

**DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY**

In the Matter of	:	
	:	
THOMAS M. TAMM, ESQUIRE,	:	Bar Docket No. 2009-D195
	:	
Respondent	:	
	:	
An Administratively Suspended Member of the	:	
Bar of the District of Columbia Court of Appeals:	:	
Bar Number: 958744	:	
Date of Admission: August 18, 1978	:	

SPECIFICATION OF CHARGES

The disciplinary proceedings instituted by this petition are based upon conduct that violates the standards governing the practice of law in the District of Columbia as prescribed by D.C. Bar Rule X and D.C. Bar Rule XI, § 2(b).

Jurisdiction for this disciplinary proceeding is prescribed by D.C. Bar Rule XI. Pursuant to D.C. Bar Rule XI, § 1(a), jurisdiction is found because:

1. Respondent Thomas M. Tamm is a member of the Bar of the District of Columbia Court of Appeals, having been admitted by motion on August 18, 1978, and assigned Bar number 958744.

The conduct and standards that Respondent has violated are as follows:

2. In 2003, Respondent began to work at the Office of Intelligence Policy and Review, an agency of the United States Department of Justice.

3. Respondent's duties involved applying to the Foreign Intelligence Surveillance Court for warrants to conduct electronic surveillance in national security matters.

4. The information with which Respondent was entrusted to support his warrant applications was secret, and Respondent was required to obtain a special security clearance before he could make such applications.

5. Respondent became aware that there were some surveillance applications that were given special treatment. The applications could be signed only by the Attorney General and were made only to the chief judge of the Foreign Intelligence Surveillance Court. The existence of these applications and this process was secret.

6. Respondent learned that these applications involved special intelligence obtained from something referred to as "the program." When he inquired about "the program" of other members of the Office of Intelligence Policy and Review, he was told by his colleagues that it was probably illegal.

7. Even though Respondent believed that an agency of the Department of Justice was involved in illegal conduct, he did not refer the matter to higher authority within the Department.

8. In 2004, Respondent contacted a newspaper reporter and informed him what he knew about conduct within the Department of Justice that he believed to be illegal. The information that Respondent provided to the reporter constituted "confidences" or "secrets," as those terms are defined by District of Columbia Rule of Professional Responsibility 1.6(b), of Respondent's client, the Department of Justice.

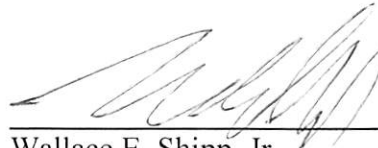
9. Respondent's conduct violated the following provision of the Rules of Professional Conduct:

a) Rule 1.13(b), in that he failed to refer information in his possession that persons within the Department of Justice were violating their legal obligations to higher authority

within the Department, including, if warranted, the highest authority that can act on behalf of the Department, the Attorney General; and

b) Rule 1.6 in that he revealed to a newspaper reporter confidences or secrets of his client, the Department of Justice.

Respectfully submitted,



Wallace E. Shipp, Jr.
Disciplinary Counsel



Hamilton P. Fox, III
Assistant Disciplinary Counsel

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VERIFICATION

I do affirm that I verily believe the facts stated in the Specification of Charges to be true.



Hamilton P. Fox, III
Assistant Disciplinary Counsel

Subscribed and affirmed before me in the District of Columbia this 29th day of December, 2015.

My Commission Expires:

Notary Public