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## Top lawyer in Swallow probe called tenacious

**Investigation** » Steven Reich impressed his colleagues in Clinton and Connecticut cases.

By **ROBERT GEHRKE**

*The Salt Lake Tribune*

During the next several months, details of Attorney General John Swallow's alleged misdeeds will be sifted through by a team of attorneys holed up in the basement of the Utah House office building.

At the head of the Utah House investigation will be Steven Reich, a veteran of two previous impeachment probes whom colleagues describe as a tenacious, detail-oriented lawyer adept at distilling mountains of minutiae into a concise and fair set of facts.

"If I were to name the top five attorneys I've ever worked with, he would definitely be on the list," said Julian Epstein, who hired Reich to serve as one of the Democratic investigators on the impeachment of President Bill Clinton in 1998. "He's probably the most rigorous attorney I've ever worked with."

On Wednesday, Reich will make his first appearance with the Utah House committee, along with two investigative firms hired by the panel, outlining the strategy for conducting the probe of alleged misconduct that could lay the groundwork for an unprecedented impeachment of Utah's Republican attorney general.

"He's got the type of experience that we need," said Rep. Jim Dunnigan, R-Taylorsville, chairman of the House Special Investigative Committee.

"We also liked the fact that he wants to go out and get the job done, and he'll let the committee be the public face. We didn't really want somebody that was out to make a name for themselves and garner a lot of publicity."

Reich declined to be interviewed for this story.

Another committee member, House Minority Leader Jennifer Seelig, D-Salt Lake City, said Reich's knowledge and experience with government investigations made him an easy choice.

"He shined above the rest," Seelig said. "He definitely exuded an aura of interest and passion related to good government, too, that was well beyond the parameters of doing the job."

The House will pay Reich \$740 an hour, with other attorneys and paralegals in the probe billing lower rates. The investigation is expected to cost up to \$3 million.



*Associated Press file photo*

Steven Reich, shown in 2004, is the lead attorney in the probe of Utah Attorney General John Swallow.

Reich, a jogger and a sports fan, earned his law degree from Columbia University and worked in the federal public defenders office in Maryland. In 1998, he was the first lawyer Epstein brought on to the Democrats' House Judiciary Committee team defending Clinton.

"Steven was the most important legal resource we had on the entire staff," Epstein said. "If any members had a question – or the president's staff had a question – about the facts and the law, he was always the person we turned to."

After Clinton's acquittal in the Senate, Reich joined the White House counsel's office then went into private practice, defending a string of white-collar clients.

In 2004, Reich was tapped to lead the Connecticut House investigation into then-Gov. John Rowland. The GOP governor had been accused of accepting free or discounted work on a cottage from state contractors.

In a relatively short four months, Reich and his team of a dozen attorneys and eight investigators issued 140 subpoenas, gathered 409,000 pages of documents and took depositions from five witnesses – many others, including the governor, refused to testify.

Once again, Reich brought a meticulous, detail-oriented approach to the \$4.4 million investigation, which ultimately led to Rowland's resignation and later indictment.



*Associated Press file photo*

**Steven Reich, the lead attorney in the probe of Utah Attorney General John Swallow, is called tenacious and detail-oriented.**

"He was the consummate professional in every way," said Rep. Arthur O'Neill, the Republican co-chairman of the Rowland committee. "What Steven does is he kind of stays focused on the facts and gathers a lot of information and assembles it to say, 'These facts could mean this or they could mean that.' I think the most you can really ask for is to be presented with as much information and that it be given some kind of coherence."

Tamar Feder, a law partner with Reich who worked on the Rowland probe, describes Reich as extraordinarily focused and "quietly intense."

"He had an open mind, to the extent that if we didn't come up with anything in the investigation, he wouldn't have pursued impeachment," she said. "When you do something like this in a political context, that's not always a given. He has a deep understanding of the law and also a sensitivity to the political environment in which he's operating."

At the outset, Reich argued that a public official could be impeached for dishonesty or ethical misconduct – as opposed to strictly criminal acts, as Rowland's attorney argued.

"Impeachment focuses not on the nature of the wrongful act itself, but on the effects that the wrongful act has on the public office or on the public trust," Reich said at the time, according to The Associated Press. "If the act is serious enough to be abusive of a public office or to violate a public trust, it is impeachable."

That same debate has played out as the Utah House launches its investigation. Swallow's lawyers have argued that the attorney general could be impeached only for criminal acts committed since taking office in January. Legislative attorneys counter that the impeachment power is broader and up to lawmakers to define.

In 2011, Reich joined the Justice Department as an associate deputy attorney general and served as the point man for the department's response to a congressional investigation of "Fast and Furious" – an operation in which weapons were allowed to be smuggled to drug runners in Mexico so they could be traced to crack the cartels. Some of the guns later were used in crimes in Mexico and the slaying of a border agent.

Republicans on the U.S. House Oversight Committee, including Rep. Jason Chaffetz, R-Utah, accused the Obama administration of obstructing their inquiry, withholding documents and misleading Congress.

Reich defended the administration's position that emails and memorandums reflecting deliberations about the operation were protected by executive privilege. The committee is now suing the administration to try to force the release of the records.

Reich left Justice in April to join Akin Gump Strauss Hauer & Feld.

O'Neill said that, as Utah lawmakers undertake their investigation, he is reminded of a comment Reich made as they embarked on the Row-land inquiry.

"One of the things he said that always stuck in my mind almost a decade later is that this is a changing experience," O'Neill said. "It will change your way of looking at politics going through this as an investigator."

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