



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 16, 2020

Sent by email

Dear Chairman Leach:

Thank you for your October 9 letter asking whether OAG operations continue apace despite the false claims made by some OAG employees.

The very next workday after my former First Assistant resigned, I hired Brent Webster to take his place. Since then, Brent has been warmly welcomed by my staff, division chiefs, and his peers in other state agencies and executive departments. He has worked tirelessly to get fully up to speed in his new role and has done so with the utmost competence and professionalism. Brent looks forward to working with you, the House Committee on Judiciary & Civil Jurisprudence, and all your colleagues in the Texas Legislature.

In the past two weeks, since the unfolding of events that prompted your letter, OAG has delivered several major wins for Texas:

- The Texas Supreme Court ruled in the State's favor in a major election-integrity case, holding that Texas election law prohibits county clerks from sending out unsolicited mail-in ballot applications en masse. OAG carried this case all the way from the trial court up to its victory in the Supreme Court.
- OAG's Election Fraud Unit, in conjunction with the Denton County Sheriff's Office and Lewisville Police Department, halted a massive ballot-fraud scheme being perpetrated by a Carrollton mayoral candidate. Thanks to these efforts, 84 counts of mail ballot fraud and 25 counts of unlawful possession of official mail ballots will be brought against the perpetrator, sending a clear signal to all: *Don't mess with Texas elections.*
- OAG revamped its election-fraud reporting procedures by creating what is internally referred to as the Ballot Fraud Intervention Team. The Team is a short-term concentration of personnel and resources devoted to more efficiently handling the surge of complaints we are receiving during election season. This change in process has allowed us to address potential issues more quickly and to identify which issues require immediate attention.
- In another case led by OAG attorneys, the Fifth Circuit Court of Appeals stopped several large counties from erecting dozens of unsecure, unproven absentee ballot drop-off locations in violation of the Texas Election Code.

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House Managers

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- OAG brokered a settlement with the largest generic opioid manufacturer in the country, securing \$1.6 billion to be deposited into a trust that will be used to fight the opioid crisis. Opioid manufacturers' deceptive marketing of their highly addictive pain pills has wreaked havoc on millions of Americans' lives, and Texas is leading the way on bringing those victims justice.
- In a lawsuit representing the Texas Department of Criminal Justice, OAG prevailed in an appeal before the Fifth Circuit, which held that the TDCJ satisfied their duty to make a certain correctional facility safe for inmates in the wake of the COVID-19 pandemic. The Court's decision lifted a lower court's imposition of overly burdensome regulations and gave prison officials the flexibility they need to support the health of inmates and staff.
- OAG lawyers won \$3.5 million for Texas in a settlement with a surgical-mesh device manufacturing company that had failed to adequately disclose serious, life-altering risks associated with those devices. The settlement also required the company to explain complications in plain language in marketing materials and sends a strong message that the health of Texas women will not be placed in jeopardy by unscrupulous businesses.
- Just last week, the Texas Solicitor General presented oral argument on behalf of the state in *Texas v. New Mexico*, in which the state is seeking to protect the farmers and businesses of west Texas that rely on Pecos River for their livelihoods.

These are just a few of OAG's most recent noteworthy successes. As you know in your capacity as Chairman of the Committee on Judiciary & Civil Jurisprudence, there are many more.

OAG's regular business is moving forward at full capacity. Over 4,000 employees in this Agency come to work every day and handle matters that are important to the citizens of Texas. We are still enforcing child support orders, protecting Texans against consumer fraud, enforcing open government laws, issuing legal opinions, providing legal advice to state officials, and representing the state of Texas in court—all without missing a beat. And on the horizon, we have many important matters to focus on, like our November 10 oral argument before the United States Supreme Court, in which Texas will challenge the constitutionality of the Affordable Care Act. Our team has all hands on deck for that case, and we are confident that we are correct on the law and will present winning arguments.

Thank you again for inquiring into the recent work of OAG. The office is performing admirably. If you examine the results of this office over the last year, I can say that our team has performed as well as or better than any other OAG in the country. I am truly proud of the men and women of OAG who throughout the COVID-19 crisis have exceeded all expectations. It has been remarkable—and a true joy—for me to watch our employees step up in these very challenging times. They have creatively and effectively dealt with many new, unprecedented issues, and I could not be more proud of them.

There is nothing that will hinder us from continuing to champion liberty and justice for Texas.

Respectfully,



Ken Paxton
Attorney General of Texas

cc: Governor Greg Abbott
Lieutenant Governor Dan Patrick
Speaker Dennis Bonnen
Members of the Texas House of Representatives
Members of the Texas Senate