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3:10 PM WED JULY 16, 2014

Attorney General Olens Facing Scrutiny Over Withholding Memo

By [JONATHAN SHAPIRO](#) ([PEOPLE/JONATHAN-SHAPIRO](#))

Georgia Attorney General Sam Olens is facing scrutiny over his office's decision to withhold a controversial memo from a set of state whistleblower cases.

<http://mediad.publicbroadcasting.net/p/wabe/files/201304/Olens.jpg>

Georgia Attorney General Sam Olens.
Credit Orlando Montoya

Olens [defended the decision Tuesday](#) (<http://wabe.org/post/attorney-general-rejects-claims-he-withheld-deal-ethics-memo-one-plaintiffs-attorney-responds>),

arguing attorneys who were representing the whistleblowers didn't make the necessary requests in order to compel his office to turn over the memo.

The attorneys in those cases strongly disagree and contend it should have been disclosed.

WABE legal analyst Page Pate said Olens' legal reasoning is highly questionable.

"What I find so incredible about this particular case is I don't think you can find another lawyer other than the attorney general who believes his position is correct, who believes he had a legitimate legal basis for not turning over that document," said Pate.

State ethics commission chief Holly LaBerge wrote the memo in 2012 but it first became public this week. She alleges a top aide of Gov. Nathan Deal threatened her in order to settle an ethics investigation into Deal's 2010 campaign. LaBerge said the aide warned her that if she didn't cooperate, one of her agency's legislative priorities for the upcoming year may not happen.

A Fulton County jury earlier this year awarded LaBerge's predecessor, Stacey Kalberman, \$1.1 million in damages and legal fees. Kalberman claimed she was forced from her job for pursuing the Deal investigation. Three other former ethics staffers alleged the same and received state payouts totaling \$2 million.

Pate said it's difficult to understand how the memo could be interpreted as unrelated to those cases. And if Olens disagreed, according to Pate, withholding it outright would be a departure from professional standards.

"What you do is object to producing the particular document and then at least give the

other side an opportunity to contest that with the judge. You just don't hide the document," said Pate.

He added the decision gives the appearance Olens was acting politically, possibly in an effort to protect the governor. Legally, however, unless the attorneys for the whistleblowers file an appeal to the court, Pate said its unlikely there will be consequences for the AG's office.

"The strongest opponents of the attorney general's position are on the political side, not the legal side, and they can't simply go into court requesting that the court impose some sort of sanction for a discovery violation," said Pate. "The main fuel to this fire will be political, from political opponents and folks who have a stake in this election."

Attorneys for the whistleblowers say they're considering their options.

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