

DEPARTMENT OF LABOR

Wage and Hour Division

LEGAL FIELD LETTER NO. 13

SUBJECT: Speeches and releases on litigation.

A. SPEECHES.

Members of the Legal Branch, and particularly those stationed in regional offices, will probably be called upon from time to time to speak before public gatherings on various aspects of the Fair Labor Standards Act and the work of the Legal Branch. There is, of course, no objection to the attorneys making such addresses, provided the more pressing work of the office permits and the forum is a proper one. However, certain safeguards must be observed in order that the matters covered in the talk are not contrary to any official position taken by the Wage and Hour Division and not against any Division policy. To this end, the following should be observed:

- (1) The General Counsel should be advised as far in advance as possible of the time and place and subject of the address.
- (2) If the speech is to be reduced to writing, he should, if time permits, submit it in advance to Washington for approval.
- (3) If the speech cannot be submitted in advance, or if the talk is to be informal, the attorney should be extremely careful in any statements he makes that they are in conformity with the official position taken by the Division. Even in this case, however, a general outline of the speech to be made shall, whenever possible, be submitted to Washington. In case of doubt on any matter of interpretation or policy (when answering questions, for example), he should refrain from taking any definitive position and indicate that he will seek an answer from Washington.
- (4) It will be helpful in preparing talks to refer to the files for copies of speeches made by other members of the Division, which have been mimeographed. These have been carefully prepared in Washington and you can assume that they represent the official position taken on the various matters discussed.
- (5) Care should be taken in discussing enforcement not to "rattle the sabre" or otherwise make any threats. The enforcement activities should be discussed in a descriptive fashion, indicating what has been done, including amounts of fines and number of injunctions and convictions, etc., what the Act provides as to methods of enforcement, the facilities available for enforcement activity, etc.

- (6) Attorneys desiring any special material for speeches should feel free to write to the office of the General Counsel.

B. RELEASES ON COURT ACTION.

1. When any suit is filed or judgment rendered, the field attorney should cooperate with the field information representative, where one is available, in the preparation of an appropriate release. In general, such releases should be limited to the facts appearing of record. Where no field information representative is stationed in the region, the release should be prepared in conjunction with the regional director.

2. The office of the General Counsel should be promptly advised of such action and furnished with copies of the release issued. Where feasible, the proposed release should be submitted in advance so that similar information may be given in Washington. As a general rule, no statement should be made in the field when a defensive suit is involved.

3. Where the litigation is of major importance, Washington should be notified by telegraph or telephone, depending upon the importance of early advice here.

4. In the handling of information on criminal prosecutions, the responsibility is primarily that of the representative of the Department of Justice. Where the field attorney had been deputized to represent the Department of Justice in the case, he, in collaboration with the field information representative where one is available, should prepare the release. Proper clearance with the United States Attorney should be made in all cases where necessary, and care should be taken that the information issued has his approval.

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