From: Stevenson, Naima
To: Najjar, Ameen
Cc: Roe, Julie; Hosty, Tom; Remy, Donald
Subject: RE: Follow-up re use of outside counsel
Date: Friday, October 21, 2011 5:12:20 PM

I will set-up a meeting for early next week.

From: Najjar, Ameen
Sent: Friday, October 21, 2011 5:02 PM
To: Stevenson, Naima
Cc: Roe, Julie; Hosty, Tom
Subject: Re: Follow-up re use of outside counsel

Naima,

Thanks and yes, we do need to discuss further as that creates a significant impediment to our investigation.

Ameen.

Sent from my iPhone

On Oct 21, 2011, at 3:51 PM, "Stevenson, Naima" <nstevenson@ncaa.org> wrote:

> Ameen,
>
> I spoke with Donald regarding the request to use a source's criminal attorney to conduct depositions in a bankruptcy proceeding on behalf of the NCAA. As we discussed, the receipt of document, the costs associated with the provision of those documents as well as the attendance at public depositions does not cause concern. The use of a source's criminal attorney to conduct depositions on behalf of the Association does raise concerns. As a threshold matter, any engagement of outside counsel to represent the interests of the Association should be done through the Office of Legal Affairs. Essentially what is being requested is the engagement of counsel to not only represent her client's interest in a legal proceeding, the substance of which is not related to NCAA infractions, but for counsel to also represent the interests of the NCAA for which she would be paid by the NCAA. In addition to the fees and costs associated with the depositions, we would be also paying for counsel's time in conducting the depositions of individuals she would not otherwise depose. Understanding that there are at least three individuals that will not speak with us, but would be compelled to do so under the bankruptcy proceeding, our advice would be to not use a source's criminal attorney in this manner. Any information obtained through such a manner for use in the NCAA process would be subject to significant scrutiny to the extent any decisions were based on that information if those decisions were to be subsequently challenged. Donald and I are happy to discuss further with you, Julie and Tom if you would like. Thanks!
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> _____
> Naima M. Stevenson

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