation is not a regulated entity (i.e., financial services, health care, etc.), and does not have a written privacy policy, it may legally turn over documents without a warrant, subpoena, or civil investigative demand.

B. Privileges
None of the Government's investigative tools discussed previously trump the attorney-client privilege, the Fifth Amendment privilege, the physician-patient privilege, or the work-product doctrine. Those responding to Government investigations on behalf of the corporation should be mindful of these privileges and take steps to ensure that they are not waived in responding to interrogatories, document requests, or in oral testimony. Such steps would include asserting an objection on the basis of any applicable privilege in responding to interrogatories, document requests, or oral testimony.

C. Trade Secrets and Proprietary Information
If there are trade secrets or proprietary information that the corporation desires to protect from disclosure in responding to Government inquiries, Corporate Counsel should contact the Government attorney supervising the investigation to discuss the corporation's concerns. Often, both parties are agreeable to put safeguards in place to protect the corporation's proprietary information (e.g., a Protective Order).

V. Conclusion
While a Government investigation of a corporation can be intimidating, there are simple procedures that a corporation can put in place prior to an investigation occurring that will allow the corporation to handle and respond to the governmental investigation in a timely and effective manner. What will you do when the Government comes calling?

II. Glossary

Administrative Subpoena – A subpoena for documents issued in a specific agency's name that is authorized to conduct and supervise investigations relating to the programs and operations of specific federal agencies.

Civil Investigative Demand - A procedure that the Government uses before a commencing a civil action to obtain information, documents and/or testimony from a corporation relating to a False Claims Act investigation.

Grand Jury Subpoena Duces Tecum – A subpoena related to a criminal investigation requiring the corporation to produce documents.

Grand Jury Subpoena Ad Testificandum – A subpoena related to a criminal investigation requiring an individual to appear and give sworn testimony before a grand jury, absent a privilege.


Investigation Hold – A policy put in place by the corporation for the preservation of documents potentially responsive to the Government's investigation upon learning that the Government is investigating the corporation.

Qui Tam Action – A lawsuit brought by a Relator against a corporation and/or persons for fraud the corporation and/or persons allegedly committed against the Government.

Relator – A private person, who in the name of the Government, brings a qui tam action against a corporation and/or persons that the private person alleges defrauded the Government.

Search Warrant – A warrant allowing a government agent to search the premises, which must be based on probable cause and describe with particularity the location(s) to be searched and/or
the persons or documents to be seized.62

Subject – “A person whose conduct is within the grand jury’s investigation.”63 In other words, a Subject is not the person who the Government is investigating for wrongful conduct, but is someone who the Government believes has information related to the investigation.

Target – “A person as to whom the prosecutor or grand jury has substantial evidence linking him or her to the commission of a crime and who, in the judgment of the prosecutor, is a putative defendant.”64

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(Endnotes)

1 Government, as the term is used in this article, is a generic term for various governmental agencies that conduct investigations, including but not limited to the Department of Justice, the Department of Health and Human Services, the Securities and Exchange Commission, the Environmental Protection Agency, the Food and Drug Administration, and the Federal Communications Commission.

3 See id. § 3730(a).
4 See id. § 3730(b)(1)-(2).
5 The North Carolina False Claims Acts is set forth in North Carolina General Statute §§ 1-605 et seq.
7 See Mark A. Rush, Corporate Responses to Investigative Requests by the Federal Government 7 (2005).
8 See Rush, supra note 7, at 7.
9 See id. at 5, 7.
14 In the case of document requests, the company must make available for inspection and copying non-privileged documents responsive to the CID at either the company’s principal place of business or other such location upon agreement with the investigator. See id. § 3733(f)(2).
15 See id. § 3733(a)(2)(B), (C), and (E).
16 See id. § 3733(g).
17 See id. § 3733(a)(2)(D) and (F).
18 See id. § 3733(h)(1).
19 See id. § 3733(h)(2).
20 See id. § 3733(h)(1).
21 See Rush, supra note 7, at 6.
22 See Clark, supra note 11.
23 See Rush, supra note 7, at 5.
24 See Rush, supra note 7, at 5.
25 See id.
26 See Fed. R. Crim. P. 17(c)(1); see also Lindquist & Vennum PLLP, supra note 6, at 32.
27 See Rush, supra note 7, at 5.
28 See id.
29 See Lindquist & Vennum PLLP, supra note 6, at 31.
30 See Rush, supra note 7, at 7.
31 A warrant is not always required to conduct a search of the premises and to seize items. Often, warrantless searches and inspections are authorized in regulatory investigations. See Lindquist & Vennum PLLP, supra note 6, at 9.
32 See Rush, supra note 7, at 2; see also Clark, supra note 11.
33 See Rush, supra note 7, at 8; see also Clark, supra note 11.
34 See Rush, supra note 7, at 9; see also Clark, supra note 11.
35 See Rush, supra note 7, at 9; see also Clark, supra note 11; Lindquist & Vennum PLLP, supra note 6, at 26.
37 See Lindquist & Vennum PLLP, supra note 6, at 27.
38 See Gordon, supra note 36.
39 See Lindquist & Vennum PLLP, supra note 6, at 26.
40 See Gordon, supra note 36.
41 See Gordon, supra note 36; see also Lindquist & Vennum PLLP, supra note 6, at 2.
42 See Lindquist & Vennum PLLP, supra note 6, at 27.
43 See Gordon, supra note 36.
44 See Gordon, supra note 36; see also Lindquist & Vennum PLLP, supra note 6, at 26.
45 See Gordon, supra note 36.
46 See Lindquist & Vennum PLLP, supra note 6, at 26.
47 See Gordon, supra note 36; see also Lindquist & Vennum PLLP, supra note 6, at 26.
48 See Gordon, supra note 36.
49 See Lindquist & Vennum PLLP, supra note 6, at 27.
50 See Gordon, supra note 36; see also Rush, supra note 7, at 4 (2005).
51 See Rush, supra note 7, at 4.
52 See Gordon, supra note 36; Mark A. Rush, supra note 7, at 4.
53 See Rush, supra note 7, at 9.
54 See id. at 8.
55 See id. at 9.
56 See id.
57 See id. at 10.
58 See id. at 5; 5 U.S.C. App. 3 § 2(1); see also Lindquist & Vennum PLLP, supra note 6, at 36.
59 See Rush, supra note 7, at 6; see also Lindquist & Vennum PLLP, supra note 6, at 31.
60 See Rush, supra note 7, at 6; see also Lindquist & Vennum PLLP, supra note 6, at 31.
61 See Rush, supra note 7, at 7.
62 See U.S. Const. Amend. IV.
64 Id.

Notes Bearing Interest
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